

ORDINANCE No. 112539

Law Department

COUNCIL BILL No. 105170

WV

The City of

AN ORDINANCE relating to zoning and land use; amending the following sections of the Seattle Municipal (Land Use) Code to establish development standards for public schools; Sections 23.44.06, 23.44.16, 23.44.17, 23.44.22, 23.45.90, 23.45.92, 23.45.94, 23.45.96, 23.45.98, 23.45.100, 23.45.112, 23.45.122, 23.54.30, 23.78.02, 23.78.06, 23.78.10, 23.78.12, 23.78.14, 23.78.16, 23.78.18, 23.78.20, 23.78.22, 23.78.24, 23.78.26, 23.78.28, 23.79, 23.84.02, 23.84.30, 23.86.06, 24.24.010, 24.30.020.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: <u>OCT 14 1985</u>	By: <u>Street</u>
Referred: <u>OCT 14 1985</u>	To: <u>Land Use</u>
Referred: <u>10-28-85</u>	To: <u>Full Council</u>
Referred: <u>11-4-85</u>	To: <u>Add 1 week</u>
Reported: <u>NOV 12 1985</u>	Second Reading: <u>NOV 12 1985</u>
Third Reading: <u>NOV 12 1985</u>	Signed: <u>NOV 12 1985</u>
Presented to Mayor: <u>NOV 13 1985</u>	Approved: <u>NOV 22 1985</u>
Returned to City Clerk: <u>NOV 22 1985</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

10-28-85 Add one week

for Reconsideration

REC'D CIVIL RIGHTS DIV.

Attachment

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on

Land Use

referred the within Council Bill No.

105170

we have considered the same and respectfully recommend that the same:

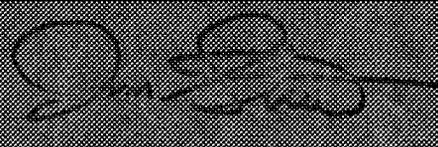
Do Pass

W. Hudson

10/17/85

Vote 8-0

for consideration



Committee Chair

JEF:pm
10/25/85
X:ORD2.

ORDINANCE 112539

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2
3 AN ORDINANCE relating to zoning and land use; amending sections
4 23.44.06, 23.44.16, 23.44.22, 23.45.90, 23.45.102,
5 23.45.122, 23.54.30, 23.84.02, 23.84.30, 23.86.06,
6 24.24.010, 24.30.020, adding new sections 23.44.17 and
7 23.44.112; and adding a new chapter 23.79 to the Seattle
8 Municipal (Land Use) Code to establish siting and
9 development standards for public schools.

10 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

11 Section 1. Section 23.44.06 of the Seattle Municipal Code
12 is amended to add a new subsection G to read as follows:

13 Section 23.44.06 Principal Uses Permitted Outright.

14 * * *

15 G. Public Schools Meeting Development Standards.

16 New public schools or additions to existing public schools
17 and accessory uses including daycare centers shall be
18 permitted in all single-family zones subject to the special
19 development standards and departures from standards
20 contained in Section 22.44.17. Departures from development
21 standards may be permitted or required pursuant to
22 procedures and criteria established in Chapter 23.79,
23 Development Standard Departure for Public Schools.

24 H. Uses in Existing or Former Public Schools:

25 1. Daycare centers, preschools, public or private
26 schools, educational and vocational training for the
27 disabled, adult evening education classes, nonprofit
28 libraries, community centers, community programs for
the elderly or similar uses shall be permitted in
existing or former public schools.

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2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.
 3. Additions to existing public schools may be made only when the proposed use of the addition is a public school.

9 Section 2. Subsection D of Section 23.44.16 of the Seattle Municipal Code is amended to read as follows:

10 Section 23.44.16 Parking.

11 * * *

12 D. Location of Parking on Lot.

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1. Except for public school use, parking may be located
 - a. Within the principal structure, or
 - b. In the side or rear yard except a required side yard abutting a street or the first ten feet of a required rear yard abutting a street.
 2. Parking shall not be located in the required front yard except as provided in subsections D3, D4, D5 and D6.
 3. Lots With Uphill Front Yards
Accessory parking for one two-axle or one up-to-four wheeled vehicle may be established in a required front yard when the following conditions are met:
 - a. The existing grade of the lot slopes upward from the street lot line an average of at least six feet above sidewalk grade at a line which is ten feet from the front lot line; and

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- b. The parking area or floor of a private garage shall be at least an average of six feet below the existing grade prior to excavation and/or construction at a line which is ten feet from the front lot line; and
 - c. Access to parking is permitted through the required front yard by subsection B, Exhibit 23.44.16A.

* * *

Section 3. Chapter 23.44 of the Seattle Municipal Code is amended to add a new section 23.44.17 to read as follows:

Section 23.44.17 Development Standards for Public Schools.

Public schools shall be subject to the following development standards:

A. Maximum lot coverage.

- 1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures shall not exceed forty-five percent of the lot area for one-story structures or thirty-five percent of the lot area if any structure or portion of a structure has more than one story.
- 2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted shall not exceed the greater of the following:
 - a. The lot coverage permitted in Subsection A1, or
 - b. The lot coverage of the former school structures on the site provided that the height of the new structure or portion of structure is no greater than that of the former structures as regulated

1 in Section 23.86.06E, and at least fifty percent
2 of the footprint of the new principal structure
3 is constructed on a portion of the lot formerly
4 occupied by the footprint of the former principal
5 structure.

6 3. Development standard departure may be granted or
7 required pursuant to the procedures and criteria set
8 forth in Chapter 23.79. Up to fifty-five percent lot
9 coverage may be allowed for single-story structures,
10 and up to forty-five percent lot coverage for
11 structures of more than one story. Lot coverage
12 restrictions may be waived by the Director when waiver
13 would contribute to reduced demolition of residential
14 structures.

15 4. The exceptions to lot coverage set forth in Subsection
16 23.44.10D shall apply.

17 B. Height.

18 1. For new public school construction on new public
19 school sites, the maximum permitted height shall be
20 thirty feet.

21 2. For new public school construction on existing public
22 school sites, the maximum permitted height shall be
23 thirty-five feet plus fifteen feet for a pitched roof.
24 All parts of the roof above the height limit must be
25 pitched at a rate of not less than three to twelve.
26 No portion of a shed roof shall be permitted to extend
27 beyond the thirty-five foot height limit under this
28 provision.

 3. For additions to existing public schools on existing
public school sites, the maximum height permitted
shall be the height of the existing school or thirty-

1 five feet plus fifteen feet for a pitched roof,
2 whichever is greater. When the height limit is
3 thirty-five feet, the ridge of the pitched roof on a
4 principal structure may extend up to fifteen feet
5 above the height limit, and all parts of the roof
6 above the height limit must be pitched at a rate of
7 not less than three to twelve. No portion of a shed
8 roof shall be permitted to extend beyond the thirty-
9 five foot height limit under this provision.

10 4. Development standard departure may be granted or
11 required pursuant to the procedures and criteria set
12 forth in Chapter 23.79. For construction of new
13 structures on new and existing public school sites to
14 the extent not otherwise permitted outright, maximum
15 height which may be granted as a development standard
16 departure shall be thirty-five feet plus fifteen feet
17 for a pitched roof for elementary schools and sixty
18 feet plus fifteen feet for a pitched roof for
19 secondary schools. The standards for roof pitch at
20 paragraph 3 shall apply. All height maximums may be
21 waived by the Director when waiver would contribute to
22 reduced demolition of residential structures.

23 5. The provisions of subsection 23.44.12B regarding
24 pitched roofs and sloped lots and the exemptions of
25 subsection 23.44.12C shall apply.

26 C. Setbacks.

27 1. General Requirements:

28 a. No setbacks shall be required for new public
 school construction or for additions to existing
 public school structures for that portion of the
 site across a street or an alley or abutting a

1 lot in a non-residential zone. When any portion
2 of the site is across a street or an alley from
3 or abuts a lot in a residential zone, setbacks
4 shall be required for areas facing or abutting
5 residential zones, as provided in subsections C2
6 through C5 below. Setbacks for sites across a
7 street or alley from or abutting lots in
8 Residential-Commercial (RC) zones shall be based
9 upon the residential zone classification of the
10 RC lot.

- 11 b. The minimum setback requirement may be averaged
12 along the structure facade with absolute minimums
13 for areas abutting lots in residential zones as
14 provided in subsections C2(b), C3(b) and C4(b).
- 15 c. Trash disposals, openable windows in a gymnasium,
16 main entrances, play equipment, kitchen ventilators
17 or other similar items shall be located at least
18 thirty feet from any single family zoned lot and
19 twenty feet from any multi-family zoned lot.
- 20 d. The exceptions of Subsections 23.44.14D 4, 5, 6,
21 8, 9, 10, 11, and 12 shall apply.

22 2. New Public School Construction on New Public School
23 Sites:

- 24 a. New public school construction on new public
25 school sites across a street or alley from lots
26 in residential zones shall provide minimum
27 setbacks according to the facade height of the
28 school and the designation of the facing
residential zone, as follows:

Minimum Setbacks

Facade Height ¹	Zone from which Across			
	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

- b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

Minimum Setbacks

Facade Height ¹	Abutting Zone			
	SF/L1	L2/L3	MR	HR
	Average (minimum)			
Up to 20'	20' (10')	15' (10')	10' (5')	0'
21' to 35'	20' (10')	15' (10')	10' (5')	0'
36' to 50'	25' (10')	20' (10')	10' (5')	0'
51' or more	30' (15')	25' (10')	15' (5')	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

- a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

Mininum Setbacks

Facade Height ¹	Zone from which Across			
	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

- b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Mininum Setbacks

Abutting Zone

Facade Height ¹	SF/L1	L2/L3	MR	HR
	Average (mininum)			
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	20' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites.

- a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according

1 to the facade height of the school and the
 2 designation of the facing residential zone as
 3 follows, whichever is less:

Minimum Setbacks				
Facade Height ¹	Zone from which Across			
	SF/L1	L2/L3	MR	HR
Average				
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

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¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone as follows, whichever is less:

Minimum Setbacks				
Facade Height ¹	Abutting Zone			
	SF/L1	L2/L3	MR	HR
Average (minimum)				
Up to 20'	10' (5')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (5')	10' (5')	10' (5')	0' (0')
36' to 50'	20' (10')	20' (10')	10' (5')	0' (0')
51' or more	25' (10')	25' (10')	15' (5')	0' (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

1 a. The minimum average setback may be reduced to ten
2 feet and the minimum setback to five feet for
3 structures or portions of structures across a
4 street or alley from lots in residential zones.

5 b. The minimum average setback may be reduced to
6 fifteen feet and the minimum setback to five feet
7 for structures or portions of structures abutting
8 lots in residential zones.

9 c. The limits in subsections a and b may be waived
10 by the Director when waiver would contribute to
11 reduced demolition of residential structures.

12 D. Structure Width.

13 1. When a new public school structure is built on a new
14 public school site or on an existing public school
15 site, the maximum width of a structure shall be
16 sixty-six feet unless either the modulation option in
17 Subsection a below or the landscape option in
18 Subsection b below is met.

19 a. Modulation option

20 Facades shall be modulated according to the
21 following provisions:

22 (1) The minimum depth of modulation shall be
23 four feet.

24 (2) The minimum width of modulation shall be
25 twenty percent of the total structure width
26 or ten feet, whichever is greater.

