

DIRECTOR'S REPORT AND RECOMMENDATION

Omnibus Ordinance

Introduction

The Department of Planning and Development (DPD) is responsible for routine maintenance of the Land Use Code. The proposed amendments are called “omnibus” amendments because DPD packages a collection of amendments that are small scale, with a limited scope of impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language. Following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

23.22.064 Subdivisions – Review of Final Plat – Filing with Director of Transportation

23.22.074 Subdivisions – Review of Final Plat – Council Determination of Final Plat

23.22.078 Subdivisions – Review of Final Plat – Resubmission

A change to Revised Code of Washington (RCW) 58.17.170 adopted by the State Legislature and effective on June 10, 2010, extends from five years to seven years the period in which lots in full subdivisions are vested to local zoning regulations in effect at the time of recording of the plat. The proposed amendments to 23.22.064, 23.22.074, and 23.22.078 would change the time limits in the Land Use Code that parallel the state requirements from five years to seven years.

23.40.002 Compliance with Regulations Required – Exceptions - Conformity With Regulations Required

The proposed change would clarify that approval of establishment or change of use of any structures, buildings, or premises pursuant to the Land Use Code does not apply to uses entirely within a right-of-way.

23.40.006 Compliance with Regulations Required – Exceptions - Demolition of Housing

The City Council added, in Ordinance No. 123189, a new Section 23.40.006.A that provides an exception to the general regulation prohibiting demolition of housing if “the structure is a residential use in a Single Family zone that has been unoccupied as rental housing for at least 12 consecutive months.” The intent was to allow demolition of structures that had been used as rental housing but had been left vacant for 12 months or longer. As written, however, the language could apply to a house that was continuously occupied by a property owner, regardless of its condition. As a result, Section 23.40.006.D, allowing demotion of structures upon submittal of a building permit application and waste diversion plan for recycling of the structure, could be rendered less relevant than desired from an environmental policy basis. The proposed change would clarify that a residential structure may be demolished only if it was last occupied as rental housing and has been unoccupied for at least 12 months.

23.40.007 Compliance with Regulations Required – Exceptions – Reuse and Recycling of Building Materials in a Structure Containing a Dwelling Unit

The proposed change is to correct the cross reference in 23.40.007.A concerning the requirements of a waste diversion plan, from 23.40.006.C to 23.40.006.D

23.41.004 Early Project Implementation - Applicability

The proposed changes would add the Pike Market Mixed (PMM) zone outside the Pike Market Historical District to the list of Downtown zones in which design review is required and eliminate references to monorail transit facilities as exempt from design review.

23.42.040 General Use Provisions – Intermittent and temporary uses

The proposed amendment to Section 23.42.040.C would change the term of temporary use permits from a maximum of six months to a maximum of one year.

23.42.050 General Use Provisions – Home Occupations

The proposed amendment is to clarify that home occupation sign standards are controlled by the specific requirements for signs in each zone as set forth in the Sign Code, SMC Chapter 23.55. The current home occupation language only cross references the sign code standards for single-family zones, but home occupations occur in other zones as well.

23.42.106 General Use Provisions – Expansion of Nonconforming Uses

Subsection 23.42.106.F regulates existing cemeteries as nonconforming uses. The proposed amendment would clarify that structures accessory to cemeteries, such as crematoriums and administrative offices, may be added in conformity with the development standards for institutional uses in the applicable zone in which the cemetery is located.

23.42.112.A – General Use Provisions - Nonconformity to Development Standards

Section 23.42.112.A.1 is proposed to be amended to clarify that the height exception for a structure nonconforming to yard standards in a single-family zone, to allow the minimum ceiling height for habitability in a basement or other floor, is available only to principal structures such as single-family residences and not for accessory structures such as garages or sheds. A second proposed amendment would add a new subsection 23.42.112.A.2 to allow addition of new or replacement of existing mechanical equipment, such as a heating or air conditioning unit, on a nonconforming structure, even if the equipment is slightly larger or taller than previous equipment. Under the current Code language, new mechanical equipment is allowed as replacement for existing equipment performing the same or similar functions under the exception for structural alterations “as otherwise required by law,” but the proposed language would allow a specific Code exception for all mechanical equipment. A third proposed amendment would add a new subsection 23.42.112.A.6 for light poles, such as for athletic field lighting, that exceed the zone height limit and that are located in parks, to allow existing poles to be moved and/or replaced in kind with new poles, without requiring Council approval. Additional new poles would not be allowed.

23.42.122 – General Use Provisions – Height Nonconformity

The proposed amendment would clarify that minor additions (dormers, eaves, and clerestories) may be constructed on pitched roofs above the height limit only on principal structures in single-family and multifamily zones, and not on accessory structures such as garages.

23.44.008.I – Single Family – Development Standards for Uses Permitted Outright – Tree requirements

This amendment would exclude submerged land from the lot area used to calculate tree preservation and tree planting requirements.

23.44.010.B – Single Family - Lot Requirements – Exceptions to Minimum Lot Area

The proposed amendment would reorganize the existing provisions for exceptions to minimum lot area requirements. For example, under the current provisions, subsection 23.44.010.B.5 appears to provide a fifth exception to the minimum lot area standard. However, current subsection B.5 is intended as a limitation to the various exceptions. Therefore, it would be moved and listed in a separate subsection from the categories of lot area exceptions.

The amendments proposed to this section also would clarify the first exception and add the common name of the exception, “the Seventy-Five/Eighty (75/80) Rule,” to the Code. Other proposed amendments applicable to the 75/80 rule:

- 1) state that the Director has authority to determine the extent of a block face where platting patterns are irregular.
- 2) clarify that a lot can qualify as a separate development site under the 75/80 Rule through approval of a short plat or building permit, and the determination of how the 75/80 rule applies to the lot will be made based on the facts existing at the time of application. Absent such a provision, a lot might not qualify for the 75/80 Rule if development occurs elsewhere on the block face after an application, and a development might be made infeasible late in the process of site acquisition and permitting.

