

Ordinance No. 120691

Council Bill No. 113381

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning; adding a new Section 23.71.001, repealing Chapter 23.12, and amending Sections 23.20.008, 23.24.040, 23.34.008, 23.34.072, 23.34.090, 23.34.124, 23.40.020, 23.44.036, 23.47.006, 23.47.007, 23.49.036, 23.49.037, 23.50.015, 23.54.020, 23.54.030, 23.60.060, 23.60.220, 23.67.040, 23.69.002, 23.69.024, 23.69.030, 23.69.032, 23.69.035, 23.69.036, 23.76.023, 23.76.036, 23.76.050, and 23.79.008 of the Seattle Municipal Code, regarding City Land Use Policies.

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(12)

12/11/01 *pas*

CF No. _____

Date Introduced:	SEP 18 2000	
Date 1st Referred:	SEP 18 2000	To: (committee) <i>Neighborhoods, Sustainability & Community Development</i>
Date 2nd Referred:		To: (committee) <i>Committee</i>
Date 3rd Referred:		To: (committee)
Date of Final Passage:	Full Council Vote: <i>9-0</i>	
Date Presented to Mayor:	Date Approved: <i>12/20/01</i>	
Date Returned to City Clerk:	Date Published: <i>38 pas</i>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

12-17-01 *Pas*

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin CONLIN
Councilmember

12/11/01

Committee Action:

12/11/01 passed unanimously as amended

1-0
Conlin

12-17-01 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: RC 12/11/01
(initial/date)

Law Department

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Law Dept. Review

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ORDINANCE 120691

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4 **AN ORDINANCE** relating to land use and zoning; adding a new Section 23.71.001,
5 repealing Chapter 23.12, and amending Sections 23.20.008, 23.24.040, 23.34.008,
6 23.34.072, 23.34.090, 23.34.124, 23.40.020, 23.44.036, 23.47.006, 23.47.007,
7 23.49.036, 23.49.037, 23.50.015, 23.54.020, 23.54.030, 23.60.060, 23.60.220,
8 23.67.040, 23.69.002, 23.69.006, 23.69.024, 23.69.030, 23.69.032, 23.69.035,
9 23.69.036, 23.76.023, 23.76.036, 23.76.050, and 23.79.008 of the Seattle Municipal
10 Code, regarding City Land Use Policies.

11 **WHEREAS**, the City of Seattle adopted various land use policies before the adoption of the
12 City's Comprehensive Plan in 1994; and

13 **WHEREAS**, the Council has determined that those policies, contained in SMC 23.12,
14 should be integrated with the Comprehensive Plan and development regulations to
15 avoid multiple policy documents, and to implement the Growth Management Act as
16 interpreted by the Growth Management Hearings Board; and

17 **WHEREAS**, Council Resolution 30156 directed preparation of legislation to achieve the
18 desired integration;

19 **NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS**
20 **FOLLOWS:**

21 **Section 1.** A new Section 23.71.001 is hereby added to the Seattle Municipal Code
22 as follows:

23 **23.71.001 Northgate Comprehensive Plan**

24
25 Within the boundaries shown on 23.71.004 Map A, the following policies and
26 implementation guidelines from the Northgate Area Comprehensive Plan (1993) shall be
27 considered as appropriate, whenever the Land Use Code or other City code or policies
28 require such consideration. Appropriate policies also shall be considered by the Director in
29 promulgating rules, in issuing interpretations related to the Land Use Code and in
30 recommending changes to the Land Use Code. Some policies are included to describe the
31 basis for existing development regulations and zoning.

- 32 A. Policy 2: Implementation Guideline 2.1: Rezones
33 B. Policy 3: Implementation Guideline 3.2: Commercial-only structures in R/C
34 multifamily zones



- 1 C. Policy 4: Implementation Guideline 4.1: Density limits for residential only
- 2 and mixed use in commercial zones
- 3 D. Implementation Guideline 4.4: Create a new Midrise zone with an eighty-five
- 4 (85) foot eight limit
- 5 E. Policy 5: Implementation Guideline 5.1: Setbacks and bulk provisions for lots
- 6 abutting zone edges
- 7 F. Policy 6: Implementation Guideline 6.2: Transportation Management
- 8 Association Implementation Guideline 6.3: Bicycle facilities
- 9 G. Policy 7: Implementation Guideline 7.3: Encourage transit access
- 10 H. Policy 8: Implementation Guideline 8.1: Pedestrian circulation system
- 11 I. Implementation Guideline 8.2: Designate pedestrian streets
- 12 J. Implementation Guideline 8.4: Develop Green Streets
- 13 K. Policy 9: Implementation Guideline 9.2: Permit certain exceptions to parking
- 14 requirements
- 15 L. Implementation Guideline 9.3: Control the amount of surface parking
- 16 M. Policy 12: Implementation Guideline 12.5: Open Space Fund
- 17 N. Implementation Guideline 12.6: Priorities for open space

18 **Section 2.** Chapter 23.12 of the Seattle Municipal Code is repealed in its entirety.

19
20
21 **Section 3.** Section 23.20.008 of the Seattle Municipal Code, as last amended by
22 Ordinance 116262, is amended as follows:

23 **23.20.008 Compliance with state law and Land Use Code.**

24
25 Every division of land shall comply with the provisions of RCW Chapter 58.17 and
26 the provisions of this subtitle. They shall conform to the (~~Land Use Policies, Subtitle II,~~
27 ~~and~~) Environmentally Critical Areas Policies ((-)) and all land use regulations, Subtitle IV,
28 and SMC Chapter 25.09, Regulations for Environmentally Critical Areas, in effect as
29 provided by SMC 23.76.026 ((~~at the time any preliminary plat is approved~~)). Lots shall be
30 of a size and dimension and have access adequate to satisfy the requirements of Subtitle IV
31 of this title.
32
33

34 **Section 4.** Subsection A of Section 23.24.040 of the Seattle Municipal Code, which
35 Section was last amended by Ordinance 119791, is amended as follows:

36 **23.24.040 Criteria for approval.**



1 5. Preferred locations for boundaries shall be streets, alleys or other
2 public rights-of-way. Configuration of platted lot lines, size of parcels, block orientation and
3 street layout shall also be considered.

4 6. Selection of boundaries should emphasize physical features that create
5 natural edges such as topographic changes, shorelines, freeways, arterials, changes in street
6 layout and block orientatio0n, and large public facilities, land areas or open spaces, or
7 greenspaces.

8 7. New or expanded boundaries shall not be permitted where they would
9 result in the demolition of structures with residential uses or change of use of those
10 structures to non-residential000 major institution uses unless comparable replacement is
11 proposed to maintain the housing stock of the city.

12 8. Expansion of boundaries generally shall not be justified by the need
13 for development of professional office uses.

14 9. The establishment or expansion of boundaries shall be in
15 conformance with the provisions of Section 23.69.024, Major Institution Designation.

16 * * *

17 D. In addition to the general rezone criteria contained in Section 23.34.008, the
18 ((following factors shall also be considered))

19 ((1. Proposed and potential development for the entire campus in relation to the
20 policies contained in Section 23.12.120, Policy 5; and))

21 ((2. The)) comments of the Major Institution Master Plan Advisory Committee for
22 the major institution requesting the rezone shall also be considered.

23 **Section 9.** Subsection C of Section 23.40.020 of the Seattle Municipal Code, which
24 Section was last amended by Ordinance 118727, is amended as follows:

25 **23.40.020 Variances.**

26 * * *

27 C. Variances from the provisions or requirements of this Land Use Code shall be
28 authorized when all the facts and conditions listed below are found to exist:

29 1. Because of unusual conditions applicable to the subject property,
30 including size, shape, topography, location or surroundings, which were not created by the
31 owner or applicant, the strict application of this Land Use Code would deprive the property
32 of rights and privileges enjoyed by other properties in the same zone or vicinity; and

33 2. The requested variance does not go beyond the minimum necessary to
34 afford relief, and does not constitute a grant of special privilege inconsistent with the



1 limitations upon other properties in the vicinity and zone in which the subject property is
2 located; and

3 3. The granting of the variance will not be materially detrimental to the
4 public welfare or injurious to the property or improvements in the zone or vicinity in which
5 the subject property is located; and

6 4. The literal interpretation and strict application of the applicable
7 provisions or requirements of this Land Use Code would cause undue hardship or practical
8 difficulties; and

9 5. The requested variance would be consistent with the spirit and
10 purpose of the Land Use Code regulations for the area ~~((and adopted Land Use Policies or~~
11 ~~Comprehensive Plan, as applicable))~~.

12 * * *

13 **Section 10.** Subsection D of Section 23.44.036 of the Seattle Municipal Code, which
14 Section was last amended by Ordinance 118672, is amended as follows:

15 **23.44.036 Public facilities.**

16 * * *

17 D. Sewage Treatment Plants. The expansion or reconfiguration (which term
18 shall include reconstruction, redevelopment, relocation on the site, or intensification of
19 treatment capacity) of existing sewage treatment plants in single-family zones may be
20 permitted if there is no feasible alternative location in a zone where the use is permitted and
21 the conditions imposed under subsections D3 and D4 are met.

22 1. Applicable Procedures. The decision on an application for the
23 expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land
24 use decision. If an application for an early determination of feasibility is required to be filed
25 pursuant to subsection D2 of this section, the early determination of feasibility will also be a
26 Council land use decision subject to Sections 23.76.038 through 23.76.056.

27 2. Need for Feasible Alternative Determination. The proponent shall
28 demonstrate that there is no feasible alternative location in a zone where establishment of the
29 use is permitted.

30 a. The Council's decision as to the feasibility of alternative
31 location(s) shall be based upon ~~((the single family policies and))~~ a full consideration of the
32 environmental, social and economic impacts on the community, and the intent to preserve
33 and to protect the physical character of single family areas, and to protect single family areas
34 from intrusions of non-single family uses.

35 b. The determination of feasibility may be the subject of a
36 separate application for a Council land use decision prior to submission of an application for
37 a project-specific approval if the Director determines that the expansion or reconfiguration



1 proposal is complex, involves the phasing of programmatic and project-specific decisions or
2 affects more than one site in a single-family zone.

3 c. Application for an early determination of feasibility shall
4 include:

5 (1) The scope and intent of the proposed project in the
6 single-family zone and appropriate alternative(s) in zones where establishment of the use is
7 permitted, identified by the applicant or the Director;

8 (2) The necessary environmental documentation as
9 determined by the Director, including an assessment of the impacts of the proposed project
10 and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

11 (3) Information on the overall sewage treatment system
12 which outlines the interrelationship of facilities in single-family zones and in zones where
13 establishment of the use is permitted;

14 (4) Schematic plans outlining dimensions, elevations,
15 locations on site and similar specifications for the proposed project and for the alternative(s).

16 d. If a proposal or any portion of a proposal is also subject to a
17 feasible or reasonable alternative location determination under Section 23.60.066 of Title
18 23, the Plan Shoreline Permit application and the early determination application will be
19 considered in one determination process.

20 3. Conditions for Approval of Proposal.

21 a. The project shall be located so that adverse impacts on
22 residential areas shall be minimized;

23 b. The expansion of a facility shall not result in a concentration
24 of institutions or facilities which would create or appreciably aggravate impacts that are
25 incompatible with single family residences;

26 ((b))c. A facility management and transportation plan shall be
27 required. The level and kind of detail to be disclosed in the plan shall be based on the
28 probable impacts and/or scale of the proposed facility, and shall at a minimum include
29 discussion of sludge transportation, noise control, and hours of operation. Increased traffic
30 and parking expected to occur with use of the facility shall not create a serious safety
31 problem or a blighting influence on the neighborhood.;

32 ((e))d. Measures to minimize potential odor emission and airborne
33 pollutants including methane shall meet standards of and be consistent with best available
34 technology as determined in consultation with the Puget Sound Air Pollution Control
35 Agency (PSAPCA), and shall be incorporated into the design and operation of the facility;

36 ((d))e. Methods of storing and transporting chlorine and other
37 hazardous and potentially hazardous chemicals shall be determined in consultation with the
38 Seattle Fire Department and incorporated into the design and operation of the facility;

39 ((e))f. Vehicular access suitable for trucks is available or provided
40 from the plant to a designated arterial improved to City standards;



1 (1) Noise mitigation measures, such as keeping
2 maintenance building doors closed except when buses are entering or exiting; acoustic
3 barriers; and noise-reducing operating procedures, shall be required when necessary.

4 (2) An employee ridesharing program established and
5 promoted to reduce the impact of employee vehicles on streets in the vicinity of the bus base.

6 (3) Landscaping and screening, noise and odor mitigation,
7 vehicular access controls, and other measures may be required to insure the compatibility of
8 the bus base with the surrounding area and to mitigate any adverse impacts.

9 2. Helistops in NC3, C1 and C2 zones as accessory uses, according to
10 the following standards and criteria:

11 a. The helistop is to be used for the takeoff and landing of
12 helicopters serving public safety, news gathering or emergency medical care functions; is
13 part of a City and regional transportation plan approved by the City Council and is a public
14 facility; or is part of a City and regional transportation plan approved by the City Council
15 and is not within two thousand (2,000) feet of a residential zone.

16 b. The helistop is located so as to minimize impacts on
17 surrounding areas.

18 c. The lot is of sufficient size that the operations of the helistop
19 are buffered from the surrounding area.

