

Ordinance No. 121018

Council Bill No. 114271

The City of Seattle  
Council Bill/Ordinance

An ordinance relating to land use and zoning; amending Seattle Municipal Code Section 23.47.008 to allow additional height for mixed use buildings that contain multipurpose convenience stores, subject to certain conditions.

*(Handwritten initials)*

12-3-02 Pass as Amended

CF No. \_\_\_\_\_

12-9-02 Passed

Date Introduced: <u>AUG - 5 2002</u>		
Date 1st Referred: <u>AUG - 5 2002</u>	To: (committee) <u>Land Use Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-9-02</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>12-10-02</u>	Date Approved: <u>12/13/02</u>	
Date Returned to City Clerk: <u>12/13/02</u>	Date Published: <u>3 pp.</u>	Y.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

*Law Department*

Law Dept. Review

The City of Seattle - Legislative Department

NICASTRO

Council Bill/Ordinance sponsored by:

*[Handwritten signature]*  
Councilmember

**Committee Action:**

*(C)*

12-3-02 Pass as amended 2-0 (UN, PC)

12-9-02 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee:

(initial/date)

*Law Department*

Law Dept. Review

OMP  
Review

*(Handwritten mark)*

City Clerk  
Review

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ORDINANCE 121018

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.008 to allow additional height for mixed use buildings that contain multipurpose convenience stores, subject to certain conditions.

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

Section 1. Subsection C of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120452, is amended as follows:

**23.47.008 Mixed use development.**

\* \* \*

C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. ~~((In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:~~

~~a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8 1/2) feet or less for each of the other levels of the structure; and~~

~~b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.~~

4.)) In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4)



1 feet, provided all of the following conditions are met: ((only if the residential and nonresidential  
2 uses are located in the same structure and subject to the following:))

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4 (13) feet or more for the nonresidential use at street level and greater than eight and one half  
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10 thirteen (13) foot ((ceiling)) floor to floor height were not required at street level ((; and)).

11 ((c. If the additional height of the structure (up to four (4) feet)  
12 significantly blocks views from neighboring residential structures of the following: Mount  
13 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound,  
14 Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional  
15 height except as provided in subsection C3 of this section.))

16 4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may  
17 permit the height of a structure to exceed the height limit of the zone by up to seven (7) feet,  
18 provided all of the following conditions are met:

19 a. Residential and multi-purpose convenience store uses are located in  
20 the same structure; and

21 b. The total gross floor area of at least one (1) multi-purpose convenience  
22 store use exceeds 12,000 square feet; and

23 c. The additional height will result in a floor to floor height of sixteen  
24 (16) feet or more for the multi-purpose convenience store use at street level; and

25 d. The additional height of the structure will not result in an additional  
26 story to be built beyond what could be built under the applicable height limit if a sixteen (16)  
27 foot floor to floor height were not required at street level.





## **DIRECTOR'S REPORT AND RECOMMENDATION**

### **INTRODUCTION**

The Department of Design, Construction and Land Use (DCLU) is proposing a Land Use Code Amendment, amending the standards for Neighborhood Commercial and Commercial zones with 30 and 40 foot height limits. The proposal is designed to allow additional height for mixed use<sup>i</sup> structures that contain multi-purpose convenience stores<sup>ii</sup>. Currently in these zones, mixed use structures can be granted an additional four feet. The proposed amendment would allow for a total of seven feet of additional height (three more than currently allowed) for multi-purpose convenience stores (grocery and drugstore retailers), which require larger/taller spaces than other commercial businesses.

### **BACKGROUND**

The success of mixed use development as a tool for achieving high density residential development is undisputed. However, ensuring the preservation and creation of well designed commercial and retail space in such development is a continuing effort. Since 1986, when the City first made efforts to encourage mixed use development, several legislative changes have been made in an effort to achieve well designed, desirable commercial spaces.

