SEATTLE CITY COUNCIL

Legislative Summary

CB 118693

Record No.: CB 118693 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125125 **In Control:** City Clerk

File Created: 05/02/2016

Final Action: 09/16/2016

Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.47A.005 and 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the Ballard Hub Urban Village; and amending the Official Land Use Map at pages 53, 54, and 55 to rezone land in the Ballard Hub Urban Village.

Notes:

Date

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text CB 118693 v1, Exhibit A - Ballard Rezone Map

Drafter: Harrietta.Hanson@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	05/10/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	05/10/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	05/16/2016	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						

1	Full Council	05/23/2016	referred	Planning, Land Use, and Zoning Committee

Action Text: The Council Bill (CB) was referred. to the Planning, Land Use, and Zoning Committee
Notes:

1	Planning, Land Use, and Zoning Committee	07/19/2016	discussed

Action Text: The Council Bill (CB) was discussed in Committee.
Notes:

1	Planning, Land Use, and Zoning Committee	08/03/2016	discussed

Action Text: The Council Bill (CB) was discussed in Committee.
Notes: The Committee held a Public Hearing relating to Council Bill 118693.

1	Planning, Land Use, and Zoning Committee	08/16/2016	pass	Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 3 Chair Johnson, Vice Chair O'Brien, Member Herbold
Opposed: 0

1	Full Council	09/06/2016	passed	Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien, Councilmember Sawant
Opposed: 0

1	City Clerk	09/08/2016	submitted for Mayor's signature	Mayor
1	Mayor	09/16/2016	Signed	

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	09/16/2016	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	09/16/2016	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125125

COUNCIL BILL 118693

AN ORDINANCE relating to land use and zoning; amending Sections 23.47A.005 and 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the Ballard Hub Urban Village; and amending the Official Land Use Map at pages 53, 54, and 55 to rezone land in the Ballard Hub Urban Village.

WHEREAS, the Ballard Hub Urban Village population increased by 24 percent between 2000 and 2010; and

WHEREAS, in 2013, the Seattle Office of Economic Development awarded an "Only in Seattle" grant to the Ballard Chamber of Commerce to initiate the Ballard Partnership for Smart Growth, a collaboration between business, resident, and community organizations; and

WHEREAS, Sound Transit's Long-Range Plan includes high capacity transit service between downtown Seattle and Ballard, and has indicated that it will fund the service as part of the "Sound Transit 3" funding package that is proposed for a ballot measure in November 2016; and

WHEREAS, the Move Seattle levy funded enhanced RapidRide corridors between Ballard and downtown Seattle, and between Ballard and the University District neighborhood; and

WHEREAS, since 2014, the Seattle Office of Planning and Community Development and the Seattle Department of Transportation have worked with the Ballard Partnership for Smart Growth, the community, and City departments to develop a coordinated urban design and transportation framework plan to support growth and livability in Ballard; and

WHEREAS, the framework plan recommends new development standards; transportation improvements, and infrastructure improvements for the Ballard neighborhood; and

WHEREAS, the Council finds that the proposed rezones meet the Land Use Code rezone criteria contained in Chapter 23.34 of the Seattle Municipal Code, as further described in the Office of Planning and Community Development Director's Report for this legislation; and

WHEREAS, the Council finds that adoption of this ordinance will protect and promote the health, safety and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties identified on pages 54 and 55 of the Official Land Use Map, as shown on Exhibit A attached to this ordinance.

Section 2. Section 23.47A.005 of the Seattle Municipal Code, last amended by Council Bill 118675, is amended as follows:

23.47A.005 Street-level uses

A. The requirements of this Section 23.47A.005 apply in addition to the other applicable requirements of this Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level, street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level, street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. In all NC and C1 zones within the Bitter Lake Village Hub Urban Village, except lots abutting Linden Avenue North, north of North 135th Street; or

c. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

e. In all NC and C1 zones within the Northgate Overlay District, except as provided in Section 23.71.044; or

f. In all NC and C1 zones within the areas shown on Maps ((~~1 through 5~~)) A through D for 23.47A.005 ((~~.C~~)) at the end of this Chapter 23.47A when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006, on the same site; or

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or

c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps ((~~1 through 5~~)) A through D for

23.47A.005 ((.C)), at the end of this Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of Chapter 22.206, and if the area proposed to be converted meets the owner occupancy requirement of subsection 23.44.041.C; or

e. Within a structure that:

1) is developed and owned by the Seattle Housing Authority; and

2) is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level, street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

a. Arts facilities;

b. Community gardens;

c. Eating and drinking establishments;

d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;

e. Food processing and craft work;

f. Institutions, except hospitals or major institutions;

g. Lodging uses;

h. Medical services;

i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;

j. Parks and open spaces;

k. Rail transit facilities;

l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;

m. Sales and services, general; and

n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;

11th Avenue;

12th Avenue;

13th Avenue, between East Madison Street and East Pine Street;

14th Avenue South, except within the North Beacon Hill Residential Urban Village;

15th Avenue East;

15th Avenue Northeast, north of Lake City Way Northeast;

15th Avenue Northwest;

17th Avenue Northwest;

20th Avenue Northwest;

22nd Avenue Northwest;

23rd Avenue;

24th Avenue Northwest;

25th Avenue Northeast;

32nd Avenue West;

35th Avenue Northeast, except within the Lake City Hub Urban Village;

35th Avenue Southwest, except within the West Seattle Junction Hub Urban Village;

39th Avenue Northeast;

Aurora Ave North, except within the Bitter Lake Village Hub Urban Village;

Ballard Avenue NW;

Beacon Avenue South;

Boren Avenue;

Boylston Avenue, except within the Pike/Pine Conservation Overlay District;

Broadway;

Broadway East;

California Avenue Southwest;

Delridge Way Southwest;

Dexter Avenue North;

East Green Lake Drive North;

East Green Lake Way North;

East Madison Street;

East Olive Way;

East Pike Street;

East Pine Street:

East Union Street, except within the Pike/Pine Conservation Overlay District only lots abutting East Union Street between Broadway and East Madison Street;

Eastlake Avenue East;

First Avenue North, except within the Upper Queen Anne Residential Urban Village;

Fremont Avenue North;

Fremont Place North;

Galer Street;

Green Lake Drive North;

Greenwood Avenue North;

Lake City Way Northeast;

Leary Avenue NW;

Linden Avenue North;

Madison Street;

Martin Luther King Jr. Way South;

Mercer Street;

North 34th Street;

North 35th Street;

North 45th Street;

North 85th Street;

Northeast 43rd Street;

Northeast 45th Street, except between Linden Ave North and Evanston Ave North;

Northeast 55th Street, east of 15th Avenue Northeast;

Northeast 65th Street;

Northeast 125th Street;

Northwest 65th Street;

Northwest 85th Street;

Northwest Market Street;

Phinney Avenue North, between North 58th Street and North 63rd Street;

Pike Street;

Pine Street;

Queen Anne Avenue North;

Rainier Avenue South;

Roosevelt Way Northeast;

Roy Street;

Sand Point Way Northeast;

South Alaska Street;

South Cloverdale Street;