20 d. Open areas and landing pads are hard-surfaced.

21 e. The helistop meets all federal requirements, including those
22 for safety, glide angles and approach lanes.

23 3. Work-Release Centers in all Commercial Zones -- Conditional Use
24 Criteria.

25 a. Maximum Number of Residents. No work-release center shall
26 house more than fifty (50) persons, excluding resident staff.

27 b. If the work-release center is in a single-purpose residential
28 structure, the requirements of Section 23.47.023 shall be followed. If the work-release center
29 is in a mixed-use structure, the requirements for mixed-use structures in Chapter 23.47 shall
30 be followed.

31 c. Dispersion Criteria.

32 (1) The lot line of any new or expanding work-release
33 center shall be located six hundred (600) feet or more from any residential zone, any lot line
34 of any special residence, and any lot line of any school.

35 (2) The lot line of any new or expanding work-release
36 center shall be located one (1) mile or more from any lot line of any other work-release
37 center.

38 (3) The Director shall determine whether a proposed
39 facility meets the dispersion criteria from maps which shall note the location of current
40 work-release centers and special residences. Any person who disputes the accuracy of the



1 maps may furnish the Director with the new information and, if determined by the Director
2 to be accurate, this information shall be used in processing the application.

3 d. The Council's decision shall be based on ~~((the Commercial~~
4 ~~Areas Policies and))~~ the following criteria:

5 (1) The extent to which the applicant can demonstrate the
6 need for the new or expanding facility in the City, including a statement describing the
7 public interest in establishing or expanding the facility;

8 (2) The extent to which the applicant has demonstrated
9 that the facility can be made secure. The applicant shall submit a proposed security plan to
10 the Director, and the Director, in consultation with the Seattle Police Department, shall
11 consider and evaluate the plan. The security plan shall address, but is not limited to, the
12 following:

13 i. Plans to monitor and control the activities of
14 residents, including methods to verify the presence of residents at jobs or training programs,
15 policies on sign-outs for time periods consistent with the stated purpose of the absence for
16 unescorted trips by residents away from the center, methods of checking the records of
17 persons sponsoring outings for work-release residents, and policies on penalties for drug or
18 alcohol use by residents, and

19 ii. Staff numbers, level of responsibilities, and
20 scheduling, and

21 iii. Compliance with the security standards of the
22 American Corrections Association;

23 (3) The extent to which proposed lighting is located so as
24 to minimize spillover light on surrounding properties while maintaining appropriate intensity
25 and hours of use to ensure that security is maintained;

26 (4) The extent to which the facility's landscape plan meets
27 the requirements of the zone while allowing visual supervision of the residents of the
28 facility;

29 (5) The extent to which appropriate measures are taken to
30 minimize noise impacts on surrounding properties. Measures to be used for this purpose may
31 include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and
32 limiting the hours of use of certain areas;

33 (6) The extent to which the impacts of traffic and parking
34 are mitigated by increasing on-site parking or loading spaces to reduce over-flow vehicles or
35 changing the access to and location of off-street parking;

36 (7) The extent to which the facility is well-served by
37 public transportation or to which the facility is committed to a program of encouraging the
38 use of public or private mass transportation;

39 (8) Verification from the Department of Corrections
40 (DOC), which shall be reviewed by the Police Department, that the proposed work-release



1 center meets DOC standards for such facilities and that the facility will meet state laws and
2 requirements.

3 * * *

4 **Section 12.** Subsection A of Section 23.47.007 of the Seattle Municipal Code, which
5 Section was last amended by Ordinance 117598, is amended as follows:

6 **23.47.007 Major Phased Developments.**

7
8 A. An applicant may seek approval of a Major Phased Development, as defined
9 in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of
10 the zone in which it is located and shall meet the following thresholds:

11 1. A minimum site size of five (5) acres, where the site is composed of
12 contiguous parcels or contains a right-of-way within.

13 2. The project, which at time of application shall be a single,
14 functionally interrelated campus, contains more than one building, with a minimum total
15 gross floor area of two hundred thousand (200,000) square feet.

16 3. The first phase of the development consists of at least one hundred
17 thousand (100,000) square feet in gross building floor area.

18 4. At the time of application, the project is consistent with the general
19 character of development anticipated by Land Use Code regulations. (~~supports the land use~~
20 ~~policies for the zone in which it is proposed.~~)

21 * * *

22 **Section 13.** Subsection E of Section 23.49.036 of the Seattle Municipal Code, which
23 Section was last amended by Ordinance 119484, is amended as follows:

24 **23.49.036 Planned community developments (PCDs).**

25 * * *

26 E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of
27 public benefits provided, possible impacts of the project, and consistency with the standards
28 contained in this subsection.

29 1. Public Benefits. A proposed PCD shall provide one (1) or more of the
30 following elements: housing, low-income housing, services, employment, increased public
31 revenue, strengthening of neighborhood character, improvements in pedestrian circulation or
32 urban form, and/or other elements which further an adopted City policy and provide a
33 demonstrable public benefit.

34 2. Potential Impacts. The potential impacts of a proposed PCD shall be
35 evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-



1 income housing, transportation systems, parking, energy, and public services, as well as
2 environmental factors such as noise, air, light, glare, and water quality.

3 3. The proposed PCD shall be reviewed for (~~consistency with the Land~~
4 ~~Use Policies, contained in Chapter 23.12, for other~~) compatibility with areas adjacent to
5 Downtown which could be affected by the PCD.

6 4. When the proposed PCD is located in the Pioneer Square Preservation
7 District or International District Special Review District, the Board of the District(s) in
8 which the PCD is located shall review the proposal and make a recommendation to the
9 Department of Neighborhoods Director who shall make a recommendation to the Director
10 prior to the Director's recommendation to the Council on the PCD.

11 * * *

12 **Section 14.** Subsection B of Section 23.49.037 of the Seattle Municipal Code, which
13 Section was last amended by Ordinance 118012, is amended as follows:

14 **23.49.037 Public parks and planned community developments in Downtown Office**
15 **Core 1.**

16 * * *

17 **B. Review Process.**

18 1. **Review Generally.** Approval of a PCD is a "Type IV" land use
19 decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be
20 governed by the procedures for such approval prescribed by Chapter 23.76 and by this
21 section. In the event of a conflict between those procedures, the provisions of this section
22 shall prevail. In addition to the fee prescribed by SMC Chapter 22.901E, a person submitting
23 a notice of intent to apply for approval of a PCD shall pay the direct costs for all work
24 required pursuant to paragraphs 2 and 3 of this subsection, including review by the
25 Department of Parks and Recreation.

26 2. **Beginning Review.** A person intending to apply for approval of a PCD
27 begins the review process by submitting a notice of intent to apply to the Director. The
28 notice shall be on a form prescribed by the Director and shall include at least the following
29 information:

- 30 a. The location of the proposed PCD;
- 31 b. A general description of the proposed PCD, including the
32 proposed uses and the number, height, square footage, footprint and configuration of
33 buildings;
- 34 c. A general description of the proposed park, including location
35 within the PCD site, access, topography, possible improvements, and relationship to the
36 remainder of the PCD.



1 application for the PCD, within or abutting a proposed PCD, shall not be included in the
2 minimum area calculations, nor shall they be considered a break in contiguity.

3 b. The park shall comprise no less than one-half (½) the area of
4 the PCD site.

5 c. The park land and improvements shall be dedicated to the
6 City.

7 d. The PCD, including the proposed park, shall be evaluated on
8 the basis of public benefits, adverse impacts, and consistency with ~~((the City's Land Use~~
9 ~~Polieies,))~~ the general character of development anticipated in DOC 1 by the Land Use
10 Code, the Director's guidelines for the PCD, and other applicable laws and policies.

11 e. The design of the PCD shall be compatible with the design
12 and function of the park.

13 8. Exceptions to Development Standards. Development standards of this
14 chapter may be varied or waived through the PCD process, except that the review criteria of
15 subsection B7 and the following standards shall not be varied or waived:

- 16 a. Light and glare;
17 b. Noise;
18 c. Odor;
19 d. Minimum sidewalk widths;
20 e. View corridor;
21 f. Nonconforming uses;
22 g. Nonconforming structures, when the nonconformity is one of
23 the standards listed in this subsection;
24 h. Use provisions except for provisions for principal and
25 accessory parking;
26 i. Transfer of development rights regulations;
27 j. Bonus values assigned to public benefit features.

28 * * *

29 **Section 15.** Subsection A of Section 23.50.015 of the Seattle Municipal Code, which
30 Section was last amended by Ordinance 117598, is amended as follows:

31 **23.50.015 Major Phased Development.**

32
33 A. An applicant may seek approval of a Major Phased Development, as defined
34 in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of
35 the zone in which it is located and shall meet the following thresholds:

36 1. A minimum site size of five (5) acres, where the site is composed of
37 contiguous parcels or contains a right-of-way within;



1 **23.54.030 Parking space standards.**

2 * * *

3 F. Curbcuts. Curbcut requirements shall be determined by whether the parking
4 served by the curbcut is for residential or nonresidential use, and by the zone in which the
5 use is located. When a curbcut is used for more than one (1) use, the requirements for the use
6 with the largest curbcut requirements shall apply.

7 1. Residential Uses in Single-family and Multi-family Zones and Single-
8 purpose Residential Uses in All Other Zones.

9 a. For lots not located on a principal arterial as designated on
10 Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following
11 chart:

Street or Easement Frontage of Lot	Number of Curbcuts Permitted
0 -- 80 feet	1
81 -- 160 feet	2
161 -- 240 feet	3
241 -- 320 feet	4

12 For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in
13 the chart shall be continued.

14 b. Curbcuts shall not exceed a maximum width of ten (10) feet
15 except that:

16 (1) One (1) curbcut greater than ten (10) feet but in no case
17 greater than twenty (20) feet in width may be substituted for each two (2) curbcuts permitted
18 by subsection F1a; and

19 (2) A greater width may be specifically permitted by the
20 development standards in a zone; and

21 (3) When subsection D of Section 23.54.030 requires a
22 driveway greater than ten (10) feet in width, the curbcut may be as wide as the required
23 width of the driveway.

24 c. For lots on principal arterials designated on Exhibit 23.53.015
25 A, curbcuts of a maximum width of twenty-three (23) feet shall be permitted according to
26 the following chart.

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 160 feet	1
161 -- 320 feet	2



321 -- 480 feet

3

1 For lots with street frontage in excess of four hundred eighty (480) feet, the pattern
2 established in the chart shall be continued.

3 d. There shall be at least thirty (30) feet between any two (2)
4 curbcuts located on a lot.

5 e. A curbcut may be less than the maximum width permitted but
6 shall be at least as wide as the minimum required width of the driveway it serves.

7 f. Where two (2) adjoining lots share a common driveway
8 according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2)
9 lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

10 2. Nonresidential Uses in Single-family and Multifamily Zones, and All
11 Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

12 a. Number of Curbcuts.

13 (1) In RC, NC1, NC2 and NC3 zones and within Major
14 Institution Overlay Districts, the number of two-way (~~curbcuts~~) curbcuts permitted shall be
15 according to the following chart:

Street Frontage of the Lot

Number of Curbcuts Permitted

0 – 80	1
81 – 240	2
241 – 360	3
361 – 480	4

16 For lots with frontage in excess of four hundred eighty (480)
17 feet the pattern established in the chart shall be continued. The Director may allow two (2)
18 one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there
19 would not be a significant conflict with pedestrian traffic.

20 (2) In C1 and C2 zones and the SCM zone, the Director
21 shall review and make a recommendation on the number and location of curbcuts.

22 (3) In downtown zones, a maximum of two (2) curbcuts
23 for one (1) way traffic at least forty (40) feet apart, or one (1) curbcut for two (2) way traffic,
24 shall be permitted on each street front where access is permitted by Section 23.49.018. No
25 curbcut shall be located within forty (40) feet of an intersection. These standards may be
26 modified by the Director on lots with steep slopes or other special conditions, the minimum
27 necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic (~~in accordance with the Downtown Land Use Policies~~)).
28

29 (4) For public schools, the minimum number of curbcuts
30 determined necessary by the Director shall be permitted.

31 b. Curbcut Widths.



1 (1) For one (1) way traffic, the minimum width of curbcuts
2 shall be twelve (12) feet, and the maximum width shall be fifteen (15) feet.

3 (2) For two (2) way traffic, the minimum width of
4 curbcuts shall be twenty-two (22) feet, and the maximum width shall be twenty-five (25)
5 feet, except that the maximum width may be increased to thirty (30) feet when truck and
6 auto access are combined.

7 (3) For public schools, the maximum width of curbcuts
8 shall be twenty-five (25) feet. Development standards departure may be granted or required
9 pursuant to the procedures and criteria set forth in Chapter 23.79.

10 (4) When one (1) of the following conditions applies, the
11 Director may require a curbcut of up to thirty (30) feet in width, if it is found that a wider
12 curbcut is necessary for safe access:

13 i. The abutting street has a single lane on the side
14 which abuts the lot; or

15 ii. The curb lane abutting the lot is less than
16 eleven (11) feet wide; or

17 iii. The proposed development is located on an
18 arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

19 iv. Off-street loading space is required according
20 to subsection H of Section 23.54.015.

21 c. The entrances to all garages accessory to nonresidential uses
22 and the entrances to all principal use parking garages shall be at least six (6) feet nine (9)
23 inches high.

