



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119146

Record No.: CB 119146

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125518

In Control: City Clerk

File Created: 07/06/2017

Final Action: 01/22/2018

Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.42.106 and 23.42.118 of the Seattle Municipal Code (SMC); to modify standards for the expansion of nonconforming uses and structures.

### Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Mayor's Letter on Returning Bill Unsigned

Drafter: bonita.chinn@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

| Ver-<br>sion: | Acting Body:                                                                                                              | Date:      | Action:                                  | Sent To:                                                            | Due Date: | Return<br>Date: | Result: |
|---------------|---------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------|---------------------------------------------------------------------|-----------|-----------------|---------|
| 1             | Mayor                                                                                                                     | 07/25/2017 | Mayor's leg<br>transmitted to<br>Council | City Clerk                                                          |           |                 |         |
| 1             | City Clerk                                                                                                                | 07/25/2017 | sent for review                          | Council<br>President's Office                                       |           |                 |         |
|               | Action Text: The Council Bill (CB) was sent for review. to the Council President's Office                                 |            |                                          |                                                                     |           |                 |         |
|               | Notes:                                                                                                                    |            |                                          |                                                                     |           |                 |         |
| 1             | Council President's<br>Office                                                                                             | 08/04/2017 | sent for review                          | Parks, Seattle<br>Center, Libraries,<br>and Waterfront<br>Committee |           |                 |         |
|               | Action Text: The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Waterfront Committee |            |                                          |                                                                     |           |                 |         |
|               | Notes:                                                                                                                    |            |                                          |                                                                     |           |                 |         |

- 1 Full Council 11/27/2017 referred Parks, Seattle Center, Libraries, and Waterfront Committee
- Action Text: The Council Bill (CB) was referred. to the Parks, Seattle Center, Libraries, and Waterfront Committee
- Notes:
- 1 Parks, Seattle Center, Libraries, and Waterfront Committee 12/07/2017 discussed
- Action Text: The Council Bill (CB) was discussed.
- Notes:
- 1 Civic Development, Public Assets, and Native Communities Committee 01/12/2018 discussed
- Action Text: The Council Bill (CB) was discussed.
- Notes: A public hearing was held.
- 1 Civic Development, Public Assets, and Native Communities Committee 01/17/2018 pass Pass
- Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
- Notes:
- In Favor: 2 Chair Juarez, Vice Chair Bagshaw
- Opposed: 0
- Abstain: 1 Member González
- 1 Full Council 01/22/2018 passed Pass
- Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
- Opposed: 0
- 1 City Clerk 01/22/2018 submitted for Mayor's signature Mayor
- Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
- Notes:
- 1 Mayor 01/22/2018 returned unsigned
- 1 Mayor 01/22/2018 returned City Clerk
- 1 City Clerk 01/22/2018 attested by City Clerk
- Action Text: The Ordinance (Ord) was attested by City Clerk.
- Notes:
-



# City of Seattle

January 22, 2018

Monica Martinez Simmons  
Seattle City Clerk  
600 4<sup>th</sup> Avenue, 3<sup>rd</sup> Floor  
Seattle, WA 98124

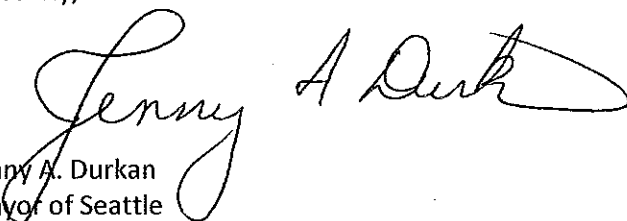
Dear Ms. Martinez Simmons,

I am returning Council Bill 119146. This legislation would allow the Seattle Asian Art Museum to expand subject to new development standards.

Pursuant to SMC 4.16.070.A.1.a., and to provide strict compliance with the Executive Director of the Seattle Ethics and Election Commission's interpretation of the Ethics Code, but without forfeiting any of the Powers and Duties granted to me as Mayor by the Charter of the City of Seattle, I have been recused from participating in the Seattle Asian Art Museum expansion. Due to my recusal from this matter I will not be signing this Council Bill 119146.

By returning this legislation unsigned, I understand that it will become law.

Sincerely,

  
Jenny A. Durkan  
Mayor of Seattle

**CITY OF SEATTLE**

**ORDINANCE** 125518

**COUNCIL BILL** 119146

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.106 and 23.42.118 of the Seattle Municipal Code (SMC); to modify standards for the expansion of nonconforming uses and structures.