One of the more comprehensive reviews of Seattle's mixed use regulations, which remains relevant today, came in 1993, when DCLU and the Department of Neighborhoods (DON) co-sponsored the Mixed Use Development Standard Study (the Thomas & Potter Study). The Study summarized, "Mixed use is still a valid idea – very important to the future growth of Seattle if we are to have working and viable 'Urban Villages' which accommodate more density and living choices while de-emphasizing our dependence on the automobile... It is essential that the regulations dealing with mixed use work to produce environments envisioned by the [Seattle Comprehensive Plan] policies, and to do that, some important course corrections must be made."

A number of changes were made in response to specific recommendations of the Study. These recommended revisions were organized broadly in the following three categories:

- Establish a "tailored" approach to mixed use zoning.
- Change or eliminate provisions that make mixed use difficult.
- Adopt design guidelines that specifically address mixed use.

In particular, the Study made recommendations to establish more functional requirements for the size and dimension of nonresidential spaces located in mixed use structures. To address the issue of ceiling height, the Study recommended a requirement of 10 feet clear (meaning without obstructions such as ducts, refrigeration units, etc.) for street-level spaces. The report further stated that this new requirement would necessitate an increase of two to three feet in the height limits for zones where mixed use is allowed. This would



help create viable commercial space while, at the same time, maintaining the existing residential development capacity.

Current mixed use standards, which were amended to reflect the recommendations of the Study, require that development at street-level have a minimum floor-to-floor height of 13 feet. This height accommodates lighting and ductwork while providing the necessary "clear" space recommended by the Study. To ensure that overall development is not restricted by the 13 foot requirement, the height of mixed use structures that are located in zones with a 30 or 40 foot height limits can be increased by up to four feet. This allowance ensures that two floors of residential development can be constructed above the first floor in zones with 30 foot height limits, and that three floors of residential development can be constructed above the first floor in zones with 40 foot height limits.

As the Study disclosed, these standards were designed to accommodate smaller tenants, not necessarily large multi-purpose convenience stores – grocery and drug stores. As part of their background research, DCLU staff talked with representatives of the regions grocery and drug store companies. Industry standards demand larger floor sizes and higher ceiling heights for modern multi-purpose convenience stores. Real estate and marketing representatives for Quality Food Centers, Safeway, Larry's Market and Whole Foods all report this need. It is reasoned that higher ceilings are necessary given the large size of a typical supermarket or drug store, usually greater than 20,000 square feet. While discussing the current mixed use requirement of 13 feet for development at street-level, which includes space for HVAC and refrigeration equipment (usually three or four feet), a QFC Real Estate Manager said, "When you have that large of a space with nine or ten foot ceilings, you get a bowling alley or basement effect – very undesirable [from a marketing perspective]."

#### **APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES**

Seattle's Comprehensive Plan outlines goals and policies for Mixed Use Commercial Areas, as well as guidelines for development in Pedestrian Oriented Commercial Zones and General Commercial Zones. According to the plan, "Goals represent the results that the City hopes to realize over time, perhaps within the twenty-year life of the plan... Whether expressed in terms of numbers or only as directions for future change, goals are not guarantees or mandates." The plan also states, "Policies should be read as if preceded by the words 'it is the City's general policy to'..." The following policies are applicable to the proposed Land Use Code amendment.

- Goal LG45     Provide for a diversity of uses that contribute to the city's total employment base and provide the services needed by the city's residents and businesses.
  
- Goal LG46     Encourage business creation, expansion and vitality by allowing for a mix of business activities, while maintaining compatibility with the



neighborhood-serving character of business districts, and the character of surrounding areas.

Goal LG47 Include housing as part of the mix of activities accommodated in commercial areas at intensities compatible with the intended commercial function of different areas.

Policy L59 Designate as mixed-use commercial areas on the attached Future Land Use Map existing areas that provide locations for accommodating the employment, service, retail and housing needs of Seattle's existing and future population, allowing for a wide range in the character and function of individual areas consistent with the urban village strategy.

