

Ordinance No. 124305

The City of Seattle – Legislative Department

Council Bill No. 117854

Council Bill/Ordinance sponsored by: Richard Conlin

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

Committee Action:

Date	Recommendation	Vote
9/19/13	pass as amended	2-0 RC, MO 1 abstention, NL

Related Legislation File: CF3189

This file is complete and ready for presentation to Full Council. RC 9/19/13

Date Introduced and Referred: 7-22-13 8-5-13	To: (committee): Planning Land Use and Sustainability Committee
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 9/30/13	Date Presented to Mayor: 10/1/13
Date Signed by Mayor: 10/8/13	Date Returned to City Clerk: 10/8/13
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

Full Council Action:

Date	Decision	Vote
Sept. 30, 2013	Passed	8-1 (Opposed: Clark)

Law Department

CITY OF SEATTLE
ORDINANCE 124305
COUNCIL BILL 117854

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.178 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.178 Pioneer Square Mixed, structure height

* * *

C. In the PSM 100/100-120 zone, a structure within which a streetcar maintenance base has been established by a Master Use Permit (MUP) decision issued before May 31, 2013, may attain a maximum height of 130 feet ((if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet.))and the space identified for the streetcar maintenance base in the MUP decision may be changed to other uses permitted in the zone if the following conditions are met:

1. The structure has in residential use, gross floor area equal to the greater of: the gross floor area in the structure above 100 feet, or three times the average gross floor area per story of all stories in the structure;

2. Within the time period specified in the ordinance introduced as Council Bill 117854, the MUP holder acquires and installs a new free-standing manufactured public restroom in the Pioneer Square Preservation District, as shown on Map A for 23.66.100, that meets ADA requirements and City-approved standards;



1 3. The public restroom is connected to City water and sewer mains; and

2 4. The public restroom complies with all applicable permitting requirements

3 including a Certificate of Approval issued by the Pioneer Square Preservation Board.

4 * * *

5 Section 2. Subsection 23.66.140.C.4.j of the Seattle Municipal Code, which section was
6 last amended by Ordinance 123034 is amended as follows:

7 **23.66.140 Height**

8 * * *

9 C. Rooftop ~~((F))~~ features and additions to structures ~~((:))~~

10 * * *

11 4. Height limits for rooftop features ~~((:))~~

12 * * *

13 j. Enclosed ~~((R))~~ rooftop ~~((Common Recreation Areas))~~ recreational spaces
14 for ~~((N))~~ new ~~((S))~~ structures

15 1) If included on new structures, enclosed rooftop ~~((common~~
16 ~~recreation areas))~~ recreational spaces and solar collectors ~~((incorporated into those areas and~~
17 ~~required under this subsection))~~ may exceed the maximum height limit by up to 15 feet. The
18 ~~((structure must))~~ applicant shall: ~~((include solar collectors that provide 2 percent or more of the~~
19 ~~structure's total electrical energy consumption))~~ make a commitment to achieve a LEED Gold
20 rating or better or meet a substantially equivalent standard and demonstrate compliance with that
21 commitment according to the provisions of subsections 23.48.025.A through 23.48.025.D, and
22 ~~((the structure must))~~ meet a Green Factor requirement of .30 or greater ~~((, in accordance~~
23 ~~with))~~ according to the provisions of Section 23.86.019. Each enclosed rooftop ~~((common~~
24 ~~recreation area))~~ recreational space ~~((must))~~ shall include interpretive signage explaining the
25 sustainable features employed on or in the structure ~~((where that area is located)).~~ ~~((No~~
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1 Director of Planning and Development determines that the Master Use Permit (MUP) holder has
2 acquired and installed the public restroom provided for in subsection 23.49.178.C; or based on
3 the criteria provided for in this Section 3, the Director has granted an extension of the time
4 period and the permit holder has complied with subsection 23.49.178.C within the extended time
5 period. The Director shall, six months and one day after the effective date of this Ordinance; or
6 one day after the end of the extended time period, if any; determine if the MUP holder has or has
7 not acquired and installed the public restroom provided for in subsection 23.49.178.C. The
8 Director shall mail to the MUP holder and file with the City Clerk written documentation that the
9 MUP holder has or has not acquired and installed the public restroom. An extension shall be
10 based upon the MUP holder demonstrating to the Director's satisfaction that performance within
11 the time specified was prevented by inability to obtain necessary materials or labor, inability to
12 acquire the restroom structure, or other circumstances related to acquiring or installing the
13 restroom structure that were beyond the control of the MUP holder. If the Director grants an
14 extension, the Director shall mail to the MUP holder and file with the City Clerk written
15 documentation that an extension was granted. The Director shall not grant an extension beyond
16 November 1, 2014.