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

Section 1. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

**23.42.106 Expansion of nonconforming uses**

A. A structure occupied by a nonconforming residential use may be maintained, repaired, renovated, or structurally altered, but may not be expanded or extended, except:

1. As otherwise required by law or as necessary to improve access for the elderly or disabled; or

2. To construct or modify minor structural features on the principal structure including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves, and solar collectors added to a principal structure, or a new or expanded accessory structure may be constructed; provided that the addition or new accessory structure conforms to the development standards of the zone.

3. To construct or expand an accessory structure, provided that the addition or new structure conforms to the development standards of the zone.

B. In addition to the standards in subsection 23.42.106.A, a structure in a single-family zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1                   1. The number of dwelling units shall not be increased, except as may be allowed  
2 pursuant to Section 23.40.040 or Section 23.44.015.

3                   2. For a nonconforming residential use that is not a multifamily use, except as  
4 may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents  
5 may not be increased beyond the maximum number that was allowed by the standards of the  
6 zone at the time of approval; if originally permitted by conditional use, the number shall not be  
7 allowed to increase above the number permitted by the conditional use approval.

8                   3. An expansion of no more than 500 square feet of gross floor area, meeting the  
9 development standards for single-family construction and not exceeding the average height of  
10 the closest principal structures on either side, is allowed.

11                   4. An expansion greater than 500 square feet of gross floor area and/or exceeding  
12 the average height of the closest principal structures on either side may be approved by the  
13 Seattle Department of Construction and Inspections through a special exception, Type II Master  
14 Use Permit, if the proposed expansion meets the development standards for single-family  
15 construction and is compatible with surrounding development in terms of:

- 16                   a. Architectural character;  
17                   b. Existing streetscape and pattern of yards; and  
18                   c. Scale and proportion of principal structures.

19                   5. If an addition proposed under ((subsections)) subsection 23.42.106.B.3 or  
20 23.42.106.B.4 would require additional parking under the requirements of Section 23.54.015 for  
21 multifamily structures, that additional parking must be provided.

22                   C. In multifamily zones, except in Lowrise 1 (LR1) zones, dwelling units may be added  
23 to a structure containing one or more nonconforming uses, even if in a structure nonconforming

1 to development standards; provided that limitations on density shall apply. The structure may be  
2 expanded or extended, provided that the expansion or extension shall be for residential use, shall  
3 conform to the development standards of the zone, and shall not cause an already nonconforming  
4 structure to become more nonconforming to development standards.

5 D. A nonconforming nonresidential use shall not be expanded or extended, except as  
6 follows:

7 1. A structure occupied by a nonconforming nonresidential use may be  
8 maintained, repaired, renovated, or structurally altered but shall not be expanded or extended  
9 except as otherwise required by law, as necessary to improve access for the elderly or disabled or  
10 as specifically permitted elsewhere in this Code.

11 2. In the Seattle Mixed zone, general manufacturing uses exceeding ~~((twenty-five~~  
12 ~~thousand (25,000)))~~ 25,000 square feet of gross floor area and heavy manufacturing uses may be  
13 expanded or extended by an amount of gross floor area not to exceed ~~((twenty (20)))~~ 20 percent  
14 of the existing gross floor area of the use, provided that this exception may be applied only once  
15 to any individual business establishment.

16 3. The Seattle Asian Art Museum building and use located in Volunteer Park, as it  
17 exists on January 1, 2017, may be expanded subject to the following development standards:

18 a. Except as provided in this subsection 23.42.106.D.3, the development  
19 standards of Chapter 23.44 do not apply.

20 b. The building may be expanded one or more times but the gross floor  
21 area of all expansions combined and occurring after January 1, 2017, may not exceed 15,000  
22 square feet.

1                   c. No expansion may be located in a freestanding building that lacks a  
2 common wall with the building either as it existed on January 1, 2017, or as subsequently  
3 expanded.

4                   d. No expansion may exceed the elevation of the highest point of the  
5 building as it existed on January 1, 2017.

6                   e. Parking and loading for the proposed expansion is required as provided  
7 in Sections 23.54.015 and 23.54.035. As a Type I decision, the Director may reduce parking and  
8 loading requirements to an amount not less than the amount needed to provide adequate parking  
9 and loading facilities, as demonstrated to the satisfaction of the Director by a parking and loading  
10 study prepared by a licensed professional engineer and submitted to the Director by the  
11 applicant.

12                   f. Bicycle parking for the proposed expansion shall be provided in  
13 accordance with subsection 23.54.015.K.

14                   g. The street and sidewalk requirements of Chapter 23.53 do not apply.

15                   h. Exterior lighting shall be shielded or directed away from adjacent  
16 residentially zoned lots.

17                   i. Nothing in this Section 23.42.106 alters the authority of the Landmarks  
18 Preservation Board pursuant to the City's Landmarks Preservation Ordinance.

19           E. For purposes of this ~~((section))~~ Section 23.42.106, live-work units shall be deemed a  
20 nonresidential use.

