SEATTLE CITY COUNCIL

Legislative Summary

CB 118674

Record No.: CB 118674 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125081 **In Control:** City Clerk

File Created: 03/17/2016

Final Action: 07/29/2016

Title: AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map at pages 3 and 13 to rezone land in the Bitter Lake Village Hub Urban Village; and amending Sections 23.47A.005, 23.47A.009, 23.47A.014 and 23.86.012 of the Seattle Municipal Code to change regulations for street-level uses, designate Linden Avenue North as a principal pedestrian street, and adopt development standards for certain properties in the Bitter Lake Village Hub Urban Village.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text CB 118674 v1, Ex A – Bitter Lake Village Hub Urban Village Rezone A, Ex B – Bitter Lake Village Hub Urban Village Rezone B, Ex C – Bitter Lake Village Hub Urban Village Rezone C

Drafter: valauri.stotler@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	04/05/2016	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	04/05/2016	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	04/08/2016	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	05/02/2016	referred	Planning, Land Use, and Zoning Committee
1	Planning, Land Use, and Zoning Committee	07/14/2016	discussed	

Action Text: The Council Bill (CB) was discussed.
Notes: The Committee held a Public Hearing relating to Council Bill 118674.

1	Planning, Land Use, and Zoning Committee	07/19/2016	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	07/25/2016	passed	Pass

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

1	City Clerk	07/26/2016	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	07/29/2016	Signed	

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

1	Mayor	07/29/2016	returned	City Clerk

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

1	City Clerk	07/29/2016	attested by City Clerk

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

CITY OF SEATTLE

ORDINANCE 125081

COUNCIL BILL 118674

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map at pages 3 and 13 to rezone land in the Bitter Lake Village Hub Urban Village; and amending Sections 23.47A.005, 23.47A.009, 23.47A.014 and 23.86.012 of the Seattle Municipal Code to change regulations for street-level uses, designate Linden Avenue North as a principal pedestrian street, and adopt development standards for certain properties in the Bitter Lake Village Hub Urban Village.

WHEREAS, from late 2010 through mid-2012, the Department of Planning and Development (DPD) and Department of Neighborhoods (DON) conducted significant public outreach, including to historically underrepresented communities such as seniors, youth and renters, in the Bitter Lake, Broadview and Haller Lake neighborhoods. This outreach engaged over 900 attendees representing a cross section of the residents, business owners and community stakeholders at 32 public workshops and meetings to identify community priorities for the future of the Broadview – Bitter Lake – Haller Lake planning area and the Bitter Lake Village Hub Urban Village; and

WHEREAS, in March 2012, DPD published the Broadview – Bitter Lake – Haller Lake Neighborhood Plan Update that summarizes the results of this work and reflects the input from the broad community engagement; and

WHEREAS, the Neighborhood Plan Update prioritized: creating a village center along the improved Linden Ave. North, with a dense mix of residences and businesses, and parks; supporting an identifiable, interconnected and resilient community; establishing a network of "complete streets" that provides safe and attractive walking and biking connections linking people and places; and completing a corridor plan that guides the

reconstruction of Aurora Ave. North and establishes a land use and urban design strategy; and

WHEREAS, after years of community activism Seattle's Department of Transportation (SDOT) began work in 2009 on design and construction of a "complete street" project on Linden Avenue North from North 128th Street to North 145th Street; and

WHEREAS, King County Metro's began RapidRide bus service along Aurora Avenue North in 2013; and

WHEREAS, on May 13, 2013, the City Council passed Ordinance 124177 amending the Seattle Comprehensive Plan to incorporate changes developed during the update to the Broadview – Bitter Lake – Haller Lake goals and policies contained in the Neighborhood Planning Element of the Comprehensive Plan. These changes included goals to create "a vibrant mixed-use 'town center' along Linden Ave. N," and a "community where neighbors are able to comfortably walk and bicycle from residential areas to Aurora Ave. N;" and

WHEREAS, the Broadview – Bitter Lake – Haller Lake Neighborhood Plan Update recommended developing rezones and changes to development standards that would encourage development that supports these goals; and

WHEREAS, the proposed rezones meet the Land Use Code rezone criteria contained in Chapter 23.34, Amendments to Official Land Use Map (Rezones); 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 Maps 3 and 13 of the Seattle Zoning Maps, as shown on Exhibits A, B, and C attached to this ordinance.

Section 2. Subsections 23.47A.005.C and 23.47A.005.D of the Seattle Municipal Code, which section was last amended by Ordinance 124770, are amended as follows

23.47A.005 Street-level uses

* * *

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. In all NC and C1 zones within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.2; or

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

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

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

g. In all NC and C1 zones within the areas shown on Maps 1 through 5 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 ((~~60~~)) 5 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;

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;

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;

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.

Section 3. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 124952, 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.

B. West Seattle Junction Hub Urban Village. The following provisions apply to development in the NC3 85(4.75) zone.

1. Lot ((~~C~~))coverage ((~~L~~))limit. The maximum lot coverage permitted for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.

2. The total permitted FAR is as identified in subsection 23.47A.013.F.

3. Maximum ((~~W~~))width of ((~~S~~))structures. The maximum width of all portions of a structure measured parallel to a north-south street lot line is 275 feet.

4. Setback and separation requirements

a. The following standards apply to structures greater than 250 feet in width measured parallel to a north-south street lot line:

1) A minimum separation of 30 feet is required between structures that are adjacent to the same north-south street lot line; and

2) A minimum setback of 15 feet is required from side lot lines that are not street side lot lines and that separate lots that abut the same north-south street lot line; and

3) Structures permitted in required setback and separation areas pursuant to subsections 23.47A.009.A.4.a and 23.47A.009.A.4.b are subject to subsection 23.47A.014.E. In addition:

a) Decks with open railings may project up to 5 feet into the required setback or separation area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback or separation area.

b) ((~~Eaves, cornices and gutters may project no more than 18 inches from the structure façade.~~

~~c) Ramps or other devices necessary for access for the disabled and elderly that meet Seattle Building Code, Chapter 11, are permitted.~~

~~d) Stairs or ramps to accommodate changes in grade are permitted.~~

~~e) Underground structures are permitted.~~

~~f) Within the setback area identified in subsection 23.47A.009.A.4.b, u~~))Unenclosed porches or steps for residential units no higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