24 3. All Uses in Industrial Zones.

25 a. Number and Location of Curbcuts. The number and location
26 of curbcuts shall be determined by the Director.

27 b. Curbcut Width. Curbcut width in Industrial zones shall be
28 provided as follows:

29 (1) When the curbcut provides access to a parking area or
30 structure it shall be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet
31 wide.

32 (2) When the curbcut provides access to a loading berth,
33 the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50)
34 feet.

35 (3) Within the minimum and maximum widths established
36 by this subsection, the Director shall determine the size of the curbcuts.

37 4. Curbcuts for Access Easements.

38 a. When a lot is crossed by an access easement serving other lots,
39 the curbcut serving the easement may be as wide as the easement roadway.



1 (2) Residentially zoned submerged lands in private or
2 public ownership located adjacent to dry lands designated Urban Residential where the
3 shoreline possesses biological, geological or other natural resources that can be maintained
4 by limiting development;

5 4. Conservancy Management (CM) Environment.

6 a. The purpose of the CM shoreline environment is to conserve
7 and manage areas for public purposes, recreational activities and fish migration routes.
8 While the natural environment need not be maintained in a pure state, developments shall be
9 designed to minimize adverse impacts to natural beaches, migratory fish routes and the
10 surrounding community.

11 b. Locational Criteria.

12 (1) Dry or submerged land in sensitive areas generally
13 owned by a public agency, developed with a major public facility, including navigation locks,
14 sewage treatment plants, ferry terminals and public and private parks containing active
15 recreation areas,

16 (2) Waterfront lots containing natural beaches or a natural
17 resource such as fish migration routes or fish feeding areas which require management but
18 which are compatible with recreational development;

19 5. Conservancy Waterway (CW) Environment.

20 a. Purpose. The purpose of the CW Environment is to preserve
21 the waterways for navigation and commerce, including public access to and from water
22 areas. Since the waterways are public ways for water transport, they are designated CW to
23 provide navigational access to adjacent properties, access to and from land for the loading
24 and unloading of watercraft and temporary moorage.

25 b. Locational Criteria. Waterways on Lake Union and Portage
26 Bay;

27 6. Urban Residential (UR) Environment.

28 a. Purpose. The purpose of the UR environment is to protect
29 residential areas ((in a manner consistent with the Single-family and Multifamily Residential
30 Area Policies)).

31 b. Locational Criteria.

32 (1) Areas where the underlying zoning is Single-family or
33 Multifamily residential,

34 (2) Areas where the predominant development is Single-
35 family or Multifamily residential,

36 (3) Areas where steep slopes, shallow water, poor wave
37 protection, poor vehicular access or limited water access make water-dependent uses
38 impractical,

39 (4) Areas with sufficient dry land lot area to allow for
40 residential development totally on dry land;

41 7. Urban Stable (US) Environment.



1 a. Purpose.

2 (1) Provide opportunities for substantial numbers of
3 people to enjoy the shorelines by encouraging water-dependent recreational uses and by
4 permitting nonwater dependent commercial uses if they provide substantial public access
5 and other public benefits,

6 (2) Preserve and enhance views of the water from adjacent
7 streets and upland residential areas,

8 (3) Support water-dependent uses by providing services
9 such as marine-related retail and moorage.

10 b. Locational Criteria.

11 (1) Areas where the underlying zoning is Commercial or
12 Industrial,

13 (2) Areas with small amounts of dry land between the
14 shoreline and the first parallel street, with steep slopes, limited truck and rail access or other
15 features making the area unsuitable for water-dependent or water-related industrial uses,

16 (3) Areas with large amounts of submerged land in
17 relation to dry land and sufficient wave protection for water-dependent recreation,

18 (4) Areas where the predominant land use is water-
19 dependent recreational or nonwater-dependent commercial;

20 8. Urban Harborfront (UH) Environment.

21 a. Purpose. The purpose of the UH Environment is to encourage
22 economically viable water-dependent uses to meet the needs of waterborne commerce,
23 facilitate the revitalization of Downtown's waterfront, provide opportunities for public
24 access and recreational enjoyment of the shoreline, preserve and enhance elements of
25 historic and cultural significance and preserve views of Elliott Bay and the land forms
26 beyond.

27 b. Locational Criteria.

28 (1) Areas where the underlying zoning is a Downtown
29 zone,

30 (2) Areas in or adjacent to a State Harbor Area,

31 (3) Areas where the water area is developed with finger
32 piers and transit sheds;

33 9. Urban Maritime (UM) Environment.

34 a. Purpose. The purpose of the UM environment is to preserve
35 areas for water-dependent and water-related uses while still providing some views of the
36 water from adjacent streets and upland residential streets. Public access shall be second in
37 priority to water-dependent uses unless provided on street ends, parks or other public lands.

38 b. Locational Criteria.

39 (1) Areas where the underlying zoning is industrial or
40 Commercial 2,



- 1 (2) Areas with sufficient dry land for industrial uses but
2 generally in smaller parcels than in UI environments,
3 (3) Areas developed predominantly with water-dependent
4 manufacturing or commercial uses or a combination of manufacturing-commercial and
5 recreational water-dependent uses,
6 (4) Areas with concentrations of state waterways for use
7 by commerce and navigation,
8 (5) Areas near, but not necessarily adjacent to residential
9 or neighborhood commercial zones which require preservation of views and protection from
10 the impacts of heavy industrialization;

11 10. Urban General (UG) Environment.

12 a. Purpose. The purpose of the UG environment is to provide for
13 economic use of commercial and manufacturing areas which are not suited for full use by
14 water-dependent businesses. Public access or viewing areas shall be provided by nonwater-
15 dependent uses where feasible.

16 b. Locational Criteria.

- 17 (1) Areas with little or no water access, which makes the
18 development of water-dependent uses impractical,
19 (2) Areas where the underlying zoning is Commercial 2 or
20 Industrial,
21 (3) Areas developed with nonwater-dependent
22 manufacturing, warehouses, or offices;

23 11. Urban Industrial (UI) Environment.

24 a. Purpose. The purpose of the Urban Industrial environment is
25 to provide for efficient use of industrial shorelines by major cargo facilities and other water-
26 dependent and water-related industrial uses. Views shall be secondary to industrial
27 development and public access shall be provided mainly on public lands or in conformance
28 with an area-wide Public Access Plan.

29 b. Locational Criteria.

- 30 (1) Areas where the underlying zoning is industrial,
31 (2) Areas with large amounts of level dry land in large
32 parcels suitable for industrial use,
33 (3) Areas with good rail and truck access,
34 (4) Areas adjacent to or part of major industrial centers
35 which provide support services for water-dependent and other industry,
36 (5) Areas where predominant uses are manufacturing
37 warehousing, major port cargo facilities or other similar uses.

38 * * *



1 A. Permit appropriate institutional growth within boundaries while minimizing
2 the adverse impacts associated with development and geographic expansion;

3 B. Balance a Major Institution's ability to change and the public benefit derived
4 from change with the need to protect the livability and vitality of adjacent neighborhoods;
5 ((and))

6 C. Encourage the concentration of Major Institution development on existing
7 campuses, or alternatively, the decentralization of such uses to locations more than two
8 thousand five hundred (2,500) feet from campus boundaries;

9 D. Provide for the coordinated growth of major institutions through major
10 institution conceptual master plans and the establishment of major institutions overlay
11 zones;

12 E. Discourage the expansion of established major institution boundaries;

13 F. Encourage significant community involvement in the development,
14 monitoring, implementation and amendment of major institution master plans, including the
15 establishment of citizen's advisory committees containing community and major institution
16 representatives;

17 G. Locate new institutions in areas where such activities are compatible with the
18 surrounding land uses and where the impacts associated with existing and future
19 development can be appropriately mitigated;

20 H. Accommodate the changing needs of major institutions, provide flexibility
21 for development and encourage a high quality environment through modifications of use
22 restrictions and parking requirements of the underlying zoning;

23 I. Make the need for appropriate transition primary considerations in
24 determining setbacks. Also setbacks may be appropriate to achieve proper scale, building
25 modulation, or view corridors;

26 L. Allow an increase to the number of permitted parking spaces only when it 1)
27 is necessary to reduce parking demand on streets in surrounding areas and 2) is compatible
28 with goals to minimize traffic congestion in the area;

29 M. Use the TMP to reduce the number of vehicle trips to the major institution,
30 minimize the adverse impacts of traffic on the streets surrounding the institution, minimize
31 demand for parking on nearby streets, especially residential streets, and minimize the
32 adverse impacts of institution-related parking on nearby streets. To meet these objectives
33 seek to reduce the number of SOVs used by employees and students at peak time and
34 destined for the campus;

35 N. Through the master plan, 1) give clear guidelines and development standards
36 on which the major institutions can rely for long-term planning and development; 2) provide
37 the neighborhood advance notice of the development plans of the major institution; 3) allow
38 the city to anticipate and plan for public capital or programmatic actions that will be needed
39 to accommodate development; and 4) provide the basis for determining appropriate
40 mitigating actions to avoid or reduce adverse impacts from major institution growth; and



1 whether it meets minimum standards for Major Institution designation shall be according to
2 the provisions of Section 23.86.036.

3 2. If the Director determines that Major Institution designation is
4 required, the Director shall not issue any permit that would result in an increase in area of
5 Major Institution uses until the institution is designated a Major Institution, a Major
6 Institution Overlay District is established, and a master plan is prepared according to the
7 provisions of Part 2, Major Institution Master Plan.

8 3. The Director's determination that an application for a Major
9 Institution designation is required shall be made in the form of an interpretation and shall be
10 subject to the procedures of Section 23.88.020.

11 4. The procedures for designation of a Major Institution shall be as
12 provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
13 Decisions. The Council shall grant or deny the request for Major Institution designation by
14 resolution.

15 5. When the Council designates a new Major Institution, a Major
16 Institution Overlay District shall be established by ordinance according to the procedures for
17 amendments to the Official Land Use Map (rezones) in Chapter 23.76, Procedures for
18 Master Use Permits and Council Land Use Decisions.

19 6. A new Major Institution Overlay District shall not be established and
20 a Major Institution Overlay District Boundary shall not be expanded in Single Family or
21 Industrial zones.

22 7. Boundaries of a Major Institution Overlay District and maximum
23 height limits shall be established or amended in accordance with ~~((the))~~ rezone criteria
24 contained in Section 23.34.124 ((the City's Major Institution Policies)), and the purpose and
25 intent of this Chapter as described in section 23.69.006, except that acquisition, merger or
26 consolidation involving two (2) Major Institutions shall be governed by the provisions of
27 Section 23.69.023.

28 C. The MIO district designation, including height limits and master plan
29 provisions when one has been adopted, shall be revoked for an institution which no longer
30 meets the definition of a Major Institution. The applicable zoning provisions shall be the
31 provisions of the existing underlying zoning classification. When an MIO district
32 designation of an institution is to be revoked, the City may consider rezoning the institution
33 campus. Upon determination that an institution no longer meets the definition of a Major
34 Institution, the Director shall notify the Council. The revocation of a Major Institution
35 designation shall be subject to the procedures set forth in Chapter 23.76, Procedures for
36 Master Use Permits and Council Land Use Decisions, for Major Institution designation and
37 revocation.

38



1 23.69.006, and as prescribed in Chapter 25.05 Environmental Policies and Procedures
2 ((based upon the objectives listed in the Major Institution policies and Chapter 25.05,
3 SEPA)). The Advisory Committee may review and comment on the mission of the
4 institution, the need for the expansion, public benefits resulting from the proposed new
5 development and the way in which the proposed development will serve the public purpose
6 mission of the Major Institution, but these elements are not subject to negotiation nor shall
7 such review delay consideration of the master plan or the final recommendation to Council.

8 2. The Advisory Committee shall hold open meetings with the
9 institution and City staff to discuss the master plan and resolve differences. The institution
10 shall provide adequate and timely information to the Advisory Committee for its
11 consideration of the content and level of detail of each of the specific elements of the master
12 plan.

13 3. The threshold determination of need for preparation of an
14 Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, SEPA
15 Policies and Procedures.

16 4. If an EIS is required and an institution is the lead agency, it shall
17 initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to
18 discuss the scope of the document. The Advisory Committee shall submit its comments on
19 the scope of the draft EIS to the lead agency and the Director before the end of the scoping
20 comment period. The lead agency shall prepare a final scope within one (1) week after the
21 end of the scoping period.

22 5. The institution shall prepare a preliminary draft master plan within
23 seventy (70) days of completion of the final scope of the EIS.

24 6. If an EIS is required, the institution or DCLU, whichever is lead
25 agency, shall be responsible for the preparation of a preliminary draft EIS within seventy
26 (70) days of the completion of the final scope, or approval of an EIS consultant contract,
27 whichever is later.

28 7. The Advisory Committee, Seattle Transportation, the Director, and
29 the institution shall submit comments on the preliminary draft master plan and the
30 preliminary draft EIS to the lead agency within three (3) weeks of receipt, or on the
31 environmental checklist and supplemental studies if an EIS is not required. If DCLU is the
32 lead agency, a compiled list of the comments shall be submitted to the institution within ten
33 (10) days of receipt of the comments.

