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**Council Bill Number:** 116349

**Ordinance Number:** 122829

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AN ORDINANCE relating to land use and zoning and the Sand Point Overlay District; amending the Official Land Use Map, Seattle Municipal Code (SMC) Chapter 23.32, to modify and rename the subarea boundaries of the Sand Point Overlay District; and amending Seattle Municipal Code Sections 23.72.004, 23.72.008, 23.72.010, and 23.84A.025.

**Status:** Passed as Amended

**Note:** Current Use Taxation Drainage Rates

**Vote:** 9-0

**Date filed with the City Clerk:** 2008/10/29

**Date of Mayor's signature:** 2008/10/21 ([about the signature date](#))

**Date introduced/referred to committee:** 2008/09/15

**Committee:** Parks and Seattle Center

**Sponsor:** RASMUSSEN

**Committee Recommendation:** Pass

**Index Terms:** LAND-USE-PLANNING, DEVELOPMENT-AND-INFRASTRUCTURE, PLANNING, MAGNUSON-PARK, REZONES, LAND-USE-REGULATIONS, RECREATIONAL-FACILITIES, PARKS

**Fiscal Note:** [Fiscal Note to Council Bill No. 116349](#)

**Electronic Copy:** [PDF scan of Ordinance No. 122829](#)

**Reference:** Related: [Clerk File 309622](#)

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**Text:**

AN ORDINANCE relating to land use and zoning and the Sand Point Overlay District; amending the Official Land Use Map, Seattle Municipal Code (SMC) Chapter 23.32, to modify and rename the subarea boundaries of the Sand Point Overlay District; and amending Seattle Municipal Code Sections 23.72.004, 23.72.008, 23.72.010, and 23.84A.025.

BE 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 modify and rename the sub-area boundaries of the Sand Point Overlay District located on Plat 8W, page 49, Plat 8E, page 48, Plat 17E, page 66, and Plat 17W, page 65 of the official Land Use Map as shown on Attachment 1 attached to this ordinance.

Section 2. Section 23.72.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

23.72.004 Sand Point Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Sand Point Overlay District, including comprised of twothree subareas - A, and B, and C. Subarea A includes one area zoned Single Family 7200 (SF 7200), Subarea B includes one area zoned SF 7200, and Subarea C includes three areas zoned L3, as shown on the City's Official Land Use Map, Chapter 23.32, and Map A for 23.72.004. The Sand Point Overlay District includes the Naval Station Puget Sound Sand Point Historic District, shown on Map B for 23.72.004 and eligible to be listed on the National Register of Historic Places.

\* \* \*

[Map B for 23.72.004 - Naval Station Puget Sound Sand Point Historic District](#)

Section 3. Map A of Section 23.72.004 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended by replacing Map A with a new Map A as follows:

[23.72.004 Sand Point Overlay District established](#)

[23.72.004 Sand Point Overlay District established](#)

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Section 4. Section 23.72.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.

A. Within Subarea A depicted on Map A for 23.72.004, any area not occupied by structures in existence as of July 18, 1997, paved parking areas in existence as of July 18, 1997, or rights-of-way in existence as of July 18, 1997, is limited to open space uses such as parks and playgrounds.

B. Uses Permitted Within Portions of Subarea B ~~Zoned Single-family as Depicted~~ depicted on Map A.

1. Principal Uses Permitted Outright. In addition to the principal uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in Subarea B as depicted on Map A for 23.72.004, subject to subsection B4 in structures existing as of July 18, 1997, in all portions of Subarea B that are in single-family zones.:

a. Custom and craft work ~~and accessory retail sales and services;~~

b. Dry boat storage, limited to storage of non- motorized, hand-launchable boats such as kayaks, canoes and sail boats;

c. Indoor and outdoor sports and recreation;

~~b.d.~~ Institutions, except hospitals;

~~e.e.~~ Lecture and meeting halls;

~~d.~~ Motion picture studios;

f. Motion picture theater not to exceed 500 seats within Building 47;

g. Offices, limited to a total of 86,000 gross square feet in the entire subarea;

h. Performing arts theaters;

~~e.~~ Indoor and outdoor sports and recreation;

~~f.~~ Police training facilities;

~~g.i.~~ Research and development laboratories;

j. Restaurants without drive-in lanes, limited to no more than 2,500 square feet per business establishment;

~~h.k.~~ Storage of fleet vehicles including and accessory service and repair;~~and~~

~~i.l.~~ Warehouses; ~~and~~

m. General retail sales and service, up to 6,000 square feet per business establishment.

