

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.

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

5 C. Temporary Uses for Up to Six (~~(6)~~) Months. A Master Use Permit for a time period
6 of up to six (~~(6)~~) months may be authorized for any use that does not involve the erection of
7 any permanent structure and that meets the requirements of subsections 23.42.040.A.1.a-
8 23.42.040.A.1.c (~~(above)~~).

9 D. Boatbuilding Shelters.

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

16 a. The boatbuilding shelter shall not detract from the general appearance
17 of the neighborhood.

18 b. The structure, though temporary, shall be sturdy enough to withstand
19 inclement weather conditions.

20 c. Measures which may be required to mitigate possible adverse impacts
21 of the boatbuilding shelter may include, but are not limited to, restrictions on height, size,
22 location or external treatment.

1 E. Temporary Relocation of Police and Fire Stations. A Master Use Permit may be
2 issued for a period of 24 months or less for the temporary relocation of police and fire stations if
3 the proposal complies with the criteria for approval of intermittent uses in subsections
4 23.42.040.A.1.a((, b, and))-23.42.040.A.1.c, and if the proposal does not involve the construction
5 of any permanent structure. A Master Use Permit for temporary relocation of police and fire
6 stations may be renewed once for a period not to exceed 12 months.

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8 F. Light Rail Transit Facility Construction. A temporary structure or use that supports
9 the construction of a light rail transit facility may be authorized by the Director pursuant to a
10 Master Use Permit subject to the requirements of subsection 23.42.040.F and subsection
11 23.60.023 if the structure or use is within the Shoreline District.

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13 1. The alignment, station locations, and maintenance base location of the light
14 rail transit system must first be approved by the City Council by ordinance or resolution.

15 2. The temporary use or structure may be authorized for only so long as is
16 necessary to support construction of the related light rail transit facility and must be terminated
17 or removed when construction of the related light rail transit facility is completed or in
18 accordance with the MUP.

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20 3. The applicant must submit plans for the establishment of temporary
21 construction uses and facilities to the Director for approval. When reviewing the application, the
22 Director shall consider the duration and severity of impacts, and the number and special needs of
23 people and businesses exposed, such as frail, elderly, and special needs residents. Following
24 review of proposed plans and measures to mitigate impacts of light rail transit facility
25 construction, and prior to the issuance of any permits granting permission to establish
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1 construction facilities and uses, the Director may impose reasonable conditions to reduce
2 construction impacts on surrounding uses and area, including but not limited to the following:

3 a. Noise and Grading and Drainage. Noise impacts will be governed by
4 the Noise Control Ordinance (Chapter 25.08) and off-site impacts associated with grading and
5 drainage will be governed by the Grading Code (Chapter 22.170) and the Stormwater Code
6 (Chapters 22.800 through 22.808).

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8 b. Light. To the extent feasible, light should be shielded and directed
9 away from adjoining properties.

10 c. Best Management Practices. Construction activities on the site must
11 comply with Volume 2 of the Stormwater Director’s Rules, Construction Stormwater Control
12 Technical Requirements Manual.

13 d. Parking and Traffic.

14 ((f))1) Measures addressing parking and traffic impacts
15 associated with truck haul routes, truck loading and off-loading facilities, parking supply
16 displaced by construction activity, and temporary construction-worker parking, including
17 measures to reduce demand for parking by construction employees, must be included and must
18 be appropriate to the temporary nature of the use.
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20 ((f))2) Temporary parking facilities provided for construction
21 workers need not satisfy the parking requirements of the underlying zone or the parking space
22 standards of ((SMC)) Section 23.54.030.
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1 e. Local Businesses. The applicant must address measures to limit
2 disruption of local business, including pedestrian and/or auto access to business, loss of customer
3 activity, or other impacts due to protracted construction activity.

4 f. Security. The applicant must address site security and undertake
5 measures to ensure the site is secure at all times and to limit trespassing or the attraction of
6 illegal activity to the surrounding neighborhood.

7 g. Site/Design. The construction site should be designed in a manner that
8 minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility
9 around the site and through adjoining neighborhoods. Measures should also be undertaken to
10 ensure appropriate screening of materials storage and other construction activities from
11 surrounding streets and properties.

12 h. Public Information. Actions should be taken that will inform
13 surrounding residents and businesses of construction activities taking place and their anticipated
14 duration, including a ((~~twenty-four~~))24((~~hour~~)) hour phone number to seek additional information
15 or to report problems.

16 i. Weather. Temporary structures must be constructed to withstand
17 inclement weather conditions.

18 j. Vibration. The applicant must consider measures to mitigate vibration
19 impacts on surrounding residents and businesses.

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23 4. Site Restoration.

1 a. The applicant must also agree, in writing, to submit a restoration plan
2 to the Director for restoring areas occupied by temporary construction activities, uses or
3 structures.

