

Ordinance No. 121700

Council Bill No. 115136

Relating to land use and zoning, amending Sections 5.72.020, 5.73.020, 23.34.008, 23.34.010, 23.34.020, 23.34.022, 23.71.001, 23.84.030, 23.84.036 and Section 25.05.675 of the Seattle Municipal Code to update references and adopt implementing regulations consistent with 2004 Comprehensive Plan amendments.

CF No. _____

Date Introduced: <u>DEC - 6 2004</u>		
Date 1st Referred: <u>DEC - 6 2004</u>	To: (committee)	<u>Urban Development & Planning</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-13-04</u>	Full Council Vote:	<u>9-0</u>
Date Presented to Mayor: <u>12-14-04</u>	Date Approved:	<u>12/17/04</u>
Date Returned to City Clerk: <u>12/20/04</u>	Date Published:	<u>19 pgs.</u>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

we

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Pat Summitt*
Councilmember

Committee Action:

12-13-04 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

*Adopt 9-0
PS, RC, TR, JG*

*Fiscal Note clear / sept 04
Approved
Balks in March
No action
Council Bill 17
No action*

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 121700

AN ORDINANCE relating to land use and zoning, amending Sections 5.72.020, 5.73.020, 23.34.008, 23.34.010, 23.34.020, 23.34.022, 23.71.001, 23.84.030, 23.84.036 and Section 25.05.675 of the Seattle Municipal Code to update references and adopt implementing regulations consistent with 2004 Comprehensive Plan amendments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 5.72.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119237, is amended as follows:

5.72.020 Definitions.

L. "Urban village" as used in this chapter means a neighborhood that: (1) is within an area designated as either an urban center village, a hub urban village or a residential urban village in the ~~((Land Use Element of the))~~ City's Comprehensive Plan; and (2) meets the definition of an "urban center" as defined in RCW Section 84.14.010.

Section 2. Section 5.73.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121415, is amended as follows:

5.73.020 Definitions.

P. "Urban center" has the same meaning as "urban center" as defined in RCW 84.14.010, and for purposes of this chapter includes, among other areas, any neighborhood that is within an area designated as either an urban center village, a hub urban village or a residential urban village in the ~~((Land Use Element of the))~~ City's Comprehensive Plan.



1 Section 3. Section 23.34.008 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 120691, is amended as follows:

3
4 **23.34.008 General rezone criteria.**

5
6 A. To be approved a rezone shall meet the following standards:

7
8 1. In urban centers and urban villages the zoned capacity for the center or village
9 taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth
10 targets adopted in the Comprehensive Plan for that center or village.

11
12 2. For the area within the urban village boundary of hub urban villages and for
13 residential urban villages taken as a whole the zoned capacity shall ~~((be within the density
14 ranges))~~ not be less than the densities established in ((Section A1 of the Land Use))the Urban
15 Village Element of the Comprehensive Plan.

16
17 ***

18
19 E. Zoning Principles. The following zoning principles shall be considered:

20
21 1. The impact of more intensive zones on less intensive zones or industrial and
22 commercial zones on other zones shall be minimized by the use of transitions or buffers, if
23 possible. A gradual transition between zoning categories, including height limits, is preferred.

24
25 2. Physical buffers may provide an effective separation between different uses and
26 intensities of development. The following elements may be considered as buffers:



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a. Natural features such as topographic breaks, lakes, rivers, streams,

ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be

established so that commercial uses face each other across the street on which they are located,

and face away from adjacent residential areas. An exception may be made when physical buffers

can provide a more effective separation between uses.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.



1 ***

2
3 Section 4. Section 23.34.010 of the Seattle Municipal Code, which Section was last
4 amended by Ordinance 120117, is amended as follows:

5
6 **23.34.010 Designation of single-family zones.**

7 ***

8
9 B. Areas zoned single-family, or RSL which meet the criteria for single-family zoning
10 contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of
11 an urban village may be rezoned to zones more intense than single-family 5000 only when all of
12 the following conditions are met:

13
14
15 1. A neighborhood plan adopted or amended by the City Council after January 1,
16 1995 has designated the area as appropriate for the zone designation, including specification of
17 the RSL/T, RSL/C, or RSL/TC suffix when applicable;

18
19 ~~((2. All parts of the rezone area are within a five (5) minute walk for a person of~~
20 ~~typical abilities, within five (5) blocks, or within one quarter (1/4) mile, whichever is the~~
21 ~~shortest distance, of a designated principal commercial street;~~

