

Ordinance No. 123266

ADAPTIVE RE-USE IN INDUSTRIAL

The City of Seattle - Legislative Department

Council Bill No. 116774

Council Bill/Ordinance sponsored by: Samy S. Crow

An ordinance relating to land use and zoning, amending Section 23.50.027 of the Seattle Municipal Code to allow a special exception to the size-of-use limits in an area of the Duwamish Manufacturing/Industrial Center in order to allow limited adaptive reuse of existing buildings on industrially zoned land, and amending Section 23.74.010 to correct a related cross-reference.

Related Legislation File: CF 310381

Date Introduced and Referred: <u>1.19.10</u>	To: (committee): <u>Committee on the Built Environment</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>3-29-10</u>	Date Presented to Mayor: <u>3-30-10</u>
Date Signed by Mayor: <u>4.8.10</u>	Date Returned to City Clerk: <u>4.8.10</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <u>X</u>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

Committee Action:

Date	Recommendation	Vote
<u>3-24-10</u>	<u>APPROVE AS AMENDED</u>	<u>3-0 SC, SB, TB</u>
	<u>(E)</u>	<u>(V)</u>

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

Full Council Action:

Date	Decision	Vote
<u>3-29-10</u>	<u>Passed</u>	<u>8-0 (Excused: Licata)</u>
	<u>(E)</u>	<u>(V)</u>

Law Department

ORDINANCE 123266

1
2 AN ORDINANCE relating to land use and zoning, amending Section 23.50.027 of the Seattle
3 Municipal Code to allow a special exception to the size-of-use limits in an area of the
4 Duwamish Manufacturing/Industrial Center in order to allow limited adaptive reuse of
existing buildings on industrially zoned land, and amending Section 23.74.010 to correct
a related cross-reference.

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

6 Section 1. The title and Subsection A of Section 23.50.027 of the Seattle Municipal
7 Code, which section was last amended by Ordinance 123406, are amended, and a new subsection
8 F is added to that Section, as follows:
9

10 **23.50.027 Maximum ~~((s))~~Size of ~~((n))~~Nonindustrial ~~((u))~~Use~~((r))~~**

11 A. Applicability.

12 1. Except as otherwise provided in this ~~((s))~~Section 23.50.027, the maximum
13 size of use limits on gross floor area specified in Table A ~~((of))~~ for 23.50.027 ~~((this section))~~
14 apply to principal uses on a lot, and apply separately to the categories of uses. ~~((The limits apply~~
15 ~~separately to the categories of uses listed on Table A.))~~ The total gross floor area occupied by
16 uses limited under Table A for 23.50.027 shall not exceed ~~((an area equal to two and one-half~~
17 ~~times (2.5))~~ 2.5 times the area of the lot in an IG1, IG2, IB or IC zone, or ~~((three (3))~~ three
18 times the lot area in IC zones with ~~((sixty-five (65))~~ 65-foot or ~~((eighty-five (85))~~ 85-foot
19 height limits in the South Lake Union Urban Center.
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21
22 2. The combined square footage of any one business establishment located on
23 more than one lot is subject to the size limitations on non-industrial uses specified on Table A for
24 23.50.027.
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3. The maximum size of use limits in Table A for 23.50.027 do not apply to the area identified in Exhibit 23.50.027A. In that area no single non-office use listed in Table A for 23.50.027 may exceed (~~fifty thousand (50,000)~~) 50,000 square feet in size.

4. There is no limit under this Section on the size of uses in projects that qualify for additional floor area under (~~section~~) Section 23.50.051.

TABLE A for 23.50.027 ((INDUSTRIAL ZONES))
Size of Use Limits in Industrial Zones

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
Animal Shelters and Kennels*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Drinking establishments**	3,000 sq. ft.	3,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Entertainment*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Lodging Uses*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Medical Services*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Office	10,000 sq. ft.	25,000 sq. ft.	100,000 sq. ft.	N.S.L.	N.S.L.
Restaurants	5,000 sq. ft.	5,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Retail Sales, Major Durables	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Sales and Services, Automotive	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Sales and Services, General	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.