South Henderson Street;

South Jackson Street;

South Lander Street;

South McClellan Street;

South Othello Street;

Southwest Alaska Street;

Stone Way North;

Summit Avenue, except within the Pike/Pine Conservation Overlay District;

Terry Avenue;

University Way Northeast;

Wallingford Avenue North;

West Dravus Street;

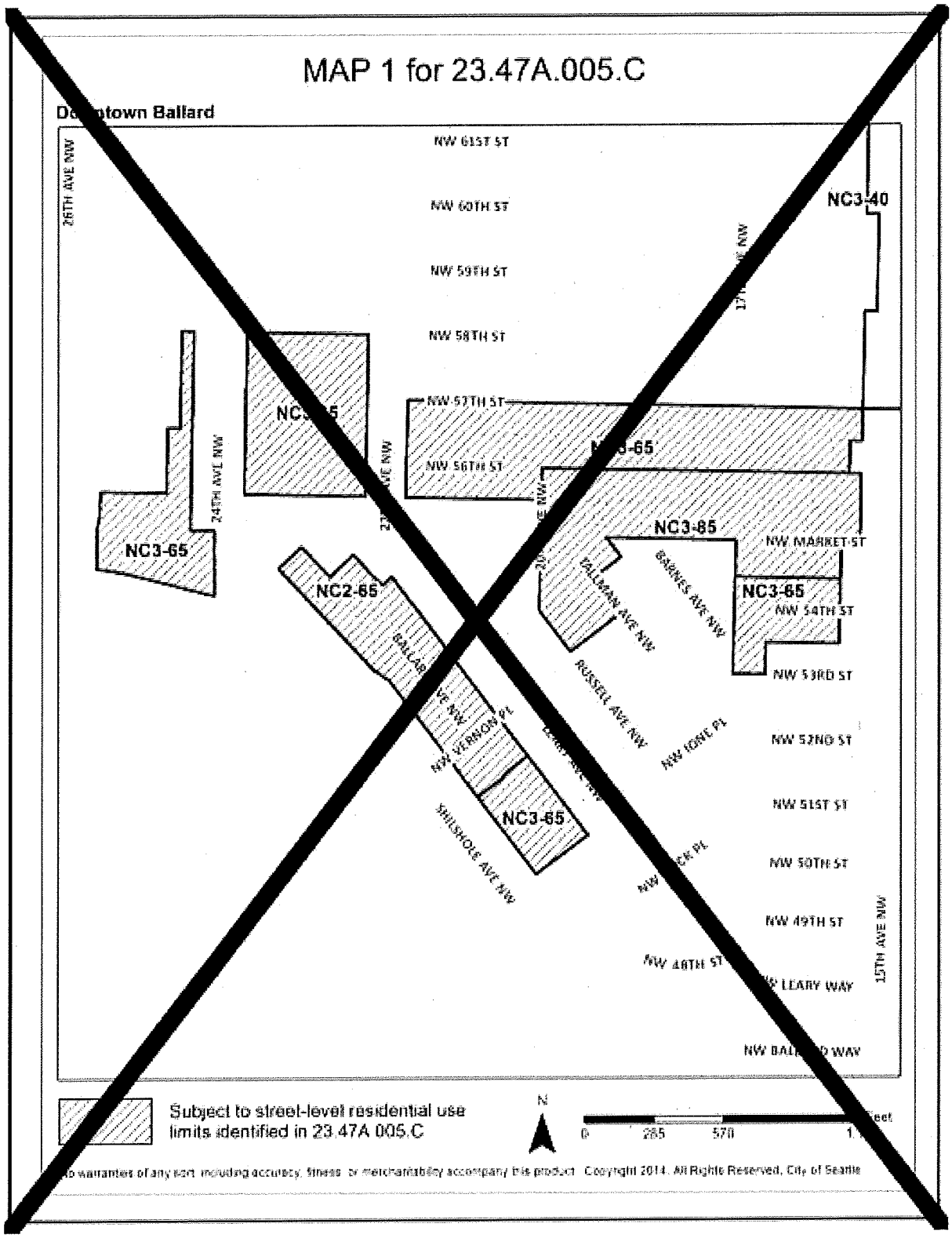
West Galer Street;

West McGraw Street, except within the Upper Queen Anne Residential Urban Village;

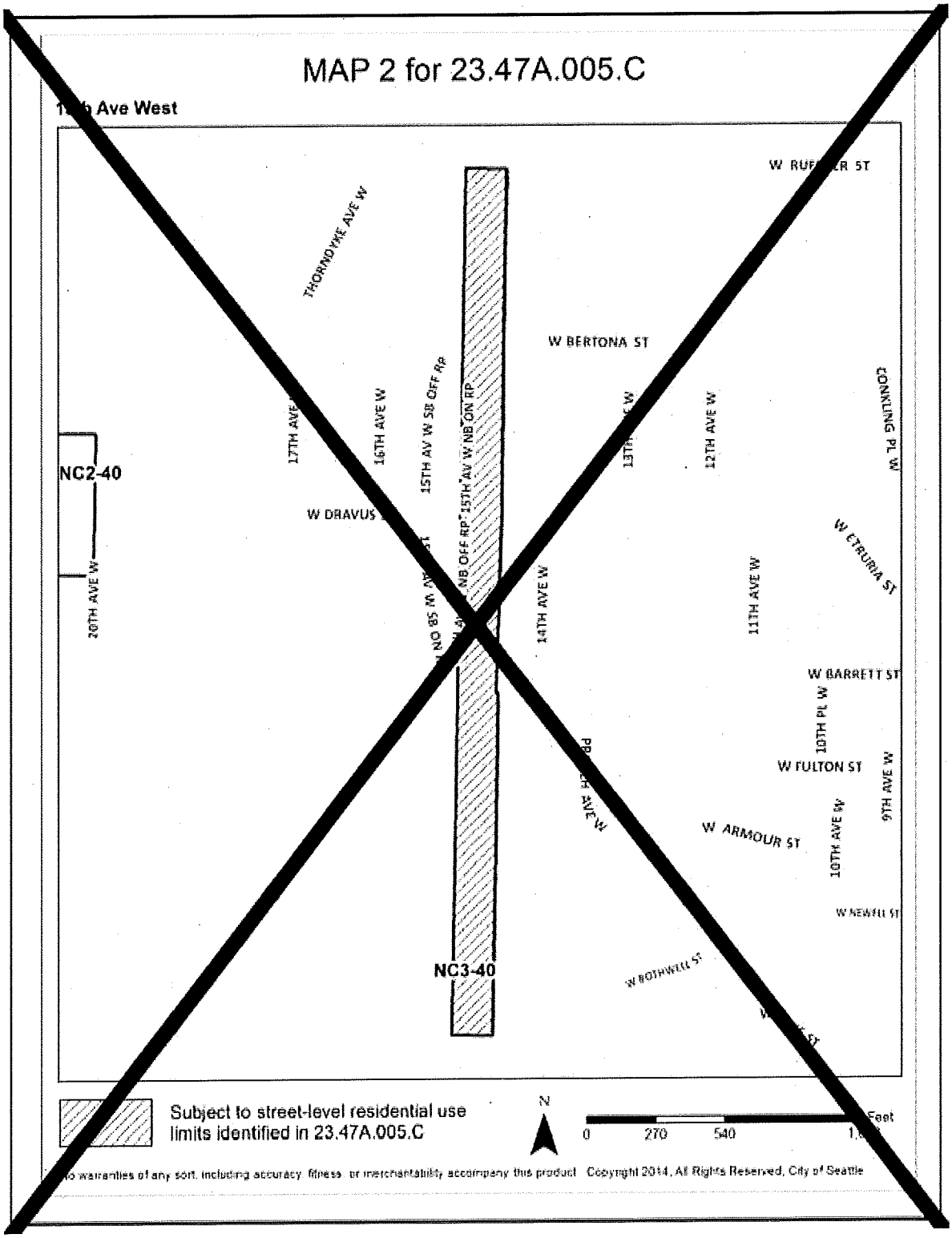
West Green Lake Drive North; and

Woodlawn Avenue Northeast.