22
23 ~~3. The acreage of land proposed for such rezoning on a cumulative basis does not~~
24 ~~exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the~~
25 ~~Comprehensive Plan;~~



1 4))2. The rezone is:

2
3 a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem
4 (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage
5 (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-
6 Commercial (L1/RC), or
7

8 b. Within the areas identified on Map P-1 of the adopted North Beacon
9 Hill Neighborhood Plan, and the rezone is to any zone up to and including Neighborhood
10 Commercial 2/R-40 (NC2/R-40'); and
11

12 ((5))3. If a property located within the North Beacon Residential Urban Village is
13 being rezoned to the more intensive zones permitted in this subsection B4, the subject property is
14 contiguous to an urban village commercial zone.
15

16 ~~((C. Outside of urban villages, land that is zoned single family and meets Land Use Code
17 locational criteria for a single family designated may be rezoned to zones more intense than SF
18 5000, only when all of the following conditions are met at the time of the proposed rezone:~~

19
20
21 1. ~~The rezone is provided for in a neighborhood plan adopted or amended by the
22 City Council after January 1, 1995;~~

23
24 2. ~~The neighborhood plan that provides for the rezone was developed for a
25 planning area that does not contain an urban village, and has been included in a City sponsored
26 neighborhood planning program because of the presence of at least one distressed area;~~
27
28



1 a. Properties already zoned L3;

2
3 b. Properties in areas already developed predominantly to the permitted L3
4 density and where L3 scale is well established;

5
6 c. Properties within an urban center or village, except ((as provided in this
7 subsection below, where less emphasis shall be placed on density and scale compatibility with
8 existing development, when the designation will be consistent with the densities required for the
9 center or village category as established in Section B of the Land Use Element of the
10 Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by
11 the City Council after January 1, 1995. This subsection B1c shall not apply)) in the Wallingford
12 Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne
13 Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City
14 Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential
15 Urban Village; or
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17

18 d. Properties located in the Delridge Neighborhood Revitalization Area, as
19 shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-
20 income housing development initiated by a public agency or the Seattle Housing Authority; a
21 property use and development agreement is executed subject to the provisions of SMC Chapter
22 23.76 as a condition to any rezone; and the development would serve a broad public purpose.
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1 2. Properties designated as environmentally critical may not be rezoned to an L3
2 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3
3 zone.

4
5 3. Other Criteria. The Lowrise 3 zone designation is most appropriate in areas
6 generally characterized by the following:

7
8 a. Development Characteristics of the Area.

9
10 (1) Either:

11
12 (a) Areas that are already developed predominantly to the
13 permitted L3 density and where L3 scale is well established,

14
15 (b) Areas that are within an urban center or urban village,
16 except(~~as provided in this subsection below, where less emphasis shall be placed on density and~~
17 ~~scale compatibility with existing development, when the designation will be consistent with the~~
18 ~~densities required for the center or village category as established in Section B of the Land Use~~
19 ~~Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted~~
20 ~~or amended by the City Council after January 1, 1995. This subsection B3a(1)(b) shall not~~
21 ~~apply~~)) in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village,
22 in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban
23 Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in
24 the Admiral Residential Urban Village; or
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(c) Areas that are located within the Delridge

Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;



1 (4) Properties that are adjacent to business and commercial areas
2 with comparable height and bulk, or where a transition in scale between areas of larger
3 multifamily and/or commercial structures and smaller multifamily development is desirable.
4

5 Section 6. Section 23.34.022 of the Seattle Municipal Code, which Section was last
6 amended by Ordinance 120694, is amended as follows:

7 **23.34.022 Lowrise 4 (L4) zone, function and locational criteria.**
8

9 ***

10 B. Locational Criteria.

11 1. Threshold Conditions. Subject to subsection B2 of this section, properties that
12 may be considered for an L4 designation are limited to the following:
13

14 a. Properties already zoned L4;

15
16 b. Properties in areas already developed predominantly to the permitted L4
17 density and where L4 scale is well established;

18
19 c. Properties within an urban center or urban village, except ((as provided
20 ~~in this subsection below, where less emphasis shall be placed on density and scale compatibility~~
21 ~~with existing development, when the designation will be consistent with the densities required~~
22 ~~for the center or village category as established in Section B of the Land Use Element of the~~
23 ~~Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by~~
24 ~~the City Council after January 1, 1995. This subsection B1e shall not apply))in the Wallingford
25 Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne
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1 Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City
2 Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential
3 Urban Village; or

4
5 d. Properties located in the Delridge Neighborhood Revitalization Area, as
6 shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-
7 income housing development initiated by a public agency or the Seattle Housing Authority; a
8 property use and development agreement is executed subject to the provisions of SMC Chapter
9 23.76 as a condition to any rezone; and the development would serve a broad public purpose.
10

11
12 2. Properties designated as environmentally critical may not be rezoned to an L4
13 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4
14 zone.