27 b. Landscape option

28 The yards provided by the required setbacks shall
 be landscaped as follows:

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(1) One tree and three shrubs are required for each three hundred square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet of the area may be substituted for required plantings on a one tree to one tree or one shrub to one shrub basis if the minimum standards in Section 23.86.22, Measurements, are met, except that shrub height need not exceed two feet at any time. In order to give credit for large existing trees, a tree may count as one required tree for every three hundred square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one basis. All street trees shall be planted according to City of Seattle Board of Public Works tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

1 (7) The School District shall maintain all
2 landscape material and replace any dead or
3 dying plants.

4 2. There is no maximum width limit for additions to
5 existing public school structures on existing public
6 school sites. The Director may require landscaping
7 to reduce the appearance of bulk.

8 3. Development standard departure from the modulation and
9 landscaping standards may be granted or required
10 pursuant to the procedures and criteria set forth in
11 Chapter 23.79 to permit other techniques to reduce the
12 appearance of bulk. Techniques to reduce the
13 appearance of bulk may be waived by the Director when
14 waiver would contribute to reduced demolition of
15 residential structures.

16 E. Parking Quantity.

17 1. A minimum of one parking space per eighty square feet
18 of auditorium or other place of assembly or one space
19 per eight fixed seats in an auditorium or other place
20 of assembly containing fixed seats is required for
21 construction of a new public school on a new public
22 school site or on an existing public school site.

23 2. When an auditorium or other place of assembly is
24 demolished and a new one built in its place, parking
25 requirements shall be determined based on the new
26 construction. When an addition to an existing public
27 school on an existing public school site is proposed,
28 additional parking is required if an auditorium or
 other place of assembly is expanded or additional

1 fixed seats are added. Additional parking is required
2 as set out in subsection E.1, for the increase in
3 floor area or increase in number of seats only. If
4 the parking requirement for the increased area or
5 seating is ten percent or less than that for the
6 existing auditorium or other place of assembly, then
7 no additional parking shall be required.

- 8 3. Development standard departure may be granted or
9 required pursuant to the procedures and criteria set
10 forth in Chapter 23.79 to reduce the required or
11 permitted number of parking spaces.

12 F. Parking Location.

13 Parking may be located:

- 14 1. Within the principal structure, or
15 2. On any portion of the lot except the front setback
16 when separated from streets and from abutting lots in
17 residential zones by a five-foot deep area which is
18 landscaped with trees and ground cover determined by
19 the Director as adequate to soften the view of the
20 parking from adjacent properties. In the case of a
21 through lot, parking may also be located in one front
22 setback when landscaped as described in this subsec-
23 tion.
- 24 3. Development standard departure may be granted or
25 required pursuant to the procedures set forth in
26 Chapter 23.79 to permit parking location anywhere on
27 the lot and to reduce required landscaping.
28 Landscaping may be waived in whole or in part if the
topography of the site or other circumstances result
in the purposes of landscaping being served, as, for

1 example, when a steep slope shields parking from the
2 view of abutting properties. This test may be waived
3 by the Director when waiver would contribute to
4 reduced demolition of residential structures.

5 G. Bus and Truck Loading and Unloading.

- 6 1. An off-street bus loading and unloading area of a
7 size reasonable to meet the needs of the school shall
8 be provided and may be located in any required yard.
9 The bus loading and unloading area may be permitted
10 in a landscaped area provided under subsection D.1.b
11 if the Director determines that landscaping around the
12 loading and unloading area softens the impacts of its
13 appearance on abutting properties.
- 14 2. One off-street truck loading berth meeting the
15 requirements of Subsection 23.54.30H shall be required
16 for new public school construction.
- 17 3. Development standard departure from the requirements
18 and standards for bus and truck loading and unloading
19 areas and berths may be granted or required pursuant
20 to the procedures and criteria set forth in Chapter
21 23.79 only when departure would contribute to reduced
22 demolition of residential structures.

23 H. Noise, Odor, Light and Glare.

24 The development standards for small institutions set forth
25 in Subsection 23.45.100 A.1, B, and C shall apply.
26 Development standard departure from these standards may be
27 granted or required pursuant to the procedures and criteria
28 set forth in Chapter 23.79 only when departure would
contribute to reduced demolition of residential structures.

1 I. Signs.

2 A public school may have one double-faced identifying sign
3 on each street frontage. Signs shall not exceed fifteen
4 square feet per face. Development standard departure may
5 be granted or required pursuant to the procedures and
6 criteria set forth in Chapter 23.79.

7 Section 4. Subsections A, D and L of Section 23.44.22 of
8 the Seattle Municipal Code are amended to read as follows:

9 23.44.22 Institutions.

10 A. Institutions Identified.

11 The following institutions may be permitted as conditional
12 uses in Single Family zones.

13 Community Centers
14 Day Care Centers
15 ((~~Public or~~)) Private Schools
16 Religious Facilities
17 ((~~Public or~~)) Private Libraries
18 Other Similar Institutions

19 The following institutions are prohibited in Single Family
20 zones:

21 Hospitals
22 Colleges and Universities
23 Museums
24 Private Clubs

25 * * *

26 D. Dispersion.

27 The lot line of any proposed new or expanding institution
28 except public schools shall be located six hundred feet or
more from any lot line of any other institution, in a resi-
dential zone; provided that an institution may expand even
though it is within 600 feet of a public school if the
public school is constructed on a new site subsequent to
the effective date of this ordinance.

1 A proposed institution which does not meet the dispersion
2 criteria may be permitted by the Director upon deter-
3 mination that the intent of the criteria is achieved due to
4 the presence of physical elements such as bodies of water,
5 large open spaces or topographical breaks or other elements
6 such as arterials, freeways or nonresidential uses, which
7 provide substantial separation from other institutions.

8 * * *

9 L. Parking and Loading Berth Requirements.

10 1. Quantity of Offstreet Parking.

- 11 a. Use of transportation modes such as public transit,
12 vanpools, carpools and bicycles to reduce the use
13 of single occupancy vehicles shall be encouraged.
14 b. Minimum parking requirements for certain types of
15 institutional uses shall be as follows:

16 Community center - One parking space for
17 each eighty square feet of a main auditorium
18 or other assembly room.

19 Day care center - One parking space per ten
20 children or one space per teacher, whichever
21 is greater; and one loading space for each
22 twenty children.

23 ((~~Public and p~~)) Private schools - One
24 parking space for each eighty square feet of
25 main auditorium or other public assembly
26 room. In the absence of an auditorium or
27 assembly room, one space for each staff member.

28 Religious facility - One parking space for
each eighty square feet of nave, main

1 auditorium, or other public assembly room.
2 Theater, auditorium or assembly hall
3 accessory to an institution (excluding
4 schools, community centers) - One space for
5 each one hundred square feet of floor area.
6 Stadium, indoor or outdoor sports facilities
7 with sports spectator assembly areas - One
8 space for each one hundred square feet of
9 spectator assembly area.

10 c. The Director may modify the parking standards
11 imposed in this Section on a case-by-case basis
12 using the information contained in the transpor-
13 tation plan prepared pursuant to subsection M.
14 The modification shall be based on adopted City
15 policies and shall:

- 16 - provide a demonstrable public benefit such
17 as, but not limited to, reduction of traffic
18 on residential streets, preservation of
19 residential structures, and reduction of
20 noise, odor, light and glare; and
- 21 - not cause undue traffic through residential
22 streets nor create a serious safety hazard.

23 2. Parking Design

24 Parking access and parking shall be designed as
25 provided in Design Standards for Access and Offstreet
26 Parking, Chapter 23.54.

27 3. Loading Berths

28 The quantity and design of loading berths shall be as
provided in Design Standards for Access and Offstreet
Parking, Chapter 23.54.

1 * * *

2 Section 5. Section 23.45.90 of the Seattle Municipal Code
3 is amended to read as follows:

4 23.45.90 Institutions, General Provisions.

5 A. The establishment of new institutions, such as religious
6 facilities, community centers, private schools, and daycare
7 centers, which meet the development standards of Sections
8 23.45.92 through 23.45.102 shall be permitted outright in
9 all multi-family zones. Institutions not meeting all the
10 development standards of these Sections may be permitted as
11 administrative conditional uses subject to the requirements
12 of Section 23.45.122. If the expansion of an existing
13 institution meets all development standards, it shall be
14 permitted outright. Expansions not meeting development
15 standards may be permitted as administrative conditional
16 uses subject to the requirements of Section 23.45.122.
Public schools shall be permitted as regulated in Section
23.45.112.

17 B. The provisions of this Section shall not apply to major
18 institutions. All major institutions shall be so
19 designated and their boundaries approved by the Council.

20
21 Section 6. Section 23.45.102 of the Seattle Municipal
22 Code is amended to read as follows:

23 23.45.102 Institutions, Dispersion Criterion.

24 The lot line of any new or expanding institution, other than a
25 public school, shall be located six hundred feet or more from
26 any lot line of any other institution in a residential zone;
provided, that an institution may expand even though it is
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1 within 600 feet of a public school if the public school is
2 constructed on a new site subsequent to the effective date of
3 this ordinance.

4
5 Section 7. Chapter 23.45 of the Seattle Municipal Code is
6 amended to add a new section 23.45.112 to read as follows:

7 Section 23.45.112 Public Schools.

8 Public Schools Meeting Development Standards

9 New public schools or additions to existing public schools and
10 accessory uses including daycare centers which meet the
11 following development standards shall be permitted in all
12 multi-family zones. Departures from development standards of
13 this Section may be permitted or required pursuant to
14 procedures and criteria established in Chapter 23.79,
15 Development Standard Departure for Public Schools.

16 A. Height.

- 17 1. For new public school construction on new public
18 school sites, the maximum permitted height shall be
19 the maximum height permitted in the zone for multi-
20 family structures.
- 21 2. For new public school construction on existing public
22 school sites, the maximum permitted height shall be
23 the maximum height permitted in the zone for multi-
24 family structures or thirty-five feet plus fifteen
25 feet for a pitched roof, whichever is greater. If
26 the thirty-five foot height limit applies, all parts
27 of the roof above the height limit must be pitched at
28 a rate of not less than three to twelve. No portion
of a shed roof shall be permitted to extend beyond
the thirty-five foot height limit under this provision.

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3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multi-family structures, the height of the existing school, or thirty-five feet plus fifteen feet for a pitched roof, whichever is greater. When the height limit is thirty-five feet, the ridge of the pitched roof on a principal structure may extend up to fifteen feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five feet plus fifteen feet for a pitched roof for elementary schools and sixty feet plus fifteen feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

1 B. Setbacks.

2 1. General Requirements.

- 3 a. No setbacks shall be required for new public
4 school construction or for additions to existing
5 public school structures for that portion of the
6 site across a street or an alley or abutting a
7 lot in a non-residential zone. When any portion
8 of the site is across a street or an alley from
9 or abuts a lot in a residential zone, setbacks
10 shall be required for areas facing or abutting
11 residential zones as provided in subsections B.2
12 through B.5 below. Setbacks for sites across a
13 street or alley from or abutting lots in
14 Residential-Commercial (RC) zones shall be based
15 upon the residential zone classification of the
16 RC lot.
- 17 b. The minimum setback requirement may be averaged
18 along the entire structure facade with absolute
19 minimums for areas abutting lots in residential
20 zones as provided in subsections B2(b), B3(b) and
21 B4(b).
- 22 c. Trash disposals, openable windows in a gymnasium,
23 main entrances, play equipment, kitchen ventilators
24 or other similar items shall be located at least
25 thirty feet from any single family zoned lot and
26 twenty feet from any multi-family zoned lot.
- 27 d. The General Setback Exceptions regulations of
28 the zone in which the public school is located
 shall apply.

1 2. New Public School Construction on New Public School
 2 Sites.