Two new exceptions are added at 23.44.010.B.1.e and B.1.f for lots within a clustered housing planned development, planned residential development, or within a development approved through an environmentally critical areas conditional use, as well as for a lot created by short subdivision of property developed with more than one existing single-family dwelling unit.

23.44.012.C – Single Family – Height Limit – Exemptions

The proposed amendments to subsection 23.44.012.C.2 would change the wording of the exemptions from height standards for open rails and planters in single-family development to make the language closer to the language for multifamily development. The standards for planters would be changed to limit placement of planters directly on the roof edge to no more than 25 percent of the perimeter of the roof, to minimize the impression of bulk at the roof edge. Additional planters could be provided if set back from the roof edge by at least 4 feet. A further change to the same subsection would clarify that green roof systems would be allowed 24 inches of additional height above the base height limit to accommodate a sturdier structure that might be needed to support the soil for a green roof system.

A proposed new subsection 23.44.012.C.6 would allow devices for generating wind power to be added to the roofs of structures in single-family zones up to 10 feet above the maximum height limit and subject to a 15 percent rooftop coverage limit.

23.44.014.D.14 – Single Family – Yards – Exceptions

Subsection D of 23.44.014 contains a number of exceptions to the basic development standards for front, rear, and side yards set forth in subsections A, B and C.

A proposed change to subsection 23.44.014.D.12 would clarify that this particular exception for development in yards applies to mechanical equipment in general, not just heat pumps, and would also specifically include any charging devices for electric car batteries, to the extent that a separate mechanical device would be needed for this purpose.

A change to subsection 23.44.014.D.14 is proposed to clarify that the exception allowing portions of structures more than eight feet above grade to project into the required front yard on lots that are 30 feet wide or less applies only if the structure is conforming to the front yard requirement at ground level (eight feet or less above grade).

A proposed new subsection 23.44.014.D.17 would allow cisterns for the collection of rainwater runoff to be located in required yards, subject to restrictions on overall container size, height, setback from lot lines, and coverage limits within required yards.

23.44.016 Single Family – Parking Location

A proposed change to 23.44.016.C.3 would clarify that the standard limiting the number of cars that can be parked outside on single-family lots is limited to lots developed with one single-family residence, as it does not make sense to impose this limit for nonresidential uses, such as institutions, or to lots developed with more than one dwelling unit, either because of legalization as nonconforming uses or in a cluster development authorized in single-family zones, such as a Clustered Housing Planned Development or a cluster development approved under the Regulations for Environmentally Critical Areas. A second change, to subsection 23.44.016.D.3, corrects a mistake in the 2009 Omnibus Ordinance 123046 that inadvertently prohibited parking in required side yards, when the intent was only to prohibit garages in side yards.

23.44.022 Single Family – Institutions

The proposed amendment would remove Subsection 23.44.022.D.4, which allows institutions constrained by the development standards of single-family zoning to apply for reclassification to Major Institution status. This section is confusing and potentially conflicts with Section 23.69.024 in the Major Institutions Chapter of the Code. Section 23.69.024 gives the Director authority to determine whether Major Institution designation is required, and the size triggers for Major Institutions are defined in Section 23.84A.025.

23.44.041 Single Family – Accessory Dwelling Units

One proposed amendment would clarify measurement of maximum structure height in relation to lot width as shown Table B for 23.44.041 by eliminating gaps that appear in the current table for

determining lot width. A second proposed amendment would restore a specific penalty for falsely certifying to the terms of the covenant required by Section 23.44.041.C agreeing to restrict the use of the principal and accessory dwelling units, particularly owner occupancy of one of the units. A third change would clarify that the external architectural details allowed to extend into side yards under subsection 23.44.014.D.6.a, such as eaves and chimneys, may be added to detached accessory dwelling units. Other minor corrections are also proposed.

23.45.520 Multifamily – Highrise zone Width and Floor Size Limits

An incorrect cross reference would be changed in 23.45.520.B.

23.47A.012 Commercial – Structure Height

Ordinance 123215 (amending the Seattle Mixed zone standards in South Lake Union) amended Section 23.48.010, in part to add a new subsection D. The subsections previously labeled 23.48.010.D and .E became .E and .F. There are two cross references to the newly labeled 23.48.010.E and F, in sections 23.47A.012 and 23.48.016. The cross references were not updated in Ord. 123215 and are thus proposed to be updated here. An outdated reference to a height limit exception for monorail transit facilities is also proposed to be deleted.

23.47A.014.B.3 – Commercial – Setback Requirements

The current regulation is not clear whether a setback is required for a structure containing a residential use when the side lot line of commercial property is along an alley and the opposite side of the alley is residentially zoned. The Code only requires a setback along a rear lot line that is across an alley from a residential zone. The proposed amendment would require a setback along any side or rear lot line that abuts a lot in a residential zone or is across an alley from a lot in a residential zone.

23.47A.016.A – Commercial – Landscaping and Screening Standards

An amendment is proposed to clarify applicability of Green Factor requirements. A “substantial addition,” as well as “any new structure,” with over 4,000 square feet of nonresidential uses, would trigger landscaping and Green Factor requirements.

