

**APPLICATION FOR CERTIFICATE OF APPROVAL
PIONEER SQUARE PRESERVATION BOARD
SCREENING FOR WASTE AND RECYCLABLE MATERIALS STORAGE
600 ALASKAN WAY**

December 2, 2025

The Scope of Work is for the installation of screening for waste and recyclable materials storage on a lot located at the intersection of Alaskan Way and Yesler Way. The material bins being stored are used by the Polson and 619 Western Buildings.

BACKGROUND SUMMARY

The subject property is a 16-ft wide parcel of land that extends southward from the Polson and 619 Western Buildings to the Yesler Way right-of-way. The parcel is located between the CitizenM Hotel and the Alaskan Way right-of-way.

Prior to the removal of the Alaskan Way Viaduct, waste and recyclable materials were stored without screening along the Alaskan Way frontage, primarily in front of the Polson and 619 Western Buildings. After removal of the Viaduct, as part of the development of the waterfront, the Office of the Waterfront directed the storage to be moved southward to current location to facilitate the installation of a bus stop area in front of the Polson and 619 Western Buildings.



View of waste and recyclable materials storage from the intersection of Alaskan Way and Yesler Way

INITIAL NOTICE OF VIOLATION AND SUSEQUENT CERTIFICATE OF APPROVAL PROCESS

A complaint regarding the location of the waste and recyclable materials storage was received by SDCI on July 1, 2022. A Notice of Violation (NOV) was issued by SDCI on December 5, 2022. After further SDCI review, a Reconsideration of Amended Notice of Violation – Land Use Code was issued (dated June 23, 2023) establishing the use of the lot for waste and recyclable materials storage, with the directive requiring the bins to be screened from public view and the requirement to obtain a building permit for the screening.

The Amended NOV cited SMC 23.54.040.D.3, which requires storage spaces for waste and recyclable materials “be screened from public view and designed to minimize light and glare impacts.”

Further, the Amended NOV required the Owner to submit documentation to SDCI for a Building Permit to formally establish the use of the parcel.

As a component of the Building Permit review, our office submitted documentation to the Pioneer Square Preservation Board (PSPB) for the Certificate of Approval (3/22/24). Review and discussion focused on the SDCI approval of the lot for the storage of waste and recyclable materials and the requirements of SMC 23.54.040 (F), which require containers to be placed no more than 50 feet from a curb cut or collection location.

The PSPB denied the application for approval (8/14/24) based upon a PSPB interpretation of non-compliance with the 50-foot rule.

HEARING EXAMINER

The matter was submitted to the Hearing Examiner for review. During the Hearing Examiner process, it was confirmed by the City of Seattle that the use of the parcel for waste container storage was not challenged. Specifically, the City of Seattle stated, “DON accepts that 600 Alaskan Way may be used for waste storage so long as the space complies with other requirements of SMC 23.54.040.”

The focus of the Hearing Examiner decision (12/19/24) was the circumstances associated with the PSPB decision to deny the application and the interpretation of the 50-foot rule by the PSPB in making this decision. The Examiner did not decide the issue regarding compliance with the 50-foot rule. Instead, the Examiner’s decision remands the issue back to the PSPB for consideration, determining that the PSPB decision should have allowed documentation to be submitted regarding compliance with SMC 23.54.040. Specific text from the decision:

“The Board can simply re-open the hearing to allow a revised, code-compliant site plan to be submitted and condition its final decision as needed to meet code requirements, including SMC 23.54.040.F.1.a. and SMC 23.54.040.E.6.”

CODE INTERPRETATION

After the issuance of the Hearing Examiner decision, our office submitted a formal Code Interpretation Request from SDCI (2/19/25) regarding the interpretation of SMC 23.54.040. The intent was to finalize the interpretation regarding the disputed provisions of SMC 23.54.040 following the established line of authority set forth in Chapter 23.90 regarding Enforcement of the Land Use Code.

REVISIONS TO SMC 23.54.040

SMC 23.54.040 was modified after our office submitted the SDCI code interpretation request. The most recent version of SMC 23.54.040 became effective on October 5, 2025, per Ordinance 127285. (The SMC citations provided in the following text pertain to the currently adopted SMC 23.54.040 code.)

The new code language addresses the interpretation of the intent for the requirement that containers be located within 50-ft of the collection point.

The specific code section applicable to our request for interpretation is as follows:

((F)) G. Access to solid waste containers for solid waste service providers and solid waste collection vehicles ((to the storage space from the collection location)) shall meet the following requirements:

1. For ((containers)) dumpsters 2 cubic yards or smaller:
 - a. ((Containers)) Dumpsters to be manually ((pulled)) transported for collection by a solid waste service provider, shall be ((placed)) staged no more than 50 feet from ((a curb cut or)) the solid waste collection location();, in a manner that provides access to each container for service;

This revision to the code specifically addresses our question regarding the interpretation of “placed” versus “stored.” Our submitted plan shows waste containers that can be staged to be within the 50 feet distance identified. It’s clear in the new code language that staging the containers is considered separate from the storage location. Separate definitions are added to the new code for “Solid Waste Staging Area” and “Solid Waste Storage Space.”

The full parcel is approved for the storage of waste containers. The intent is to provide a fenced area for storage of the containers, with specific containers staged within 50 feet of the collection location (ramp) on days when the containers are scheduled to be serviced. Note that waste, recycling, and compostable materials are collected under different schedules.

Further, requirements regarding the required size of the storage area have been added to the new code under Table D for 23.54.040 - Minimum solid waste storage dimensional requirements for non-residential development. The relevant required minimum size for this condition is indicated to be 14 feet x 14 feet. The inclusion of this new table specifying the minimum size for the storage area eliminates the previously contested interpretation of the 50-foot rule as the governing determiner regarding the size of the storage area.

SDCI has now confirmed the code interpretation summarized above.

PROPOSED DESIGN

In reviewing the potential design for the screening, our office reviewed several options.

Potential options included:

1. A minimal solution, 6 ft high chain link fencing with vinyl slats,
2. A solid 6 ft high concrete masonry wall with metal gates,
3. A Green Wall with plantings,
4. A prominent design element that concealed the containers while providing an entry focus for the Historic District,
5. A design incorporating the vocabulary of the Waterfront urban design elements.

Each option was evaluated with respect to installation cost, operational expenses (maintenance of planting, for instance), security (partial visibility required to be able to observe any unauthorized entry or use), and potential for vandalism.

The design path chosen reflects the last option listed – providing a design that incorporates the vocabulary of the Waterfront urban design elements. The primary justification was to provide a design that would not create attention to the enclosure but instead blend into the urban fabric of the Waterfront.

The Waterfront design incorporated enclosures for trash and recycling containers near Marion Street. There are two fenced areas constructed with prefabricated aluminum panels that provide screening for containers, while allowing for ventilation. Our office obtained the shop drawings for these installations from the Office of the Waterfront to create the proposed design. Photos, Page 6.

During the ARC review process for the initial submittal, it was requested that our office provide additional justification/reasoning for not pursuing the Green Wall option. The green wall was envisioned as a soft, natural edge for the corner once the plantings become established. This option was ultimately not selected for the final proposed design based upon the rational:

1. The location is fully exposed to the south and west, creating the need for plantings that would survive in full sun adjacent to heat absorbing pavement.
2. An irrigation system would be required. The system would need to be supplied from the 619 Western Building, which is possible but would be a significant expense.
3. The plantings would need to be selected to prevent the creation of a habitable environment for rodents.
4. The plantings would require regular maintenance – more than a wall or fence solution.
5. It would not be possible for the gates to be green, which would effectively result in a hybrid solution of fencing and green screening.

The proposed fence design is 6 feet high, to match the enclosures for trash and recycling containers near Marion Street. The standard City of Seattle Utilities 2-yard container is 48" high. Using a typical design average eye level of 5'-6", the 6 ft height fully screens the containers.

The proposed design incorporates a double gate at the north end. The fence structure, which is aluminum with a polyurethane coating, is mounted on a curb that protects the fence from the wheeled containers. The fencing is vertical slats rotated to obscure the bins while allowing for ventilation.

The natural drainage for the storage area is a slight slope in the south direction. The south end of the enclosure is designed without a curb to allow for drainage from rain and maintenance washing to drain to a small planting area with rocks and grass-type plantings to match adjacent Waterfront planting areas. The planting area is intended to serve as a biofiltration element to allow for the minimally sized enclosure area to drain naturally.

Plantings in the south (rain garden) area are proposed to be Variegated Sweet Flag (*Acorus gramineus 'Ogon'*), a versatile evergreen groundcover with upright, narrow, golden striped, grassy foliage to 12" high. The plant spacing will be 18" diagonally spaced. The base of the planting is 2-4" rounded river stone rocks.



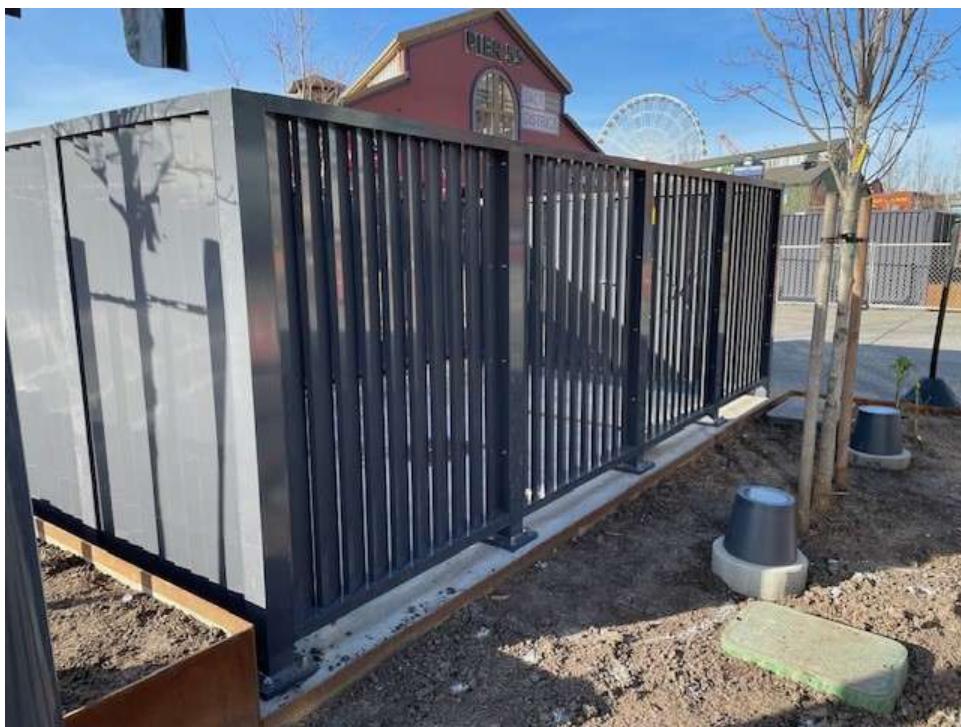
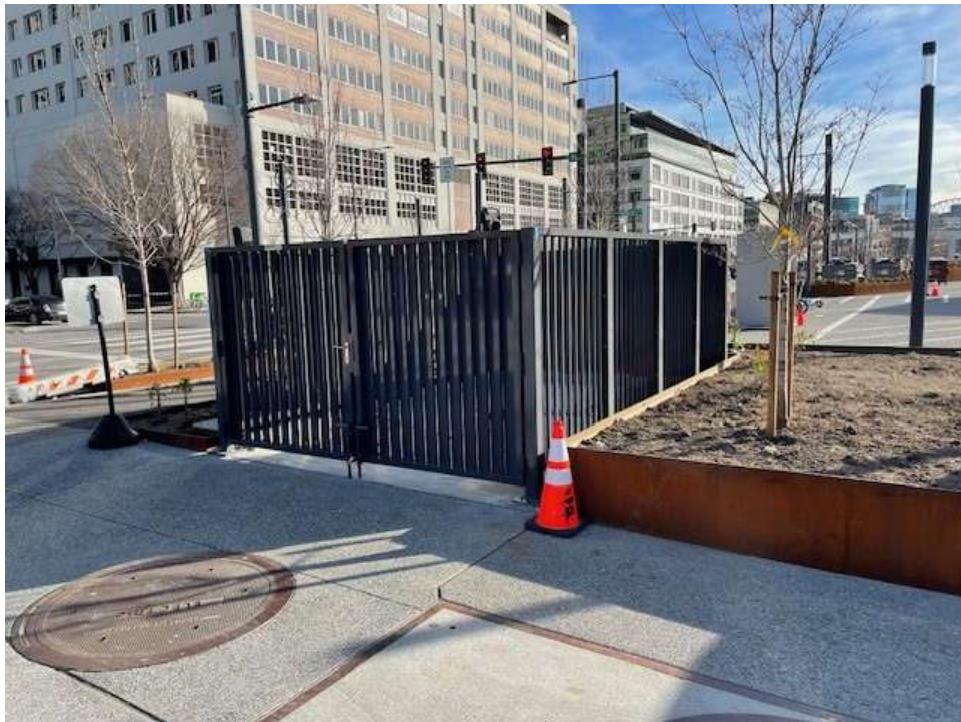
The proposed color for the aluminum panels is a gray tone to match the color of the adjacent streetscape elements (light poles, utility poles, bollards, etc.).