((~~g) Above-grade green stormwater infrastructure (GSI) features are allowed without setback or separation restrictions if:~~

~~i) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;~~

~~ii) Each above-grade GSI feature is less than 4 feet wide; and~~

~~iii) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.~~

~~h) Above-grade GSI features larger than what is allowed in subsection 23.47.009.B.4.a.3.g are allowed within a required setback or separation if:~~

~~i) Above-grade GSI features do not exceed 10 percent coverage of any one setback or separation area;~~

~~ii) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and~~

~~iii) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.~~))

b. A setback of at least ((~~ten~~)) 10 feet from the street lot line is required along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the lot frontage, whichever is less.

c. Required setback and areas separating structures identified in subsections ((~~23.47A.009. A.4.a~~))23.47A.009.A.4.a and 23.47A.009.A.4.b shall include landscaping, paving, and lighting. Sidewalks for pedestrian access, plazas, or other approved amenity or landscaped areas are permitted in required setback or separation areas.

d. ((~~Upper-Level Setback Requirements~~)) Upper-level setback requirements along SW Alaska Street ((~~.~~))

1) Structures exceeding 65 feet in height on lots abutting SW Alaska Street between 38th Avenue SW and California Avenue SW shall maintain a minimum setback of 10 feet for that portion of the structure between 45 feet and 55 feet in height.

2) For portions of a structure above 55 feet in height, an additional minimum setback is required at a rate of at least 1 foot of setback for every 5 feet of height that exceeds 55 feet, up to the maximum allowable height.

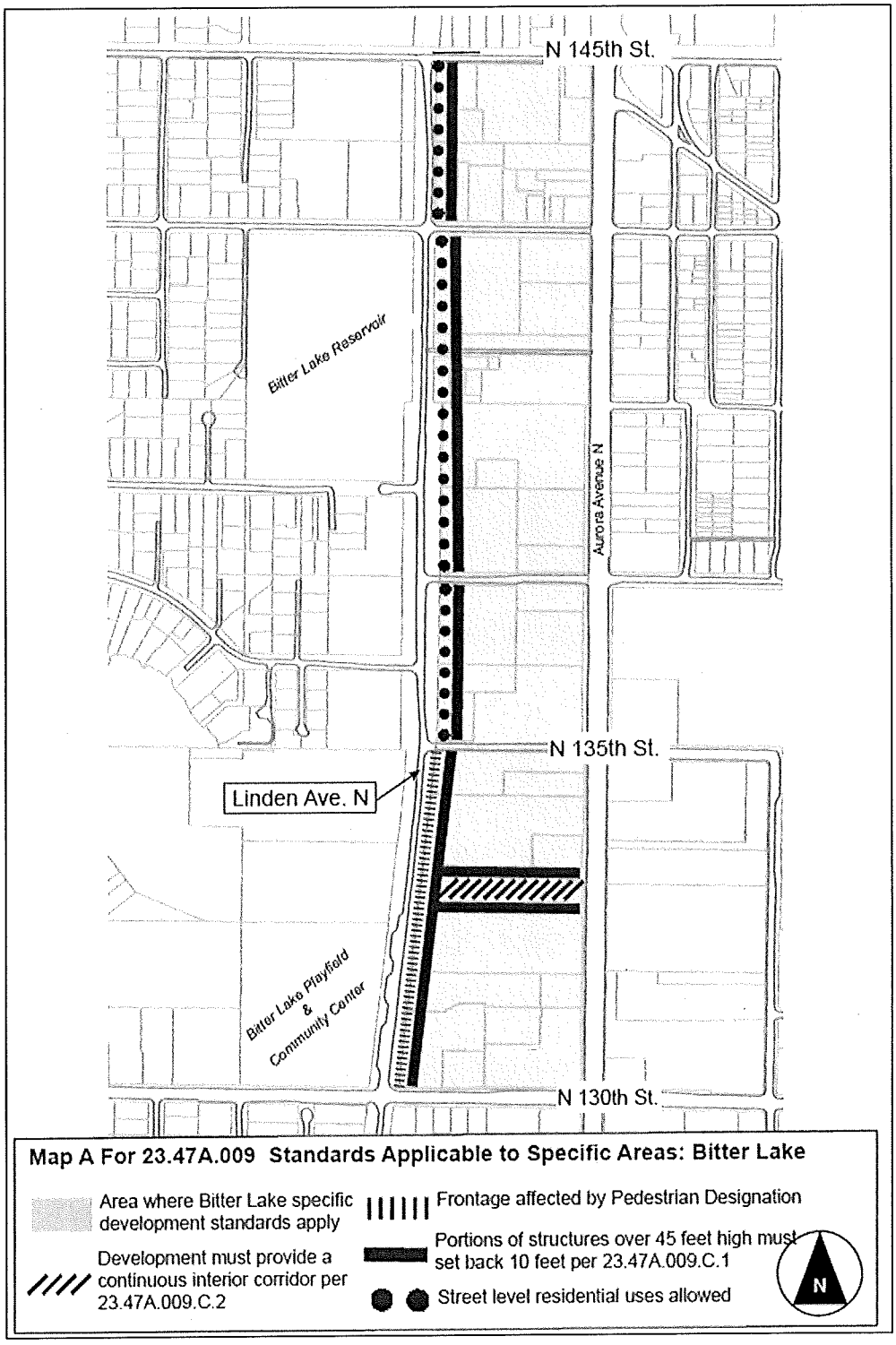
3) Structures located within 100 feet of Fauntleroy Way SW are exempt from the upper-level setback requirement.

4) Heights in this subsection 23.47A.009.A.4.d shall be measured from the middle of the street lot line along SW Alaska Street.

C. ((~~Reserved.~~)) Bitter Lake Village Hub Urban Village. Development on lots designated on Map A for 23.47A.009 shall meet the following requirements:

Map A for 23.47A.009

Standards Applicable to Specific Areas: Bitter Lake



1. Upper-level setback requirement. The following standards apply to development on lots abutting the east side of Linden Ave North or along both sides of the corridor required in subsection 23.47A.009.C.2.

a. Any portion of a structure greater than 45 feet in height, measured from the finished grade along the street property line that abuts Linden Avenue North or along the access corridor required in subsection 23.47A.009.C.2, measured from the finished grade along the edge of the access corridor, shall set back an average of 10 feet from the lot line abutting Linden Avenue North or from the edge of the access corridor as measured according to Section 23.86.012. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.

b. Structures permitted in required setbacks are subject to subsection 23.47A.014.E.