#### ANALYSIS

Current mixed use requirements define a three dimensional space that must be occupied by nonresidential uses. These regulations further specify standards for the allowable width, depth and height of the required nonresidential space, which is combined with unlimited residential development to create what is known as "mixed use." This organization of uses is the result of established goals and policies for residential and commercial development in Seattle's commercial zones.

The applicable comprehensive plan goals and policies (above) are intentionally broad and allow for specific adjustment where appropriate. In its examination of mixed use development standards, the Thomas & Potter Study recognized a necessary component of successful mixed use development – multi-purpose convenience stores. The consequent recommendation did not offer specific solutions, but did say, "...healthy neighborhood business areas function best when they contain anchor stores, such as supermarkets and drugstores, as well as many smaller stores. Regulations need to encourage a mix of sizes."

The Land Use Code allows multi-purpose convenience stores according the limits shown below:

	NC1	NC2	NC3	C1	C2
<b>Maximum Size Limit</b>	10,000 ft <sup>2</sup>	50,000 ft <sup>2</sup>	None	None	None

These maximum size requirements, which vary from use to use, help control the overall scale of commercial development in our neighborhood commercial districts. As a comparison, the limits for most nonresidential uses is shown below (see SMC 23.47.010, Chart B for the complete listing):

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	NC1	NC2	NC3	C1	C2
<b>Maximum Size Limit</b>	4,000 ft <sup>2</sup>	15,000 ft <sup>2</sup>	None	None*	None*

\*Office use is limited to 35,000 ft<sup>2</sup> or the size of the lot.

It is clear from the specific limits above that NC1 and NC2 zones hold particular value in a scale of development more suitable for proximity to single family and low density housing, particularly NC1 zones. In NC1 zones, development of multi-purpose convenience stores is limited to 10,000 square feet – the size of a smaller neighborhood grocery store. NC2 zones, however, allow much more floor area, but are still subject to a safe-hold limit of 50,000 square feet.

In its recognition of larger supermarkets and drugstores, the Thomas & Potter Study prompted a change to previously established size limitations in NC2 zones. Until 1994, the maximum size limit for multi-purpose convenience stores was 25,000 square feet, half of the current limit of 50,000 square feet. This specific change was part of a reworking of the city's neighborhood commercial and mixed use standards.<sup>iii</sup> However, while the Thomas & Potter Study recommendations and subsequent code changes succeeded in addressing the overall issue of store size, the new regulations failed to address the scale and proportion needs for large, open floor plans typical of multi-purpose convenience stores. Realistically, if the development of mixed use structures that contain multi-purpose convenience stores is to be realized, some accommodation must be provided.

The proposed ordinance is a response to the industry-required spatial needs of these stores. The new provision grants seven feet of additional height to mixed use structures that contain multi-purpose convenience stores, subject to certain criteria. Specifically, the ordinance contains a list of safeguard conditions designed to ensure that the additional height is given as intended. Those conditions, in **bold**, and the reasoning for their inclusion are listed below:

- **Residential and multi-purpose convenience store uses are located in the same structure; and**

A typical mixed use building consists of two floors of residential units above a single floor of nonresidential use(s) in zones with height limits of 30 feet, and three floors of residential units above a single floor of nonresidential use(s) in zones with height limits of 40 feet. Justification for the proposed ordinance is based on the premise that mixed use development cannot be maximized when multi-purpose convenience stores are provided at ground level – industry driven space requirements would result in the loss of a full floor residential units. If the multi-purpose convenience store use and the residential use were located in separate structures, the problem disappears.



- **The total gross floor area of the multi-purpose convenience store exceeds twelve thousand (12,000) square feet; and**

The 12,000 square foot minimum requirement serves two purposes. First, the requirement ensures that all projects that make use of the additional height will be required to participate in the City's SEPA and Design Review processes. These reviews will aid in the mitigation of environmental and design related impacts on neighboring properties and surrounding areas.