The specific color is RAL7024.



Note, this is a lighter color of gray than used for the existing enclosures on the Waterfront. Our intent is to both match the surrounding elements and to use a lighter tone to allow for the fencing to be less visually prominent. This color matches the approved color for the recently approved bollard installation at the corner of Yesler Way.

Photos of Waterfront Enclosures at Alaskan Way and Marion Street



List of Attachments:

Photos of Waterfront Enclosures at Alaskan Way and Marion Street (Page 6)

Vicinity Map

Site Plan – Existing Conditions

EXHIBIT A – Fence Enclosure Plan for proposed enclosure showing container storage area

EXHIBIT B – Fence Enclosure Plan for enclosure showing the waste container staging area, documenting compliance with SMC 23.54.040.G.

Typical Panel Details

Gate Detail

3D View – Looking northeast towards enclosure from Alaskan Way.

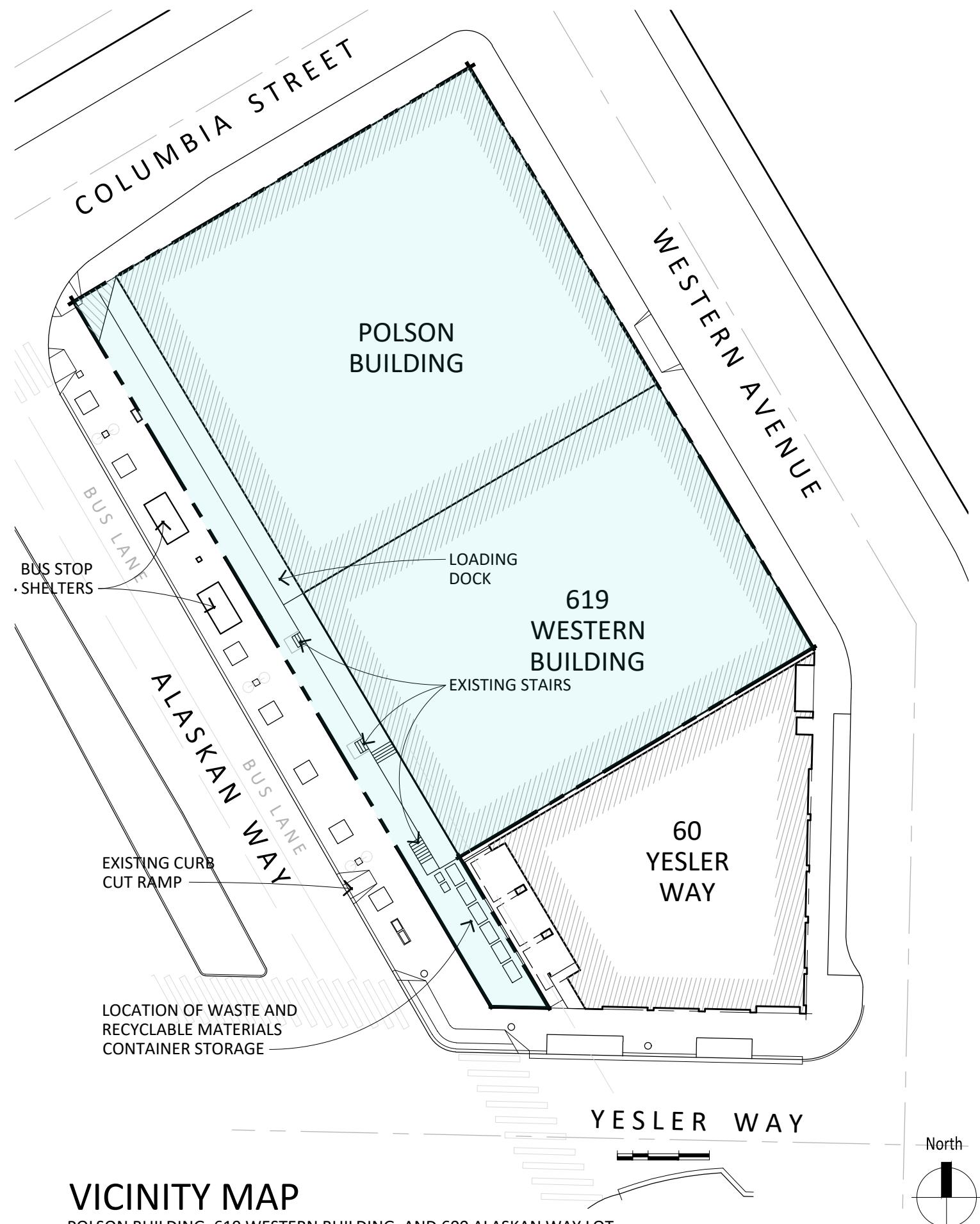
3D View – Looking north towards enclosure from Yesler Way

3D View – Looking southeast towards enclosure from the Alaskan Way sidewalk

Order of the Director Following Reconsideration of Amended Notice of Violation
Land Use Code, Case No. 1054987-VI, dated June 23, 2023.

Findings and Decision of the Hearing Examiner for the City of Seattle in the
Matter of the Appeal of R-24-002, L & B PROPERTY INVESTMENTS LLC, from
a Decision of the Pioneer Square Preservation Board, Seattle Department of
Neighborhoods, dated December 19, 2024.

City of Seattle Ordinance 127285, Council Bill 121005, adopted 9/2/2025,
effective 10/6/2025.



POLSON BUILDING

STORAGE OF CONTAINERS
NOT ALLOWED WITHIN A BUS
STOP AREA, SMC 23.54.040 (F)

BUS STOP
SHELTERS

619 WESTERN BUILDING

EXISTING REQUIRED EGRESS
STAIRS TO PUBLIC WAY, PER
PERMIT 6292856-CN

50 FT PROXIMITY
REQUIREMENT FOR
CURB CUT PER SMC
23.54.040 (G)

ALASKAN WAY

EXISTING CURB
CUT RAMP
INSTALLED BY
SDOT

LOCATION OF WASTE AND
RECYCLABLE MATERIALS
CONTAINER STORAGE

60 YESLER WAY

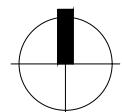
YESLER WAY

0 5 10 20 30

North

SCALE: 1/32" = 1'-0"

EXPANDED SITE PLAN
EXISTING CONDITION



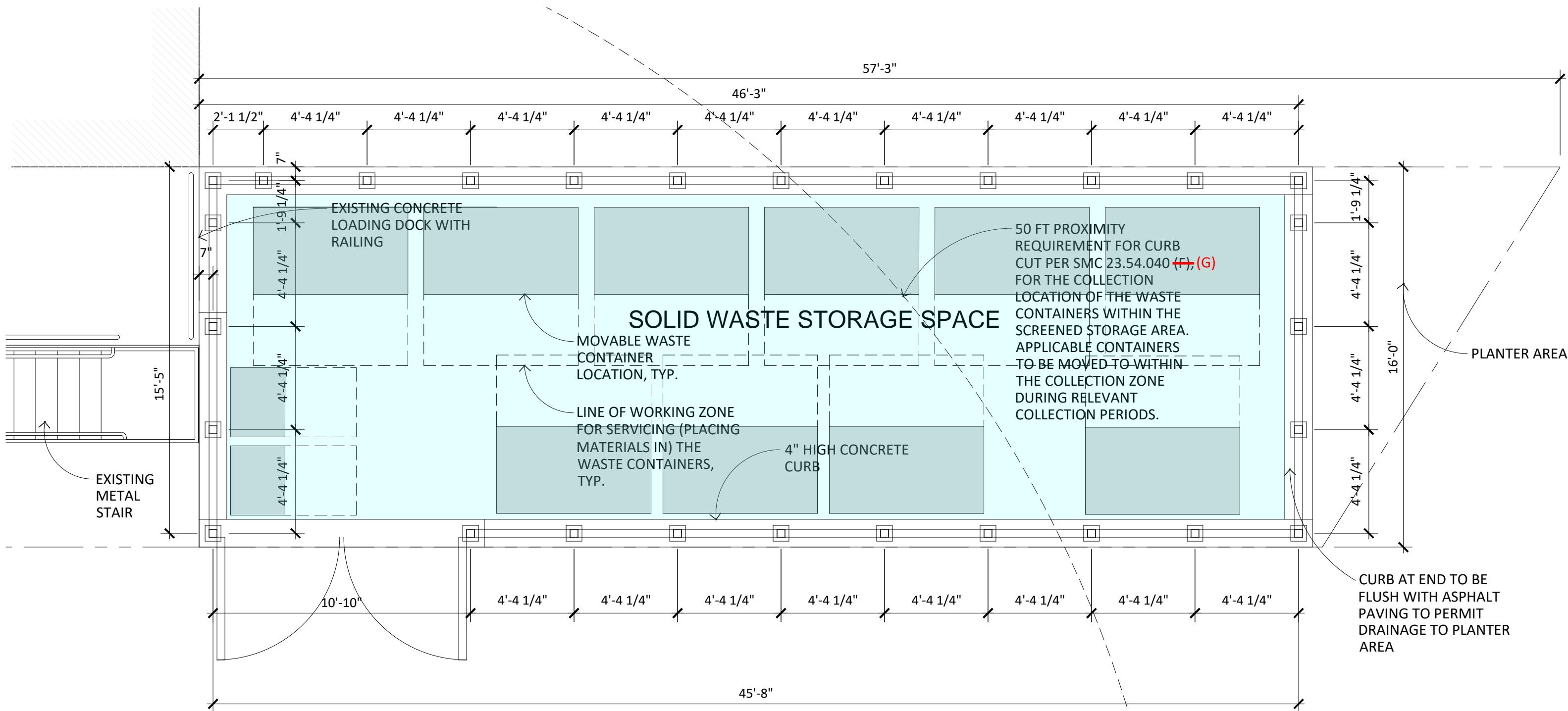


EXHIBIT A

TRASH CONTAINER ENCLOSURE

1/7/25

1/4" = 1'-0"

8/23/25 EXTENT OF STORAGE AREA HIGHLIGHTED

600 ALASKAN WAY

Seattle, Washington

"Solid waste storage space" means a location for keeping, maintaining, or storing garbage, recycling, or compostable materials from the time of disposal by users until the time of staging or collection, provided that a solid waste storage space may serve as a solid waste staging area and/or solid waste collection location if the storage space meets the requirements for such area(s).