15
16 3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas
17 generally characterized by the following:

18
19 a. Development Characteristics of the Area.

20
21 (1) Either:

22 (a) Areas that are already developed predominantly to the
23 permitted L4 density and where L4 scale is well established,
24

25 (b) Areas that are within an urban center or urban village,
26 except((as provided in this subsection below, where less emphasis shall be placed on density and
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1 ~~scale compatibility with existing development, when the designation will be consistent with the~~
2 ~~densities required for the center or village category as established in Section B of the Land Use~~
3 ~~Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted~~
4 ~~or amended by the City Council after January 1, 1995. This subsection B3a(1)(b) shall not~~
5 ~~apply))~~ in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village,
6 in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban
7 Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in
8 the Admiral Residential Urban Village, or
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10
11 (c) Areas that are located within the Delridge
12 Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone
13 designation would facilitate a mixed-income housing development initiated by a public agency
14 or the Seattle Housing Authority; a property use and development agreement is executed subject
15 to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development
16 would serve a broad public purpose.
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18
19 (2) Areas of sufficient size to promote a high quality, higher
20 density residential environment where there is good pedestrian access to amenities;
21

22 (3) Areas generally platted with alleys that can provide access to
23 parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a
24 street environment better suited to the level of pedestrian activity associated with higher density
25 residential environments;
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1 (4) Areas with good internal vehicular circulation, and good access
2 to sites, preferably from alleys. Generally, the width of principal streets in the area should be
3 sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.
4

5 b. Relationship to the Surrounding Areas.
6

7 (1) Properties in areas adjacent to concentrations of employment;
8

9 (2) Properties in areas that are directly accessible to regional
10 transportation facilities, especially transit, providing connections to major employment centers,
11 including arterials where transit service is good to excellent and street capacity is sufficient to
12 accommodate traffic generated by higher density development. Vehicular access to the area
13 should not require use of streets passing through less intensive residential areas;
14

15 (3) Properties with close proximity and with good pedestrian
16 connections to services in neighborhood commercial areas, public open spaces and other
17 residential amenities;
18

19 (4) Properties with well-defined edges providing sufficient
20 separation from adjacent areas of small scale residential development, or where such areas are
21 separated by zones providing a transition in the height, scale and density of development.
22

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25 Section 7. Section 23.71.001 of the Seattle Municipal Code, which Section was last
26 amended by Ordinance 120691, is repealed.
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1 Section 8. Section 23.84.030 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 121276, is amended as follows:

3
4 **23.84.030 "P"**

5
6 ***

7
8 (~~"Principal commercial street." See "Street, principal commercial."~~)

9
10 ***

11 Section 9. Section 23.84.036 of the Seattle Municipal Code, which Section was last
12 amended by Ordinance 112777, is amended as follows:

13
14 **23.84.036 S.**

15
16 ***

17
18 (~~"Street, principal commercial" means a street that has been identified as such through a Council
19 approved neighborhood plan for a designated urban center or urban village.~~)

20
21 * * *

22 Section 10. Section 25.05.675 of the Seattle Municipal Code, which Section was last
23 amended by Ordinance 120928, is amended as follows:

24
25 **25.05.675 Specific environmental policies.**
26
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G. Height, Bulk and Scale.

1. Policy Background.

a. The purpose of the City's adopted land use regulations is to provide for smooth transition between industrial, commercial, and residential areas, to preserve the character of individual city neighborhoods and to reinforce natural topography by controlling the height, bulk and scale of development.

b. However, the City's land use regulations cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. For example, unanticipated adverse impacts may occur when a project is located on a site with unusual topographic features or on a site which is substantially larger than the prevalent platting pattern in an area. Similarly, the mapping of the City's zoning designations cannot always provide a reasonable transition in height, bulk and scale between development in adjacent zones.