The second reason for establishing a 12,000 square foot minimum requirement is to ensure that only multi-purpose convenience stores with larger floor plates are eligible for the new provision. This guarantees that the seven feet of additional height will only be granted to multi-purpose convenience stores that need the additional height to rectify the effects of cramped and/or inadequate retail spaces.

- **The additional height will result in a floor-to-floor height of sixteen (16) feet or more for the multi-purpose convenience store use(s) at street level; and**

The proposed amendment allows seven feet of additional height solely for the accommodation of multi-purpose convenience stores. In order to ensure that this additional height is used as intended, the allowance is added to a typical floor to floor height, usually nine feet. Seven feet added to nine sets the minimum required street-level floor-to-floor height for multi-purpose convenience stores – 16 feet.

- **The additional height of the structure shall not permit an additional story to be built beyond what could be built under the applicable height limit if a sixteen (16) foot ceiling height were not required at street level; and**

Again, the reason for allowing seven feet of additional height is purely for the accommodation of multi-purpose convenience stores, not additional residential development. This safeguard provision allows for three floors of development in commercial zones with a 30 foot height limit and four floors of development in commercial zones with a 40 foot height limit, as was intended when these zones and height limits were originally established. Additional development should not be allowed.

- **If the additional height of the structure (up to seven (7) feet) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height.**

A similar condition already exists in the Seattle Land Use Code for typical mixed use buildings, which are allowed four feet of additional height to achieve a street



level floor-to-floor height of 13 feet (Reference 23.47.008 C.4). The purpose of including this provision in this proposal is to maintain consistent protection of private views as the City allows exceptions to established height limits.

As previously stated, the proposal does not grant additional development for multi-purpose convenience stores or the mixed use buildings that they may occupy – the total amount of floor area allowed remains unchanged. Due to the fact that only height can be modified by the amendment, potential impacts on surrounding properties will likely be limited to view and bulk and scale impacts. Given that conclusion, the focus of this analysis has been the examination of existing and proposed control methods that are designed to reduce such impacts. Other elements of concern, such as traffic, parking, building design, density, etc, will not be affected by application of the proposed change.

Current zoning allows up to four feet of additional height for mixed use structures, raising maximum height limits in the affected zones from 30 and 40 feet to 34 and 44 feet. The proposed change raises those same height limits to 37 and 47 feet, respectively – a difference of three feet. View protection of certain natural features, which are contained in the ordinance, is achieved by adopting existing language into the proposed ordinance. This language protects the views of only specific geographic features, and does not protect territorial views, or views of manmade structures. Even so, the anticipated view impacts are minimal given the small increment of additional height actually proposed by the ordinance.

Bulk and scale impacts will be equally minimal, and will not be addressed through codified regulation. Instead, and appropriately, bulk and scale concerns regarding the three foot increase in height will be addressed site by site through the Design Review process. As mentioned above, the 12,000 square foot minimum requirement will ensure Design Review participation for projects that take advantage of the additional height allowance.

#### **DESCRIPTION AND LOCATION OF AFFECTED PROPERTIES**

In total, 585 parcels<sup>iv</sup> may be affected by the proposed ordinance. These parcels, which are located in commercial districts across the City, are made up of lots that are zoned NC2, NC-2/R, NC3, C1 or C2 with height limits of 30 or 40 feet. Parcels zoned NC1 are not included in this figure due to an existing code provision that limits the size of multi-purpose convenience stores in NC1 zones to 10,000 square feet (Reference 23.47.010). It should also be noted that in C2 zones an Administrative Conditional Use Permit is required to construct residential development, even when such development is located within a mixed use structure. The criteria for such a permit are difficult to meet, further limiting the scope of potential properties.