3 a. New public school construction on new public
 4 school sites across a street or alley from lots
 5 in residential zones shall provide minimum
 6 setbacks according to the facade height of the
 7 school and the designation of the facing residen-
 8 tial zone, as follows:

Minimum Setbacks				
Facade Height ¹	Zone from which Across			
	SF/L1	L2/L3	MR	HR
Average				
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

11 ¹ Height of facade or portion of facade and
 12 height of pitched roof to ridge from existing
 13 grade.

14 b. New public school construction on new public
 15 school sites abutting lots in residential zones
 16 shall provide minimum setbacks according to the
 17 facade height of the school and the designation
 18 of the abutting residential zone, as follows:

Minimum Setbacks								
Height ¹	Abutting Zone							
	SF/L1	L2/L3	MR	HR				
Average (minimum)								
Up to 20'	20'	(10')	15'	(10')	10'	(5')	0'	(0')
21' to 35'	25'	(10')	20'	(10')	10'	(5')	0'	(0')
36' to 50'	25'	(10')	20'	(10')	10'	(5')	0'	(0')
51' or more	30'	(15')	25'	(10')	15'	(5')	0'	(0')

21 ¹ Height of facade or portion of facade and
 22 height of pitched roof to ridge from existing
 23 grade.

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2 3. New Public School Construction on Existing Public School Sites.

3 a. New public school construction on existing public
4 school sites across a street or alley from lots
5 in residential zones shall provide either the
6 setback of the previous structure on the site or
7 minimum setbacks according to the facade height
8 of the school and the designation of the facing
9 residential zone, as follows, whichever is less:

10 Minimum Setbacks

<u>Facade Height¹</u>	<u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	<u>Average</u>			
<u>Up to 20'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>20'</u>	<u>15'</u>	<u>10'</u>	<u>0'</u>

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15 ¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

16 b. New public school construction on existing public
17 school sites abutting lots in residential zones
18 shall provide either the setback of the previous
19 structure on the site or minimum setbacks
20 according to the facade height of the school and
21 the designation of the abutting residential zone,
22 as follows, whichever is less:

Minimum Setbacks

Abutting Zone

<u>Facade Height</u> ¹	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
Average (minimum)				
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	20' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Minimum Setbacks

<u>Facade Height</u> ¹	<u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
Average				
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous

1 structure on the site or minimum setbacks
 2 according to the facade height of the school and
 3 the designation of the abutting residential zone,
 4 as follows, whichever is less:

5 Minimum Setbacks

6 Abutting Zone

7 <u>Facade</u> <u>Height¹</u>	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	8 Average (minimum)			
9 <u>Up to 20'</u>	<u>10' (5')</u>	<u>10' (5')</u>	<u>10' (5')</u>	<u>0' (0')</u>
<u>21' to 35'</u>	<u>15' (5')</u>	<u>10' (5')</u>	<u>10' (5')</u>	<u>0' (0')</u>
<u>36' to 50'</u>	<u>20' (10')</u>	<u>20' (10')</u>	<u>10' (5')</u>	<u>0' (0')</u>
10 <u>51' or more</u>	<u>25' (10')</u>	<u>25' (10')</u>	<u>15' (5')</u>	<u>0' (0')</u>

11 ¹ Height of facade or portion of facade and
 12 height of pitched roof to ridge from existing
 13 grade.

14 5. Development standard departure may be granted or
 15 required pursuant to the procedures and criteria set
 16 forth in Chapter 23.79 as follows:

17 a. The minimum average setback may be reduced to ten
 18 feet and the minimum setback to five feet for
 19 structures or portions of structures across a
 20 street or alley from lots in residential zones.

21 b. The minimum average setback may be reduced to
 22 fifteen feet and the minimum setback to five feet
 23 for structures or portions of structures abutting
 24 lots in residential zones.

25 c. The limits in subsections (a) and (b) may be
 26 waived by the Director when waiver would
 27 contribute to reduced demolition of residential
 28 structures.

C. Structure Width.

1. When a new public school structure is built on a new
public school site or on an existing public school

1 site, the maximum width of a structure shall be sixty-
2 six feet unless either the modulation option in
3 subsection a or the landscape option in subsection b
4 is met.

5 a. Modulation option.

6 Front facades and side and rear facades facing
7 street lot lines shall be modulated according to
8 the following provisions:

9 (1) The minimum depth of modulation shall be
10 four feet.

11 (2) The minimum width of modulation shall be
12 twenty percent of the total structure width
13 or ten feet, whichever is greater.

14 b. Landscape option.

15 Setbacks and landscaping shall be provided as
16 follows:

17 (1) One tree and three shrubs are required for
18 each three hundred square feet of required
19 setback. When new trees are planted, at
20 least half must be deciduous.

21 (2) Trees and shrubs which already exist in the
22 required planting area or have their trunk
23 or center within ten feet of the area may be
24 substituted for required plantings on a one
25 tree to one tree or one shrub to one shrub
26 basis if the minimum standards in Section
27 23.86.22, Measurements, are met, except that
28 shrub height need not exceed two feet at any
time. In order to give credit for large
existing trees, a tree may count as one

1 required tree for every three hundred square
2 feet of its canopy spread.

3 (3) The planting of street trees may be substi-
4 tuted for required trees on a one-to-one
5 basis. All street trees shall be planted
6 according to City of Seattle Board of Public
7 Works tree planting standards.

8 (4) Each setback required to be landscaped shall
9 be planted with shrubs, grass, and/or
10 evergreen ground cover.

11 (5) Landscape features such as decorative paving
12 are permitted to a maximum of twenty-five
13 percent of each required landscaped area.

14 (6) A plan shall be filed showing the layout of
15 the required landscaping.

16 (7) The School District shall maintain all
17 landscape material and replace any dead or
18 dying plants.

19 2. There is no maximum width limit for additions to
20 existing public school structures on existing public
21 school sites. The Director may require landscaping
22 to reduce the appearance of bulk.

23 3. Development standard departure from the modulation and
24 landscaping standards may be granted or required
25 pursuant to the procedures and criteria set forth in
26 Chapter 23.79 to permit other techniques to reduce the
27 appearance of bulk. Modulation and landscaping
28 standards may be waived by the Director when waiver
 would contribute to reduced demolition of residential
 structures.

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D. Parking Quantity.

1. A minimum of one parking space per eighty square feet of auditorium or other place of assembly or one space per eight fixed seats in an auditorium or other place of assembly containing fixed seats is required for construction of a new public school on a new public school site or on an existing public school site.
2. When an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if an auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as set out in subsection D.1 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.
3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

E. Parking Location.

Parking may be located:

1. Within the principal structure, or
2. On any portion of the site except the front setback when separated from streets and from abutting lots in

1 residential zones by a five-foot deep area which is
2 landscaped with trees and ground cover determined by
3 the Director as adequate to soften the view of the
4 parking from adjacent properties. In the case of a
5 through lot, parking may also be located in one front
6 setback when landscaped as described in this subsection.

7 3. Development standard departure may be granted or
8 required pursuant to the procedures set forth in
9 Chapter 23.79 to permit parking location anywhere on
10 the site and to reduce required landscaping.

11 Landscaping may be waived in whole or in part if the
12 topography of the site or other circumstances result
13 in the purposes of landscaping being served, as, for
14 example, when a steep slope shields parking from the
15 view of abutting properties. This test may be waived
16 by the Director when waiver would contribute to
reduced demolition of residential structures.

17 F. Bus and Truck Loading and Unloading.

18 1. An off-street bus loading and unloading area of a size
19 reasonable to meet the needs of the school shall be
20 provided and may be located in any required setback.
21 The bus loading and unloading area may be permitted
22 in a landscaped area provided under subsection C.1b if
23 the Director determines that landscaping around the
24 loading and unloading area softens the impacts of its
25 appearance on abutting properties.

26 2. One off-street loading berth shall be required for
27 new public school construction.

28 3. Development standard departure may be granted or
required pursuant to the procedures and criteria set

1 forth in Chapter 23.79 from the requirements and
2 standards for bus and truck loading and unloading
3 areas and berths only when departure would contribute
4 to reduced demolition of residential structures.

5 G. Noise, Odor, Light and Glare.

6 The development standards for small institutions set forth
7 in subsection 23.45.100 A.1, B and C shall apply.

8 Development standard departure from these standards may be
9 granted or required pursuant to the procedures set forth in
10 Chapter 23.79 only when departure would contribute to
11 reduced demolition of residential structures.

12 H. Signs shall be permitted according to the provisions of
13 Section 23.45.158. Development standard departure may be
14 granted or required pursuant to the procedures and criteria
15 set forth in Chapter 23.79.

16 Section 8. Section 24.45.122 of the Seattle Municipal Code
17 is amended to read as follows:

18 Section 24.45.122

19 Institutions other than public schools which do not meet
20 development standards established in Section 23.45.90, may be
21 permitted in multi-family zones as administrative conditional
22 uses. The provisions of this Section shall not apply to major
23 institutions.

24 Section 9. Subsection E of Section 23.54.30 of the Seattle
25 Municipal Code is amended to read as follows:

26 Section 23.54.30 Parking Space Standards.

27 * * *

1 E. Curb Cuts.

2 Curb cut requirements shall be determined by whether the
3 parking served by the curb cut is for residential or
4 nonresidential use. When a curb cut is used for both
5 residential and nonresidential parking, it shall meet the
6 standards for nonresidential uses described in
7 subsection E2.

8 1. Residential uses.

- 9 a. For lots not located on an arterial with more
10 than fifteen thousand vehicle trips per day
11 according to Engineering Department data, the
12 number of curb cuts permitted shall be according
13 to the following chart:

<u>Street or Easement Frontage of the Lot</u>	<u>Number of Curb Cuts Permitted</u>
0 - 80 feet	1
81 - 160 feet	2
161 - 240 feet	3
241 - 320 feet	4

14 For lots with frontage in excess of three hundred
15 twenty feet, the pattern established in the chart
16 shall be continued.

- 17 b. Curb cuts shall not exceed a maximum width of ten
18 feet except that one curb cut greater than ten
19 feet but in no case greater than twenty feet in
20 width may be substituted for each two curb cuts
21 permitted by subsection E1a and except as specifi-
22 cally permitted by the development standards in
23 a zone.
- 24 c. For lots on arterials with more than fifteen
25 thousand average vehicle trips per day, according
26 to Engineering Department data, curb cuts of a
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1 maximum width of twenty-three feet shall be
2 permitted according to the following chart. A
3 list of such arterials shall be maintained by the
4 Department.

<u>Street Frontage of the Lot</u>	<u>Number of Curb Cuts Permitted</u>
0 - 160 feet	1
161 - 320 feet	2
321 - 480 feet	3

5
6 For lots with street frontage in excess of four
7 hundred eighty feet, the pattern established in
8 the chart shall be continued.

- 9
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11 d. There shall be at least thirty feet between any
12 two curb cuts located on a lot.
- 13 e. A curb cut may be less than the maximum width
14 permitted but shall be at least as wide as the
15 minimum required width of the driveway it serves.
- 16 f. Where two adjoining lots share a common driveway
17 according to the provisions of Section 23.54.30D1,
18 the combined frontage of the two lots shall be
19 considered one in determining the maximum number
20 of permitted curb cuts.

21 2. Nonresidential uses.

22 a. Number of curb cuts.

- 23 (1) For major institutional uses, a maximum of
24 two curb cuts at least thirty feet apart for
25 one-way traffic, or one curb cut for two-way
26 traffic, shall be permitted for each two
27 hundred feet of street or easement frontage
28 and on corner lots with less than two hundred
feet of street or easement frontage.

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(2) In interim downtown zones, a maximum of two
curb cuts for one-way traffic at least forty
feet apart, or one curb cut for two-way
traffic, shall be permitted on each street
front where access is permitted by Section
23.49.14. No curb cut shall be located
within forty feet of an intersection.