2. Policies.

a. It is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in ~~((Section C of the))~~ Section B of the land use element of the Seattle ~~((comprehensive plan))~~ Comprehensive Plan regarding ~~((the System of Land Use Regulation))~~ Land Use Categories, the shoreline goals and policies set forth in Section ~~((F))~~ D-4



1 of the land use element of the Seattle ~~((comprehensive plan))~~ Comprehensive Plan, the
2 procedures and locational criteria for shoreline environment redesignations set forth in SMC
3 Sections 23.60.060 and 23.60.220, and the adopted land use regulations for the area in which
4 they are located, and to provide for a reasonable transition between areas of less intensive zoning
5 and more intensive zoning.
6

7
8 b. Subject to the overview policy set forth in SMC Section 25.05.665, the
9 decision-maker may condition or deny a project to mitigate the adverse impacts of substantially
10 incompatible height, bulk and scale. Mitigating measures may include but are not limited to:

- 11
12 i. Limiting the height of the development;
- 13
14 ii. Modifying the bulk of the development;
- 15
16 iii. Modifying the development's facade including but not limited
17 to color and finish material;
- 18
19 iv. Reducing the number or size of accessory structures or
20 relocating accessory structures including but not limited to towers, railings, and antennae;
- 21
22 v. Repositioning the development on the site; and
- 23
24 vi. Modifying or requiring setbacks, screening, landscaping or
25 other techniques to offset the appearance of incompatible height, bulk and scale.
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1 c. The Citywide design guidelines (and any Council-approved,
2 neighborhood design guidelines) are intended to mitigate the same adverse height, bulk and scale
3 impacts addressed in these policies. A project that is approved pursuant to the design review
4 process is presumed to comply with these height, bulk and scale policies. This presumption may
5 be rebutted only by clear and convincing evidence that height, bulk and scale impacts
6 documented through environmental review have not been adequately mitigated. Any additional
7 mitigation imposed by the decisionmaker pursuant to these height, bulk and scale policies on
8 projects that have undergone design review shall comply with design guidelines applicable to the
9 project.
10
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14 J. Land Use.
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16 1. Policy Background.
17

18 a. The City has adopted land use regulations that are designed, in part, to
19 minimize or prevent impacts resulting from incompatible land use. However, the adopted Land
20 Use Code (Title 23) cannot identify or anticipate all possible uses and all potential land use
21 impacts. For example, adverse cumulative land use impacts may result when a particular use or
22 uses permitted under the Zoning Code occur in an area to such an extent that they foreclose
23 opportunities for higher-priority, preferred uses called for in Section ((C))B of the land use
24 element of the ((comprehensive plan))Comprehensive Plan and the shoreline goals and policies
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1 set forth in section ((F))D-4 of the land use element of the ((comprehensive
2 plan))Comprehensive Plan.

3
4 b. Density-related impacts of development are addressed under the
5 policies set forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O (public
6 services and facilities) of this section and are not addressed under this policy.

7
8 2. Policies.

9
10 a. It is the City's policy to ensure that proposed uses in development
11 projects are reasonably compatible with surrounding uses and are consistent with any applicable,
12 adopted City land use regulations, the goals and policies set forth in Section ((E))B of the land
13 use element of the Seattle ((comprehensive plan))Comprehensive Plan regarding ((the System of
14 Land Use Regulation))Land Use Categories, and the shoreline goals and policies set forth in
15 section ((F))D-4 of the land use element of the Seattle ((comprehensive plan))Comprehensive
16 Plan for the area in which the project is located.

17
18
19 b. Subject to the overview policy set forth in SMC Section 25.05.665, the
20 decisionmaker may condition or deny any project to mitigate adverse land use impacts resulting
21 from a proposed project or to achieve consistency with the applicable City land use regulations,
22 the goals and policies set forth in Section ((E))B of the land use element of the Seattle
23 ((comprehensive plan))Comprehensive Plan regarding ((the System of Land Use
24 Regulation))Land Use Categories, the shoreline goals and policies set forth in Section ((F))D-4
25 of the land use element of the Seattle ((comprehensive plan))Comprehensive Plan, the
26
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1 procedures and locational criteria for shoreline environment redesignations set forth in SMC
2 Sections 23.60.060 and 23.60.220, respectively, and the environmentally critical areas policies.

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4 ***

5
6 Section 11. The provisions of this ordinance are declared to be separate and severable. The
7 invalidity of any particular provision shall not affect the validity of any other provision.

