

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on _____

was referred the within Council Bill No. _____

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

*Held over for two weeks
- 19-93 Held until Aug. 2, 1993*

Committee Chair

ORDINANCE 116795

1
2
3 AN ORDINANCE relating to land use and zoning, amending
4 Seattle Municipal Code (SMC) Sections 23.34.013,
5 23.34.078, 23.45.002, 23.46.002, 23.46.012, 23.47.002
6 23.47.008, 23.47.023, 23.76.004, 23.76.006, 23.84.028,
7 23.84.048 and 23.90.018; adding new Sections 23.45.047
8 to SMC Chapter 23.45 and 23.47.009 to SMC Chapter 23.47;
9 adding a new Chapter 23.71 to the Seattle Municipal Code
10 to create the Northgate Overlay District; adopting
11 amendments to the official Land Use Map, Chapter 23.32
12 to establish the Northgate Overlay District; and
13 repealing SMC Chapter 25.07, Interim Traffic Standards
14 for the Northgate Area; NOW THEREFORE

15
16 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

17
18 Section 1. The official Land Use Map of the City of
19 Seattle, SMC 23.32.016, is hereby amended to create the
20 Northgate Overlay District. The boundaries of the Northgate
21 Overlay District shall be as depicted on Map A attached
22 hereto.

23 Section 2. A new Chapter 23.71 is hereby added to Title
24 23 of the Seattle Municipal Code to read as follows:

25 Chapter 23.71 Northgate Overlay District

26 Subchapter I Establishment of Overlay District

27 23.71.002 Purpose and Intent

28 The purpose of this Chapter is to implement the Northgate
Area Comprehensive Plan by regulating land use and
development within the Northgate Overlay District in order
to:

- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and

1 B. To protect the residential character of residential
2 neighborhoods; and

3 C. Support the use of Northgate as a regional high
4 capacity transportation center.

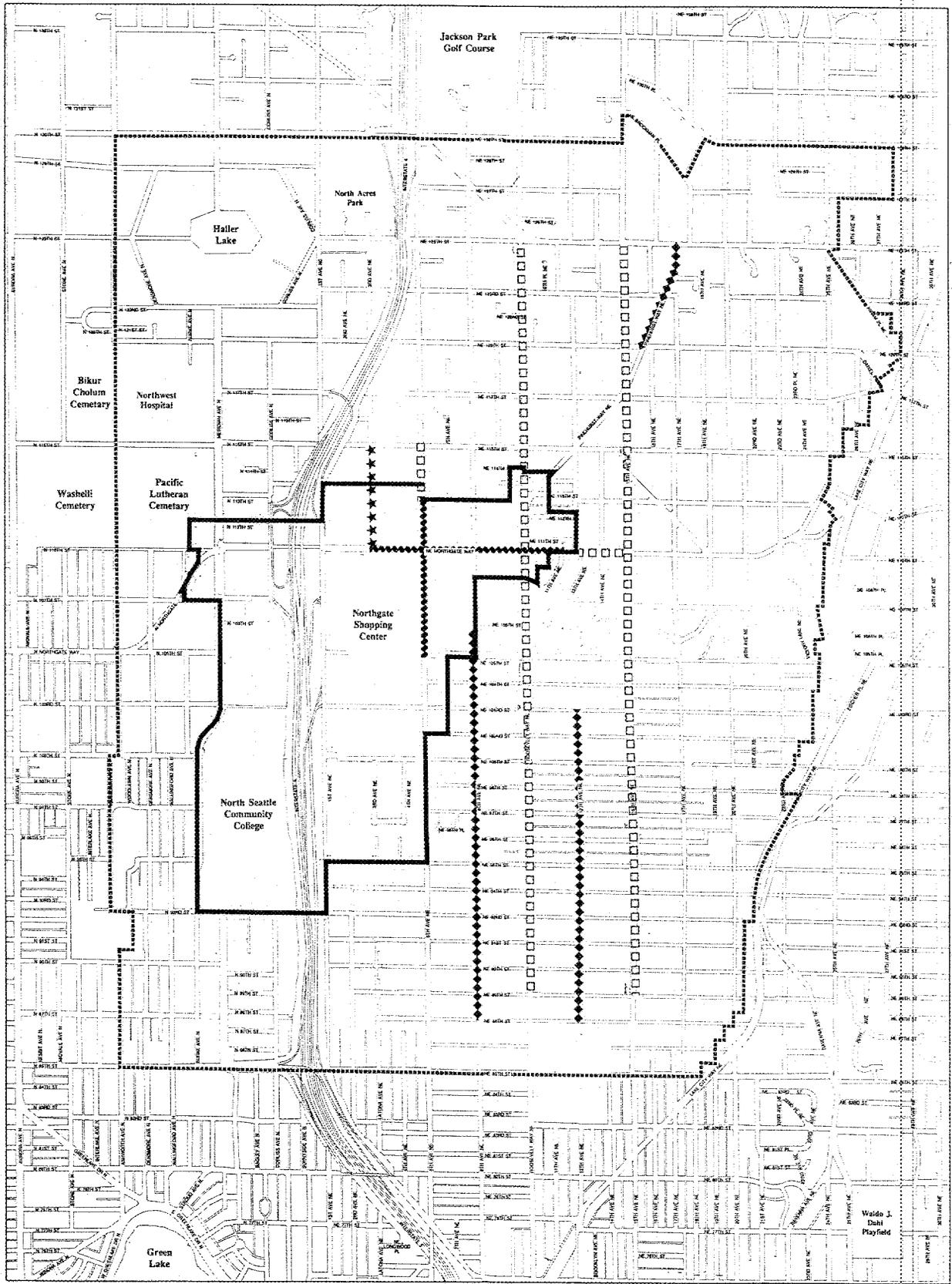
5
6 **23.71.004 Northgate Overlay District Established**

7 There is hereby established pursuant to Chapter 23.56 of the
8 Seattle Municipal Code, the Northgate Overlay District, as
9 shown on the City's Official Land Use Map, Chapter 23.32 and
10 Map A.

11 **23.71.006 Application of Regulations**

12 All land located within the Northgate Overlay District is
13 subject to regulations of the underlying zone unless
14 specifically modified by the provisions of this Chapter.
15 Where the boundaries of the Northgate Overlay District
16 overlap with the boundaries of the Major Institution Overlay
17 District, the zoning underlying a major institution shall be
18 as modified by the Northgate Overlay District. In the event
19 of irreconcilable differences between the provisions of the
20 Northgate Overlay District and the underlying zone, the
21 provisions of this Chapter apply, except that where a
22 conflict exists between the provisions of this Chapter and
23 Chapter 23.69, Major Institution Overlay District, the
24 provisions of Chapter 23.69 take precedence, provided that
25 the major institution may be granted an exception pursuant to
26 23.71.026.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



MAP A. NORTHGATE OVERLAY DISTRICT

- | | | | |
|-------|---------------------------|------------|-----------------------------|
| ----- | Overlay District Boundary | ◆◆◆◆◆◆◆◆◆◆ | Green Street Type III |
| ————— | Northgate Core Area | □□□□□□□□ | Special Landscaped Arterial |
| ***** | Green Street Type II | ●●●●●●●● | Major Pedestrian Street |

1 Subchapter II Development Standards

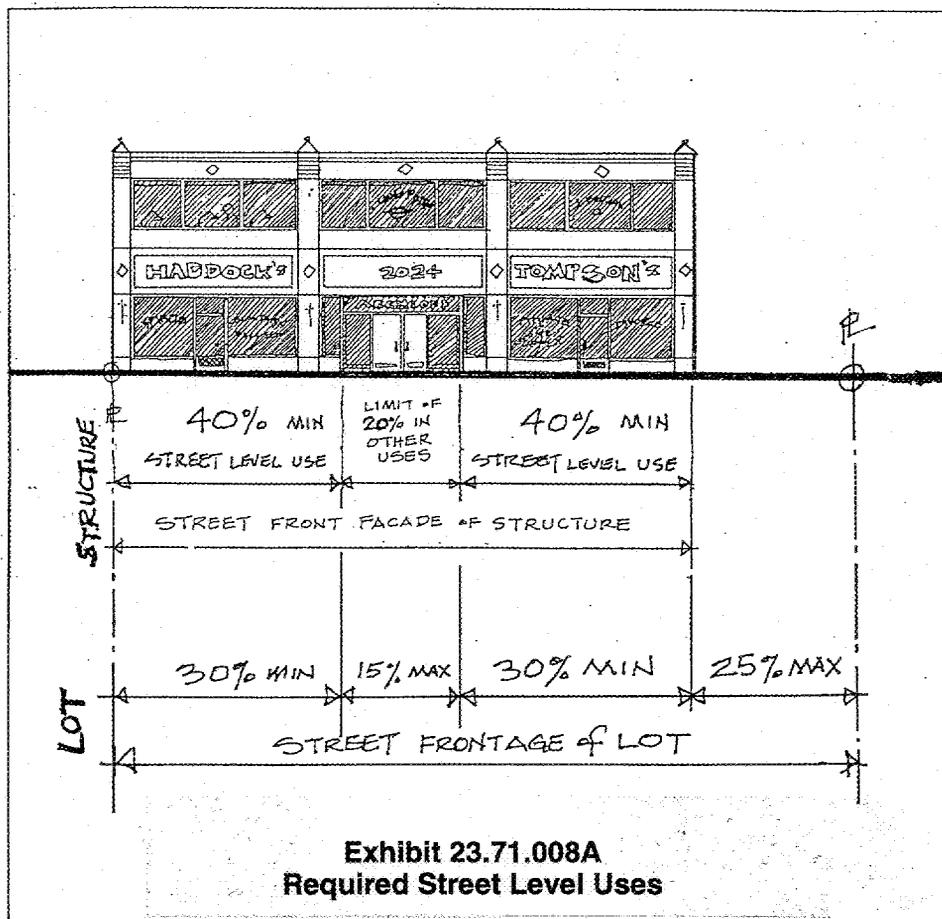
2 Part 1 Northgate Overlay District General Development
3 Standards.

4 **23.71.007 Substantial Development**

5 For the purposes of this Chapter, "substantial development"
6 means any new development, or expansion or addition to
7 existing development, when the new development, expansion or
8 addition exceeds four thousand (4,000) square feet in gross
9 floor area, excluding accessory parking area.

10 **23.71.008 Development Along Major Pedestrian Streets**

11 A. Northeast Northgate Way (from Third Avenue
12 Northeast to 11th Avenue Northeast) and Fifth Avenue
13 Northeast (from Northeast 113th Street to Northeast 105th
14 Street) are designated as Major Pedestrian Streets as shown
15 on Map A. Proposed use and development of property zoned
16 commercial and abutting these streets shall meet the
17 standards of this Section.



1 B. Standards for Required Street-level Uses.

2 1. A minimum of sixty percent (60%) of a
3 commercially zoned lot's frontage on a Major Pedestrian
4 Street shall be occupied by one or more of the following
5 uses, provided that drive-in businesses and outdoor storage
6 are prohibited:

- 7 a. Personal and Household Retail Sales and
8 Service Use
9 b. Eating and Drinking Establishments
10 c. Customer Service Offices
11 d. Entertainment Uses
12 e. Lodging Uses

13 If a portion of the Major Pedestrian Street frontage is
14 required for access to on-site parking due to limited lot
15 dimension, the Director may permit less than sixty percent
16 (60%) of the frontage to be occupied by such uses.

17 2. A minimum of eighty percent (80%) of each
18 structure fronting on a Major Pedestrian Street shall be
19 occupied at street-level by one or more of the uses listed in
20 subsection B1 or a building lobby permitting access to uses
21 above or behind street front uses. In no case shall
22 pedestrian access to uses above or behind required
23 streetfront uses exceed twenty percent (20%) of the
24 structure's Major Pedestrian Streetfront. The remaining
25 twenty percent (20%) of the structure's street frontage may
26 contain other permitted uses
27 or pedestrian entrances (Exhibit 23.71.008 A).

28 3. Street-level uses shall occupy a minimum of
the first ten feet (10') above sidewalk grade.