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(3) For public schools, the minimum number of
curb cuts determined necessary by the
Director shall be permitted.

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b. Curb cut widths.

(1) The minimum width of curb cuts for one-way
traffic shall be twelve feet, and the
maximum width shall be fifteen feet.

(2) The minimum width of curb cuts for two-way
traffic shall be twenty-two feet, and the
maximum width shall be twenty-five feet.

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(3) For public schools, the maximum width of
curb cuts shall be twenty-five feet.

Development standard departure may be granted
or required pursuant to the procedures and
criteria set forth in Chapter 23.79.

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c. Curb cut flare.

A flare with a maximum width of two and one-half
feet shall be permitted on either side of curb
cuts in any zone.

* * *

Section 10. Title 23 of the Seattle Municipal Code is
amended to add a new chapter 23.79 to read as follows:

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CHAPTER 23.79 - ESTABLISHMENT OF DEVELOPMENT STANDARD
DEPARTURE FOR PUBLIC SCHOOLS

23.79.02 Initiation of Development Standard Departure Procedure.

A. The Seattle School District may apply for development standard departure for public school structures.

Applications shall be made to the Director.

B. When demolition of residential structures is proposed, and the public school site includes land acquired for public school use after the effective date of this amendatory ordinance, the Director shall initiate the process for development standard departures and the School District shall be bound by the development standard departures which are required in order to reduce demolition of residential structures.

23.79.04 Application for Development Standard Departure.

On receipt of an application for development standard departure or upon initiation of the process by the Director, the Director shall forward an application to the Director of DCD who shall convene a Development Standard Advisory Committee, hereinafter called the advisory committee, to secure the comments of the public and make recommendations for modifications of development standards. The advisory committee shall operate pursuant to rules promulgated by the Director of DCD. The advisory committee shall consist of the following:

A. A representative of the City selected by the Director of DCD, to act as chairperson;

B. A representative of the Seattle School District;

C. A person residing within three hundred feet of the school site and a person owning property or a business within three hundred feet of the school site, selected by the

1 Director of DCD in cooperation with the community
2 organization(s) representing the area;

3 D. Two representatives of the neighborhood, selected by the
4 Director of DCD in cooperation with the community
5 organization(s) representing the area;

6 E. A representative at large selected by the Joint Advisory
7 Commission on Education (JACE);

8 F. A representative of the Department; and

9 G. A representative of the parents of the school to be replaced,
10 expanded or remodeled, selected by the Director of DCD in
11 cooperation with the school's PTSA or other school parent
12 organization.

13 23.79.06 Notice Provided for Development Standard Departure.

14 Notification of the application and formation of a Development
15 Standard Advisory Committee and the first meeting of the
16 advisory committee shall be provided by mailed notice, general
17 mailed release, four placards posted on or near the site and
18 publishing in a newspaper of substantial local circulation and
19 any relevant ethnic publications having substantial local
20 circulation. If there is an existing parents' organization,
21 notice shall be given through its regular processes. Notice
22 shall also be given to community organizations known to the
23 Department as representing the local area and to other related
24 organizations who have requested notice.

25 23.79.08 Advisory Committee Responsibilities.

26 The Advisory Committee shall perform the following functions:

27 A. It shall conduct a minimum of three public meetings within
28 a 90-day period from formation of the advisory committee,
provided that if the advisory committee deems the
requested departure from development standards to be minor

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2 in nature, it shall conduct a minimum of one public
3 meeting within a 30-day period from formation of the
4 advisory committee.

5 B. It shall gather and evaluate public comment.

6 C. It shall recommend the maximum departure which may be
7 allowed for each development standard from which a depart-
8 ture has been requested. Minority reports shall be per-
9 mitted. The advisory committee may not recommend that a
10 standard be made more restrictive unless the restriction is
11 necessary as a condition to mitigate the impacts of gran-
12 ting a development standard departure.

13 1. Departures shall be evaluated for consistency with
14 the objectives and intent of the City's Land Use
15 Policies to ensure that the proposed facility is
16 compatible with the character and use of its
17 surroundings. In reaching recommendations, the
18 advisory committee shall consider and balance the
19 interrelationships among the following factors:

20 a. Relationship to surrounding areas. The advisory
21 committee shall evaluate the acceptable or
22 necessary level of departure according to:

23 (1) Appropriateness in relation to the
24 character and scale of the surrounding area;

25 (2) Presence of edges (significant setbacks,
26 major arterials, topographic breaks, and
27 similar features) which provide a tran-
28 sition in scale;

(3) Location and design of structures to reduce
the appearance of bulk;

(4) Impacts on traffic, noise, circulation and
parking in the area; and

1 (5) Impacts on housing and open space.
2 More flexibility in the development standards
3 may be allowed if the impacts on the surrounding
4 community are anticipated to be negligible or
5 are reduced by mitigation; whereas, a minimal
6 amount or no departure from development standards
7 may be allowed if the anticipated impacts are
8 significant and cannot be satisfactorily mitigated.

9 b. Need for departure. The physical requirements of
10 the specific proposal and the project's relation-
11 ship to educational needs shall be balanced with
12 the level of impacts on the surrounding area.
13 Greater departure may be allowed for special
14 facilities, such as a gymnasium, which are unique
15 and/or an integral and necessary part of the
16 educational process; whereas, a lesser or no
17 departure may be granted for a facility which can
18 be accommodated within the established
19 development standards.

20 2. When the departure process is required because of
21 proposed demolition of housing, the desirability of
22 minimizing the effects of demolition must be weighed
23 against the educational objectives to be served in
24 addition to the evaluation required in subsection 1.

25 3. Following the evaluation set out in subsections 1 or
26 2, departures may be recommended as set forth in the
27 regulations for the applicable zone and in Chapter
28 23.54. Recommendations must include consideration of
 the interrelationship among height, setback and
 landscaping standards when departures from height or
 setback are proposed.

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2 D. The advisory committee shall recommend departure limits to
3 the Director no later than ninety days after its first
4 meeting. Such recommendation shall be made after a
5 majority or plurality vote, and the chairperson shall vote
6 only in case of a tie. If only one meeting is held,
7 departure limits shall be recommended no later than thirty
8 days after the meeting. A ten-day extension may be granted
9 by the Director if requested, in writing, by a majority of
10 the advisory committee.

11 23.79.10 Duties of Director.

12 A. The Director shall determine the amount of departure from
13 established development standards which may be allowed or
14 required, as well as mitigating measures which may be
15 required. The Director's decision shall be based on an
16 evaluation of the factors set forth in Subsection 23.79.14C,
17 the majority recommendations and minority reports of the
18 advisory committee, comment at the public hearings and
19 other comments from the public. If the Director modifies
20 the recommendations of the advisory committee, the reasons
21 for the modification shall be put forth in writing.

22 B. 1. Notification of the Director's decision shall be
23 published in the City official newspaper within seven
24 days of the date the decision is made. Notice,
25 including the date of its publication, shall also be
26 posted in a conspicuous place in DCLU and shall be
27 included in the general mailed release. Notice of
28 the decision shall also be mailed on the date of the
decision to the applicant, to all members of the
advisory committee, and to persons who have requested
specific notice in a timely manner.

1 2. The notice of the decision shall state the address of
2 the school and briefly state the decision made by the
3 Director. The notice shall also state that the
4 departure from development standards is subject to
5 appeal and shall describe the appropriate appeal
6 procedure.

7 23.78.12 Appeal of Development Standard Departure.

8 A. Any person substantially affected by or interested in the
9 development standard departure may appeal the decision to
10 the Hearing Examiner within a period extending to five
11 o'clock p.m. of the fourteenth calendar day following the
12 date of publication of the decision. When the last day of
13 the appeal period so computed is a Saturday, Sunday, or
14 federal or City holiday, the appeal period shall run until
15 five o'clock p.m. the next business day. The appeal shall
16 be in writing and shall state specifically why the appellant
17 finds the departure inappropriate or incorrect.

18 B. Appeals of development standard departure shall be
19 accompanied by payment of a filing fee as established in
20 the Seattle Municipal Code, Chapter 22.900, Permit Fee
21 Ordinance.

22 C. The Hearing Examiner shall consider the appeal in accordance
23 with the procedure established for hearing contested cases
24 in the Seattle Municipal Code, Chapter 3.02,
25 Administrative Code. Notice shall be given not less than
26 twenty days prior to hearing.

27 D. Appeals shall be considered de novo. The decision on the
28 evidence before the Hearing Examiner shall be made upon the
29 same basis as was required of the Director. The decision
30 of the Director shall be given substantial weight, and the

1 burden of establishing the contrary shall be upon the
2 appellant. The Hearing Examiner shall summarily dismiss an
3 appeal without hearing which is determined to be without
4 merit on its face, frivolous, or brought merely to secure a
5 delay.

6 E. The Hearing Examiner shall issue a decision within fourteen
7 days after closing the record. Notice of the Hearing
8 Examiner's decision shall be mailed on the date of the
9 decision to the parties of record and to all those
10 requesting notice.

11 F. The decision of the Hearing Examiner may affirm, reverse
12 or modify the Director's decision either in whole or in
13 part. The Hearing Examiner may also remand the decision
14 to the Director for further consideration.

15 G. The decision of the Hearing Examiner shall be final, and
16 the applicant, appellant and Director shall be bound by it.

17 Section 11. Section 23.84.02 of the Seattle Municipal Code
18 is amended to add a new definition after "Accessory Use" and
19 preceding "Adjacent" to read as follows:

20 23.84.02 "A."

21 * * *

22 Addition to existing public school structures:

23 Any extension of an existing public school structure or
24 rebuilding of an existing public school structure any
25 portion of which remains intact. Building of an entirely
26 new public school structure when part of an existing
27 public school complex shall be considered an addition to
28 an existing public school structure when the proposed new
structure is on an existing public school site.

* * *

1 Section 12. Section 23.84.30 of the Seattle Municipal Code
2 is amended to add a new definition after "Public Project" and
3 preceding "Public Utility Service Use" to read as follows:

4 23.84.30 "P."

5 * * *

6 Public School Site - Existing:

7 Any property acquired and developed for use by or for the
8 proposed public school before the effective date of this
9 ordinance. A public school site may be divided by streets
10 or alleys.

11 Public School Site - New:

12 Any property that has not been previously developed for use
13 by the public school which is to be constructed, expanded
14 or remodeled. A public school site may be divided by
15 streets or alleys. A school property may include both a
16 new school site and existing school sites.

17 * * *

18 Section 13. Section 23.86.06 of the Seattle Municipal Code
19 is amended to add a new subsection E to read as follows:

20 Section 23.86.06 Structure Height.

21 * * *

22 E. Determining Height of Existing Public School Structures

23 When the height of the existing public school structure
24 must be measured for purposes of determining the permitted
25 height or lot coverage of a public school structure,
26 either one of the following options may be used.

- 27 1. If all parts of the new roof are pitched at a rate of
28 not less than three to twelve, the ridge of the new
roof may extend to the highest point of the existing
roof. A shed roof does not qualify for this option.

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2. If all parts of the new roof are not pitched at a rate of not less than three to twelve, then the elevation of the new construction may extend to the average height of the existing structure. The average height shall be determined by measuring the area of each portion of the building at each height and averaging those areas as depicted in Exhibit 86.06D.

Section 14. Section 24.24.010 of the Seattle Municipal Code is amended to read as follows:

Section 24.24.010 Principal Uses Permitted Outright.