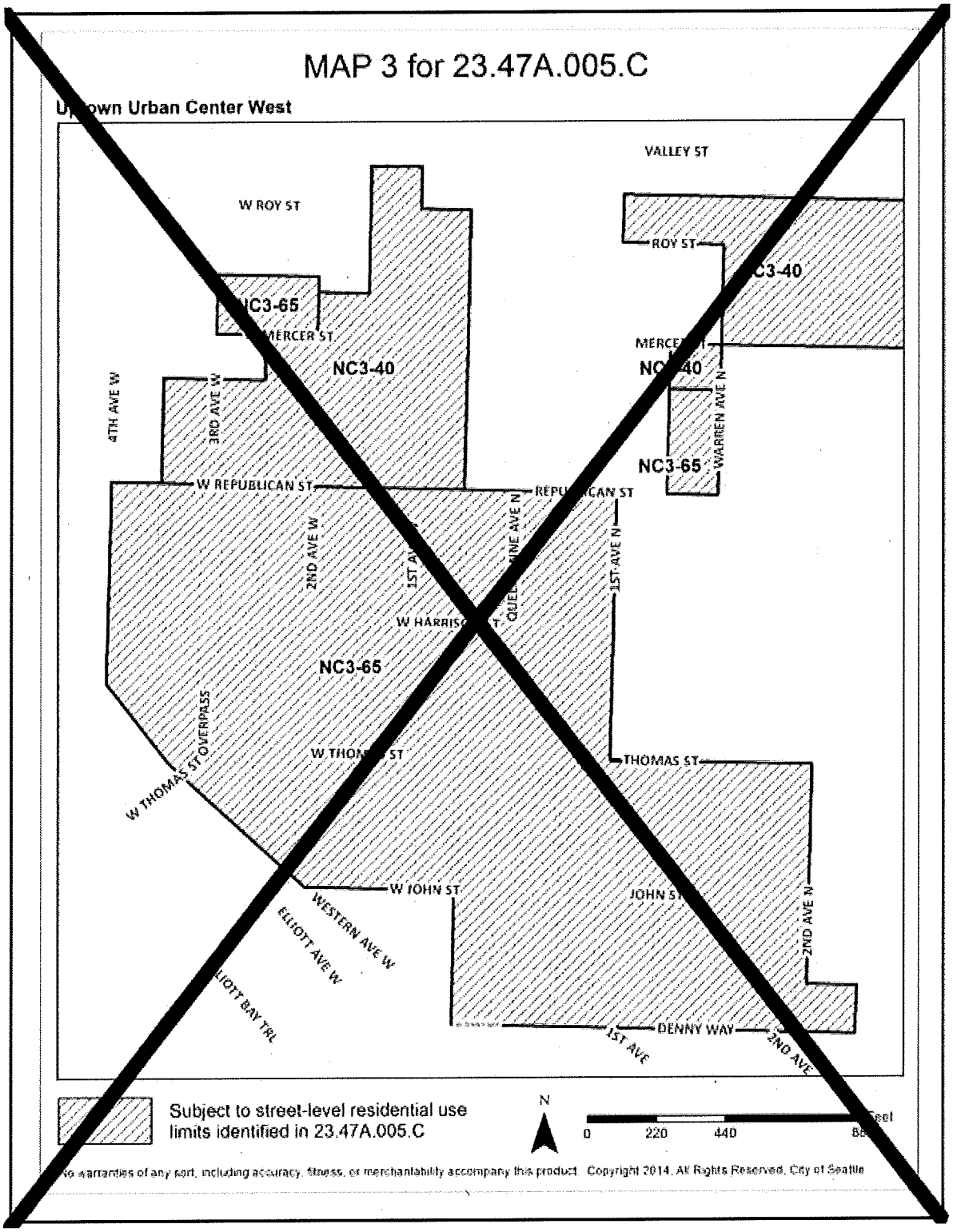
((~~Map 1 for 23.47A.005.C: Downtown Ballard~~))



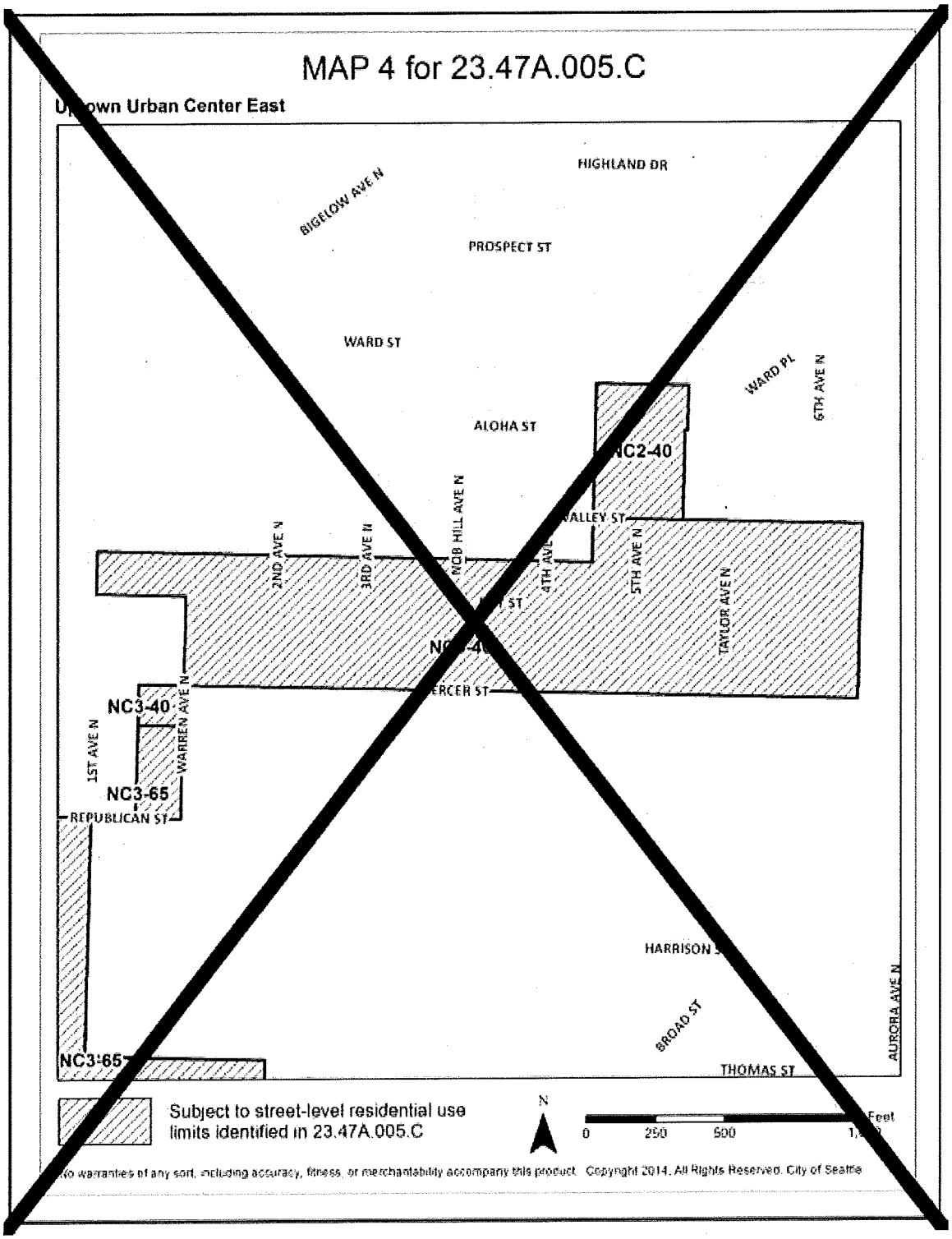
((~~Map 2 for 23.47A.005.C: 15th Ave West~~))