RON WRIGHT & ASSOCIATES/ARCHITECTS, P.S.
2356 WEST COMMODORE WAY STE 210
SEATTLE, WASHINGTON 98199
(206) 728-4248

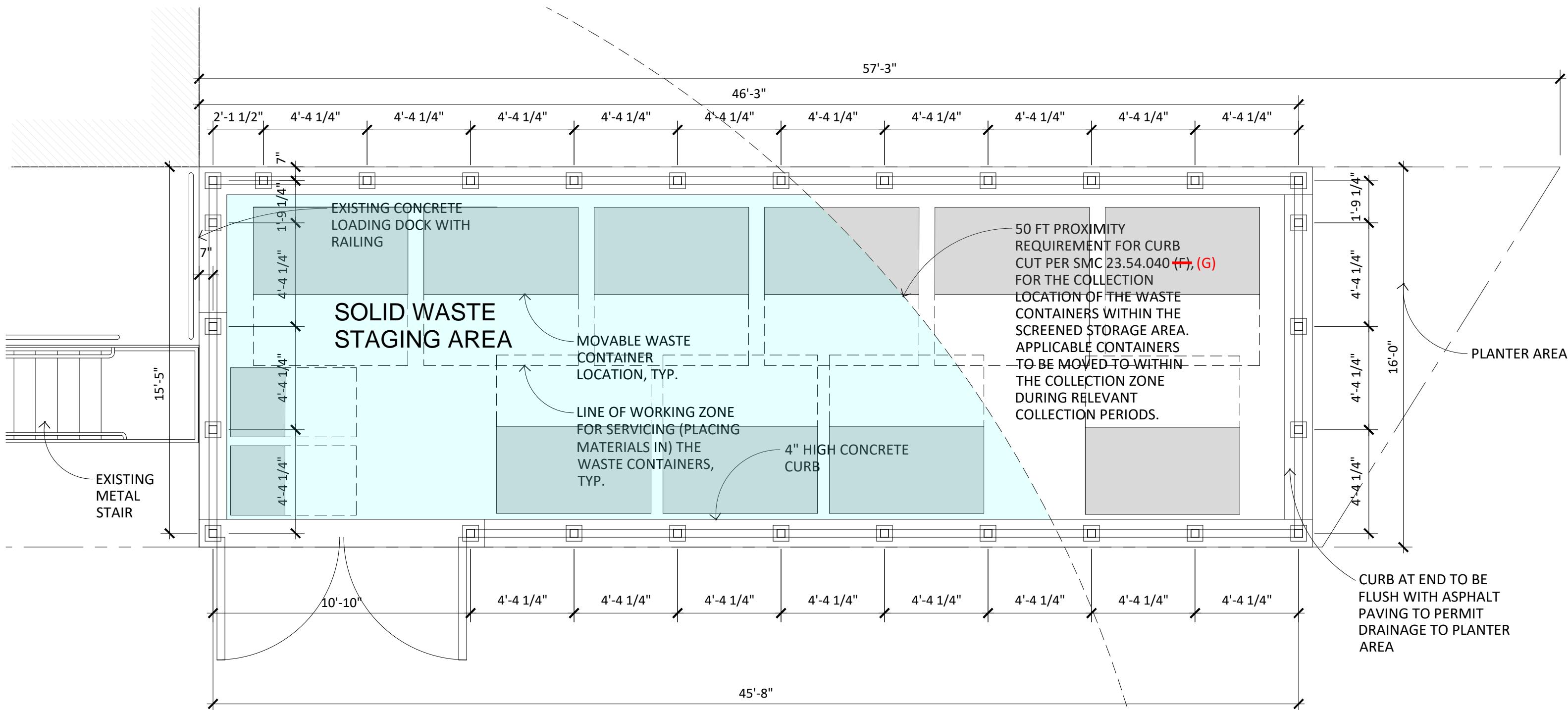


EXHIBIT B

TRASH CONTAINER ENCLOSURE

1/7/25

1/4" = 1'-0"

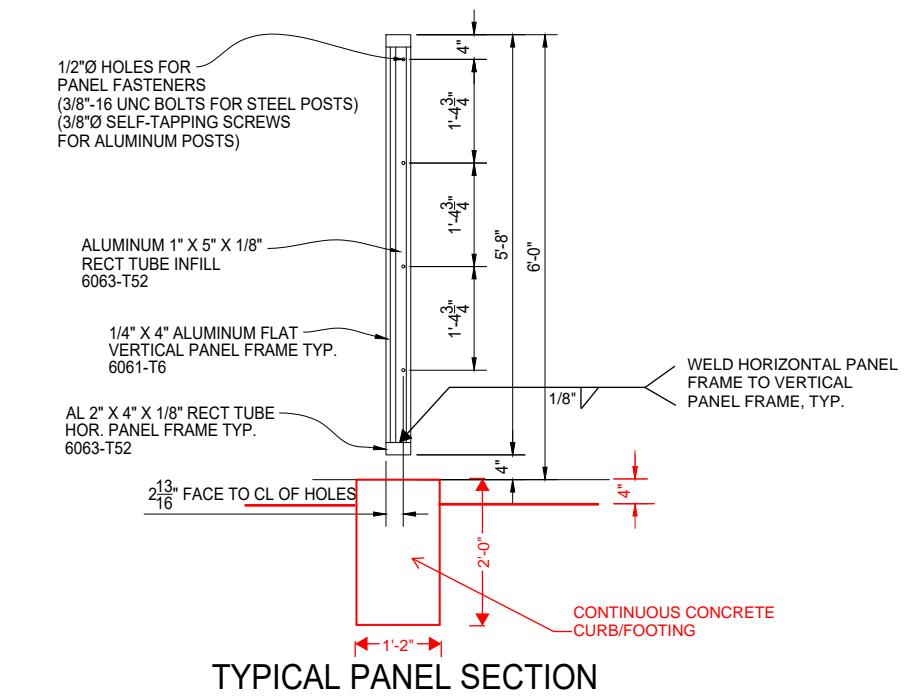
8/23/25 STAGING AREA FOR COLLECTION HIGHLIGHTED

600 ALASKAN WAY

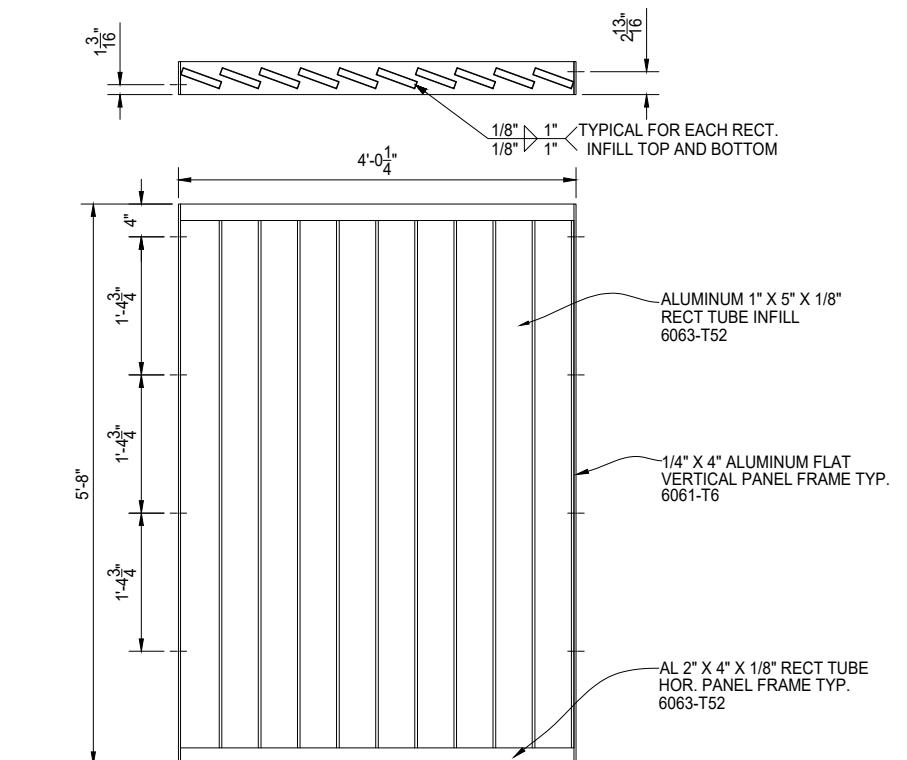
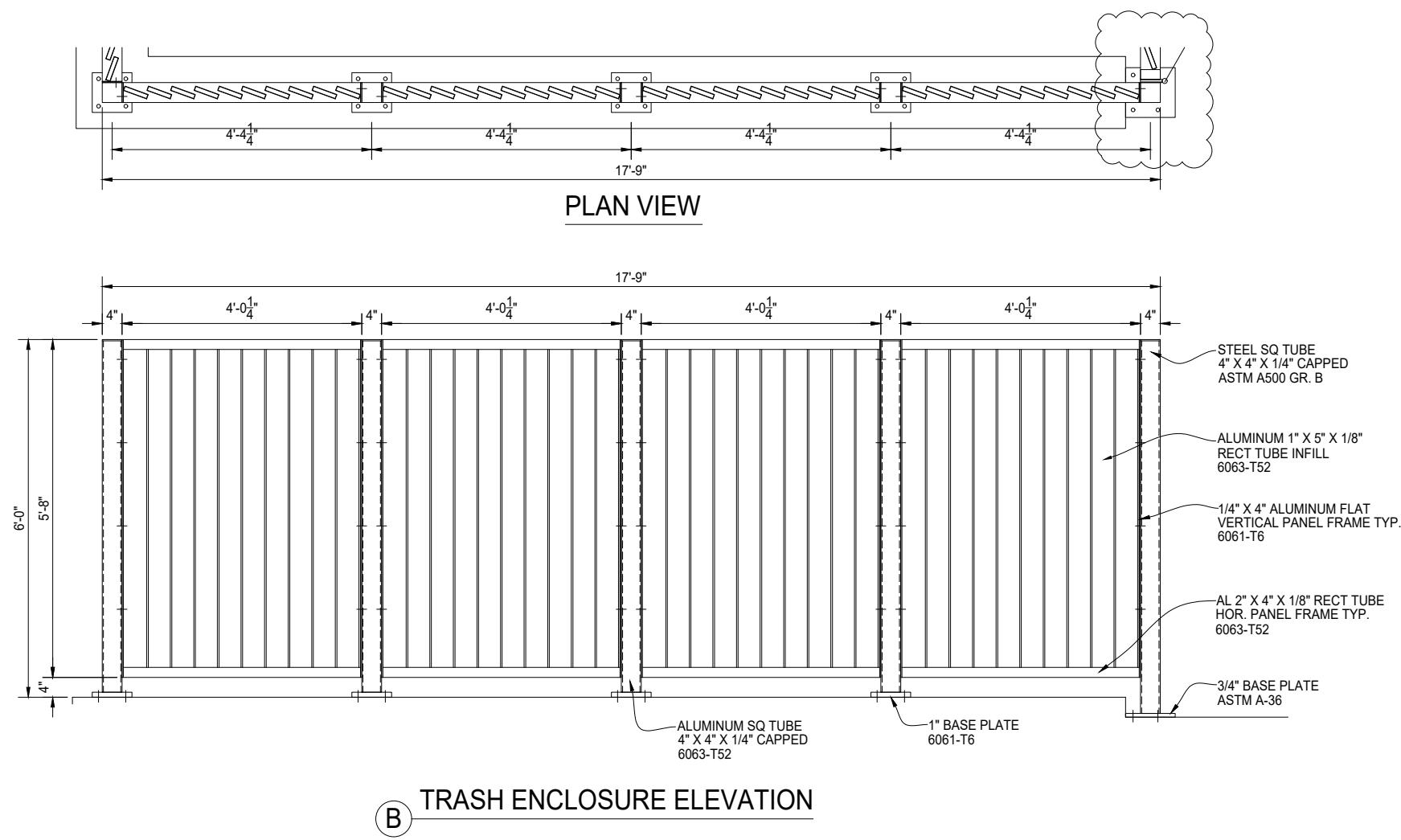
Seattle, Washington