4. All required street-level uses along Major
Pedestrian Streets shall be set back no more than ten feet

1 (10') from the street property line, except as necessary to
2 provide open space as defined in Section 23.71.014C or for
3 bedrooms in a lodging structure, which may be set back a
4 maximum of fifteen feet (15'). The owner shall design the
5 area subject to this setback to include special pavers, as an
6 extension of the sidewalk or with landscaping.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. The principal entrances to required street-level uses on Major Pedestrian Streets shall have direct access to the sidewalk and be within two feet (3') of the sidewalk grade elevation.

6. Personal and Household Retail Sales and Service Uses greater than thirty thousand (30,000) square feet may locate a principal pedestrian entrance on a facade oriented to a parking area or the Major Pedestrian Street. Where a principal pedestrian entrance is oriented to a parking area, an additional pedestrian entrance shall be located along the Major Pedestrian Street. In lieu of the additional entrance, the owner may provide a ten foot (10') wide, landscaped pedestrian walkway from the Major Pedestrian Street to the principal pedestrian entrance, provided that the walkway does not go through other businesses or parking areas.

C. Parking Location and Screening.

The following standards apply along Major Pedestrian Streets:

1. Parking, or access to parking, shall not exceed 40% of a lot's frontage on a Major Pedestrian Street.

2. Parking shall be located to the rear or side of a structure, within or under the structure, or within 800 feet of the lot to which it is accessory.

3. Where parking within a structure occupies any portion of the Major Pedestrian Street-level of the structure, the parking shall be screened from public view from the Major Pedestrian Street(s) by a street-level facade. The street-level facade shall be enhanced by architectural detailing, artwork, landscaping, or similar treatment that will add visual interest to the facade.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. The perimeter of each floor of parking which is eight feet (8') or more above sidewalk grade shall have an opaque screen at least three and one-half feet (3-1/2') high at its perimeter.

5. Surface parking areas shall be set back a minimum of fifteen feet (15') from the Major Pedestrian Street lot line. The setback area, excluding driveways, shall be provided as landscaped or usable open space, as defined in Section 23.71.014.

6. Any nonconformity with respect to location, screening and landscaping of an existing parking area shall be eliminated at the time of a substantial development, if the area of the nonconformity is between the substantial development and the Major Pedestrian Street. This requirement shall apply regardless of whether the substantial development increases lot coverage.

D. Parking Access and Curb cuts.

1. When a lot abuts an alley which meets the standards of Section 23.53.030 C, access to parking shall be from the alley.

2. When a lot does not abut an improved alley, and the lot fronts on more than one (1) street, at least one of which is not a Major Pedestrian Street, access to parking shall be from a street which is not a Major Pedestrian Street.

3. If the lot does not abut an improved alley, and only abuts a Major Pedestrian Street(s), access from the Major Pedestrian Street shall be limited to one (1), two (2) way curb cut within any three hundred foot (300') segment of that lot.

E. Sidewalks.

1
2 1. The owner shall construct a sidewalk no less
than twelve feet (12') in width.

3 2. The owner shall plant street trees adjacent to
4 the Major Pedestrian Street. The trees shall meet criteria
5 prescribed by the Director of the Seattle Engineering
6 Department.

7 3. Planting strips are prohibited along Major
8 Pedestrian Streets.

9 4. The owner shall install street furniture and
10 planting boxes adjacent to the Major Pedestrian Street. The
11 installation shall conform to the Seattle Street Improvement
Manual.

12 F. Street Facade Standards

13 1. Transparency Requirements

14 a. Sixty percent of the width of the facade
15 of a structure along the Major Pedestrian Street shall be
16 transparent.

17 b. A facade shall be considered transparent
18 if it has clear or slightly tinted glass in windows, doors or
display windows.

19 c. Transparent areas shall allow views into
20 the structure or into display windows from the outside.

21 2. Blank Facades

22 a. Any portion of a facade which is not
23 transparent shall be considered to be a blank facade.

24 b. Blank facade segments shall not exceed
thirty feet (30') along the Major Pedestrian Street front.

25 c. Blank facade segments which are separated
26 by transparent areas of at least two feet (2') in width shall
27 be considered separate facade segments for the purposes of
28 this Section.

1 3. Transparent and blank facade standards apply
2 to the area of a facade between two feet (2') and eight feet
3 (8') above the sidewalk.

4 G. Overhead Weather Protection.

5 1. Continuous overhead weather protection, (i.e.,
6 canopies, awnings, marquees, and arcades) is required along
7 at least sixty percent (60%) of the street frontage of a
8 commercial structure on a Major Pedestrian Street.

9 2. The overhead weather protection must be
10 provided over the sidewalk, or over a walking area within 10
11 feet immediately adjacent to the sidewalk. When provided
12 adjacent to the sidewalk, the covered walking area must be at
13 the same grade or within eighteen inches (18") of sidewalk
14 grade and meet Washington State requirements for barrier free
15 access.

16 3. The covered area shall have a minimum width of
17 six feet (6'), unless there is a conflict with street trees
18 or utility poles, in which case the width may be adjusted to
19 accommodate such features.

20 4. The lower edge of the overhead weather
21 protection shall be a minimum of eight feet (8') and a
22 maximum of twelve feet (12') above the sidewalk for
23 projections extending a maximum of six feet (6'). For
24 projections extending more than six feet (6') from the
25 structure, the lower edge of the weather protection shall be
26 a minimum of ten feet (10') and a maximum of fifteen feet
27 (15') above the sidewalk.

28 **23.71.010 Green Streets.**

A. Green Streets are identified on Map A.

B. Where an owner proposes substantial development
adjacent to a street classified as a Green Street, the owner

1 shall construct street and pedestrian improvements which meet
2 standards promulgated by the Director and the Director of the
3 Seattle Engineering Department.

4 **23.71.012 Special Landscaped Arterials.**

5 A. Special Landscaped Arterials are those arterials
6 identified on Map A.

7 B. When an owner proposes substantial development on
8 lots abutting Special Landscaped Arterials, the owner shall
9 provide the following:

10 1. Street trees meeting standards established by
11 the Director of the Seattle Engineering Department.

12 2. A six foot (6') planting strip and six foot
13 (6') sidewalk if the lot is zoned SF, LDT, L1, or L2.

14 3. A six foot (6') planting strip and a six foot
15 (6') sidewalk, or, at the owner's option, a twelve foot (12')
16 sidewalk without a planting strip, if the lot is zoned NC2,
17 NC3, RC, L4 or MR.

18 4. Pedestrian improvements, as determined by the
19 Director, such as, but not limited to special pavers,
lighting, benches and planting boxes.

20 **23.71.014 Open Space**

21 A. Quantity of Open Space

22 1. In all Commercial zones with a permitted
23 height limit of forty feet (40') or less, a minimum of ten
24 percent (10%) of lot area shall be provided as landscaped or
25 usable open space for all commercial and mixed use
26 substantial development. A minimum of one-half (1/2) of the
27 required open space shall be landscaped open space and a
28 minimum of one-third (1/3) of the required open space shall
be usable open space. The remainder shall be either

1 landscaped or usable open space or may be provided in
2 accordance with subsection A8.

3 2. In all Commercial zones with a permitted
4 height limit greater than forty feet (40'), a minimum of
5 fifteen percent (15%) of lot area shall be provided as
6 landscaped or usable open space for all commercial and mixed
7 use substantial development. A minimum of one-third (1/3) of
8 the required open space shall be landscaped open space and a
9 minimum of one-fifth (1/5) of the required open space shall
10 be usable open space. The remainder shall be either
11 landscaped or usable open space or may be provided in
12 accordance with subsection A8.

13 3. Open space may be provided as interior or
14 exterior open space according to the standards provided in
15 subsections 23.71.014B and C. Interior open space may be
16 used to satisfy up to twenty percent (20%) of the open space
17 requirement.

18 4. Reductions to required open space
19 Required open space may be reduced if any of the following
20 open space alternatives are provided:

21 a. Interior public meeting space or space
22 accommodating a public library, either of which shall be free
23 to the public and credited at two (2) times their actual
24 area.

25 b. An on-site town square, urban plaza,
26 active park, or passive park which meets the minimum size
27 requirements prescribed in Table 23.71.014A and which is
28 consistent with the standards for such features contained in
subsection 23.71.014C. Such space shall be credited towards
the open space requirement at 1.5 times the actual lot area
occupied by such space.

1
2
3
4
5
6
7
8
5. Above-ground open space in the form of a
publicly accessible terrace may satisfy up to thirty percent
(30%) of total required open space. Due to the more limited
public access to such areas, such above-ground open space
shall be credited at seventy five percent (75%) of actual
area provided. Above ground open space in combination with
interior open space shall not exceed fifty percent (50%) of
the total area required for open space.

9
10
11
12
13
14
6. In no case shall required landscaped open space
be reduced to less than five percent (5%) of lot area.
Required landscaping of surface parking areas may count
towards the landscaped open space requirement to a maximum of
five percent (5%) of total lot area. Perimeter screening of
a surface parking area may count towards the landscaped open
space requirement in excess of five percent (5%).

15
16
17
18
19
20
21
22
7. When an owner proposes substantial development
on lots 40,000 square feet or less and adjacent to a Major
Pedestrian Streets as designated in Section 23.71.008, the
Director may reduce the total amount of required open space
if the owner provides open space on the portion of the site
abutting the Major Pedestrian Street. The reduction does not
apply to open space consisting of landscaping required for
surface parking areas, screening, or to improvements provided
within the street right-of-way.

23
8. Northgate Open Space Fund

24
25
26
27
28
a. In lieu of providing the remainder of open
space, as defined in subsections A1 and A2, an owner may make
a payment to the Northgate Area Open Space fund, if such a
fund is established by the City Council. The payment and use
thereof shall be consistent with RCW 82.02.020.

1 b. An in-lieu of payment shall equal the
2 assessed value of the land and improvements which would
3 otherwise have been provided as open space.

4 c. Funds received from properties within the
5 Northgate Core sub-area as shown on Map A, shall be applied
6 to open space acquisition or improvements in the Northgate
7 Core sub-area. Funds received from properties outside of the
8 Northgate Core sub-area shall be applied to open space
9 acquisition or improvements within one-half mile of
10 contributing sites.

11 B. Open Space Development Standards

12 1. Landscaped open space

13 a. Landscaped open space shall be provided
14 outdoors in the ground or in permanently installed beds,
15 planters, or in large containers which cannot be readily
16 removed.

17 b. Landscaped open space shall have a minimum
18 horizontal dimension of six feet (6'), except on lots which
19 are ten thousand (10,000) square feet or less in area, where
20 a minimum horizontal dimension of five feet (5') is allowed.
21 Where screening and landscaping of a surface parking area is
22 counted towards meeting the landscaped open space requirement
23 it shall meet the minimum dimensions as required by the
24 underlying zone.

25 2. Usable open space - General

26 a. Usable open space shall be open to the
27 public. The minimum size of usable open space is prescribed
28 in Table 23.71.014A. The Director may modify the
requirements of Section 23.71.014C, if the owner demonstrates
that meeting the requirements is infeasible or the Director
determines that the owner's proposal will better achieve the

1 purpose of usable open space than the requirements prescribed
2 herein.

3 b. Usable open space shall be located within
4 three feet (3') of the elevation of abutting sidewalks,
5 provide access of at least ten feet (10') in width and
6 provide barrier-free access according to the Washington State
7 Rules and Regulations for Barrier-Free Design.

8 c. Where proposed, skybridges shall provide a
9 direct connection to the nearest usable open space at ground
10 level. This connection shall be visible from the skybridge
11 and shall be identified by signage at both entrances to the
12 skybridge.

12 3. Usable open space - Exterior

13 a. Usable open space may be provided as on-
14 site exterior open space consisting of an active or passive
15 park, courtyard, public meeting space, terrace, town square,
16 urban garden, urban plaza, landscaped interior block
17 pedestrian connection or urban trail.

18 b. Exterior usable open space shall meet the
19 minimum standards contained in subsection 23.71.014C.

20 c. Exterior usable open space shall be
21 screened from streets and parking areas by landscaping, a
22 fence or a wall, except along a Major Pedestrian Street, in
23 which case usable open space shall be accessible to or
24 integrated into the adjoining sidewalk for at least fifty
25 percent (50%) of its frontage.