2. Corridor requirement. An access corridor shall be provided on lots over eight acres that abut Linden Avenue North and Aurora Avenue North, to connect Linden Avenue North and Aurora Avenue North. The location of the proposed corridor shall be clearly shown on the site plan that is submitted with the permit application.

a. The corridor shall have a minimum width of 40 feet and a maximum width of 60 feet.

b. The point at which the corridor intersects Linden Avenue North and Aurora Avenue North shall be at least 335 feet south of the south boundary of the North 135th Street right-of-way, and 700 feet north of north boundary of the North 130th Street right-of-way, as illustrated by example in Map A for 23.47A.009.

c. The corridor shall include a minimum of one walkway, at least 6 feet wide, extending between Linden Avenue North and Aurora Avenue North. If vehicle access is provided within the corridor, the corridor shall include walkways at least 6 feet wide along both sides of the vehicle access.

d. Landscaping shall be provided along the corridor. If vehicle access is provided within the corridor, trees shall be provided between the walkways and vehicle travel lanes. The Director will determine the number, type, and placement of trees to be provided in order to:

1) match trees to the available space;

2) complement existing or planned street trees on abutting streets; and

3) encourage healthy growth through appropriate spacing.

e. Pedestrian-scaled lighting shall be provided along the corridor.

f. The corridor shall not include any features or structures except the following:

1) Vehicle access, not more than one lane in each direction and meeting the standards of Section 23.54.030.

2) Parking meeting the standards of Section 23.54.030 is allowed along vehicle access lanes within the corridor. Such parking is in addition to the maximum number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection 23.47A.032.A do not apply to access to parking from the corridor.

3) Overhead horizontal building projections of an architectural or decorative character such as cornices, eaves, sills, and gutter, provided that they project no more than 18 inches from the structure facade.

4) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Building Code are permitted.

5) Stairs or ramps to accommodate changes in grade.

6) Underground structures.

7) Unenclosed porches or steps for residential units no higher than 4 feet above the finished grade of the corridor are permitted to project no more than 4 feet into the corridor.

8) Green stormwater infrastructure.

9) Features required elsewhere in this subsection 23.47A.009.C.2.

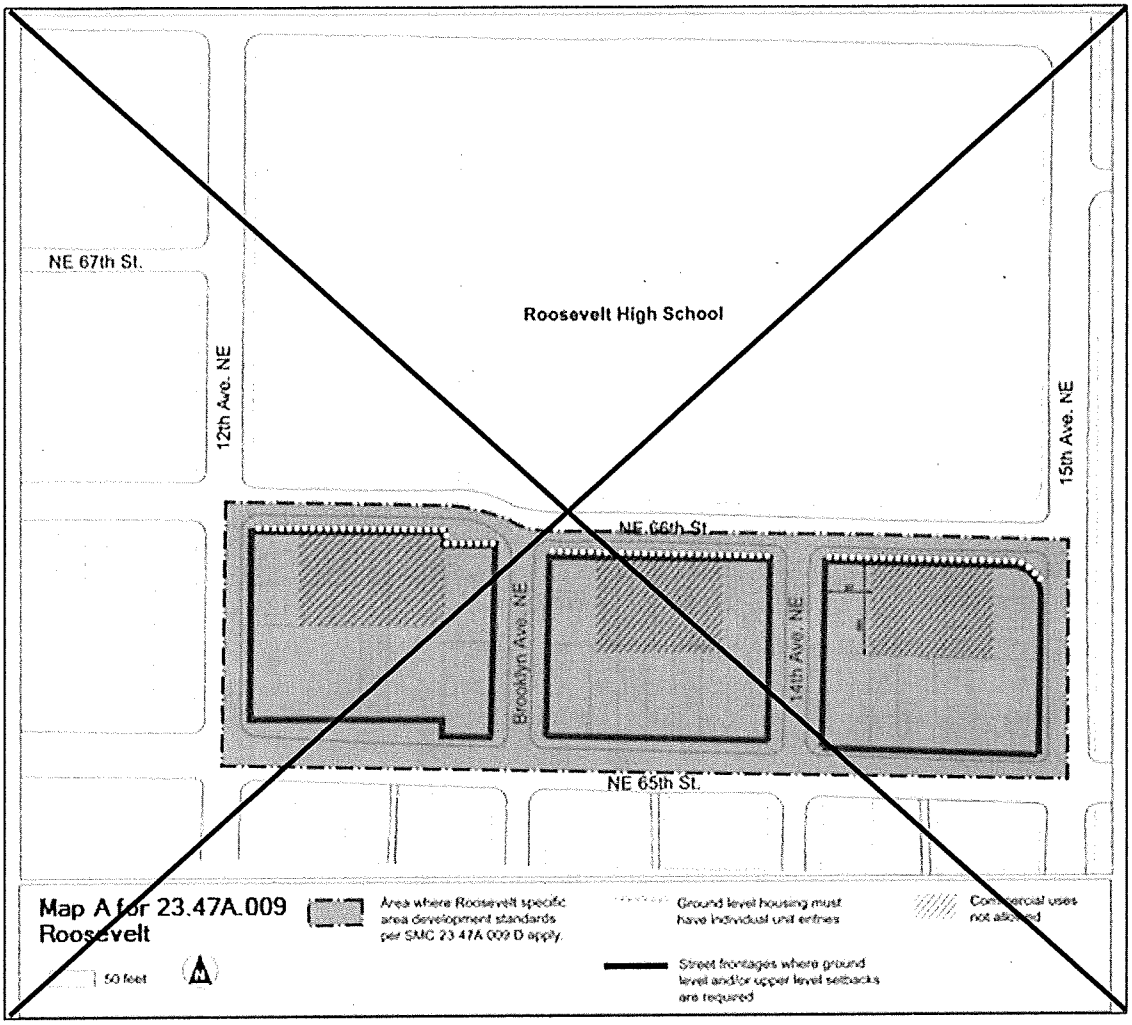
10) The Director may approve other features or structures, such as overhead weather protection, signage, and art, that do not impede safe access from the site to Linden Avenue North and Aurora Avenue North, and that enhance pedestrian comfort and safety of the corridor.

