

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development meeting certain requirements to attain a maximum height of 130 feet when a freestanding manufactured public restroom structure is provided and amending provisions for green building performance and roof-top features.

NOW, THEREFORE,

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

Section 1. Section 23.49.178 to the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

**23.49.178 Pioneer Square Mixed, structure height**

A. Maximum structure height is the applicable height limit designated on the Official Land Use Map, Chapter 23.32, except as provided in this Section 23.49.178.

B. Rooftop features and certain additions to structures are allowed to exceed the applicable height limit according to subsection 23.66.140.C.

C. In the PSM 100/100-120 zone, a structure within which a streetcar maintenance base has been established may attain a maximum height of 130 feet if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet. A streetcar maintenance base in a project with a Master Use Permit (MUP) decision issued prior to May 31, 2013 may be changed to one or more other uses permitted in the zone. The project identified by that MUP decision may retain the entitlement for a maximum height of 130 feet under this Section 23.49.178 if the applicant installs a new freestanding manufactured public

1 restroom structure in the Pioneer Square Preservation District, as shown on Map A for 23.66.100  
2 that meets ADA requirements and City-approved standards, is connected to City water and sewer  
3 mains and complies with all applicable permitting requirements including a Certificate of  
4 Approval for design and location by the Pioneer Square Preservation Board. A Certificate of  
5 Approval shall be issued and the public restroom installed within the time period specified in the  
6 Ordinance amending this Section 23.49.178 to allow provision of a public restroom as described  
7 above.

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10 Section 2. Subsection 23.66.140.C.4.j of the Seattle Municipal Code, last amended by  
11 Ordinance 123589, is amended as follows:

12 **23.66.140 Height**

13 \* \* \*

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15 C. Rooftop Features and additions to structures.

16 \* \* \*

17 4. Height limits for rooftop features.

18 \* \* \*

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20 j. Enclosed Rooftop (~~Common Recreation Areas~~) Recreational  
21 Spaces for New Structures.

22  
23 1) If included on new structures, enclosed rooftop  
24 (~~common recreation areas~~) recreational spaces and solar collectors (~~incorporated into those~~  
25 ~~areas and required under this subsection~~) may exceed the maximum height limit by up to 15  
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1 feet. The structure must ~~((include solar collectors that provide 2 percent or more of the~~  
2 ~~structure's total electrical energy consumption))~~ achieve a LEED Gold rating under Section  
3 23.48.025 and ~~((the structure must))~~ meet a Green Factor requirement of .30 or greater,  
4 determined under Section 23.86.019. Each enclosed rooftop ~~((common recreation area))~~  
5 recreational space must include interpretive signage explaining the sustainable features employed  
6 on or in the structure ~~((where that area is located))~~. No commercial, residential or industrial use  
7 may be established within enclosed rooftop ~~((common recreational areas))~~ recreational spaces  
8 that are allowed to exceed the maximum height limit under this subsection 23.66.140.C.4.j. 2)  
9 Elevator penthouses serving an enclosed rooftop ~~((common recreation area))~~ recreational space  
10 may exceed the maximum height limit by up to 20 feet.

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12 3) Enclosed rooftop ~~((common recreation areas))~~  
13 recreational spaces, mechanical equipment, and elevator and stair penthouses shall not exceed 35  
14 percent of the roof area.

15  
16 4) Enclosed rooftop ~~((common recreation areas))~~  
17 recreational spaces, mechanical equipment, and elevator and stair penthouses must be set back a  
18 minimum of 30 feet from the street or park and three feet from the alley. Solar collectors must be  
19 set back as provided in subsections 23.66.140.C.4.c and 23.66.140.C.4.d.

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21 5) Owners of structures with enclosed rooftop ~~((common~~  
22 ~~recreation areas))~~ recreational spaces permitted pursuant to this subsection 23.66.140.C.4.j shall  
23 submit to the Director, the Pioneer Square Preservation Board, and the Director of  
24 Neighborhoods ~~((and the Director of the Department of Planning and Development an annual))~~ a  
25 report~~((, beginning one year after the date of first occupancy of such structure,))~~ documenting  
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1 compliance with the ((~~minimum renewable energy generation~~)) LEED Gold rating commitment  
2 and green factor criteria set forth above.

3 \* \* \*

4 Section 3. The ability for a permit applicant to develop under the provisions of  
5 subsection 23.49.178.C in Section 1 of this Ordinance shall expire six months from the effective  
6 date of this Ordinance unless the applicant acquires and installs the new freestanding  
7 manufactured public restroom structure provided for in subsection 23.49.178.C. The Director  
8 may allow for an extension of the expiration date, provided the permit applicant can demonstrate  
9 to the satisfaction of the Director that full compliance within the time specified was prevented by  
10 inability to obtain necessary materials or labor, inability to obtain the restroom structure, or other  
11 circumstances related to obtaining and installing the restroom that were beyond the control of the  
12 permit applicant.  
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15 Section 4. Severability. The provisions of this ordinance are declared to be separate and  
16 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of  
17 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not  
18 affect the validity of the remainder of this ordinance, or the validity of its application to other  
19 persons or circumstances.  
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21 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
22 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
23 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

24 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2013, and  
25 signed by me in open session in authentication of its passage this  
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\_\_\_\_ day of \_\_\_\_\_, 2013.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)