

Ordinance No. 123025

Council Bill No. 116553

An ORDINANCE relating to land use, adding a new section 23.45.128 to the Seattle Municipal Code to permit medical service uses as administrative conditional uses in Highrise zones.

CF No. _____

Date Introduced:	<u>6-8-09</u>	
Date 1st Referred:	To: (committee)	Planning, Land Use & Neighborhoods (PLUNC)
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>6-29-09</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>6-30-09</u>		
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
<u>7-8-09</u>	<u>5</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]
Councilmember

Committee Action: LM

3-0 SC, TR, TB (6/24/09) PASSED AS Amended

6-29-09 PASD 9-0

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

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 123025

AN ORDINANCE relating to land use, adding a new section 23.45.128 to the Seattle Municipal Code to permit medical service uses as administrative conditional uses in Highrise zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.45.128 is added to the Seattle Municipal Code as follows:

23.45.128 Medical Service Uses

A. Medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.128.A as areas bounded by street lot lines).

B. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

C. Design review is required.

D. The development standards in Sections 23.45.068 through 23.45.076 do not apply to the portion of the structure occupied by medical service uses, which shall meet the following development standards:

1. The maximum height for the portions of structures containing medical office uses is 108 feet.



2. No width or depth limits apply to facades or portions of facades that are 45 feet or less in height.

3. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.128:

Table A for 23.45.128: Setback Requirements for Medical Office Uses

Elevation of Façade or Portion of Façade from Existing Grade	Setback on Street Frontages	Setback on Alley Frontages	Setback on shared lot lines
45' or less	7' average, 5' minimum	0	7' average, 5' minimum
More than 45' up to 108'	10' average, 7' minimum	10'	15' average, 10' minimum

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.110, no setback is required for the portion of the street façade that is 45' in height or less.

c. When properties abutting the site are developed to the side property line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level meeting the development standards of subsection 23.45.074.B. In addition to lot area meeting the development standards of 23.45.074.B, the following areas may be included in the calculation of required ground level open space:



1 a. Area in the public right-of-way of a designated green street abutting the
2 lot that is improved according to a plan approved by the Director, in consultation with the
3 Director of the Department of Transportation, except that the Director may waive the
4 requirement that the green street abut the lot and allow the improvements to be made to a green
5 street located in the general vicinity of the project, if such an improvement is determined to be
6 beneficial to the occupants of the project; and
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8 b. Landscaped area in the public right-of-way that abuts the required open
9 space on the lot, when the landscaping contributes to achievement of the Green Factor score
10 required pursuant to subsection 23.45.128.D.6.
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12 6. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to
13 the procedures set forth in Section 23.86.019, is required.

14 7. Parking shall be required as provided in Chapter 23.54. Parking shall be
15 located on the same site as the principal use, except for accessory off-site parking permitted
16 according to Section 23.45.166.
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18 8. The Director shall determine the location of access to parking. In order to
19 promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is
20 deemed appropriate, due to safety hazards, topography, or other special site conditions, the
21 number of curb cuts and the width of curb cuts, driveways, and garage openings shall be
22 minimized.
23

24 9. No surface area parking shall be provided, and no parking shall be located at or
25 above grade, unless it is separated from all street lot lines by another use.
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1 10. The preferred access to loading berths shall be from an alley if the lot abuts
2 an alley. Loading berths shall be located so that access to any residential parking is not blocked.

3 11. The Director shall determine the location of passenger load zones, based on
4 safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing
5 impacts on any nearby residential uses, and the efficient operation of the medical service use.

6 12. Exterior lighting shall be shielded and directed away from adjacent
7 properties.
8

9 13. Identifying signs shall be permitted according to Chapter 23.55, Signs.

10 E. For mixed use structures containing both medical service uses and residential uses, the
11 following development standards also apply:

12 1. The maximum width and depth limits in subsections 23.45.068.A and
13 23.45.068.B apply to any portion of the structure in residential use above 45 feet in height.
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15 2. Residential amenity areas shall be provided according to the provisions of
16 Section 23.47A.024. Open space required at ground level pursuant to subsection 23.45.128.D.5
17 may be included as residential amenity area if it meets the applicable development standards of
18 subsection 23.47A.024.B.