23.47A.032 – Commercial – Parking Location and Access

Several amendments are proposed as follows:

- 1) Structures in C zones with residential uses or across a street from residential zones are subject to a standards in 23.47A.032.A.1 requiring that, if access is not provided from an alley and a lot abuts only one street, then only one two-way curb cut is allowed from the street. If there are two buildings on one site, and one of them has residential uses, the proposed amendment clarifies that two or more buildings on a site are still limited to one curb cut. A further proposed amendment would reconcile potentially conflicting standards for curb cuts in Sections 23.47A.032 and 23.54.030.F, which has separate standards for curb cuts, by directing that the standards in Section 23.54.030.F control in the event of conflict.
- 2) Subsection 23.47A.032.B.3 now says in part that structures with residential uses in C zones and structures in C zones across the street from residential zones shall meet the requirements for

parking location in subsection 23.47A.032.B.1. Subsection B.1 prohibits parking between a structure and a street lot line. If the site is bordered on all sides by streets and a new building is proposed directly across the street from a residential zone, the proposed amendment would continue to require that parking be located behind the building, except that parking could be provided between a street and a structure on sides of the structure facing other commercially-zoned lots.

23.48.010 Seattle Mixed – General Structure Height

The existing language in Section 23.48.010.A inadvertently omitted reference to the 125-foot height limit. The proposed amendment adds that reference.

23.48.016 Seattle Mixed – Standards Applicable to Specific Area

Incorrect cross references in subsection 23.48.016.C.5 are proposed to be fixed, as well as some other minor stylistic corrections.

23.48.034 Seattle Mixed – Parking and Loading Location, Access and Curbcuts

The existing Code, in Section 23.48.034.C.2, allows access to parking and loading from a street instead of an alley for lots that front on both an alley and an east/west oriented street. The proposed amendment, to Section 23.48.034.C.2, would allow the access from a street only where the alley is not improved or if use of the alley would create a significant safety hazard.

23.48.036 Seattle Mixed – Pet Daycare Centers

A new Code Section 23.48.036 is proposed to clarify development standards for pet daycare centers in Seattle Mixed zones. The language is the same as for existing Code section 23.50.049, for pet daycare centers in Industrial zones. The proposed new section does not allow a new use, as pet daycare centers are already permitted in the SM zone as a type of general retail sales and service use, but the new language provides specific standards for their operation.

23.49.008 Downtown Zoning – Structure Height

The current Code, at Section 23.49.008.D.2.a.5), allows mechanical equipment to extend up to 15 feet above the applicable height limit. The proposed amendment, inadvertently deleted from the Code by a previous amendment, would allow mechanical equipment to extend 15 feet above the roof elevation of a structure existing prior to June 1, 1989, as well, where that structure is nonconforming to the current height limit. A new subsection 23.49.008.D.2.a.6 would allow wind turbines to have the additional 15 feet above the height limit allowed for other similar rooftop features such as mechanical equipment and solar collectors.

23.49.020 Downtown Zoning – Demonstration of LEED Silver Rating

The proposed amendment would change the time limit for compliance by a developer with a commitment to earn a LEED (Leadership in Energy and Environmental Design) Silver rating for a structure as a condition of a permit from 90 days to 180 days, as application review for LEED certification from the U. S. Green Building Council or other independent entity typically requires more time than 90 days.

Sections 23.49.056 Downtown Zoning – Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial Street Façade and Street Setback Requirements

The amendments would change incorrect references to subsections 23.49.056.C.2.a.3 and 23.49.056.G, which do not exist, to subsection 23.49.056.B.2.a.3 and 23.49.056.F and add subsection 23.49.056.E, regulating street trees, which was inadvertently deleted from the Code by previous amendments to Section 23.49.056 that rearranged several subsections of Section 23.49.056 (Ordinances 121477 and 122054). A number of minor typographical errors would also be corrected.

Sections 23.49.166 Downtown Zoning – Downtown Mixed Residential, Side Setback and Green Street Setback Requirements

An incorrect cross reference in 23.49.166.B to Map 1G in the maps for downtown zoning at the end of Chapter 23.49 would be corrected to Map 1F.

23.50.012 – Industrial – Permitted and Prohibited Uses

In 23.50.012.D, the current standard for rooftop recreational space in IG1 and IG2 zones appears to limit rooftop recreational space to structures existing as of December 31, 1998. The language is proposed to be amended to clarify that the intent was to prohibit rooftop decks or other recreational space only in circumstances where they would not otherwise be allowed, such as for industrial structures above the maximum height limit for office structures in an Industrial zone, but was not meant to preclude construction of decks on newer or smaller office structures, if development standards are otherwise met.

23.50.024 – Industrial – Structure Height

References in Section 23.50.038.A to height exceptions for monorail transit facilities are proposed to be deleted.

23.53.005 Requirements for Streets, Alleys, and Easements – Access to Lots

The amendment would change subsection 23.53.005.A.3 to clarify that lots developed with nonresidential uses or live-work units need not have a lot line of sufficient width abutting a street, alley, or easement to provide vehicular access to the lot if that lot does not have parking located on it, if a pedestrian access easement is provided instead. A further change would clarify that nonresidential uses or live-work units that do provide parking may have frontage on an improved alley as an alternative to street or easement frontage if, again, pedestrian access is provided.

23.53.015 Requirements for Streets, Alleys, and Easements – Improvement requirements for existing streets in residential and commercial zones

Proposed change to subsection 23.53.015.D.2.b would give DPD more discretion to decide when projects with reduced street improvement requirements are subject to those requirements. A change to 23.53.015.D.2.b.1.v, which currently technically requires street improvements, but not right-of-way dedications, for remodeling and use changes within existing structures, would clarify that street and alley improvements are required only if additional parking will be served

by the street or alley or if changes to use or interior remodels would be likely to result in increased traffic.

