Ordinance No. 121477

Nº

Council Bill No. 114867

An ordinance relating to land use and zoning, amending Sections 23.22.100, 23.42.106, 23.44.016, 23.44.036, 23.44.041, 23.45.015, 23.45.057, 23.45.073, 23.45.112, 23.46.018, 23.47.016, 23.47.020, 23.47.028, 23.49.009, 23.49.017, 23.49.020, 23.49.056, 23.49.076, 23.49.106, 23.49.134, 23.49.162, 23.49.332, 23.50.014, 23.50.016, 23.50.034, 23.50.044, 23.50.046, 23.53.020, 23.53.035, 23.54.015, 23.54.016, 23.54.030, 23.54.035, 23.55.005, 23.55.012, 23.55.014, 23.55.015, 23.60.070, 23.60.078, 23.60.196, 23.60.902, 23.66.020, 23.69.032, 23.71.012, 23.71.018, 23.76.012, 23.76.014, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.036, 23.76.042, 23.76.052, 23.76.062, 23.78.006, 23.78.012, 23.79.010, 23.84.008, 23.84.014, 23.84.030, 23.84.036, 23.88.010, 23.88.020, 23.91.010, 23.91.012 to make minor nonsubstantive corrections and update names

CF No.

GI 180.	-
Date introduced: AFR 1 2 2084	
Date 1st Referred: APR 1 2 2004	To: (committee) _{on Development} £ pagning
Date Re-Reterred:	To: (committee)
Date Re-Referred:	Ta: (committee)
Date of Final Passage:	Full Council Vote:
Date Presented to Mayor:	Date Approved:
Date Returned to City Clark:	Date Published: Sec. 17.0
Date Veloed by Mayor:	Date Velo Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattl Council Bill/Ordina

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This file is complete and ready

Acr Department

Law Dept. Review

The City of Seatt Council Bill/Ordina	le - Legislat ance sponsor	ed by:	ment STE	ENBRUECK
	Comm	ittee Actio	m:	
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aw Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed

ORDINANCE 121477

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.100, 23.42.106, 23.44.016, 23.44.036, 23.44.041, 23.45.015, 23.45.057, 23.45.073, 23.45.112, 23.46.018, 23.47.016, 23.47.020, 23.47.028, 23.49.009, 23.49.017, 23.49.020, 23.49.056, 23.49.076, 23.49.106, 23.49.134, 23.49.162, 23.49.332, 23.50.014, 23.50.016, 23.50.034, 23.50.044, 23.50.046, 23.53.020, 23.53.035, 23.54.015, 23.54.016, 23.54.030, 23.54.035, 23.55.005, 23.55.012, 23.55.014, 23.55.015, 23.60.070, 23.60.078, 23.60.196, 23.60.902, 23.66.020, 23.69.032, 23.71.012, 23.71.018, 23.76.012, 23.76.014, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.036, 23.76.042, 23.76.052, 23.76.062, 23.78.006, 23.78.012, 23.79.010, 23.84.008, 23.84.014, 23.84.030, 23.84.036, 23.88.010, 23.88.020, 23.91.010, 23.91.012 to make minor nonsubstantive corrections and update names of City and regional agencies.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.22.100 Design Standards

* * *

A. Streets and Alleys.

- 1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.
- 2. New streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of streets ((which))that serve the property contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet wide unless a narrower street is warranted by special physical circumstances as determined by the Director, in consultation with the Director of ((Seattle Transportation))Seattle Department of Transportation, or as specified in Table 7 (for nonarterial streets) or Appendix A (for arterials) of the Street Improvement Manual.
- 3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.



- 4. A cul-de-sac shall be designed according to the Street Improvement Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.
- 5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.
- 6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.

* * *

Section 2. Subsection B of Section 23.42.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

23.42.106 Expansion of nonconforming uses.

- B. In addition to the standards in subsection A, a structure in a single-family zone occupied by a nonconforming residential use may be allowed to expand subject to the following:
- 1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015.
- 2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval; if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.
- 3. An expansion of no more than five hundred (500) square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.



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4. An expansion greater than five hundred (500) square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by ((DCLU))DPD through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

- a. Architectural character;
- b. Existing streetscape and pattern of yards; and
- c. Scale and proportion of principal structures.
- 5. If an addition proposed under subsections B3 or B4 of this section would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

* * *

Section 3. Subsection C of Section 23.44.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

23.44.016 Parking location and access.

- C. Location of Parking on Lot.
 - 1. Except for public school use, parking may be located:
 - a. Within the principal structure; or
- b. In the side or rear yard except a required side yard abutting a street or the first ten (10) feet of a required rear yard abutting a street.
- 2. Parking shall not be located in the required front yard except as provided in subsections C3, C4, C5 and C6.
- 3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting



a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this section.

a. Open Parking Space.

i. The existing grade of the lot slopes upward from the street lot line an average of at least six (6) feet above sidewalk grade at a line ((which))that is ten (10) feet from the street lot line; and

ii. The parking area shall be at least an average of six (6) feet below the existing grade prior to excavation and/or construction at a line ((which))that is ten (10) feet from the street lot line;

iii. The parking space shall be no wider than ten (10) feet for one (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The height of a terraced garage shall be limited to no more than two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage ((which))that are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three (3) feet above this two (2) foot height limit. All parts of the roof above the two (2) foot height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot height limit of this provision. Portions of a terraced garage ((which))that are less than ten (10) feet from the street lot line shall comply with the height standards in Section 23.44.016 D2;

ii. The terraced garage structure width may not exceed fourteen (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle or twenty-four (24) feet when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided in subsection C6;

iii. All ((abovegrour	нd))above g	round portions of t	he terraced
		•	
garage shall be included in lot coverage; and			

- iv. The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.
- 4. Lots With Downhill Yards Abutting Streets. Accessory parking, either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in a required yard abutting a street when the following conditions are met:
- a. The existing grade slopes downward from the street lot line which the parking faces;
- b. For front yard parking the lot has a vertical drop of at least twenty (20) feet in the first sixty (60) feet as measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;
- c. Parking shall not be permitted in downhill required side yards abutting streets;
- d. Parking in downhill rear yards shall be in accordance with Section 23.44.014 D6 and Section 23.44.016, subsections C1 and D3d;
- e. Access to parking is permitted through the required yard abutting the street by subsection A of this section; and
- f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve (12) feet for access to one (1) parking space or eighteen (18) feet for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five (5) feet to an adjacent property line and shall not be included in lot coverage calculations.



5. Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in one (1) of the required front yards.

The front yard in which the parking may be located shall be determined by the Director based on the location of other private garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

6. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets ((Which))That Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with ((Seattle Transportation))Seattle Department of Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

* * *

Section 4. Subsection D of Section 23.44.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

23.44.036 Public facilities.

* * *

D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections D3 and D4 are met.



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- 1. Applicable Procedures. The decision on an application for the expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection D2 of this section, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.
- 2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.
- a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social and economic impacts on the community, and the intent to preserve and to protect the physical character of single-family areas, and to protect single-family areas from intrusions of non-single-family uses.
- b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.
 - c. Application for an early determination of feasibility shall include:
- (1) The scope and intent of the proposed project in the singlefamily zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;
- (2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permittedzone alternative(s), according to the state and local SEPA guidelines;
- (3) Information on the overall sewage treatment system which outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;



- (4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).
- d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 of Title 23, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.
 - 3. Conditions for Approval of Proposal.
- a. The project shall be located so that adverse impacts on residential areas shall be minimized;
- b. The expansion of a facility shall not result in a concentration of institutions or facilities ((which))that would create or appreciably aggravate impacts that are incompatible with single-family residences.
- c. A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;
- d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)

 Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility;
- e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;



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f.	Vehicular	access	suitable	for trucks	is avail	able or p	rovided	from the
arter	ial improv	ed to C	City stan	dards;				

- g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there;
- h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
- i. Residential structures, including those modified for nonresidential use, shall not be demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.
- 4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

- a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.
 - b. Conditions included in the feasibility determination are met.

* * *

Section 5. Subsection D of Section 23.44.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 119837, is amended as follows:

23.44.041 Accessory dwelling units.

D. Every two (2) years, ((DCLU)) DPD shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.

Section 6. Subsection A of Section 23.45.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.45.015 Screening and landscaping requirements -- Lowrise zones.

A. Quantity.

- 1. A minimum landscaped area ((which))that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5 of this section.
- 2. If screening and landscaping of parking from direct street view is provided according to subsection D of Section 23.45.018, that amount of landscaped area may be counted toward fulfilling the total amount of landscaped area required by this section.
- 3. Landscaped usable open space ((which))that is provided for apartments or terraced housing and located at ground level, may be counted toward fulfilling the total amount of landscaped area required by this section.
- 4. Street trees shall be provided in the planting strip according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

- a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require that landscaping which cannot be provided on the lot be provided in the planting strip.
- b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the



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Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection D of Section 23.45.018 or open space required by Section 23.45.016.

* * *

Section 7. Subsection A of Section 23.45.057 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.45.057 Midrise -- Screening and landscaping standards.

A. Quantity.

- 1. A minimum landscaped area ((which))that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.
- 2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.
- 3. Landscaped usable open space ((which))that is provided for apartments or terraced housing according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total amount of landscaped area required by this section.
- 4. Street trees shall be provided in the planting strip according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.



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b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.060 D or open space required by Section 23.45.058.

* * *

Section 8. Subsection A of Section 23.45.073 of the Seattle Municipal Code, which Section was last amended by Ordinance118409, is amended as follows:

23.45.073 Highrise -- Screening and landscaping standards.

A. Quantity.

- 1. A minimum landscaped area ((which))that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.
- 2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.
- 3. Landscaped usable open space ((which))that is provided for apartments or terraced housing according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total amount of landscaped area required by this section.
- 4. Street trees shall be provided in the planting strip according to((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.
 - 5. Exceptions.



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follows:

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a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require that landscaping which cannot be provided on the lot shall be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by Section 23.45.076 D or open space required by Section 23.45.072.

* * *

Section 9. Subsection C of Section 23.45.112 of the Seattle Municipal Code, which Section was last amended by Ordinance 120266, is amended as follows:

23.45.112 Public schools.

* * *

C. Structure Width.

- 1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-five (65) feet unless either the modulation option in subsection C1a or the landscape option in subsection C1b of this section is met.
- a. Modulation Option. Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:
 - (1) The minimum depth of modulation shall be four (4) feet.
- (2) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.
 - b. Landscape Option. Setbacks and landscaping shall be provided as



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	(1) One (1) tree	and three (3) shr	ubs are requi <u>r</u>	ed for each th	ree
hundred (300) square feet of	required setback.	When new trees	are planted, a	t least half m	ust be
deciduous					

- (2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards in Chapter 23.86, Measurements, are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.
- (3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to ((City of Seattle Transportation Department))City of Seattle Department of Transportation Tree Planting Standards.
- (4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.
- (5) Landscape features such as decorative paying are permitted to a maximum of twenty-five (25) percent of each required landscaped area.
 - (6) A plan shall be filed showing the layout of the required
- (7) The School District shall maintain all landscape material and replace any dead or dying plants.
- 2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.
- 3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter



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23.79 to permit other techniques to reduce the appearance of bulk. Modulation and landscaping standards may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

* * *

Section 10. Subsection C of Section 23.46.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.46.018 Odor standards.