8 Section 12. This ordinance shall take effect and be in force thirty (30) days from and
9 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11
12 Passed by the City Council the 13th day of December, 2004, and signed by me in
13 open session in authentication of its passage this 13th day of December 2004.

14
15 Jandriago
16 President _____ of the City Council

17 Approved by me this 17th day of December, 2004.

18 Gregory J. Nickels
19 Gregory J. Nickels, Mayor

20 Filed by me this 20th day of Dec., 2004.

21 Julian E. Pappic
22 City Clerk

23 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

AN ORDINANCE relating to land use and zoning, amending Sections 5.72.020, 5.73.020, 23.34.008, 23.34.010, 23.34.020, 23.34.022, 23.71.001, 23.84.030, 23.84.036 and section 25.05.675 of the Seattle Municipal Code to update references and adopt implementing regulations consistent with 2004 Comprehensive Plan amendments.

• **Summary of the Legislation:**

The Department of Planning and Development (DPD) is proposing several amendments to the Land Use Code in response to concurrent amendments to the Comprehensive Plan. The following proposed amendments will ensure future consistency between the Seattle Land Use Code and the City's Comprehensive Plan documents. This bill is part of a larger package of Comprehensive Plan-related amendments.

• **Background:**

The Comprehensive Plan is a collection of goals and policies that guide City of Seattle actions for managing future population, housing, and employment growth to the year 2014. This year—2004—marks the ten-year anniversary of the Comprehensive Plan. As such, City planners have undertaken an update that involves changes to many sections of the Comprehensive Plan, including the Land Use goals and policies.

- *Please check one of the following:*

This legislation does not have any financial implications.

Attachment 1: Director's Report and Recommendation





City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

DIRECTOR'S REPORT AND RECOMMENDATION

Land Use Code amendments related to 2004 Comprehensive Plan Amendments.

Introduction

The Department of Planning and Development (DPD) is proposing several amendments to the Land Use Code in response to concurrent amendments to the Comprehensive Plan. The following proposed amendments will ensure future consistency between the Seattle Land Use Code and the City's Comprehensive Plan documents.

The Comprehensive Plan is a collection of goals and policies that guide City of Seattle actions for managing future population, housing, and employment growth to the year 2014. This year—2004—marks the ten-year anniversary of the Comprehensive Plan. As such, City planners have undertaken an update that involves changes to many sections of the Comprehensive Plan, including the Land Use goals and policies. Many of these changes involve references that are present in the Seattle Land Use Code, and not considered to be substantive in nature. The addition of language to the rezone criteria is substantive, and is describe below.

Proposal

This report presents a listing and brief explanation of the proposed amendments to the Land Use Code. It is organized so that it follows the order of the amendments as they appear in the legislation. The following is a section-by-section description of the proposed amendments:

Sections 1 and 2

5.72.020 Definitions.

5.73.020 Definitions.

These sections remove a reference to the Land Use Element that will no longer exist after Comprehensive Plan amendments are adopted in 2004.

Sections 3

23.34.008 General Rezone Criteria.

This section is amended to change a reference from growth "targets" to growth "estimates" consistent with amendments to the Comprehensive Plan. A second amendment adds a paragraph to the rezone criteria that indicates the City's policy to limit higher intensity zoning designations to urban villages.



Section 4

23.34.010 Designation of single-family zones.

Amendments to this section eliminate references to terms that are being removed from the Comprehensive Plan. These include "Appendix C of the Land Use Element" and the little-used "neighborhood anchor" designation.

Sections 5 and 6

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

These amendments eliminate references to terms that are being removed from the Comprehensive Plan

Section 7

23.71.001 Northgate Comprehensive Plan

These amendments repeal a section relating to the Northgate Comprehensive Plan while retaining references to the Northgate Overlay District.

Sections 8 and 9

23.84.30 "P"

23.84.31 "S"

Amendments in these sections eliminate references to "principal commercial streets", a little-used term that is being removed from the Comprehensive Plan.

Section 10

25.05.675 Specific environmental policies.

This section amends the City's environmental policies and procedures to eliminate references to Section B of the Land Use Element of the Comprehensive Plan.

Recommendation

The Director recommends approval of these proposed amendments.

Attachment 1 to Fiscal Note



STATE OF WASHINGTON – KING COUNTY

--SS.