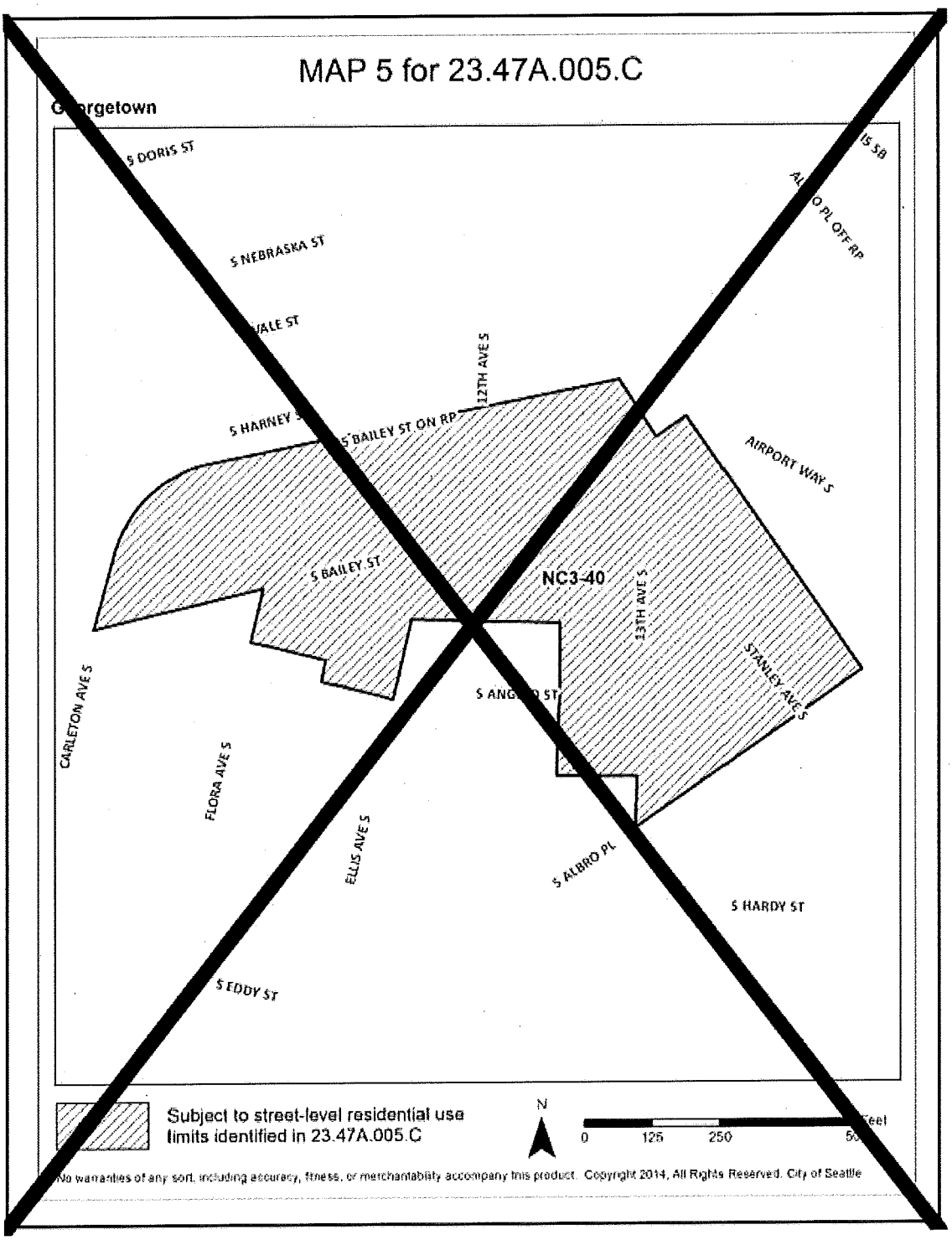
((~~Map 3 for 23.47A.005.C: Uptown Urban Center West~~))