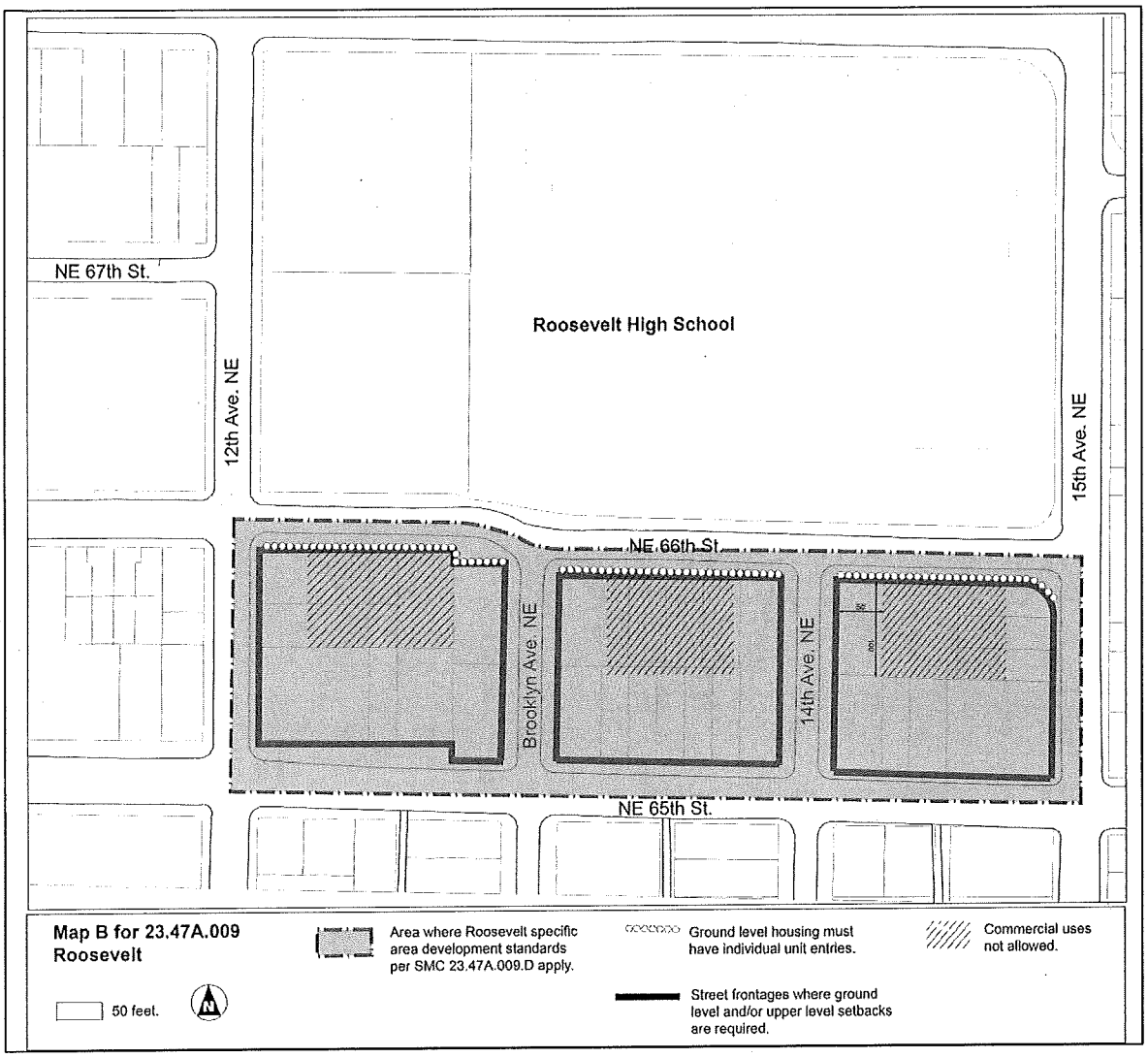
g. If the area proposed for development on a site meeting the size threshold for this subsection 23.47A.009.C.2 is less than the full lot, the Director may waive or modify the access corridor requirement, if the applicant submits a site plan demonstrating how Linden Avenue North and Aurora Avenue North will be connected by an access corridor when the remainder of the lot is developed.

D. Roosevelt Urban Village. The following provisions apply within the area shown on Map ((~~A~~))B for 23.47A.009.

Map ((A))B for 23.47.009

Roosevelt





1. Setback requirements

a. The following setbacks are required from the listed street property lines:

1) Northeast 66((th))th Street. An average ground-level setback of 10 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

2) Brooklyn Avenue Northeast. An average ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

3) 14((th))th Avenue Northeast. An average ground-level setback of 15 feet and a minimum ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 3 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

4) 15((th))th Avenue Northeast. A minimum ground-level setback of 5 feet along the length of the street property line and an average upper-level setback of 7 feet. The average upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

5) Northeast 65((th))th Street and 12((th))th Avenue Northeast. An average ground-level setback of 8 feet shall be provided, and the setback may include pedestrian access and circulation.

b. Structures permitted in required setbacks are((:)) subject to subsection 23.47A.014.E, except that:

1) Decks with open railings may project up to 5 feet into the required setback area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback area.

2) Stoops or porches providing direct access to individual housing units may project up to 5 feet into the required ground level setback area, except that portions of stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is lower, may extend to a street lot line. The 2.5 foot height limit for stoops or porches does not apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of the total ground level setback area.

3) ((~~Eaves, cornices, fireplaces, chimneys, and gutters may project no more than 18 inches from the structure facade.~~

~~4) Ramps or other devices necessary for access for the disabled and elderly that meet Seattle Building Code, Chapter 11.~~

~~5)~~))) Fences no greater than 4 feet in height are permitted in the required ground-level setback, and up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

((~~6) Underground structures.~~

~~7) Above-grade green stormwater infrastructure (GSI) features are allowed without setback restrictions if:~~

~~a) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;~~

~~b) Each above-grade GSI feature is less than 4 feet wide;~~ and

~~c) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.~~

~~8) Above-grade GSI features larger than what is allowed in subsection 23.47.009.D.1.b.7 are allowed within a required setback if:~~

~~a.) Above-grade GSI features do not exceed 10 percent coverage of any one setback area;~~

~~b) No portion an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and~~

~~c) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.~~))

c. Where required setbacks may be averaged, measurement shall be ((~~per~~)) pursuant to subsection 23.86.012.A and the following:

1) Where a building is setback more than 30 feet from a lot line at ground level, 30 feet shall be used as the ground-level setback amount for averaging purposes.