25 4. Usable open space - Interior

26 a. Usable open space may be provided as on-
27 site interior open space consisting of an atrium/greenhouse,
28 galleria, or public meeting space.

1 access should be designed to improve overall pedestrian
2 circulation on the block.

3 b: Minimum standards:

4 1.) The minimum height shall be thirty
5 feet (30').

6 2.) A minimum of fifteen percent (15%)
7 of an atrium/greenhouse or galleria shall be landscaped.

8 3.) A minimum of fifteen percent (15%)
9 of an atrium/greenhouse or galleria shall be reserved for
10 public seating at a rate of one lineal foot for every thirty
11 (30) square feet of floor area or one lineal foot of public
12 seating area for every thirty (30) square feet of floor area.

13 4.) A minimum of thirty-five percent
14 (35%) of the perimeter of an atrium/greenhouse or galleria
15 shall be occupied by retail sales and service uses and sixty
16 percent (60%) of every retail frontage on the
17 atrium/greenhouse or galleria shall be transparent.

18 5.) Perimeter walls of an
19 atrium/greenhouse or galleria, excluding the wall of the
20 structure, shall be no more than 15% blank. All non-
21 transparent perimeter walls shall include measures to reduce
22 the effect of the blank wall including, but not limited to,
23 architectural detailing, landscaping, modulation or art.

24 3. **Courtyard:** A courtyard shall meet the
25 following minimum standards and guidelines:

26 a. **Location and access:** A courtyard shall
27 be adjacent to or attached to a structure or public sidewalk
28 and shall be highly visible from adjacent sidewalks and
public areas and have direct access to the streets on which
it fronts. A courtyard shall be easily accessible and
inviting to pedestrians and provide enclosure through use of

1 design elements such as pedestrian walkways, structures
2 containing retail uses, low planters or benches, and seating.

3 b. Fifty percent (50%) of the courtyard
4 area, outside of areas of major pedestrian traffic, shall be
5 level.

6 c. Courtyards shall include unit paving;
7 landscaping, which encourages privacy and quiet; and
8 pedestrian-scaled lighting and seating. Public seating shall
9 be provided at a rate of one lineal foot of seating for every
10 fifty (50) square feet of courtyard area

11 4. **Passive Park:** - Passive parks shall provide
12 landscaped space for unstructured recreational activity such
13 as walking or picnicking.

14 5. **Public Meeting Space:** - Public meeting spaces
15 shall be enclosed rooms available for use by the public free
16 of charge, designed for the purposes of accommodating
17 meetings, gatherings, or performances with seating capacity
18 for at least fifty (50) people. Public meeting spaces shall
19 be available to the public between the hours of 10:00 a.m.
20 and 10:00 p.m. Monday through Friday and shall not count
21 towards minimum parking requirements.

22 6. **Terrace:** - A terrace is intended to provide
23 additional opportunity for open space in areas of
24 concentrated development.

25 a. Location and access:

26 1.) A terrace is a wind-sheltered area
27 above street level uses in a structure.

28 2.) A terrace should be easily
accessible from the street and access should be plainly
identified.

1
2 3.) Direct access by stairs, ramps or
3 mechanical assist shall be provided from a public right-of-
4 way or public open space to the terrace.

5 4.) The path of access must have a
6 minimum width of ten feet (10').

7 b. A minimum of eighty percent (80%) of the
8 terrace shall receive solar exposure from 11 a.m. until 2 p.m.
9 PDT between the Spring and Autumn equinox.

10 c. Public seating shall be provided in an
11 amount equal to one seat for each thirty (30) square feet of
12 terrace area or one lineal foot of public seating for each
13 thirty (30) square feet of terrace area.

14 d. Terraces shall be landscaped in a manner
15 which provides for the comfort and enjoyment of people in the
16 space as well as creates a visual amenity for pedestrians and
17 occupants of surrounding buildings.

18 e. A terrace shall be open to the public
19 from at least 7 a.m. until one hour after sunset seven days a
20 week.

21 7. **Town Square:** - A town square shall meet the
22 criteria for an urban plaza and in addition, shall meet the
23 following:

24 a. Location and access: A town square shall
25 be located adjacent to a Major Pedestrian Street.

26 b. A large, essentially level, unobstructed
27 area should characterize the center of a town square and be
28 available for public events.

8. **Urban Garden:** - Urban gardens are intended to
provide color and visual interest to pedestrians and
motorists and are characterized by such amenities as
specialized landscaping, paving materials and public seating.

1 a. Location and access: Urban gardens shall
2 be located at or near sidewalk grade and adjacent to a public
3 right-of-way or building lobby.

4 b. One public seating space for each twenty
5 (20) square feet of garden area or one lineal foot of public
6 seating for every twenty (20) square feet of garden area
7 shall be provided;

8 c. Urban gardens shall be developed with
9 unit paving and plant materials in a garden-like setting.
10 Landscaping shall include a mix of seasonal and permanent
11 plantings, including trees and shrubs. A water feature is
12 encouraged.

13 d. A minimum of seventy-five percent (75%)
14 of the garden area shall receive solar exposure from 11 a.m.
15 until 2 p.m. PDT, between the Spring and Autumn Equinox.

16 e. The garden shall be open to the public at
17 least five days a week from 8 a.m. until 7 p.m.

18 9. **Urban Plaza:** - An urban plaza shall serve as a
19 link between a building and the pedestrian network and/or as
20 a focal point between two or more buildings.

21 a. Location and access:

22 1.) An urban plaza shall be one
23 contiguous space, with at least one edge abutting a street at
24 a transit stop or anywhere along a Major Pedestrian Street;

25 2.) The area within ten feet (10') of
26 the sidewalk, along a minimum of fifty percent (50%) of each
27 street frontage shall be within three feet (3') elevation of
28 the adjoining public sidewalk;

b. There shall be no physical obstruction
between an urban plaza and the sidewalk. The plaza should be

1 distinguished from the public right-of-way by landscaping
2 and/or a change in paving materials.

3 c. The aggregate area of retail kiosks and
4 carts in an urban plaza should not exceed one hundred and
5 fifty (150) square feet or one percent (1%) of the total area
6 of the plaza, whichever is greater.

7 d. Urban Plazas shall have retail sales and
8 service uses on frontage equivalent to at least fifty percent
9 (50%) of the perimeter of the plaza. The retail sales and
10 service uses shall have direct access onto the plaza.

11 e. Urban Plazas shall be landscaped and
12 paved in such a way as to provide continuous access to the
13 public right-of-way. A minimum of twenty percent (20%) and a
14 maximum of thirty percent (30%) of the plaza shall be
15 landscaped.

16 f. A minimum ratio of one tree per 700
17 square feet of plaza area is required. Trees should be
18 arranged in such a manner as to define the perimeter of the
19 space and to maximize solar exposure to the principal space.

20 g. A minimum of eighty-five percent (85%) of
21 the plaza shall be uncovered and open to the sky, excluding
22 deciduous tree canopies.

23 h. There shall be one lineal foot of public
24 seating area or one public seat for every thirty-five (35)
25 square feet of plaza area. Up to fifty percent (50%) of the
26 seating may be moveable.

27 j. An urban plaza shall be open to the
28 public during normal business hours, seven (7) days a week.

D. Reduction of Open Space Deficit

When substantial development is proposed for a site, the
open space deficit for the entire site must be eliminated,

1 provided that for sites subject to the General Development
2 Plan provisions of Section 23.71.020, the deficit need not be
3 eliminated but shall be reduced by an amount equal to fifty
4 percent (50%) of the footprint of the substantial development
5 together with fifty percent (50%) of the total footprint of
6 any new parking area provided to meet the demand of the
7 substantial development, together with fifty percent (50%) of
8 any replacement parking provided.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 1. When the amount of required parking has been
2 determined pursuant to subsection A, waivers are permitted,
3 as follows:

4 a. Parking shall not be required for the
5 first 150 seats of all motion picture theatre uses and the
6 first 750 square feet for all eating and drinking
7 establishments.

8 b. Parking shall not be required for an
9 additional 2,500 square feet to a maximum of 5,000 square
10 feet for all other required street-level personal and
11 household retail sales and service uses.

12 2. The Director may permit an additional parking
13 waiver up to a maximum of 4,000 square feet for eating and
14 drinking establishments as a Special Exception subject to the
15 provisions of Chapter 23.76, Procedures for Master Use
16 Permits and Council Land Use Decisions. The following
17 factors shall be considered by the Director in making a
18 determination whether to allow additional parking waivers for
19 eating and drinking establishments:

20 a. Anticipated parking demand for the
21 proposed use;

22 b. The extent to which an additional parking
23 waiver is likely to create or add significantly to spillover
24 parking in adjacent residential neighborhoods;

25 c. Whether land is available for parking
26 without demolishing an existing commercial structure,
27 displacing a commercial use, or rezoning land to a commercial
28 designation;

 d. The availability of shared or joint use
parking within eight hundred feet (800') of the business
establishment.

1 e. The Director may require that a
2 transportation study be submitted for review by the Director
3 and the Seattle Engineering Department.

4 f. The Director and SED shall determine the
5 content of the transportation study based on the following
6 factors:

- 7 1.) The size and type of the proposed
8 use;
- 9 2.) The size of the requested parking
10 waiver.
- 11 3.) Any anticipated impacts of an
12 additional parking waiver.

13 3. Parking waivers permitted by this subsection
14 shall apply to each street level business establishment in a
15 structure.

16 C. Reductions to minimum parking requirements for non-
17 residential uses as provided in Section 23.54.020 F shall not
18 apply in the Northgate Overlay District.

19 D. Shared Parking

20 1. Except as provided in subsection D2, shared
21 parking, as provided in Section 23.54.020 G, is permitted for
22 two (2) or more uses to satisfy all or a portion of minimum
23 off-street parking requirements in the Northgate Overlay
24 District.

25 2. Multi-purpose convenience stores and general
26 retail sales and service uses which are open to the public
27 four days or more a week after 7:00 p.m. may not have shared
28 parking.

E. Owners shall provide parking for bicycles which is
protected from the weather. Owners shall provide bicycle
lockers for storage of commuter bicycles.

F. Payment in Lieu of On-site Long-term Parking

1 1. In lieu of providing up to 20 percent (20%) of
2 the long-term parking which is otherwise required, the
3 Director may permit an owner to make a payment to a Northgate
4 Parking Commission, if a Commission is established by the
5 City Council. The payment shall be used to build a public
6 parking structure for long-term parking within the Northgate
7 Core area. The payment and use thereof shall be consistent
8 with RCW 82.02.020.

9 2. The amount of the payment shall be based on
10 the construction cost of a parking space in a structured
11 garage in the Northgate Core area, as determined by the
12 Northgate Parking Commission.

13 3. The Director shall apply the following
14 criteria in determining whether to approve a payment in lieu.

15 a. Spillover parking would not occur which
16 would significantly impact nearby residential neighborhoods;

17 b. The parking demand proposed to be met by
18 in lieu payment will not exceed the capacity provided by the
19 long-term parking structure.

20 4. If a public parking structure is not
21 constructed within six years of the date of issuance of a
22 certificate of occupancy for a development which made a
23 payment in lieu, the City may use the payments to help reduce
24 vehicle trips in the area. If the owner can show that the
25 long-term parking demand of the site has been reduced enough
26 to eliminate the need for the waived spaces, the amount of
27 payments shall be returned to the property owner.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

G. Parking Location and Access

1. Parking location and access are subject to the provisions of the underlying zone, except as modified by this subsection and Section 23.71.008.