In any case, the total number of potentially affected properties has no predictable relationship to the number of new multi-purpose convenience stores that will make use of the proposed height exception. New stores are developed infrequently and, due to lot size

requirements, most are constructed as replacement stores, located where established stores currently exist. Further, even our most dense urban neighborhoods, such as the University District/Roosevelt, Capitol Hill, Uptown and Queen Anne, can only support a limited number of large-scale commercial businesses.

#### CONCLUSION/RECOMMENDATION

The proposed Land Use Code Amendment is consistent with Seattle's Comprehensive Plan Land Use Policies, which direct the City to establish regulations that are consistent with the urban village strategy, allowing people to work, shop and recreate in close proximity to where they live, thereby reducing dependency on the automobile. This means, at the very least, that disincentives should not exist for the provision of neighborhood businesses.

The attached ordinance is a response to an identified inefficiency of existing mixed use regulations. The proposal encourages the development of mixed use buildings that contain multi-purpose convenience stores by guaranteeing three full floors of development in commercial zones with a 30 foot height limit, and four full floors of development in commercial zones with a 40 foot height limit. Further, the amendment acknowledges the central role that grocery stores and similar development play in the success of our neighborhood commercial centers, while making certain that such development can achieve the same number of residential units as a typical mixed use building.

DCLU recommends approval of the attached ordinance.

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<sup>i</sup> Section 23.47.008 A. of the Seattle Land Use Code states, "A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this section, except as provided in the Northgate Overlay District, Chapter 23.71."

<sup>ii</sup> Section 23.84.030 of the Seattle Land Use Code states, "Multipurpose convenience store" means a personal and household retail sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multipurpose convenience stores include but are not limited to grocery, hardware, drug and variety stores.

<sup>iii</sup> A chronology and explanation of the 1994 mixed development standard changes can be found in the Appendix to Mixed Use Development Standard Study, April 1995.

<sup>iv</sup> Several platted lots may be contained within a single [tax] parcel. Parcels generally show the contiguous property owned by a single person or entity (tax payer).





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 16, 2002

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

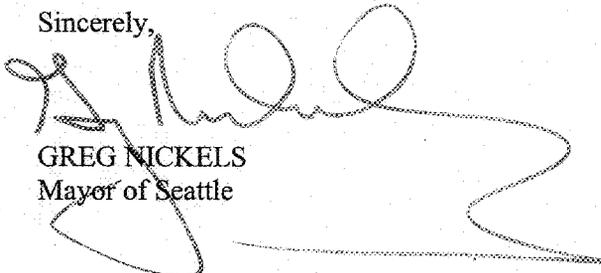
I am transmitting the attached ordinance for Council consideration.

The Department of Design, Construction and Land Use proposes to amend the Land Use Code in order to promote the health of the City's neighborhood business districts. The legislation will allow additional height (three feet more than is currently allowed) in order to meet the space needs of full service grocery and drug stores, while at the same time preserving the existing potential for residential development. Providing for the needs of these stores will lead to positive contributions to our mixed use neighborhood business centers, providing housing as well as goods and services to meet City and neighborhood goals.

DCLU has completed an environmental review of the proposal. A Declaration of Nonsignificance (no Environmental Impact Statement required) was issued on July 3, 2002.

Thank you for your consideration of this legislation. Should you have questions please contact J. Roque Deherrera at (206) 615-0743.

Sincerely,

  
GREG NICKELS  
Mayor of Seattle

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: [mayors.office@ci.seattle.wa.us](mailto:mayors.office@ci.seattle.wa.us)

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## Judith Pippin - Re: add'l height for mixed use Ordinance

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**From:** Margaret Klockars  
**To:** Geri Beardsley; Judith Pippin  
**Date:** 12/09/2002 11:17 AM  
**Subject:** Re: add'l height for mixed use Ordinance

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Thanks, Geri. I concur in your conclusion about further review.

>>> Geri Beardsley 12/09/02 11:12AM >>>  
yes, no need for further law review

Margaret, now that you are curious, they changed the language from lights will be on "until" 11 p.m. to now say "no later than" 11 p.m. I tried to tell them it wasn't necessary - but they made the change anyway.