Dumpsters for waste and recycling materials are two cubic yard capacity, green (compostable) waste containers are 96 gallon cart containers. Servicing for waste dumpsters, recycling dumpsters, and green waste containers occurs separately on different schedules.

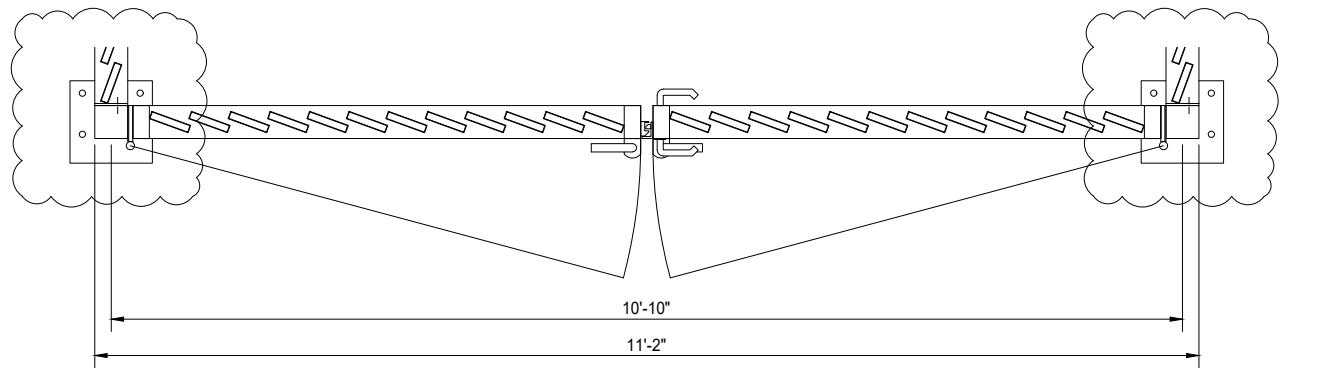
"Solid waste staging area" means a location for intermediate placement of garbage, recycling, and compostable materials in preparation for collection by solid waste collection vehicles, either on private property or within the right-of-way.