34 8. Within three (3) weeks of receipt of the compiled comments, the
35 institution shall review the comments and revise the preliminary draft master plan, if
36 necessary, discussing and evaluating in writing the comments of all parties. The lead agency
37 shall review the comments and be responsible for the revision of the preliminary draft EIS if
38 necessary. If no EIS is required, the lead agency shall review the comments and be
39 responsible for the annotation of the environmental checklist and revisions to any
40 supplemental studies if necessary. Within three (3) weeks after receipt of the revised drafts,
41 the Director shall review the revised drafts and may require further documentation or



1 analysis on the part of the institution. Three (3) additional weeks may be spent revising the
2 drafts for publication.

3 9. The Director shall publish the draft master plan. If an EIS is required,
4 the lead agency shall publish the draft EIS.

5 10. The Director and the lead agency shall hold a public hearing on the
6 draft master plan and if an EIS is required, on the draft EIS.

7 11. The Advisory Committee, Seattle Transportation and the Director
8 shall submit comments on the draft master plan and if an EIS is required, on the draft EIS
9 within six (6) weeks after the issuance of the draft master plan and EIS.

10 12. Within thirteen (13) weeks after receipt of the comments, the
11 institution shall review the comments on the draft master plan and shall prepare the final
12 master plan.

13 13. If an EIS is required, the lead agency shall be responsible for the
14 preparation of a preliminary final EIS, following the public hearing and within six (6) weeks
15 after receipt of the comments on the draft EIS. Seattle Transportation, the Director, and the
16 institution shall submit comments on the preliminary final EIS.

17 14. The lead agency shall review the comments on the preliminary final
18 EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The
19 Director shall review the revised final document and may require further documentation or
20 analysis on the part of the institution.

21 15. Within seven (7) weeks after preparation of the preliminary final EIS,
22 the Director shall publish the final master plan and, if an EIS is required, the lead agency
23 shall publish the final EIS.

24 E. Draft Report and Recommendation of the Director.

25 1. Within five (5) weeks of the publication of the final master plan and
26 EIS, the Director shall prepare a draft report on the application for a master plan as provided
27 in Section 23.76.050, Report of the Director.

28 2. In the Director's Report, a determination shall be made whether the
29 planned development and changes of the Major Institution are consistent with the purpose
30 and intent of this Chapter, and ((the City's Major Institution policies in Section 23.12.120
31 and in the Land Use Element of The City of Seattle's Comprehensive Plan, and whether the
32 planned development and changes)) represent a reasonable balance of the public benefits of
33 development and change with the need to maintain livability and vitality of adjacent
34 neighborhoods. Consideration shall be given to:

35 a. The reasons for institutional growth and change, the public
36 benefits resulting from the planned new facilities and services, and the way in which the
37 proposed development will serve the public purpose mission of the major institution; and

38 b. The extent to which the growth and change will significantly
39 harm the livability and vitality of the surrounding neighborhood.

40 3. In the Director's Report, an assessment shall be made of the extent to
41 which the Major Institution, with its proposed development and changes, will address the



1 goals and applicable policies under Education and Employability and Health in the Human
2 Development Element of the Comprehensive Plan.

3 4. The Director's analysis and recommendation on the proposed master
4 plan's development program component shall consider the following:

5 a. The extent to which the Major Institution proposes to lease
6 space or otherwise locate a use at street level in a commercial zone outside of, but within
7 two thousand five hundred (2,500) feet of, the MIO District boundary that is not similar to a
8 personal and household retail sales and service use, eating and drinking establishment,
9 customer service office, entertainment use or child care center but is allowed in the zone. To
10 approve such proposal, the Director shall consider the criteria in Section 23.69.035 D3;

11 b. The extent to which proposed development is phased in a
12 manner which minimizes adverse impacts on the surrounding area. When public
13 improvements are anticipated in the vicinity of proposed Major Institution development or
14 expansion, coordination between the Major Institution development schedule and timing of
15 public improvements shall be required;

16 c. The extent to which historic structures which are designated
17 on any federal, state or local historic or landmark register are proposed to be restored or
18 reused. Any changes to designated Seattle Landmarks shall comply with the requirements of
19 the Landmarks Preservation Ordinance.¹ The Major Institution's Advisory Committee shall
20 review any application to demolish a designated Seattle Landmark and shall submit
21 comments to the Landmarks Preservation Board before any certificate of approval is issued;

22 d. The extent to which the proposed density of Major Institution
23 development will affect vehicular and pedestrian circulation, adequacy of public facilities,
24 capacity of public infrastructure, and amount of open space provided;

25 e. The extent to which the limit on the number of total parking
26 spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and
27 parking in the area surrounding the MIO District.

28 5. The Director's analysis and recommendation on the proposed master
29 plan's development standards component shall be based on the following:

30 a. The extent to which buffers such as topographic features,
31 freeways or large open spaces are present or transitional height limits are proposed to
32 mitigate the difference between the height and scale of existing or proposed Major
33 Institution development and that of adjoining areas. Transition may also be achieved through
34 the provision of increased setbacks, articulation of structure facades, limits on structure
35 height or bulk or increased spacing between structures;

36 b. The extent to which any structure is permitted to achieve the
37 height limit of the MIO District. The Director shall evaluate the specified limits on structure
38 height in relationship to the amount of MIO District area permitted to be covered by
39 structures, the impact of shadows on surrounding properties, the need for transition between
40 the Major Institution and the surrounding area, and the need to protect views;



1 c. The extent to which setbacks of Major Institution development
2 at ground level or upper levels of a structure from the boundary of the MIO District or along
3 public rights-of-way are provided for and the extent to which these setbacks provide a
4 transition between Major Institution development and development in adjoining areas;

5 d. The extent to which allowable lot coverage is consistent with
6 permitted density and allows for adequate setbacks along public rights-of-way or boundaries
7 of the MIO District. Coverage limits should insure that view corridors through Major
8 Institution development are enhanced and that area for landscaping and open space is
9 adequate to minimize the impact of Major Institution development within the MIO District
10 and on the surrounding area;

11 e. The extent to which landscaping standards have been
12 incorporated for required setbacks, for open space, along public rights-of-way, and for
13 surface parking areas. Landscaping shall meet or exceed the amount of landscaping required
14 by the underlying zoning. Trees shall be required along all public rights-of-way where
15 feasible;

16 f. The extent to which access to planned parking, loading and
17 service areas is provided from an arterial street;

18 g. The extent to which the provisions for pedestrian circulation
19 maximize connections between public pedestrian rights-of-way within and adjoining the
20 MIO District in a convenient manner. Pedestrian connections between neighborhoods
21 separated by Major Institution development shall be emphasized and enhanced;

22 h. The extent to which designated open space maintains the
23 patterns and character of the area in which the Major Institution is located and is desirable in
24 location and access for use by patients, students, visitors and staff of the Major Institution;

25 i. The extent to which designated open space, though not
26 required to be physically accessible to the public, is visually accessible to the public;

27 j. The extent to which the proposed development standards
28 provide for the protection of scenic views and/or views of landmark structures. Scenic views
29 and/or views of landmark structures along existing public rights-of-way or those proposed
30 for vacation may be preserved. New view corridors shall be considered where potential
31 enhancement of views through the Major Institution or of scenic amenities may be enhanced.
32 To maintain or provide for view corridors the Director may require, but not be limited to, the
33 alternate spacing or placement of planned structures or grade-level openings in planned
34 structures. The institution shall not be required to reduce the combined gross floor area for
35 the MIO District in order to protect views other than those protected under City laws of
36 general applicability.

37 6. The Director's report shall specify all measures or actions necessary to
38 be taken by the Major Institution to mitigate adverse impacts of Major Institution
39 development that are specified in the proposed master plan.

40 * * *



2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22 (~~(, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.12, the City's SEPA policies and any other applicable official City policies));~~);
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny the application.

* * *

Section 29. Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council land use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and any associated Type II decisions listed in Section 23.76.006 C2:

1. Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City (~~(to implement new land use policies adopted by ordinance,))~~) and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) Major Institutions pursuant to Section 23.69.023;
2. Public projects proposed by applicants other than The City of Seattle that require Council approval;
3. Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);
4. Council conditional uses; and
5. Downtown planned community developments.

B. Council action shall be required for the following Type V land use decisions:

1. City-initiated amendments to the Official Land Use Map (~~(to implement new land use policies));~~);
2. Amendments to the text of SMC Title 23, Land Use Code;
3. Concept approval for the location or expansion of City facilities requiring Council land use approval by SMC Title 23, Land Use Code;
4. Major Institution designations and revocations of Major Institution designations;
5. Waive or modify development standards for City facilities;
6. Planned action ordinances; and



1 evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the
2 proposed facility is compatible with the character and use of its surroundings. In reaching
3 recommendations, the advisory committee shall consider and balance the interrelationships
4 among the following factors:

5 a. Relationship to Surrounding Areas. The advisory committee
6 shall evaluate the acceptable or necessary level of departure according to:

- 7 (1) Appropriateness in relation to the character and scale
8 of the surrounding area;
9 (2) Presence of edges (significant setbacks, major arterials,
10 topographic breaks, and similar features) which provide a transition in scale;
11 (3) Location and design of structures to reduce the
12 appearance of bulk;
13 (4) Impacts on traffic, noise, circulation and parking in the
14 area; and
15 (5) Impacts on housing and open space.

16 More flexibility in the development standards may be
17 allowed if the impacts on the surrounding community are anticipated to be negligible or are
18 reduced by mitigation; whereas, a minimal amount or no departure from development
19 standards may be allowed if the anticipated impacts are significant and cannot be
20 satisfactorily mitigated.

21 b. Need for Departure. The physical requirements of the specific
22 proposal and the project's relationship to educational needs shall be balanced with the level
23 of impacts on the surrounding area. Greater departure may be allowed for special facilities,
24 such as a gymnasium, which are unique and/or an integral and necessary part of the
25 educational process; whereas, a lesser or no departure may be granted for a facility which
26 can be accommodated within the established development standards.

27 2. When the departure process is required because of proposed
28 demolition of housing, the desirability of minimizing the effects of demolition must be
29 weighed against the educational objectives to be served in addition to the evaluation required
30 in subsection C1.





City of Seattle

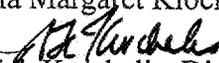
Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Councilmember Richard Conlin
Via Margaret Klockars, Law Department

FROM: 
Rick Krochalis, Director

DATE: August 29, 2000

SUBJECT: Ordinance removing land use policies from
Seattle Municipal Code

The Department of Design, Construction and Land Use (DCLU) and the Strategic Planning Office (SPO) have prepared the attached Land Use Code amendments for your consideration. The amendments would repeal Chapter 23.12, Land Use Policies, of the City's Land Use Code and amend references to the City's Land Use Policies throughout the Code, to reflect the consolidation of the City's land use policies with the City's Comprehensive Plan.

In reviewing an appeal of the City's Comprehensive Plan that was filed just after the Plan was adopted, the State Growth Management Hearings Board said that Comprehensive Plans were intended to replace land use plans approved prior to the adoption of the state's Growth Management Act (GMA). The City's land use policies fit the description of pre-GMA land use plans, because they were developed as replacements to the City's earlier comprehensive plan and were intended to guide land use decision-making. The amendments are necessary to bring the City's policies and plan into alignment with the Board's 1996 order. The ordinance the executive is proposing will accomplish a major portion of this task by deleting most of the land use policies from the Land Use Code. (A separate ordinance that is also before you will incorporate key provisions of those policies into the land use element of the Comprehensive Plan.)

The Board's decision said that so long as the pre-GMA plans did not contradict or thwart GMA, they "could have some continued, albeit diminishing, value." However, the Board went on to say that it was not unreasonable to expect that six years after the adoption of GMA, local governments would have moved to the GMA framework of coordinated and consistent planning, "rather than cling to ... fragmented and disconnected land use planning." The GMA was adopted ten years ago, and the City still has this pre-GMA plan written into the Land Use Code.



City of Seattle, Department of Design, Construction and Land Use
710 Second Avenue, Suite 200, Seattle, WA 98104-1703

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Councilmember Richard Conlin

August 29, 2000

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In addition to meeting the requirement of the Board, removing the land use policies from the Code eliminates the often confusing relationship between the City's land use policies and land use regulations in the Land Use Code. However, we need to be mindful of the role these policies play in land use decisions. We, therefore, carefully identified the sections of the Code that refer to the policies. In most cases the references we identified are quite broad, referring to an entire group of policies (e.g. the single-family area policies), and as such are not particularly useful in permit review and decision-making. The ordinance would delete these references, and where appropriate provide a more specific reference to other parts of the Code that contain more pertinent guidance. For instance, where the Code includes several specific policies that were adopted as part of the Northgate Plan, the ordinance would move that policy reference to the Northgate Overlay section of the Code.

If you have additional questions about the purpose of the recommended amendments to the Land Use Code to remove these policies from the Land Use Code please contact Tom Hauger of SPO at 684-8380 or John Skelton of DCLU at 233-3883.

cc: Denna Cline, Strategic Planning Office





**Legislative Department
Seattle City Council
Memorandum**

Date: December 12, 2001

To: All Councilmembers

From: Richard Conlin, Chair
NS&CD Committee 

Subject: **Land Use Policies Repeal:** CB 113381 and CB 113721
For Full Council Agenda: Monday, December 17, 2001
Items #12 and #13.

Last year, the Council adopted into the Comprehensive Plan a set Land Use Policies. These policies now in the Comprehensive Plan serve to explain the intent of the City's land use regulations, and guide future amendments to the regulations. The land use policies in the Comprehensive Plan are intended to replace the policies that currently reside in the Land Use Code, Chapter 23.12.