2. The following provisions shall apply to all new parking provided, the reconfiguration of more than 250 parking spaces, or the replacement of existing surface parking with structured parking. Existing nonconforming parking used to meet the parking requirement for newly developed space or new uses shall not be required to meet these standards.

a. The first two hundred (200) proposed parking spaces located on-site may be located in either a surface parking area, or within or under a structure. In addition, seventy-five percent (75%) of the spaces in excess of 200 shall be accommodated either below grade or above grade in structures. All parking in excess of 200 spaces may be located off-site within eight hundred feet (800') of the site except as provided in subsection E1. The Director may waive or modify this requirement if site size, shape, or topography makes it infeasible to construct an accessory parking structure.

b. The first 200 proposed surface parking spaces may be increased to 350 spaces if 1) the surface parking area does not cover more than thirty-five percent (35%) of the total lot area, and 2) the on-site open space requirement, in excess of the minimum required landscaped open space provided for in Section 23.71.014, is provided as usable open space which is contiguous to other usable open space on the site.

1 c. For surface parking areas exceeding 250
2 parking spaces, a ten foot (10') wide landscaped pedestrian
3 walkway separating each of these parking areas and connecting
4 to the building is required, or separation of parking areas
5 exceeding 250 spaces shall be provided by structures on-site.
6 These landscaped pedestrian walkways may be counted towards
7 open space requirements as provided in Section 23.71.014.

8 3. Surface parking areas shall be screened and
9 landscaped according to the provisions of the underlying
10 zone.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **23.71.018. Transportation Management Program.**

2 A. When substantial development is proposed which is
3 expected to generate twenty-five (25) or more employee or
4 student vehicle trips in any one P.M. hour, the owner of the
5 site upon which the substantial development is proposed shall
6 prepare and implement a Transportation Management Program
7 (TMP). The TMP shall include measures likely to achieve the
8 goals for the proportion of single occupant vehicle (SOV)
9 trips identified below. These goals are a fifteen percent
10 (15%) reduction in the proportion of SOV trips by 1995,
11 twenty-five percent (25%) by 1997, and thirty-five percent
12 (35%) by 1999, from the 1990 SOV baseline rate of eighty-five
13 percent (85%) for commute trips made by all students and
14 employees working in the Northgate area (see Table
 23.71.018A).

15 1. For purposes of measuring attainment of the
16 SOV goal, the proportion of SOV trips shall be calculated for
17 the P.M. hour in which an applicant expects the largest
18 number of vehicle trips to be made by employees and students
19 at the site (the P.M. peak hour of the generator). The
20 proportion of SOV trips shall be calculated by dividing the
21 total number of employees and students using a SOV to make a
22 trip during the expected peak hour by the total number of
23 employee and student person trips during the expected peak
 hour.

24 2. Compliance with this Section does not supplant
25 the responsibility of any employer to comply with Seattle's
26 Commute Trip Reduction (CTR) Ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Table 23.71.018A

Year/Goals	Commercial/Institutional	Residential
January 1, 1995	72%	62%
January 1, 1997	64%	59%
January 1, 2000	55%	55%

B. The owner of any site who proposes multifamily substantial development which is expected to generate fifty (50) or more vehicle trips in any one P.M. hour shall prepare and implement a TMP. The TMP shall include measures likely to achieve goals for the proportion of SOV trips. These goals are a ten percent (10%) reduction in the proportion of SOV trips by 1995, fifteen percent (15%) by 1997 and twenty percent (20%) by 1999, from the 1990 SOV baseline rate (69% SOV) for commute trips by all residents living in the Northgate area (see Table 23.71.018A).

For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the P.M. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the P.M. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this Section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a Master Use Permit.

D. The TMP shall be approved by the Director after he or she receives a recommendation from the Director of

1 Engineering that the TMP measures are likely to achieve the
2 SOV goals.

3 E. The owner of each property subject to this
4 implementation guideline shall submit an annual progress
5 report to the Director of Engineering, who will advise the
6 Director of DCLU on compliance. The progress report shall
7 contain:

8 1. The number of full and part-time employees,
9 students and/or residents at a site during the peak hour.

10 2. A summary of the total P.M. peak hour vehicle
11 trips generated by the site, including employees, students
12 and residents.

13 3. A description of any programs, incentives, or
14 activities or other measures targeted to reduce vehicle
15 trips, in which employees, students or residents at the site
16 participate.

17 4. The number of people participating in the TMP
18 measures.

19 5. The peak hour proportion of SOV trips of the
20 employees, students, and/or residents.

21 F. The Seattle Engineering Department shall monitor
22 compliance with the requirements of this Section. If
23 monitoring shows that the owner has not implemented the TMP
24 measures or has not made sufficient progress toward achieving
25 the TMP goals, the Director of Engineering may recommend that
26 the Director:

27 1. Require modifications to the TMP program
28 measures; and/or

2. Pursue enforcement action pursuant to the Land
Use Code.

1
2 G. After approval of a TMP and issuance of a Master
3 Use Permit as prescribed in subsections C and D, if the owner
4 applies for a Master Use Permit for additional development,
5 before approving the new Master Use Permit, the Director, in
6 consultation with the Director of Engineering, shall review
7 the implementation of the TMP. If substantial progress has
8 not been made in achieving the goal for the proportion of SOV
trips, the Director may:

9 1. Require the applicant to revise the TMP to
10 include additional measures in order to achieve compliance
11 with the TMP goal before the issuance of a permit; and/or

12 2. Require measures in addition to those in the
13 TMP that encourage alternative means of transportation for
the proposed new development; and/or

14 3. Deny the permit if the Director determines
15 that the owner has failed to make a good faith effort to
16 implement the TMP; or

17 4. Determine that a revised or new program is not
18 needed, and that the permit can be issued without changes to
the existing TMP.

19 H. Compliance. To comply with this Section, the owner
20 of a site subject to the requirement for a TMP, must
21 demonstrate that he or she has an approved TMP, has submitted
22 the required annual reports, and has succeeded in
23 accomplishing one of the two following objectives:

24 1. That the owner has implemented the measures
25 contained in the TMP for the development project; and/or

26 2. That the owner has met the goal for SOV trips
27 specified in subsection A, above.
28

1 Failure to comply with the provisions of this Section is
2 a violation of the Land Use Code. The penalty for each
3 violation is \$250 per day.

4 I. A fund shall be established in the City's General
5 Fund to receive revenue from fines for violations of this
6 Section. Revenue from fines shall be allocated to activities
7 or incentives to reduce vehicle trips in the Northgate area.
8 The Director of SED shall recommend to the Mayor and City
9 Council how these funds should be allocated.

10 J. SED and DCLU shall prepare a Director's Rule
11 explaining how each department shall implement this Section.

12 **23.71.020 General Development Plan Requirement**

13 A. On sites of six (6) acres or more the owner shall
14 submit and obtain approval of a General Development Plan when
15 one or more of the conditions identified in subsection C is
16 met.

17 B. For the purposes of this Section a "site" is all
18 contiguous parcels of property, including parcels separated
19 only by rights-of-way, which are under common ownership, or
20 under the ownership of several individuals or entities who
21 have agreed to common management of all or a portion of the
22 parcels.

23 C. A General Development Plan shall be prepared when
24 one or more of the following occurs:

25 1. Development of more than 4,000 square feet of
26 commercial floor area, or redevelopment of more than 4,000
27 square feet of commercial floor area, if the redevelopment
28 includes a change of use; and/or

2. Creation of parking facilities for over forty
(40) vehicle spaces; and/or

3. Rezone applications; and/or

- 1 4. Conditional Use applications; and/or
2 5. Requests for variance(s) from the requirements
3 of this Chapter.

4 D. The General Development Plan shall be reviewed by
5 the Director as a Type II Master Use Permit Decision, as
6 provided in Chapter 23.76, Procedures For Master Use Permits
7 And Council Land Use Decisions.

8 E. A General Development Plan is not required for that
9 portion of a site for which a Major Institution Master Plan
10 is required pursuant to Chapter 23.69.

11 **23.71.024 Contents of a General Development Plan.**

12 A. The General Development Plan is a conceptual plan
13 for site development consisting of the following eight (8)
14 components.

15 1. The Structure Layout Component shall include
16 the following:

- 17 a. The general location of structures and
18 areas of pedestrian and vehicular circulation;
19 b. Proposed lot coverage, floor area, height
20 and uses anticipated in the structures; and
21 c. Three-dimensional drawings illustrating
22 the height and form of proposed structures.

23 2. The Pedestrian Circulation Component shall
24 include the following:

- 25 a. The location of pedestrian routes
26 providing access to all structures on the site, and an
27 identification of pedestrian connections with adjacent areas;
28 and
29 b. The location of a clearly marked
30 landscaped pedestrian walkway from all structures to the
31 nearest public sidewalk served by public transit.

1 3. The Vehicular Circulation Component shall
2 include the following:

3 a. Vehicular, bicycle, and service access to
4 the site from abutting streets, as well as proposed internal
5 site circulation; and

6 b. A description of any planned or
7 anticipated street or alley vacations or the abandonment of
8 existing street rights-of-way.

9 4. The Parking and Loading Component shall
10 include the location, type (surface or within a structure),
11 and amount of parking and loading to meet parking and loading
12 requirements.

13 5. The Transportation Management Component shall
14 be consistent with the requirements of section 23.71.018.

15 6. The Landscaping and Open Space Component shall
16 include the following:

17 a. The location and size of open space areas
18 intended for public use;

19 b. A general plan indicating the amount,
20 location and type of landscaping to be provided; and

21 c. A discussion of whether and how off-site
22 open space payments, prescribed by Section 23.71.014. will be
23 met.

24 7. The Phasing Component shall include a
25 description of proposed development phases and plans,
26 including development priorities, the probable sequence of
27 development, estimated dates of construction and occupancy,
28 and anticipated interim use of property awaiting development.

 8. The Topography and Drainage Component shall
include the following:

1 a. Plans showing the proposed finished
2 grades, drainage patterns, swales, creeks, retention ponds,
3 and wetlands; and

4 b. The location and description of
5 filtration devices for oil/water separation.

6 **23.71.026 Exceptions Granted Through the General**
7 **Development Plan Process.**

8 A. To meet the intent of the Northgate Area
9 Comprehensive Plan, the Director may authorize specified
10 exceptions to the requirements of the Land Use Code in
11 approving a General Development Plan, as specified below. An
12 exception shall result in a better design solution given
13 specific site conditions than would otherwise be possible
14 through strict adherence to applicable development standards.

15 B. Approval of a General Development Plan may include
16 granting of the following exceptions:

17 1. The DCLU Director may waive or modify
18 provisions of the Land Use Code for mixed use development as
19 follows:

20 a. Reductions may be permitted to the
21 minimum amount of non-residential use required in SMC
22 23.47.008, Mixed use structures.

23 b. For mixed use development in separate
24 structures, as provided for in Section 23.71.038, the
25 residential and non-residential structures may be constructed
26 at different times, provided that the phasing of the non-
27 residential portions of the development is specified in the
28 General Development Plan.

2. To grant exceptions to the standards for mixed
use development as specified in subsection B1, an applicant

1 must demonstrate that the project meets the following
2 criteria:

3 a. The project reinforces or creates
4 pedestrian connections through the site and to the closest
5 transit streets.

6 b. The project is locating multifamily
7 development within 660 feet (1/8 mile) of a street served by
8 transit.

9 c. Sufficient commercial development exists
10 in the immediate vicinity to maintain an active pedestrian
11 environment with uses serving the local population.

12 3. Modification of Land Use Code requirements for
13 screening and landscaping at the street property line, as
14 provided in Chapter 23.47.016, may be permitted under the
15 following conditions:

16 a. The objective of the screening and
17 landscaping is met by a topographic break that makes the
18 screening unnecessary.

19 b. A portion of the property's usable open
20 space requirement is placed adjacent to the street,
21 eliminating the need for screening and landscaping.

22 c. The Director determines that a proposed
23 solution better meets the intent of the screening and
24 landscaping requirements or there is no need for screening
25 and landscaping on the site.

26 4. Exceptions may be granted to the provisions
27 for parking location and access contained in subsections
28 23.71.016 G2 and G3. An applicant must demonstrate that the
project meets the following criteria:

1 a. The total number of parking spaces on a
2 site does not exceed 175% of the minimum Land Use Code
3 requirement.

4 b. Clearly designated pedestrian walkways
5 are provided between parking areas and buildings. Ten foot
6 (10') wide landscaped pedestrian walkways must be adjacent to
7 any parking area containing 250 spaces. Two adjacent parking
8 areas of 250 parking spaces each, may share a walkway.