17 Section 4. Severability. The provisions of this ordinance are declared to be separate and
18 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of
19 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
20 affect the validity of the remainder of this ordinance, or the validity of its application to other
21 persons or circumstances.

22 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

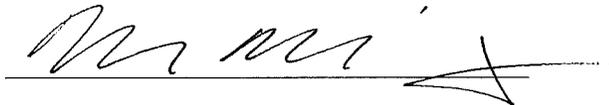


1 Passed by the City Council the 30th day of September, 2013, and
2 signed by me in open session in authentication of its passage this
3 30th day of September, 2013.

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5 

6 President _____ of the City Council

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9 Approved by me this 8th day of October, 2013.

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12 Michael McGinn, Mayor

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14 Filed by me this 8th day of October, 2013.

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16 

17 Monica Martinez Simmons, City Clerk

18 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Kristian Kofoed / 233-7191	Melissa Lawrie / 684-5805

Legislation Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

Summary of the Legislation: The proposal would allow a public restroom facility to be provided in return for an applicant maintaining an existing permit for a building with 130 feet in height. Existing provisions for green building performance and roof-top features would also be amended.

Background:

The City Council adopted amendments to the Land Use Code in 2007 that increased the allowable height of a building, in the Pioneer Square Mixed zone in return for an applicant's provision of a public benefit, accommodating a streetcar maintenance base in the building. The height increase was conditioned on vesting to that use (the maintenance base). It was subsequently decided that King County Metro's streetcar maintenance base was to be sited outside that zone. Therefore, even though an applicant had vested to the use (and thus to the increased height) there was no longer a need for the maintenance base at this location. To give recourse to the applicant, DPD is now proposing that an applicant provide a different public benefit (a public restroom) and retain the increased height to which they are vested. Other amendments are proposed to clarify roof top use and metrics for green building construction.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
The Department of Finance and Administrative Services (FAS) will own the public restroom facility. A lease agreement is being negotiated between FAS and the Pioneer Square Business Improvement Association (BIA) who will be responsible for

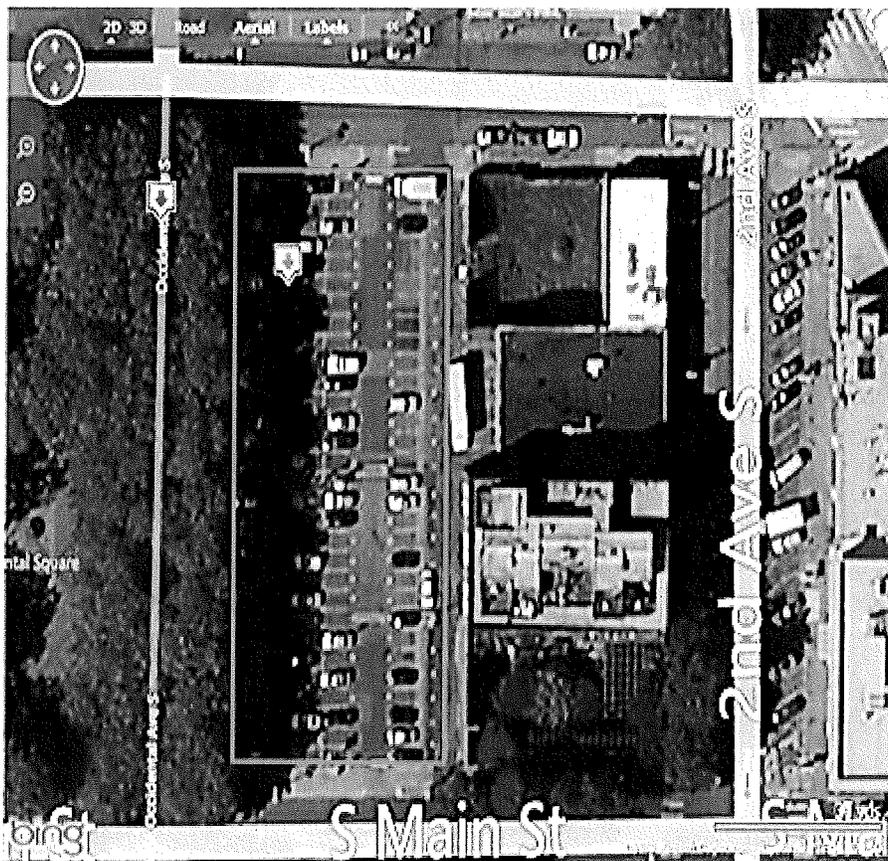


maintenance. In the unlikely event that the BIA should not be able to meet its maintenance responsibilities, there could be indirect financial implications for FAS.