The Legislation before you on Monday December 17 would repeal the Land Use Policies from the Land Use Code. This legislation was postponed last year primarily because of concerns about the regulatory effect of eliminating code references to the policies. The code calls for consideration of the policies when making certain discretionary land use decisions and in SEPA review.

Central staff conducted an extensive review of the use of the land use policies. Staff concluded that substantive regulatory effect from the proposed repeal of the policies could be avoided by adding limited policy intent to the code, and by replacing two SEPA references to the land use policies in the code with references to the revised policies in the Comprehensive Plan.

This recommendation is acceptable to DCLU, SPO and Law Department staff, and is recommended by the NS&CD Committee.

This legislation will help to accomplish land use code simplification by eliminating the policies in SMC 23.12.

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; adding a new Section 23.71.001, repealing Chapter 23.12, and amending Sections 23.20.008, 23.24.040, 23.34.008, 23.34.072, 23.34.090, 23.34.124, 23.40.020, 23.44.036, 23.47.006, 23.47.007, 23.49.036, 23.49.037, 23.50.015, 23.54.020, 23.54.030, 23.60.060, 23.60.220, 23.67.040, 23.69.002, 23.69.024, 23.69.030, 23.69.032, 23.69.035, 23.69.036, 23.76.023, 23.76.036, 23.76.050, and 23.79.008 of the Seattle Municipal Code, regarding City Land Use Policies.

WHEREAS, the City of Seattle adopted various land use policies before the adoption of the City's Comprehensive Plan in 1994; and

WHEREAS, the Council has determined that those policies, contained in SMC 23.12, should be integrated with the Comprehensive Plan and development regulations to avoid multiple policy documents, and to implement the Growth Management Act as interpreted by the Growth Management Hearings Board; and

WHEREAS, Council Resolution 30156 directed preparation of legislation to achieve the desired integration;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.71.001 is hereby added to the Seattle Municipal Code as follows:

23.71.001 Northgate Comprehensive Plan

Within the boundaries shown on 23.71.004 Map A, the following policies and implementation guidelines from the Northgate Area Comprehensive Plan (1993) shall be considered as appropriate, whenever the Land Use Code or other City code or policies require such consideration. Appropriate policies also shall be considered by the Director in promulgating rules, in issuing interpretations related to the Land Use Code and in recommending changes to the Land Use Code. Some policies are included to describe the basis for existing development regulations and zoning.

A. Policy 2: Implementation Guideline 2.1: Rezones

B. Policy 3: Implementation Guideline 3.2: Commercial-only structures in R/C multifamily zones

C. Policy 4: Implementation Guideline 4.1: Density limits for residential only and mixed use in commercial zones

D. Implementation Guideline 4.4: Create a new Midrise zone with an eighty-five (85) foot eight limit



1 E. Policy 5: Implementation Guideline 5.1: Setbacks and bulk provisions for lots
2 abutting zone edges

3 F. Policy 6: Implementation Guideline 6.2: Transportation Management
4 Association Implementation Guideline 6.3: Bicycle facilities

5 G. Policy 7: Implementation Guideline 7.3: Encourage transit access

6 H. Policy 8: Implementation Guideline 8.1: Pedestrian circulation system

7 I. Implementation Guideline 8.2: Designate pedestrian streets

8 J. Implementation Guideline 8.4: Develop Green Streets

9 K. Policy 9: Implementation Guideline 9.2: Permit certain exceptions to parking
10 requirements

11 L. Implementation Guideline 9.3: Control the amount of surface parking

12 M. Policy 12: Implementation Guideline 12.5: Open Space Fund

13 N. Implementation Guideline 12.6: Priorities for open space

14 **Section 2.** Chapter 23.12 of the Seattle Municipal Code is repealed in its entirety.

15 **Section 3.** Section 23.20.008 of the Seattle Municipal Code, as last amended by
16 Ordinance 116262, is amended as follows:

17 **23.20.008 Compliance with state law and Land Use Code.**

18 Every division of land shall comply with the provisions of RCW Chapter 58.17 and
19 the provisions of this subtitle. They shall conform to the (~~Land Use Policies, Subtitle II,~~
20 ~~and~~) Environmentally Critical Areas Policies ((~~7~~)) and all land use regulations, Subtitle IV,
21 and SMC Chapter 25.09, Regulations for Environmentally Critical Areas, in effect as
22 provided by SMC 23.76.026 at the time any preliminary plat is approved. Lots shall be of a
23 size and dimension and have access adequate to satisfy the requirements of Subtitle IV of
24 this title.

25 **Section 4.** Subsection A of Section 23.24.040 of the Seattle Municipal Code, which
26 Section was last amended by Ordinance 119791, is amended as follows:

27 **23.24.040 Criteria for approval.**

28 A. The Director shall, after conferring with appropriate officials, use the
29 following criteria to determine whether to grant, condition or deny a short plat:

30 1. Conformance to the applicable (~~Land Use Policies and~~) Land Use
31 Code provisions;

32 2. Adequacy of access for vehicles, utilities and fire protection as
33 provided in Section 23.53.005;

34 3. Adequacy of drainage, water supply and sanitary sewage disposal;

35 4. Whether the public use and interests are served by permitting the
36 proposed division of land;

37 5. Conformance to the applicable provisions of SMC Section 25.09.240,
38 Short subdivisions and subdivisions, in environmentally critical areas;

39 6. Is designed to maximize the retention of existing trees;



1 structures to non-residential major institution uses unless comparable replacement is
2 proposed to maintain the housing stock of the city.

3 8. Expansion of boundaries generally shall not be justified by the need
4 for development of professional office uses.

5 * * *

6 D. In addition to the general rezone criteria contained in Section 23.34.008, the
7 ~~((following factors shall also be considered))~~

8 ~~((1. Proposed and potential development for the entire campus in relation to the
9 policies contained in Section 23.12.120, Policy 5; and))~~

10 ~~((2. The))~~ comments of the Major Institution Master Plan Advisory Committee for
11 the major institution requesting the rezone shall also be considered.

12 **Section 9.** Subsection C of Section 23.40.020 of the Seattle Municipal Code, which
13 Section was last amended by Ordinance 118727, is amended as follows:

14 **23.40.020 Variances.**

15 * * *

16 C. Variances from the provisions or requirements of this Land Use Code shall be
17 authorized when all the facts and conditions listed below are found to exist:

18 1. Because of unusual conditions applicable to the subject property,
19 including size, shape, topography, location or surroundings, which were not created by the
20 owner or applicant, the strict application of this Land Use Code would deprive the property
21 of rights and privileges enjoyed by other properties in the same zone or vicinity; and

22 2. The requested variance does not go beyond the minimum necessary to
23 afford relief, and does not constitute a grant of special privilege inconsistent with the
24 limitations upon other properties in the vicinity and zone in which the subject property is
25 located; and

26 3. The granting of the variance will not be materially detrimental to the
27 public welfare or injurious to the property or improvements in the zone or vicinity in which
28 the subject property is located; and

29
30 4. The literal interpretation and strict application of the applicable
31 provisions or requirements of this Land Use Code would cause undue hardship or practical
32 difficulties; ~~and~~
33



1 ~~5. The requested variance would be consistent with the spirit and~~
2 ~~purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan, as~~
3 ~~applicable)).~~

4 * * *

5 **Section 10.** Subsection D of Section 23.44.036 of the Seattle Municipal Code, which
6 Section was last amended by Ordinance 118672, is amended as follows:

7 **23.44.036 Public facilities.**

8 * * *

9 D. Sewage Treatment Plants. The expansion or reconfiguration (which term
10 shall include reconstruction, redevelopment, relocation on the site, or intensification of
11 treatment capacity) of existing sewage treatment plants in single-family zones may be
12 permitted if there is no feasible alternative location in a zone where the use is permitted and
13 the conditions imposed under subsections D3 and D4 are met.

14 1. Applicable Procedures. The decision on an application for the
15 expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land
16 use decision. If an application for an early determination of feasibility is required to be filed
17 pursuant to subsection D2 of this section, the early determination of feasibility will also be a
18 Council land use decision subject to Sections 23.76.038 through 23.76.056.

19 2. Need for Feasible Alternative Determination. The proponent shall
20 demonstrate that there is no feasible alternative location in a zone where establishment of the
21 use is permitted.

22 a. The Council's decision as to the feasibility of alternative
23 location(s) shall be based upon ~~((the single-family policies and))~~ a full consideration of the
24 environmental, social and economic impacts on the community.

25 b. The determination of feasibility may be the subject of a
26 separate application for a Council land use decision prior to submission of an application for
27 a project-specific approval if the Director determines that the expansion or reconfiguration
28 proposal is complex, involves the phasing of programmatic and project-specific decisions or
29 affects more than one site in a single-family zone.

30 c. Application for an early determination of feasibility shall
31 include:

32 (1) The scope and intent of the proposed project in the
33 single-family zone and appropriate alternative(s) in zones where establishment of the use is
34 permitted, identified by the applicant or the Director;

35 (2) The necessary environmental documentation as
36 determined by the Director, including an assessment of the impacts of the proposed project
37 and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;



1 (3) Information on the overall sewage treatment system
2 which outlines the interrelationship of facilities in single-family zones and in zones where
3 establishment of the use is permitted;

4 (4) Schematic plans outlining dimensions, elevations,
5 locations on site and similar specifications for the proposed project and for the alternative(s).

6 d. If a proposal or any portion of a proposal is also subject to a
7 feasible or reasonable alternative location determination under Section 23.60.066 of Title
8 23, the Plan Shoreline Permit application and the early determination application will be
9 considered in one determination process.

10 3. Conditions for Approval of Proposal.

11 a. The project shall be located so that adverse impacts on
12 residential areas shall be minimized;

13 b. A facility management and transportation plan shall be
14 required. The level and kind of detail to be disclosed in the plan shall be based on the
15 probable impacts and/or scale of the proposed facility, and shall at a minimum include
16 discussion of sludge transportation, noise control, and hours of operation;

17 c. Measures to minimize potential odor emission and airborne
18 pollutants including methane shall meet standards of and be consistent with best available
19 technology as determined in consultation with the Puget Sound Air Pollution Control
20 Agency (PSAPCA), and shall be incorporated into the design and operation of the facility;

21 d. Methods of storing and transporting chlorine and other
22 hazardous and potentially hazardous chemicals shall be determined in consultation with the
23 Seattle Fire Department and incorporated into the design and operation of the facility;

24 e. Vehicular access suitable for trucks is available or provided
25 from the plant to a designated arterial improved to City standards;

26 f. Landscaping and screening, separation from less intensive
27 zones, noise, light and glare controls, and other measures to ensure the compatibility of the
28 use with the surrounding area and to mitigate adverse impacts shall be incorporated into the
29 design and operation of the facility.

30 4. Substantial Conformance. If the application for a project-specific
31 proposal is submitted after an early determination that location of the sewage treatment plant
32 is not feasible in a zone where establishment of the use is permitted, the proposed project
33 must be in substantial conformance with the feasibility determination.

34 Substantial conformance shall include, but not be limited to, a determination
35 that:

36 a. There is no net substantial increase in the environmental
37 impacts of the project-specific proposal as compared to the impacts of the proposal as
38 approved in the feasibility determination.

39 b. Conditions included in the feasibility determination are met.

40 * * *



1 3. Work-Release Centers in all Commercial Zones -- Conditional Use
2 Criteria.

3 a. Maximum Number of Residents. No work-release center shall
4 house more than fifty (50) persons, excluding resident staff.

5 b. If the work-release center is in a single-purpose residential
6 structure, the requirements of Section 23.47.023 shall be followed. If the work-release center
7 is in a mixed-use structure, the requirements for mixed-use structures in Chapter 23.47 shall
8 be followed.

9 c. Dispersion Criteria.

10 (1) The lot line of any new or expanding work-release
11 center shall be located six hundred (600) feet or more from any residential zone, any lot line
12 of any special residence, and any lot line of any school.

13 (2) The lot line of any new or expanding work-release
14 center shall be located one (1) mile or more from any lot line of any other work-release
15 center.

16 (3) The Director shall determine whether a proposed
17 facility meets the dispersion criteria from maps which shall note the location of current
18 work-release centers and special residences. Any person who disputes the accuracy of the
19 maps may furnish the Director with the new information and, if determined by the Director
20 to be accurate, this information shall be used in processing the application.