9 5. Modifications may be granted to the
10 requirements for sidewalk widths, provided that this
11 exception shall not be granted for sidewalks along Pedestrian
12 Designated Streets. An exception may be granted under the
13 following conditions:

14 a. Topographic breaks would separate the
15 sidewalk from the site.

16 b. Topographic breaks would make the costs
17 of increasing the sidewalk widths disproportionate to the
18 benefits derived.

19 c. An alternate pedestrian route would
20 better serve pedestrian circulation needs.

21 **23.71.028 General Development Plan Process.**

22 A. To obtain approval, a General Development Plan must
23 be consistent with the Northgate Comprehensive Plan and the
24 provisions of this Chapter.

25 B. An Advisory Committee to the Director shall be
26 established by the Director for each General Development Plan
27 required. The composition of the committee shall be a
28 balanced group representing all interests including the
applicant, neighborhoods, the business community, and
property owners. The Advisory Committee shall perform the
following functions:

1 1. The Advisory Committee shall review the
2 contents of a Draft General Development Plan; and

3 2. Within a time period established by the
4 Director, recommend to the Director any suggested changes or
5 additions to the Draft General Development Plan.

6 **23.71.029 Effect of General Development Plan Approval**

7 A. After a General Development Plan has been approved,
8 the applicant may develop in accordance with the approved
9 plan.

10 B. The Director shall not accept any application for
11 nor issue any Master Use Permit for development which has not
12 been included in the approved General Development Plan or
13 which is inconsistent with an approved General Development
14 Plan.

15 C. Applications for Master Use Permits for development
16 contained in an approved General Development Plan are subject
17 to the requirements of Chapter 25.05, SEPA Policies and
18 Procedures.

18 **23.71.030 Development Standards for Transition Areas**
19 **Within the Northgate Overlay District.**

20 A. To promote compatibility between different types
21 and intensities of development located within and along the
22 boundary of the Northgate Overlay District, a transition
23 shall be provided between zones where different intensities
24 of development may occur.

25 B. The requirements of this Section apply to
26 development on lots in the more intensive zones under the
27 following conditions:

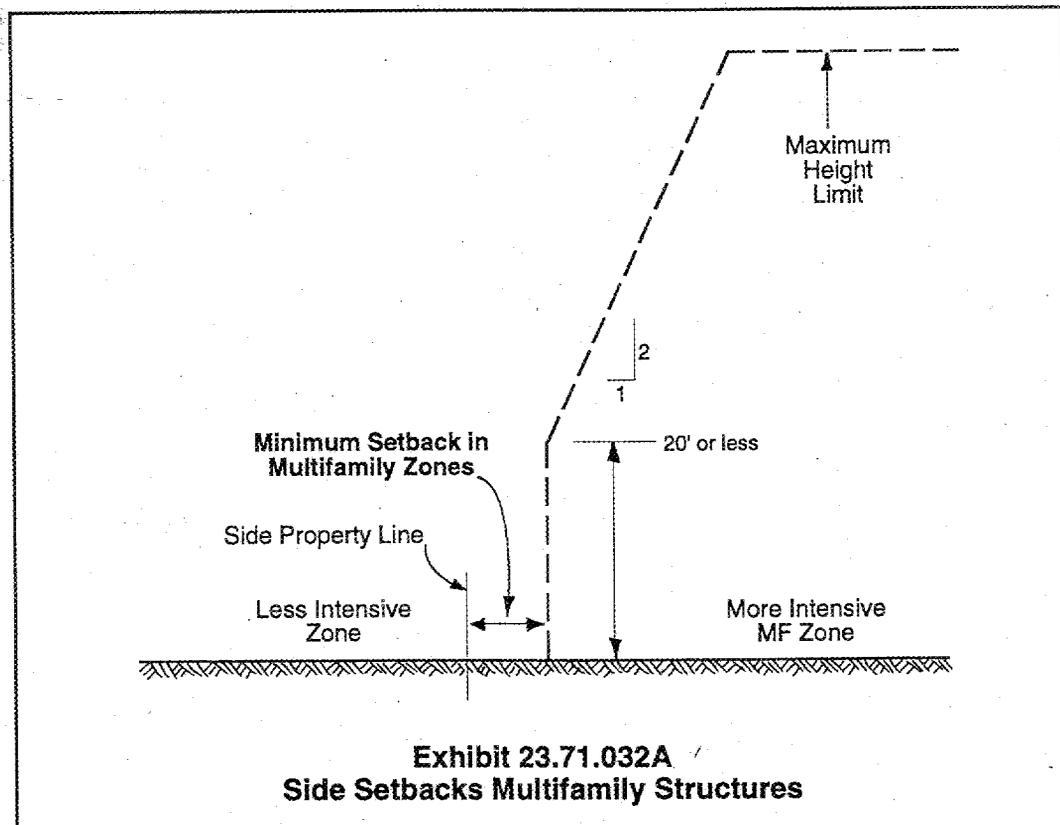
28 1. Where a lot zoned Lowrise 4 (L4), Midrise
(MR), Midrise/85 (MR/85) or Highrise (HR) abuts or is across

1 a street or alley from a lot zoned Single Family (SF),
2 Lowrise Duplex-Triplex (LDT), Lowrise 1 (L1), or Lowrise 2
3 (L2); and

4 2. Where a lot zoned Neighborhood Commercial 2 or
5 3 (NC2, NC3) with a height limit of forty feet (40') or
6 greater abuts or is across a street or alley from a lot zoned
7 Single Family (SF), Lowrise Duplex-Triplex (LDT), Lowrise 1
8 (L1), or Lowrise 2 (L2).

9 C. Side Setbacks Abutting or Across an Alley

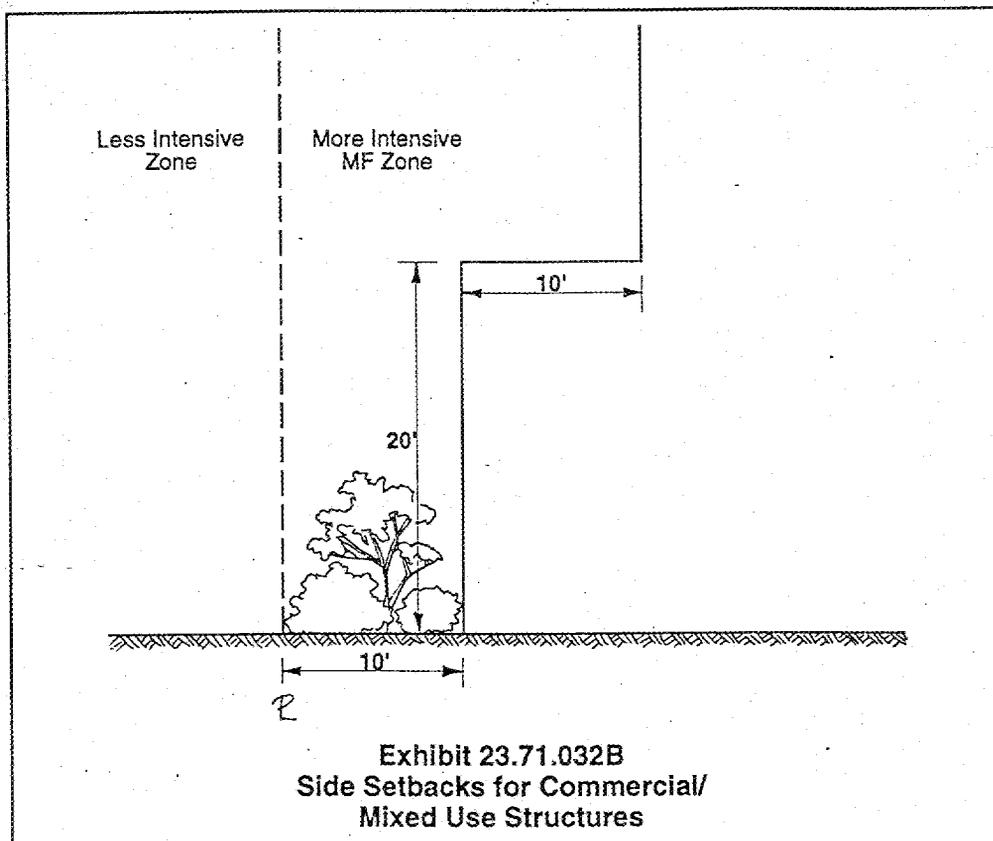
10 1. For multifamily structures an additional side
11 setback of one foot (1') for each two feet (2') of a
12 structure height above twenty feet (20') is required (Exhibit
13 23.71.032 A).



25 2. A side setback of ten feet (10') is required
26 for all portions of a commercial or mixed use structure
27 twenty feet (20') or less in height (Exhibit 23.71.032B).
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. An additional side setback of ten feet (10') is required for all portions of a commercial or mixed use structure exceeding twenty feet (20') (Exhibit 23.71.032B).



4. Side setbacks shall be landscaped within five feet (5') of the abutting property line, unless the setback is used for parking, in which case the parking area shall be screened as otherwise required by this Code.

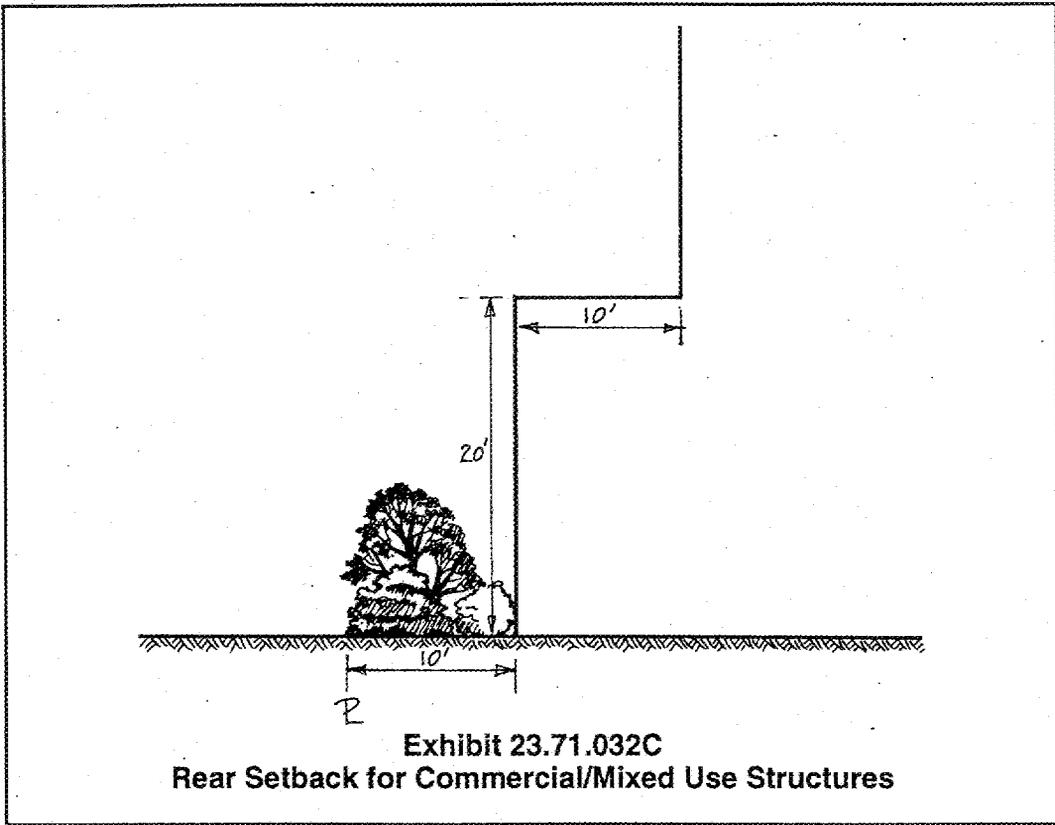
D. Rear Setbacks Abutting or Across an Alley

1. For multifamily structures, a rear setback of twenty feet is required or the minimum required by the standards of the underlying zone for multifamily structures, whichever is greater.

2. A rear setback of ten feet (10') is required for all portions of a commercial or mixed use structure twenty feet (20') or less in height (Exhibit 23.71.032C).