- b) What is the financial cost of not implementing the legislation?**
Existing costs of cleaning up human waste in the Pioneer Square area will remain or increase.
- c) Does this legislation affect any departments besides the originating department?**
As noted above, FAS will own the facility. SDOT will manage the street use permit process for the facility, which is likely to be installed in the right-of-way in Pioneer Square. The staff contacts are Chris Potter (FAS) and Brian dePlace and Angela Steel (SDOT).
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
n/a
- e) Is a public hearing required for this legislation?**
Yes. A public hearing will be held by City Council. The Alliance for Pioneer Square held a community meeting in May 2013. SDOT will post required notice of any street use permit needed for the proposed facility.
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Publication of SEPA for this legislation was included in the Daily Journal of Commerce.
- g) Does this legislation affect a piece of property?**
One Master Use Permit would qualify under this amendment. A map of 200 Occidental (outlined in green) is attached. The map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.
- h) Other Issues:** None.

List attachments to the fiscal note below:

Map of 200 Occidental (outlined in green) is on the following page and is attached in this fiscal note.





City of Seattle
Office of the Mayor

July 9, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill to identify a means whereby the Pioneer Square community can foster greater civility and implement a long-desired project on a parking lot. The legislation establishes a public benefit (provision of a public restroom) in addition to the benefits of new development on a key site next to Occidental Park.

The City Council adopted amendments to the Land Use Code in 2007 that increased the allowable height of a Pioneer Square building in return for accommodating a streetcar maintenance base in that building. It was subsequently decided that King County Metro's streetcar maintenance base was to be sited at another location. I am now proposing that the development go forward, retain the increased height that has been previously approved and provide a public restroom. Other amendments are proposed to provisions for roof top penthouse allowances and rigorous green building construction requirements.

Please join me in supporting these amendments in support of the public safety and civility measures called for by the Pioneer Square neighborhood in their *Pioneer Square 2015 - A Strategy for Seattle's First Neighborhood*, a plan emphasizing economic vitality. I believe we can work together to creatively solve a long-standing need for a well-maintained and monitored public restroom as well as an important investment in Seattle's first neighborhood.

Thank you for your consideration of this legislation. Should you have questions, please contact Kristian Kofoed at (206) 233-7191 or Gary Johnson at (206) 615-0587, at the Department of Planning and Development.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117854

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

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1. The structure has in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet;

2. Within the time period specified in the ordinance introduced as Council Bill 117854, the MUP holder acquires and installs a new free-standing manufactured public restroom in the Pioneer Square Preservation District, as shown on Map A for 23.66.100, that meets ADA requirements and City-approved standards;

1 ~~commercial~~) Commercial, residential, or industrial ~~((use may))~~ uses shall not be established
2 within enclosed rooftop ~~((common recreational areas))~~ recreational spaces that are allowed to
3 exceed the maximum height limit under this subsection 23.66.140.C.4.j.

4 2) Elevator penthouses serving an enclosed rooftop
5 ~~((common recreation area))~~ recreational space may exceed the maximum height limit by up to 20
6 feet.

7 3) Enclosed rooftop ~~((common recreation~~
8 ~~areas))~~ recreational spaces, mechanical equipment, and elevator and stair penthouses shall not
9 exceed 35 percent of the roof area.

10 4) Enclosed rooftop ~~((common recreation~~
11 ~~areas))~~ recreational spaces, mechanical equipment, and elevator and stair penthouses ~~((must))~~
12 shall be set back a minimum of 30 feet from ~~((the street))~~ all streets and three feet from ~~((the~~
13 ~~alley))~~ all alleys. Solar collectors ~~((must))~~ shall be set back as provided in subsections
14 23.66.140.C.4.c and 23.66.140.C.4.d.

15 5) Owners of structures with enclosed rooftop ~~((common~~
16 ~~recreation areas))~~ recreational spaces permitted pursuant to this subsection 23.66.140.C.4.j shall
17 submit to the Director, the Pioneer Square Preservation Board, and the Director of
18 Neighborhoods ~~((and the Director of the Department of Planning and Development an annual))~~ a
19 report ~~((, beginning one year after the date of first occupancy of such structure,))~~ documenting
20 compliance with the ~~((minimum renewable energy generation))~~ LEED Gold rating commitment
21 and ~~((green))~~ Green ~~((factor))~~ Factor ~~((criteria))~~ requirements set forth above.