The following uses are permitted:

- A. SF 7200 principal uses permitted outright as specified and regulated in Chapter 23.44 unless modified in this chapter except public schools, which are permitted outright as specified and regulated in Title 23;
- B. The following uses provided any building or active play area shall be located thirty feet or more from any other lot in a SF Zone and twenty feet or more from any other lot in any other R Zone:
1. ~~((Public and p))~~ Private graded schools for academic instruction, including:
 - (a) Accessory dormitories, gymnasiums, dining facilities, offices and other similar accessory buildings on the same premises.
 - (b) Accessory public and private day care centers (as governed by state and local regulations), community programs for the elderly, community cultural enrichment activities and other similar accessory uses.

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2. Public playgrounds and public community centers; public parks, including customary buildings and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred feet or more from any other lot in an SF or an R zone and shall be completely obscured from view from such lots.
 3. Publicly owned boat moorages, operated under public jurisdiction for private pleasure craft.
 4. Non-school principal uses within existing or former public school buildings when authorized as a special exception by the Department of Community Development, or Hearing Examiner on appeal, in accordance with Chapter 23.78.

15 Section 15. Subsections A and D of Section 24.30.020 of
16 the Seattle Municipal Code are amended to read as follows:

17 Section 24.30.020 Principal Uses Permitted Outright -
18 Designated.

19 The following uses are permitted:

- 20 A. RM 1600 principal uses permitted outright as specified and
21 regulated in Chapter 24.28 unless modified in this chapter
22 except public schools, which are permitted outright as
specified and regulated in Title 23;

23 * * *

- 24 D. (~~Public and p~~) Private schools for academic instruction
25 which do not group children by age or grade level for
26 purposes of instruction; art school, not including dance or
27 music.
28

(To be used for all Ordinances except Emergency.)

Section 16. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 12th day of November, 1985,
and signed by me in open session in authentication of its passage this 12th day of
November, 1985.

Virginia Geller
President of the City Council.

Approved by me this 22nd day of November, 1985.

Charles Roper
Mayor.

Filed by me this 27 day of Nov, 1985.

Attest: *Jim Hill*
City Comptroller and City Clerk.

(SEAL)

Published _____

By *Theresa Dumber*
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

JEF:pm
10/16/85
___:ORD2.

ORDINANCE _____

AN ORDINANCE relating to zoning and land use; amending sections 23.44.06, 23.44.16, 23.44.22, 23.45.90, 23.45.102, 23.45.122, 23.54.30, 23.84.02, 23.84.30, 23.86.06, 24.24.010, 24.30.020, adding new sections 23.44.17 and 23.44.112; and adding a new chapter 23.79 to the Seattle Municipal (Land Use) Code to establish siting and development standards for public schools.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.06 of the Seattle Municipal Code is amended to add a new subsection G to read as follows:

Section 23.44.06 Principal Uses Permitted Outright.

* * *

G. Public Schools Meeting Development Standards.

New public schools or additions to existing public schools and accessory uses including daycare centers shall be permitted in all single-family zones subject to the special development standards and departures from standards contained in Section 22.44.17. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

H. Uses in Existing or Former Public Schools:

1. Daycare centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses shall be permitted in existing or former public schools.

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.
3. Additions to existing public schools may be made only when the proposed use of the addition is a public school.

Section 2. Subsection D of Section 23.44.16 of the Seattle Municipal Code is amended to read as follows:

Section 23.44.16 Parking.

* * *

D. Location of Parking on Lot.

1. Except for public school use, parking may be located
 - a. Within the principal structure, or
 - b. In the side or rear yard except a required side yard abutting a street or the first ten feet of a required rear yard abutting a street.
2. Parking shall not be located in the required front yard except as provided in subsections D3, D4, D5 and D6.
3. Lots With Uphill Front Yards
Accessory parking for one two-axle or one up-to-four wheeled vehicle may be established in a required front yard when the following conditions are met:
 - a. The existing grade of the lot slopes upward from the street lot line an average of at least six feet above sidewalk grade at a line which is ten feet from the front lot line; and

- b. The parking area or floor of a private garage shall be at least an average of six feet below the existing grade prior to excavation and/or construction at a line which is ten feet from the front lot line; and
- c. Access to parking is permitted through the required front yard by subsection B, Exhibit 23.44.16A.

* * *

Section 3. Chapter 23.44¹⁷ of the Seattle Municipal Code is amended to read as follows:

Section 23.44.17 Development Standards for Public Schools.
Public schools shall be subject to the following development standards:

A. Maximum lot coverage.

- 1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures shall not exceed forty-five percent of the lot area for one-story structures or thirty-five percent of the lot area if any structure or portion of a structure has more than one story.
- 2. For new public school construction and additions on existing public school sites, the maximum lot coverage permitted shall not exceed the greater of the following:
 - a. The lot coverage permitted in Subsection A1, or
 - b. The lot coverage of the former school structures on the site provided that the height of the new structure or portion of structure is no greater than that of the former structures as regulated

in Section 23.86.06E, and at least fifty percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to fifty-five percent lot coverage may be allowed for single-story structures, and up to forty-five percent lot coverage for structures of more than one story. Lot coverage may be waived by the Director when waiver would contribute to reduced demolition of residential structures.
4. The exceptions to lot coverage set forth in Subsection 23.44.10D shall apply.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty feet.
2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five feet plus fifteen feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.
3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-

five feet plus fifteen feet for a pitched roof, whichever is greater. When the height limit is thirty-five feet, the ridge of the pitched roof on a principal structure may extend up to fifteen feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites, maximum height which may be granted as a development standard departure shall be thirty-five feet plus fifteen feet for a pitched roof for elementary schools and sixty feet plus fifteen feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.
5. The provisions of subsection 23.44.12B regarding pitched roofs and sloped lots and the exemptions of subsection 23.44.12C shall apply.

C. Setbacks.

1. General Requirements:
 - a. No setbacks shall be required for new public school construction or for additions to public schools when no portion of the site is across a street or an alley from or abuts a lot in a

residential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones, as provided in subsections C2 through C5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

- b. The minimum setback requirement may be averaged along the entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections C2(b), C3(b) and C4(b).
- c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty feet from any single family zoned lot and twenty feet from any multi-family zoned lot.
- d. The exceptions of Subsections 23.44.14D 4, 5, 6, 8, 9, 10, 11, and 12 shall apply.

2. New Public School Construction on New Public School Sites:

- a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average			
<u>Up to 20'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>20'</u>	<u>15'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>25'</u>	<u>20'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

includes

- b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Abutting Zone</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average (mininum)			
<u>Up to 20'</u>	<u>20'</u> (10')	<u>15'</u> (10')	<u>10'</u> (5')	<u>0'</u>
<u>21' to 35'</u>	<u>20'</u> (10')	<u>15'</u> (10')	<u>10'</u> (5')	<u>0'</u>
<u>36' to 50'</u>	<u>25'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u>
<u>51' or more</u>	<u>30'</u> (15')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

- a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minumum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average			
<u>Up to 20'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>20'</u>	<u>15'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

- b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minumum Setbacks</u> <u>Abutting Zone</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average (minumum)			
<u>Up to 20'</u>	<u>15'</u> (10')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>21' to 35'</u>	<u>20'</u> (10')	<u>15'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>36' to 50'</u>	<u>25'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>51' or more</u>	<u>30'</u> (15')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u> (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Public Schools on Existing Public School Sites:

- a. Additions to public schools on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height

of the school and the designation of the facing residential zone as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	<u>Average</u>			
<u>Up to 20'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>20'</u>	<u>15'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Abutting Zone</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	<u>Average (Minimum)</u>			
<u>Up to 20'</u>	<u>10'</u> (5')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>21' to 35'</u>	<u>15'</u> (5')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>36' to 50'</u>	<u>20'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>51' or more</u>	<u>25'</u> (10')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u> (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten feet and the minimum setback to five feet for

structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen feet and the minimum setback to five feet for structures or portions of structures abutting lots in residential zones.

c. The limits in (a.) and (b.) may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six feet unless either the modulation option in Subsection a. below or the landscape option in Subsection b. below is met.

a. Modulation option

Front facades and side and rear facades which face street lot lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet.

(2) The minimum width of modulation shall be twenty percent of the total structure width or ten feet, whichever is greater.

(3) Any unmodulated portion of the facade shall not comprise more than fifty percent of the total facade area.

b. Landscape option

Yards and landscaping shall be provided as follows:

- (1) One tree and three shrubs are required for each three hundred square feet of required yard. When new trees are planted, at least half must be deciduous.
- (2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet of the area may be substituted for required plantings on a one tree to one tree or one shrub to one shrub basis if the minimum standards in Section 23.86.22, Measurements, are met, except that shrub height need not exceed two feet at any time. In order to give credit for large existing trees, a tree may count as one required tree for every three hundred square feet of its canopy spread.
- (3) The planting of street trees may be substituted for required trees on a one-to-one basis. All street trees shall be planted according to City of Seattle Board of Public Works tree planting standards.
- (4) Each yard required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.
- (5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard ^{departure} from the modulation and landscaping standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

E. Parking Quantity.

1. A minimum of one parking space per eighty square feet of auditorium or other place of assembly or one space per eight fixed seats in an auditorium or other place of assembly containing fixed seats is required for construction of a new public school on a new public school site or on an existing public school site.

2. When an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an addition to an existing public school on an existing public school site is proposed, parking is required if an auditorium or other place

of assembly is expanded or additional fixed seats are added. Additional parking is required as set out in subsection E.1, for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

F. Parking Location.

Parking may be located:

1. Within the principal structure, or
2. On any portion of the lot except the front yard when separated from streets and from abutting lots in residential zones by a five-foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one front yard when landscaped as described in this subsection.
3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping.
Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for

example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

G. Bus and Truck Loading and Unloading :

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in a landscaped area provided under subsection D.1.b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.
2. One off-street truck loading berth meeting the requirements of Subsection 23.54.30H shall be required for new public school construction.
3. Development standard departure from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

H. Noise, Odor, Light and Glare.

The development standards for small institutions set forth in Subsection 23.45.100 A1, B and C shall apply.

Development standard departure from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

I. Signs.

A public school may have one double-faced identifying sign on each street frontage. Signs shall not exceed fifteen square feet per face. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

Section 4. Subsections A, D and L of Section 23.44.22 of the Seattle Municipal Code are amended to read as follows:

23.44.22 Institutions.

A. Institutions Identified.

The following institutions may be permitted as conditional uses in Single Family zones.

Community Centers
Day Care Centers
(~~Public or~~) Private Schools
Religious Facilities
(~~Public or~~) Private Libraries
Other Similar Institutions

The following institutions are prohibited in Single Family zones:

Hospitals
Colleges and Universities
Museums
Private Clubs

* * *

D. Dispersion.

The lot line of any proposed new or expanding institution shall be located six hundred feet or more from any lot line of any other institution, except public schools, in a residential zone, provided that an institution may expand even though it is within 600 feet of a public school if the public school is constructed subsequent to the effective date of this ordinance.

A proposed institution which does not meet the dispersion criteria may be permitted by the Director upon determination that the intent of the criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

* * *

L. Parking and Loading Berth Requirements.

1. Quantity of Offstreet Parking.

- a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single occupancy vehicles shall be encouraged.
- b. Minimum parking requirements for certain types of institutional uses shall be as follows:

Community center - One parking space for each eighty square feet of a main auditorium or other assembly room.

Day care center - One parking space per ten children or one space per teacher, whichever is greater; and one loading space for each twenty children.

~~((Public and p))~~ Private schools - One parking space for each eighty square feet of main auditorium or other public assembly room. In the absence of an auditorium or assembly room, one space for each staff member.