23.53.020 Requirements for Streets, Alleys, and Easements – Improvement requirements for existing streets in industrial zones

A proposed change to subsection 23.53.020.E.2.e, which currently technically requires street improvements, but not right of way dedications, for remodeling and use changes within existing structures, would clarify that street improvements are required only if additional parking will be served by the street or if changes to use or interior remodels would be likely to result in increased traffic. This proposed amendment is the same as the one for subsection 23.53.015.D.2.b.1.v for structures in residential and commercial zones.

23.53.025 Requirements for Streets, Alleys, and Easements – Access Easement Standards

A proposed change to subsection 23.53.025.A.1 would clarify that minimum width standards for vehicle access easements serving one or two single family residences, or one duplex, which are now either ten feet or 12 feet if required by the Fire Chief, may be required to be wider as needed to accommodate a driveway that is required to be wider than ten or 12 feet.

A second proposed change would amend subsection 23.53.025.C.2, which requires single family structures to be set back five feet from an easement, to allow the same exceptions for projections of structures into setbacks from easements that are allowed for projections into yards fronting on streets.

23.53.030 Requirements for Streets, Alleys, and Easements – Alley improvements in all zones

A proposed change to the first sentence of subsection 23.53.030.E changes an incorrect cross-reference to subsection 23.53.020.D to subsection 23.53.030.D. The proposed change to subsection 23.53.030.E.1.a.5, which currently requires alley improvements for remodeling and use changes within existing structures, would clarify that alley improvements are required only if additional parking will be served by the street or if changes to use or interior remodels would be likely to result in increased traffic.

23.54.015 Quantity and Design Standards for Access and Off-street Parking – Required Parking

A proposed amendment to Section 23.54.015.B.3 would fix a confusing cross-reference to the Northgate Overlay District requirements for parking, to clarify that the requirements of Chapter 23.54 apply in Northgate, just as they do everywhere else in the City, except as modified by Section 23.71.016.

Proposed amendments to Section 23.54.015.D.1, 23.54.015.D.2 and Table D for Section 23.54.015 would change parking requirements for performing arts theaters to be closer to the requirements for movie theaters.

A proposed amendment to subsection 23.54.015.G would clarify that the waiver of up to 20 parking spaces for new nonresidential uses in existing structures is available only if a new or expanded use increases the amount of parking required. Thus, if the new use reduces total required parking, but required parking spaces are currently in existence and provided, the waiver is not available to reduce or eliminate the existing required parking.

23.54.030 Quantity and Design Standards for Access and Off-street Parking – Parking Space Standards

The proposed change to 23.54.030.A.7 would clarify that the additional minimum width required for a parking space next to a property line is only required for parking spaces parallel to the line, since the additional width is to allow for a car door to open without crossing a property line, and this problem is not presented by parking spaces perpendicular to a property line.

The proposed change to subsection 23.54.030.F.2.a.1 would clarify that the standards for numbers of curbcuts for nonresidential uses in residential zones, including institutions and various types of permitted businesses, particularly in Midrise and Highrise zones, are regulated by this subsection, which previously specifically applied only to Residential/Commercial (RC) zones and to Major Institution Overlay Districts, while all other subsections of 23.54.030.F.2 also failed to mention nonresidential uses in residential zones.

Section 23.54.030.G generally requires “sight triangles,” or small clear areas adjacent to each side of an access driveway or easement, to allow vehicles to safely enter and exit. A proposed change to subsection 23.54.030.G.6 would allow mirrors or light/sound signals to substitute for sight triangles in Industrial, Commercial 1, and Commercial 2 zones, just as they are now allowed in Downtown zones.

23.54.035 Quantity and Design Standards for Access and Off-street Parking – Loading Berth Requirements and Space Standards

A proposed change to Section 23.54.035.B.2 clarifies the name of the South Lake Union Urban Center, which is referred to in the current Code as South Lake Union Hub Urban Village.

23.55.028 Signs in NC1 and NC2 Zones

23.55.030 Signs in NC3, C1, C2 and SM Zones

The current language of subsections 23.55.028.D.2 and 23.55.030.E.2 allows individual businesses to have various types of on-premises signs in the respective zones, and “multiple business centers” such as shopping malls or downtown highrises may have one sign identifying the multiple business center for each 300 lineal feet of street frontage, but multiple businesses within a single structure or development cannot have a signage listing all the businesses within the center. The proposed amendments would allow “multiple business centers” containing a number of business establishments to have a choice of various types of signage listing all the businesses. Also, the term “use,” appearing throughout these subsections would be changed to “business establishment” to clarify that the sign standards apply to businesses rather than uses. The subsections are also slightly reorganized for clarity.

23.55.036 Signs – Signs in IB, IC, IG1 and IG2 Zones

A proposed change to 23.55.036.D.1 would delete the term “properly displayed” from subsection D.1.d allowing national, state and institutional flags as on-premises signs, as the City has no authority to determine whether a flag is “properly” displayed. The phrase was eliminated from all other sections of the Sign Code by the 2009 Omnibus amendments (Ord. 123046) but Section 23.55.036 was overlooked by the previous amendments.

The proposed amendments to subsection 23.55.036.D.2 would allow “multiple business centers” containing a number of business establishments to have a choice of various types of signage listing all the businesses, similar to the amendments for Sections 23.55.028, 23.55.030, and 23.55.034 discussed above. Also, the term “use” would be changed to “business establishment” to clarify that the sign standards apply to businesses rather than uses, and the subsection is slightly reorganized for clarity.

23.57.002 Communication Regulations – Scope and Applicability of Provisions

The proposed amendment changes an incorrect cross reference in Section 23.57.002.D from 23.69.006.A to 23.69.006.B.