* * *

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))

Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

Section 11. Subsection E of Section 23.47.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

23.47.016 Screening and landscaping standards.

- E. Blank Facades.
- 1. One (1) of the following shall be required along each street frontage with blank facades greater than thirty (30) feet in width in all NC1, NC2, NC2/R, NC3, and NC3/R zones or in C1 and C2 zones when across a street from a residentially zoned lot:
- a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or



Director; or

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	b. A five (5)	foot setback shall	l be provided in t	front of the blank fa	acade,
and the setback shal	ll be planted wit	h trees and shrub	s according to rul	es promulgated by	the
Director; or					

- c. Artwork on the blank facade which has been approved by the ((Seattle Art Commission))Office of Arts and Cultural Affairs.
- 2. Blank facade requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.
- 3. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.
- 4. Portions of a facade of a structure which are separated by transparent areas of at least four (4) feet in width and between two (2) feet and eight (8) feet above the sidewalk shall be considered separate facade segments for the purposes of this subsection.

Section 12. Subsection C of Section 23.47.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.47.020 Odor standards.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.



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Section 13. Subsection C of Section 23.47.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.47.028 Standards for drive-in businesses.

* * *

C. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial, or along a street with only one (1) lane for moving traffic in each direction, the Director shall determine, after consulting with ((Seattle Transportation))Seattle Department of Transportation whether additional queuing spaces are necessary or whether access should be restricted. The Director may for the purpose of environmental mitigation restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

- 1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;
- 2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;
- 3. Car washes, twenty (20) spaces per lane.

* * *

Section 14. Subsection A of Section 23.49.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.009 Open space.

- A. Finding. The City Council finds that:
 - 1. Office workers are the principal users of Downtown open space.
- 2. Additional major office projects Downtown will result in increased use of public open space.
- 3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.
- 4. The additional open space needed to accommodate office workers is at least twenty (20) square feet for each one thousand (1,000) square feet of office space.



5. Smaller office developments may encounter design problems in incorporating
open space, and the sizes of open spaces provided for office projects under eighty-five thousand
(85,000) square feet may make them less attractive and less likely to be used. Therefore, and in
order not to discourage small scale office development, projects involving less than eighty-five
thousand (85,000) square feet of new office space should be exempt from any open space
requirement.

6. As indicated in ((the DCLU's))DPD's October 1994 report, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

* * *

Section 15. Subsection C of Section 23.49.017 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.017 Odor standards.

* * *

C. Review of Major Odor Sources. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA) shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

Section 16. Subsection B of Section 23.49.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.49.020 Screening and landscaping of surface parking areas.



- B. Landscaping. Surface parking areas, except temporary surface parking areas, for twenty (20) or more vehicles shall be landscaped according to the following requirements:
 - 1. Amount of landscaped area required:

Total Number of	Required Landscaped Area			
Parking Spaces				
25 to 50 spaces	18 square feet per parking space			
51 to 99 spaces	25 square feet per parking space			
100 or more spaces	35 square feet per parking space			

- 2. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms provided to meet the screening standards in subsection A2 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.
- 3. No parking stall shall be more than sixty feet (60') from a required landscaped area.
 - 4. One (1) tree per every five (5) parking spaces shall be required.
- 5. Each tree shall be at least three (3) feet from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose landscaped areas.
- 6. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from ((Seattle Transportation's))Seattle Department of Transportation's recommended list for parking area planting.



Section 17. Subsection F of Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.056 Downtown Office Core 1, street façade requirements.

* * *

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to The City of ((Seattle Transportation Department))Seattle Department of Transportation Tree Planting Standards.

Section 18. Subsection F of Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.076 Downtown Office Core 2, street façade requirements.

* * *

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards.

* * *

Section 19. Subsection F of Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.106 Downtown Retail Core, street façade requirements.

* * *

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards.



Susan McLain/dlk OmnibusN.doc February 2, 2004 version #1

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Section 20. Subsections F and G of Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, are amended as follows:

23.49.134 Downtown Mixed Commercial, street façade requirements.

- F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards.
- G. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.
- 1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Adopted Green Street Plans. All new development in the Denny Triangle Urban Village, as shown on Map 23.40.041 A, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with adopted green street plans. The square feet of landscaped area provided shall be at least one and one-half (11/2) times the length of the street property line. The following standards shall apply to the required landscaped area:
- a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, but in any event the landscaped area shall cover at least fifty (50) percent of the total length of the street property line(s).
- b. As alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk within five (5) feet of the curbline.



- c. Landscaping provided within five (5) feet of the curbline shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.
- d. All plant material shall be planted directly in the ground. A minimum of fifty (50) percent of the plant material shall be perennial.
- e. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by ((Seattle Transportation))Seattle

 Department of Transportation, the planting shall be in conformance with those provisions.
 - 2. Landscaping in Setbacks.
- a. In the Denny Triangle Urban Village, as shown on Map 23.49.041 A, at least twenty (20) percent of the total square footage of all areas on the street property line that are not covered by a structure, that have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.
- b. All plant material shall be planted directly in the ground or in permanently installed planters, A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.
 - ((2))3. Terry and 9th Avenue Green Street Setbacks.
- a. In addition to the requirements of this subsection G1, a two (2) foot wide landscaped setback from the street property line is required along Terry and 9th Avenues within the Denny Triangle Urban Village as shown on Map 23.49.041 A. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted green street plan.

b. Fifty (50) percent of the setback area must be landscaped. absection F of Section 23.49.162 of the Seattle Municipal Coo

Section 21. Subsection F of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.162 Downtown Mixed Residential, street façade requirements.

- F. Landscaping Requirements.
- 1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards.
- 2. Landscaping in the Street Right-of-way. All new development shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least one and one-half (1-1/2) times the length of the street property line. The following standards shall apply to the required landscaped area:
- a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line.
- b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but in no case shall exceptions exceed fifty (50) percent of the total length of the street property line(s).
- c. As <u>an alternative</u> to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk within five (5) feet of the curbline.
- d. Landscaping provided within five (5) feet of the curbline shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.



e. A minimum unobstructed sidewalk width of five (5) feet on east/west streets and eight (8) feet on avenues shall be provided.

f. All plant material shall be planted directly in the ground. A minimum

f. All plant material shall be planted directly in the ground. A minimum of fifty (50) percent of the plant material shall be perennial.

g. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by ((Seattle Transportation))Seattle

Department of Transportation, the planting shall be in conformance with those provisions.

3. Landscaping in Setbacks.

a. Twenty (20) percent of areas on the street property line that are not covered by a structure, which have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees shall be considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022, shall be exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when the setback exceeds six hundred (600) square feet.

Section 22. Subsection F of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.49.332 Downtown Harborfront 2, street façade requirements.

* * *

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards.



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Section 23. Subsections B, C and D of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 121145, are amended as follows: 23.50.014 Conditional uses.

- B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Chart A, may be permitted by the Director when the provisions of this subsection and subsection A of this section are met.
- 1. Artist's studio/dwellings in an existing structure may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones, except as provided in the Shoreline District, Chapter 23.60, upon showing that the occupant is a bona fide working artist, and subject to the following criteria:
- a. Artist's studio/dwellings shall generally be discouraged along arterials such as freeways, state routes and freight lines;
- b. Artist's studio/dwellings shall not be allowed in areas where existing industrial uses may cause environmental or safety problems;
- c. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity;
- d. The nature of the artist's work shall be such that there is a genuine need for the space; and
- e. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the Director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and



equitable servitude must state that it is binding on the	e owner(s)' successors, heirs, and assigns
including any lessees of the artist's studio/dwellings.	

- 2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish

 Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General

 Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted
 as a conditional use according to the following criteria:
- a. The lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;
- b. The lot has direct vehicular access to a designated arterial improved to City standards;
- c. The lot shall be located on an existing parking area unless no reasonable alternative exists;
- d. If the proposed lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the lot and the other uses; and
 - e. The lot is not located within three thousand (3,000) feet of downtown.
- 3. Except in the Duwamish Manufacturing/Industrial Center, lodging uses may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:
 - a. The use is designed primarily to serve users in the industrial area; and
- b. The use is designed and located to minimize conflicts with industrial uses in the area.
- 4. A residential use not otherwise permitted in the zone may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a



Landmark Distr	ict, pursuant to the S	Seattle Municipal C	Code, Chapters 25.	16, Ballard Aven	iue
Landmark Distr	ict, or Chapter 25.28	8, Pioneer Square I	listorical District,	subject to the fol	lowing
criteria:					

- a. The use shall be compatible with the historic or landmark character of the structure. The Director shall request a determination regarding compatibility by the respective Board having jurisdiction over the structure or lot;
- b. The residential use shall not restrict or disrupt industrial activity in the zone; and
- c. The surrounding uses would not be detrimental to occupants of the Landmark structure.
- 5. High Impact 1 uses may be permitted as a conditional use in General Industrial 1 (IG1), and General Industrial 2 (IG2) zones, according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
- b. A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required.
- 6. A new railroad switchyard with a mechanized hump, or the expansion of such a use beyond the lot occupied at the date of adoption of the ordinance codified in this section may be permitted as a conditional use in General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

shipbuilding;

	b. Measures to minimize the impacts of noise, light and glare, and other
measures to insure	the compatibility of the use with the surrounding area and to mitigate adverse
impacts shall be inc	orporated into the design and operation of the facility.

- 7. Solid waste transfer stations may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:
- a. Measures to minimize potential odor emissions and airborne pollutants shall be determined in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA). These measures shall be incorporated into the design and operation of the facility;
- b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;
- c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and
- d. Measures to minimize other impacts are incorporated into the design and operation of the facility.
- 8. Heavy Manufacturing uses may be permitted in the Industrial Buffer (IB) zone as a conditional use according to the following criteria:
 - a. The use shall be located within an enclosed building except for
- b. The hours of operation for all processes creating any adverse impacts on residentially or commercially zoned land may be limited;

	c.	Truck and s	service traffi	c associated with	the heavy manuf	acturing use
shall be directed awa	y fr	om streets se	erving lots in	nonindustrial zo	nes:	

- d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and
- e. The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones.
- 9. The Heavy Manufacturing uses listed in subsection B9a of this section may be permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria contained in subsection B9b.

a. Uses.

- (1) Mass production of commercial or recreational vessels of any size and the production of vessels up to one hundred and twenty (120) feet in length, constructed to individual specifications; and
- (2) Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating; and
- (3) Production of industrial organic and inorganic chemicals, and soaps and detergents.

b. Criteria.