Religious facility - One parking space for each eighty square feet of nave, main

auditorium, or other public assembly room.
Theater, auditorium or assembly hall
accessory to an institution (excluding
schools, community centers) - One space for
each one hundred square feet of floor area.
Stadium, indoor or outdoor sports facilities
with sports spectator assembly areas - One
space for each one hundred square feet of
spectator assembly area.

c. The Director may modify the parking standards imposed in this Section on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M. The modification shall be based on adopted City policies and shall:

- provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and
- not cause undue traffic through residential streets nor create a serious safety hazard.

2. Parking Design

Parking access and parking shall be designed as provided in Design Standards for Access and Offstreet Parking, Chapter 23.54.

3. Loading Berths

The quantity and design of loading berths shall be as provided in Design Standards for Access and Offstreet Parking, Chapter 23.54.

* * *

Section 5. Section 23.45.90 of the Seattle Municipal Code is amended to read as follows:

23.45.90 Institutions, General Provisions.

A. The establishment of new institutions, such as religious facilities, community centers, private schools, and daycare centers, which meet the development standards of Sections 23.45.92 through 23.45.102 shall be permitted outright in all multi-family zones. Institutions not meeting all the development standards of these Sections may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122. If the expansion of an existing institution meets all development standards, it shall be permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122. Public schools shall be permitted as regulated in Section 23.45.112.

B. The provisions of this Section shall not apply to major institutions. All major institutions shall be so designated and their boundaries approved by the Council.

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Section 6. Section 23.45.102 of the Seattle Municipal Code is amended to read as follows:

23.45.102 Institutions, Dispersion Criterion.

The lot line of any new or expanding institution shall be located six hundred feet or more from any lot line of any other institution other than a public school in a residential zone, provided, that an institution may expand even though it is within 600 feet of a public school if the public school is constructed subsequent to the effective date of this ordinance.

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Section 7. Chapter 23.45 of the Seattle Municipal Code is amended to add a new section 23.45.112 to read as follows:

Section 23.45.112 Public Schools.

Public Schools Meeting Development Standards

New public schools or additions to existing public schools and accessory uses including daycare centers which meet the following development standards shall be permitted in all multi-family zones. Departures from development standards of this Section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79,

Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures.
2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multi-family structures or thirty-five feet plus fifteen feet for a pitched roof, whichever is greater. If the thirty-five foot height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.
3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multi-family structures, the height of the existing school,

or thirty-five feet plus fifteen feet for a pitched roof, whichever is greater. When the height limit is thirty-five feet, the ridge of the pitched roof on a principal structure may extend up to fifteen feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites, maximum height which may be granted as a development standard departure shall be thirty-five feet plus fifteen feet for a pitched roof for elementary schools and sixty feet plus fifteen feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures is proposed.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

B. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to public schools when no portion of the site is across a

street or an alley from or abuts a lot in a residential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones as provided in subsections B2 through B5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

- b. The minimum setback requirement may be averaged along the entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections B2(b), B3(b) and B4(b).
- c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty feet from any single family zoned lot and twenty feet from any multi-family zoned lot.
- d. The General Setback Exceptions regulations of the zone in which the public school is located shall apply.

2. New Public School Construction on New Public School Sites.

- a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the

school and the designation of the facing residential zone, as follows:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average			
<u>Up to 20'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>20'</u>	<u>15'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>25'</u>	<u>20'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

<u>Height</u> ¹	<u>Minimum Setbacks</u> <u>Abutting Zone</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average (minimum)			
<u>Up to 20'</u>	<u>20'</u> (10')	<u>15'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>21' to 35'</u>	<u>25'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>36' to 50'</u>	<u>25'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>51' or more</u>	<u>30'</u> (15')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u> (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height

of the school and the designation of the facing residential zone, as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average			
<u>Up to 20'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>20'</u>	<u>15'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback minimum of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Abutting Zone</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average (minimum)			
<u>Up to 20'</u>	<u>15'</u> (10')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>21' to 35'</u>	<u>20'</u> (10')	<u>15'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>36' to 50'</u>	<u>25'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>51' or more</u>	<u>30'</u> (15')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u> (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Public Schools on Existing Public School Sites.

a. Additions to public schools on existing public school sites across a street or alley from lots in residential zones shall provide either the

setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Zone from which Across</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average			
<u>Up to 20'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>21' to 35'</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>0'</u>
<u>36' to 50'</u>	<u>15'</u>	<u>10'</u>	<u>5'</u>	<u>0'</u>
<u>51' or more</u>	<u>20'</u>	<u>15'</u>	<u>10'</u>	<u>0'</u>

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

<u>Facade Height</u> ¹	<u>Minimum Setbacks</u> <u>Abutting Zone</u>			
	<u>SF/L1</u>	<u>L2/L3</u>	<u>MR</u>	<u>HR</u>
	Average (minimum)			
<u>Up to 20'</u>	<u>10'</u> (5')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>21' to 35'</u>	<u>15'</u> (5')	<u>10'</u> (5')	<u>10'</u> (5')	<u>0'</u> (0')
<u>36' to 50'</u>	<u>20'</u> (10')	<u>20'</u> (10')	<u>10'</u> (5')	<u>0'</u> (0')
<u>51' or more</u>	<u>25'</u> (10')	<u>25'</u> (10')	<u>15'</u> (5')	<u>0'</u> (0')

¹ Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5.

Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

- a. The minimum average setback may be reduced to ten feet and the minimum setback to five feet for structures or portions of structures across a street or alley from lots in residential zones.
- b. The minimum average setback may be reduced to fifteen feet and the minimum setback to five feet for structures or portions of structures abutting lots in residential zones.
- c. The limits in (a) and (b) may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

C. Structure Width.

- 1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six feet unless either the modulation option in paragraph a. or the landscape option in paragraph b. is met.

- a. Modulation option.

Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:

- (1) The minimum depth of modulation shall be four feet.
- (2) The minimum width of modulation shall be twenty percent of the total structure width or ten feet, whichever is greater.
- (3) Any unmodulated portion of the facade shall not comprise more than fifty percent of the total facade area.

b. Landscape option,

Setbacks and landscaping shall be provided as follows:

- (1) One tree and three shrubs are required for each three hundred square feet of required setback. When new trees are planted, at least half must be deciduous.
- (2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten feet of the area may be substituted for required plantings on a one tree to one tree or one shrub to one shrub basis if the minimum standards in Section 23.86.22, Measurements, are met, except that shrub height need not exceed two feet at any time. In order to give credit for large existing trees, a tree may count as one required tree for every three hundred square feet of its canopy spread.
- (3) The planting of street trees may be substituted for required trees on a one-to-one basis. All street trees shall be planted according to City of Seattle Board of Public Works tree planting standards.
- (4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.
- (5) Landscape features such as decorative paving are permitted to a maximum of twenty-five percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the modulation, and landscaping standards to permit other techniques to reduce the appearance of bulk may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

D. Parking Quantity.

1. A minimum of one parking space per eighty square feet of auditorium or other place of assembly or one space per eight fixed seats in an auditorium or other place of assembly containing fixed seats is required for construction of a new public school on a new public school site or on an existing public school site.

2. When an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, parking is required if an auditorium or other place of assembly is expanded or additional fixed seats are added.

Parking is required as set out in subsection D.i. for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

E. Parking Location.

Parking may be located:

1. Within the principal structure, or
2. On any portion of the lot except the front setback when separated from streets and from abutting lots in residential zones by a five-foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one front setback when landscaped as described in this subsection.
3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping.

Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived

by the Director when waiver would contribute to reduced demolition of residential structures.

F. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in a landscaped area provided under subsection C.b. if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.
2. One off-street loading berth shall be required for new public school construction.
3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck loading and unloading areas and berths only when departure would contribute to reduced demolition of residential structures.

G. Noise, Odor, Light and Glare.

The development standards for small institutions set forth in subsection 23.45.100 A1, B and C shall apply.

Development standard departure from these standards may be granted or required pursuant to the procedures set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

- H. Signs shall be permitted according to the provisions of Section 23.45.158. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

Section 8. Section 24.45.122 of the Seattle Municipal Code is amended to read as follows:

Section 24.45.122

Institutions other than public schools which do not meet development standards established in Section 23.45.90, may be permitted in multi-family zones as administrative conditional uses. The provisions of this Section shall not apply to major institutions.

Section 9. Subsection E of Section 23.54.30 of the Seattle Municipal Code is amended to read as follows:

Section 23.54.30 Parking Space Standards.

* * *

E. Curb Cuts.

Curb cut requirements shall be determined by whether the parking served by the curb cut is for residential or nonresidential use. When a curb cut is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection E2.

1. Residential uses.

- a. For lots not located on an arterial with more than fifteen thousand vehicle trips per day according to Engineering Department data, the number of curb cuts permitted shall be according to the following chart:

<u>Street or Easement Frontage of the Lot</u>	<u>Number of Curb Cuts Permitted</u>
0 - 80 feet	1
81 - 160 feet	2
161 - 240 feet	3
241 - 320 feet	4

For lots with frontage in excess of three hundred twenty feet, the pattern established in the chart shall be continued.

- b. Curb cuts shall not exceed a maximum width of ten feet except that one curb cut greater than ten feet but in no case greater than twenty feet in width may be substituted for each two curb cuts permitted by subsection Ela and except as specifically permitted by the development standards in a zone.
- c. For lots on arterials with more than fifteen thousand average vehicle trips per day, according to Engineering Department data, curb cuts of a maximum width of twenty-three feet shall be permitted according to the following chart. A list of such arterials shall be maintained by the Department.

<u>Street Frontage of the Lot</u>	<u>Number of Curb Cuts Permitted</u>
0 - 160 feet	1
161 - 320 feet	2
321 - 480 feet	3

For lots with street frontage in excess of four hundred eighty feet, the pattern established in the chart shall be continued.

- d. There shall be at least thirty feet between any two curb cuts located on a lot.
- e. A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two adjoining lots share a common driveway according to the provisions of Section 23.54.30D1, the combined frontage of the two lots shall be considered one in determining the maximum number of permitted curb cuts.

2. Nonresidential uses.

a. Number of curb cuts.

(1) For major institutional uses, a maximum of two curb cuts at least thirty feet apart for one-way traffic, or one curb cut for two-way traffic, shall be permitted for each two hundred feet of street or easement frontage and on corner lots with less than two hundred feet of street or easement frontage.

(2) In interim downtown zones, a maximum of two curb cuts for one-way traffic at least forty feet apart, or one curb cut for two-way traffic, shall be permitted on each street front where access is permitted by Section 23.49.14. No curb cut shall be located within forty feet of an intersection.

(3) For public schools, the minimum number of curb cuts determined necessary by the Director shall be permitted.

b. Curb cut widths.

(1) The minimum width of curb cuts for one-way traffic shall be twelve feet, and the maximum width shall be fifteen feet.

(2) The minimum width of curb cuts for two-way traffic shall be twenty-two feet, and the maximum width shall be twenty-five feet.

(3) For public schools, the maximum width of curb cuts shall be twenty-five feet.

Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

c. Curb cut flare.

A flare with a maximum width of two and one-half feet shall be permitted on either side of curb cuts in any zone.

* * *

Section 10. Title 23 of the Seattle Municipal Code is amended to add a new chapter 23.79 to read as follows:

CHAPTER 23.79 - ESTABLISHMENT OF DEVELOPMENT STANDARD DEPARTURE FOR PUBLIC SCHOOLS

23.79.02 Initiation of Development Standard Departure Procedure

A. The Seattle School District may apply for development standard departure for public school structures.

Applications shall be made to the Director.