19 3. No landscaped open space is required in addition to the open space required in
20 subsection 23.45.128.D.5.
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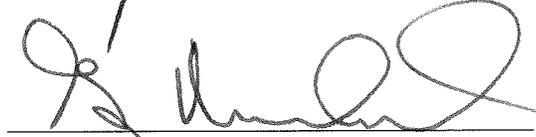
Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of June, 2009, and signed by me in open session in authentication of its passage this 29th day of June, 2009.



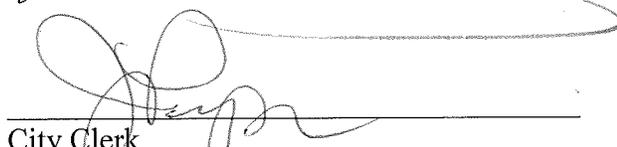
President _____ of the City Council

Approved by me this 8th day of July, 2009.



Gregory J. Nickels, Mayor

Filed by me this 8th day of July, 2009.



City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld	Not applicable

Legislation Title:

AN ORDINANCE relating to land use, adding a new section 23.45.128 to the Seattle Municipal Code to permit medical service uses as administrative conditional uses in highrise zones.

• **Summary of the Legislation:**

This legislation would amend the Land Use Code to permit the expansion of existing medical offices in Highrise zones as administrative conditional uses in certain limited circumstances. The only area in Seattle zoned Highrise is on First Hill, just east of downtown.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

This amendment would allow the expansion of existing medical offices that are located on the edge of the Highrise zone. Medical offices provide necessary services to Seattle residents, and also contribute to the economy by providing family-wage jobs. The proposal recognizes the benefits of medical office expansion, while setting conditions that minimize possible impacts on the surrounding neighborhood. The proposed conditions include limits on building height and bulk, required setbacks and open space, and a prohibition on development that would displace housing or that is part of a major institution.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*



The remainder of the proposed new code section provides development standards for proposed medical service uses. Such uses would be required to go through the design review process, which includes at least two public meetings before the local Design Review Board. Other proposed standards address the permitted height and bulk of the medical office use. The standards are based in part on the DPD's January 2009 recommendations for amending the multifamily chapter of the Land Use Code. For example, landscaping requirements would be met by using the "green factor" system, which provides a menu of landscaping elements to promote attractive and ecologically functional development.

The proposal would limit the base of a medical services structure to a height of 45 feet. Above that, the size of any story in medical service use would be limited to 60 percent of the area of the lot. The maximum height of a medical service use would be 108 feet (the base height limit for residential uses in Highrise zones is 160 feet, and a height of 240 feet can be achieved through provision of amenities such as open space and affordable housing). A minimum of 25 percent of the lot area would be required to be provided as landscaped open space at ground level, and setbacks would be required at the upper levels of the building. The proposed development standards are intended to limit the bulk of medical service uses while providing some flexibility to design a structure that complements existing neighborhood character. If housing is also provided on the lot, it would be required to meet the Highrise zone requirements for residential uses.

Recommendation

The proposed amendment provides existing medical offices not associated with major institutions the opportunity to expand and continue serving their patients and customers while preserving the highrise residential character of First Hill. Staff recommends adoption.

ORDINANCE _____

1
2 AN ORDINANCE relating to land use, adding a new section 23.45.128 to the Seattle Municipal
3 Code to permit medical service uses as administrative conditional uses in Highrise zones.

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. A new Section 23.45.128 is added to the Seattle Municipal Code as follows:

6 **23.45.128 Medical Service Uses**

7 A. Medical service uses occupying over 4,000 square feet may be permitted in Highrise
8 zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have
9 not been in residential use since January 1, 1989, and are located on a block that abuts a
10 Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose
11 of this subsection 23.45.128.A as areas bounded by street lot lines).

12
13 B. In order to approve a medical service use, the Director must determine that the
14 medical service use is an expansion of an existing medical service business establishment in the
15 immediate vicinity that is not a major institution.