23.57.010 Communication Regulations – Single Family and Residential Small Lot Zones

A proposed change to subsection 23.57.010.C.1.a would clarify that establishment or expansion of a minor communication utility does not require administrative conditional use approval if proposed as an addition to an existing freestanding major or minor communication tower, since 23.57.010.A.2 already allows minor communication utilities outright if locating on existing towers.

A proposed change to subsection 23.57.010.C.2.f would clarify that a personal wireless facility that would be either the third or any subsequent utility on the same lot must meet the criteria for location of a minor communication utility set forth in Section 23.57.009.A. The current Code reads like only the third separate utility is subject to 23.57.009.A.

A proposed change to subsection 23.57.010.E.5 would delete incorrect cross references to development standards subject to waiver under this subsection, which applies if implementing the standards would cause reception window obstruction for an accessory communications device or minor communications utility.

23.57.013 Communication Regulations – Downtown Zones

Minor grammatical changes are proposed.

23.69.024 Major Institution Overlay District – Major Institution Designation

23.69.030 Major Institution Overlay District – Contents of a Master Plan

23.69.032 Major Institution Overlay District – Master Plan Process

Incorrect cross references in Sections 23.69.024.B.7, 23.69.030.E.11, and 23.69.032.D.1 to the “purpose and intent” section of the major institution chapter are proposed to be changed from 23.69.006 to 23.69.002.

23.71.016 Northgate Overlay District – Parking and Access

The proposed change would clarify that pet daycares in existence as specified in Section 23.47A.039 may continue in operation even if nonconforming to parking requirements of the Northgate Overlay District.

23.76.004 Procedures for Master Use Permits and Council Land Use Decisions – Land Use Decision Framework

Proposed changes to Sections 23.76.004.B and 23.76.004.C clarifies that all Master Use Permit decisions may be subject to formal interpretation of the Land Use Code pursuant to the procedures of Section 23.88.020. A proposed change to Section 23.76.004.E would clarify that procedural requirements for certain land use decisions that are not listed in Table A for 23.76.004 or elsewhere in Chapter 23.76 may be prescribed elsewhere in either the Land Use Code or in another title of the Municipal Code.

23.76.006 Procedures for Master Use Permits and Council Land Use Decisions – Master Use Permits Required

Subsection 23.76.006.C.2.k, referring to establishment of monorail transit facilities as a decision subject to appeal to the Hearing Examiner, is proposed to be deleted, since the monorail construction program itself is no longer proposed.

23.76.010 Procedures for Master Use Permits and Council Land Use Decisions – Applications for Master Use Permits

Ordinance 121476 deleted an application submittal requirement from subsection 23.76.010.D requiring verification from applicants that required notification signs were installed according to DPD specifications, as DPD had taken over all sign installation duties. The proposed amendment would restore this requirement to the Code, as DPD is once again requiring applicants to post their own signs for new projects that require signs.

23.76.026 Procedures for Master Use Permits and Council Land Use Decisions – Vesting of Development Rights

The first proposed amendment would clarify Section 23.76.026.C.2, regulating the vesting of development rights for design review components of Master Use Permits, to specify that if there are multiple early design guidance meetings, it is the date of the last or most recent meeting that controls if that meeting is held more than 150 days after the first meeting, and only a maximum of 90 days can pass after the most recent meeting or the whole process must begin anew.

The second proposed amendment would correct an error in Ordinance 123495, which adopted a new subsection 23.76.026.F but did not change the original subsection 23.76.026.F. The proposed correction would change the original subsection 23.76.026.F to subsection 23.76.026.G and clarify the language of that section.

23.76.066 Procedures for Master Use Permits and Council Land Use Decisions – Shoreline Master Program Amendments

The proposed amendment deletes reference to a repealed state regulation, WAC 173-19-060, and simply changes the language to state that amendments to the Shoreline Code become effective according to state law, to avoid the need to cross-reference a specific regulation or statute in the future.

23.80.004 Essential Public Facilities – Review Criteria

Subsection 23.80.004.D, regulating monorail transit facilities, is proposed to be deleted, as the monorail construction program itself is no longer proposed.

23.84A.010 Definitions “E”- Essential Public Facilities

The proposed amendment would remove a reference to monorail transit systems.

23.84A.016 Definitions “H” – Household

A proposed change to the definition of “household” would clarify that the number of persons receiving care in an adult family home as allowed by state law are permitted there in addition to the number of related and non-related persons who comprise the regular household within a dwelling unit. State law limits the number of “residents” who may receive care in an adult family home to six persons, so the maximum number of persons in an adult family home would be the number otherwise allowed in a standard household (any number of related persons or up to eight related and non-related persons) and the six adult family home residents currently allowed by State law.

23.84A.024 Definitions “L” – Laboratory, Research and Development; Land Use Information Bulletin

The first proposed change would clarify the definition of “research and development laboratory” by specifically stating that such laboratories include those subject to biosafety containment standards described by the U.S. Department of Health and Human Services, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

The second proposed amendment would add a definition of “land use information bulletin,” which is the DPD publication that provides written public notice for land use projects and other agency actions requiring notice to the public. The definition simply cross references to the definition of “general mailed release,” which is already in the Code.

23.84A.025 Definitions “M” – Monorail Guideway, Monorail Transit Facility, Monorail Transit Station, Monorail Transit System

All definitions referring to the monorail program are proposed to be deleted.

23.84A.036 Definitions “S” – Sales and Services, Automotive; Sign, Multiple Business Center

The definition of “retail sales and services, automotive,” is proposed to be amended to clarify that battery exchange stations for electric vehicles are to be included among the types of uses regarded as automotive retail sales and service uses.

A new definition for “multiple business center sign” is proposed to clarify that multiple business centers, such as shopping malls and downtown buildings, may have on-premises signage listing all the businesses within a multiple business center, but not specific products or services offered by the individual businesses.