B. When demolition of residential structures is proposed, and the public school site includes land acquired for public school use after the effective date of this amendatory ordinance, the Director shall initiate the process for development standard departures and the School District shall be bound by the development standard departures which are required in order to reduce demolition of residential structures.

23.79.04 Application for Development Standard Departure.

On receipt of an application for development standard departure or upon initiation of the process by the Director, the Director

shall forward an application to the Director of DCD who shall convene a Development Standard Advisory Committee, hereinafter called the advisory committee, to secure the comments of the public and make recommendations for modifications of development standards. The advisory committee shall operate pursuant to rules promulgated by the Director of DCD. The advisory committee shall consist of the following:

- A. A representative of the City selected by the Director of DCD, to act as chairperson;
- B. A representative of the Seattle School District;
- C. A person residing within three hundred feet of the school site and a person owning property or a business within three hundred feet of the school site, selected by the Director of DCD in cooperation with the community organization(s) representing the area;
- D. Two representatives of the neighborhood, selected by the Director of DCD in cooperation with the community organization(s) representing the area;
- E. A representative at large selected by the Joint Advisory Commission on Education (JACE); and
- F. A representative of the Department.
- G. A representative of the parents of the school to be replaced, expanded or remodeled, selected by the Director of DCD in cooperation with the school's PTSA or other school parent organization.

23.79.06 Notice Provided for Development Standard Departure. Notification of the application and formation of a Development Standard Advisory Committee and the first meeting of the advisory committee shall be provided by mailed notice, general mailed release, four placards posted on or near the site and

publishing in a newspaper of substantial local circulation and any relevant ethnic publications having substantial local circulation. If there is an existing parents' organization, notice shall be given through its regular processes. Notice shall also be given to community organizations known to the Department as representing the local area and to other related organizations who have requested notice.

23.79.08 Advisory Committee Responsibilities.

The Advisory Committee shall perform the following functions:

- A. It shall conduct a minimum of three public meetings within a 90-day period from formation of the advisory committee, provided that if the advisory committee deems the requested departure from development standards to be minor in nature, it shall conduct a minimum of one public meeting within a 30-day period from formation of the advisory committee.
- B. It shall gather and evaluate public comment.
- C. It shall recommend the maximum departure which may be allowed for each development standard for which a departure has been requested. The advisory committee may not recommend that a standard be made more restrictive unless the restriction is necessary as a condition to mitigate the impacts of granting a development standard departure.
 1. Departures shall be evaluated for consistency with the objectives and intent of the City's Land Use Policies to ensure that the proposed facility is compatible with the character and use of its surroundings. In reaching recommendations, the advisory committee shall consider and balance the interrelationships among the following factors:

- a. Relationship to surrounding areas. The advisory committee shall evaluate the acceptable or necessary level of departure according to:
- (1) Appropriateness in relation to the character and scale of the surrounding area;
 - (2) Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;
 - (3) Location and design of structures to reduce the appearance of bulk;
 - (4) Impacts on traffic, noise, circulation and parking in the area; and
 - (5) Impacts on housing and open space.
- More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.
- b. Need for departure. The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no

departure may be granted for a facility which can be accommodated within the established development standards.

2. When the departure process is required because of proposed demolition of housing, the desirability of minimizing the effects of demolition must be weighed against the educational objectives to be served in addition to the evaluation required in subsection 1.

3. Following the evaluation set out in subsections 1 or 2, departures may be recommended as set forth in the regulations for the applicable zone and in Chapter 23.54. Recommendations must include consideration of the interrelationship among height, setback and landscaping standards when departures from height or setback are proposed.

D. The advisory committee shall recommend departure limits to the Director no later than ninety days after its first meeting. Such recommendation shall be made after a majority or plurality vote and the chairperson shall vote only in case of a tie. If only one meeting is held, departure limits shall be recommended no later than thirty days after the meeting. A ten-day extension may be granted by the Director if requested, in writing, by a majority of the advisory committee.

23.79.10 Duties of Director.

A. The Director shall determine the amount of departure from established development standards which may be allowed or required, as well as mitigating measures which may be required. The Director's decision shall be based on an evaluation of the factors set forth in Subsection 23.79.14C,

the recommendations of the advisory committee, and other comments from the public. If the Director modifies the recommendations of the advisory committee, the reasons for the modification shall be put forth in writing.

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

23.78.12 Appeal of Development Standard Departure.

- A. Any person substantially affected by or interested in the development standard departure may appeal the decision to the Hearing Examiner within a period extending to five o'clock p.m. of the fourteenth calendar day following the date of publication of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until five o'clock p.m. the next business day. The appeal shall be in writing and shall state specifically why the appellant finds the departure inappropriate or incorrect.

- B. Appeals of development standard departure shall be accompanied by payment of a filing fee as established in the Seattle Municipal Code, Chapter 22.900, Permit Fee Ordinance.
- C. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Seattle Municipal Code, Chapter 3.02, Administrative Code. Notice shall be given not less than twenty days prior to hearing.
- D. Appeals shall be considered de novo.
The decision on the evidence before the Hearing Examiner shall be made upon the same basis as was required of the Director. The decision of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.
- E. The Hearing Examiner shall issue a decision within fourteen days after closing the record.
Notice of the Hearing Examiner's decision shall be mailed on the date of the decision to the parties of record and to all those requesting notice.
- F. The decision of the Hearing Examiner may affirm, reverse or modify the Director's decision either in whole or in part. The Hearing Examiner may also remand the decision to the Director for further consideration.
- G. The decision of the Hearing Examiner shall be final, and the applicant, appellant and Director shall be bound by it.

Section 11. Section 23.84.02 of the Seattle Municipal Code is amended to add a new definition after "Accessory Use" and preceding "Adjacent" to read as follows:

23.84.02 "A."

* * *

Additions to existing public school structures:

Any extension of an existing public school structure or rebuilding of an existing public school structure any portion of which remains intact. Building of an entirely new public school structure when part of an existing public school complex shall be considered an addition to an existing public school structure when the proposed new structure is on an existing public school site.

* * *

Section 12. Section 23.84.30 of the Seattle Municipal Code is amended to add a new definition after "Public Project" and preceding "Public Utility Service Use" to read as follows:

23.84.30 "P."

* * *

Public School Site - Existing:

A parcel of land acquired for public school use before the effective date of this amendatory ordinance and at some time developed with public school structures. A public school site may be divided by streets or alleys.

Public School Site - New:

A parcel of land no portion of which was previously developed with public school structures. Any land acquired for public school use on or after the effective date of this amendatory ordinance and added to an existing

public school site shall be considered a new public school site. A public school site may be divided by streets or alleys.

* * *

Section 13. Section 23.86.06 of the Seattle Municipal Code is amended to add a new subsection E to read as follows:

Section 23.86.06 Structure Height.

E. Determining Height of Existing Public School Structures

When the height of the existing public school structure must be measured for purposes of determining the permitted height or lot coverage of a public school structure, either one of the following options may be used.

1. If all parts of the new roof are pitched at a rate of not less than three to twelve, the ridge of the new roof may extend to the highest point of the existing roof. A shed roof does not qualify for this option.
2. If all parts of the new roof are not pitched at a rate of not less than three to twelve, then the elevation of the new construction may extend to the average height of the existing structure. The average height shall be determined by measuring the area of each portion of the building at each height and averaging those areas as depicted in Exhibit 86.06D.

Section 14. Section 24.24.010 of the Seattle Municipal Code is amended to read as follows:

Section 24.24.010 Principal Uses Permitted Outright.

The following uses are permitted:

- A. SF 7200 principal uses permitted outright as specified and regulated in Chapter 23.44 unless modified in this chapter except public schools, which are permitted outright as specified and regulated in Title 23;

- B. The following uses provided any building or active play area shall be located thirty feet or more from any other lot in a SF Zone and twenty feet or more from any other lot in any other R Zone:
1. (~~Public and p~~) Priate graded schools for academic instruction, including:
 - (a) Accessory dormitories, gymnasiums, dining facilities, offices and other similar accessory buildings on the same premises.
 - (b) Accessory public and private day care centers (as governed by state and local regulations), community programs for the elderly, community cultural enrichment activities and other similar accessory uses.
 2. Public playgrounds and public community centers; public parks, including customary buildings and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred feet or more from any other lot in an SF or an R zone and shall be completely obscured from view from such lots.
 3. Publicly owned boat moorages, operated under public jurisdiction for private pleasure craft.
 4. Non-school principal uses within existing or former public school buildings when authorized as a special exception by the Department of Community Development, or Hearing Examiner on appeal, in accordance with Chapter 23.78.

Section 15. Subsections A and D of Section 24.30.020 of the Seattle Municipal Code are amended to read as follows:

Section 24.30.020 Principal Uses Permitted Outright - Designated.

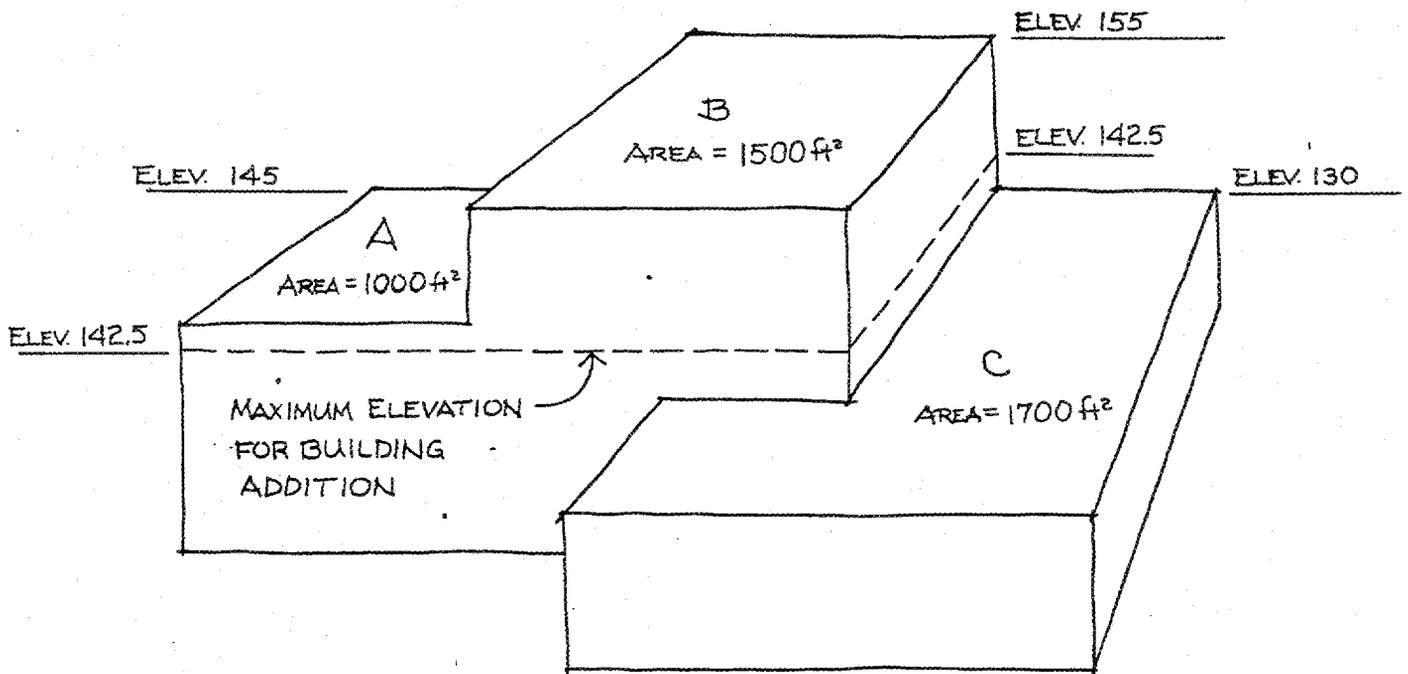
The following uses are permitted:

A. RM 1600 principal uses permitted outright as specified and regulated in Chapter 24.28 unless modified in this chapter except public schools, which are permitted outright as specified and regulated in Title 23;

* * *

D. ((Public and p)) Private schools for academic instruction which do not group children by age or grade level for purposes of instruction; art school, not including dance or music.