>>> Judith Pippin 12/09/02 11:11AM >>>

**From:** Judith Pippin  
**Sent:** Monday, December 09, 2002 11:11 AM  
**To:** Geri Beardsley  
**CC:** Margaret Klockars  
**Subject:** Re: add'l height for mixed use Ordinance  
**Priority:** Normal

Would you say that there is no need for further Law review? If so, I can indicate on the yellow, and we can put this one through today. JP

>>> Geri Beardsley 12/09/02 11:01AM >>>

**From:** Geri Beardsley  
**Sent:** Monday, December 09, 2002 11:01 AM  
**To:** Judith Pippin; Margaret Klockars  
**Subject:** Re: add'l height for mixed use Ordinance  
**Priority:** Normal

no, the amendments in committee were so minor that I did not show Margaret the revised version

>>> Judith Pippin 12/09/02 10:59AM >>>

**From:** Judith Pippin  
**Sent:** Monday, December 09, 2002 10:59 AM  
**To:** Geri Beardsley; Margaret Klockars  
**Subject:** add'l height for mixed use Ordinance  
**Priority:** Normal

Geri, Margaret - Margaret reviewed Version 1 of this CB, however it was amended in cmte and I have no new sign off from Margaret for Version 3 (current version in jacket). Did Margaret sign off on the new version? An email to me will be sufficient, and I can indicate on the yellow sheet. JP



**From:** Martha Lester  
**To:** Judith Pippin; Sandra Cohen  
**Date:** 12/9/2002 11:45AM  
**Subject:** Re: Parks CIP Ord

In the first line of Section 2, we added the words "a portion of." Version 5 is attached (but not in track changes). That was the only change.

>>> Sandra Cohen 12/09/02 10:56AM >>>

If someone has a tracked changes copy to e-mail me, that would be faster than if I just look at V5 on the webpage.

>>> Judith Pippin 12/09/02 10:52AM >>>

Martha - Sandy Cohen reviewed Version 4 of this CB. It was amended in cmte. Being presented to Cncl today for passage is Version 5. Did Sandy review V5? Can she "sign off" on the new version? (an email to me would be fine). JP



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~~a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8 1/2) feet or less for each of the other levels of the structure; and~~

~~b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.~~

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8 b. The additional height of the structure will not ((permit)) result in an  
9 additional story to be built beyond what could be built under the applicable height limit if a  
10 thirteen (13) foot ((ceiling)) floor to floor height were not required at street level ((;-and)).

11 ((c. If the additional height of the structure (up to four (4) feet)  
12 significantly blocks views from neighboring residential structures of the following: Mount  
13 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound,  
14 Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional  
15 height except as provided in subsection C3 of this section.))

16 4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director  
17 may permit the height of a structure to exceed the height limit of the zone by up to seven (7)  
18 feet, provided all of the following conditions are met:

19 a. Residential and multi-purpose convenience store uses are located in the  
20 same structure; and

21 b. The total gross floor area of at least one (1) multi-purpose convenience  
22 store use exceeds 12,000 square feet; and

23 c. The additional height will result in a floor to floor height of sixteen  
24 (16) feet or more for all uses the multi-purpose convenience store use at street level; and

25 d. The additional height of the structure will not result in an additional  
26 story to be built beyond what could be built under the applicable height limit if a sixteen (16) foot  
27 floor to floor height were not required at street level.