180137
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

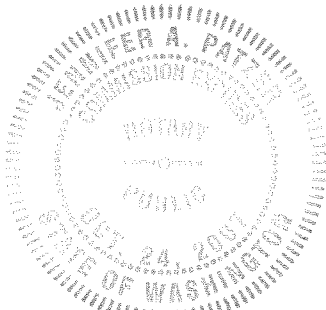
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:ORDINANCE 121700 FULL

was published on

12/22/2004



Affidavit of Publication

Joanna Salley
Subscribed and sworn to before me on
12/22/2004 *Jennifer Patzer*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121700

AN ORDINANCE relating to land use and zoning, amending Sections 5.72.020, 5.73.020, 23.34.008, 23.34.010, 23.34.020, 23.34.022, 23.71.001, 23.84.030, 23.84.036 and Section 25.05.675 of the Seattle Municipal Code to update references and adopt implementing regulations consistent with 2004 Comprehensive Plan amendments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 5.72.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 119237, is amended as follows:

5.72.020 Definitions.

L. "Urban village" as used in this chapter means a neighborhood that: (1) is within an area designated as either an urban center village, a hub urban village or a residential urban village in the ((Land Use Element of the)) City's Comprehensive Plan; and (2) meets the definition of an "urban center" as defined in RCW Section 84.14.010.

Section 2. Section 5.73.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121415, is amended as follows:

5.73.020 Definitions.

P. "Urban center" has the same meaning as "urban center" as defined in RCW 84.14.010, and for purposes of this chapter includes, among other areas, any neighborhood that is within an area designated as either an urban center village, a hub urban village or a residential urban village in the ((Land Use Element of the)) City's Comprehensive Plan.

Section 3. Section 23.34.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall ((be within the density ranges)) not be less than the densities established in ((Section A1 of the Land Use)) the Urban Village Element of the Comprehensive Plan.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

Section 4. Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.34.010 Designation of single-family zones.

B. Areas zoned single-family, or RSL which meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 only when all of the following conditions are met:

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

((2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the shortest distance, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4)2. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any zone up to and including Neighborhood Commercial 2/R-40 (NC2/R-40'); and

((5)3. If a property located within the North Beacon Residential Urban Village is being rezoned to the more intensive zones permitted in this subsection B4, the subject property is contiguous to an urban village commercial zone.

((C. Outside of urban villages, land that is zoned single-family and meets Land Use Code locational criteria for a single-family designated may be rezoned to zones more intense than SF 5000, only when all of the following conditions are met at the time of the proposed rezone:

1. The rezone is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995;

2. The neighborhood plan that provides for the rezone was developed for a planning area that does not contain an urban village, and has been included in a City-sponsored neighborhood planning program because of the presence of at least one distressed area;

3. The rezone is within one-quarter (1/4) mile of a designated neighborhood anchor;

a. Where a majority of the commercially zoned properties within one-quarter (1/4) mile of the anchor are undeveloped for commercial use or vacant; and

b. Where physical barriers other than streets, such as large greenbelt areas, limit the customer base from the surrounding single-family area;

4. The proposed zone designation is Lowrise Duplex/Triplex;

5. The change is made through a rezone procedure; and

6. The rezone is proposed in the following neighborhood plans that have been determined by the City Council to meet the conditions in subsection B of this section:

a. Delridge).

Section 5. Section 23.34.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 120694 is amended as follows:

23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:

a. Properties already zoned L3;

b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;

c. Properties within an urban center or village, except ((as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B1c shall not apply)) in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

2. Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

3. Other Criteria. The Lowrise 3 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established;

(b) Areas that are within an urban center or urban village, except ((as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B3a4(b) shall not apply)) in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

Section 6. Section 23.34.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 120694, is amended as follows:

23.34.022 Lowrise 4 (L4) zone, function and locational criteria.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L4 designation are limited to the following:

a. Properties already zoned L4;

b. Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established;

c. Properties within an urban center or urban village, except ~~(as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B1c shall not apply.)~~ in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezoning; and the development would serve a broad public purpose.

2. Properties designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established;

(b) Areas that are within an urban center or urban village, except ~~(as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B3a(4)(b) shall not apply.)~~ in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezoning; and the development would serve a broad public purpose.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) Properties in areas adjacent to concentrations of employment;

(2) Properties in areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) Properties with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) Properties with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

Section 7. Section 23.71.001 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is repealed.

Section 8. Section 23.84.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

23.84.030 "P"

~~("Principal commercial street." See "Street, principal commercial.")~~

Section 9. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.84.036 S.