- (1) Except for shipbuilding, the use shall be located within an enclosed building;
- (2) The hours of operation for all processes creating any impacts on residentially or commercially zoned land may be limited;
- (3) Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

	(4) The infrastructure of the are	ea shall be capable of
accommodating the traffic	generated by the proposed use:	

- (5) The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones;
- (6) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and
- (7) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.
- 10. The High Impact uses listed in subsection B10a of this section may be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in subsection B10b of this section.

a. Uses.

- (1) The manufacture of Group A hazardous materials, except Class A or B explosives; and
- (2) The manufacture of Group B hazardous materials, when the hazardous materials are present in quantities greater than two thousand five hundred (2,500) pounds of solids, two hundred seventy-five (275) gallons of liquids, or one thousand (1,000) cubic feet of gas at any time.

b. Criteria.

- (1) The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
- (2) A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the



 scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required;

- (3) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and
- (4) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.
- 11. Transit vehicle bases may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:
- a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of the industrial function of the area, the presence of the facility shall not obstruct the operation or likely expansion of existing industrial uses;
- b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;
- c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and
- d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.
- 12. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred (2,500) feet of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny medical service



intensive zone;

continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and

use, the Director shall determine whether an adequate supply of industrially zoned land will

- a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the manufacturing or heavy commercial character of the industrial area; and
- b. Whether medical service use development would displace existing manufacturing or heavy commercial uses or usurp vacant land, in areas with parcels particularly suited for manufacturing or heavy commercial uses.
- 13. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:
 - a. New uses shall be limited to those first permitted in the next more
- b. The Director shall evaluate the relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated;
- c. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.
- 14. An accessory hospital facility may be permitted as a conditional use according to the following criteria:
- a. The hospital facility is an integral element of a research and development laboratory or an institute for advanced study to which it is accessory; and
- b. The hospital use shall not be allowed in areas where industrial activity may adversely affect hospital activity.
- C. Administrative Conditional Uses/Queen Anne Interbay Area. Within the area shown on Exhibit 23.50.014 A, the uses listed in subsection C1 and C2 of this section shall be



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administrative conditional uses and may be permitted by the Director when the provisions of this section and subsection A of Section 23.50.014 are met (See Exhibit 23.50.014 A):

- 1. Heavy Manufacturing uses may be permitted as a conditional use according to the following criteria:
- a. Except shipbuilding, the use shall be located within an enclosed building;
- b. The hours of operation for all process creating any adverse impacts on residentially or commercially zoned land shall be limited;
- c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;
- d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and
- e. The use shall not produce sustained or recurrent vibrations exceeding $0.002~\mathrm{g}$ acceleration as measured on lots in nonindustrial zones.
- 2. Power plants may be permitted as a conditional use according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
- b. A facility management and transportation plan may be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and may include discussion of transportation, noise control, and hours of operation;
- c. Measures to minimize potential odor emission and airborne pollution shall meet standards of and be consistent with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility; and



- d. Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
- D. Council Conditional Uses. The following uses are identified as Council conditional uses on Chart A of Section 23.50.012 and may be permitted by the Council when provisions of this subsection and subsection A are met:
- 1. Sewage treatment plants may be permitted as a Council conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:
- a. The plant shall be located so that adverse impacts would not affect large concentrations of people, particularly in residential and commercial areas;
- b. The negative impacts of the use can be satisfactorily mitigated by imposing conditions to protect other property in the zone or vicinity and to protect the environment. Appropriate mitigation measures shall include but are not limited to:
- (1) A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control and hours of operation, and shall be incorporated into the design and operation of the facility;((τ_1))
- (2) Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility;((5))



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- (3) Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility:((5))
- (4) Vehicular access suitable for trucks shall be available or provided from the plant to a designated arterial improved to City standards; and
- (5) Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
- 2. Heliports may be permitted as a Council conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) Zones according to the following criteria:
- a. The heliport is to be used for the takeoff and landing and servicing of helicopters which serve a public safety, news gathering or emergency medical care function; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone;
 - b. A need shall be determined for the facility at the proposed location:
- c. The heliport is located to minimize impacts, such as noise and dust impacts, on lots in the surrounding area;
- d. The lot is of sufficient size that the operations of the heliport and the flight paths of helicopters are buffered from the surrounding area;
 - e. Open areas and landing pads are hard-surfaced; and
- f. The heliport meets all federal requirements including those for safety, glide angles and approach lanes.



- 3. Airports may be permitted as a Council conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:
 - a. A need shall be determined for the facility at the proposed location;
- b. The impacts of the proposal shall be evaluated so that the negative impacts can be satisfactorily mitigated by imposing conditions to protect other property in the zone or vicinity and to protect the environment. Appropriate mitigation measures shall include, but are not limited to:
- (1) The site shall be located so that adverse impacts associated with landing and takeoff activities, including noise levels and safety conditions, will not affect large numbers of people in the immediate vicinity as well as in the general landing path of the flight pattern; ((5))
- (2) A facility management and transportation plan shall be required. At a minimum, the facility management and transportation plan shall demonstrate noise control, vehicle and service access, and hours of operation, and shall be incorporated into the design and operation of the facility; ((5)) and
- (3) Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
- 4. Solid waste incineration facilities may be permitted as a Council conditional use in the General Industrial 1 (IG1) and General Industrial 2 (IG2) zones according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

- b. Measures to minimize odor emission and airborne pollutants shall be determined in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA). These measures shall be incorporated into the design and operation of the facility;
- c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.
- 5. Power plants may be permitted as a Council conditional use in the Industrial Commercial (IC) zone according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
- b. A facility management and transportation plan may be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and may include discussion of transportation, noise control, and hours of operation;
- c. Measures to minimize potential odor emission and airborne pollution shall meet standards of the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility; and
- d. Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
- 6. Helistops may be permitted as a Council conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC) zones according to the following criteria:



residential zone;

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a. The helistop is not within one thousand two hundred (1,200) feet of a

- b. The helistop is located to minimize impacts, such as noise and dust impacts, on lots in residential zones;
- c. The lot is of sufficient size that the operations of the helistop and the flight paths of the helicopter are buffered from the surrounding area;
 - d. Open areas and landing pads are hard-surfaced; and
- e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.
- Section 24. Subsections A and B of Section 23.50.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.50.016 Landscaping standards on designated streets.

- A. Street Trees. Street trees shall be required along designated street frontages. Street trees shall be provided in the planting strip according to ((Seattle Transportation))Seattle

 Department of Transportation Tree Planting Standards.
 - B. Exceptions to Street Tree Requirements.
- 1. Street trees required by subsection A of this section may be located on the lot at least two feet (2') from the street lot line instead of in the planting strip when:
- a. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this section.
- b. It is not feasible to plant street trees according to City standards. A five-foot (5') deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.
- c. Continuity of landscaping on adjacent properties along the street front is desirable.



2. Street trees shall not be required for an expansion of less than two thousand
five hundred (2,500) square feet. Two (2) street trees shall be required for each additional one
thousand (1,000) square feet of expansion. The maximum number of street trees shall be
controlled by ((Seattle Transportation))Seattle Department of Transportation standard. Rounding
per Section 23.86.002 B, shall not be permitted.

- 3. Street trees shall not be required when a change of use is the only permit requested.
- 4. Street trees shall not be required for an expansion of a surface parking area of less than twenty percent (20%) of parking area or number of parking spaces.

* * *

Section 25. Subsection D of Section 23.50.034 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.50.034 Screening and landscaping.

* * *

D. Street Trees. When required by this Code, street trees shall be provided in the planting strip according to ((Seattle Transportation))Seattle Department of Transportation Tree Planting Standards. If it is not feasible to plant street trees in the planting strip according to City standards, they shall be planted in the five-foot (5') deep landscaped setback area along the street property line. Trees planted in this setback area shall be at least two feet (2') from the street lot line.

* * *

Section 26. Subsection B of Section 23.50.044 of the Seattle Municipal Code, which Section was last amended by Ordinance 113658, is amended as follows:

23.50.044 Industrial Buffer and Industrial Commercial zones -- Standards for major odor sources.

* * *



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B. When an application is made in the Industrial Buffer (IB) or Industrial Commercial (IC) zone for a use which is determined to be a major odor source, the Director, in consultation with the ((Puget Sound Air Pollution Control Agency (PSAPCA)))Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. Measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. Once a permit has been issued, any measures which were required by the permit shall be maintained.

Section 27. Subsection D of Section 23.50.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.50.046 Industrial Buffer and Industrial Commercial - Light and glare standards.

* * *

- D. Glare diagrams which clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:
- 1. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five (65) feet in height is proposed to have more than thirty (30) percent of the facades comprised of clear or tinted glass; and
 - 2. The facade(s) surfaced or comprised of such materials either:
- a. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
- b. Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to ((Seattle Transportation Department))Seattle Department of Transportation data.

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Section 28. Subsection A of Section 23.53.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.53.020 Improvement requirements for existing streets in industrial zones.

- A. General Requirements.
- 1. When new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) shall be required to be improved in accordance with this section. One (1) or more of the following types of improvements may be required:
 - a. Pavement;
 - b. Curb and sidewalk installation;
 - c. Pedestrian walkways;
 - d. Drainage;
 - e. Grading to future right-of-way grade;
 - f. Design of structures to accommodate future right-of-way grade;
 - g. No-protest agreements;
 - h. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way may be required to accommodate the improvements.

- 2. Subsection E of this section contains exceptions from the standard requirements for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.
- 3. Off-site improvements such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.
- 4. Detailed requirements for street improvements are located in the current Street Improvement Manual, as adopted by joint Rule of the Director and the Director of the ((Seattle Transportation Department))Seattle Department of Transportation.



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1	5. The regulations in this section are not intended to preclude the use of Chapter
2	25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
3	environmental impacts.
4	6. Minimum Right-of-way Widths.
5.	a. Arterials. The minimum right-of-way widths for arterials designated on
6	Exhibit 23.53.015 A shall be as specified in the Street Improvement Manual.
7	b. Nonarterials.
8	(1) The minimum right-of-way width for an existing street which
9	is not an arterial designated on Exhibit 23.53.015 A shall be as shown on Chart A for Section
10	23.53.020.
11	Chart A
12	for Section 23.53.020
13	
14	Minimum Right-of-way Widths
15	for Existing Nonarterial Streets
16	
17	Zone Category Right-of-way Widths
18	
19	1. IB, IC 52 feet
20	2. IG1, IG2 56 feet
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22	(2) When a block is split into more than one (1) zone, the zone
23	category with the most frontage shall determine the minimum width on the chart. If the zone
24	categories have equal frontage, the one with the wider requirement shall be used to determine the
25	minimum right-of-way width.
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February 2, 2004
version #1

Section 29. Subsection B of Section 23.53.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is amended as follows:

23.53.035 Structural building overhangs.

B. Submittal Requirements.

- 1. An application for a structure containing features overhanging the public rightof-way must show the following:
- a. Dimensions on the site plan for canopies that overhang no closer than six (6) feet to the curb;
 - b. Windows in any bays;
- c. Where the ((SeaTran))SDOT landscape architect indicates that retention of the street trees would be unfeasible, indicate planting of new street trees of at least four (4) inch caliper.