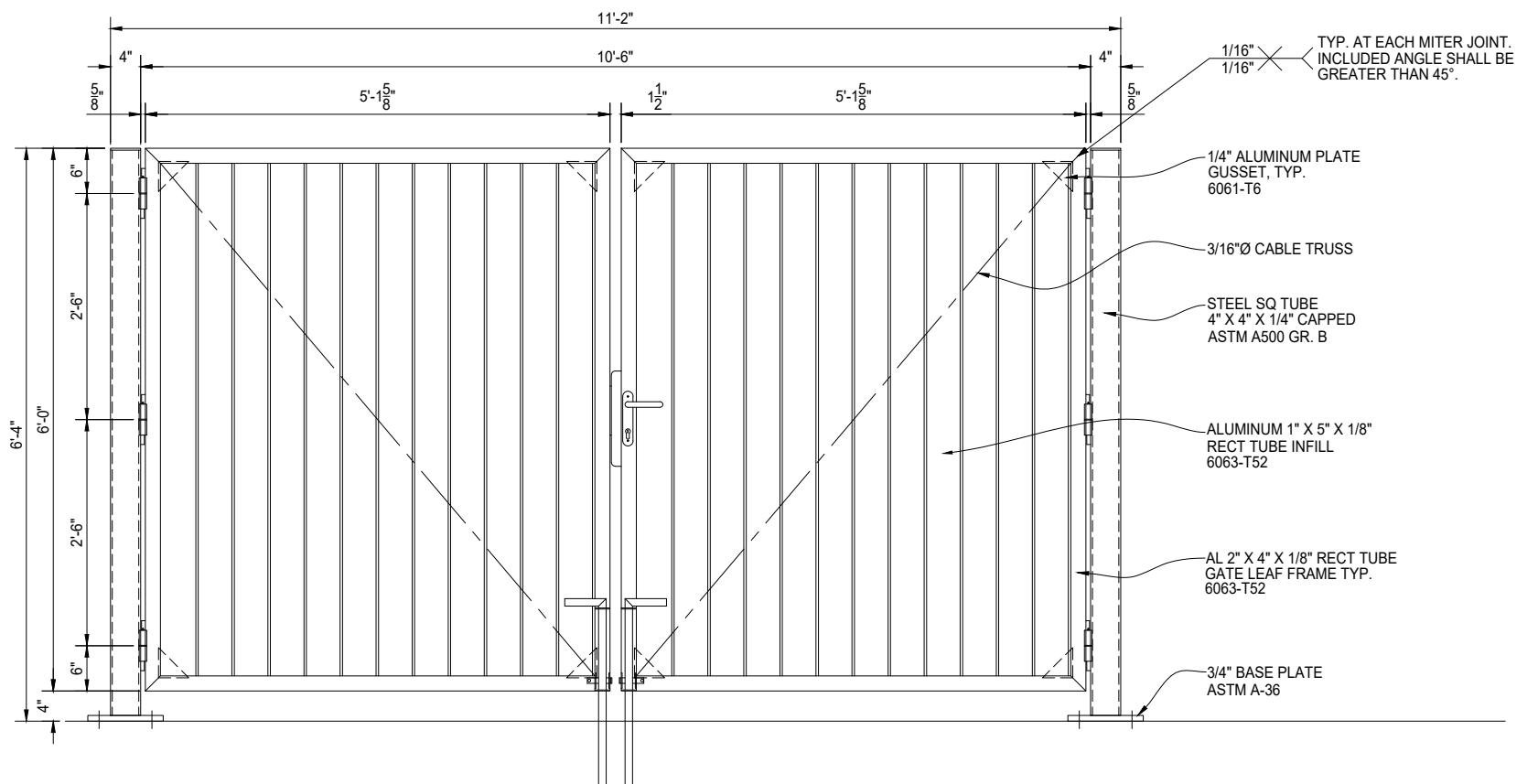
TYPICAL PANEL SECTION



ALUMINUM ENCLOSURE PANELS
ENCLOSURE FOR WASTE AND RECYCLABLE MATERIAL BINS
600 ALASKAN WAY



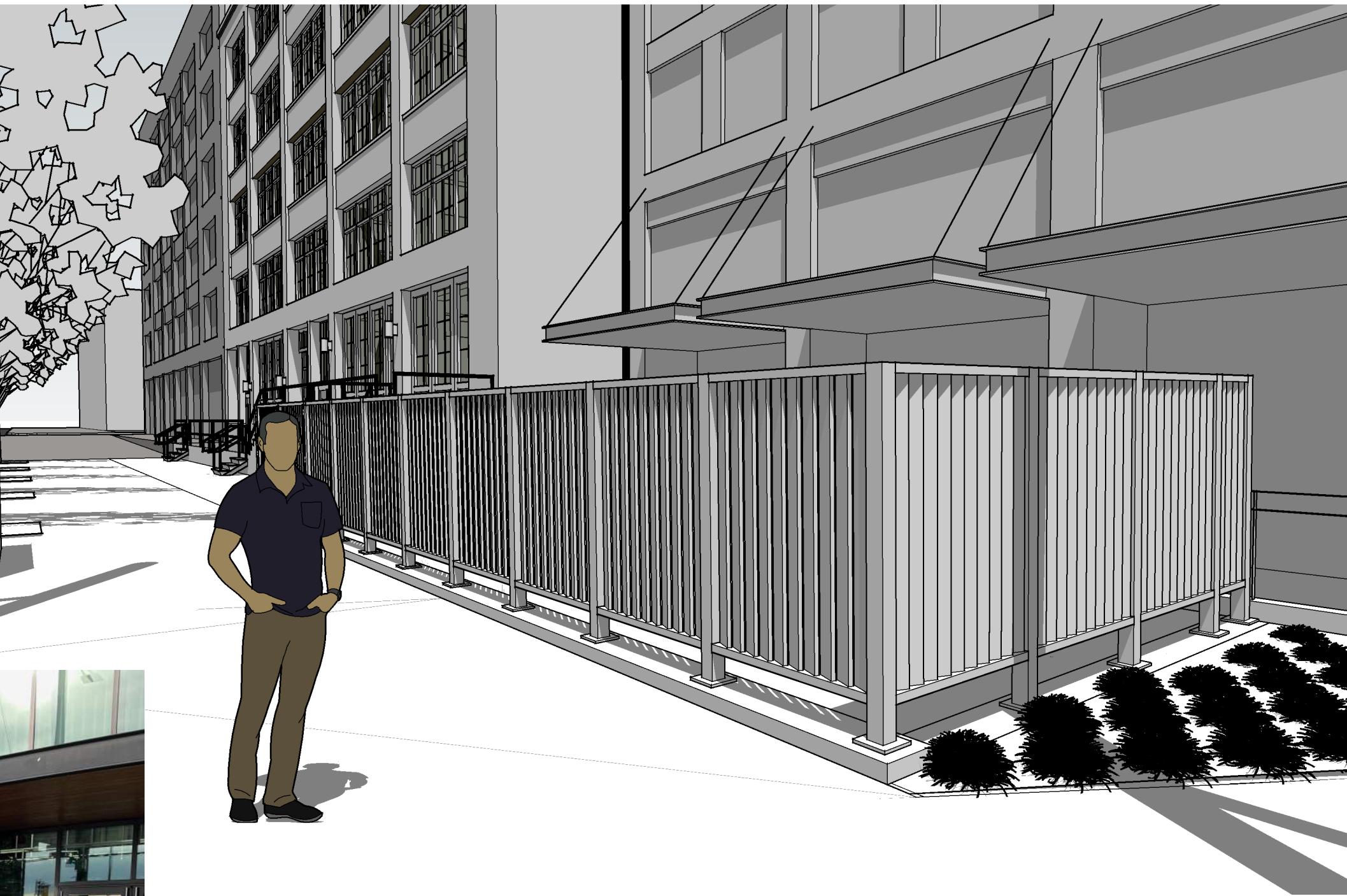
PLAN VIEW



GATE

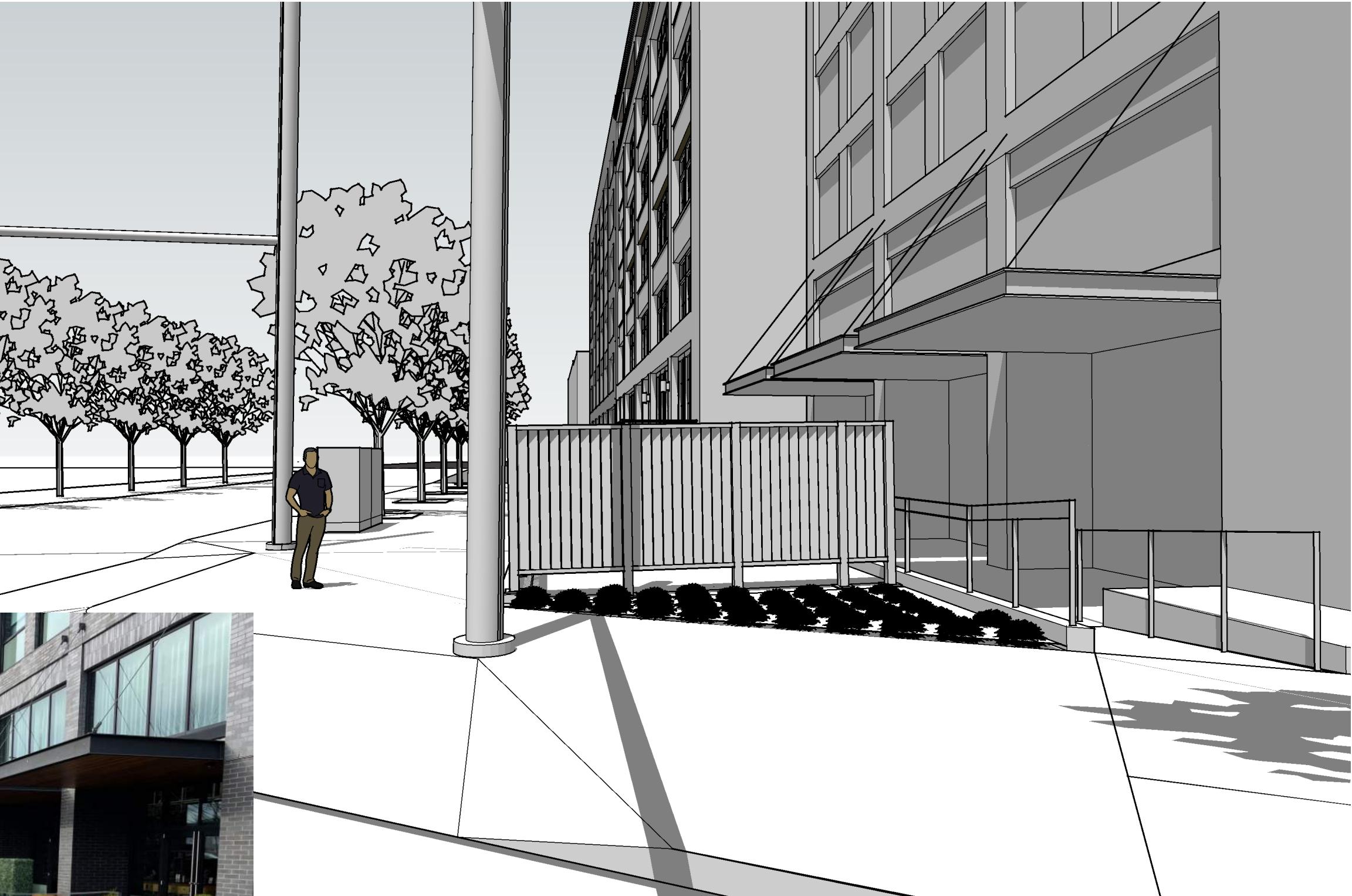
ENCLOSURE FOR WASTE AND RECYCLABLE MATERIAL BINS
600 ALASKAN WAY

VIEW LOOKING
NORTHEAST FROM
ALASKAN WAY SIDEWALK



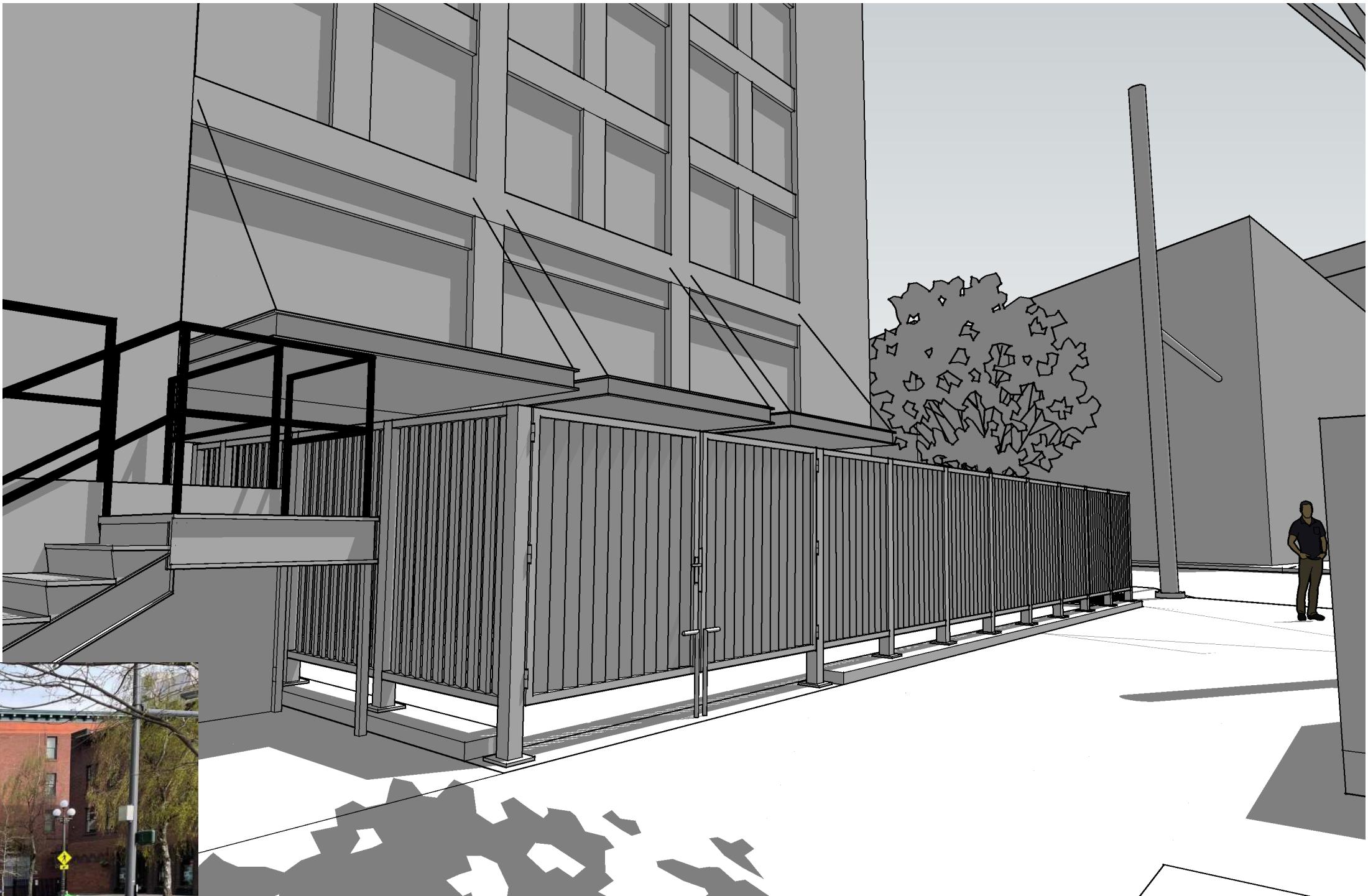
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VIEW LOOKING NORTH
FROM YESLER STREET



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VIEW LOOKING
SOUTHEAST FROM
ALASKAN WAY SIDEWALK



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(206) 728-4248



**Order of the Director
Following Reconsideration of Amended Notice of Violation
Land Use Code**

Case No. 1054987-VI

June 23, 2023

Property Owner: L&B Property Investments
Property known as: 600 Alaskan Way
APN: 7666202566

619 Western Bldg/ L&B Property Investments
2101 4th Ave #310
Seattle, WA 98121

619 Western Bldg/ Property Manager
619 Western Ave
Seattle, WA 98104

Ron Wright & Associates / Architects, P.S.
2003 Western Avenue, Suite 610
Seattle, Washington 98121

Owner and management were cited in a (amended) Notice of Violation (NOV) dated December 5, 2022, for having waste and recyclable receptacles storage on a lot that is not the lot they serve and are not screened from public view. It also claimed they were attracting pests and causing other problems. Ron White, architect, on behalf of owners L&B Property Investments requested reconsideration of the NOV. The Director's representative reviewed the notice in accordance with the Seattle Municipal Code Title 23. **Based on the evidence presented, the Director has determined and orders that the Notice of Violation is amended to update the parcel number of the violation, remove the requirement to discontinue the use of the parcel for solid waste and recyclable materials storage and access, and to require a construction permit to establish the area which must be screened. The compliance date is extended to July 25, 2023.**

Background

SDCI received a complaint on July 1, 2022 that the waste and recyclable materials storage (the "bins") for the building at 619 Western Avenue are not on the lot they serve and are not properly screened. At his visit on October 28, 2022, SDCI Senior Inspector Scott Thiessen identified the bins on were on a separate parcel from the ones they serve, which contain the Polson and 619 Western Buildings. Inspector Thiessen issued an (amended) NOV on December 5, 2022, with a compliance date of December 9, 2022. Compliance required was to discontinue the use of parcel 7666202566 for storage of the bins. The notice also states that if located outdoors, waste storage spaces shall be screened from public view and designed to minimize light and glare impacts.

Request for review

Stanley Piha requested review of the notice on December 7, 2022. SDCI responded and set December 27, 2022, as the due date for receipt of any additional information. Ron White, architect, on behalf of owners L&B Property Investments, responded. Mr. White sent a letter with attachments including photos of the property and property lines, a copy of the site plan for the property from the Office of the Waterfront for the Viaduct Removal project, and a copy of the approved site plan for the Master Use Permit of the property adjacent, which is the citizenM Hotel.

In his letter, Mr. White contends that the property where the bins are located has been continuously used by the contiguous properties, the 619 Western and Polson Buildings, since the 1970s when their common ownership began. Before the viaduct removal, the parcel was used for parking for the two buildings. Mr. White also says that the Seattle Office of the Waterfront and Civic Projects established the location of the bins when they were moved to create a bus stop in front of their former location. Lastly, he argues that the complaint that this violation arose from was made by the neighboring citizenM Hotel because of a dispute over an offer to purchase the parcel containing the bins that was not accepted. They contend the City should not be involved in a private dispute.