23.84A.038 Definitions “T” – Transportation facility, Parking and Moorage, Principal Use Parking

The definition of “principal use parking” is proposed to be amended to clarify that battery charging stations and rapid charging stations for electric vehicles are to be considered accessory to parking facilities.

23.84A.044 Definitions “W” – Wind Power Generator

The proposal is to add a definition of “wind power generator.”

23.86.006 Measurements – Structure Height

A proposed change to subsection 23.86.006.B would clarify the name of the South Lake Union Urban Center, which is still erroneously referred to as the South Lake Union Hub Urban Village by the current Code language.

23.88.010 Rules: Interpretation – Rulemaking

The proposed change would add a new Section 23.88.010.B to give the Director authority to update, by rule, the standards for determining whether a proposed new structure has earned one of the various ratings for “green” building. The authority to establish the standard by rule would remove the need to update various Code sections that refer to the green building standards.

23.88.020 Rules: Interpretation – Land Use Interpretations

A change to subsection 23.88.020.A would specifically state that interpretations may affect Type I and Type II land use decisions by affirming, reversing, or modifying these decisions. The change is needed to specify that interpretations are an appealable administrative remedy that must be obtained before a Type I decision, in particular, can be appealed to State Superior Court.

A second change, to subsection 23.88.020.B, would change the language to state that interpretations must be filed with DPD accompanied by the “required” fee, instead of cross-referencing a specific section of the fee ordinance, so that the Code section will be less likely to become outdated.

23.90.019 Enforcement of the Land Use Code – Civil Penalty for Unauthorized Dwelling Units in Single-Family Zones

The changes to the penalty section would restore language removed from the Code by Ordinance 122190. For unauthorized dwelling units, the proposal would restore a specific penalty for false certification of the covenant required by Section 23.44.041.C agreeing to restrict the use of principal and accessory dwelling units, particularly owner occupancy of one of the units. The proposed amendments would further restore references to compliance with the Notice of Violation (NOV) process and would allow reduction of penalties if compliance with the NOV process is achieved.

23.91.004 Citation – Hearings – Penalties – Citation

A change is proposed to specify that a citation shall contain notice that the person cited must respond to the citation within 15 days rather than 18 days as stated in the current language, to make the section consistent with all other time limits in Chapter 23.91.

23.05.675 State Environmental Policy Act – Specific Environmental Policies

A change to 25.05.675.M.2.c is proposed to correct a cross reference to Map B for 23.45.015, which should instead read as Map B for 23.54.015.

Columbia City Station Area Overlay District Boundary Revision

In 2001 the City Council adopted Ordinance 120561 that applied the Station Area Overlay District (SAOD) to an area around the Columbia City (Edmunds) Link Light Rail Station. The overlay was applied to the multifamily and commercial zoned land generally within ¼ mile of the light rail station on either side of Martin Luther King Jr. Way S. The boundaries followed street center lines or zone boundaries. At the time the Seattle Housing Authority's Rainier Vista property had not been redeveloped. S. Columbian Way and S. Oregon Street were used as the northern boundary of the overlay. These streets are more than a block south of the ¼ mile distance otherwise used to draw SAOD boundaries, thus making the station area smaller than it should be. The street layout has since been changed to reintroduce the grid pattern of the surrounding area street system and a new street, S. Genesee Street now exists at a point that is closer the ¼ mile mark. The area proposed to be included within the SAOD meets the rezone criteria for relocating a SAOD boundary as shown in the rezone analysis included as Appendix A at the end of this report. The Director recommends revising the Columbia City SAOD boundaries as shown on the map, also at the end of this report in Appendix A.

United Grocers Rezone correction to text and official land use map.

The Official Land Use Map, Section 23.32.016, Page 189, is amended to change the zone classification of the designated area from an erroneous designation, as set forth in Ordinance 123086, of IC/U-85 to Industrial Commercial with an 85-foot height limit (IC/85), as shown in Appendix B.

Goodwill Industries Rezone official land use map correction

Ordinance 122918 rezoned property at 1400 South Dearborn Street from IC/65 (Industrial Commercial with a 65-foot height limit) to NC3/85 (Neighborhood Commercial 3 with an 85-

foot height limit) but made the rezone contingent on a street vacation that was not approved. Since the street vacation was not approved, the rezone never became effective. However, the official land use map was changed to show the NC3/85 designation. In this situation, the appropriate process for correcting the map is a Type V Council approval to correct the map, per SMC Section 23.76.036. The property reverts to prior zoning, IC/65, as shown in Appendix C.

