
Council Bill Number: 117047

Ordinance Number: 123565

AN ORDINANCE relating to land use and zoning, allowing principal use parking as an interim use on eligible lots in all zones within the Station Area Overlay District in Southeast Seattle, except within the boundaries of the North Beacon Hill station area, and on lots occupied or owned by institutions within one quarter mile of a light rail station, where principal use parking is not otherwise permitted, providing for waiver of development standards, amending Sections 23.42.040, 23.76.004, 23.76.006, and 23.76.032 of the Seattle Municipal Code.

Status: Passed

Note: Originally referred to Seattle Public Utilities and Neighborhoods Committee on 1/18/11.

Vote: 9-0

Date filed with the City Clerk: 2011/03/31

Date of Mayor's signature: 2011/03/22 ([about the signature date](#))

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Committee: Built Environment

Sponsor: CLARK

Committee Recommendation: Pass

Index Terms: NORTH-BEACON-HILL, PARKING, LIGHT-RAIL-TRANSIT, PUBLIC-TRANSIT, LAND-USE-REGULATIONS, MOTOR-VEHICLES

Fiscal Note: [Fiscal Note to Council Bill No. 117047](#)

Electronic Copy: [PDF scan of Ordinance No. 123565](#)

Reference: Related: [Clerk File 311118](#)

Text:

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, allowing principal use parking as an interim use on eligible lots in all zones within the Station Area Overlay District in Southeast Seattle, except within the boundaries of the North Beacon Hill station area, and on lots occupied or owned by institutions within one quarter mile of a light rail station, where principal use parking is not otherwise permitted, providing for waiver of development standards, amending Sections 23.42.040, 23.76.004, 23.76.006, and 23.76.032 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123106, is amended as follows:

23.42.040 Intermittent ~~and~~ temporary and interim uses ~~((-))~~

The Director may grant, deny or condition applications for the following intermittent ~~or~~ temporary or interim uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one ((~~(1)~~)) year may be authorized for any use that occurs no more than two ((~~(2)~~)) days per week and does not involve the erection of a permanent structure, provided that:

- a. The use shall not be materially detrimental to the public welfare; and
- b. The use shall not result in substantial injury to the property in the vicinity; and
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.

B. Temporary Four ((~~(4)~~)) Week Use. A Master Use Permit for a time period of up to four ((~~(4)~~)) weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of sub section s 23.42.040. A. 1. a- 23.42.040.A.1. c ((~~above~~)).

C. Temporary Uses for Up to Six ((~~(6)~~))Months. A Master Use Permit for a time period of up to six ((~~(6)~~))months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of sub section s 23.42.040. A. 1. a- 23.42.040.A.1. c ((~~above~~)).

D. Boatbuilding Shelters.

1. A temporary use of premises, not involving the erection of any permanent structure, for the express purpose of sheltering the construction of boatbuilding projects by noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use Permit for a period of not more than one ((~~(1)~~)) year. One ((~~(1)~~)) year extensions may be granted by the Director for a period not to exceed four ((~~(4)~~)) years. The permit is subject to the following development standards:

- a. The boatbuilding shelter shall not detract from the general appearance of the neighborhood.
- b. The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.
- c. Measures which may be required to mitigate possible adverse impacts of the boatbuilding shelter may include, but are not limited to, restrictions on height, size, location or external treatment.

E. Temporary Relocation of Police and Fire Stations. A Master Use Permit may be issued for a period of 24 months or less for the temporary relocation of police and fire stations if the proposal complies with the criteria for approval of intermittent uses in subsections 23.42.040. A. 1. a((~~, b, and~~))-23.42.040.A.1. c, and if the proposal does not involve the construction of any permanent structure. A Master Use Permit for temporary relocation of police and fire stations may be renewed once for a period not to exceed 12 months.

F. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of subsection 23.42.040.F and subsection 23.60.023 if the structure or use is within the Shoreline District.

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.
2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.
3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior

to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

- a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Grading Code (Chapter 22.170) and the Stormwater Code (Chapters 22.800 through 22.808).
 - b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.
 - c. Best Management Practices. Construction activities on the site must comply with Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual.
 - d. Parking and Traffic.
 - (((-))1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.
 - (((-))2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of ((~~SMC~~)) Section 23.54.030.
 - e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.
 - f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.
 - g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.
 - h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a ((~~twenty-four~~ (-))24((+)) hour phone number to seek additional information or to report problems.
 - i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.
 - j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.
4. Site Restoration.
- a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.
 - b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.
 - c. Site restoration must generally be accomplished within ((~~one hundred eighty~~ (-))180((+)) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.

5. A ~~((master use permit))~~ Master Use Permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

G. Interim Use Parking.

1. Permitted use. A Master Use Permit may be issued for principal use surface parking in all zones within the Station Area Overlay District within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle corporate limits to the south, except within the boundaries of the North Beacon Hill station area, and in any zone on sites occupied or owned by established institutions within a quarter mile of a light rail station, including the North Beacon Hill light rail station.

2. Eligibility. A site is eligible for interim principal use surface parking if there is existing, legally established parking on the site, or if the site or a portion of the site was interrupted at any time since January 1, 2001 by a government agency for construction staging purposes, provided that no existing principal structures may be demolished to facilitate establishment of interim principal use parking.

3. Requirements.

a. A permit for interim principal use surface parking may be issued for a period not to exceed three years. A permit for interim principal use surface parking may not be renewed or extended, and a new permit to reauthorize the principal use surface parking shall not be issued.

b. A permit for interim principal use surface parking may not be issued for property that is located within a riparian corridor, a shoreline habitat, a shoreline habitat buffer, a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas.