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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152845  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

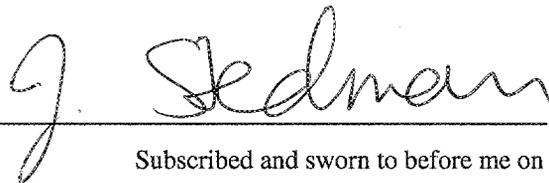
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

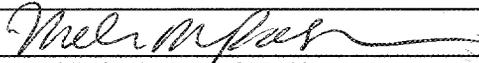
CT:121018 ORD. IN FULL

was published on

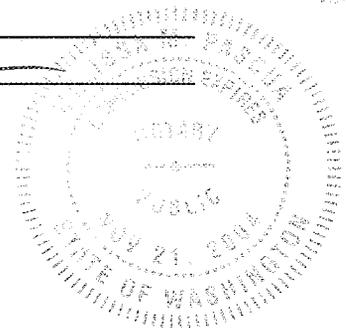
12/19/2002

  
Subscribed and sworn to before me on

12/19/2002

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### ORDINANCE 121018

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.008 to allow additional height for mixed use buildings that contain multi-purpose convenience stores, subject to certain conditions.

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

Section 1, Subsection C of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120452, is amended as follows:

#### 23.47.008 Mixed use development.

\*\*\*

##### C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NCS/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. ~~(In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, if the residential and nonresidential uses are located in the same structure and subject to the following:~~

~~a. The additional height will result in floor-to-floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one-half (8 1/2) feet or less for each of the other levels of the structure; and~~

~~b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit of thirteen (13) foot ceiling height were not required at street level.~~

~~4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, provided all of the following conditions are met: (a) if the residential and nonresidential uses are located in the same structure and subject to the following:)~~

~~(a) The additional height will result in floor-to-floor heights of thirteen (13) feet or more for the nonresidential use at street level and greater than eight and one-half (8 1/2) feet for any or all of the other levels of the structure; and)~~

~~a. Residential and nonresidential uses are located in the same structure; and~~

~~b. The additional height of the structure will not (a) result in an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot (ceiling) floor-to-floor height were not required at street level (a use);)~~

~~(c) If the additional height of the structure is up to four (4) feet, significantly closer than from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the Duwamish and Alaskan Canals, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as provided in subsection C of this section.)~~

4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of a structure to exceed the height limit of the zone by up to seven (7) feet, provided all of the following conditions are met:

**ORDINANCE** \_\_\_\_\_

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.008 to allow additional height for mixed use buildings that contain multipurpose convenience stores, subject to certain conditions.

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

Section 1. Subsection C of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120452, is amended as follows:

**23.47.008 Mixed use development.**

\* \* \*

**C. Height for Mixed Use Development.**

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. ~~((In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:~~

~~a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8 1/2) feet or less for each of the other levels of the structure; and~~

~~b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.~~

4.)) In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4)



1 feet, provided all of the following conditions are met: ((only if the residential and nonresidential  
2 uses are located in the same structure and subject to the following:))

3 ((a. The additional height will result in floor to floor heights of thirteen  
4 (13) feet or more for the nonresidential use at street level and greater than eight and one half  
5 (8 1/2) feet for any or all of the other levels of the structure; and ))

6 a. Residential and nonresidential uses are located in the same structure;  
7 and

8 b. The additional height of the structure will not ((permit)) result in an  
9 additional story to be built beyond what could be built under the applicable height limit if a  
10 thirteen (13) foot ((ceiling)) floor to floor height were not required at street level ((; and)).

11 ((c. If the additional height of the structure (up to four (4) feet)  
12 significantly blocks views from neighboring residential structures of the following: Mount  
13 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound,  
14 Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional  
15 height except as provided in subsection C3 of this section.))

16 4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may  
17 permit the height of a structure to exceed the height limit of the zone by up to seven (7) feet,  
18 provided all of the following conditions are met:

19 a. Residential and multi-purpose convenience store uses are located in  
20 the same structure; and

21 b. The total gross floor area of at least one (1) multi-purpose convenience  
22 store use exceeds 12,000 square feet; and

23 c. The additional height will result in a floor to floor height of sixteen  
24 (16) feet or more for all uses at street level; and

25 d. The additional height of the structure will not result in an additional  
26 story to be built beyond what could be built under the applicable height limit if a sixteen (16)  
27 foot floor to floor height were not required at street level.