2. Accessory Uses. Accessory uses that meet the following standards and that are customarily incidental to the principal uses permitted outright, are permitted outright:

a. The area devoted to the accessory use is limited no more than 20 percent of the gross floor area of the principal use it serves;

b. Only principal uses permitted by this section and by the applicable provisions of Chapter 23.60 are allowed as accessory uses.

3. When not in use as a motion picture studio, a structure with an established use as a motion picture studio as of July 18, 1997 may be used for indoor and outdoor sports and recreation.

~~34. Within Subarea A, Park Area depicted on Map A, area~~ Any area not occupied by existing structures in existence as of July 18, 1997, existing paved parking areas in existence as of July 18, 1997, or rights-of-way in existence as of July 18, 1997, is limited to open space, dry boat storage or recreation uses , such as parks and playgrounds.

~~BC. Uses Permitted Within Portions of Subarea C B Zoned Lowrise 3 as Depicted depicted on Map A. In addition to the uses permitted outright in accordance with Section 23.45.00423.45.006, the following principal uses are permitted outright in Subarea C as depicted on Map A for 23.72.004 within structures existing as of July 18, 1997, in the portions of Subarea B zoned L3:~~

1. Food processing;

2. Horticulture;

3. Institutions, except hospitals;

4. Lecture and meeting halls;

5. Medical service uses, excluding animal health services, mortuary and funeral services; and

6. Offices, in structures in existence as of July 18, 1997,; and

~~7. Restaurants.~~

Section 5. Section 23.72.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

23.72.010 Development standards.

A. Within areas zoned single-family, changes of use within existing structures that are subject to SEPA requirements in Seattle Municipal Code Chapter 25.05 and new structures shall conform to the development standards for single-family development in Chapter 23.44, Residential Single-family, except as modified in subsections D-H of this section and except as provided in section 23.72.012.

B. Within areas zoned Lowrise 3, changes of use within existing structures that are subject to SEPA requirements in Seattle Municipal Code Chapter 25.05 and new structures shall conform to the development standards of Chapter 23.45

applicable to Lowrise 3 development, except as modified in subsections D - H of this section and except as provided in Section 23.72.012.

C. Density. A maximum of two hundred (200) dwelling units may be established within the boundaries of the Sand Point Overlay District. Residential uses provided by the University of Washington shall not count toward the maximum site density established in this subsection.

D. New structures. Demolition of existing structures and construction of new structures in the Sand Point Overlay District are permitted if in compliance with the following provisions and if consistent with the Sand Point Historic Properties Reuse and Protection Plan, dated April 1998, as documented by a letter from the State Historic Preservation Officer certifying that the proposal is consistent with the Plan:

1. Any new structure shall be located on and limited to the footprint of a structure that existed on the site as of July 18, 1997, except for:

a. an indoor and outdoor tennis center to be located within Subarea B as depicted on Map A for 23.72.004,

b. affordable housing structures to be located within L3 zoned portions of the overlay district, and

c. dry boat storage.

2. In determining the footprint of structures existing on July 18, 1997, interior courtyards enclosed by three or more building walls at least 10 feet in height may be included as part of the footprint.

3. Except for a proposed new tennis center in Subarea B, for which the height limit is 45 feet, and except for any new structure used for nonmotorized dry boat storage, for which the height limit is 15 feet, the height limit of a new structure is the greater of the height limit of the underlying zone or the height of the structure that existed on the same site as the new structure as of July 18, 1997.

E. Rooftop features on existing non-residential structures. Stair penthouses, elevator penthouses and mechanical equipment on non-residential structures in existence as of July 18, 1997 may extend up to the higher of 15 feet above the maximum height limit or 15 feet above the roof elevation existing as of July 18, 1997, so long as the combined total coverage of all rooftop features above the roof elevation does not exceed (1) 25 percent of the roof area, if the rooftop features do not include screened mechanical equipment, or (2) 30 percent of the roof area, if the combined features include screened mechanical equipment. The addition of rooftop features is permitted only if also consistent with the Sand Point Historic Properties Reuse and Protection Plan, dated April 1998, and the U.S. Secretary of the Interior's Standards for Rehabilitation, as evidenced by a letter of approval from the State Historic Preservation Officer.

F. Lighting. Changes of use within existing structures that are subject to SEPA requirements in Seattle Municipal Code Chapter 25.05 and all new structures shall comply with the following lighting standards:

1. Exterior lighting shall be shielded and directed away from adjacent uses.

2. Exterior lighting shall not exceed the height of the structure on which it is

located or the height limit of the underlying zone in which it is located, whichever is less.