4. Standards. The following standards for interim principal use surface parking shall be met:

a. Measures shall be incorporated to shield vehicle lights to minimize glare on nearby uses;

b. The site shall, at a minimum, be improved with a crushed rock surface;

c. If a barrier-free parking space is required pursuant to the Washington State Building Code, Chapter 11 or other applicable law, then the barrier-free space shall be located adjacent to a paved sidewalk or an area of the site sufficient to accommodate the barrier-free space shall be paved;

d. In order to meet the landscaping requirements of the respective zone in which the parking use is to be located, temporary landscaping provided in planter boxes or similar containers may be substituted for required landscaping on site as determined by the Director;

e. Lighting shall be provided by light poles or an equivalent substitute for light poles that are between 10 feet and 30 feet in height from finished grade, but no higher than the height limit of the zone in which the site is located, and placed at intervals sufficient to light the entire parking lot with uniformity, provided that the lighting is shielded and directed away from adjacent uses.

f. No more than 40 new parking spaces shall be established on any site where interim light rail parking is permitted, except that institutions within a quarter mile of a light rail station that are not within the boundaries of the Station Area Overlay District may establish up to 100 spaces for interim rail parking.

H. Authorized intermittent, temporary, and interim uses do not interrupt any legally established permanent use of a property.

Section 2. Exhibit 23.76.004 A of Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.76.004 Land use decision framework ((-))

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Table A for 23.76.004

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S

DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> * Compliance with development standards * Uses permitted outright * Temporary uses, four weeks or less * Intermittent uses * <u>Interim use parking authorized under subsection 23.42.040.G</u> * Certain street uses * Lot boundary adjustments * Modifications of features bonused under Title 24 * Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation * Temporary uses for relocation of police and fire stations * Exemptions from right-of-way improvement requirements 	<ul style="list-style-type: none"> * Temporary uses, more than four weeks, except for temporary relocation of police and fire stations * Variances * Administrative conditional uses * Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) * Short subdivisions * Special Exceptions * Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested * Light rail transit facilities * The following environmental determinations: <ul style="list-style-type: none"> 1. Determination of nonsignificance (EIS not 	<ul style="list-style-type: none"> * Subdivisions (preliminary plats)

* Special accommodation	required)	
* Reasonable accommodation	2. Determination of final EIS adequacy	
* Minor amendment to a Major Phased Development Permit	3. Determinations of significance based solely on historic and cultural preservation	
* Determination of public benefit for combined lot FAR	4. A decision by the Director to approve, condition or deny a project based on SEPA Policies	
* Determination of whether an amendment to a ((p)) Property ((&)) Use and Development Agreement is major or minor	5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)	
* Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested	* Major Phased Development	
* Other Type I decisions that are identified as such in the Land Use Code	* Downtown Planned Community Developments	

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
* Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023	* Land Use Code text amendments
* Public project approvals	* Area-wide amendments to the Official Land Use Map
* Major Institution master plans, including major amendments and renewal of a master plan's development plan component	* Concept approval for City facilities
* Major amendments to Property Use and Development ((&)) Agreements	* Major Institution designations
* Council conditional uses	* Waiver or modification of development standards for City facilities
	* Planned Action Ordinance

Section 3. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.76.006 Master Use Permits required ((-))

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects

requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, temporary uses for four weeks or less not otherwise permitted in the zone, interim use parking under subsection 23.42.040.G, and temporary relocation of police and fire stations for 24 months or less;

Section 4. Section 23.76.032.A of the Seattle Municipal Code, which section was last amended by Ordinance 123176, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

A. Expiration.

1. An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:
 - a. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.
 - b. A variance component of a Master Use Permit expires as follows:
 - 1) Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or a lot boundary adjustment run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.
 - 2) Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.
 - c. The time during which litigation is pending related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use if a building permit is not required, is not included in determining the expiration date of the Master Use Permit.
 - d. Master Use Permits with a Major Phased Development or Planned Community Development component under Section 23.47A.007, ((~~23.50.015~~)) 23.49.036 or ((~~23.49.036~~)) 23.50.015 expire as follows:
 - 1) For the first phase, three years from the date the permit is approved for issuance;
 - 2) For subsequent phases, expiration shall be determined at the time of permit issuance.
 - e. Temporary, interim, or intermittent use permits issued pursuant to Section 23.42.040 expire on the date stated in the permit.

* * *

Section 5. Subsection 23.42.040.G, which subsection is added by this Council Bill 117047, and all amendments to Sections 23.76.004, 23.76.006, and 23.76.032 adopted by this Council Bill 117047, expire on December 31, 2012.

Notwithstanding the expiration of subsection 23.42.040.G on December 31, 2012, a permit for an interim light rail parking use that is issued or approved for issuance prior to December 31, 2012, expires as provided in subsection 23.76.032.A.1.e.

Section 6. Reporting and evaluation. In order for the Council to determine whether any continuing interim land use measures are needed in station areas in southeast Seattle during the economic downturn, the Department of Planning and Development shall provide the City Council with a report on permit activity. This report shall include the following information on permit activity in station areas in southeast Seattle for the period January 1, 2010 to December 31, 2012: 1) the number and location of applications for interim use parking; 2) the number, type and value, if applicable, of all land use permits applied for or issued; and 3) the number of dwelling units and amount of commercial space associated with permit applications, active permits, and finalized permits. This report shall be delivered to Council within two years of the effective date of this Council Bill 117047.

Section 7. This ordinance shall take effect and be in force 30 days from and 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 ____ day of _____, 2011, and signed by me in open session in authentication of its passage this

____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)

v.8