Section 16. (30-day ending)



ROOF LEVEL	AREA	x	ELEV.	=	PRODUCT
A	1000	x	145	=	145,000
B	1500	x	155	=	232,500
C	1700	x	130	=	221,000
	<u>4200</u>				<u>598,500</u>

$$\begin{aligned}
 \text{PERMITTED ROOF ELEVATION FOR BUILDING ADDITION} &= \frac{\text{TOTAL PRODUCT}}{\text{TOTAL AREA}} = \text{MAXIMUM ELEVATION} \\
 &= \frac{598,500}{4,200} = 142.5
 \end{aligned}$$

EXHIBIT 86.06 D

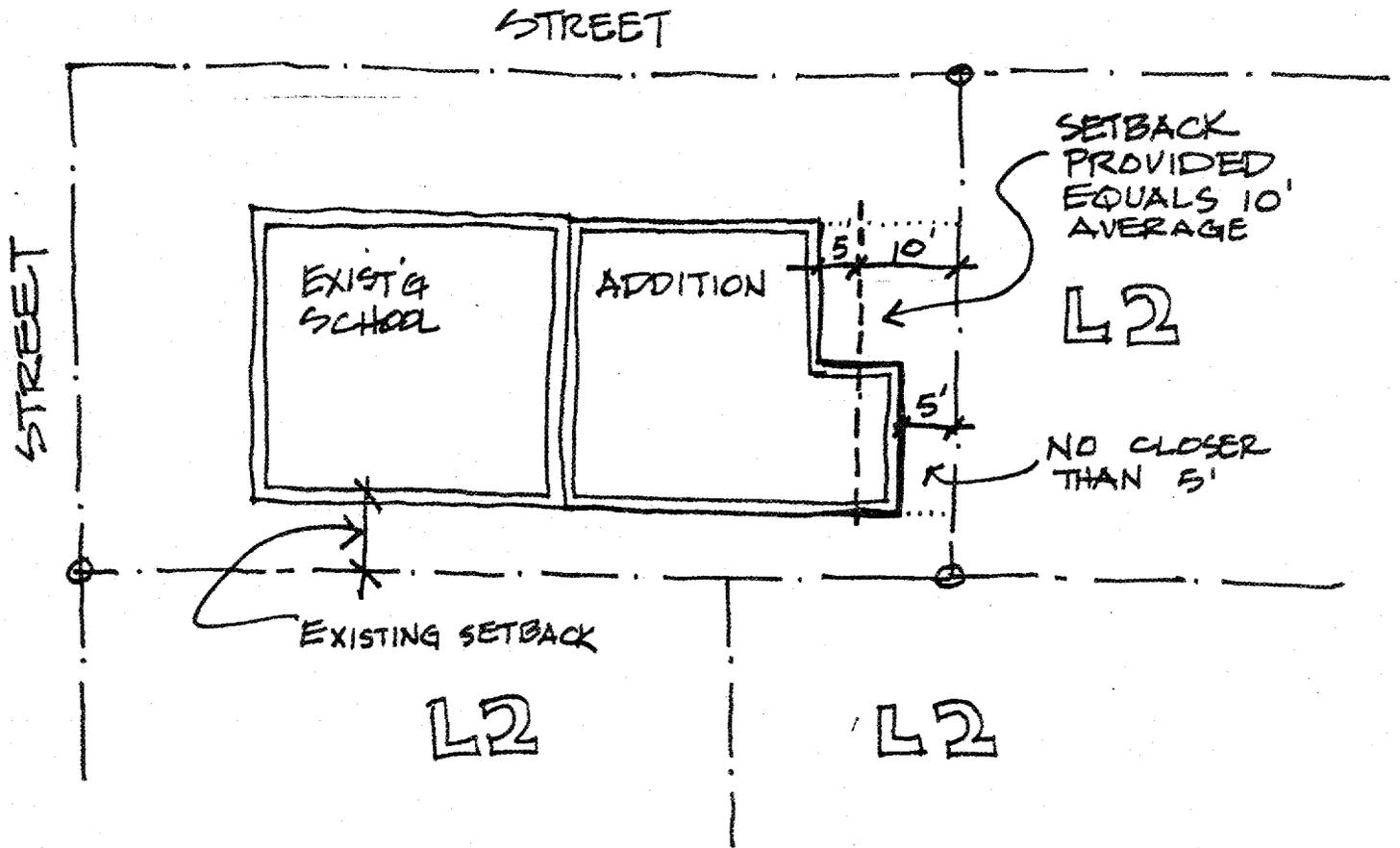


EXHIBIT 44.17A
 EXHIBIT 45.112A

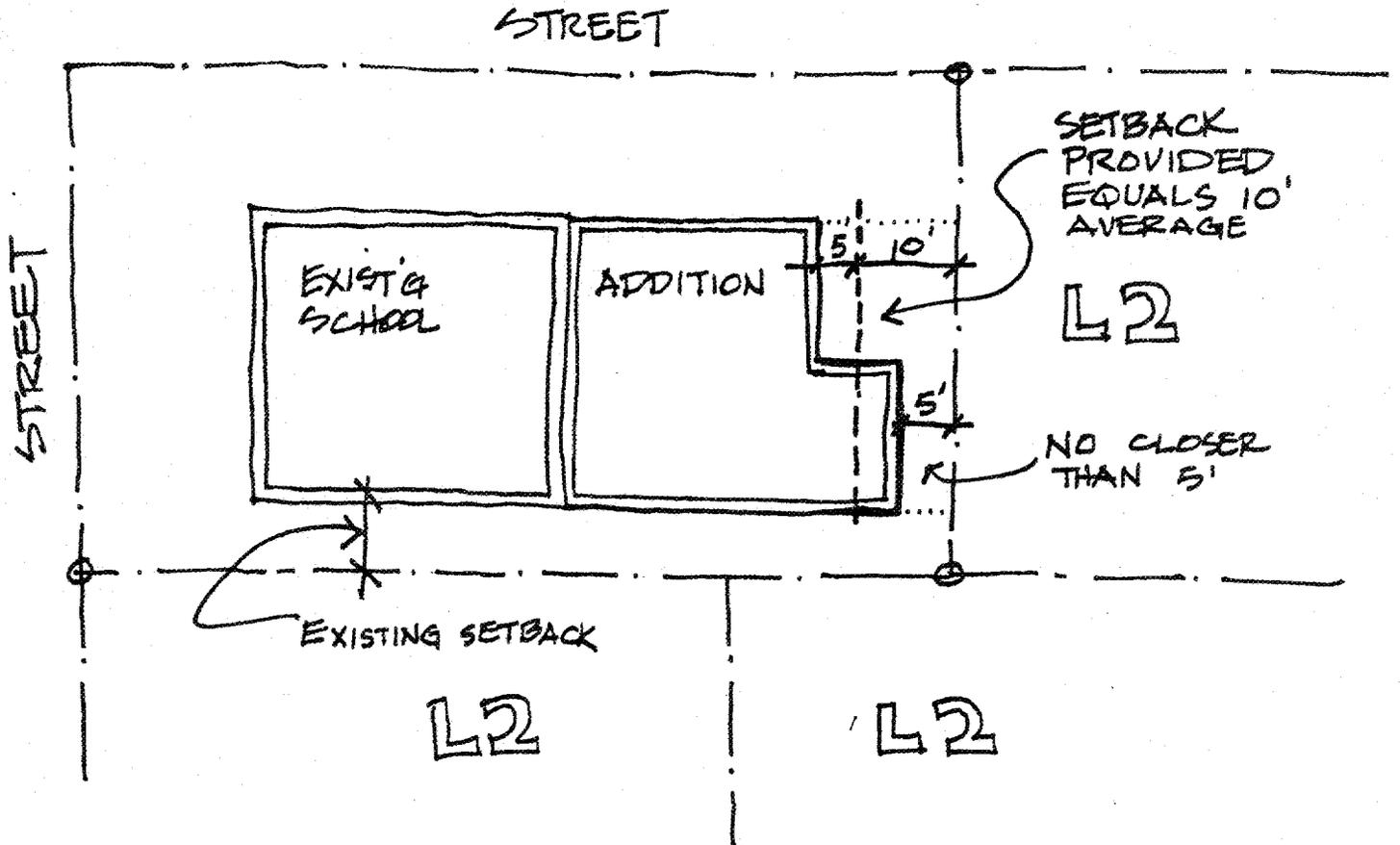


EXHIBIT 44.17A
 EXHIBIT 45.112A

(To be used for all Ordinances except Emergency.)

Section 16.. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the..... day of....., 19 ..,
and signed by me in open session in authentication of its passage this..... day of
....., 19 ..

President..... of the City Council.

Approved by me this..... day of....., 19 ..

Mayor.

Filed by me this..... day of....., 19 ..

Attest:.....
City Comptroller and City Clerk.

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

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

Ordinance No. 112539

was published on November 29, 1985

E. Blair
.....
Subscribed and sworn to before me on

November 29, 1985

Richard A. Jones
.....
Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 112539

AN ORDINANCE relating to zoning and land use; amending sections 23.44.06, 23.44.16, 23.44.22, 23.45.00, 23.45.102, 23.45.122, 23.54.30, 23.84.02, 23.84.30, 23.86.06, 24.24.010, 24.30.020, adding new sections 23.44.17 and 23.44.112; and adding a new chapter 23.79 to the Seattle Municipal (Land Use) Code to establish siting and development standards for public schools.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.06 of the Seattle Municipal Code is amended to add a new subsection G to read as follows:

Section 23.44.06 Principal Uses Permitted Outright.

G. Public Schools Meeting Development Standards.

New public schools or additions to existing public schools and accessory uses including daycare centers shall be permitted in all single-family zones subject to the special development standards and departures from standards contained in Section 23.44.17. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

H. Uses in Existing or Former Public Schools:

1. Daycare centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses shall be permitted in existing or former public schools.
2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.
3. Additions to existing public schools may be made only when the proposed use of the addition is a public school.

Section 2. Subsection D of Section 23.44.16 of the Seattle Municipal Code is amended to read as follows:

Section 23.44.16 Parking.

D. Location of Parking on Lot.

1. Except for public school use, parking may be located
 - a. Within the principal structure, or
 - b. In the side or rear yard except a required side yard abutting a street or the first ten feet of a required rear yard abutting a street.
2. Parking shall not be located in the required front yard except as provided in subsections D3, D4, D5 and D6.

3. Lots With Uphill Front Yards

Accessory parking for one two-axle or one up-to-four wheeled vehicle may be established in a required front

23.44.16D shall apply.

E. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty feet.
2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five feet plus fifteen feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.
3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five feet plus fifteen feet for a pitched roof, whichever is greater. When the height limit is thirty-five feet, the ridge of the pitched roof on a principal structure may extend up to fifteen feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the thirty-five foot height limit under this provision.
4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five feet plus fifteen feet for a pitched roof for elementary schools and sixty feet plus fifteen feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.
5. The provisions of subsection 23.44.12B regarding pitched roofs and sloped lots and the exemptions of subsection 23.44.12C shall apply.

C. Setbacks.

1. General Requirements:

- a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a non-residential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones, as provided in subsections C2 through C5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based