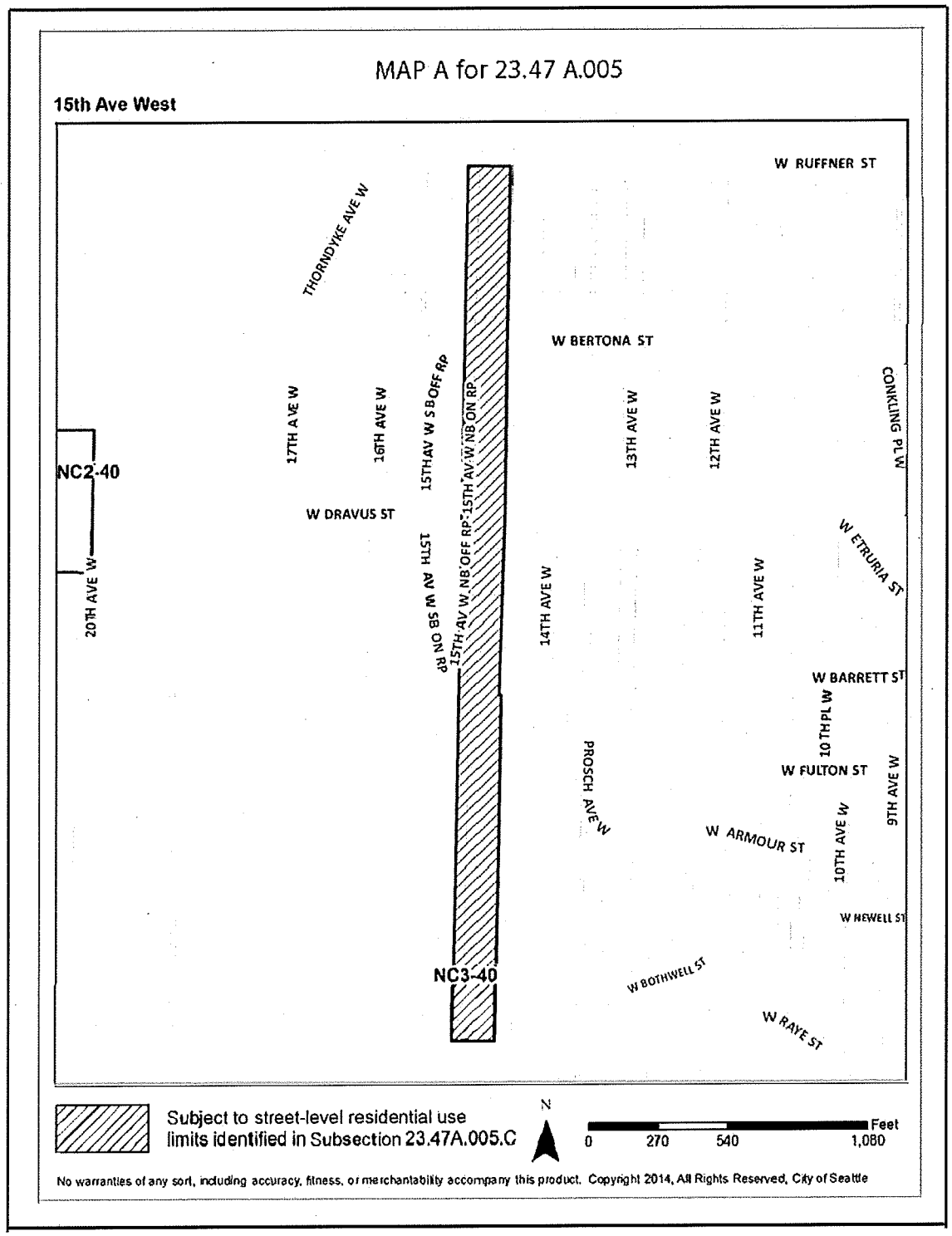
((~~Map 4 for 23.47A.005.C: Uptown Urban Center East~~))



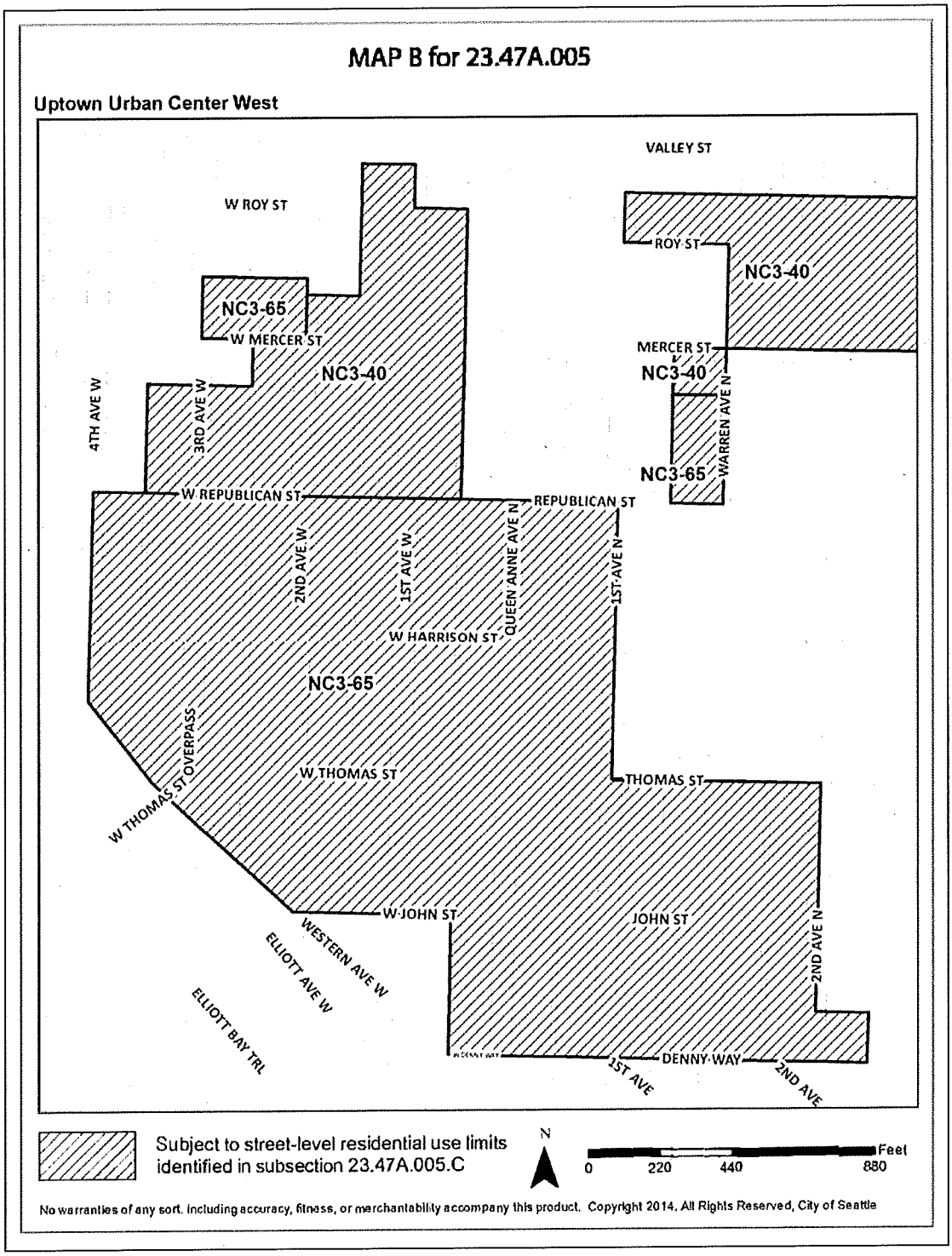
((~~Map 5 for 23.47A.005.C: Georgetown~~))