21 d. The Council's decision shall be based on ~~((the Commercial~~
22 ~~Areas Policies and))~~ the following criteria:

23 (1) The extent to which the applicant can demonstrate the
24 need for the new or expanding facility in the City, including a statement describing the
25 public interest in establishing or expanding the facility;

26 (2) The extent to which the applicant has demonstrated
27 that the facility can be made secure. The applicant shall submit a proposed security plan to
28 the Director, and the Director, in consultation with the Seattle Police Department, shall
29 consider and evaluate the plan. The security plan shall address, but is not limited to, the
30 following:

31 i. Plans to monitor and control the activities of
32 residents, including methods to verify the presence of residents at jobs or training programs,
33 policies on sign-outs for time periods consistent with the stated purpose of the absence for
34 unescorted trips by residents away from the center, methods of checking the records of
35 persons sponsoring outings for work-release residents, and policies on penalties for drug or
36 alcohol use by residents, and

37 ii. Staff numbers, level of responsibilities, and
38 scheduling, and

39 iii. Compliance with the security standards of the
40 American Corrections Association;



1 (3) The extent to which proposed lighting is located so as
2 to minimize spillover light on surrounding properties while maintaining appropriate
3 intensity and hours of use to ensure that security is maintained;

4 (4) The extent to which the facility's landscape plan meets
5 the requirements of the zone while allowing visual supervision of the residents of the
6 facility;

7 (5) The extent to which appropriate measures are taken to
8 minimize noise impacts on surrounding properties. Measures to be used for this purpose may
9 include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and
10 limiting the hours of use of certain areas;

11 (6) The extent to which the impacts of traffic and parking
12 are mitigated by increasing on-site parking or loading spaces to reduce over-flow vehicles or
13 changing the access to and location of off-street parking;

14 (7) The extent to which the facility is well-served by
15 public transportation or to which the facility is committed to a program of encouraging the
16 use of public or private mass transportation;

17 (8) Verification from the Department of Corrections
18 (DOC), which shall be reviewed by the Police Department, that the proposed work-release
19 center meets DOC standards for such facilities and that the facility will meet state laws and
20 requirements.

21 * * *

22 **Section 12.** Subsection A of Section 23.47.007 of the Seattle Municipal Code, which
23 Section was last amended by Ordinance 117598, is amended as follows:

24 **23.47.007 Major Phased Developments.**

25 A. An applicant may seek approval of a Major Phased Development, as defined
26 in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of
27 the zone in which it is located and shall meet the following thresholds:

28 1. A minimum site size of five (5) acres, where the site is composed of
29 contiguous parcels or contains a right-of-way within.

30 2. The project, which at time of application shall be a single,
31 functionally interrelated campus, contains more than one building, with a minimum total
32 gross floor area of two hundred thousand (200,000) square feet.

33 3. The first phase of the development consists of at least one hundred
34 thousand (100,000) square feet in gross building floor area.

35 ((4. At the time of application, the project supports the land use policies
36 for the zone in which it is proposed.))

37 * * *

38 **Section 13.** Subsection E of Section 23.49.036 of the Seattle Municipal Code, which
39 Section was last amended by Ordinance 119484, is amended as follows:



1 required pursuant to paragraphs 2 and 3 of this subsection, including review by the
2 Department of Parks and Recreation.

3 2. Beginning Review. A person intending to apply for approval of a
4 PCD begins the review process by submitting a notice of intent to apply to the Director. The
5 notice shall be on a form prescribed by the Director and shall include at least the following
6 information:

- 7 a. The location of the proposed PCD;
8 b. A general description of the proposed PCD, including the
9 proposed uses and the number, height, square footage, footprint and configuration of
10 buildings;
11 c. A general description of the proposed park, including location
12 within the PCD site, access, topography, possible improvements, and relationship to the
13 remainder of the PCD.

14 When a complete notice of intent to apply has been received by the
15 Director, the Director shall send a copy of the notice to the Superintendent of the Seattle
16 Department of Parks and Recreation, who shall then initiate the park planning process
17 described below.

18 3. Initial Park Planning.

- 19 a. The Parks Superintendent shall begin a park planning process
20 by soliciting information and opinions from the public regarding a park to be provided with
21 the PCD. Park alternatives are not limited to the park described in the notice of intent to
22 apply. The Parks Superintendent shall hold a public hearing to solicit public comment or
23 proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project
24 Review committee to advise the Superintendent, Director and City Council regarding the
25 proposed park and PCD, particularly in regard to the design of the park and the PCD.
26 b. The result of the initial park planning process shall be a report
27 which identifies preliminary goals and design objectives for the park, identifies a preferred
28 location for the park on the PCD site, and contains general standards for park improvements
29 and development. The report shall be submitted by the Director to the potential PCD
30 applicant within one hundred eighty (180) days of the date the Parks Superintendent receives
31 the notice of intent to apply.

32 c. The purpose of the report is to give the potential project
33 applicant guidance regarding the kind of park which the City may require. The report does
34 not require the applicant to propose the park which is described in the report, and it does not
35 restrict the City's decisions about the park as the PCD review process proceeds.

36 4. Development Guidelines and Project Review. The Director, in
37 consultation with the Superintendent and the Citizen's Project Review Committee, shall
38 establish development guidelines for the PCD and the public park. The guidelines shall be
39 approved by the Director within one hundred fifty (150) days from the date the report
40 described in subsection B3b is received by the Director. The guidelines shall include
41 recommendations regarding the location of buildings on the site, the footprint of buildings,
42 design compatibility between the park and the PCD, and maintenance and liability for the



1 park and improvements. The guidelines shall also include an estimate of the cost of
2 providing the park which is described in the guidelines.

3 5. PCD Application. Following approval of development guidelines by
4 the Director, the applicant may submit an application for PCD approval to the Director. The
5 application shall be on a form prescribed by the Director.

6 6. Director's Report, Hearing Examiner Recommendation, and Council
7 Action. The Director, Hearing Examiner and Council shall review and act upon the PCD
8 application as provided for Type IV Council land use decisions in Chapter 23.76.

9 7. Review Criteria.

10 a. The PCD shall have a minimum area of fifty-five thousand
11 (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public
12 right-of-way, or public right-of-way vacated less than five (5) years prior to the date of
13 application for the PCD, within or abutting a proposed PCD, shall not be included in the
14 minimum area calculations, nor shall they be considered a break in contiguity.

15 b. The park shall comprise no less than one-half (1/2) the area of
16 the PCD site.

17 c. The park land and improvements shall be dedicated to the
18 City.

19 d. The PCD, including the proposed park, shall be evaluated on
20 the basis of public benefits, adverse impacts, and consistency with ((the City's Land Use
21 Policies,)) the Director's guidelines for the PCD, and other applicable laws and policies.

22 e. The design of the PCD shall be compatible with the design
23 and function of the park.

24 8. Exceptions to Development Standards. Development standards of this
25 chapter may be varied or waived through the PCD process, except that the review criteria of
26 subsection B7 and the following standards shall not be varied or waived:

27 a. Light and glare;

28 b. Noise;

29 c. Odor;

30 d. Minimum sidewalk widths;

31 e. View corridor;

32 f. Nonconforming uses;

33 g. Nonconforming structures, when the nonconformity is one of
34 the standards listed in this subsection;



- 1 h. Use provisions except for provisions for principal and
2 accessory parking;
3 i. Transfer of development rights regulations;
4 j. Bonus values assigned to public benefit features.

5 * * *

6 **Section 15.** Subsection A of Section 23.50.015 of the Seattle Municipal Code, which
7 Section was last amended by Ordinance 117598, is amended as follows:

8 **23.50.015 Major Phased Development.**

9 A. An applicant may seek approval of a Major Phased Development, as defined
10 in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of
11 the zone in which it is located and shall meet the following thresholds:

12 1. A minimum site size of five (5) acres, where the site is composed of
13 contiguous parcels or contains a right-of-way within;

14 2. The project, which at time of application shall be a single,
15 functionally interrelated campus, contains more than one building, with a minimum total
16 gross floor area of two hundred thousand (200,000) square feet;

17 3. The first phase of the development consists of at least one hundred
18 thousand (100,000) square feet in gross building floor area; and

19 ~~((4. At the time of application, the project supports the land use policies
20 for the zone in which it is proposed.))~~

21 * * *

22 **Section 16** Subsection C of Section 23.54.020 of the Seattle Municipal Code, which
23 Section was last amended by Ordinance 119239, is amended as follows:

24 **23.54.020 Parking quantity exceptions.**

25 * * *

26 C. Parking Exception for Landmark Structures. The Director may reduce or
27 waive the minimum accessory off-street parking requirements for a use permitted in a
28 Landmark structure, or when a Landmark structure is completely converted to residential use
29 according to Sections 23.45.006 or 23.45.184 as a special exception, Chapter 23.76,
30 Procedures for Master Use Permits and Council Land Use Decisions, or for a use in a
31 Landmark district which is located in a commercial zone.

32 1. In making any such reduction or waiver, the Director shall assess area
33 parking needs. The Director may require a survey of on- and off-street parking availability.
34 The Director may take into account the level of transit service in the immediate area; the
35 probably relative importance of walk-in traffic; proposals by the applicant to encourage



1 carpooling or transit use by employees; hours of operation; and any other factor or factors
2 considered relevant in determining parking impact.

3 2. The Director may also consider the types and scale of uses proposed
4 or practical in the Landmark structure, and the controls imposed by the Landmark
5 designation.

6 3. For conversion of structures to residential use, the Director shall also
7 determine that there is no feasible way to meet parking requirements on the lot (~~and that the~~
8 ~~proposal meets the objectives of the Multi-Family Land Use Policies~~)).

9 * * *

10 **Section 17.** Subsection F of Section 23.54.030 of the Seattle Municipal Code, which
11 Section was last amended by Ordinance 119238, is amended as follows:

12 **23.54.030 Parking space standards.**

13 * * *

14 F. Curbcuts. Curbcut requirements shall be determined by whether the parking
15 served by the curbcut is for residential or nonresidential use, and by the zone in which the
16 use is located. When a curbcut is used for more than one (1) use, the requirements for the use
17 with the largest curbcut requirements shall apply.

18 1. Residential Uses in Single-family and Multi-family Zones and Single-
19 purpose Residential Uses in All Other Zones.

20 a. For lots not located on a principal arterial as designated on
21 Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following
22 chart:

Street or Easement Frontage of Lot	Number of Curbcuts Permitted
0 -- 80 feet	1
81 -- 160 feet	2
161 -- 240 feet	3
241 -- 320 feet	4

23 For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in
24 the chart shall be continued.

25 b. Curbcuts shall not exceed a maximum width of ten (10) feet
26 except that:

27 (1) One (1) curbcut greater than ten (10) feet but in no case
28 greater than twenty (20) feet in width may be substituted for each two (2) curbcuts permitted
29 by subsection F1a; and



1 (2) A greater width may be specifically permitted by the
 2 development standards in a zone; and

3 (3) When subsection D of Section 23.54.030 requires a
 4 driveway greater than ten (10) feet in width, the curbcut may be as wide as the required
 5 width of the driveway.

6 c. For lots on principal arterials designated on Exhibit 23.53.015
 7 A, curbcuts of a maximum width of twenty-three (23) feet shall be permitted according to
 8 the following chart.

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 160 feet	1
161 -- 320 feet	2
321 -- 480 feet	3

9 For lots with street frontage in excess of four hundred eighty (480) feet, the pattern
 10 established in the chart shall be continued.

11 d. There shall be at least thirty (30) feet between any two (2)
 12 curbcuts located on a lot.

13 e. A curbcut may be less than the maximum width permitted but
 14 shall be at least as wide as the minimum required width of the driveway it serves.

15 f. Where two (2) adjoining lots share a common driveway
 16 according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2)
 17 lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

18 2. Nonresidential Uses in Single-family and Multifamily Zones, and All
 19 Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

20 a. Number of Curbcuts.

21 (1) In RC, NC1, NC2 and NC3 zones and within Major
 22 Institution Overlay Districts, the number of two-way (~~curcuts~~) curbcuts permitted shall be
 23 according to the following chart:

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80	1
81 -- 240	2
241 -- 360	3
361 -- 480	4

24 For lots with frontage in excess of four hundred eighty (480)
 25 feet the pattern established in the chart shall be continued. The Director may allow two (2)
 26 one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there
 27 would not be a significant conflict with pedestrian traffic.



1 (2) In C1 and C2 zones and the SCM zone, the Director
2 shall review and make a recommendation on the number and location of curbcuts.

3 (3) In downtown zones, a maximum of two (2) curbcuts
4 for one (1) way traffic at least forty (40) feet apart, or one (1) curbcut for two (2) way traffic,
5 shall be permitted on each street front where access is permitted by Section 23.49.018. No
6 curbcut shall be located within forty (40) feet of an intersection. These standards may be
7 modified by the Director on lots with steep slopes or other special conditions, the minimum
8 necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic (~~(~~
9 ~~in accordance with the Downtown Land Use Policies)~~).

10 (4) For public schools, the minimum number of curbcuts
11 determined necessary by the Director shall be permitted.

12 b. Curbcut Widths.

13 (1) For one (1) way traffic, the minimum width of curbcuts
14 shall be twelve (12) feet, and the maximum width shall be fifteen (15) feet.

15 (2) For two (2) way traffic, the minimum width of
16 curbcuts shall be twenty-two (22) feet, and the maximum width shall be twenty-five (25)
17 feet, except that the maximum width may be increased to thirty (30) feet when truck and
18 auto access are combined.

19 (3) For public schools, the maximum width of curbcuts
20 shall be twenty-five (25) feet. Development standards departure may be granted or required
21 pursuant to the procedures and criteria set forth in Chapter 23.79.

22 (4) When one (1) of the following conditions applies, the
23 Director may require a curbcut of up to thirty (30) feet in width, if it is found that a wider
24 curbcut is necessary for safe access:

25 i. The abutting street has a single lane on the side
26 which abuts the lot; or

27 ii. The curb lane abutting the lot is less than
28 eleven (11) feet wide; or

29 iii. The proposed development is located on an
30 arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

31 iv. Off-street loading space is required according
32 to subsection H of Section 23.54.015.