3. An additional rear setback of ten feet (10') is required for all portions of a commercial or mixed use structure exceeding twenty feet (20') (Exhibit 23.71.032C).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

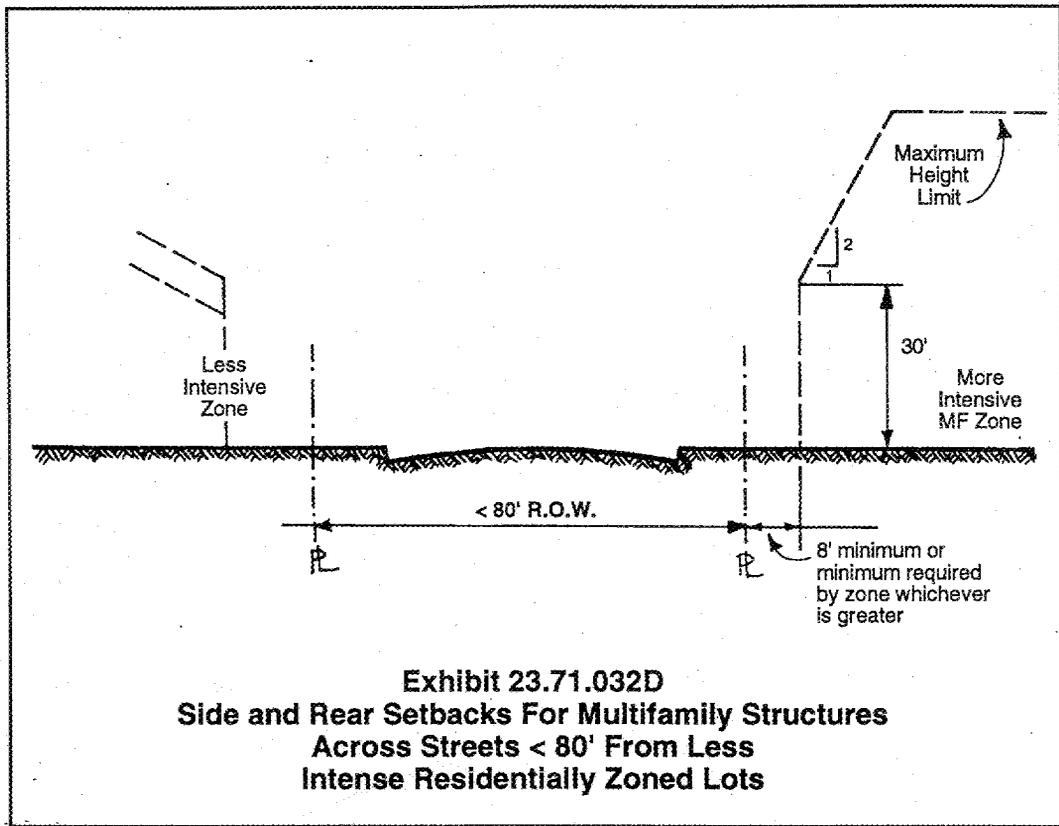


4. Rear setbacks shall be landscaped unless used for parking, in which case the parking area shall be screened and landscaped as otherwise required by this Code.

E. Side or Rear Setbacks for Multifamily Structures Abutting a Street

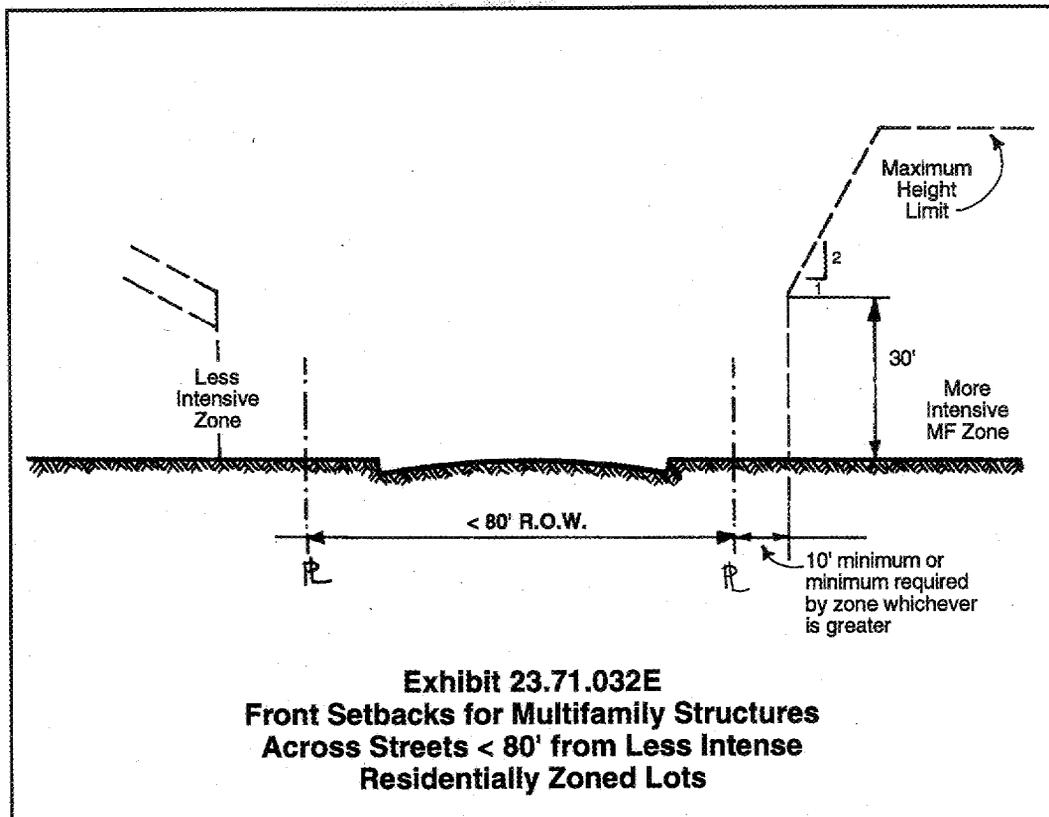
A side or rear setback of eight feet (8'), or the minimum required for multifamily structures by the underlying zone, whichever is greater, is required for portions of a multifamily structure thirty feet (30') or less in height along all street rights-of-way less than eighty feet (80') wide across from the less intensive zone. Portions of a multifamily structure in excess of thirty feet (30') in height shall be set back an additional one foot (1') for each two feet (2') of structure height above thirty feet (30') (Exhibit 23.71.032D).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



F. Front Setbacks for Multifamily Structures Abutting a Street

Where the front lot line of the more intensively zoned lot is across a street right-of-way which is less than eighty feet (80') wide from the less intensively zoned lot, the minimum front setback shall be ten feet (10') for all portions of a multifamily structure thirty feet (30') or less in height. For portions of a structure exceeding thirty feet (30') in height, an additional front setback of one foot (1') for every two feet (2') of structure height in excess of thirty feet (30') shall be required (Exhibit 23.71.032E).



9 G. Setbacks for Commercial or Mixed Use Structures
 10 Abutting a Street

11 No side or rear setback abutting a street is required
 12 for the portion of commercial or mixed use structures
 13 containing street level retail sales and service uses
 14 oriented towards the street. Where blank walls, parking or
 15 other non-retail sales and service uses occupy portions of
 16 the structure facing the street a five foot setback shall be
 17 required and screened and landscaped as required by the
 18 underlying zone.

19 **23.71.036 Maximum Width and Depth of Structures**

20 The maximum width and depth requirements of this Section
 21 shall apply only to portions of a structure within fifty feet
 22 (50') of a lot line abutting, or directly across a street
 23 right-of-way which is less than eighty feet (80') in width,
 24 from a less intensive residential zone as provided in Table
 25 23.71.036 A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Table 23.71.036A

Structure Width and Depth Standards
for Transition Areas

<u>Subject Site</u>	<u>Abutting Residential zone (or) zone across a street right-of-way less than eighty feet (80') in width</u>	<u>Maximum Width</u>	<u>Maximum Depth</u>
L4, MR, MR/85 and HR	Single Family, LDT, L1 or L2	Apts. 75 Feet	65% depth of lot with no individual structure to exceed 90 feet
NC2 and NC3 w/40' or greater height limits in width.	Single Family, LDT, L1 or L2	<u>Townhouses</u> 130 feet	Above a height of 30 feet (30'), wall length shall not exceed 80% of abutting lot line, to a maximum of sixty feet (60').

1
2
3
4
5
6
7
8
9
10
11
12

**23.71.038 Standards for Mixed Use Development in
Commercial Zones within the Northgate Overlay
District.**

Residential and non-residential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development, except that residential and non-residential use may be located in separate structures. The minimum standards of Section 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**23.71.040 Density Limits for Residential Uses in
Commercial Zones within the Northgate Overlay
District.**

A. Residential uses in commercial zones with a thirty foot (30') height limit may not exceed a density of one (1) dwelling unit for every eight hundred (800) square feet of lot area.

B. Residential uses in commercial zones with a forty foot (40') foot height limit may not exceed a density of one (1) dwelling unit for every six hundred (600) square feet of lot area.

C. There is no density limit for residential use in commercial zones with height limits of sixty-five feet (65') or greater.

D. Development meeting the requirements for mixed use as provided in Section 23.71.038 is allowed a twenty percent (20%) increase in permitted density over the density permitted by subsections A and B.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

23.71.042 Standards for Commercial-only structures in Residential/Commercial zones within the Northgate Overlay District.

A. Commercial uses permitted in a mixed use structure in Residential/Commercial (RC) zones as provided in Section 23.46.012 are permitted outright in single-purpose commercial structures within the Northgate Overlay District.

B. Single-purpose commercial structures shall not exceed a size limit of .75 FAR or 5,000 square feet, whichever is less.

C. Single-purpose commercial structures in Residential/Commercial (RC) zones are subject to the development standards of Section 23.71.008 B.4 and 23.71.008 F.

23.71.044 Standards for Single-Purpose Residential development in Commercial zones Within the Northgate Overlay District.

A. Single-purpose residential structures are subject to the conditional use requirements of Section 23.47.006B and the following development standards within the Northgate Overlay District:

1. In all Commercial zones with a height limit of thirty feet (30'), single-purpose residential structures shall meet the development standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. In all Commercial zones with a height limit of forty feet (40'), single-purpose residential structures shall meet the development standards for residential structures in Lowrise 4 zones, except that no front setback is required.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. In all Commercial zones with a height limit of sixty-five feet (65'), single-purpose residential structures shall meet the development standards for residential structures in Midrise zones, except that no front setback is required.

B. Single-purpose residential structures are prohibited in all commercial zones with a height limit of eighty-five feet (85') or greater, except as provided in Section 23.71.026 B for phased mixed use development under a General Development Plan.

Section 3. Section 23.34.013 SMC, as last amended by Ordinance 114886, is amended to read as follows:

23.34.013 Locational Criteria - Multifamily zones

A decision to rezone a parcel of land to any multifamily zone designation shall be based on the general rezone criteria of Section 23.34.008 and the following locational criteria for multifamily zones: ~~((contained within the Multifamily-Residential-Area-Policies-))~~

A. Locational Criteria, Lowrise Duplex/Triplex (LDT)
Locations appropriate for a Lowrise Duplex/Triplex Zone shall be consistent with the following description of conditions within the area itself:

1. Development Characteristics of the Area

a. Areas where structures of small bulk and low heights, generally less than 30 feet, establish the pattern of development, and

b. Areas with a mix of single family structures, small multifamily structures, and single family structures legally converted into multiply units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities

1 to infill projects and conversions that preserve the existing
2 character.

3 2. Relationship to Surrounding Area

4 Locations appropriate for a Lowrise Duplex/Triplex Zone shall
5 be consistent with the following description concerning their
6 fit with surroundings:

7 a. Areas which do not meet single family
8 criteria, but which are otherwise similar in character and
9 adjoin areas zoned Single Family or Lowrise 1 without
10 necessarily the presence of a significant topographical break
11 or open space to provide a transition to increased density.