16 C. Design review is required.

17
18 D. The development standards in Sections 23.45.068 through 23.45.76 do not apply to
19 the portion of the structure occupied by medical service uses, which shall meet the following
20 development standards:

21 1. The maximum height for the portions of structures containing medical office
22 uses is 108 feet.

23 2. No width or depth limits apply to facades or portions of facades that are 45 feet
24 or less in height.
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1 3. The average of the gross floor area of stories in medical service use above 45
2 feet in height shall not exceed 60 percent of the area of the lot.

3 4. The maximum width and depth limits in subsections 23.45.068.A and
4 23.45.068.B apply to any portion of the structure in residential use above 45 feet in height.

5 5. Setbacks

6 a. Setbacks shall be required as shown on Table A for 23.45.128:

7
8 Table A for 23.45.128: Setback Requirements for Medical Office Uses

Elevation of Façade or Portion of Façade from Existing Grade	Setback on Street Frontages	Setback on Alley Frontages	Setback on shared lot lines
45' or less	7' average, 5' minimum	0	7' average, 5' minimum
More than 45' up to 108'	10' average, 7' minimum	10'	15' average, 10' minimum

14
15 b. If the ground floor of a street facade is in use as a child care center,
16 community center, or commercial use permitted on the ground floor by Section 23.45.110, no
17 setback is required for the portion of the street façade that is 45' in height or less.

18 c. When properties abutting the site are developed to the side property
19 line, portions of the proposed development that are 45 feet in height or less may be joined to the
20 abutting structure.

21
22 6. A minimum of 25 percent of the lot area shall be provided as landscaped open
23 space at ground level meeting the development standards of subsection 23.45.074.B.

24
25 7. If any portion of the structure is in residential use, residential amenity areas
26 shall be provided according to the provisions of Section 23.47A.024.



1 8. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to
2 the procedures set forth in Section 23.86.019, is required.

3 9. Parking shall be required as provided in Chapter 23.54. Parking shall be
4 located on the same site as the principal use, except for accessory off-site parking permitted
5 according to Section 23.45.166.

6 10. The Director shall determine the location of access to parking. In order to
7 promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is
8 deemed appropriate, due to safety hazards, topography, or other special site conditions, the
9 number of curb cuts and the width of curb cuts, driveways, and garage openings shall be
10 minimized.
11

12 11. No surface parking shall be provided, and no parking shall be located at or
13 above grade, unless it is separated from all street lot lines by another use.

14 12. Loading berths shall be accessed from an alley if the lot abuts an alley, and
15 located so that access to any residential parking is not blocked.
16

17 13. Exterior lighting shall be shielded and directed away from adjacent
18 properties.
19

20 14. Identifying signs shall be permitted according to Chapter 23.55, Signs.
21

22 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
23 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
24 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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Passed by the City Council the ____ day of _____, 2009, and
signed by me in open session in authentication of its passage this
____ day of _____, 2009.

President _____ of the City Council

Approved by me this ____ day of _____, 2009.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2009.

City Clerk

(Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

241761
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.

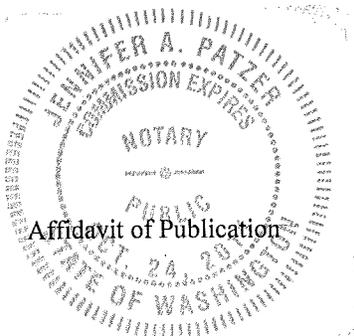
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123025 ORDINANCE

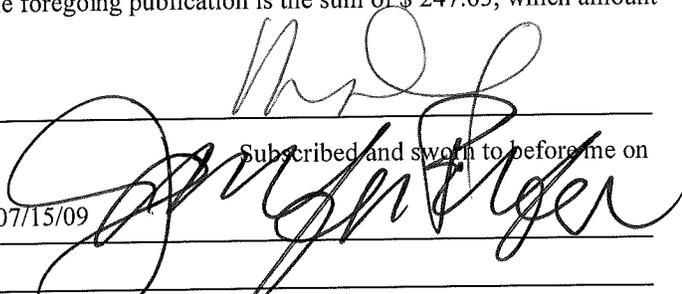
was published on

07/15/09

The amount of the fee charged for the foregoing publication is the sum of \$ 247.63, which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on
07/15/09
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123025