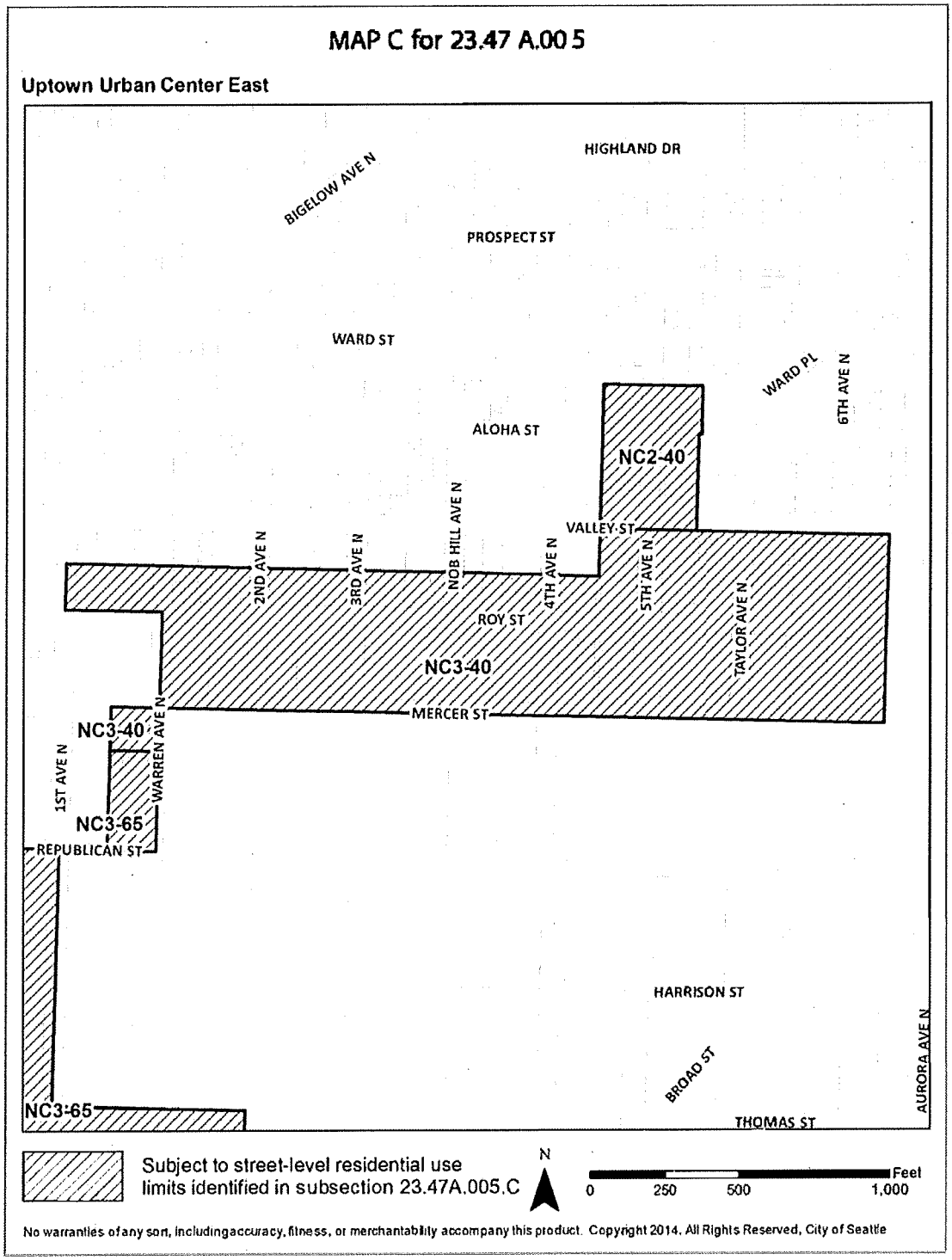
Map A for 23.47A.005: 15th Ave West



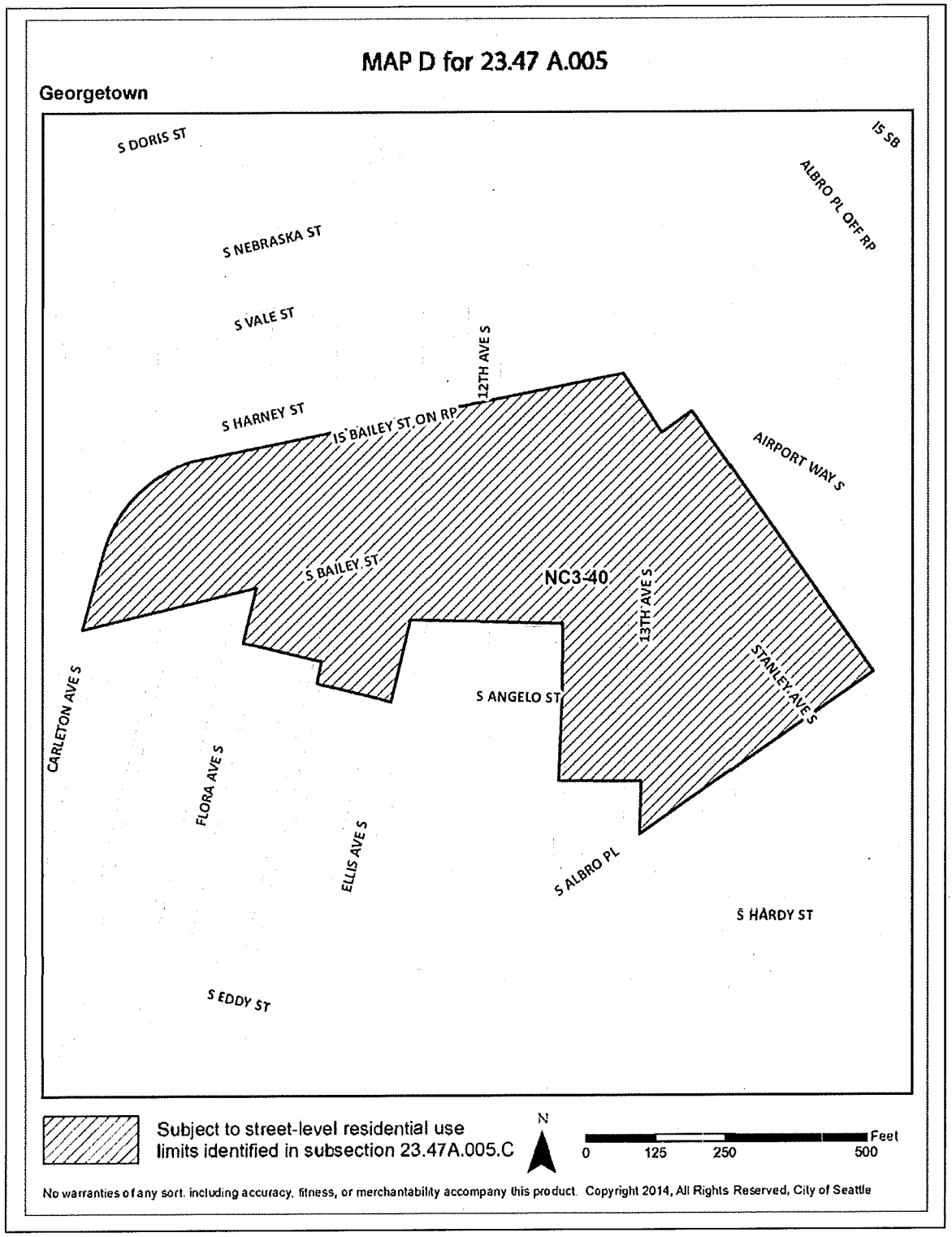
Map B for 23.47A.005: Uptown Urban Center West



Map C for 23.47A.005: Uptown Urban Center East



Map D for 23.47A.005: Georgetown



Section 2. Section 23.47A.009 of the Seattle Municipal Code, last amended by Council Bill 118675, is amended as follows:

23.47A.009 Standards applicable to specific areas

A. Resolution of standards conflicts. To the extent there is a conflict between this Section 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

* * *

F. Ballard Hub Urban Village. The following provisions apply to development proposed in NC zones within the Ballard Hub Urban Village.