2) Where averaging is allowed for a required upper-level setback, the measurement shall be taken horizontally from points directly above the lot line to the ((~~façade~~)) facade of the structure at the height where the upper-level setback is required.

2. Landscaping. Required ground-level setbacks shall be landscaped, and may include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and other amenities or landscaped areas approved by the Seattle Department of Construction and Inspections are permitted in required ground-level setbacks.

3. Limit on ((~~C~~))commercial ((~~U~~))uses. Commercial uses are prohibited within 80 feet of the street property line of Northeast 66((~~th~~))th Street, except within 50 feet of the

intersections of Northeast 66((th))th Street with Brooklyn Avenue Northeast, 14((th))th Avenue Northeast, 12((th))th Avenue Northeast, and 15((th))th Avenue Northeast, as shown on Map ((A)) B for 23.47A.009.

4. Housing units on the ground floor. All housing units with a ((façade)) facade that faces Northeast 66((th))th Street with no intervening housing units or commercial uses between the housing unit and the Northeast 66((th))th Street lot line, and located on the first floor of a building, shall have the primary pedestrian entrance to each housing unit directly accessible from the exterior of the structure rather than a primary pedestrian entry through a common entrance hallway.

5. Underground ((P))parking. Parking shall be located below grade, except a portion of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is lower, provided that the parking that extends above grade is fully screened from direct street view by the street-facing ((façade))facade of the structure or by landscaping.

Section 4. Ssection 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.47A.014 Setback requirements

A. Definition. For the purposes of this Section 23.47A.014, "portions of structures" include those features listed in subsection 23.47A.012.C, Rooftop features.

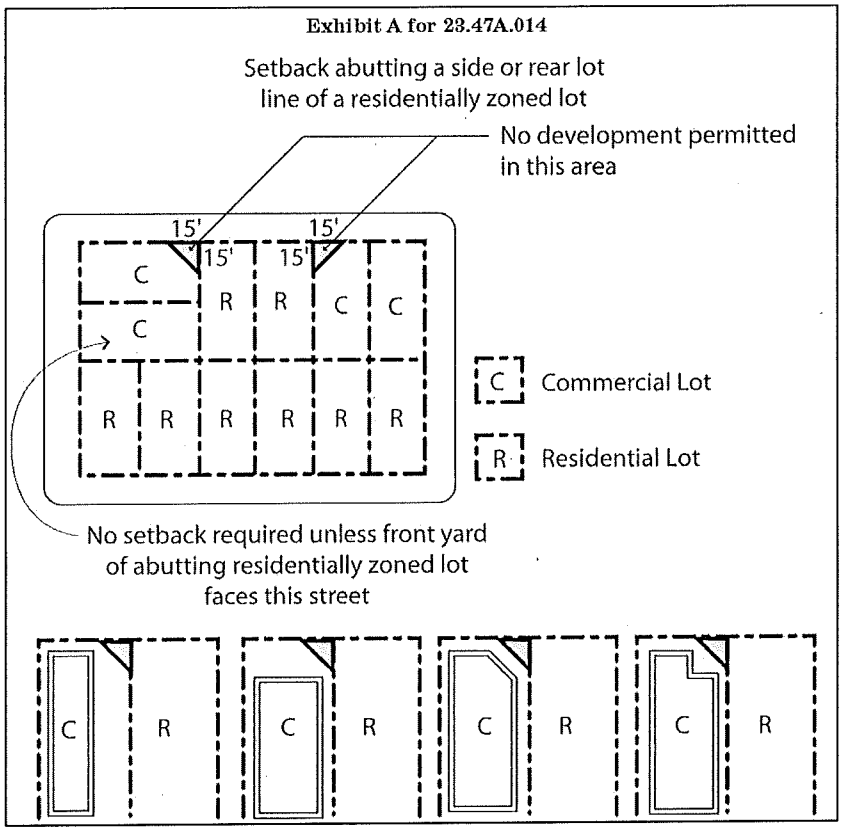
B. Setback requirements for lots abutting or across the alley from residential zones

1. A setback is required where a lot abuts the intersection of a side lot line and front lot line of a lot in a residential zone. The required setback forms a triangular area. Two sides of the triangle extend along the street lot line and side lot line 15 feet from the intersection of the residentially zoned lot's front lot line and the side lot line abutting the residentially zoned

lot. The third side connects these two sides with a diagonal line across the commercially-zoned lot (Exhibit A for 23.47A.014).

Exhibit A for 23.47A.014

Seatback abutting a side or rear lot line of a residentially zoned lot



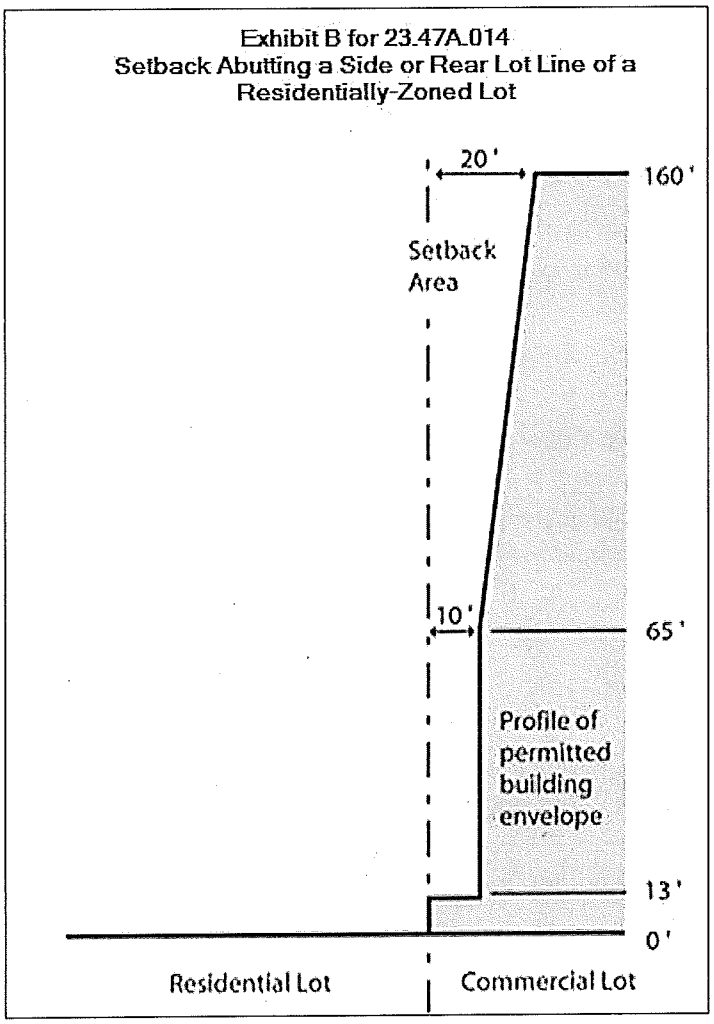
2. A setback is required along any rear or side lot line that abuts a lot in a residential zone or that abuts a lot that is zoned both commercial and residential if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:

a. Ten feet for portions of structures above 13 feet in height to a maximum of 65 feet; and

b. For each portion of a structure above 65 feet in height, additional setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion exceeds 65 feet (Exhibit B for 23.47A.014).

Exhibit B or 23.47A.014

Setback Abutting a Side or Rear Lot Line of a Residentially-Zoned Lot



3. For a structure containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a residential zone, or that abuts a lot that is zoned both commercial and residential if the

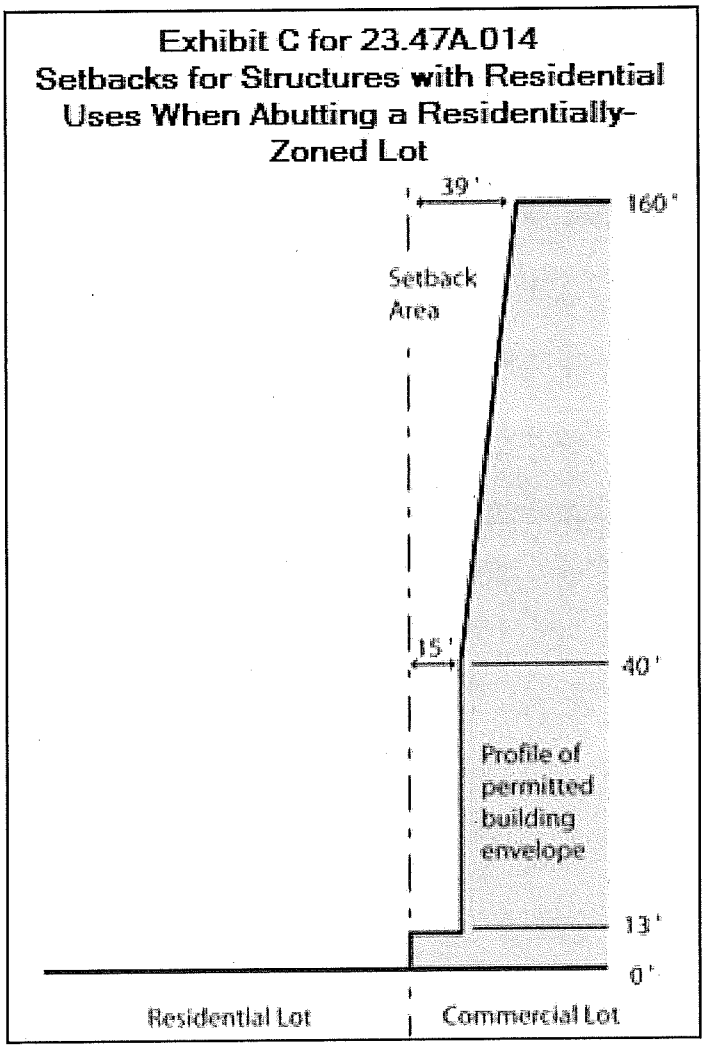
commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:

a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and

b. For each portion of a structure above 40 feet in height, additional setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion exceeds 40 feet (Exhibit C for 23.47A.014).

Exhibit C for 23.47A.014

Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot



4. One-half of the width of an abutting alley may be counted as part of the required setback. For the purpose of this Section 23.47A.014, the alley width and the location of the rear lot line shall be determined prior to any dedication that may be required for alley improvement purposes.

5. No entrance, window, or other opening is permitted closer than 5 feet to an abutting residentially-zoned lot.

C. A minimum ((~~five (~~))5((~~)~~)) foot landscaped setback may be required under certain conditions and for certain uses according to Section 23.47A.016, Screening and landscaping standards.

D. Mobile ((~~Home Parks~~)) home parks. A minimum ((~~five (~~))5((~~)~~)) foot setback is required along all street lot lines of a mobile home park. The setback must be landscaped according to the provisions of ((~~Section 23.47A.016 D2~~)) subsection 23.47A.016.D.2.

E. Structures in required setbacks

1. Decks and balconies((~~.~~))

a. Decks with open railings may extend into the required setback, but are not permitted within ((~~five (~~))5((~~)~~)) feet of a lot in a residential zone, except as provided in subsection ((~~E1b~~)) 23.47A.014.E.1.b.

b. Decks that are accessory to residential uses and are no more than ((~~eighteen (~~))18((~~)~~)) inches above existing or finished grade, whichever is lower, are permitted within ((~~five (~~))5((~~)~~)) feet of a lot in a residential zone.

2. Eaves, cornices, and gutters projecting no more than ((~~eighteen (~~))18((~~)~~)) inches from the structure facade are permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than ((~~five ()~~)5(())) feet in width, are permitted in required setbacks.

5. Fences, bulkheads, freestanding walls, and other similar structures((.))

a. Fences, freestanding walls, and other similar structures ((~~six ()~~)6(())) feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The ((~~six ()~~)6(())) foot height may be averaged along sloping grade for each ((~~six ()~~)6(())) foot long segment of the fence, but in no case may any portion of the fence exceed ((~~eight ()~~)8(())) feet.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to ((~~six ()~~)6(())) feet in height, measured above existing grade. A guardrail no higher than ((~~forty-two ()~~)42(())) inches may be placed on top of a bulkhead or retaining wall existing as of September 30, 1994 ((~~the date of the ordinance codified in this section~~)). If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to ((~~nine and one-half ()~~)9 1/2((~~½~~))) feet.

c. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or ((~~six ()~~)6(())) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds ((~~six ()~~)6(())) feet, an open guardrail of no more than ((~~forty-two ()~~)42(())) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of ((~~three ()~~)3(())) feet from such a bulkhead or retaining wall.