Section 30. Subsection I of Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120953, is amended as follows:

23.54.015 Required parking.

I. Bicycle Parking.

1. In L2, L3, L4, MR and HR zones, and the SCM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:

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	Number of Bicycle		
Number of Units	Spaces Required		
5 10	1		
11 20	2		
More than 20	1 for every 10 units		

- 2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.
- 3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SCM zone for any new use which requires twenty (20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except restaurants with drive-in lanes, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Department of Transportation standards.
- a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.
- b. When any covered automobile parking is provided, all bicycle parking shall be covered.
- 4. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are



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encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

Section 31. Subsection C of Section 23.54.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.54.016 Major Institutions -- Parking and transportation.

* * *

- C. Requirement for a Transportation Management Program.
- 1. When a Major Institution proposes parking in excess of one hundred thirty-five (135) percent of the minimum requirement for short-term parking spaces, or when a Major Institution prepares a master plan or applies for a master use permit for development that would require twenty (20) or more parking spaces or increase the Major Institution's number of parking spaces by twenty (20) or more above the level existing on May 2, 1990, a transportation management program shall be required or an existing transportation management program shall be reviewed and updated. The Director shall assess the traffic and parking impacts of the proposed development against the general goal of reducing the percentage of the Major Institution's employees, staff and/or students who commute in single-occupancy vehicles (SOV) during the peak period to fifty (50) percent or less, excluding those employees or staff whose work regularly requires the use of a private vehicle during working hours.
- 2. Transportation management programs shall be prepared and implemented in accordance with the Director's Rule governing Transportation Management Programs. The Transportation Management Program shall be in effect upon Council adoption of the Major Institution master plan.
- 3. If an institution has previously prepared a transportation management program, the Director, in consultation with the Director of Transportation shall review the Major Institution's progress toward meeting stated goals. The Director shall then determine:



	a.	That the existing program should be revised to correct	deficiencies
and/or address new	or cu	mulative impacts; or	

- b. That the application will not be approved until the Major Institution makes substantial progress toward meeting the goals of its existing program; or
- c. That a new program should be developed to address impacts associated with the application; or
 - d. That the existing program does not need to be revised.
- 4. Through the process of reviewing a new or updated transportation management program in conjunction with reviewing a master plan, the Council may approve in excess of one hundred thirty-five (135) percent of the minimum requirements for long-term parking spaces, or may increase or decrease the required fifty (50) percent SOV goal, based upon the Major Institution's impacts on traffic and opportunities for alternative means of transportation. Factors to be considered shall include, but not be limited to:
- a. Proximity to a street with fifteen (15) minute transit service headway in each direction;
 - b. Air quality conditions in the vicinity of the Major Institution;
- c. The absence of other nearby traffic generators and the level of existing and future traffic volumes in and through the surrounding area;
- d. The patterns and peaks of traffic generated by Major Institution uses and the availability or lack of on-street parking opportunities in the surrounding area;
 - e. The impact of additional parking on the Major Institution site;
- f. The extent to which the scheduling of classes or work shifts reduces the transportation alternatives available to employees and/or students or the presence of limited carpool opportunities due to the small number of employees; and
- g. The extent to which the Major Institution has demonstrated a commitment to SOV alternatives.



- 5. The provision of short-term parking spaces in excess of one hundred thirty-five (135) percent of the minimum requirements established in subsection B2 of this section may be permitted by the Director through preparation or update of a Transportation Management Program. In evaluating whether to allow more than one hundred thirty-five (135) percent of the minimum, the Director, in consultation with ((Seattle Transportation))Seattle Department of Transportation and Metropolitan King County, shall consider evidence of parking demand and opportunities for alternative means of transportation. Factors to be considered shall include but are not necessarily limited to the criteria contained in subsection D of this section and the following:
- a. The nature of services provided by Major Institution uses which generate short-term parking demand; and
- b. The extent to which the Major Institution manages short-term parking to ensure its availability to meet short-term parking needs.

Based on this review, the Director shall determine the amount of additional short-term parking to be permitted, if any.

- 6. When an institution applies for a permit for development included in its master plan, it shall present evidence that it has made substantial progress toward the goals of its transportation management program as approved with a master plan, including the SOV goal. If substantial progress is not being made, as determined by the Director in consultation with the ((Seattle Transportation))Seattle Department of Transportation and metropolitan King County, the Director may:
- a. Require the institution to take additional steps to comply with the transportation management program; and/or
- b. Require measures in addition to those in the transportation management program which encourage alternative means of transportation for the travel generated by the proposed new development; and/or



c. Deny the permit if previous efforts have not resulted in sufficient progress toward meeting the SOV goals of the institution.

Section 32. Subsection D of Section 23.54.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

23.54.030 Parking space standards.

* * *

- D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection D2.
 - 1. Residential Uses.
- a. Driveways shall be at least ten (10) feet wide. Driveways with a turning radius of more than thirty-five (35) degrees shall conform to the minimum turning path radius shown in Exhibit 23.54.030 B.
- b. Vehicles may back onto a street from a parking area serving five (5) or fewer vehicles, provided that:
- (1) The street is not an arterial as defined in Section 11.18.010 of the Seattle Municipal Code;
- (2) The slope of the driveway does not exceed ten (10) percent in the first twenty (20) feet from the property line; and
- (3) For one (1) single-family structure, the Director may waive the requirements of subsections D1b(1) and (2) above, and may modify the parking access standards based upon a safety analysis, addressing visibility, traffic volume and other relevant issues.
- c. Driveways less than one hundred (100) feet in length, which serve thirty (30) or fewer parking spaces, shall be a minimum of ten (10) feet in width for one (1) way or two (2) way traffic.

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d. Except for driveways serving one (1) single-family dwelling, driveways more than one hundred (100) feet in length which serve thirty (30) or fewer parking spaces shall

(1) Be a minimum of sixteen (16) feet wide, tapered over a twenty (20) foot distance to a ten (10) foot opening at the property line; or

(2) Provide a passing area at least twenty (20) feet wide and twenty (20) feet long. The passing area shall begin twenty (20) feet from the property line, with an appropriate taper to meet the ten (10) foot opening at the property line. If a taper is provided at the other end of the passing area, it shall have a minimum length of twenty (20) feet.

- e. Driveways serving more than thirty (30) parking spaces shall provide a minimum ten (10) foot wide driveway for one (1) way traffic or a minimum twenty (20) foot wide driveway for two (2) way traffic.
- f. Nonconforming Driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection D1 shall not be increased. This prohibition may be waived by the Director after consulting with ((Seattle Transportation))Seattle Department of Transportation based on a safety analysis.
 - 2. Nonresidential Uses.
 - a. Driveway Widths.
- (1) The minimum width of driveways for one (1) way traffic shall e twelve (12) feet and the maximum width shall be fifteen (15) feet.
- (2) The minimum width of driveways for two (2) way traffic shall e twenty-two (22) feet and the maximum width shall be twenty-five (25) feet.
- b. Driveways shall conform to the minimum turning path radius shown in Exhibit 23.54.030 B.
- 3. Maximum grade curvature for all driveways shall not exceed the curvature shown in Exhibit 23.54.030 C.



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- 4. Driveway Slope. No portion of a driveway, whether located on private property or on a right-of-way, shall exceed a slope of twenty (20) percent, except as provided in this subsection. The maximum twenty (20) percent slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade. The Director may permit a driveway slope of more than twenty (20) percent if it is found that:
- a. The topography or other special characteristic of the lot makes a twenty (20) percent maximum driveway slope infeasible;
- b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and
 - c. The driveway is still useable as access to the lot.
- Section 33. Subsection B of Section 23.54.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 119238, is amended as follows:

23.54.035 Loading berth requirements and space standards.

- B. Exception to Loading Requirements. For uses with less than sixteen thousand (16,000) square feet of gross floor area which provide a loading space on a street or alley, the loading berth requirements may be waived by the Director following a review by the (Seattle Transportation Department) Seattle Department of Transportation which finds that the street or alley berth is adequate.
- Section 34. Subsection B of Section 23.55.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 120466, is amended as follows:

23.55.005 Video display methods

* * *

B. In lieu of complying with subsection A3 above, the Director of ((DCLU))DPD shall allow video display methods on a sign if the sign meets all of the following additional development standards:

1. The sign is within the area shown on the map attached as Exhibit 23.55.005 A

- and not within a Special Review District, Historic District, Preservation District, residential zone or shoreline environment;
 - 2. The sign is a minimum distance of fifteen (15) feet from the curb; and
- 3. The maximum size of the sign is twenty (20) square feet as independently applied to each sign face, including framework and border.

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Section 35. Subsection C of Section 23.55.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.55.012 Temporary signs permitted in all zones.

* * *

- C. All signs authorized by this section are subject to the following regulations:
- 1. No sign may be placed on public property or on the planting strips that abut public property, including planting strips forming a median in a public street, except as provided in subsection C3 below and except for portable signs attached to vehicles that are using the public streets.
- 2. All signs must be erected with the consent of the occupant of the property on which the sign is located, except as provided in subsection C3 below.
 - 3. Temporary Signs on Public Property or in Planting Strips.
- a. Temporary signs with commercial or noncommercial messages may be located on public rights-of-way or in planting strips in business districts, subject to the requirements of City of Seattle Public Works Rules Chapter 4.60 or its successor Rule.



b. Temporary signs v	with noncommercial messages, other than in
subsection C3a above, may be located in the	e planting strip in front of private property with the
consent of the occupant of that property and	may not exceed eight (8) square feet or be supporte
by stakes that are more than one (1) foot into	o the ground. Signs in the planting strip shall be no
more than twenty-four (24) inches in height	as measured from street or driveway grade when
located within thirty (30) feet from the curb	line of intersections. Signs shall be no more than
thirty-six inches (36") in height as measured	from street or driveway grade when located thirty
feet (30') or more from the curbline of inters	sections.

- c. In addition to commercial signs in business districts allowed in subsection C3a above, only temporary commercial "open house" signs may be placed in planting strips. One (1) "open house" temporary sign per street frontage of a lot may be located with the consent of the occupant and provided the occupant or seller is on the premises. The "open house" signs may not exceed eight (8) square feet per lot or be supported by stakes that are more than one foot (1') into the ground. The "open house" signs shall be no more than twenty-four inches (24") in height as measured from street or driveway grade when located within thirty feet (30') from the curbline of intersections, and shall be no more than thirty-six inches (36") in height as measured from street or driveway grade when located thirty feet (30') or more from the curbline of intersections.
- d. No sign placed in a planting strip may be displayed on banners, streamers, strings of pennants, festoons of lights, flags, wind-animated objects or balloons.
- e. The requirements of this subsection C3 shall be enforced by the Director of ((Seattle Transportation))Seattle Department of Transportation pursuant to the enforcement provisions of that Department.
- 4. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

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- 5. Signs shall be designed to be stable under all weather conditions, including
- 6. A temporary sign shall conform to the standards for roof signs, flashing, changing image or message board signs, for moving signs, and for lighting and height regulations for the zone or special review district in which the temporary sign is located, provided that balloons may exceed height regulations.
- 7. The entire visible surface of the sign, exclusive of support devices, shall be included in area calculations.