12 b. Areas where narrow streets, on-street
13 parking congestion, local traffic congestion, lack of alleys,
14 or irregular street patterns restrict local access and
15 circulation.

16 c. Areas close to existing or projected
17 facilities and services used by households with children,
18 including schools, parks and community centers.

19 B. Locational Criteria, Lowrise 1 (L1)

20 1. Development Characteristics of the Area

21 Locations appropriate for a Lowrise 1 Zone (L1) shall be
22 consistent with the following description of conditions
23 within the area itself:

24 a. Areas where structures of low heights,
25 generally less than 30 feet, and small bulk establish the
26 pattern of development.

27 b. Areas with:

28 1). a mix of single family structures,
small multifamily structures and single family structures
legally converted into multiple units where, because of the

type and quality of the existing house stock, it is desirable to encourage new development opportunities; or

1
2 2). numerous or large vacant parcels
3 suitable for family housing where densities greater than
4 single family are desired.

5 c. Areas where internal vehicular
6 circulation is conducive to residential units that are
7 oriented to the ground level and the street. Preferred
8 locations are generally separated from principal arterials,
9 as defined by the Seattle Comprehensive Transportation
10 Program, which conflict with the desired ground related
11 character of L1 areas.

12 2. Relationship to Surrounding Area

13 Locations appropriate for a Lowrise 1 Zone shall be
14 consistent with the following description concerning their
15 fit with surroundings:

16 a. Areas which are definable pockets within
17 a larger, higher density multifamily area, where it is
18 desirable to preserve a small-scale, ground-related
19 character.

20 b. Areas generally surrounded by a larger
21 single family area where variation and replacement in housing
22 type could be accommodated without significant disruption of
23 the pattern, character or livability of the surrounding
24 development.

25 c. Areas where a gradual transition is
26 appropriate between single family areas and more intensive
27 multifamily or neighborhood commercial zones.

28 d. Areas where narrow streets, on-street
parking congestion, local traffic congestion, or irregular
street patterns restrict local access and circulation.

1 e. Areas close to facilities and services
2 used by households with children, including schools, parks
3 and community centers.

4 C. Locational Criteria, Lowrise 2 (L2)

5 1. Development Characteristics of the Area

6 Locations appropriate for a Lowrise 2 Zone shall be
7 consistent with the following description of conditions
8 within the area itself:

9 a. Areas which feature a mix of single
10 family structures and small to medium multifamily structures
11 generally occupying one or two lots, with heights generally
12 less than 30 feet.

13 b. Areas suitable for multifamily
14 development where topographic conditions and the presence of
15 views make it desirable to limit height and building bulk to
16 retain views from within the zone.

17 c. Areas occupied by a substantial amount of
18 multifamily development where factors such as narrow streets,
19 on-street parking congestion, local traffic congestion, lack
20 of alleys and irregular street patterns restrict local access
21 and circulation and make an intermediate intensity of
22 development desirable.

23 2. Relationship to Surrounding Area

24 Locations appropriate for a Lowrise 2 Zone shall be
25 consistent with the following description concerning their
26 fit with surroundings:

27 a. Areas which are well-suited to
28 multifamily development, but where adjacent single family
29 areas make a transitional scale of development desirable. It
30 is desirable that there be a well-defined edge such as an
31 arterial, open space, change in block pattern, topographic

1 change or other significant feature providing physical
2 separation from the single family area. However, this is not
3 a necessary condition where existing moderate scale
4 multifamily structures have already established the scale
5 relationship with abutting single family areas.

6 b. Areas which are definable pockets within
7 a more intensive multifamily area, where it is desirable to
8 preserve a smaller scale character and mix of densities.

9 c. Areas otherwise suitable for higher
10 density multifamily development but where it is desirable to
11 limit building height and bulk to protect views from uphill
12 areas or from public open spaces and scenic routes.

13 d. Areas where vehicular access to the area
14 does not require travel on "residential access streets" in
15 less intensive residential zones.

16 D. Locational Criteria, Lowrise 3 (L3)

17 1. Development Characteristics of the Area

18 Locations appropriate for a Lowrise 3 Zone shall be
19 consistent with the following description of conditions
20 within the area itself:

21 a. Areas with a predominance of multifamily
22 buildings less than four stories in height.

23 b. Areas where the street pattern provides
24 for adequate vehicular circulation and access to sites.

25 Locations with alleys are preferred. Street widths should be
26 sufficient to allow for two-way traffic and parking along at
27 least one curbside.

28 2. Relationship to the Surrounding Area

Locations appropriate for a Lowrise 3 Zone shall be
consistent with the following description concerning their
fit with surroundings:

1 a. Areas which are well served by public
2 transit and have direct access to arterials, so that
3 vehicular traffic is not required to use streets that pass
4 through less intensive residential zones.

5 b. Areas with significant topographic
6 breaks, major arterials or open space that provide sufficient
7 transition to LDT or L1 multifamily development.

8 c. Areas with existing multifamily zoning
9 with close proximity and pedestrian connections to
10 neighborhood services, public open spaces, schools and other
11 residential amenities.

12 d. Areas which are adjacent to business and
13 commercial areas with comparable height and bulk, or where a
14 transition in scale between areas of larger multifamily
15 and/or commercial structures and smaller scale multifamily
16 development is desirable.

17 E. Locational Criteria, Lowrise 4 (L4)

18 1. Development Characteristics of the Area
19 Locations appropriate for a Lowrise 4 Zone shall be
20 consistent with the following description of conditions
21 within the area itself:

22 a. Areas with an established pattern of
23 development characterized by larger, high density residential
24 structures with heights of three, four or more stories and
25 often occupying two or more lots.

26 b. Areas of sufficient size to promote a
27 high quality, higher density residential environment where
28 there is good pedestrian access to amenities.

c. Areas generally platted with alleys that
can provide access to parking, allowing the street frontage
to remain uninterrupted by driveways, thereby promoting a

1 street environment better suited to the level of pedestrian
2 activity associated with higher density residential
3 environments.

4 d. Areas with good internal vehicular
5 circulation, and good access to sites, preferably from
6 alleys. Generally, the width of principal streets in the
7 area should be sufficient to allow for two-way traffic and
8 parking along at least one curbside.

9 2. Relationship to the Surrounding Area

10 Locations appropriate for a Lowrise 4 (L4) zone shall be
11 consistent with the following description concerning their
12 fit with surroundings:

13 a. Areas adjacent to concentrations of
14 employment.

15 b. Areas which are directly accessible to
16 regional transportation facilities, especially transit,
17 providing connections to major employment centers, including
18 arterials where transit service is good to excellent and
19 street capacity is sufficient to accommodate traffic
20 generated by higher density development. Vehicular access to
21 the area should not require use of streets passing through
22 less intensive residential areas.

23 c. Areas with close proximity and with good
24 pedestrian connections to services in neighborhood commercial
25 areas, public open spaces and other residential amenities.

26 d. Areas with well-defined edges providing
27 sufficient separation from adjacent areas of small scale
28 residential development, or where such areas are separated by
zones providing a transition in the height, scale and density
of development.

F. Locational Criteria, Midrise (MR)

1 In reviewing a proposal to rezone an area to Midrise,
2 the following criteria shall also be considered:

3 1. Areas which are adjacent to business and
4 commercial areas with comparable height and bulk.

5 2. Areas which are served by major arterials and
6 where transit service is good to excellent and street
7 capacity could absorb the traffic generated by midrise
8 development.

9 3. Areas which are in close proximity to major
10 employment centers.

11 4. Areas which are in close proximity to open
12 space and recreational facilities.

13 5. Areas along arterials where topographic
14 changes either provide an edge or permit a transition in
15 scale with surroundings.

16 6. Flat areas where the prevailing structure
17 height is greater than thirty-seven feet or where, due to a
18 mix of heights, there is no established height pattern.

19 7. Areas with moderate slopes and views oblique
20 or parallel to the slope where the height and bulk of
21 existing structures have already limited or blocked views
22 from within the multifamily area and upland areas.

23 8. Areas with steep slopes and views
24 perpendicular to the slope where upland developments are of
25 sufficient distance or height to retain their views over the
26 area designated for the sixty foot height limit.

27 9. Areas where topographic conditions allow the
28 bulk of the structure to be obscured. Generally, these are
steep slopes, sixteen percent or more, with views
perpendicular to the slope.

G. Locational Criteria, Midrise/85 (MR/85)

1 In reviewing a proposal to rezone an area to Midrise/85, the
2 following criteria shall be considered in addition to the
3 criteria considered for a rezone to Midrise in subsection F:

4 1. An adopted neighborhood plan shall have
5 designated the area as suitable for Midrise zoning with an
6 eighty five foot (85') height limit; and

7 2. A height of eighty-five feet (85') could be
8 accommodated without significantly blocking views; and

9 3. The development permitted by the zone would
10 not exceed the service capacities which exist in the area,
11 including transit service, parking, and sewers.

12 ; and

13 4. A gradual transition in height and scale and
14 level of activity between zones is provided unless major
15 physical edges are present. These edges may be the
16 following:

17 a. Natural features such as topographic
18 breaks, water bodies and ravines;

19 b. Freeways, expressways, and other major
20 traffic arterials;

21 c. Street grid and block orientation;

22 d. Significant open space and greenbelts.

23 H. Locational Criteria, Highrise (HR)

24 In reviewing a proposal to rezone an area to Highrise, the
25 following criteria shall also be considered:

26 1. Areas which are served by arterials where
27 transit service is good to excellent and street capacity is
28 sufficient to accommodate traffic generated by highrise
development.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Areas which are adjacent to a concentration of residential services or a major employment center.

3. Areas which have excellent pedestrian or transit access to downtown.

4. Areas which have close proximity to open space, parks and recreational facilities.

5. Areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character.

6. Flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures.

7. Sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

Section 4. Section 23.34.078 SMC, as last amended by Ordinance 112777, is amended to read as follows:

* * *

B. Character

1. Existing. The NC3 zoning may be appropriate for either of the following types of areas:

a. Major commercial nodes surrounded by medium- to high density residential areas or other commercial areas; or

b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage

and generally surrounded by medium-density residential areas; or

1 c. Shopping Centers

2 2. Desired Characteristics.

3 a. Variety of retail businesses at street
4 level;

5 b. Continuous storefronts built to the front
6 property line;

7 c. Intense pedestrian activity;

8 d. Shoppers can drive to the area, but will
9 walk around from store to store;

10 e. Cycling and transit are important means
11 of access.

12 C. Physical Conditions Favoring Designation as NC3.

13 1. Served by principal arterial;

14 2. Separated from low-density residential areas
15 by physical edges, less-intense commercial areas or more-
16 intense residential areas;

17 3. Highly accessible for large numbers of people
18 (considering present and anticipated congestion) so that
19 intense activity of a major commercial node can be
20 accommodated;

21 4. Combination of ((Circulation)) circulation and
22 transit system accommodates commercial traffic without
23 drawing traffic through residential areas;

24 5. Excellent transit service;

25 6. Presence of large, perhaps shared, off-street
26 parking lots; land available for additional parking, or other
27 means to accommodate parking demand.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 5. Section 23.45.002 SMC, as last amended by Ordinance 114196, is amended to read as follows:

23.45.002 Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in the ~~((six-(6)))~~ seven (7) multifamily residential zones:

~~((Single-Family-Attached))~~ Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (2), Lowrise 3 (L3), Midrise (MR), Midrise/85 (MR/85) and Highrise (HR).

B. In addition to the provisions of this Chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.56.

Section 6. A new Section 23.45.047 is added to SMC Title 23 , Part 5, Chapter 23.45, to read as follows:

23.45.047 Midrise/85 Zones

All use and development standards applicable in Midrise zones shall be applicable in Midrise/85 zones, except that the permitted height limit shall be eighty-five feet (85'). Subsections 23.45.050B and C allowing additional height on sloping sites and for pitched roofs shall not apply.

Section 7. Section 23.46.002 SMC, as last amended by Ordinance 112777, is amended to read as follows:

* * *

E. In addition to the provisions of this Chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.56.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 8. Section 23.46.012 SMC, as last amended by Ordinance 112777, is amended to read as follows:

23.46.012 Location of Commercial Uses.

A. Commercial uses shall be permitted only on or below the ground floor of a structure which contains at least one dwelling unit ((~~+~~)), except as provided in the Northgate Overlay District, Section 23.71.