6. Setback requirements do not limit underground structures.

7. Detached solar collectors are permitted in required setbacks. Such collectors may be no closer than ((~~five (~~))5((~~)~~)) feet to any other principal or accessory structure, and no closer than ((~~three (~~))3((~~)~~)) feet to any lot line that abuts a residentially-zoned lot.

8. Dumpsters and other trash receptacles, except for trash compactors, located outside of structures are not permitted within ((~~ten (~~))10((~~)~~)) feet of any lot line that abuts a residential zone and must be screened per the provisions of ((~~section~~))Section 23.47A.016.

9. ((~~Above-grade~~)) ((g))Green stormwater infrastructure (GSI) features are allowed without setback restrictions if:

a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

b. Each above-grade GSI feature is less than 4 feet wide; and

c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

10. Above-grade GSI features larger than what is allowed in subsection 23.47A.014.E.9 are allowed within a required setback if:

a. Above-grade GSI features do not exceed 10 percent coverage of any one setback area;

b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; ((~~and~~))

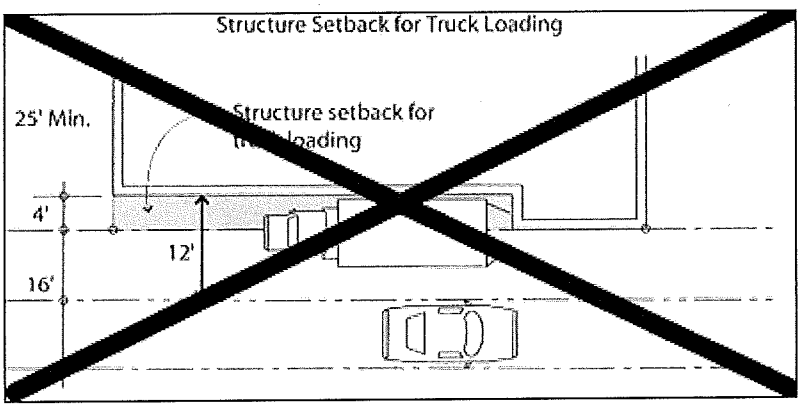
c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area((~~.~~)); and

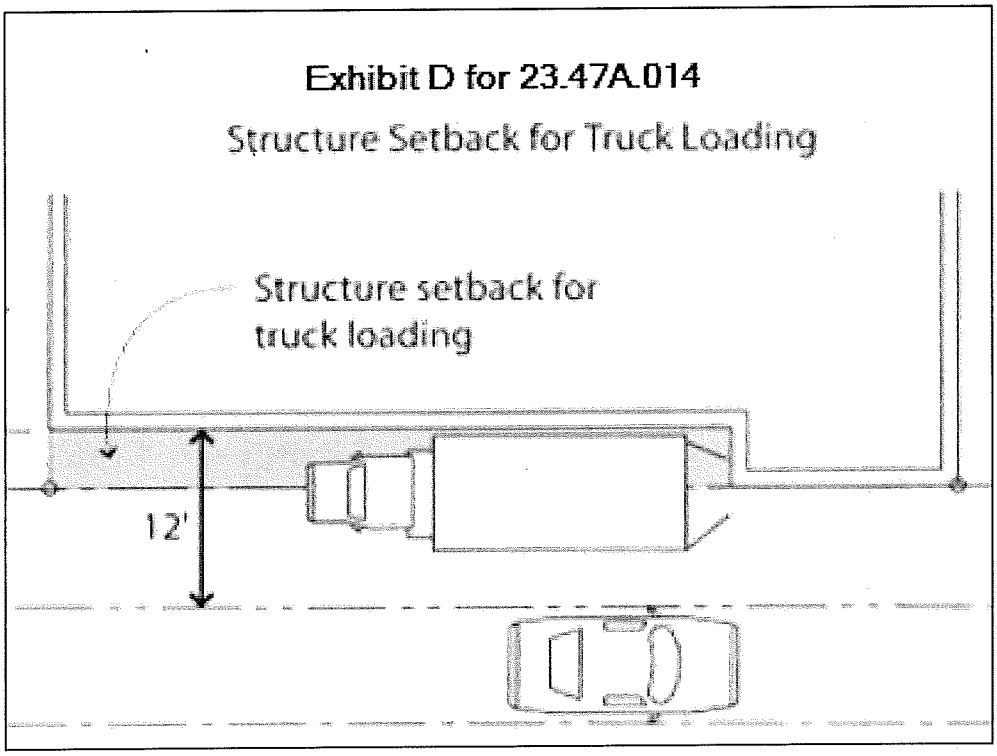
d. Above-grade GSI features meet all applicable Building Code and Plumbing Code requirements.

F. Setback requirement for loading adjacent to an alley. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley (Exhibit D for 23.47A.014). This setback must be maintained up to a height of 12 feet.

Exhibit D for 23.47A.014

Structure Setback for Truck Loading





G. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.

Section 5. Section 23.86.012 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.86.012 Multifamily <u>and commercial</u> zone setback measurement

A. Setback averaging. In multifamily <u>and commercial</u> zones, certain required setbacks may be averaged. In such cases the following provisions apply:

1. The average front and rear setbacks are calculated based on the entire width of the structure;

2. The average side setbacks are calculated based on the entire depth of the structure;

3. Setbacks are measured horizontally from the lot line to the facade of the structure. The facade(s) used in calculating the average and minimum setback requirements shall be those facades that are nearest to that lot line except that any features allowed to project into the setback are excluded.

* * *

Section 6. 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 25th day of July, 2016, and signed by me in open session in authentication of its passage this 25th day of July, 2016.

President _____ of the City Council

Approved by me this 29th day of July, 2016.

Edward B. Murray, Mayor

Filed by me this 29th day of July, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A – Bitter Lake Village Hub Urban Village Rezone A
Exhibit B – Bitter Lake Village Hub Urban Village Rezone B
Exhibit C – Bitter Lake Village Hub Urban Village Rezone C

[For Ordinance 125081 / CB 118674]

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Office of Planning and Community Development	David W Goldberg 615-1447	Melissa Lawrie / 684-5805

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map at pages 3 and 13 to rezone land in the Bitter Lake Village Hub Urban Village; and amending Sections 23.47A.005, 23.47A.009, 23.47A.014 and 23.86.012 of the Seattle Municipal Code to change regulations for street-level uses, designate Linden Avenue North as a principal pedestrian street, and adopt development standards for certain properties in the Bitter Lake Village Hub Urban Village.