Letter from citizenM

In addition to the request for review, the manager of the citizenM Hotel submitted a letter. In it, the hotel claims that the bins are negatively impacting their business. In support, the manager offered a customer review saying that they wished the bins would be moved. The manager says that bins essentially create a nuisance because they attract pests and provide a place for unsheltered people to use drugs and relieve themselves. They say that the bins are not on the lot they serve in violation of the Land Use Code and that screening them wouldn't be enough to resolve the situation. Pictures were provided from August that show litter around and on the bins and a person behind them using drugs.

Code provisions

Seattle Municipal Code 23.54.040 sets out the regulations for solid waste and recyclable materials storage and access. That section first provides the requirements for storage space size. Then, it states that "if located outdoors, the storage space shall be screened from public view"¹ and that "the storage space must be located on the lot of the structure it serves."²

Discussion

There are three parcels at issue. 766620-2565 is the location of the Polson building. 766620-2570 is the parcel containing the 619 Western building. The King County Department of Assessments records show that parcel 312504-9099 was "killed." That property is now known as 766620-2566. Because the NOV named the parcel as 312504-9099, the NOV is hereby amended to reflect the updated parcel number.

Though they are on three different parcels, these contiguous properties have been commonly used since the 1970s. The parcel on which the bins are located was historically the parking area for the Polson and 619 Western buildings. With the removal of the SR-99 Alaskan Way Viaduct, the city eliminated the parking area. As part of the project, SDOT's Office of the Waterfront and

¹ 23.54.040.D.3

² 23.54.040.E.1

Civic Projects moved the location of the bins from their former location in front of the northern end of the right of way further south to their current location to facilitate a new bus stop. SDOT created a new curb cut to facilitate trash pickups from the current location.

The code reads that the storage space required for bins must be on the "lot" of the structure they serve. It does not say "parcel." These parcels have been historically used as one "lot." Further, the Office of the Waterfront assigned this space for the bins and even created a way for them to be serviced. Because this parcel has been continuously used by the adjacent properties, they are considered to be on the lot of the structures they serve. They were also relocated there by the City. They may remain in the current location.

The code does require that storage spaces for waste and recyclable materials "be screened from public view and designed to minimize light and glare impacts."³ A construction permit is required to establish the solid waste and recyclable materials storage area in that location with screening that complies with the code.⁴

Other issues

As to the argument that this is a private dispute, SDCI is a neutral party. If a code violation is identified, enforcement action must follow, regardless of the reason for the complaint. This does not constitute being involved in the private dispute. CitizenM's argument that the bins are negatively impacting their business and creating a nuisance is similarly not applicable to a review of the code violation.

Conclusion

Seattle Municipal Code 23.54.040 sets out the regulations for solid waste and recyclable materials storage and access, which is required. The space must be on the lot of the structure it serves. In this case, the bins are being used by the Polson and 619 Western buildings and they are on property that is and has been used as part of one lot. Further, the City placed them in this location as part of SDOT's Alaskan Way Main Corridor project in order to facilitate a bus stop. However, the bins must be screened from public view and a permit is required.

The NOV is amended. Amendments include updating the parcel number of the violation, removing the requirement to discontinue the use of the parcel for solid waste and recyclable materials storage and access, and to require a construction permit to establish the screened storage area. The compliance date is extended to July 26, 2023.

Please contact Housing & Zoning Inspector Senior Scott Thiessen (206-684-7794; scott.thiessen@seattle.gov) when the corrections have been completed so that he may verify compliance.



K. Michele Hunter
Review Officer
City of Seattle Department of Construction and Inspections
700 5th Avenue, Suite 2000
PO Box 34019
Seattle WA 98124-4019
206-615-0808 / 206-233-7156 (TTY)

³ 23.54.040.D.3

⁴ 23.40.002, "The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval..."

CASE NO. 1054987-VI
Order of the Director
Page 4 of 4

www.seattle.gov/sdci

cc: Melissa Balais
via email to *citizenmelissa@citizenm.com*

AR000023

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner Files:
R-24-002

L & B PROPERTY INVESTMENTS LLC,

from a Decision of the Pioneer Square
Preservation Board, Seattle Department of
Neighborhoods.

FINDINGS

1. Background. The Pioneer Square Preservation Board, Department of Neighborhoods, denied a certificate of approval for the screened enclosure of an outdoor storage area comprised of eight dumpsters. Applicant L&B Property Investments LLC appealed to the Hearing Examiner. Summary judgment was granted in the Board's favor on alleged procedural errors, leaving the substantive issues for hearing.¹

2. Hearing. A hearing was held November 5, 2024. L&B appeared through Ron Wright. The Board appeared through Maxwell Burke and Patrick Downs, Seattle City Attorney's Office.

3. Post-Hearing Briefing. The parties agreed to present written closing arguments, with the Board filing an opening brief, L&B responding, and the Board's reply due December 13. L&B then filed a sur-reply, which the Board moved to strike. A sur-reply was not provided for and was not required to address new issues, so is stricken. L&B also filed a sur-reply to the motion to strike. It is stricken for the same reason.

4. Witnesses and Exhibits. No witnesses were called. The Board and L&B both filed declarations for their witnesses, which were admitted as pre-filed testimony.² The Board submitted Exhibits 1-29. The Appellant submitted Exhibits 1-13. Without objection, all exhibits were admitted.

5. Project Description. The screening area for the eight dumpsters is at 600 Alaskan Way near Alaskan's intersection with Yesler Way, directly in front of citizenM hotel's outdoor dining area.³ The dumpsters serve not the hotel, but the Polson Building and the 619 Western Building. The larger site was historically used as one lot and the hotel's property owner does not own the area where the dumpsters are now placed.

6. Screening Design. The aluminum slatted fence screening area is larger than needed for screening, so impinges more than necessary on the view from the citizenM hotel's

¹ Order on Motion for Summary Judgment (October 31, 2024).

² Declarations of Nashem and Wright, filed with summary judgment.

³ Ex. B-8 (Application), p. 1; Ex. B-14 (Applicant presentation), pp. 17-19; Ex. A-6.

outdoor dining area.⁴ The architectural drawings also depict a structure which is taller than needed.⁵ L&B initially proposed a three-sided fence, with the side facing the dining area open, but following staff prompting, enclosed the fourth side.⁶

7. History. Before Alaskan Way Viaduct removal, L&B's containers were stored in front of the Polson and 619 Western Buildings, with the area now at issue used for parking.⁷ L&B asserted the City's Office of the Waterfront established the new location to accommodate new bus stops on rebuilt Alaskan Way.⁸ The agency disputes this,⁹ and the evidence supports curb ramp installation to facilitate garbage pickup in front of the 619 Western Building, not 600 Alaskan Way.¹⁰ Regardless, L&B claims storage adjacent to its building violates a rule requiring refuse storage be within 50-feet of pick-up, so cannot be placed there.¹¹ The dumpsters were relocated to their present location, an enforcement action ensued, and the Seattle Department of Construction and Inspections determined:

Seattle Municipal Code 23.54.040 sets out the regulations for solid waste and recyclable materials storage and access.... The space must be on the lot of the structure it serves. In this case, the bins are being used by the Polson and 619 Western buildings and they are on property that is and has been used as part of one lot. Further, the City placed them in this location as part of SDOT's Alaskan Way Main Corridor project in order to facilitate a bus stop. **However, the bins must be screened from public view and a permit is required.**

The NOV [Notice of Violation] is amended. Amendments include updating the parcel of the violation, removing the requirement to discontinue the use of the parcel for solid waste and recyclable materials storage and access, and to require a construction permit to establish the screen storage area.¹²

Following this decision, L&B sought approval from the Board for screening.

8. Board Decision. The Board denied the proposal, concluding per SMC 23.54.040.F.1.a, that dumpster storage must be within 50-feet of refuse pick-up. Also, the space was viewed as larger than necessary for screening, inconsistent with SMC 23.54.E.6. The decision was without prejudice. Denial "does not preclude the applicant from submitting a new application for screened dumpsters...."¹³ L&B's appeal followed.

⁴ Exs. A-12 and A-13.

⁵ Ex. B-11a (photographs/design renderings), pp. 1-3, with imaging on the last page clearest on this point.

⁶ Ex. B-8 (Application), p. 1-16, specifically pp. 15-16; Ex. B-17 (Correction Response), pp. 1-13, specifically, pp. 2 and 13.

⁷ Ex. B-5 (Applicant letter), pp. 1-2, and 5.

⁸ Ex. B-5 (Applicant letter), p. 2.

⁹ Ex. B-13 (Staff Report), p. 1; Ex. B-22 (Staff Report), p. 1; Nashem Decl. ¶¶ 5, 12.

¹⁰ Ex. B-5 (Applicant letter, attaching Office of Waterfront Site Plan), p. 8; Ex. B-19 (Applicant Correction Response), p. 7; Nashem Decl. ¶¶ 5 and 12.

¹¹ Ex. B-19 (Correction Response), pp. 1-2.

¹² Ex. B-6 (SDCI Order), p. 3, emphasis added; Ex. B-17 (Comment Response), p. 2.

¹³ Ex. B-29 (Board Decision), p. 2.

CONCLUSIONS

1. Jurisdiction and Review Standard/Design Review. The Hearing Examiner has jurisdiction.¹⁴ Appeals are considered *de novo*, meaning the record is open and disputed facts may be reviewed anew, but the decision is only reversed if arbitrary and capricious.¹⁵ When there is room for two opinions, Board action taken after due consideration suffices, even if the Examiner would have decided the matter differently.¹⁶ However, if new evidence is presented “or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision … for consideration of the additional information or evidence.”¹⁷

2. Review Criteria. The Board is required to “review applications for certificates of approval” and “make a recommendation … to the Department of Neighborhoods Director.”¹⁸ The recommendation is based on consistency with three sets of criteria: “Chapter 23.66, the district use and development standards, and the purposes for creating the district.”¹⁹ Development is also subject to the Land Use Code, Chapter 23 SMC.²⁰

3. Screening. Visual impact and aesthetics were concerns dominating application review as outdoor waste storage spaces must be “screened from public view.”²¹ “With the new ferry terminal opening and the investments along the waterfront, we are dismayed that this corner may be the entryway into Pioneer Square from those new investments.”²² The Pioneer Square Preservation District was created to address such concerns.

The Pioneer Square Preservation District is unique because it is the site of the beginning of The City of Seattle. The area also retains much of the original architecture and artifacts of its early history. The District has played a significant role in the development of Seattle, the Puget Sound region and The State of Washington. It was the first location of industry, business, and homes in early Seattle and the focus of commerce and transportation for more than a half-century.

As a collection of late nineteenth and early twentieth-century buildings of similar materials, construction techniques and architectural style, the District is unique, not only to the City but to the country as well. Most of the buildings within the District embody the distinctive characteristics of the Late Victorian style. Many buildings are the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to

¹⁴ Ch. 23.66 SMC, SMC 23.66.030.E.

¹⁵ SMC 23.66.030.E.4.

¹⁶ *Rios v. Wash. Dept. of Labor & Industries*, 145 Wn.2d 483, 501 (2002).

¹⁷ SMC 23.66.030.E.5.

¹⁸ SMC 23.66.020.D.

¹⁹ SMC 23.66.030.D.2.c.

²⁰ SMC 23.66.025.B; SMC 23.66.100.B (“All property in the entire District shall be developed and used in accordance with … the use and development standards for the underlying zone....”).

²¹ SMC 23.54.040.D.3.

²² Ex B-23 (Board Mtg., 6/26/24), p. 3:13-16.

create an outstanding example of an area that is distinguishable in style, form, character, and construction representative of its era.