Appendix A

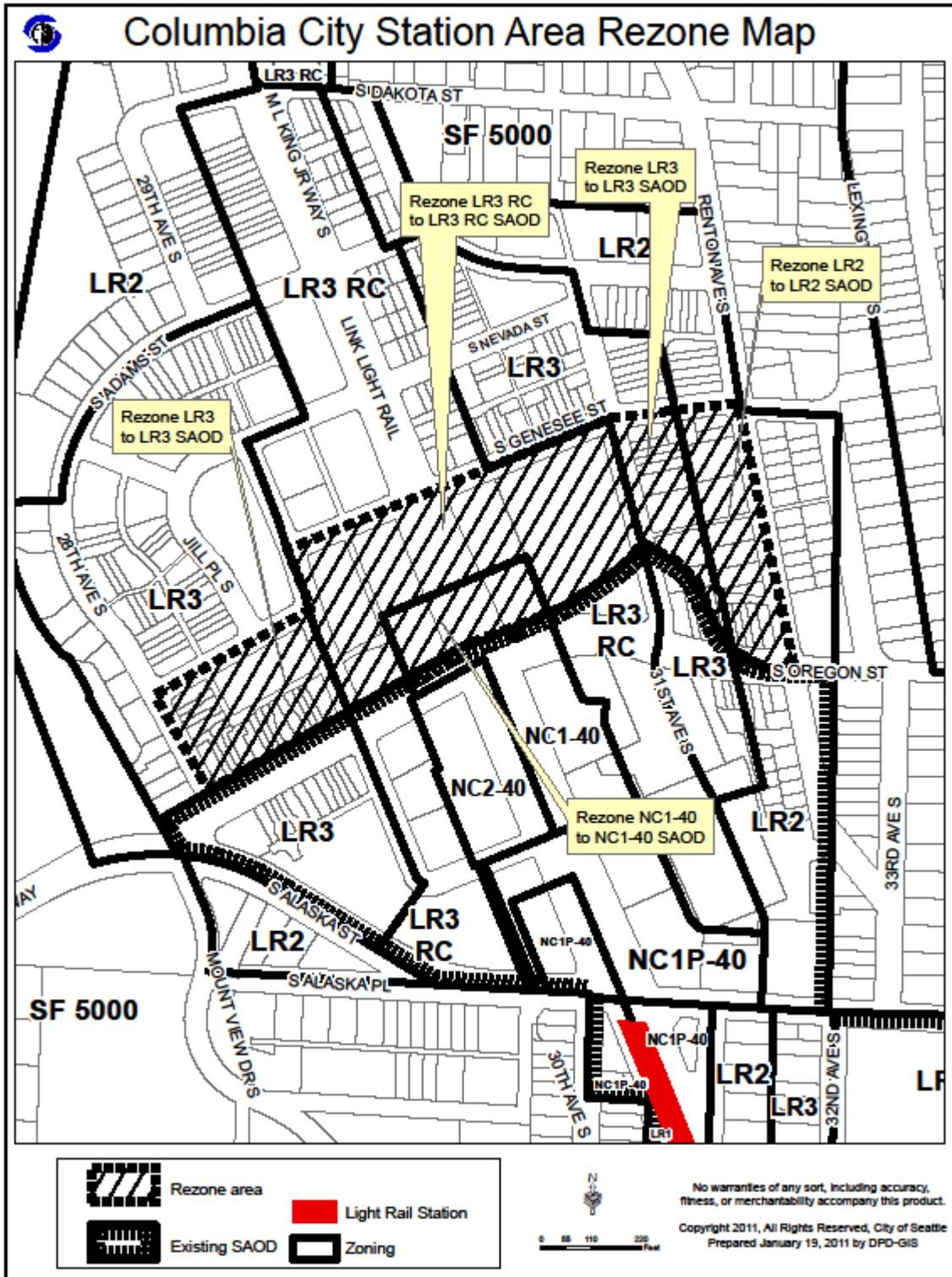
Columbia City Station Area Overlay Boundary Revision - Rezone Analysis

General Rezone Criteria – 23.34.008	
Criteria	Comments/Description
Growth Target	
	The rezone area is within the Columbia City Residential Urban Village. Including the rezone area within the Station Area Overlay District (SAOD) would allow for slightly higher permitted floor areas for new development on lots with commercial zoning. The proposal would not reduce zoned capacity and therefore meets these criteria.
Match Between Zone Criteria and Area Characteristics	
The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.	The area is zoned neighborhood commercial and lowrise, which are appropriate underlying designations to be paired with an SAOD. As the area is within ¼ mile, walking distance, of the Columbia City light rail station, the characteristics of the area are well suited for SAOD designation.
Zoning History and Precedential Effect	
Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.	The property was last rezoned as part of the station area planning activities that occurred in the late 1990s and early 2000s. The proposal is consistent with those zoning actions.
In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.	Permitted height limits are not proposed to change as part of this proposal. Permitted heights are compatible with the height and scale of development in the area that is a good measure of the area's development potential.