AN ORDINANCE relating to land use, adding a new section 23.45.128 to the Seattle Municipal Code to permit medical service uses as administrative conditional uses in Highrise zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.45.128 is added to the Seattle Municipal Code as follows:

23.45.128 Medical Service Uses

A. Medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.128.A as areas bounded by street lot lines).

B. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

C. Design review is required.

D. The development standards in Sections 23.46.068 through 23.46.076 do not apply to the portion of the structure occupied by medical service uses, which shall meet the following development standards:

1. The maximum height for the portions of structures containing medical office uses is 108 feet.

2. No width or depth limits apply to facades or portions of facades that are 45 feet or less in height.

3. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.128:

Table A for 23.45.128: Setback Requirements for Medical Office Uses

Elevation of Façade or Portion of Façade from Existing Grade -- Setback on Street Frontages -- Setback on Alley Frontages -- Setback on shared lot lines

45' or less -- 7' average, 5' minimum -- 0' -- 7' average, 5' minimum

More than 45' up to 108' -- 10' average, 7' minimum -- 10' -- 15' average, 10' minimum

b. If the ground floor of a street façade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.110, no setback is required for the portion of the street façade that is 45' in height or less.

c. When properties abutting the site are developed to the side property line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level meeting the development standards of subsection 23.45.074.B. In addition to lot area meeting the development standards of 23.45.074.B, the following areas may be included in the calculation of required ground level open space:

a. Area in the public right-of-way of a designated green street abutting the lot that is improved according to a plan approved by the Director, in consultation with the Director of the Department of Transportation, except that the Director may waive the requirement that the green street abut the lot and allow the improvements to be made to a green street located in the general vicinity of the project, if such an improvement is determined to be beneficial to the occupants of the project; and

b. Landscaped area in the public right-of-way that abuts the required open space on the lot, when the landscaping contributes to achievement of the Green Factor score required pursuant to subsection 23.45.128.D.6.

6. Landscaping that achieves a Green Factor score of 30 or greater, pursuant to the procedures set forth in Section 23.86.019, is required.

7. Parking shall be required as provided in Chapter 23.54. Parking shall be located on the same site as the principal use, except for accessory off-site parking permitted according to Section 23.45.166.

8. The Director shall determine the location of access to parking. In order to promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is deemed appropriate, due to safety hazards, topography, or other special site conditions, the number of curb cuts and the width of curb cuts, driveways, and garage openings shall be minimized.

9. No surface area parking shall be provided, and no parking shall be located at or above grade, unless it is separated from all street lot lines by another use.

10. The preferred access to loading berths shall be from an alley if the lot abuts an alley. Loading berths shall be located so that access to any residential parking is not blocked.

11. The Director shall determine the location of passenger load zones, based on safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing impacts on any nearby residential uses, and the efficient operation of the medical service use.

12. Exterior lighting shall be shielded and directed away from adjacent properties.

13. Identifying signs shall be permitted according to Chapter 23.55, Signs.

E. For mixed use structures containing both medical service uses and residential uses, the following development standards also apply:

1. The maximum width and depth limits in subsections 23.45.068.A and 23.45.068.B apply to any portion of the structure in residential use above 45 feet in height.

2. Residential amenity areas shall be provided according to the provisions of Section 23.47A.024. Open space required at ground level pursuant to subsection 23.45.128.D.5 may be included as residential amenity area if it meets the applicable development standards of subsection 23.47A.024.B.

3. No landscaped open space is required in addition to the open space required in subsection 23.45.128.D.5.

Section 2. 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 29th day of June, 2009, and signed by me in open session in authentication of its passage this 29th day of June, 2009.

Richard Conlin

President of the City Council

Approved by me this 8th day of July, 2009.

Gregory J. Nickols, Mayor

Filed by me this 8th day of July, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, July 15, 2009.

7/15(241761)