1. Maximum lot coverage on lots 40,000 square feet in size or greater:

a. The maximum lot coverage permitted for principal and accessory structures is 80 percent of the lot area.

b. Lot coverage exceptions. The following structures or portions of structures are not counted in the lot coverage calculation:

1) Portions of a structure that are below grade or that do not extend more than 4 feet above the existing or finished grade, whichever is lower.

2) The first 18 inches of overhead horizontal building projections of an architectural or decorative character such as cornices, eaves, sills, and gutter,

3) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Building Code,

4) The first 4 feet of unenclosed porches or steps for residential units.

c. In the 20 percent of the lot that remains uncovered, as required by this subsection 23.47A.009.F.1, not more than ten parking spaces may be provided, and applicants are encouraged to provide elements at-grade that enhance the usability and livability of the lot for residents and tenants such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar features.

2. Facade modulation

a. Facade modulation requirements apply to all portions of a street-facing facade of a structure up to a height of 45 feet located within 10 feet of a street lot line, according to provisions of subsection 23.47A.009.F.2.c.

b. The maximum width of any unmodulated street-facing facade is 100 feet. Facades longer than 100 feet shall be modulated at no greater than 100-foot intervals by stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum width of 15 feet.

c. Facade modulation requirements do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

3. Maximum structure width

a. The maximum allowed structure width is 250 feet.

b. Structure width limits do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

4. Setback requirements

a. Street-level setbacks

1) In the area shown on Map D for 23.47A.009, portions of a structure up to 10 feet above the abutting sidewalk grade facing 15th Avenue NW shall be set back from the street lot line by a minimum depth of 6 feet up to a maximum depth of 10 feet.

2) The provisions of subsection 23.47A.009.F.2 do not apply to the area described in subsection 23.47A.F.4.a.1.

b. Upper-level setbacks

1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.

2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

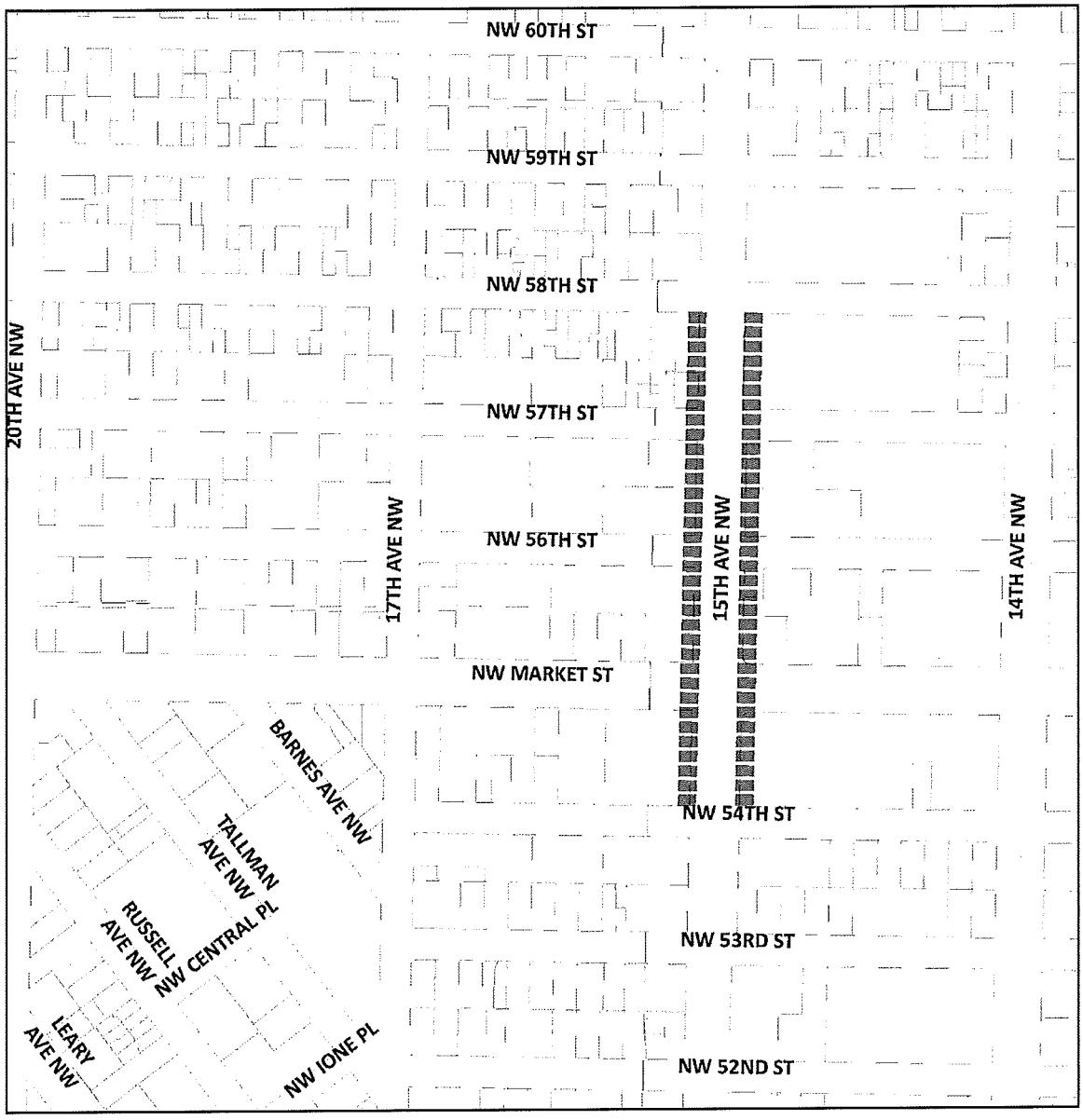
5. For lots 40,000 square feet in size or greater, the requirements contained in subsections 23.47A.009.F.2, 23.47A.009.F.3, and 23.47A.009.F.4.b may be waived or modified pursuant to Chapter 23.41, Design Review, only if one or more of the following features are provided to offset the bulk of the project:

a. A usable open space that abuts the street, is no more than 4 feet above or 4 feet below the adjacent sidewalk grades, has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater, and a minimum depth of 20 feet measured from all street lot lines.

b. A separation between structures that serves as a north-south through-block pedestrian passageway, a woonerf that is approved through a design review process pursuant to Chapter 23.41, Design Review, an approved amenity area, or a combination thereof that has a minimum east-west dimension width of 20 feet and is no more than 4 feet above or below the adjacent sidewalk grades.

6. Structures permitted in required setback and separation areas according to this subsection 23.47A.009.F are subject to subsection 23.47A.014.E.