33 c. The entrances to all garages accessory to nonresidential uses
34 and the entrances to all principal use parking garages shall be at least six (6) feet nine (9)
35 inches high.

36 3. All Uses in Industrial Zones.

37 a. Number and Location of Curbcuts. The number and location
38 of curbcuts shall be determined by the Director.

39 b. Curbcut Width. Curbcut width in Industrial zones shall be
40 provided as follows:



1 (1) When the curbcut provides access to a parking area or
2 structure it shall be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet
3 wide.

4 (2) When the curbcut provides access to a loading berth,
5 the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50)
6 feet.

7 (3) Within the minimum and maximum widths established
8 by this subsection, the Director shall determine the size of the curbcuts.

9 4. Curbcuts for Access Easements.

10 a. When a lot is crossed by an access easement serving other lots,
11 the curbcut serving the easement may be as wide as the easement roadway.

12 b. The curbcut serving an access easement shall not be counted
13 against the number or amount of curbcut permitted to a lot if the lot is not itself served by
14 the easement.

15 5. Curbcut Flare. A flare with a maximum width of two and one-half
16 (2½) feet shall be permitted on either side of curbcuts in any zone.

17 6. Replacement of Unused Curbcuts. When a curbcut is no longer
18 needed to provide access to a lot, the curb and any planting strip shall be replaced.

19 * * *

20 **Section 18.** Subsection B of Section 23.60.060 of the Seattle Municipal Code, which
21 Section was last amended by Ordinance 118793, is amended as follows:

22 **23.60.060 Procedures for shoreline environment redesignations.**

23 * * *

24 B. A request for a shoreline environment redesignation is considered a rezone, a
25 Council land use decision subject to the provisions of Chapter 23.76, and shall be evaluated
26 against the following criteria:

27 1. The Shoreline Management Act. The proposed redesignation shall be
28 consistent with the intent and purpose of the Shoreline Management Act (RCW 90.58) and
29 with Department of Ecology Guidelines (WAC 173-16).

30 2. Shorelines of Statewide Significance. If the area is within a shoreline
31 of statewide significance the redesignation shall be consistent with the preferences for
32 shorelines of statewide significance as given in RCW 90.58.020.

33 3. Comprehensive Plan Shoreline Area Objectives. In order to ensure
34 that the intent of the Seattle Shoreline Master Program is met the proposed redesignation
35 shall be consistent with the Comprehensive Plan Shoreline Area Objectives in which the
36 proposed redesignation is located.

37 4. Harbor Areas. If the area proposed for a shoreline designation change
38 is within or adjacent to a harbor area, the impact of the redesignation on the purpose and



1 intent of harbor areas as given in Articles XV and XVII of the State Constitution shall be
2 considered.

3 ~~((5. Consistency with Underlying Zoning. The proposed redesignation shall
4 be consistent with the appropriate land use policies for the area unless overriding shoreline
5 considerations exist.))~~

6 5 ((6)). Rezone Evaluation. The proposed redesignation shall comply with the
7 rezone evaluation provisions in Section 23.34.007.

8 6 ((7)). General Rezone Criteria. The proposed redesignation shall meet the
9 general rezone standards in Section 23.34.008, subsections B through J.

10 **Section 19.** Subsection C of Section 23.60.220 of the Seattle Municipal Code, which
11 Section was last amended by Ordinance 118408, is amended as follows:

12 **23.60.220 Environments established.**

13 * * *

14 C. The purpose and locational criteria for each shoreline environment
15 designation are described below.

16 1. Conservancy Navigation (CN) Environment.

17 a. Purpose. The purpose of the CN Environment is to preserve
18 open water for navigation,

19 b. Locational Criteria. Submerged lands used as a fairway for
20 vessel navigation,

21 c. Submerged lands seaward of the Outer Harbor Line,
22 Construction Limit Line or other navigational boundary which are not specifically
23 designated or shown on the Official Land Use Map shall be designated Conservancy
24 Navigation;

25 2. Conservancy Preservation (CP) Environment.

26 a. Purpose. The purpose of the CP Environment is to preserve,
27 protect, restore, or enhance certain areas which are particularly biologically or geologically
28 fragile and to encourage the enjoyment of those areas by the public. Protection of such areas
29 is in the public interest.

30 b. Locational Criteria. Dry or submerged lands owned by a
31 public agency and possessing particularly fragile biological, geological or other natural
32 resources which warrant preservation or restoration;

33 3. Conservancy Recreation (CR) Environment.

34 a. Purpose. The purpose of the CR shoreline environment is to
35 protect areas for environmentally related purposes, such as public and private parks,
36 aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and
37 migratory fish routes. While the natural environment is not maintained in a pure state, the
38 activities to be carried on provided minimal adverse impact. The intent of the CR



1 environment is to use the natural ecological system for production of food, for recreation,
2 and to provide access by the public for recreational use of the shorelines. Maximum effort to
3 preserve, enhance or restore the existing natural ecological, biological, or hydrological
4 conditions shall be made in designing, developing, operating and maintaining recreational
5 facilities.

6 b. Locational Criteria.

7 (1) Dry or submerged lands generally owned by a public
8 agency and developed as a park, where the shoreline possesses biological, geological or
9 other natural resources that can be maintained by limiting development,

10 (2) Residentially zoned submerged lands in private or
11 public ownership located adjacent to dry lands designated Urban Residential where the
12 shoreline possesses biological, geological or other natural resources that can be maintained
13 by limiting development;

14 4. Conservancy Management (CM) (~~(Equipment)~~) Environment.

15 a. The purpose of the CM shoreline environment is to conserve
16 and manage areas for public purposes, recreational activities and fish migration routes.
17 While the natural environment need not be maintained in a pure state, developments shall be
18 designed to minimize adverse impacts to natural beaches, migratory fish routes and the
19 surrounding community.

20 b. Locational Criteria.

21 (1) Dry or submerged land in sensitive areas generally
22 owned by a public agency, developed with a major public facility, including navigation
23 locks, sewage treatment plants, ferry terminals and public and private parks containing
24 active recreation areas,

25 (2) Waterfront lots containing natural beaches or a natural
26 resource such as fish migration routes or fish feeding areas which require management but
27 which are compatible with recreational development;

28 5. Conservancy Waterway (CW) Environment.

29 a. Purpose. The purpose of the CW Environment is to preserve
30 the waterways for navigation and commerce, including public access to and from water
31 areas. Since the waterways are public ways for water transport, they are designated CW to
32 provide navigational access to adjacent properties, access to and from land for the loading
33 and unloading of watercraft and temporary moorage.

34 b. Locational Criteria. Waterways on Lake Union and Portage
35 Bay;

36 6. Urban Residential (UR) Environment.

37 a. Purpose. The purpose of the UR environment is to protect
38 residential areas (~~in a manner consistent with the Single-family and Multifamily Residential~~
39 ~~Area Policies~~)).

40 b. Locational Criteria.

41 (1) Areas where the underlying zoning is Single-family or
42 Multifamily residential,



1 (2) Areas where the predominant development is Single-
2 family or Multifamily residential,

3 (3) Areas where steep slopes, shallow water, poor wave
4 protection, poor vehicular access or limited water access make water-dependent uses
5 impractical,

6 (4) Areas with sufficient dry land lot area to allow for
7 residential development totally on dry land;

8 7. Urban Stable (US) Environment.

9 a. Purpose.

10 (1) Provide opportunities for substantial numbers of
11 people to enjoy the shorelines by encouraging water-dependent recreational uses and by
12 permitting nonwater dependent commercial uses if they provide substantial public access
13 and other public benefits,

14 (2) Preserve and enhance views of the water from adjacent
15 streets and upland residential areas,

16 (3) Support water-dependent uses by providing services
17 such as marine-related retail and moorage.

18 b. Locational Criteria.

19 (1) Areas where the underlying zoning is Commercial or
20 Industrial,

21 (2) Areas with small amounts of dry land between the
22 shoreline and the first parallel street, with steep slopes, limited truck and rail access or other
23 features making the area unsuitable for water-dependent or water-related industrial uses,

24 (3) Areas with large amounts of submerged land in
25 relation to dry land and sufficient wave protection for water-dependent recreation,

26 (4) Areas where the predominant land use is water-
27 dependent recreational or nonwater-dependent commercial;

28 8. Urban Harborfront (UH) Environment.

29 a. Purpose. The purpose of the UH Environment is to encourage
30 economically viable water-dependent uses to meet the needs of waterborne commerce,
31 facilitate the revitalization of Downtown's waterfront, provide opportunities for public
32 access and recreational enjoyment of the shoreline, preserve and enhance elements of
33 historic and cultural significance and preserve views of Elliott Bay and the land forms
34 beyond.

35 b. Locational Criteria.

36 (1) Areas where the underlying zoning is a Downtown
37 zone,

38 (2) Areas in or adjacent to a State Harbor Area,

39 (3) Areas where the water area is developed with finger
40 piers and transit sheds;

41 9. Urban Maritime (UM) Environment.



1 a. Purpose. The purpose of the UM environment is to preserve
2 areas for water-dependent and water-related uses while still providing some views of the
3 water from adjacent streets and upland residential streets. Public access shall be second in
4 priority to water-dependent uses unless provided on street ends, parks or other public lands.

5 b. Locational Criteria.

6 (1) Areas where the underlying zoning is industrial or
7 Commercial 2,

8 (2) Areas with sufficient dry land for industrial uses but
9 generally in smaller parcels than in UI environments,

10 (3) Areas developed predominantly with water-dependent
11 manufacturing or commercial uses or a combination of manufacturing-commercial and
12 recreational water-dependent uses,

13 (4) Areas with concentrations of state waterways for use
14 by commerce and navigation,

15 (5) Areas near, but not necessarily adjacent to residential
16 or neighborhood commercial zones which require preservation of views and protection from
17 the impacts of heavy industrialization;

18 10. Urban General (UG) Environment.

19 a. Purpose. The purpose of the UG environment is to provide for
20 economic use of commercial and manufacturing areas which are not suited for full use by
21 water-dependent businesses. Public access or viewing areas shall be provided by nonwater-
22 dependent uses where feasible.

23 b. Locational Criteria.

24 (1) Areas with little or no water access, which makes the
25 development of water-dependent uses impractical,

26 (2) Areas where the underlying zoning is Commercial 2 or
27 Industrial,



1 (3) Areas developed with nonwater-dependent
2 manufacturing, warehouses, or offices;

3 11. Urban Industrial ~~((U))~~ (UI) Environment.

4 a. Purpose. The purpose of the Urban Industrial environment is
5 to provide for efficient use of industrial shorelines by major cargo facilities and other water-
6 dependent and water-related industrial uses. Views shall be secondary to industrial
7 development and public access shall be provided mainly on public lands or in conformance
8 with an area-wide Public Access Plan.

9 b. Locational Criteria.

- 10 (1) Areas where the underlying zoning is industrial,
11 (2) Areas with large amounts of level dry land in large
12 parcels suitable for industrial use,
13 (3) Areas with good rail and truck access,
14 (4) Areas adjacent to or part of major industrial centers
15 which provide support services for water-dependent and other industry,
16 (5) Areas where predominant uses are manufacturing
17 warehousing, major port cargo facilities or other similar uses.

18 * * *

19 **Section 20.** Subsection C of Section 23.67.040 of the Seattle Municipal Code, which
20 Section was last amended by Ordinance 116145, is amended as follows:

21 **23.67.040 Southeast Seattle Reinvestment Area -- Rezones for boundary changes.**

22 * * *

23 C. Rezone Criteria for Property Within SESRA. A rezone within the boundaries
24 of the SESRA shall be subject to the general rezone criteria of Chapter 23.34 and the
25 locational criteria for the proposed classifications. In addition, the criteria contained in this
26 section shall also apply. No single location shall be expected to meet all criteria, nor shall
27 the criteria be ranked in order of importance. ~~((A balance shall be sought between the intent
28 of the policies for the underlying land use category and this policy.))~~ Specific conditions
29 may be established as part of the rezone process to ensure negative impacts on the area and
30 its surroundings are mitigated.

31 1. The proposed designation shall strengthen and reinforce existing
32 commercial nodes, and encourage the development and retention of businesses while
33 retaining or providing adequate buffers between commercial and residential areas; or

34 2. The proposed designation shall enhance the vitality of business
35 activity according to the following:

36 a. Increase and enhance pedestrian activity, thereby increasing
37 property surveillance and public safety, and



1 a. A description of the ways in which the institution will address
2 goals and applicable policies under Education and Employability and Health in the Human
3 Development Element of the Comprehensive Plan, and

4 b. A statement explaining the purpose of the development
5 proposed in the master plan, including the public benefits resulting from the proposed new
6 development and the way in which the proposed development will serve the public purpose
7 mission of the Major Institution.

8 * * *

9 **Section 24.** Subsections D and E of Section 23.69.032 of the Seattle Municipal
10 Code, which Section was last amended by Ordinance 118981, is amended as follows:

11 **23.69.032 Master plan process.**

12 * * *

13 **D. Development of Master Plan.**

14 1. The Advisory Committee shall participate directly in the formulation
15 of the master plan from the time of its preliminary concept so that the concerns of the
16 community and the institution are considered. The primary role of the Advisory Committee
17 is to work with the Major Institution and the City to produce a master plan that meets the
18 intent of Section 23.69.025. Advisory Committee comments shall be focused on identifying
19 and mitigating the potential impacts of institutional development on the surrounding
20 community as prescribed in Chapter 25.05 Environmental Policies and Procedures (~~based~~
21 ~~upon the objectives listed in the Major Institution policies and Chapter 25.05, SEPA~~). The
22 Advisory Committee may review and comment on the mission of the institution, the need
23 for the expansion, public benefits resulting from the proposed new development and the way
24 in which the proposed development will serve the public purpose mission of the Major
25 Institution, but these elements are not subject to negotiation nor shall such review delay
26 consideration of the master plan or the final recommendation to Council.