Summary and background of the Legislation:
The Office of Planning and Community Development (OPCD) is recommending a series of rezones and Land Use Code amendments to carry out key actions identified by the community during the recent Broadview – Bitter Lake – Haller Lake (BBH) Neighborhood Plan Update (2012). These are intended to:

- Create a walkable dense, mixed-use neighborhood center along the newly reconstructed Linden Ave. N;
- Encourage future development that builds on recent multifamily and mixed-use development along Linden Ave. N;
- Support the neighborhood's pedestrian and transit orientation around N 135th St and Aurora Ave. N; and
- Strengthen Aurora Avenue as a regional commercial center and source of jobs, while enhancing its fit with surrounding communities.

These amendments are the product of a two year neighborhood plan update process that engaged a broad cross section of the community through hands-on workshops, interactive meetings with community-based organizations, conversations with property owners, questionnaires and other means. All of the proposed rezones are within the current boundaries of the Bitter Lake Village Hub Urban Village and are within areas designated Commercial/Mixed Use on the Comprehensive Plan's Future Land Use Map. The Director's Report includes analysis of the proposed rezones using rezone criteria from the Code and consistency with the Comprehensive Plan. OPCD has completed an associated environmental analysis (SEPA) and made a determination of non-significance. OPCD recommends adoption of the rezone proposals.

2. CAPITAL IMPROVEMENT PROGRAM

____ **This legislation creates, funds, or amends a CIP Project.**

3. SUMMARY OF FINANCIAL IMPLICATIONS

__X__ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

IT Costs
This proposal is a legislative rezone. Any such rezone has fiscal impacts to Seattle Department of Construction and Inspections' (SDCI) Information Technology (IT) division. Following a legislative rezone the IT division must update all GIS maps and zoning records in SDCI's permit systems for each parcel within the rezone boundaries. This work will be covered by existing resources in SCDI's IT division.

SDCI training and implementation
New code standards within recommendations of this scope are anticipated to have a minor effect on permit review staff at SDCI. Training is needed to ensure that reviewers are aware of the new provisions, and that the policy intent is clear for implementation. This training will be incorporated within the existing training and coordination schedule.

b) Is there financial cost or other impacts of not implementing the legislation?
There is no direct cost of not implementing the legislation. The amendments are intended to result in development that meets the intent of the BBH neighborhood plan. If the new section is not adopted, developments would be more likely to occur in a manner that is not supportive of that plan's vision for a village center.

c) Does this legislation affect any departments besides the originating department?
See above – SDCI.

d) Is a public hearing required for this legislation?
The City Council is required to hold a public hearing on the proposal and will conduct a public hearing during their review of the proposed legislation anticipated to be held in early 2016.

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
Publication is in The Daily Journal of Commerce as required for public hearing.

g) Does this legislation affect a piece of property?
The proposed rezone affects 30 parcels.

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?
This legislation is not anticipated to negatively impact vulnerable or historically disadvantaged communities. OPCD developed the proposals in the legislation through an inclusive engagement process conducted with the assistance of Public Outreach and Engagement Liaisons who worked with elderly, Latino, youth, Somali and renter communities.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.
Not applicable

j) Other Issues: None

List attachments/exhibits below: None

STATE OF WASHINGTON – KING COUNTY

--ss.

340355 No. 125081,82,83,84,85,86,87

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:TITLE ONLY ORDINANCES

was published on

08/08/16

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

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

Subscribed and sworn to before me on

08/08/2016

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle
Title Only Ordinances

The full text of the following legislation, passed by the City Council on July 25, 2016 and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Ordinance 125081

Council Bill 118674

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map at pages 3 and 13 to rezone land in the Bitter Lake Village Hub Urban Village; and amending Sections 23.47A.005, 23.47A.009, 23.47A.014 and 23.86.012 of the Seattle Municipal Code to change regulations for street-level uses, designate Linden Avenue North as a principal pedestrian street, and adopt development standards for certain properties in the Bitter Lake Village Hub Urban Village.

Ordinance 125082

Council Bill 118712

AN ORDINANCE relating to the for-hire industry, including wheelchair accessible taxis and for-hire industry insurance; amending Sections 6.310.260, 6.310.300, and 6.310.500 and repealing Section 6.310.335 of the Seattle Municipal Code.

Ordinance 125083

Council Bill 118715

AN ORDINANCE related to increasing the Business License Tax Certificate Fee and amending Sections 5.30.060 and 5.55.030 of the Seattle Municipal Code.

Ordinance 125084

Council Bill 118716

AN ORDINANCE related to increasing the Business License Tax rates and amending Section 5.45.050 of the Seattle Municipal Code.

Ordinance 125085

Council Bill 118721

AN ORDINANCE relating to the Seattle Department of Transportation's Next Generation Intelligent Transportation System; authorizing the Director of the Department of Transportation to acquire, accept, and record, on behalf of The City of Seattle, a deed for street purposes for a portion of Block A, City Gardens, from Rainier TT LLC, a Washington limited liability company; laying off, opening, widening, extending, establishing, and designating the property for street purposes; placing the real property conveyed by such deed under the jurisdiction of the Department of Transportation; and ratifying and confirming certain prior acts.

Ordinance 125086

Council Bill 118723

AN ORDINANCE relating to the Seattle Department of Transportation jurisdictional property located in Lots 1, 2, and 3, Block 13, Lake View Addition to the City of Seattle, commonly referred to as 805 NE Northlake Place ("Property") and declaring it as surplus to the City's needs; superseding in part Ordinance 114502 relating to the sale of the Property; authorizing the sale of the Property for fair market value through a negotiated sale to the University of Washington, and if such sale is not completed within one year of being offered for sale then through an open and competitive sales process to be managed by the Department of Finance and Administrative Services; authorizing the Director of Transportation, or his designee, to execute all necessary documents to accomplish the sale of the Property; and designating the proceeds from the sale.

Ordinance 125087

Council Bill 118724

AN ORDINANCE accepting 22 limited purpose easements for public sidewalk, utility, alley turn-around, or public access purposes; placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, August 8, 2016.

8/8(340355)