Map D for 23.47A.009
Areas Where Street-level Setbacks are Required



Map D for 23.47A.009

Areas Where Street-level Setbacks are Required
by subsection 23.47A.009.F.4.a

200 100 0 200 400 Feet

N

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Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. This ordinance shall take effect and be in force 30 days 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 Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 6th day of September, 2016, and signed by me in open session in authentication of its passage this 6th day of September, 2016.

President _____ of the City Council

Approved by me this 16th day of September, 2016.

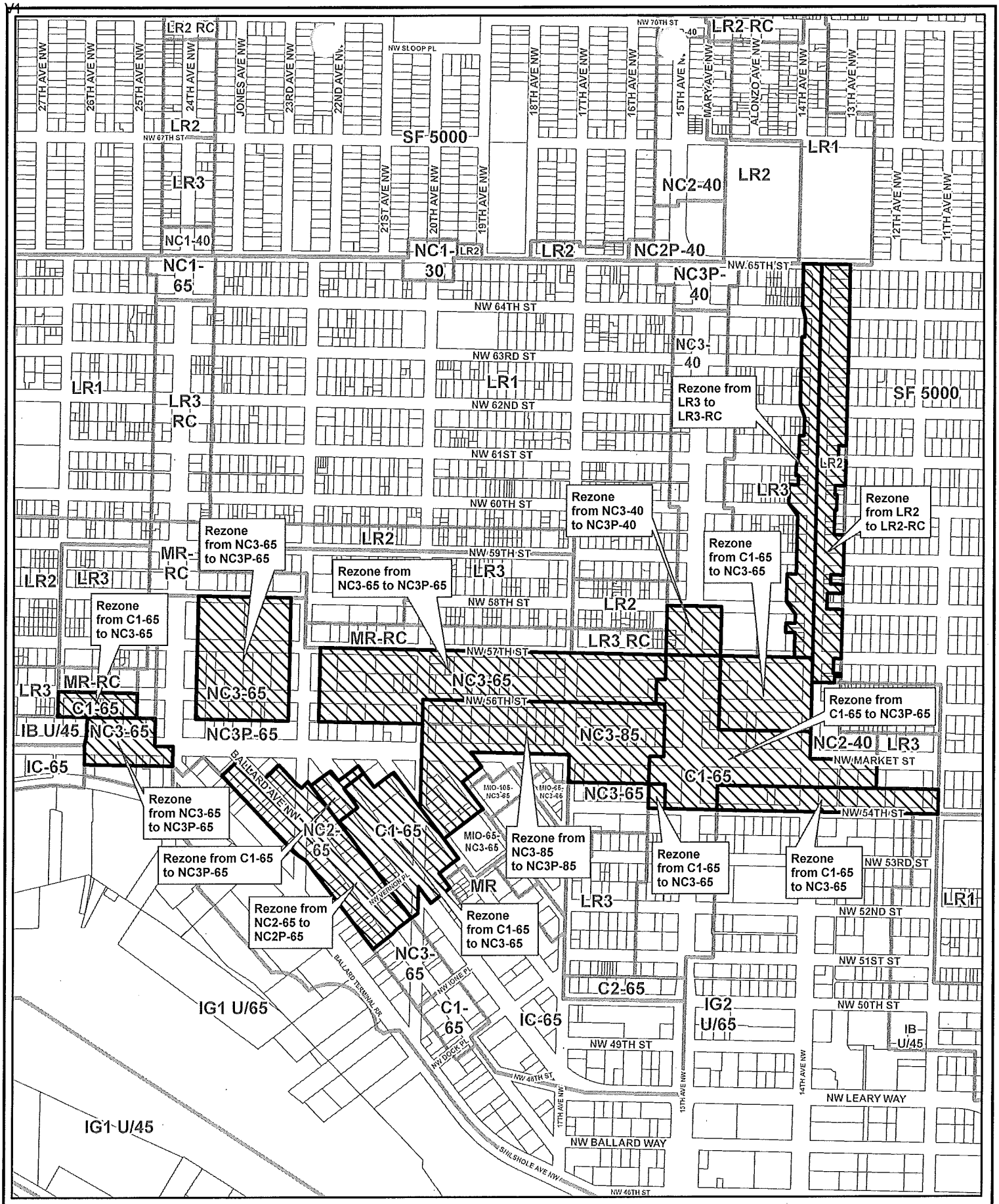
Edward B. Murray, Mayor

Filed by me this 16th day of September, 2016.

for Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A - Ballard Rezone Map



Ballard Rezone Map

Rezone Area

N

0 200 400 800 Feet

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Prepared May 2, 2016 by Seattle IT-GIS, SDCI

STATE OF WASHINGTON -- KING COUNTY

--ss.

341838 No.

CITY OF SEATTLE,CLERKS OFFICE

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:125118-125 TITLE ONLY

was published on

09/23/16

The amount of the fee charged for the foregoing publication is the sum of $151.53 which amount has been paid in full.

Subscribed and sworn to before me on

09/23/2016

Notary public for the State of Washington,
residing in Seattle

JENNIFER A BARNES NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-24-19

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 6, 2016, and published below by title only, will be mailed upon request, or can be accessed at http://seattle.legistar.com. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Ordinance 125118

Council Bill 118751

AN ORDINANCE authorizing, in 2016, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Department of Parks and Recreation, Human Services Department, Seattle Fire Department, Seattle Police Department, Legislative Department, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ordinance 125119

Council Bill 118752

AN ORDINANCE amending Ordinance 124927, which adopted the 2016 Budget, including the 2016-2021 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; creating both exempt and nonexempt positions; modifying positions; adding new projects; making cash transfers between various City funds; revising project allocations for certain projects in the 2016-2021 CIP; revising project descriptions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125120

Council Bill 118759

AN ORDINANCE relating to the Department of Neighborhoods; authorizing implementation of certain Neighborhood Matching Fund projects in 2016, and specifying that 2016 appropriations for the Neighborhood Matching Subfund shall carry forward automatically to future budget years.

Ordinance 125121

Council Bill 118762

AN ORDINANCE relating to transferable development rights (TDR); authorizing The City of Seattle to purchase housing TDR from a lot at 1902 2nd Avenue in Seattle; and authorizing related agreements and acceptance of a deed.

Ordinance 125122

Council Bill 118764

AN ORDINANCE relating to the Technology Matching Fund Program; making allocations and authorizing implementation of certain Technology Matching Fund projects in 2016; providing that 2016 appropriations for the Technology Matching Fund from the Cable Television Franchise Subfund and from the Information Technology Fund shall automatically carry forward into the 2017 fiscal year; allowing that any unspent funds from an individual project may be applied to another project that meets the goals of the Digital Equity Initiative; and ratifying and confirming certain prior acts.

Ordinance 125123

Council Bill 118766

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125124

Council Bill 118767

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125125

Council Bill 118693

AN ORDINANCE relating to land use and zoning; amending Sections 23.47A.005 and 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the Ballard Hub Urban Village; and amending the Official Land Use Map at pages 53, 54, and 55 to rezone land in the Ballard Hub Urban Village.

Date of publication in the Seattle Daily Journal of Commerce, September 23, 2016.

9/23(341838)