N.S.L. = No Size Limit

* Where permitted under Table A (~~of Section~~) for 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

* * *

1
2 F. Special Exception to Size-of-Use Limits for Reuse of Certain Buildings.

3 1. Special Exception to Size-of-Use Limits. If a building meets all of the
4 conditions in subsection 23.50.027.F.2, then pursuant to the procedures in Chapter 23.76, the
5 Director may grant a special exception to the size limits in Table A for 23.50.027 for one or more
6 uses in that building and any other buildings on the lot, based upon the criteria in subsection
7 23.50.027.F.3.

8
9 2. Eligible Buildings. To be eligible for the special exception, the building shall
10 meet the following conditions:

11 a. The building is located within the following boundaries: north of
12 Lander St., west of Interstate 5, south of Royal Brougham Way, and east of State Route 99;

13 b. The building has a minimum of five stories that are entirely or partially
14 above grade;

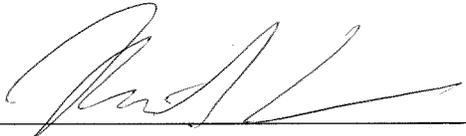
15 c. The building was built and occupied prior to January 1, 2009; and

16 d. The lot on which the building is located is at least 0.5 mile from any
17 other lot where a special exception under this subsection 23.50.027.F has been granted.

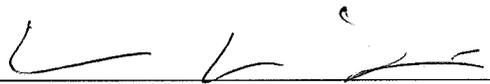
18
19 3. Special Exception Criteria. The Director may grant the special exception when
20 all of the following are met:

21 a. At least 75 percent of the building that is eligible under subsection
22 23.50.027.F.2, existing as of January 1, 2009, remains intact after reuse, except to the extent
23 structural alterations are necessary to comply with other applicable codes;
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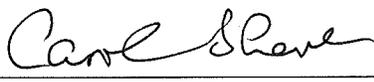
1
2 Passed by the City Council the 29th day of March, 2010, and signed by me in
3 open session in authentication of its passage this 29th day of March, 2010.

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5 
6 _____
7 President _____ of the City Council

8
9 Approved by me this 8th day of April, 2010.

10
11 
12 _____
13 Michael McGinn, Mayor

14 Filed by me this 8th day of April, 2010.

15
16 
17 _____
18 City Clerk

19 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Planning and Development	Tom Hauger/4-8380	Karen Grove/4-5805

Legislation Title:

An ordinance relating to land use and zoning, amending Section 23.50.027 of the Seattle Municipal Code to allow a special exception to the size-of-use limits in an area of the Duwamish Manufacturing/Industrial Center in order to allow limited adaptive reuse of existing buildings on industrially zoned land, and amending Section 23.74.010 to correct a related cross-reference.

- **Summary of the Legislation:** Would allow a special exception for structures five or more stories in height in the northern portion of the Duwamish M/IC to be reused for non-industrial activities that exceed the current maximum size-of-use limits for those activities.
- **Background:** This amendment to the Land Use Code responds to direction in Resolution 31026, which called on DPD and other executive departments to examine whether incentives could be implemented to encourage adaptive reuse of obsolete industrial buildings for non-industrial purposes, without conflicting with the viability of adjacent industrial activities. The legislation is the result of DPD research and community consultation.

X This legislation does not have any financial implications.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

December 29, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would allow the adaptive reuse of certain buildings in the City's industrial zones. The proposed change to the Land Use Code would permit a special exception for certain structures in the northern portion of the Duwamish Manufacturing/Industrial Center to exceed the size of use limits that apply to several commercial activities in the industrial zones.

This proposal is in direct response to Resolution 31026, which directed executive staff to examine whether incentives could be implemented to encourage reuse of obsolete industrial buildings for non-industrial businesses without conflicting with the viability of continued industrial use on adjacent industrial sites.