Section 36. Subsection F of Section 23.55.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 120388, is amended as follows:

23.55.014 Off-premises signs.

F. Registration of Advertising Signs. Each owner of an off-premises advertising sign shall file a written report with the Director on or before July 1st of each year. The report shall be submitted on a form supplied by the Director. The owner shall identify the number and location of advertising signs maintained by the owner in the City at any time during the previous year, and provide such other information as the Director deems necessary for the inspection of signs and for the administration and enforcement of this section. The owner shall pay a fee to the Director at the time the written report is filed. The amount of the fee is Forty Dollars (\$40) for each sign face identified in the report. ((DCLU))DPD shall assign a registration number to each sign face, and the sign number shall be displayed on the face of the billboard frame in figures which are a minimum of eight (8) inches tall. It is unlawful to maintain a sign face which has not been registered as required by this section. Notwithstanding any other provision of this code, any person who maintains an unregistered sign face is subject to an annual civil penalty of Five Thousand Dollars (\$5,000) for each unregistered sign face.

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21 28 Section 37. Subsections B and C of Section 23.55.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120924, are amended as follows:

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- B. Sign Kiosks in the Public Right-of-way. Sign kiosks that are located in the public right-of-way must obtain a street use permit from ((Seattle Transportation))Seattle Department of Transportation and are subject to the requirements, conditions and procedures set out in SMC Title 15. ((Seattle Transportation))Seattle Department of Transportation shall review an application for a sign kiosk in the public right-of-way for compliance with the provisions of this chapter. The street use permit issued by ((Seattle Transportation))Seattle Department of Transportation shall serve as the required sign permit.
 - C. Development Standards for Sign Kiosks.

23.55.015 Sign kiosks and community bulletin boards.

- 1. Design and Construction.
- a. The design of any sign kiosk shall comply with the design principles for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.
- b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the design of the park, playground or community center.
- c. The design of any sign kiosk in a special review district established in SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.
- d. The sign kiosk shall be in sections with maximum dimensions of seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on either side of the sections, and six (6) inches deep, with a maximum of four (4) sections. No more than two

(2) feet of additional height will be allowed for artistic decoration on top of the kiosk, with
additional width not to exceed the width of the kiosk structure. The Seattle Design Commission
may approve a different style or different dimensions, which shall not exceed the maximum
height dimension and the maximum overall size set out above.

- e. Lights, changing image signs, and message board signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be five (5) foot-candles (fc) maintained at ground level.
- f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.
- g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with SMC Sections 11.50.500 through 11.50.560.
- h. All sign kiosks shall be designed, constructed and maintained in accordance with SMC Chapter 22, Section 3204, the Seattle Building Code provisions governing signs.

2. Location.

- a. The location of any sign kiosk shall comply with the location standards set out in the rules of ((Seattle Transportation))Seattle Department of Transportation, including without limitation rules for line of sight at intersections, compatibility with traffic control signs and other right-of-way uses, parking and pedestrian safety, and access to adjacent and abutting property.
- b. The location of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, playground or community center.



	c.	The location of any sign kiosk in a special review district established i
SMC Chapters 23.66,	25.	16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be
approved by the board	l fo	r that district for compliance with the standards of that district

- d. Sign kiosks shall be located in compliance with SMC Section
 23.55.042 and Chapter 23.60.
- e. Sign kiosks that are not located in the public right-of-way shall be located so that they are accessible for posting and reading by the public at all times.
 - 3. Dispersion.
- a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of two thousand six hundred forty (2640) feet (one-half (1/2) mile).
- b. There shall be a minimum distance of three hundred (300) linear feet between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within three hundred (300) linear feet when counting both sides of the street; and a minimum distance of one hundred (100) radial feet between sign kiosks.

* * *

Section 38. Subsection B of Section 23.60.070 of the Seattle Municipal Code, which Section was last amended by Ordinance 119240, is amended as follows:

23.60.070 Decisions to State of Washington - Review

* * *

B. Any person aggrieved by the granting or denying of a substantial development permit on shorelines of the City, or by the rescission of a permit pursuant to this chapter may seek review by the Shoreline Hearings Board by filing a petition for review within twenty-one (21) days of receipt of the permit decision by DOE. Within seven (7) days of the filing of any petition for review with the Shoreline Hearings Board pertaining to a final decision of a local



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government,

government, the petitioner shall serve copies of the petition on the Director of DOE, the Attorney General and the Director of ((DCLU))DPD as provided in RCW 90.58.180.

Section 39. Subsection B of Section 23.60.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 113466, is amended as follows:

23.60.078 Rescission.

* * *

B. Notice of the hearing shall be mailed to the permittee not less than fifteen (15) days prior to the date set for the hearing and included in the ((general mailed release))Land Use Information Bulletin.

Section 40. Subsection A of Section 23.60.196 of the Seattle Municipal Code, which Section was last amended by Ordinance 119240, is amended as follows:

23.60.196 Floating homes.

A. General Standards.

- 1. Floating home moorages shall comply with the Seattle Building Code adopted by Chapter 22.100 of the Seattle Municipal Code, and the requirements of this chapter.
 - 2. Moorage Location.
- a. Except as provided below, every floating home moorage shall be located on privately owned or privately controlled premises. No floating home shall be located in any waterway or fairway or in the public waters of any street or street end.
- b. Floating homes and floating home moorages which were located in the public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes, and which have continuously remained in such locations, comply with all other provisions of this chapter and are authorized by a use and occupancy permit approved by the Director of ((Seattle Transportation))Seattle Department of Transportation shall be permitted; provided that when any such floating home so located and permitted to use such public waters is moved from its existing site the public waters shall not be reoccupied.



- c. Floating homes and floating home moorages located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area when the same person owns or leases the property abutting on both sides thereof shall be permitted.
- d. Floating homes are permitted when located at an existing floating home moorage and located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or leases the private portion of the moorage site and has obtained a long-term permit from City Council to occupy the abutting street area.
- 3. Views. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of a dock or walkway. In the location and the design of remodeled floating homes, views of the water for moorage tenants and the public shall be preserved.
- 4. Existing Floating Homes. An existing floating home, for the purposes of this section, shall be one assigned a King County Assessor's (KCA) number and established by that number as existing at an established moorage in Lake Union or Portage Bay as of the effective date of the ordinance codified in this chapter. (Note 1)
- 5. Relocation. Two (2) floating homes may exchange moorage sites, either within a moorage or between moorages, if:
- a. Both floating homes are the same height or the relocation will not result in a floating home, which is over eighteen (18) feet in height and higher than the floating home being replaced, being located seaward of floating homes which are eighteen (18) feet or less in height, provided that no floating home greater than eighteen (18) feet in height shall be relocated to a nonconforming floating home moorage except to replace a floating home of equal or greater height;



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b. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsection B or C of this section below unless reduced for existing floating homes by the Director; and

c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating Home Moorages, have been met.

6. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home, or expand a floating home moorage, shall be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than one (1) inch equals twenty (20) feet, unless such plan is already on file with the Department. When the proposal is to expand a moorage, the plan shall designate individual moorage sites for the entire moorage.

Section 41. Section 23.60.902 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

23.60.902 "A."

* * *

"AWDT" means the twenty-four (24) hour average weekday traffic on a street as determined by the Director of ((Seattle Transportation)) Seattle Department of Transportation or the Director of the ((Department of Construction and Land Use))Department of Planning and Development in consultation with the Director of ((Seattle Transportation)) Seattle Department of Transportation.

* * *

Section 42. Subsection A of Section 23.66.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 116744, is amended as follows:

23.66.020 Special review boards.

A. The ordinance establishing a special review district may create a special review board
Unless otherwise specified, a special review board shall consist of seven (7) members. Five (5) or
the members shall be chosen at annual elections, called and conducted by the Department of
Neighborhoods Director, at which all residents, persons who operate businesses, their employees,
and property owners of the special review district shall be eligible to vote. Two (2) of the
members shall be appointed by the Mayor and confirmed by the Council. The Mayor shall, in
making board appointments, attempt to assure that a diversity of interests in the district is
represented on the board. The Department of Neighborhoods Director shall provide twenty (20)
days' notice of the board's first meeting in the City's official newspaper, by ((General Mailed
Release))Land Use Information Bulletin, and by publishing notice in one (1) or more community
newspapers which are circulated within the district. Thereafter, notice of annual meetings shall
be provided to the public by the board's publication of notice in one (1) or more district
community newspapers. The Council shall establish terms of service for members of a special
review board in the ordinance creating the district. No person shall serve more than two (2)
consecutive terms on a special review board.

Section 43. Subsection B, C and D of Section 23.69.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, are amended as follows:

23.69.032 Master plan process.

- B. Formation of a Citizens Advisory Committee.
- 1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a Citizens Advisory Committee of at least six (6), but no more than twelve (12) members. In addition, all institutions with adopted master plans shall have a standing Advisory Committee.



- 2. Where there is more than one (1) Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one (1) institution may be permitted.
- 3. The institution, in consultation with the Director of the Department of Neighborhoods, shall develop a list of potential members to serve on the Advisory Committee. Groups from which members may be selected for appointment to the advisory committee shall include area community groups, residents, property owners, and business persons; consumer groups using the services of the institution; and any other persons or organizations directly affected by the actions of the institution. One member of the Advisory Committee shall be selected from persons in the area participating in neighborhood planning. One member of the Advisory Committee shall be a general community or citywide organization representative. To the extent possible, members of the Advisory Committee should possess expertise or experience in such areas as neighborhood organization and issues, land use and zoning, architecture or landscape architecture, economic development, building development and educational or medical services. A nonmanagement representative of the institution shall be included.
- 4. Members of the Advisory Committee shall have no direct economic relationship with the institution except as provided in subsection B3.
- 5. The Director of the Department of Neighborhoods shall review the list of potential members and recommend to the Council those individuals appropriate to achieve a balanced, independent and representative committee. After the recommendation has been submitted, the Department of Neighborhoods may convene the Advisory Committee. The Council may confirm the Advisory Committee composition, make changes in the size and/or composition of the Advisory Committee, or remand the matter to the Director of the Department of Neighborhoods for further action. The Council shall establish the final composition of the committee through a memorandum of agreement with the institution, prepared by the Department of Neighborhoods, and adopted by resolution.