The District is an area of remarkable business diversity. The street level of the area north of S. King Street is pedestrian-oriented, with its storefronts occupied primarily by specialty retail shops, art galleries, restaurants, and taverns. The upper floors of buildings in the historic core are occupied by professional offices, various types of light manufacturing, and housing for persons with a wide range of incomes.²³

The requirement for solid waste storage screening follows this purpose, as is the requirement that solid waste storage space may not be enlarged to serve other purposes.²⁴

4. 50-Foot Rule. If solid waste and recycling “containers 2 cubic yards or smaller” will be “manually pulled,” they “shall be placed no more than 50 feet from a curb cut or collection location”²⁵ All but two of L&B’s dumpsters were shown on L&B’s site plan as compliant with the 50-foot rule.²⁶ L&B asked the Board if it could submit a site plan showing same, but the Board denied the request.²⁷ L&B submitted a site plan showing relocated dumpsters immediately following the Board’s hearing.²⁸

L&B’s position is that the 50-foot rule only applies to where containers must be temporarily placed for pick-up, not stored. This interpretation conflicts with code. The code uses the term “storage space,” not temporary pick-up location.

Access for services providers **to the storage space from the collection location** shall meet the following requirements: 1. For containers 2 cubic yards or smaller: a. Containers to be manually pulled shall be placed no more than 50-feet from a curb cut or collection location....²⁹

This plain language follows L&B’s original interpretation, in which, due to this rule, it asserted it could not locate the containers adjacent to its own business.³⁰ The Board’s interpretation is consistent with the actual code language and how L&B originally interpreted it, so is not arbitrary and capricious.

²³ SMC 23.66.100.C (1, 2 and 4).

²⁴ SMC 23.54.040.E.6 (“The storage space shall not be used for purposes other than solid waste and recyclable materials storage and access.”).

²⁵ SMC 23.54.040.F.1.a.

²⁶ Ex. B-19 (Applicant’s Correction Response), p. 7; SMC 23.66.030.C.2.i.1 (site plan required).

²⁷ Ex. B-28 (Board Mtg., 8/27/24), pp. 22-24.

²⁸ Exs. A-12 and A-13.

²⁹ SMC 23.54.040.F.1.a, emphasis added.

³⁰ Ex. B-19 (Correction Response), p. 2 (“The use of this area for the storage of waste containers would hinder the economic viability of the ground floor tenant spaces of the Western Building, both of which are designed to accommodate the potential for full-service restaurant operations.”)

5. Waste Storage and Access. The code requires that the refuse storage area be used only for “solid waste and recyclable materials storage and access.”³¹ Yet the proposed screening was sized to exceed the area needed to store the waste receptacles by at least one third.³² L&B asserts the space was enlarged as other refuse containers may be stored there in future, but did not substantiate this.³³ And in conflict with this assertion, the record includes references to a dispute with the adjacent business interest, along with an expressed interest in placing the area adjacent to this business rather than adjacent to L&B’s business.³⁴ The code does not authorize using excess waste storage to block competitor views. Regardless, inconsistent with code, the unused portion of the solid waste storage area was not designed to screen the proposed waste bins.

6. Dumpster Location. L&B maintains the dumpsters are in the only feasible location. The Board had requested that L&B explain the alternatives it had considered.³⁵ L&B declined to elaborate on its previously discarded alternatives, stating that “the Owner intends to continue using the 600 Alaskan Way parcel for storage of recycle and waste containers” as SDCI (Seattle Department of Construction and Inspections) established the location as acceptable.³⁶ SDCI, in an enforcement action, had determined that the storage bins “may remain in the current location.”³⁷ This enforcement decision did not preclude an alternate dumpster location; it simply allowed the current one based only on its reading of SMC 23.54.040.E.1 (“storage space shall be located on the lot of the structure it serves”). By accepting the location, but not precluding others, the Board’s holding is consistent.³⁸

7. Board Decision. It was not arbitrary and capricious for the Board to require compliance with the 50-foot rule and provide for tailoring screening to the use. However, where code conflicts are readily remedied through conditions, in lieu of denial, conditioning the approval should be considered. And, where new evidence is presented to the Examiner or is required, the Examiner shall remand to re-open the record and allow for same.

³¹ SMC 23.54.040.E.6.

³² Exs. A-12 and A-13.

³³ L&B’s Closing Brief, p. 7:6-8.

³⁴ Ex. B-19 (Correction Response), p. 2; Ex. B-23 (Board Mtg., 6/26/24), p. 27 (containers would be “a detriment to the value of those spaces”); Ex. B-5 (Applicant letter), p. 2 (“The non-ownership of this parcel by Citizen M has generated dispute issues between the two property owners.”); Ex. A-2 (“Without going into depth on this, there are ongoing disagreements between the two property owners.”); Wright Decl. ¶¶ 9, 12; Nashem Decl. ¶¶ 9, 12.

³⁵ Ex. B-24 (Board/Applicant e-mail exchange), p. 2.

³⁶ *Id.* at 1; Nashem Decl. ¶ 22.

³⁷ Ex. B-6 (SDCI Order), p. 3; Ex. B-17 (Comment Response), p. 2; Ex. B-23 (Board Mtg., 6/26/24), p. 8.

³⁸ Ex. B-29; *see also* City’s Closing Brief, p. 10:18-19. That the Board deferred to the SDCI approach, despite the narrow purview of that enforcement action, does not mean the use complies with Ch. 23.54 SMC, or with Ch 23.66 SMC, the latter of which vests use authorization with the Board. In fact, at this location, the use may very well be prohibited under both chapters. SMC 23.66.122(A)(17) and (22); SMC 23.54.040(E)(1). SDCI did not address these provisions and these issues are not decided here.

If evidence is presented to the Hearing Examiner that was not presented to the Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

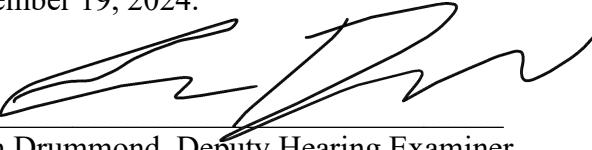
L&B submitted a revised site plan after the Board's record closed.³⁹ That plan shows receptacle placement in a manner that appears to follow the 50-foot rule but with fencing at least one-third larger and possibly taller than necessary to screen the facility, potentially making it more obtrusive and in conflict with neighboring businesses, which raises code conflict concerns.⁴⁰ However, a new application process is not required. The Board can simply re-open the hearing to allow a revised, code-compliant site plan to be submitted and condition its final decision as needed to meet code requirements, including SMC 23.54.040.F.1.a. and SMC 23.54.040.E.6.⁴¹

The decision should be remanded to allow the Board to re-open the hearing and allow L&B to submit a revised site plan. The Board would then have an opportunity to consider the new materials and determine whether approval conditions are needed to address code requirements, consistent with District purposes.

DECISION

The appeal is **GRANTED** in part and **DENIED** in part. The matter is returned to the Board for further review consistent with this Decision. Jurisdiction is not retained.

Entered December 19, 2024.



Susan Drummond, Deputy Hearing Examiner

³⁹ Ex. A-13.

⁴⁰ SMC 23.54.040.E.6; SMC 23.66.100.C (1, 2 and 4).

⁴¹ L&B's Closing Brief, pp. 8-9; City's Closing Brief, p. 10:18-19. Though this decision provides for re-opening the hearing, rather than a new application process, this does not mean close attention to the updated plans will not be necessary. To the contrary, the decision is being returned for careful consideration.

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult code sections and other appropriate sources, to determine applicable rights and responsibilities.

The Hearing Examiner's decision is the final decision for the City of Seattle. Under RCW 36.70C.040, a request for the decision's judicial review must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case the judicial review request must be commenced within twenty-one (21) days of the date the reconsideration order is issued.

The person seeking review must arrange for and initially pay for preparing a verbatim hearing transcript. Instructions for preparation of the transcript are available from the Office of Hearing Examiner. Please direct all mail to: PO Box 94729, Seattle, Washington 98124-4729. Office address: 700 Fifth Avenue, Suite 4000. Telephone: (206) 684-0521.

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date below I sent true and correct copies of the attached **FINDINGS AND DECISION** to each person below in **L&B INVESTMENTS LLC**, Hearing Examiner File **R-24-002** in the manner indicated.

| Party | Method of Service |
|---|--|
| Appellant Representative, Ron Wright & Associates/Architects, P.S. <ul style="list-style-type: none">• Ron Wright, rwright@rwaa.com L&B Property Investment LLC <ul style="list-style-type: none">• stanley@stanleyre.com | <input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |
| Board Legal Counsel, City Attorney's Office <ul style="list-style-type: none">• Patrick Downs, patrick.downs@seattle.gov• Maxwell Burke, maxwell.burke@seattle.gov Department of Neighborhoods <ul style="list-style-type: none">• Genna Nashem, genna.nashem@seattle.gov | <input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |

Dated: December 19, 2024

/s/ Angela Oberhansly
Angela Oberhansly
Legal Assistant

CITY OF SEATTLE
ORDINANCE 127285
COUNCIL BILL 121005

AN ORDINANCE relating to land use and zoning; updating and clarifying requirements for solid waste storage, staging areas, and access for residential, commercial, and industrial development; adding new requirements for Neighborhood Residential and industrial zones; updating provisions for alternative arrangements to meet requirements; and amending Sections 23.49.025, 23.54.040, and 23.84A.036 of the Seattle Municipal Code.

WHEREAS, the Seattle City Council adopted Ordinance 123495 in 2010 that established the existing development regulations for solid waste storage, access, and collection in Seattle Municipal Code (SMC) Section 23.54.040; and

WHEREAS, as The City of Seattle's population and housing stock continue to grow, amendments to SMC Section 23.54.040 and related subsections are required to meet the needs of increased residential, commercial, and industrial development citywide; and

WHEREAS, the proposed amendments to SMC Section 23.54.040 are intended to clarify existing code to help streamline the permitting process, codify existing collection contractor and industry practices for solid waste access and collection that currently exist in practice but not in existing code, and establish new regulations to meet the solid waste storage, access, and collection needs as the City continues to grow; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.025 Odor, noise, light/glare, and solid waste ((recyclable materials)) storage, ((space)) access, and collection standards

* * *

1 D. ~~((The standards of))~~ Section 23.54.040 ~~((for))~~ shall be applied to determine the
2 provision of solid waste ((and recyclable materials storage space shall be met)) facilities and
3 services.

4 Section 2. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance
5 126157, is amended as follows:

6 **23.54.040 Solid waste ((and recyclable materials)) storage, ((and)) access, and collection**

7 A. General provisions. For the purposes of this Section 23.54.040, compostable materials,
8 garbage, recyclable materials, and solid waste are as defined in Chapter 21.36. “Solid waste”
9 refers to compostable materials, garbage, and recyclable materials.

10 1. Except as otherwise provided in ((subsection 23.54.040.1, in RSL, downtown,
11 multifamily, master planned community, and commercial zones,)) this Section 23.54.040, solid
12 waste storage space ((for solid waste and recyclable materials containers)) shall be provided as
13 shown in Table A for 23.54.040 and Table B for 23.54.040 for:

14 a. ((all)) All new principal structures((, and for)) and detached accessory
15 dwelling units:

16 b. An addition of more than 5,000 gross square feet of non-residential
17 use(s) to an existing structure:

18 c. A change of use of more than 10,000 gross square feet of non-
19 residential use(s) in an existing structure:

20 d. Existing structures to which two or more live-work units are added;

21 e. ((existing)) Existing structures to which two or more dwelling units are
22 added((,)) ; and

23 f. Existing structures to which four or more sleeping rooms are added.