21           F. Structures meeting applicable development standards for institutions in the applicable  
22 zone may be added to existing cemeteries, but existing cemeteries shall not be expanded in size.

For purposes of this ~~((section))~~ Section 23.42.106, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. ~~((the))~~ The change does not result in a net increase in the land area occupied by the cemetery;

2. ~~((the))~~ The land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley, whether or not improved; and

3. ~~((the))~~ The use of the land being added as a cemetery will not result in the loss of housing.

Section 2. Section 23.42.118 of the Seattle Municipal Code, last amended by Ordinance 120293, is amended as follows:

**23.42.118 Landmark structures ~~((:))~~**

A. Except as provided in subsection 23.42.118.C, ~~((Landmark))~~ landmark structures may be expanded even if the expansion increases the extent of nonconformity, when the Landmarks Board determines that there is no feasible alternative that meets the development standards of the zone while preserving the integrity of the landmark structure.

B. The Director may permit the proposed expansion if it is approved by the Landmarks Board and if:

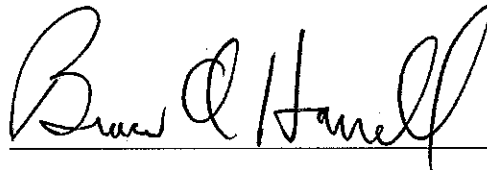
1. The expansion does not have a significant adverse effect on the light, air, solar, and visual access of properties within a ~~((three hundred (300)))~~ 300-foot radius; and

2. The expansion does not adversely affect the pedestrian environment in the vicinity.

1 C. The Seattle Asian Art Museum building located in Volunteer Park may be expanded  
2 as provided in subsection 23.42.106.D.3.  
3

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

7 Passed by the City Council the 22<sup>nd</sup> day of January, 2018,  
8 and signed by me in open session in authentication of its passage this 22<sup>nd</sup> day of  
9 January, 2018.

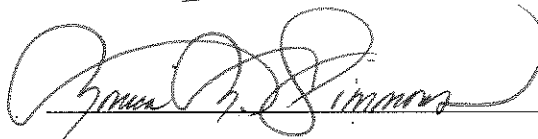
10 

11 President \_\_\_\_\_ of the City Council

12 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

13 \_\_\_\_\_  
14 Jenny A. Durkan, Mayor

15 Filed by me this 22<sup>nd</sup> day of January, 2018.

16 

17 Monica Martinez Simmons, City Clerk

18 (Seal)

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**STATE OF WASHINGTON -- KING COUNTY**

--SS.

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358450

No.

CITY OF SEATTLE, CLERKS OFFICE

**Affidavit of Publication**

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

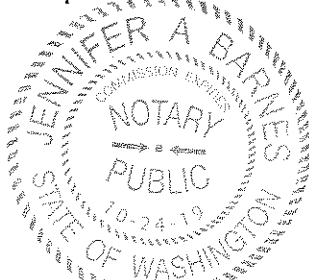
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125517-520 TITLE ONLY

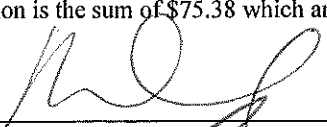
was published on

02/09/18

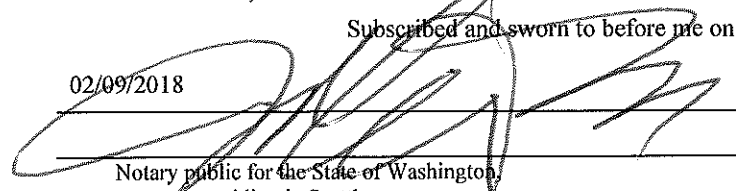
The amount of the fee charged for the foregoing publication is the sum of \$75.38 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

02/09/2018

  
Notary public for the State of Washington  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on January 22, 2018, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

### **Ordinance 125517**

#### **Council Bill 119150**

AN ORDINANCE relating to Volunteer Park; authorizing the Superintendent of Parks and Recreation to enter into a development agreement and lease with the Seattle Art Museum for the renovation and continued occupancy for recreation purposes of the building that has historically housed the Seattle Asian Art Museum; and ratifying and confirming certain prior acts.

### **Ordinance 125518**

#### **Council Bill 119146**

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.106 and 23.42.118 of the Seattle Municipal Code (SMC); to modify standards for the expansion of nonconforming uses and structures.

### **Ordinance 125519**

#### **Council Bill 119181**

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

### **Ordinance 125520**

#### **Council Bill 119168**

AN ORDINANCE amending Ordinance 125429 to modify the effective date of certain sections of that ordinance.

Date of publication in the Seattle Daily Journal of Commerce, February 9, 2018.

2/9(356450)