- 6. Four (4) nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Department of Construction and Land Use, the Department of Neighborhoods and ((Seattle Transportation))Seattle Department of Transportation.
- 7. The Committee shall be staffed by the Department of Neighborhoods with the cooperation and assistance of the Major Institution. Technical assistance to the committee shall be provided by the ((Department of Construction and Land Use))Department of Planning and Development, ((Seattle Transportation))Seattle Department of Transportation and the Department of Neighborhoods.
- 8. During the master plan review and adoption process, the Council may, in the interest of ensuring representative community participation on the Advisory Committee, amend the size and/or composition of the Advisory Committee.
- The City-University Community Advisory Committee (CUCAC) shall serve as the Advisory Committee for the University of Washington.
- 10. The Director of the Department of Neighborhoods shall promulgate rules applicable to advisory committees, including terms of office, selection of chairpersons, and methods of conflict resolution.
 - C. Application for a Master Plan.
- 1. Within one hundred twenty (120) days of filing a notice of intent to prepare a master plan, the institution shall submit an application and applicable fees for a master plan. This application shall include an environmental checklist and a concept plan. The requirement for the environmental checklist may be waived if the Director and the Major Institution agree that an Environmental Impact Statement (EIS) will be prepared. The concept plan shall consist of the following:
 - a. Proposed institution boundaries; and
- b. A proposed site plan including planned development and an estimate of total gross floor area proposed by the Major Institution; and

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c. Planned uses; and

d. Any planned street vacations and planned parking location and access;

and

- e. A description of alternative proposals for physical development and decentralization options, including a detailed explanation of the reasons for considering each alternative; and
- f. A description of the uses and character of the neighborhood surrounding the major institution and how the Major Institution relates to the surrounding area. This shall include pedestrian connections, physical and visual access to surrounding amenities and services, and the relationship of the Major Institution to other Major Institution development within two thousand five hundred (2,500) feet of its MIO District boundaries.
- 2. The Advisory Committee shall review and may submit comments on the concept plan and if there is one, the environmental checklist.
- 3. After an application for a master plan has been filed, the Director, in consultation with the institution and the Advisory Committee, shall prepare a schedule for the completion of the master plan. The timelines described in this section shall be goals, and shall form the basis for the master plan schedule. The goal of the City Council shall be to make a decision on the master plan within twenty-four (24) months from the date of application.
- 4. Notice of application for a master plan shall be provided as required by Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
 - D. Development of Master Plan.
- 1. The Advisory Committee shall participate directly in the formulation of the master plan from the time of its preliminary concept so that the concerns of the community and the institution are considered. The primary role of the Advisory Committee is to work with the Major Institution and the City to produce a master plan that meets the intent of Section 23.69.025. Advisory Committee comments shall be focused on identifying and mitigating the



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potential impacts of institutional development on the surrounding community based on the purpose and intent of this chapter as described in Section 23.69.006, and as prescribed in Chapter 25.05, Environmental Policies and Procedures. The Advisory Committee may review and comment on the mission of the institution, the need for the expansion, public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution, but these elements are not subject to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council.

- 2. The Advisory Committee shall hold open meetings with the institution and City staff to discuss the master plan and resolve differences. The institution shall provide adequate and timely information to the Advisory Committee for its consideration of the content and level of detail of each of the specific elements of the master plan.
- 3. The threshold determination of need for preparation of an Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, SEPA Policies and Procedures.
- 4. If an EIS is required and an institution is the lead agency, it shall initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to discuss the scope of the document. The Advisory Committee shall submit its comments on the scope of the draft EIS to the lead agency and the Director before the end of the scoping comment period. The lead agency shall prepare a final scope within one (1) week after the end of the scoping period.
- 5. The institution shall prepare a preliminary draft master plan within seventy (70) days of completion of the final scope of the EIS.
- 6. If an EIS is required, the institution or ((DCLU))DPD, whichever is lead agency, shall be responsible for the preparation of a preliminary draft EIS within seventy (70) days of the completion of the final scope, or approval of an EIS consultant contract, whichever is later.

7. The Advisory Committee, ((Seattle Transportation))Seattle Department of Transportation, the Director, and the institution shall submit comments on the preliminary draft master plan and the preliminary draft EIS to the lead agency within three (3) weeks of receipt, or on the environmental checklist and supplemental studies if an EIS is not required. If ((DCLU))DPD is the lead agency, a compiled list of the comments shall be submitted to the institution within ten (10) days of receipt of the comments.

- 8. Within three (3) weeks of receipt of the compiled comments, the institution shall review the comments and revise the preliminary draft master plan, if necessary, discussing and evaluating in writing the comments of all parties. The lead agency shall review the comments and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is required, the lead agency shall review the comments and be responsible for the annotation of the environmental checklist and revisions to any supplemental studies if necessary. Within three (3) weeks after receipt of the revised drafts, the Director shall review the revised drafts and may require further documentation or analysis on the part of the institution. Three (3) additional weeks may be spent revising the drafts for publication.
- 9. The Director shall publish the draft master plan. If an EIS is required, the lead agency shall publish the draft EIS.
- 10. The Director and the lead agency shall hold a public hearing on the draft master plan and if an EIS is required, on the draft EIS.
- 11. The Advisory Committee, ((Seattle Transportation))Seattle Department of Transportation and the Director shall submit comments on the draft master plan and if an EIS is required, on the draft EIS within six (6) weeks after the issuance of the draft master plan and EIS.
- 12. Within thirteen (13) weeks after receipt of the comments, the institution shall review the comments on the draft master plan and shall prepare the final master plan.
- 13. If an EIS is required, the lead agency shall be responsible for the preparation of a preliminary final EIS, following the public hearing and within six (6) weeks after receipt of



the comments on the draft EIS. ((Seattle Transportation))Seattle Department of Transportation, the Director, and the institution shall submit comments on the preliminary final EIS.

- 14. The lead agency shall review the comments on the preliminary final EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall review the revised final document and may require further documentation or analysis on the part of the institution.
- 15. Within seven (7) weeks after preparation of the preliminary final EIS, the Director shall publish the final master plan and, if an EIS is required, the lead agency shall publish the final EIS.

* * *

Section 44. Subsection B of Section 23.71.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

23.71.012 Special landscaped arterials.

* * *

- B. When an owner proposes substantial development on lots abutting special landscaped arterials, the owner shall provide the following:
- 1. Street trees meeting standards established by the Director of ((Seattle Transportation))Seattle Department of Transportation;
- 2. A six (6) foot planting strip and six (6) foot sidewalk if the lot is zoned SF, LDT, L1, or L2;
- 3. A six (6) foot planting strip and a six (6) foot sidewalk, or, at the owner's option, a twelve (12) foot sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, L4 or MR;
- 4. Pedestrian improvements, as determined by the Director, such as, but not limited to special pavers, lighting, benches and planting boxes.

* * *



Section 45. Subsections D, E, F and J of Section 23.71.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows: 23.71.018 Transportation management program.

* * *

- D. The TMP shall be approved by the Director if, after consulting with ((Seattle Transportation))Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the SOV goals.
- E. The owner of each property subject to this implementation guideline shall submit an annual progress report to the Director of Transportation, who will advise the Director of ((DCLU))DPD on compliance. The progress report shall contain:
- 1. The number of full and part-time employees, students and/or residents at a site during the peak hour;
- 2. A summary of the total p.m. peak hour vehicle trips generated by the site, including employees, students and residents;
- 3. A description of any programs, incentives, or activities or other measures targeted to reduce vehicle trips, in which employees, students or residents at the site participate;
 - 4. The number of people participating in the TMP measures;
- 5. The peak hour proportion of SOV trips of the employees, students, and/or residents.
- F. ((Seattle Transportation))Seattle Department of Transportation shall monitor compliance with the requirements of this section. If monitoring shows that the owner has not implemented the TMP measures or has not made sufficient progress toward achieving the TMP goals, the Director of Transportation may recommend that the Director:
 - 1. Require modifications to the TMP program measures; and/or
 - 2. Pursue enforcement action pursuant to the Land Use Code.

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J. ((Seattle Transportation))Seattle Department of Transportation and ((DCLU))DPD shall prepare a Director's Rule explaining how each department shall implement this section.

* * *

Section 46. Subsections C and D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119096, are amended as follows:

23.76.012 Notice of application.

* * *

C. Contents of Notice.

- The City's official notice of application shall be the notice placed in the ((General Mailed Release))Land Use Information Bulletin, which shall include the following required elements as specified in RCW 36.70B.110;
- a. Date of application, date of notice of completion for the application, and the date of the notice of application;
- b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;
- c. The identification of other permits not included in the application to the extent known by the Director;
- d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;
- e. A statement of the public comment period and the right of any person to comment on the application, request an extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;
- f. The date, time, place and type of hearing, if applicable and if scheduled at the date of notice of the application;



process is used;

- g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations;
 - h. Any other information determined appropriate by the Director; and
 - i. The following additional information when the early review DNS

(1) A statement that the early review DNS process is being used

and the Director expects to issue a DNS for the proposal,

(2) A statement that this is the only opportunity to comment on the environment impacts of the proposal,

- (3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared, and
- (4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon request.
- 2. All other additional forms of notice, including, but not limited to environmental review and land use signs, placards and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D of this section. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the environmental review sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for environmental review and land use signs.



D. Comment Period. The Director shall provide a fourteen (14) day public comment
period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision
on the project; provided, that the comment period shall be extended by fourteen (14) days if a
written request for extension is submitted within the initial fourteen (14) day comment period;
provided further that the comment period shall be thirty (30) days for applications requiring
shoreline decisions except, that for limited utility extensions and bulkheads subject to Section
23.60.065 of Title 23, the comment period shall be twenty (20) days as specified in that section.
The comment period shall begin on the date notice is published in the ((General Mailed
Release))Land Use Information Bulletin. Comments shall be filed with the Director by five
(5:00) p.m. of the last day of the comment period. When the last day of the comment period is a
Saturday, Sunday or federal or City holiday, the comment period shall run until five (5:00) p.m.
the next business day. Any comments received after the end of the official comment period may
be considered if material to review yet to be conducted.

* * *

Section 47. Section 23.76.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

- 1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.
- 2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

- a. ((General Mailed Release))Land Use Information Bulletin;
- b. Publication in the City official newspaper;
- c. Submission of the ((General Mailed Release))Land Use Information
- Bulletin to at least one (1) community newspaper in the area affected by the proposal;
- d. Mailed notice to those organizations and individuals who have submitted a written request for it;
 - e. Posting in the Department; and
 - f. Filing with the SEPA Public Information Center.
- 3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.
 - B. Draft EISs.
- 1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:
 - a. ((General Mailed Release))Land Use Information Bulletin;
 - b. Publication in the City official newspaper;
 - c. Submission of the ((General Mailed Release))Land Use Information
- Bulletin to at least one (1) community newspaper in the area affected by the proposal;
- d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;
 - e. Posting notice in the Department; and
 - f. Filing with the SEPA Public Information Center.
- 2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.