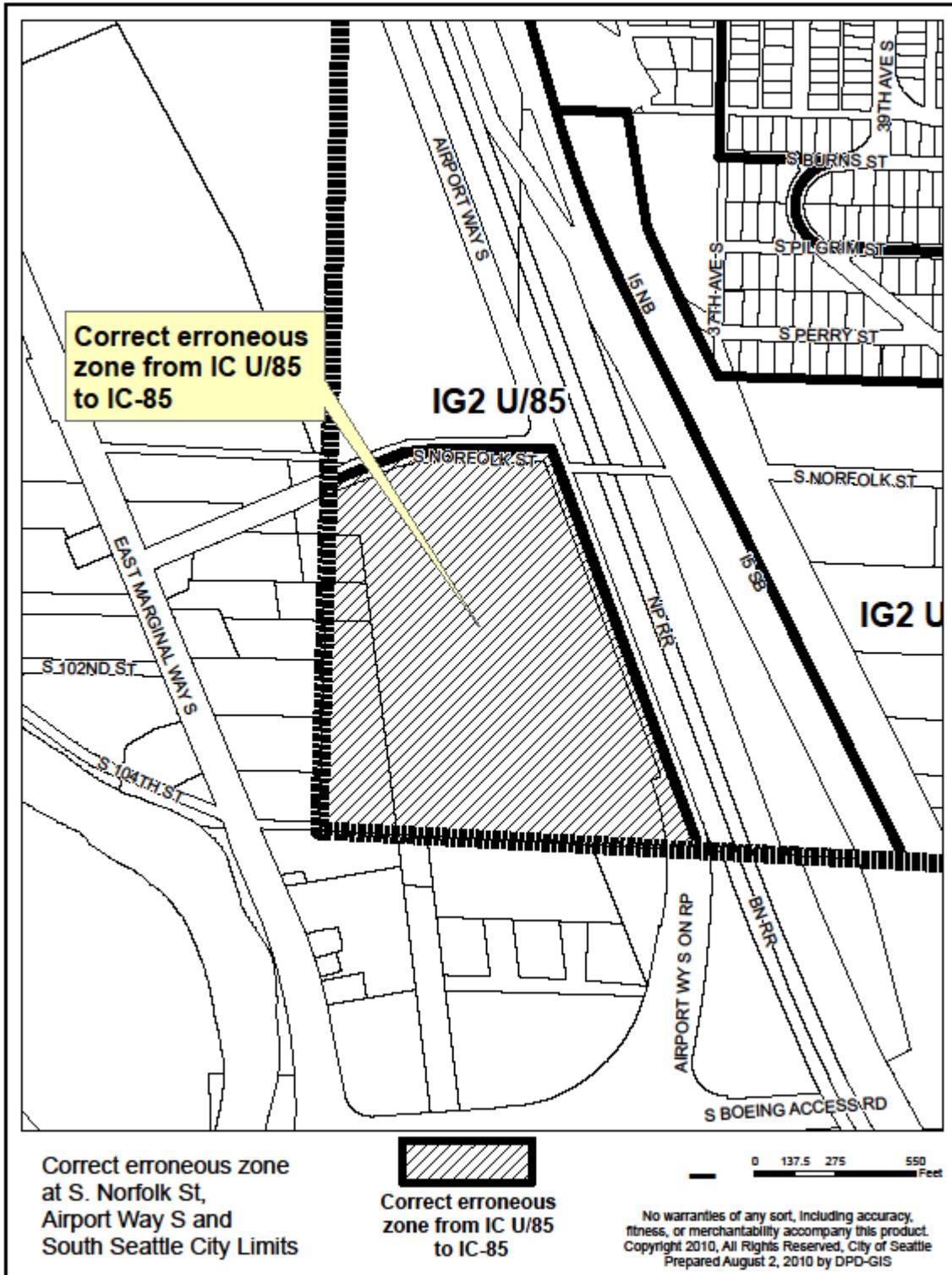
Neighborhood Plans	
	This proposal is generally consistent with the Columbia City Neighborhood Plan. The Plan, for example, calls for <i>A community served by a light rail transit system, which is also is a catalyst for transit-oriented housing and commercial development within the station area (CC-G2).</i>
Zoning Principles	
	This proposal recognizes that the subject area is within ¼ mile of the light rail station and would maintain the existing transition from lower-intensity single-family zones to the east and the abutting lowrise zoning within the subject area.
Impact Evaluation	
	Impacts from this rezone will be minimal as this rezone represents a small area, most of which is already contemplated to be developed to lowrise standards as the Seattle Housing Authority completes its development plans for the property. The main changes in development standards are: slightly higher floor area ratios permitted within commercial zones in the SAOD; and market forces are allowed to dictate the amount of parking provided as there are not minimum requirements in the SAOD.
Changed Circumstances	
	The changed circumstances in the area that warrant reconsideration of the SAOD boundary are the reconfigured street layouts.
Overlay districts	
	The proposed area is currently not located within an overlay district.
Critical Areas	
	There are no known critical areas in the area of the proposed rezone. Applying a SAOD would not be expected to negatively impact a critical area as compliance with critical area regulations would protect any such area.

Establishing a Station Area Overlay District. - 23.34.089.A	
Criteria	Comments/Description
Function of the zone:	
To preserve or encourage a diverse, mixed-use community with a pedestrian orientation around proposed light rail stations or access to other high capacity transit, where incompatible automobile-oriented uses are discouraged and transit-oriented use and development is encouraged.	Applying the SAOD to the subject area would be in keeping with the intended function of the zone to promote transit-oriented development.
Location Criteria	
The Station Area Overlay District designation is most appropriate in areas generally characterized by one or more of the following: <ol style="list-style-type: none"> a. High levels of pedestrian activity at street level in commercial and mixed-use zones; or b. Presence of a wide variety of retail/service activities in commercial and mixed-use zones; or c. Minimal pedestrian-auto conflicts; or d. Medium to high residential density in close proximity to light rail stations or access to other high capacity transit. 	The subject area is part of the Rainier Vista redevelopment. While redevelopment is still on-going, the area is trending in the direction contemplated by the locational criteria to promote medium to high density development in a mixed use, pedestrian oriented environment within walking distance of the Columbia City rail station.
Physical Conditions Favoring Designation as Station Area Overlay District.	
The Station Area Overlay District shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following: <ol style="list-style-type: none"> a. Presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit; b. Presence of a commercial or mixed-use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist; c. Opportunities for new development to 	The proposed rezone area is within ¼ mile (1,320') of the Columbia City rail station.

Establishing a Station Area Overlay District. - 23.34.089.A	
Criteria	Comments/Description
<p>access transit, bicycle and pedestrian modes of transportation;</p> <p>d. Opportunities for construction of new development that will support transit;</p> <p>e. Properties zoned Single-family may only be included within the overlay district when it can be demonstrated that the criteria for Single-family designation cannot be satisfied.</p>	
Revising the Boundaries of a Station Area Overlay District - 23.34.089.B	
Criteria	Comments/Description
<p>1. When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function of and locational criteria for a commercial or multifamily zone designation.</p>	<p>The area proposed to be included within the SAOD would be contiguous to the existing SAOD, is consistent with subsection A and satisfies criteria for commercial and multifamily zoning as the area has those designations currently.</p>
<p>2. When a proposal is made to remove land from an existing Station Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.</p>	<p>Not applicable.</p>



Appendix B



Appendix C