3. All exterior lighting features shall be consistent with the Sand Point Historic

Properties Reuse and Protection Plan, dated April 1998, and the U.S. Secretary of the Interior's

Standards for Rehabilitation, as evidenced by a letter of approval from the State Historic Preservation Officer.

G. Solid waste and recycling storage space. Changes of use within existing structures that are subject to SEPA

requirements in Seattle Municipal Code Chapter 25.05 and all new structures shall provide storage space for solid waste containers in accordance with the following table:

Table A for 23.72.010 Solid Waste and Recyclable Materials Storage Space Standards

Structure size Minimum area Container type

0-5,000 square feet 82 square feet Rear-loading

5,001 - 15,000 square 125 square feet Rear-loading feet

15,001-50,000 square 175 square feet Front-loading feet

Over 50,000 square 225 square feet Front-loading feet

1.The storage space shall comply with the following standards:

a. The storage space shall have no horizontal dimension (width and depth) less than 6 feet.

b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface).

c. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

d. The storage space shall be located adjacent to the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street.

e. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure.

f. The storage space shall not block or impede any fire exits, any public rights-of-ways or any pedestrian or vehicular access.

g. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

h. Access standards:

(1). For rear-loading containers:

(a) Any ramps to the storage space shall have a 6 percent slope or less, and

(b) Any gates or access routes shall be a minimum of 6 feet wide; and

(2) For front-loading containers:

(a) Direct access shall be provided from the alley or street to the containers.

(b) Any gates or access routes shall be a minimum of 10 feet wide, and

(c) If accessed directly by a collection vehicle into a structure, a 21 - foot overhead clearance shall be provided.

2. The solid waste and recyclable materials storage space specifications required in subsection 1 shall be included on the plans submitted with the permit application in addition to the numbers and sizes of containers.

3. The Director, in consultation with the Director of Seattle Public Utilities, may grant departures from the requirements of subsection 1, as a Type I Master Use Permit decision,

if the applicant proposes alternative workable measures that meet the intent of this subsection.

4. All solid waste and recyclable storage features shall be consistent with the Sand Point Historic Properties Reuse and Protection Plan, dated April 1998, and the U.S. Secretary of the Interior's Standards for Rehabilitation, as evidenced by a letter of approval from the State Historic Preservation Officer.

H. Landscaping. Changes of use within existing structures that are subject to SEPA requirements in Seattle Municipal Code Chapter 25.05 and all new structures shall comply with the following landscape standards:

1. Street trees along dedicated rights of way shall be provided pursuant to the requirements and exceptions in the underlying zone.

2. Landscaping of surface parking areas.

a. Surface parking areas shall be landscaped as follows:

Number of spaces Required landscaped area

20 to 50 18 square feet per parking space

51-99 25 square feet per parking space

100 or more 35 square feet per parking space

b. Each landscaped area shall be no smaller than 100 square feet and shall be enclosed by permanent curbs or structural barriers.

c. No part of a landscaped area shall be less than 4 feet in any dimension except those parts created by turning radii or angles of parking spaces.

d. No parking space shall be more than 60 feet from a required landscaped area.

e. Landscaping that meets the dimension standards in this subsection may be provided in above-ground containers or similar planting areas.

3. Surface parking areas shall be screened from direct street view by a minimum of 3- foot high landscaped areas.

4. To provide pedestrian and vehicular access, breaks not to exceed the width of any required curbcuts or sight triangles are permitted in required landscaping.

5. All landscaping features shall be consistent with the Sand Point Historic Properties Reuse and Protection Plan, dated April 1998, and the U.S. Secretary of the Interior's Standards for Rehabilitation, as evidenced by a letter of approval from the State Historic Preservation Officer.

Section 6. The following subsection of Section 23.84A.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

23.84A.025 "M."

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"Medical services" means a commercial use in which health care for humans or animals ("animal health services") is provided on an outpatient basis, including but not limited to offices for doctors, dentists, veterinarians, chiropractors, and other health care practitioners, or in which mortuary or funeral services are provided. Permitted accessory uses include associated office, research and laboratory uses.

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Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2008, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2008. \_\_\_\_\_ President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2008. \_\_\_\_\_ Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2008. \_\_\_\_\_ City Clerk

[Attachment 1: Rezone Map/Overlay District Boundaries](#)

October 15, 2008 Version #8 ta