27 2. The Advisory Committee shall hold open meetings with the
28 institution and City staff to discuss the master plan and resolve differences. The institution
29 shall provide adequate and timely information to the Advisory Committee for its
30 consideration of the content and level of detail of each of the specific elements of the master
31 plan.

32 3. The threshold determination of need for preparation of an
33 Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, SEPA
34 Policies and Procedures.

35 4. If an EIS is required and an institution is the lead agency, it shall
36 initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to
37 discuss the scope of the document. The Advisory Committee shall submit its comments on
38 the scope of the draft EIS to the lead agency and the Director before the end of the scoping



1 comment period. The lead agency shall prepare a final scope within one (1) week after the
2 end of the scoping period.

3 5. The institution shall prepare a preliminary draft master plan within
4 seventy (70) days of completion of the final scope of the EIS.

5 6. If an EIS is required, the institution or DCLU, whichever is lead
6 agency, shall be responsible for the preparation of a preliminary draft EIS within seventy
7 (70) days of the completion of the final scope, or approval of an EIS consultant contract,
8 whichever is later.

9 7. The Advisory Committee, Seattle Transportation, the Director, and
10 the institution shall submit comments on the preliminary draft master plan and the
11 preliminary draft EIS to the lead agency within three (3) weeks of receipt, or on the
12 environmental checklist and supplemental studies if an EIS is not required. If DCLU is the
13 lead agency, a compiled list of the comments shall be submitted to the institution within ten
14 (10) days of receipt of the comments.

15 8. Within three (3) weeks of receipt of the compiled comments, the
16 institution shall review the comments and revise the preliminary draft master plan, if
17 necessary, discussing and evaluating in writing the comments of all parties. The lead agency
18 shall review the comments and be responsible for the revision of the preliminary draft EIS if
19 necessary. If no EIS is required, the lead agency shall review the comments and be
20 responsible for the annotation of the environmental checklist and revisions to any
21 supplemental studies if necessary. Within three (3) weeks after receipt of the revised drafts,
22 the Director shall review the revised drafts and may require further documentation or
23 analysis on the part of the institution. Three (3) additional weeks may be spent revising the
24 drafts for publication.

25 9. The Director shall publish the draft master plan. If an EIS is required,
26 the lead agency shall publish the draft EIS.

27 10. The Director and the lead agency shall hold a public hearing on the
28 draft master plan and if an EIS is required, on the draft EIS.

29 11. The Advisory Committee, Seattle Transportation and the Director
30 shall submit comments on the draft master plan and if an EIS is required, on the draft EIS
31 within six (6) weeks after the issuance of the draft master plan and EIS.

32 12. Within thirteen (13) weeks after receipt of the comments, the
33 institution shall review the comments on the draft master plan and shall prepare the final
34 master plan.

35 13. If an EIS is required, the lead agency shall be responsible for the
36 preparation of a preliminary final EIS, following the public hearing and within six (6) weeks
37 after receipt of the comments on the draft EIS. Seattle Transportation, the Director, and the
38 institution shall submit comments on the preliminary final EIS.

39 14. The lead agency shall review the comments on the preliminary final
40 EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The
41 Director shall review the revised final document and may require further documentation or
42 analysis on the part of the institution.



1 15. Within seven (7) weeks after preparation of the preliminary final EIS,
2 the Director shall publish the final master plan and, if an EIS is required, the lead agency
3 shall publish the final EIS.

4 E. Draft Report and Recommendation of the Director

5 1. Within five (5) weeks of the publication of the final master plan and
6 EIS, the Director shall prepare a draft report on the application for a master plan as provided
7 in Section 23.76.050, Report of the Director.

8 2. In the Director's Report, a determination shall be made whether the
9 planned development and changes of the Major Institution (~~are consistent with the City's~~
10 ~~Major Institution policies in Section 23.12.120 and in the Land Use Element of The City of~~
11 ~~Seattle's Comprehensive Plan, and whether the planned development and changes~~)
12 represent a reasonable balance of the public benefits of development and change with the
13 need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be
14 given to:

15 a. The reasons for institutional growth and change, the public
16 benefits resulting from the planned new facilities and services, and the way in which the
17 proposed development will serve the public purpose mission of the major institution; and

18 b. The extent to which the growth and change will significantly
19 harm the livability and vitality of the surrounding neighborhood.

20 3. In the Director's Report, an assessment shall be made of the extent to
21 which the Major Institution, with its proposed development and changes, will address the
22 goals and applicable policies under Education and Employability and Health in the Human
23 Development Element of the Comprehensive Plan.

24 4. The Director's analysis and recommendation on the proposed master
25 plan's development program component shall consider the following:

26 a. The extent to which the Major Institution proposes to lease
27 space or otherwise locate a use at street level in a commercial zone outside of, but within
28 two thousand five hundred (2,500) feet of, the MIO District boundary that is not similar to a
29 personal and household retail sales and service use, eating and drinking establishment,
30 customer service office, entertainment use or child care center but is allowed in the zone. To
31 approve such proposal, the Director shall consider the criteria in Section 23.69.035 D3;

32 b. The extent to which proposed development is phased in a
33 manner which minimizes adverse impacts on the surrounding area. When public
34 improvements are anticipated in the vicinity of proposed Major Institution development or
35 expansion, coordination between the Major Institution development schedule and timing of
36 public improvements shall be required;

37 c. The extent to which historic structures which are designated
38 on any federal, state or local historic or landmark register are proposed to be restored or
39 reused. Any changes to designated Seattle Landmarks shall comply with the requirements of
40 the Landmarks Preservation Ordinance.¹ The Major Institution's Advisory Committee shall
41 review any application to demolish a designated Seattle Landmark and shall submit
42 comments to the Landmarks Preservation Board before any certificate of approval is issued;



1 d. The extent to which the proposed density of Major Institution
2 development will affect vehicular and pedestrian circulation, adequacy of public facilities,
3 capacity of public infrastructure, and amount of open space provided;

4 e. The extent to which the limit on the number of total parking
5 spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and
6 parking in the area surrounding the MIO District.

7 5. The Director's analysis and recommendation on the proposed master
8 plan's development standards component shall be based on the following:

9 a. The extent to which buffers such as topographic features,
10 freeways or large open spaces are present or transitional height limits are proposed to
11 mitigate the difference between the height and scale of existing or proposed Major
12 Institution development and that of adjoining areas. Transition may also be achieved through
13 the provision of increased setbacks, articulation of structure facades, limits on structure
14 height or bulk or increased spacing between structures;

15 b. The extent to which any structure is permitted to achieve the
16 height limit of the MIO District. The Director shall evaluate the specified limits on structure
17 height in relationship to the amount of MIO District area permitted to be covered by
18 structures, the impact of shadows on surrounding properties, the need for transition between
19 the Major Institution and the surrounding area, and the need to protect views;

20 c. The extent to which setbacks of Major Institution development
21 at ground level or upper levels of a structure from the boundary of the MIO District or along
22 public rights-of-way are provided for and the extent to which these setbacks provide a
23 transition between Major Institution development and development in adjoining areas;

24 d. The extent to which allowable lot coverage is consistent with
25 permitted density and allows for adequate setbacks along public rights-of-way or boundaries
26 of the MIO District. Coverage limits should insure that view corridors through Major
27 Institution development are enhanced and that area for landscaping and open space is
28 adequate to minimize the impact of Major Institution development within the MIO District
29 and on the surrounding area;

30 e. The extent to which landscaping standards have been
31 incorporated for required setbacks, for open space, along public rights-of-way, and for
32 surface parking areas. Landscaping shall meet or exceed the amount of landscaping required
33 by the underlying zoning. Trees shall be required along all public rights-of-way where
34 feasible;

35 f. The extent to which access to planned parking, loading and
36 service areas is provided from an arterial street;

37 g. The extent to which the provisions for pedestrian circulation
38 maximize connections between public pedestrian rights-of-way within and adjoining the
39 MIO District in a convenient manner. Pedestrian connections between neighborhoods
40 separated by Major Institution development shall be emphasized and enhanced;



1 h. The extent to which designated open space maintains the
2 patterns and character of the area in which the Major Institution is located and is desirable in
3 location and access for use by patients, students, visitors and staff of the Major Institution;

4 i. The extent to which designated open space, though not
5 required to be physically accessible to the public, is visually accessible to the public;

6 j. The extent to which the proposed development standards
7 provide for the protection of scenic views and/or views of landmark structures. Scenic views
8 and/or views of landmark structures along existing public rights-of-way or those proposed
9 for vacation may be preserved. New view corridors shall be considered where potential
10 enhancement of views through the Major Institution or of scenic amenities may be
11 enhanced. To maintain or provide for view corridors the Director may require, but not be
12 limited to, the alternate spacing or placement of planned structures or grade-level openings
13 in planned structures. The institution shall not be required to reduce the combined gross
14 floor area for the MIO District in order to protect views other than those protected under
15 City laws of general applicability.

16 6. The Director's report shall specify all measures or actions necessary to
17 be taken by the Major Institution to mitigate adverse impacts of Major Institution
18 development that are specified in the proposed master plan.

19 * * *

20 **Section 25.** Subsection H of Section 23.69.035 of the Seattle Municipal Code, which
21 Section was last amended by Ordinance 118362, is amended as follows:

22 **23.69.035 Changes to master plan.**

23 * * *

24 H. Noncontiguous areas that are included in a MIO District as a result of a
25 previously adopted master plan shall be deleted from the MIO District at the time a major
26 amendment is approved unless the noncontiguous area was a former and separate MIO
27 District. The change to the MIO District boundaries shall be in accordance with the
28 procedures for City-initiated amendments to the Official Land Use Map as provided in
29 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and
30 shall not be subject to the rezone criteria contained in Section 23.34.124 ((in the City's
31 ~~Major Institution Policies~~)).

32 **Section 26.** Subsection B of Section 23.69.036 of the Seattle Municipal Code, ,
33 which Section was last amended by Ordinance 118362, is amended as follows:

34 **23.69.036 Master plan renewal.**

35 * * *



1 **Section 28.** Section 23.76.036 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 119096, is amended as follows:

3 **23.76.036 Council decisions required.**

4 A. The Council shall make the following Type IV Council land use decisions,
5 including any integrated decisions to approve, condition or deny based on SEPA Policies,
6 and any associated Type II decisions listed in Section 23.76.006 C2:

7 1. Amendments to the Official Land Use Map, including changes in
8 overlay districts and shoreline environment redesignations, except those initiated by the City
9 ~~((to implement new land use policies adopted by ordinance,))~~ and except boundary
10 adjustments caused by the acquisition, merger or consolidation of two (2) Major Institutions
11 pursuant to Section 23.69.023;

12 2. Public projects proposed by applicants other than The City of Seattle
13 that require Council approval;

14 3. Major Institution master plans (supplemental procedures for master
15 plans are established in SMC Chapter 23.69);

16 4. Council conditional uses; and

17 5. Downtown planned community developments.

18 B. Council action shall be required for the following Type V land use decisions:

19 1. City-initiated amendments to the Official Land Use Map ~~((to
20 implement new land use policies)),~~

21 2. Amendments to the text of SMC Title 23, Land Use Code;

22 3. Concept approval for the location or expansion of City facilities
23 requiring Council land use approval by SMC Title 23, Land Use Code;

24 4. Major Institution designations and revocations of Major Institution
25 designations;

26 5. Waive or modify development standards for City facilities; and

27 6. Planned action ordinances.

28 **Section 29.** Subsection A of Section 23.76.050 of the Seattle Municipal Code, which
29 Section was last amended by Ordinance 118012, is amended as follows:

30 **23.76.050 Report of the Director.**

31 A. The Director shall prepare a written report on applications for Type IV and V
32 decisions and any associated Type II Master Use Permits listed in Section 23.76.006 C2,
33 provided that in the case of a text amendment sponsored by a member of the City Council,
34 the Director shall prepare a written report only if such report is requested by a member of the
35 City Council. The report shall include:

36 1. The written recommendations or comments of any affected City
37 departments and other governmental agencies having an interest in the application;

38 2. Responses to written comments submitted by interested citizens;



1
2 area; and (4) Impacts on traffic, noise, circulation and parking in the

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

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

15 2. When the departure process is required because of proposed
16 demolition of housing, the desirability of minimizing the effects of demolition must be
17 weighed against the educational objectives to be served in addition to the evaluation required
18 in subsection C1.



STATE OF WASHINGTON – KING COUNTY

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No. ORDINANCE IN FULL

Affidavit of Publication

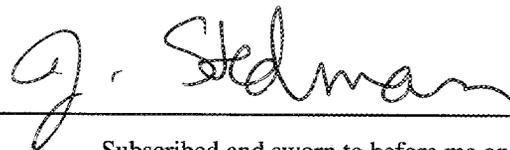
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

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was published on

1/16/2002



Subscribed and sworn to before me on

1/16/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