4 b. The restoration plan must be submitted and approved prior to the
5 applicant vacating the construction site and it must include proposals for cleaning, clearing,
6 removing construction debris, grading, remediation of landscaping, and restoration of grade and
7 drainage.
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9 c. Site restoration must generally be accomplished within ~~((one hundred~~
10 ~~eighty (80))~~180~~((90))~~ days of cessation of use of the site for construction uses and activities, unless
11 otherwise agreed to between the applicant and the Director.

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

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

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

3 2. Eligibility. A site is eligible for interim principal use surface parking if there is
4 existing, legally established parking on the site, provided that no existing principal structures
5 may be demolished to facilitate establishment of interim principal use parking.

6 3. Requirements.

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

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

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

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

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

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

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

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

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14 f. No more than 40 new parking spaces shall be established on any site
15 where interim light rail parking is permitted.

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

18 Section 2. Exhibit 23.76.004 A of Section 23.76.004 of the Seattle Municipal Code,
19 which section was last amended by Ordinance 123046, is amended as follows:
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21 **23.76.004 Land use decision framework((☞))**

22 * * *

**Exhibit 23.76.004 A
 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) 	<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 • Light rail transit facilities • The following environmental 	<ul style="list-style-type: none"> • Subdivisions (preliminary plats)

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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)
<p>except for determinations of significance based solely on historic and cultural preservation</p> <ul style="list-style-type: none"> • Temporary uses for relocation of police and fire stations • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit • Determination of public benefit for combined lot FAR • Determination of whether an amendment to a ((p)) <u>Property ((#)) Use and Development Agreement</u> is major or minor • Other Type I decisions that are identified as such in the Land Use Code 	<p>determinations:</p> <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) <ul style="list-style-type: none"> • Major Phased Development • Downtown Planned Community Developments 	

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COUNCIL LAND USE DECISIONS

<p style="text-align: center;">TYPE IV (Quasi-Judicial)</p>	<p style="text-align: center;">TYPE V (Legislative)</p>
<ul style="list-style-type: none"> • Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023 • Public project approvals • Major Institution master plans, including major amendments and renewal of a master plan's development plan component • Major amendments to Property Use and Development ((*) <u>A</u>greements • Council conditional uses 	<ul style="list-style-type: none"> • Land Use Code text amendments • Area-wide amendments to the Official Land Use Map • Concept approval for City facilities • Major Institution designations • 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 122824, 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;

1 2. Establishment or change of use for uses permitted outright, temporary uses for
2 four weeks or less not otherwise permitted in the zone, interim use parking under subsection
3 23.42.040.G, and temporary relocation of police and fire stations for 24 months or less;

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

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8 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

9 A. Expiration.

10 1. An issued Type I or II Master Use Permit expires three years from the date a
11 permit is approved for issuance as described in Section 23.76.028, except as follows:

12 a. A Master Use Permit with a shoreline component expires pursuant to
13 WAC 173-27-090.

14 b. A variance component of a Master Use Permit expires as follows:

15 1) Variances for access, yards, setback, open space, or lot area
16 minimums granted as part of a short plat or a lot boundary adjustment run with the land in
17 perpetuity as recorded with the Director of the King County Department of Records and
18 Elections.
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20 2) Variances granted as separate Master Use Permits pursuant to
21 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as
22 described in Section 23.76.028 or on the effective date of any text amendment making more
23 stringent the development standard from which the variance was granted, whichever is sooner. If
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1 a Master Use Permit to establish the use is granted within this period, the variance's expiration
2 date shall be extended until the expiration date established for the use approval.

3 c. The time during which litigation is pending related to the Master Use
4 Permit or the property subject to the permit made it reasonable not to submit an application for a
5 building permit, or to establish a use if a building permit is not required, is not included in
6 determining the expiration date of the Master Use Permit.

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8 d. Master Use Permits with a Major Phased Development or Planned
9 Community Development component under Section 23.47A.007, (~~23.50.015~~) 23.49.036 or
10 (~~23.49.036~~) 23.50.015 expire as follows:

11 1) For the first phase, three years from the date the permit is
12 approved for issuance;

13 2) For subsequent phases, expiration shall be determined at the
14 time of permit issuance.

15 e. Temporary, interim, or intermittent use permits issued pursuant to
16 Section 23.42.040 expire on the date stated in the permit.

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20 Section 5. Subsection 23.42.040.G, which subsection is added by this Council Bill
21 _____, and all amendments to Sections 23.76.004, 23.76.006, and 23.76.032 adopted by
22 this Council Bill _____, expire on December 31, 2012. Notwithstanding the expiration of
23 subsection 23.42.040.G on December 31, 2012, a permit for an interim light rail parking use that
24 is issued or approved for issuance prior to December 31, 2012 expires as provided in subsection
25 23.76.032.A.1.e.
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1 Section 6. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2010, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2010.

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9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2010.

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14 _____
15 Michael McGinn, Mayor

16 Filed by me this ____ day of _____, 2010.

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18 _____
19 City Clerk

20 (Seal)