* * *

Section 9. Section 23.47.002 SMC, as last amended by Ordinance 112777, is amended to read as follows:

* * *

C. In addition to the regulations of this Chapter certain commercial areas may be regulated by Special Review Districts, Chapter 23.66; Landmarks Districts, Chapter 25.12; Sign Overlay Districts, Chapter 23.55 (~~(~~+~~-or-the-Seattle Shoreline-District,-Chapter-24.60-)~~); Seattle Shoreline District, Chapter 23.60; or the Northgate Overlay District, Chapter 23.71.

Section 10. Section 23.47.008 SMC, as last amended by Ordinance 113892, is amended to read as follows:

23.47.008 Mixed use structures.

A. A mixed use structure is one which contains residential and nonresidential use meeting the standards specified in this Section, except as provided in the Northgate Overlay District, Chapter 23.71.

* * *

Section 11. A new Section 23.47.009 is added to Chapter 23.47 SMC, to read as follows:

23.47.009 Density Limits for Residential Uses.

Density limits for residential uses in mixed use structures are established for the Northgate Overlay District, as provided in Chapter 23.71.

Section 12. Section 23.47.023 SMC, as last amended by Ordinance 113892, is amended to read as follows:

23.47.023 Standards for single-purpose residential structures.

A. In NC1 zones single-purpose residential structures shall meet the development standards for residential structures in L1 zones, except as provided for in the Northgate Overlay District, Chapter 23.71.

B. In NC2, NC3, C1 and C2 zones with thirty foot (30') or forty foot (40') height limits, single-purpose residential structures shall meet the development standards for residential structures in L2 zones, except that no front setback shall be required, except as provided for in the Northgate Overlay District, Chapter 23.71.

C. In NC2, NC3, C1 and C2 zones with sixty-five-foot (65') height limits, single-purpose residential structures shall meet the development standards for residential structures in L3 zones, except that no front setback shall be required (~~(and the structure width exception of Section 23.45.038-A(3)b which allows structures to achieve a width of one hundred fifty feet (150') shall not apply)~~). Within the Northgate Overlay District, Chapter 23.71, standards for single-purpose residential structures are modified.

* * *

Section 13. Section 23.76.004 SMC, as last amended by Ordinance 113079, is amended to add the Northgate General Development Plan to Exhibit 23.76.004 A as follows:

Exhibit 23.76.004A LAND USE DECISION FRAMEWORK		
DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS		
<p>TYPE I (Nonappealable)</p> <ul style="list-style-type: none"> • Uses permitted outright • Temporary uses, three weeks or less • Certain street uses • Lot boundary adjustments • Greenbelt preserve designations • Modifications of features bonused under Title 24 • Declarations of significance (EIS required) • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements 	<p>TYPE II (Appealable to Hearing Examiner*)</p> <ul style="list-style-type: none"> • Temporary uses, more than three weeks • Certain street uses • Variances • Administrative conditional uses • Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design departure • Northgate General Development Plan • The following environmental determinations: <ol style="list-style-type: none"> 1. Declaration of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 	<p>TYPE III (Appealable to Council)</p> <ul style="list-style-type: none"> • The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660.
COUNCIL LAND USE DECISIONS		
<p>TYPE IV (Quasi-Judicial)</p> <ul style="list-style-type: none"> • Subdivisions (Preliminary Plats) • Land use and zoning map amendments (Rezones) • Public project approvals • Major institution master plans • Council conditional uses • Downtown planned community developments • Planned Unit Developments 	<p>TYPE V (Legislative)</p> <ul style="list-style-type: none"> • Land Use and Zoning Code text amendments • Rezones to implement new City policies • Concept approval for City facilities • Major institution designations 	

Section 14. Section 23.76.006 SMC, as last amended by Ordinance 115326, is amended to read as follows;

23.76.006 Master Use Permits required.

* * *

C. The following are Type II decisions, which are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearing Board):

1 1. Establishment or change of use for temporary
2 uses more than three (3) weeks not otherwise permitted in the
3 zone, except temporary relocation of police and fire stations
4 for twelve (12) months or less;

5 2. Short subdivisions:

6 3. Variances, provided that variances sought as
7 part of a Type IV decision may be granted by the Council
8 pursuant to Section 23.76.036;

9 4. Special exceptions, provided that special
10 exceptions sought as part of a Type IV decision may be
11 granted by the Council pursuant to Section 23.76.036;

12 5. Design departures;

13 6. the following street use decisions:

14 a. Sidewalk cafes,

15 b. Structural building overhangs,

16 c. Areaways;

17 7. Administrative conditional uses, provided
18 administrative conditional uses sought as part of a Type IV
19 decision may be approved by the Council pursuant to Section
20 23.76.036;

21 8. The following shoreline decisions
22 (supplemental procedures for shoreline decisions are
23 established in SMC Sections 24.60.425 through 24.60.485):

24 a. Shoreline substantial development permits

25 b. Shoreline variances,

26 c. Shoreline conditional uses;

27 9. The following environmental decisions for
28 Master Use Permits and for building, demolition, grading and
other construction permits (supplemental procedures for
environmental review are established in SMC Chapter 25.05,
SEPA Policies and Procedures):

a. Declarations of Nonsignificance (DNS's),
including mitigated DNS's,

b. Determination that a final Environmental
Impact Statement (EIS) is adequate((?));

10. Northgate General Development Plan.

* * *

Section 15. Section 23.84.028 SMC, as last amended by
Ordinance 114887, is amended to read as follows:

* * *

"Open Space" means land and/or water area with its
surface predominantly open to the sky or predominantly
undeveloped, which is set aside to serve the purposes of
providing park and recreation opportunities, conserving
valuable natural resources, and structuring urban form.

* * *

"Open Space, Landscaped" means exterior space, at
ground-level, predominantly open to public view and used for
the planting of trees, shrubs, ground-cover and other natural
vegetation.

* * *

Section 16. Section 23.84.048 SMC, as last amended by
Ordinance 114888, is amended as follows:

23.84.048 "Z"

* * *

1 ((B-)) C. The penalty imposed by this section shall be
2 collected by civil action brought in the name of the City.
3 The director shall notify the City Attorney in writing of the
4 name of any person subject to the penalty, and the City
5 Attorney shall, with the assistance of the Director, take
6 appropriate action to collect the penalty.

7 ((E-)) D. The violator may show as full or partial
8 mitigation of liability:

9 1. That the violation giving rise to the action
10 was caused by the willful act, or neglect, or abuse of
11 another, or

12 2. That correction of the violation was commenced
13 promptly upon receipt of the notice thereof, but that full
14 compliance within the time specified was prevented by
15 inability to obtain necessary materials or labor, inability
16 to gain access to the subject structure, or other condition
17 or circumstance beyond the control of the defendant.

18 **Section 18.** Chapter 25.07 SMC, as last amended by
19 Ordinance 116083, is hereby repealed.

20 **Section 19.** If any provisions of this ordinance or its
21 application to any person or circumstance is held invalid,
22 the remainder of the ordinance or the application of the
23 provision to other persons or circumstances is not affected.
24
25
26
27
28

Section 20. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become law under the provisions of the City Charter

PASSED by the City Council the 2nd day of August, 1993 and signed by me in open session in authentication of its passage this 2nd day of August 1993.

Tom Terry
President of the City Council

Approved by me this 10th day of August, 1993.

Norman Price
Mayor

Filed by me this 11th day of August, 1993.

BY
Margaret Carter
Deputy

(SEAL)
Published _____

g:\users\wp\doc\ord\ngcode

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

33997
City of Seattle

—ss.

No. ORDINANCE IN

Affidavit of Publication

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

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

ORD:116795

was published on

08/23/93

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

[Handwritten Signature]

Subscribed and sworn to before me on

08/24/93

[Handwritten Signature]

Notary Public for the State of Washington
residing in Seattle

City of Seattle Ordinances

City of Seattle ORDINANCE 116795

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections 23.34.013, 23.34.078, 23.45.002, 23.46.002, 23.46.012, 23.47.002, 23.47.008, 23.47.023, 23.76.004, 23.76.006, 23.84.028, 23.84.048 and 23.90.018; adding new Sections 23.45.047 to SMC Chapter 23.45 and 23.47.009 to SMC Chapter 23.47; adding a new Chapter 23.71 to the Seattle Municipal Code to create the Northgate Overlay District; adopting amendments to the official Land Use Map, Chapter 23.32 to establish the Northgate Overlay District; and repealing SMC Chapter 25.07, Interim Traffic Standards for the Northgate Area; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The official Land Use Map of the City of Seattle, SMC 23.32.016, is hereby amended to create the Northgate Overlay District. The boundaries of the Northgate Overlay District shall be as depicted on Map A attached hereto.

Section 2. A new Chapter 23.71 is hereby added to Title 23 of the Seattle Municipal Code to read as follows:

Chapter 23.71 Northgate Overlay District

Subchapter I Establishment of Overlay District

23.71.002 Purpose and Intent

The purpose of this Chapter is to implement the Northgate Area Comprehensive Plan by regulating land use and development within the Northgate Overlay District in order to:

- A. Create an environment in the Northgate Area that is more amenable to pedestrians and supportive of commercial development; and
- B. To protect the residential character of residential neighborhoods; and
- C. Support the use of Northgate as a regional high capacity transportation center.

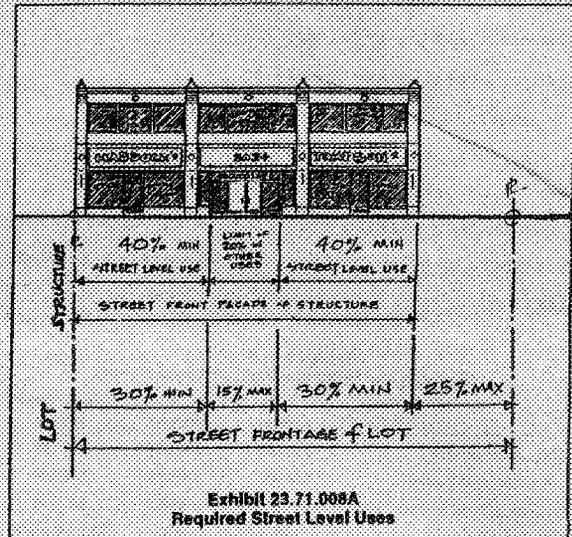
23.71.004 Northgate Overlay District Established

There is hereby established pursuant to Chapter 23.56 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32 and Map A.

23.71.005 Application of Regulations

All land located within the Northgate Overlay District is subject to regulations of the underlying zone unless specifically modified by the provisions of this Chapter. Where the boundaries of the Northgate Overlay District overlap with the boundaries of the Major Institution Overlay

commercial and abutting these streets shall meet the standards of this Section.



B. Standards for Required Street-level Uses.

1. A minimum of sixty percent (60%) of a commercially zoned lot's frontage on a Major Pedestrian Street shall be occupied by one or more of the following uses, provided that drive-in businesses and outdoor storage are prohibited:

- a. Personal and Household Retail Sales and Service Use
- b. Eating and Drinking Establishments
- c. Customer Service Offices
- d. Entertainment Uses
- e. Lodging Uses

If a portion of the Major Pedestrian Street frontage is required for access to on-site parking due to limited lot dimension, the Director may permit less than sixty percent (60%) of the frontage to be occupied by such uses.

2. A minimum of eighty percent (80%) of each structure fronting on a Major Pedestrian Street shall be occupied at street-level by one or more of the uses listed in subsection B1 or a building lobby permitting access to uses above or behind street front uses. In no case shall pedestrian access to uses above or behind required streetfront uses exceed twenty percent (20%) of the structure's Major Pedestrian Streetfront. The remaining twenty percent (20%) of the structure's street frontage may contain other permitted uses or pedestrian entrances (Exhibit 23.71.008 A).

3. Street-level uses shall occupy a minimum of the first ten feet (10') above sidewalk grade.

4. All required street-level uses along Major Pedestrian Streets shall be set back no more than ten feet