 The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 48. Subsection C of Section 23.76.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119096, is amended as follows:

23.76.020 Director's decisions.

- C. Notice of Decisions.
 - 1. Type I. No notice of decision is required for Type I decisions.
 - 2. Type II. The Director shall provide notice of all Type II decisions as follows:
- a. A list of all Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the ((General Mailed Release))Land Use Information Bulletin. Notice shall also be mailed to the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.
 - b. DNSs shall also be filed with the SEPA Public Information Center.
- c. If the Director's decision includes a mitigated DNS or other DNS requiring a fourteen (14) day comment period pursuant to SMC Chapter 25.05, Environmental Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.
- d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology according to the requirements contained in WAC 173-27-130. A shoreline decision on limited utility extensions and bulkheads subject to Section 23.60.065 shall be issued within twenty-one (21) days of the last day of the comment period as specified in that section.



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e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal and shall describe the appropriate appeal procedure.

Section 49. Subsection C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.76.022 Administrative appeals.

- C. Hearing Examiner Appeal Procedures.
- Consolidated Appeals. All appeals of Type II Master Use Permit decisions
 other than shoreline decisions shall be considered together in a consolidated hearing before the
 Hearing Examiner.
- 2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.
 - 3. Filing of Appeals.
- a. Appeals shall be filed with the Hearing Examiner by five (5:00) p.m. of the fourteenth calendar day following publication of notice of the decision; provided, that when a fourteen (14) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five (5:00) p.m. of the twenty-first calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.



Hearing Examiner.

- b. In form and content, the appeal shall conform with the rules of the
- c. The Hearing Examiner shall not accept any request for an interpretation included in the appeal unless it complies with the requirements of Section 23.88.020 C3c.
- 4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.
- 5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next ((General Mailed Release))Land Use Information Bulletin.
- 6. Scope of Review. Appeals shall be considered de novo, The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II decisions as required in this chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts and any requests for an interpretation included in the appeal or consolidated appeal pursuant to Section 23.88.020 C3.
- 7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.
- 8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.
- 9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to



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proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

- 10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.
- 11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information regarding judicial review. To the extent such information is available to the Hearing Examiner's the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.
- 12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040, or if the appeal concerns a decision on personal wireless service, the appeal shall be filed within thirty (30) days of the Hearing Examiner's or Council's final decision.
- Section 50. Subsection C of Section 23.76.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 120157, is amended as follows:
- 23.76.024 Hearing Examiner open record hearing and decision for subdivisions.



- C. Notice. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least thirty (30) days prior to the hearing by:
 - 1. ((General Mailed Release))Land Use Information Bulletin;
- 2. Publication in the City official newspaper and in at least one (1) community newspaper in the area affected by the proposal;
 - 3. Mailed notice and written notice mailed to:
- a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024, and
- b. All owners of real property located within three hundred (300) feet of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels;
 - 4. Posting in the Department.

* * *

Section 51. Subsection E of Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.76.026 Vesting of development rights.

- E. Notwithstanding any other provision of this section or this chapter, all development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall have its vested rights suspended as follows during the term of the ordinance codified in this section:
- 1. No notice of the Director's decision on an application for a Master Use Permit shall be published unless the Director is satisfied that no significant changes in conditions at the site or surrounding area have occurred that render invalid or out-of-date the analysis and



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2. No building permit shall issue; and

3. No approval of the foundation and site of a building or structure, as required by Section 108.5.2 of the Seattle Building Code¹, ((4)) shall be granted. This suspension of vested rights shall not apply to the extent that development is permitted by the Director pursuant to subsections A, B, C, D, or E of Section 25.09.010.

Section 52. Subchapter heading preceding Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

23.76.036 Council decisions required.

Subchapter III Council Land Use Decisions Part 1 Application and ((DCLU))DPD Review

Section 53. Subsection B of Section 23.76.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 116145, is amended as follows:

23.76.042 Notice of application.

* * *

- B. Additional Notice for Major Institutions. The Director shall provide the following additional notice for Major Institution master plans and designations.
- 1. For Major Institution master plans, notice of intent to file a master plan application shall be published in the ((general mailed release))Land Use Information Bulletin and the City official newspaper and mailed notice shall also be provided. The notice of intent to file a master plan application shall indicate that an advisory committee is to be formed as provided in Section 23.69.032.

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2. Mailed notice shall be provided for Major Institution designations and for revocation of Major Institution designations, and notice shall also be published in the City official newspaper once a week for two (2) consecutive weeks.

* * *

Section 54. Subsection C of Section 23.76.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 120157, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

* * *

C. Notice.

- 1. The Director shall give notice of the Hearing ((Examiners))Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:
 - a. ((General Mailed Release))Land Use Information Bulletin;
 - b. Publication in the City official newspaper;
- c. Submission of the ((General Mailed Release))Land Use Information

 Bulletin to at least one (1) community newspaper in the area affected by the proposal;
- d. One (1) land use sign visible to the public posted at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public. For hearings on Major Institution Master Plans, one (1) land use sign posted at each street frontage abutting the site but not to exceed ten (10) land use signs;
 - e. Mailed notice; and
 - f. Posting in the Department.
- 2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fourteen (14) day



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comment period purs	ment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of					
the comment period.	The Direct	tor shall distribute	copies of such	DNSs as require	ed by SMC	
Section 25.05.340.						

3. The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

* * *

Section 55. Subsection B of Section 23.76.062 of the Seattle Municipal Code, which Section was last amended by Ordinance 119895, is amended as follows:

23.76.062 Council hearing and decision.

* * *

- B. Notice of Hearings.
- 1. Notice of a required Council hearing on a Type V decision shall be provided by the Director at least thirty (30) days prior to the hearing in the following manner:
 - a. Inclusion in the ((General Mailed Release))Land Use Information

Bulletin;

- b. Posting in the Department; and
- c. Publication in the City's official newspaper.
- 2. Additional notice shall be provided by the Director for public hearings on City facilities, Major Institution designations and revocation of Major Institution designations, as follows:
 - a. Mailed notice; and
- b. One (1) land use sign posted visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street,



the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public.

* * *

Section 56. Section 23.78.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.78.006 Notice provided.

Notification of the application and formation of a SUAC and the first meeting of the SUAC shall be provided by the Director through mailed notice, ((General Mailed Release))Land Use Information Bulletin, publishing in a newspaper of substantial local circulation, and posting one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public. If there is an existing parents' organization, notice shall be given through their regular processes.

Section 57. Subsection B of Section 23.78.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 115906, is amended as follows:

23.78.012 Duties of Director of the Department of Neighborhoods.

* * *

B. Notification of the Director of DON's decision shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the Department of Neighborhoods and shall be included in the ((General Mailed release))Land Use Information Bulletin. Notice of the decision shall also be mailed on the date of the decision to the applicant, and to persons who have requested specific notice in a timely manner.



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The notice of the decision shall state the address of the school and briefly state the decision made by the Director of DON. The notice shall also state that the school use criteria are subject to appeal and shall describe the appropriate appeal procedure.

Section 58. Subsection B of Section 23.79.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 112539, is amended as follows:

23.79.010 Duties of Director.

* * *

- B. 1. Notification of the Director's decision shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in ((DCLU))DPD and shall be included in the ((General Mailed Release))Land Use Information Bulletin. Notice of the decision shall also be mailed on the date of the decision to the applicant, to all members of the advisory committee, and to persons who have requested specific notice in a timely manner.
- 2. The notice of the decision shall state the address of the school and briefly state the decision made by the Director. The notice shall also state that the departure from development standards is subject to appeal and shall describe the appropriate appeal procedure.

Section 59. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

23.84.008 "D."

"Department" means the Department of ((Construction and Land Use))Planning and Development.

"Director" means the Director of the Department of ((Construction and Land Use))Planning and Development, or the Director's designee.



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27 28 Section 60. Section 23.84.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 118720, is amended as follows:

23.84.014 "G."

* * *

(("General mailed release" means an information mailing to the individuals and groups on a master mailing list as may be established by the Department.))

* * *

Section 61. A new subsection is added to Section 23.84.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 112539, to read as follows:

"Land Use Information Bulletin" means an informational mailing to the individuals and groups on a master mailing list as may be established by the Department.

Section 62. Section 23.84.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 112539, is amended as follows:

23.84.030 "P."

* * *

"Public Benefit Features Rule" means the ((DCLU))DPD Director's Rule 20-93, subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this title since the date of such rule.



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Section 63. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.84.036 Definitions "S."

"Street Improvement Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of ((Seattle Transportation))Seattle Department of Transportation and the ((Department of Construction and Land Use))Department of Planning and Development.²

Section 64. Section 23.88.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is amended as follows:

23.88.010 Rulemaking.

The Director may promulgate rules consistent with this title pursuant to the authority granted in Section 3.06.040 and pursuant to the procedures established for rulemaking in the Administrative Code, Chapter 3.02. In addition to the notice provisions of Chapter 3.02, notice of the proposed adoption of a rule shall be placed in the ((General Mailed Release))Land Use Information Bulletin.

Section 65. Subsection E of Section 23.88.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, is amended as follows:

23.88.020 Land use interpretations.

* * *

E. Notice of Interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall



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be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by ((General Mailed Release))Land Use Information Bulletin.

Section 66. Subsections B and C of Section 23.91.010 of the Seattle Municipal Code, which Sections were last amended by Ordinance 119896, are amended as follows:

23.91.010 Mitigation hearings.

* * *

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from ((DCLU))DPD may also be present and may present additional information, but attendance by a representative from ((DCLU))DPD is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless ((DCLU))DPD affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

Section 67. Subsection E of Section 23.91.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119896, is amended as follows:

23.91.012 Contested hearing.



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E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.



(Seal)

Susan McLain/dlk OmnibusN.doc February 2, 2004 version #1

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Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the ((DCLU))DPD evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

Section 68. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

Section 69. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 172 day of May, 2004, and signed by me in open session in authentication of its passage this 17th day of More, 2004.

the City Council

Approved by me this 2 3 day of

Gregory J. Nickels, Mayor

2004.

Filed by me this $\frac{25}{2}$ day of $\frac{25}{2}$

City Clerk

Susan McLain/CSM
Land Use Code "Name onange" Omnibus Legislation
February 2, 2004
Version #1

Form revised December 30, 2003

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Planning and	Susan McLain, 684-0432	Barbara Gangwer, 615-0768
Development		

Legislation Title:

An ordinance relating to land use and zoning, amending Sections 23.22.100, 23.42.106, 23.44.016, 23.44.036, 23.44.041, 23.45.015, 23.45.057, 23.45.073, 23.45.112, 23.46.018, 23.47.016, 23.47.020, 23.47.028, 23.49.009, 23.49.017, 23.49.020, 23.49.056, 23.49.076, 23.49.106, 23.49.134, 23.49.162, 23.49.332, 23.50.014, 23.50.016, 23.50.034, 23.50.044, 23.50.046, 23.53.020, 23.53.035, 23.54.015, 23.54.016, 23.54.030, 23.54.035, 23.55.005, 23.55.012, 23.55.014, 23.55.015, 23.60.070, 23.60.078, 23.60.196, 23.60.902, 23.66.020, 23.69.032, 23.71.012, 23.71.018, 23.76.012, 23.76.014, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.036, 23.76.042, 23.76.052, 23.76.062, 23.78.006, 23.78.012, 23.79.010, 23.84.008, 23.84.014, 23.84.030, 23.84.036, 23.88.010, 23.88.020, 23.91.010, 23.91.012 to make minor non-substantive corrections and update names of City and regional agencies.