I believe this recommendation strikes the appropriate balance between allowing non-industrial uses in former industrial buildings and preserving the overall strength of our important and uniquely healthy industrial sector. If you have questions about this legislation, please contact Tom Hauger in the Department of Planning and Development at 684-8380.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", with a smaller signature "bn" to its right.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Section 23.50.027 of the Seattle Municipal Code to allow a special exception to the size-of-use limits in an area of the Duwamish Manufacturing/Industrial Center in order to allow limited adaptive reuse of existing buildings on industrially zoned land, and amending Section 23.74.010 to correct a related cross-reference.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The title and Subsection A of Section 23.50.027 of the Seattle Municipal Code, which section was last amended by Ordinance 123406, are amended, and a new subsection F is added to that Section, as follows:

23.50.027 Maximum ~~((s))~~Size of ~~((n))~~Nonindustrial ~~((u))~~Use~~((r))~~

A. Applicability.

1. Except as otherwise provided in this ~~((s))~~Section 23.50.027, the maximum size of use limits on gross floor area specified in Table A ~~((of))~~ for 23.50.027 ~~((this section))~~ apply to principal uses on a lot, and apply separately to the categories of uses. ~~((The limits apply separately to the categories of uses listed on Table A.))~~ The total gross floor area occupied by uses limited under Table A for 23.50.027 shall not exceed ~~((an area equal to two and one-half times (2.5)))~~ 2.5 times the area of the lot in an IG1, IG2, IB or IC zone, or ~~((three (3)))~~ three times the lot area in IC zones with ~~((sixty-five (65)))~~ 65-foot or ~~((eighty-five (85)))~~ 85-foot height limits in the South Lake Union Urban Center.

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Table A for 23.50.027.



3. The maximum size of use limits in Table A for 23.50.027 do not apply to the area identified in Exhibit 23.50.027A. In that area no single non-office use listed in Table A for 23.50.027 may exceed ((fifty thousand (50,000))) 50,000 square feet in size.

4. There is no limit under this Section on the size of uses in projects that qualify for additional floor area under ((section)) Section 23.50.051.

TABLE A for 23.50.027 ((INDUSTRIAL ZONES))
Size of Use Limits in Industrial Zones

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
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Drinking establishments**	3,000 sq. ft.	3,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Entertainment*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Lodging Uses*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Medical Services*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Office	10,000 sq. ft.	25,000 sq. ft.	100,000 sq. ft.	N.S.L.	N.S.L.
Restaurants	5,000 sq. ft.	5,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Retail Sales, Major Durables	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Sales and Services, Automotive	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Sales and Services, General	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.

N.S.L. = No Size Limit
 * Where permitted under Table A ((of Section)) for 23.50.012.
 ** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.



* * *

F. Special Exception to Size-of-Use Limits for Reuse of Certain Buildings.

1. Special Exception to Size-of-Use Limits. If a building meets all of the conditions in subsection 23.50.027.F.2, then pursuant to the procedures in Chapter 23.76, the Director may grant a special exception to the size limits in Table A for 23.50.027 for one or more uses in that building and any other buildings on the lot, based upon the criteria in subsection 23.50.027.F.3.

2. Eligible Buildings. To be eligible for the special exception, the building shall meet the following conditions:

a. The building is located within the following boundaries: north of Spokane St., west of Interstate 5, south of Royal Brougham Way, and east of State Route 99;

b. The building has a minimum of five stories that are entirely or partially above grade;

c. The building was built and occupied prior to January 1, 2009; and

d. The lot on which the building is located is at least 0.5 mile from any other lot where a special exception under this subsection 23.50.027.F has been granted.