22 * * *

23 Section 3. The amendments to Seattle Municipal Code subsection 23.49.178.C in Section
24 1 of this Ordinance shall be deemed to be automatically repealed without subsequent Council
25 action six months from the effective date of this Ordinance unless before the repeal date, the
26

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2 acquired and installed the public restroom provided for in subsection 23.49.178.C; or based on
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Passed by the City Council the ____ day of _____, 2013, and
signed by me in open session in authentication of its passage this
____ day of _____, 2013.

President _____ of the City Council

Approved by me this ____ day of _____, 2013.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

303586

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

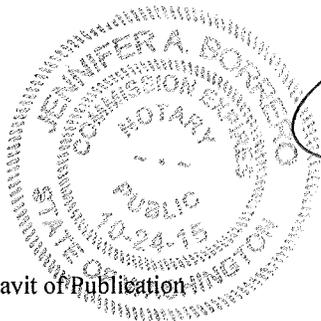
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124304-320 TITLE ONLY

was published on

10/17/13

The amount of the fee charged for the foregoing publication is the sum of \$272.25 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/17/2013

Notary public for the State of Washington,
residing in Seattle

City of Seattle

The full text of the following legislation, passed by the City Council on September 30, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124304

AN ORDINANCE repealing Chapter 6.255, relating to the distribution of yellow pages phone books, and amending Section 6.202.280 of the Seattle Municipal Code.

ORDINANCE NO. 124305

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

ORDINANCE NO. 124306

AN ORDINANCE establishing a five-year SoDo (South of Downtown) Parking and Business Improvement Area; levying special assessments upon owners of property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; and ratifying and confirming certain acts related thereto.

ORDINANCE NO. 124307

AN ORDINANCE relating to land use and zoning, amending Section 23.45.516 of the Seattle Municipal Code to modify the criteria for lots eligible for additional height in Midrise zones.

ORDINANCE NO. 124308

AN ORDINANCE relating to City real property; authorizing the transfer of jurisdiction of certain property in Block 1, Wenzel Addition to the City of Seattle, commonly referred to as 1125 North 98th Street, from the Department of Information Technology to the City Light Department for electric system purposes; and authorizing the payment of true and full value by the City Light Department to the Department of Information Technology for this transfer.

ORDINANCE NO. 124309

AN ORDINANCE related to the 2013 Budget; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2013-2018 CIP; creating positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

State of Washington, King County

ORDINANCE NO. 124310

AN ORDINANCE authorizing, in 2013, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Seattle Police Department, Human Services Department, Department of Planning and Development, Department of Parks and Recreation, Department of Finance and Administrative Services, Department of Transportation, Seattle City Light, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124311

AN ORDINANCE authorizing acceptance of donations from public and private sources in support of University District planning efforts, and increasing appropriation authority in the 2013 Adopted Budget contingent upon receipt of said donations; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124312

AN ORDINANCE relating to rental registration and inspection; amending the title of Chapter 22.214 and Sections 22.214.010, 22.214.020, 22.214.030, 22.214.040, 22.214.045, 22.214.050, 22.214.060, 22.214.080, and 22.214.085; amending previously non-codified section 16 of Ordinance 124011; and adding new sections 22.214.086 and 22.214.087.

ORDINANCE NO. 124313

AN ORDINANCE relating to Seattle Public Utilities; prohibiting certain recyclable materials from disposal in commercial garbage; and amending subsections A and B of Section 21.36.082 of the Seattle Municipal Code.

ORDINANCE NO. 124314

AN ORDINANCE authorizing the Director of Finance and Administrative Services to enter into a lease agreement with the Port of Seattle, a Washington municipal corporation, for yard space to store jet grout spoils from the Elliott Bay Seawall Project, and ratifying and confirming certain prior acts.

ORDINANCE NO. 124315

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of the Department of Finance and Administrative Services to execute an amendment to a lease last authorized by Ordinance 122662, extending the City's lease of office space at 220 Third Avenue South in Seattle from PTL Property LP; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124316

AN ORDINANCE authorizing the Director of Finance and Administrative Services to enter into a lease agreement with Block 24 Seattle, LTD, L.P. for office space

in the Bank of America Fifth Avenue Plaza, for office use by various City Departments.

ORDINANCE NO. 124317

AN ORDINANCE relating to City employment; authorizing the execution of a memorandum of understanding between the City of Seattle, City Light Department and the International Brotherhood of Electrical Workers, Local 77; and ratifying and confirming prior acts.

ORDINANCE NO. 124318

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Seattle Police Dispatchers' Guild to be effective January 1, 2012 through December 31, 2013; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124319

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2013 Employment Ordinance; designating positions as exempt from Civil Service status, amending Seattle Municipal Code Section 4.13.010, renaming a discretionary pay program, and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

ORDINANCE NO. 124320

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 17, 2013.
10/17(303586)