Summary of the Legislation:

The "name change omnibus" bill correct errors and omissions and updates references to various agencies and the Department of Planning and Development's public notice bulletin.

Background:

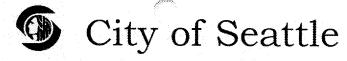
The bill addresses different sections of the Land Use Code relating to regulations of use and development standards consistent with the single subject rule of Washington State's constitution. The periodic effort represents the Department of Planning and Development's ongoing commitment to maintenance of the Code for which DPD is responsible for developing and administering.

Please check one of the following:

X This legislation does not have any financial implications.

Attachment 1: Director's Report and Recommendation





Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

DIRECTOR'S REPORT AND RECOMMENDATION

Land Use Code "Name Change" Omnibus Legislation

Introduction

The Department of Planning and Development (DPD) is proposing an omnibus bill to correct references to various agency names in the Land Use Code. The bill also makes grammatical corrections to the Code. This periodic effort represents part of our ongoing commitment to maintenance of the Land Use Code for which DCLU is responsible for developing and administering.

Proposal

The proposed bill corrects references to City and regional agencies and related definitions as follows:

- "Seattle Transportation" changed to "Seattle Department of Transportation"
- "SeaTran" changed to "SDOT"
- "Department of Construction and Land Use" changed to "Department of Planning and Development"
- "DCLU" changed to "DPD"
- "Puget Sound Air Pollution Control Agency" changed to "Puget Sound Clean Air Agency"
- "PSAPCA" changed to "PSCAA"
- "Seattle Art Commission" changed to "Office of Arts and Cultural Affairs"
- "general mailed release" changed to "Land Use Information Bulletin"
- "General Mailed Release" changed to "Land Use Information Bulletin"

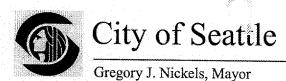
Recommendation

The Director recommends approval of the proposed legislation to achieve consistency with adopted policy, clarity and ease of navigation of the Land Use Code.

Attachment 1 to Fiscal Note







Office of the Mayor

March 8, 2004

Honorable Jan Drago President Seattle City Council City Hall, 2nd Floor

Dear Council President Drago:

The attached Council Bill is one of two bills being transmitted to correct errors and omissions and clarify provisions of the Land Use Code. This legislation updates references to various agencies and the Department of Planning and Development's public notice bulletin and makes grammatical corrections to the Code, including:

"Seattle Transportation" is changed to "Seattle Department of Transportation"

"SeaTran" is changed to "SDOT"

"Department of Construction and Land Use" is changed to "Department of Planning and Development"

"DCLU" is changed to "DPD"

"Puget Sound Air Pollution Control Agency" is changed to "Puget Sound Clean Air Agency"

"PSAPCA" is changed to "PSCAA"

"Seattle Art Commission" is changed to "Office of Arts and Cultural Affairs"

"General Mailed Release" is changed to "Land Use Information Bulletin"

The companion legislation will amend several sections of the Code, addressing a wider range of issues. Adoption of this "clean-up" legislation will provide the most up-to-date references in the Land Use Code. Thank you for your consideration of this legislation. Should you have questions, please contact Susan McLain at 684-0432.

Sincerely,

GREG NICKELS Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON - KING COUNTY

--SS.

172737 CITY OF SEATTLE, CLERKS OFFICE No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121477 ORD IN FULL

was published on

5/28/2004

Notary public for the State of Washington, residing in Seattle

Subscribe and

sworn to before me on

5/28/2004

Affidavit of Publication

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State of Washington, King County

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23.91.010 Mitigation hearings.

Section 67. Subsection E of Section 23.91.012 of the Seattle Municipal Code, which Section was lest amended by Ordinance 119896, is amended as follows:

E. Svidence at Hearing. The certified statement or declaration authorized by RCW 9A 72,085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A 72,085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

Section 58. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other

Section 69. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within fen (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020

Passed by the City Council the 17th day of May, 2004, and signed by me in open session in authentication of its passage this 17th day of May, 2004.

Approved by me this 25th day of May,

Filed by me this 25th day of May, 2004,

Publication ordered by Judith Pippin, City

President of the City Council.

GREGORY J NICKELS,

(Seal) JUDITH PIPPIN.

City Clerk,

JAN DRAGO,

23.91,012 Contested hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing which shall not be governed by the Rules of Evidence. The person cited may present with cesses, but witnesses may not be compelled to esses, but witnesses may not be compelled to attend. A representative from (ICCL-U) DPD may also be present and may present additional information, but attendance by a representative from (ICCL-U) DPD is not required. encil hearing on provided by the days prior to the

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C. Disposition. The Hearing Examiner shall determine whether the person's explasion of the monetary penalty in the person of the monetary penalty in the person of the monetary penalty in the person of the reduced unless ((DCLU)) DPD affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another caused by the act, neglect, or abuse of another considered promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited. Clebes bins which the mainte of the manufacture of the manufacture and even in order to degree and everyity of risks in the manufacture and everyity of risks in the control of the con

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spadint significant services are specified by particular services are specified as follows:

(i) One (i) tree and three (3) shrubs are specified for each three hundred (30) square services for each three hundred (30) square services are specified as follows:

(ii) One (i) tree and three (3) shrubs are file applicant in order to significantly seduce the same static and or plans some some shall be specified on plans some some shall be specified on plans as something of the issuance shall be specified on plans are something of the same shall be specified on a few specified on plans are something of the same shall be specified on a few specified on plans are something of the same shall be specified on plans are something of the same shall be specified on a few specified on plans are specified on a few same shall be specified on a few specified on plans are specified on a few specified on plans are specified on a few s

C. All sig subject to th

following criteria: Stistize in in spatiliewblobby sitelity, in an administration of the spatial s

Administrative Conditional Uses. The following uses, identified as administrative conditional areas in Chart A, may be permitted by the Director when the provisions of his subsection and subsection A of this section are interesting to the condition are subsection.

23.50.014 Conditional uses.

These Reministrations in the Street street trees to be required a street at the street street and street between the street and street a street and street a street and street a

23.49.312 Downtown Harboritons 2. street tagade requirements.

Section 22 Subsection F of Section 25 49 332 of the beattle Municipal Code, which Section was last amended by Ordinance 120611, as amended as follows:

batnatq ad lista latratam trisiq ilA. d Vinassamaq of to basera adi at Vinanb Villassamaq of to basera adi at Vinanb (Oll Vill) is musicini A. eristinat beliatat reseq ad lista terratam male adi to insoraq asadas adi catw seeti abulani lista bra isa test atsupa (Oll) beshaud ziz absora

and the sasts to theored (45) yearwil's and one sears to the control of the contr

3. Lendsceping in Selbecks.

Ans righted mathrithmy bestle to locale neers, the righted mathrithmy gains and sold particular to the second material sold between the second materials and no si garqasabnat barinberi asti erasiW. 3 bas ngisab nadhi ninw laanta na laasia na d. bataaliimuru aanilabina samasabad

beinaig ed Hade larretam inaig HA 1 (08) yild le muminim A binorg edi in viter insieg ed Hade larretam inaig edi le incor

Alawabia batau tiadodii muminim A. a bina siso tia tawakas mo jaal (i) avil lo dibiw bina siso tia tawakas mo jaal (ii) avil lo dibiw ibabiyong ad iliada saunawa no jaal (ii) zilgia

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studing sol bewoits as that essessered district the second of the second studies sometime sold in the second studies and the second sold second sold second second

must be approved by the Suestle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, player, and or community center. park, playground or community center.

The location of any sign klosk in SMC citil review the state of the SMC citil review the state of the SMC citil review the state of the 1 Im netice of matitude a Citase (6), but addition d Sign knosks shall be located in compiler of the plant o

e Sign kiosks that are not located in the mission of the country o

for more than a total of five (5) sign are permitted when counting both are permitted when counting of two inner datastic of two inner datastic of two and six hundred (orry (2540) feet (one-sind six hundred (orry (2540) feet)

or mass of the second of the s

. J. All 13.69

B. F. Committ

ection 38 Subsection B of Section 5 of 19 of the Seattle Municipal Code, 5 of 5 of the Seattle Municipal Code, in Section was last amended by Ordinance 240, in amended as follows:

23.80.070 Decisions to State
Schington Review

B Any person againered by the granting granting of a substantial development per year and the clare of the cl

mission of the institu expansion, public bene proposed new develop which the proposed of the public purpose i institution, but these ection 23.50.902 of the Seattle de, which Section was last dinance 118793, is amended as to negotiation nor shall sideration of the mast

... sans the twenty-four (24) hour my traffic on a street as deter-ine Director of ((Section 1)) Spattle Department of a or the Director of the ent of Planning and in consultation with the Transportation.

Subsection A of Section he Seattle Municipal Code, ras last amended by Ordinance nded as follows:

pecial review boards.

pecial review boards.

nance establishing a special may create a special review therwise specified, a special all consist of seven (1) members shall be chosen one, called and conducted by a Neighborhoods Director, at its, persons who operate busingloyees, and property own urview district shall be elife (2) of the members shall be story and confirmed by the syst shall, in making board tempt to assure that a diverging the district is represented d. The Department of incotte shall be stored to the district is represented d.

in the district is represented d. The Department of irrectors shall provide twenty of the hoard's first meeting is a newspaper by (General Department of the hoard's first meeting is a newspaper which are circuits for the hoard of the partment of the hoard ill establish terms of a special review board in the ing the district. No person re than two (2) consecutive terms on a special review heard.

Section 43. Subsection B, C and D of Section 23.59.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120631, are amended as follows:

ommendation to Coun 2. The Advisory in the meetings with the staff to discuss the midflerences. The institutuate and timely infor Committee for its consum of the staff ments of the master p

3. The threshold de preparation of an E Statement (EIS) shall Chapter 25.05, SEPA

4. If an EIS is requ A If an EIS is requisible lead agency. It is EIS consultation will advisory Committee a scope of the documentation will be a scope of the draft EIS the Director before the ment period. The lead final scope within one the scoping period.

nary draft master pli days of completion of EIS. 5. The institution

6 If an EIS is red (DCLU)(DPD, which be responsible for the inary draft EIS within completion of the final EIS consultant contra

7. The Advisory The Advisory
Transportation, the B
tion shall submit om
nery draft master pli
draft EIS to the lead
weeks of receipt, of
checklist and supples
is not required. If (8
agency, a compiled its
be submitted to the its
days of receipt of the days of receipt of the s

8, Within three (3) compiled comments, review the comments nary draft master processing and evaluating ments of all parties review the comments the revision of the pro-