3. Special Exception Criteria. The Director may grant the special exception when all of the following are met:

a. At least 75 percent of the building that is eligible under subsection 23.50.027.F.2, existing as of January 1, 2009, remains intact after reuse, except to the extent structural alterations are necessary to comply with other applicable codes;



1 b. The proposed use will not directly or indirectly lead to changes in traffic
2 volumes, traffic patterns or right-of-way improvements that would interfere with adjacent
3 industrial uses, such as by impeding freight access and freight movement; and

4 c. The proposed use will not contribute to a pattern or density of non-
5 industrial uses to an extent that will conflict with the viability of industrial uses or development
6 on adjacent industrially zoned property.

7 4. Exception in Addition to Size of Use Limits: Unless the Director expressly
8 specifies otherwise, any space allowed to be occupied under this special exception is in addition
9 to the amounts allowed by the size of use limits in Table A for 23.50.027 that otherwise apply to
10 a lot or business establishment.

11 5. Conditioning Authority: The Director may impose conditions to assure that
12 criteria for the special exception are satisfied and to mitigate any impacts that may result from
13 granting the special exception.

14 Section 2. Subsection B of Section 23.74.010 of the Seattle Municipal Code, which
15 section was last amended by Ordinance 123046, is amended as follows:

16 **23.74.010 Development standards**

17 * * *

18 B. For the areas marked on Map A for 23.74.010, the following development standards
19 and provisions apply to all uses and structures except for spectator sports facilities:
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Passed by the City Council the ____ day of _____, 2010, and signed by me in
open session in authentication of its passage this ____ day of _____, 2010.

President _____ of the City Council

Approved by me this ____ day of _____, 2010.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2010.

City Clerk

(Seal)

THIS VERSION IS NOT ADORTED



STATE OF WASHINGTON – KING COUNTY

--SS.

253529
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

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

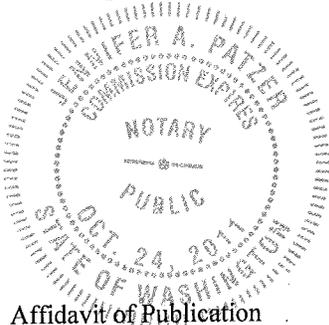
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123266 ORDINANCE

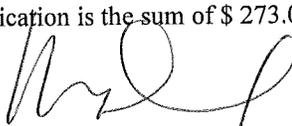
was published on

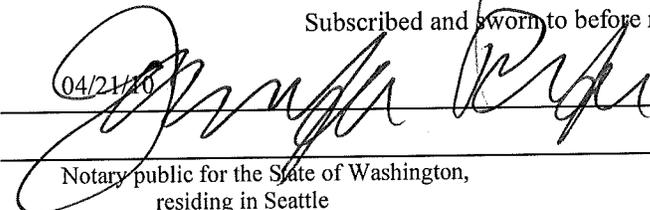
04/21/10

The amount of the fee charged for the foregoing publication is the sum of \$ 273.00, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
04/21/10


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123266

AN ORDINANCE relating to land use and zoning, amending Section 23.50.027 of the Seattle Municipal Code to allow a special exception to the size-of-use limits in an area of the Duwamish Manufacturing/Industrial Center in order to allow limited adaptive reuse of existing buildings on industrially zoned land, and amending Section 23.74.010 to correct a related cross-reference.

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23.50.027 Maximum ((s))Size of ((n))Nonindustrial ((u))Use((-))

A. Applicability.

1. Except as otherwise provided in this ((s))Section 23.50.027, the maximum size of use limits on gross floor area specified in Table A ((of)) for 23.50.027 ((this section)) apply to principal uses on a lot, and apply separately to the categories of uses. ((The limits apply separately to the categories of uses listed on Table A-)) The total gross floor area occupied by uses limited under Table A for 23.50.027 shall not exceed ((an area equal to two and one-half times ((2.5)) 2.5 times the area of the lot in an IG1, IG2, IB or IC zone, or ((three ((3)) three times the lot area in IC zones with ((sixty-five ((65)) 65-foot or ((eighty-five ((85)) 85-foot height limits in the South Lake Union Urban Center.

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Table A for 23.50.027.