~~("Street, principal commercial" means a street that has been identified as such through a Council-approved neighborhood plan for a designated urban center or urban village.)~~

Section 10. Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

25.05.675 Specific environmental policies.

G. Height, Bulk and Scale.

1. Policy Background.

a. The purpose of the City's adopted land use regulations is to provide for smooth transition between industrial, commercial, and residential areas, to preserve the character of individual city neighborhoods and to reinforce natural topography by controlling the height, bulk and scale of development.

b. However, the City's land use regulations cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. For example, unanticipated adverse impacts may occur when a project is located on a site with unusual topographic features or on a site which is substantially larger than the prevalent plating pattern in an area. Similarly, the mapping of the City's zoning designations cannot always provide a reasonable transition in height, bulk and scale between development in adjacent zones.

2. Policies.

a. It is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in ~~((Section C of the))~~ ~~Section B of the land use element of the Seattle ((comprehensive plan))~~ ~~Comprehensive Plan~~ regarding ~~((the System of Land Use Regulation))~~ ~~Land Use Categories~~, the shoreline goals and policies set forth in Section ~~((F))~~ ~~D-4 of the land use element of the Seattle ((comprehensive plan))~~ ~~Comprehensive Plan~~, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060 and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.

b. Subject to the overview policy set forth in SMC Section 25.05.665, the decision-maker may condition or deny a project to mitigate the adverse impacts of substantially incompatible height, bulk and scale. Mitigating measures may include but are not limited to:

- i. Limiting the height of the development;
- ii. Modifying the bulk of the development;
- iii. Modifying the development's facade including but not limited to color and finish material;
- iv. Reducing the number or size of accessory structures or relocating accessory structures including but not limited to towers, railings, and antennae;
- v. Repositioning the development on the site; and
- vi. Modifying or requiring setbacks, screening, landscaping or other techniques to offset the appearance of incompatible height, bulk and scale.

c. The Citywide design guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the design review process is presumed to comply with these height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision-maker pursuant to these height, bulk and scale policies on projects that have undergone design review shall comply with design guidelines applicable to the project.

J. Land Use.

1. Policy Background.

a. The City has adopted land use regulations that are designed, in part, to minimize or prevent impacts resulting from incompatible land use. However, the adopted Land Use Code (Title 23) cannot identify or anticipate all possible uses and all potential land use impacts. For example, adverse cumulative land use impacts may result when a particular use or uses permitted under the Zoning Code occur in an area to such an extent that they foreclose opportunities for higher-priority, preferred uses called for in Section ~~((C))~~ ~~B of the land use element of the ((comprehensive plan))~~ ~~Comprehensive Plan~~ and the shoreline goals and policies set forth in section ~~((F))~~ ~~D-4 of the land use element of the ((comprehensive plan))~~ ~~Comprehensive Plan~~.

b. Density-related impacts of development are addressed under the policies set forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) of this section and are not addressed under this policy.

2. Policies.

a. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section ~~((C))~~ ~~B of the land use element of the ((comprehensive plan))~~ ~~Comprehensive Plan~~ regarding ~~((the System of Land Use Regulation))~~ ~~Land Use Categories~~, and the shoreline goals and policies set forth in section ~~((F))~~ ~~D-4 of the land use element of the Seattle ((comprehensive plan))~~ ~~Comprehensive Plan~~ for the area in which the project is located.

b. Subject to the overview policy set forth in SMC Section 25.05.665, the decision-maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project or to achieve consistency with the applicable City land use regulations, the goals and policies set forth in Section ~~((C))~~ ~~B of the land use element of the Seattle ((comprehensive plan))~~ ~~Comprehensive Plan~~ regarding ~~((the System of Land Use Regulation))~~ ~~Land Use Categories~~, the shoreline goals and policies set forth in Section ~~((F))~~ ~~D-4 of the land use element of the Seattle ((comprehensive plan))~~ ~~Comprehensive Plan~~, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060 and 23.60.220, respectively, and the environmentally critical areas policies.

Section 11. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 12. 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 13th day of December, 2004, and signed by me in open session in authentication of its passage this 13th day of December, 2004.

JAN DRAGO,

President of the City Council.

Approved by me this 17th day of December, 2004.

GREGORY J. NICKELS,

Mayor.

Filed by me this 20th day of December, 2004.

(Seal) JUDITH PIPPIN,

City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 22, 2004.
12/22(180137)