3. The maximum size of use limits in Table A for 23.50.027 do not apply to the area identified in Exhibit 23.50.027A. In that area no single non-office use listed in Table A for 23.50.027 may exceed ((fifty thousand ((50,000)) 50,000 square feet in size.

4. There is no limit under this Section on the size of uses in projects that qualify for additional floor area under ((section)) Section 23.50.051.

TABLE A for 23.50.027 ((INDUSTRIAL ZONES))

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Drinking establishments** -- 3,000 sq. ft. -- 3,000 sq. ft. -- N.S.L. -- N.S.L. -- N.S.L.

Entertainment* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Lodging Uses* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Medical Services* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Office -- 10,000 sq. ft. -- 25,000 sq. ft. -- 100,000 sq. ft. -- N.S.L. -- N.S.L.

Restaurants -- 5,000 sq. ft. -- 5,000 sq. ft. -- N.S.L. -- N.S.L. -- N.S.L.

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Sales and Services, General -- 10,000 sq. ft. -- 25,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

N.S.L. = No Size Limit

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F. Special Exception to Size-of-Use Limits for Reuse of Certain Buildings.

1. Special Exception to Size-of-Use Limits. If a building meets all of the conditions in subsection 23.50.027.F.2, then pursuant to the procedures in Chapter 23.76, the Director may grant a special exception to the size limits in Table A for 23.50.027 for one or more uses in that building and any other buildings on the lot, based upon the criteria in subsection 23.50.027.F.3.

2. Eligible Buildings. To be eligible for the special exception, the building shall meet the following conditions:

a. The building is located within the following boundaries: north of Lander St., west of Interstate 5, south of Royal Brougham Way, and east of State Route 99;

b. The building has a minimum of five stories that are entirely or partially above grade.

c. The building was built and occupied prior to January 1, 2009; and

d. The lot on which the building is located is at least 0.5 mile from any other lot where a special exception under this subsection 23.50.027.F has been granted.

3. Special Exception Criteria. The Director may grant the special exception when all of the following are met:

a. At least 75 percent of the building that is eligible under subsection 23.50.027.F.2, existing as of January 1, 2009, remains intact after reuse, except to the extent structural alterations are necessary to comply with other applicable codes;

b. The proposed use will not directly or indirectly lead to changes in traffic volumes, traffic patterns or right-of-way improvements that would interfere with adjacent industrial uses, such as by impeding freight access and freight movement; and

c. The proposed use will not contribute to a pattern or density of non-industrial uses to an extent that will conflict with the viability of industrial uses or development on adjacent industrially zoned property.

4. Exception in Addition to Size of Use Limits. Unless the Director expressly specifies otherwise, any space allowed to be occupied under this special exception is in addition to the amounts allowed by the size of use limits in Table A for 23.50.027 that otherwise apply to a lot or business establishment.

5. Conditioning Authority. The Director may impose conditions to assure that criteria for the special exception are satisfied and to mitigate any impacts that may result from granting the special exception.

Section 2. Subsection B of Section 23.74.010 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.74.010 Development standards

B. For the areas marked on Map A for 23.74.010, the following development standards and provisions apply to all uses and structures except for spectator sports facilities:

1. Floor Area Ratio (FAR). The maximum FAR for all uses is 3.0. FAR limits of the underlying zone do not apply, but limits in ((S))subsection 23((7))50.027.A.1 on gross floor area of certain uses, including limits based on lot area, do apply.

2. Exemptions. The first 75,000 square feet of street-level general sales and service, medical services, animal shelters or kennels, automotive sales and services, marine sales and services, eating and drinking establishments, or lodging uses on any lot are exempt from the maximum FAR limit. Exemptions in ((S))subsection 23.50.028.E also apply.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of March, 2010, and signed by me in open session in authentication of its passage this 29th day of March, 2010.

Richard Conlin
President of the City Council
Approved by me this 8th day of April, 2010.

Michael McGinn, Mayor
Filed by me this 8th day of April, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, April 21, 2010.