1 ((1.)) 2. Residential ((uses proposed to be located on separate platted lots, for
2 which each dwelling unit will be billed separately for utilities,)) development shall provide one
3 solid waste storage ((area per dwelling unit that has)) space with minimum dimensions of ((2))
4 2.5 feet by 6 feet for each dwelling unit, unless they provide solid waste storage space according
5 to subsection 23.54.040.A.3.

6 ((2.)) 3. Residential development for which a home ownership association, or
7 other single entity, exists or will exist as a sole source for utility billing may meet the
8 ((requirement)) standards in subsection ((23.54.040.A.1)) 23.54.040.A.2, or the ((requirement))
9 standards in Table A for 23.54.040.

10 ((3.)) 4. Except as otherwise provided in this Section 23.54.040, ((Non)) non-
11 residential development shall meet the ((requirement)) standards in Table ((A)) B for 23.54.040.

12 5. Solid waste storage spaces, solid waste staging areas, and solid waste collection
13 locations shall meet contractor safety standards promulgated by the Director of Seattle Public
14 Utilities.

15 6. Each solid waste storage space shall include solid waste containers for
16 compostable materials, garbage, and recyclable materials.

17 7. A solid waste storage space may also serve as a solid waste staging area and/or
18 solid waste collection location if the storage space meets the requirements for such area(s).

19 **Table A for 23.54.040((:))**
20 **Shared ((Storage Space)) solid waste storage space for ((Solid Waste Containers))**
21 **residential development**

| Residential development ¹ | Minimum area for shared storage space |
|--------------------------------------|---------------------------------------|
| 2-8 dwelling units | 84 square feet |
| 9-15 dwelling units | 150 square feet |
| 16-25 dwelling units | 225 square feet |
| 26-50 dwelling units | 375 square feet |

| | |
|---|--|
| 51-100 dwelling units | 375 square feet plus 4 square feet for each additional unit above 50 |
| More than 100 dwelling units | 575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C |
| ((For residential uses that are not readily described as a discrete number of dwelling units, such as congregate residences, the Director shall determine the amount of storage space required based on the number of sleeping rooms as a substitute for the number of dwelling units. | |
| Non-residential development (Based on gross floor area of all structures on the lot) | Minimum area for shared storage space |
| 0 - 5,000 square feet | 82 square feet |
| 5,001 - 15,000 square feet | 125 square feet |
| 15,001 - 50,000 square feet | 175 square feet |
| 50,001 - 100,000 square feet | 225 square feet |
| 100,001 - 200,000 square feet | 275 square feet |
| 200,001 plus square feet | 500 square feet |
| Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B.)) | |

1 **Footnote to Table A for 23.54.040**

2 ~~For residential uses that are not readily described as a discrete number of dwelling units, such~~
 3 ~~as congregate residences, the Director shall determine the amount of storage space required~~
 4 ~~based on the number of sleeping rooms as a substitute for the number of dwelling units, at a rate~~
 5 ~~of one dwelling unit for every four sleeping rooms.~~

6 **Table B for 23.54.040**

7 **Shared solid waste storage space for non-residential development**

| | |
|--|---|
| Non-residential development¹ | Minimum area of shared storage space |
| 0-5,000 gross square feet | 82 square feet |
| 5,001-15,000 gross square feet | 125 square feet |
| 15,001-50,000 gross square feet | 196 square feet |
| 50,001-100,000 gross square feet | 225 square feet |
| 100,001-200,000 gross square feet | 275 square feet |
| Greater than 200,000 gross square feet | 500 square feet |

9 **Footnote to Table B for 23.54.040**

10 ¹ Based on gross floor area of all principal structures on the lot.

1 B. Mixed use development that contains both residential and non-residential ((uses)) use
2 shall meet the minimum solid waste storage space area requirements shown in Table A for
3 23.54.040 for residential development or as modified by subsection 23.54.040.C, plus 50 percent
4 of the solid waste storage space requirement for non-residential development shown in Table B
5 for 23.54.040. In mixed use developments, solid waste storage space ((for garbage)) may be
6 ((shared between residential and non-residential uses, but separate spaces for recycling shall be
7 provided)) located together.

- 8 1. Residential and non-residential uses may share containers for garbage.
- 9 2. Residential and non-residential uses shall use separate containers for recycling
10 and compostable materials.

11 C. For development with more than 100 dwelling units, the required minimum area for
12 residential solid waste storage space shown in Table A for 23.54.040 may be reduced by 15
13 percent, if the area provided as residential solid waste storage space has ((a)) minimum
14 horizontal ((dimension)) dimensions (width and depth) of 20 feet.

15 D. ((The storage)) Solid waste storage space required by Table A for 23.54.040 shall
16 meet the ((following)) minimum dimensional requirements in Table C for 23.54.040, Table D for
17 23.54.040, and Table E for 23.54.040, according to type of uses present.

18 ((1. For developments with eight or fewer dwelling units, the minimum horizontal
19 dimension (width and depth) for required storage space is 7 feet. For developments with nine
20 dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;))

21 **Table C for 23.54.040**

22 **Minimum solid waste storage dimensional requirements for residential development**

| <u>Residential development¹</u> | <u>Minimum dimensions (width and depth)</u> |
|--|---|
| 1-15 dwelling units | 8 feet by 8 feet |
| 16 dwelling units or more | 14 feet by 14 feet |

1 **Footnote to Table C for 23.54.040**

2 ¹ For residential uses that are not readily described as a discrete number of dwelling units, such
3 as congregate residences, the Director shall determine the amount of storage space required
4 based on the number of sleeping rooms as a substitute for the number of dwelling units, at a rate
5 of one dwelling unit for every four sleeping rooms.

6 **Table D for 23.54.040**

7 **Minimum solid waste storage dimensional requirements for non-residential development**

| Non-residential development¹ | Minimum dimensions (width and depth) |
|--|---|
| 1-15,000 gross square feet | 8 feet by 8 feet |
| Greater than 15,000 square feet | 14 feet by 14 feet |

8 **Footnote to Table D for 23.54.040**

9 ¹ Based on gross floor area of all principal structures on the lot.

10 **Table E for 23.54.040**

11 **Minimum solid waste storage dimensional requirements for development with a mix of**
12 **residential and non-residential uses**

| Development size^{1,2} | Minimum dimensions (width and depth) |
|--|---|
| 1-15 dwelling units, or up to 15,000 square feet of non-residential use gross floor area, or both | 8 feet by 8 feet |
| 16 dwelling units or more, or greater than 15,000 square feet or non-residential use gross floor area, or both | 14 feet by 14 feet |

13 **Footnotes to Table E for 23.54.040**

14 ¹ For residential uses that are not readily described as a discrete number of dwelling units, such
15 as congregate residences, the Director shall determine the amount of storage space required
16 based on the number of sleeping rooms as a substitute for the number of dwelling units, at a rate
17 of one dwelling unit for every four sleeping rooms.

18 ² Based on gross floor area of all principal structures on the lot.

19 ((2.)) 1. The floor of the solid waste storage space shall be level and hard-
20 surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and
21 ((3.)) 2. If located outdoors, the solid waste storage space shall be screened from
22 public view and designed to minimize light and glare impacts.

23 E. The location of all solid waste storage spaces shall meet the following requirements:

24 1. The solid waste storage space shall be located on the lot of the structure it
25 serves and, if located ((outdoors)) outside the principal structure, shall not be located between a
26 street-facing facade of the structure and the street (development permitted for unit lot subdivision

1 may designate a shared solid waste storage space within the parent lot of the unit lot
2 subdivision);

3 2. The solid waste storage space shall not be located in ((any required))
4 driveways, parking aisles, or parking spaces;

5 3. The solid waste storage space shall not block or impede any fire exits, any
6 public rights-of-way, or any pedestrian or vehicular access;

7 4. The solid waste storage space shall be located to minimize noise and odor
8 impacts on building occupants and beyond the lot lines of the lot; and

9 ((5. The storage space shall meet the contractor safety standards promulgated by
10 the Director of Seattle Public Utilities; and))

11 ((6.)) 5. The solid waste storage space shall not be used for purposes other than
12 solid waste ((and recyclable materials)) storage and access to or movement of solid waste
13 containers.

14 F. Solid waste staging areas and solid waste collection locations

15 1. Solid waste staging areas located within a planting strip may not conflict with
16 required landscaping, including but not limited to street trees, and other required public right-of-
17 way characteristics. Evaluation of consistency with this subsection 23.54.040.F.1 shall be in
18 consultation with the Director of Transportation.

19 2. The Director may allow staging of solid waste containers in the right-of-way in
20 consultation with the Director of Transportation.

21 3. Solid waste staging areas and solid waste collection locations shall not be
22 within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a
23 sole travel lane for a bus.

1 4. A minimum 14-foot overhead clearance shall be provided at the solid waste
2 collection location, except as otherwise specified in subsection 23.54.040.G.

3 5. Solid waste carts shall be staged within 8 feet of the solid waste collection
4 location unless an alternative staging location is approved by Seattle Public Utilities.

5 6. Solid waste staging and solid waste collection areas for dumpsters shall be
6 paved with asphalt or concrete.

7 7. ((F)) G. Access to solid waste containers for solid waste service providers and solid waste
8 collection vehicles ((to the storage space from the collection location)) shall meet the following
9 requirements:

10 1. For ((containers)) dumpsters 2 cubic yards or smaller:

11 11. a. ((Containers)) Dumpsters to be manually ((pulled)) transported for
12 collection by a solid waste service provider, shall be ((placed)) staged no more than 50 feet from
13 ((a curb cut or)) the solid waste collection location((;)), in a manner that provides access to each
14 container for service;

15 15. b. ((Collection location shall not be within a bus stop or within the right-
16 of-way area abutting a vehicular lane designated as a sole travel lane for a bus;))

17 17. c. The slope of the solid waste staging area and solid waste collection
18 locations for dumpsters shall not exceed a grade of six percent;

19 19. d. ((Access ramps to the storage space and)) The slope of access paths
20 used to move dumpsters to the solid waste collection location shall not exceed a grade of six
21 percent; ((and))

22 22. e. An enclosed solid waste staging area for dumpsters shall have an access
23 door or opening that is at least 6 feet wide;

e. Paths and corridors through which dumpsters are transported shall be at least 6 feet wide and shall be paved with asphalt or concrete; and

((d.)) f. Any gates or access routes for ((trucks)) solid waste collection vehicles shall be a minimum of ((40)) 12 feet wide.

2. For containers larger than 2 cubic yards, any container to be loaded for service of the solid waste collection vehicle, and all containers storing compacted ((refuse materials:

a. Direct access to the containers shall be provided ((~~from the alley or street to the containers;~~)) at the solid waste collection location;

b. The slope of the solid waste collection location and solid waste staging area shall not exceed two percent;

((b-)) c. Any gates or access routes for ((trucks)) solid waste collection vehicles shall be a minimum of ((40)) 12 feet wide;

~~((e. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;~~

d. If accessed directly by a collection vehicle, whether into a structure or otherwise, a 24 foot overhead clearance shall be provided.))

d. Paths and corridors through which containers are transported shall be a minimum of 6 feet wide and shall be paved with asphalt or concrete;

e. In locations where a compactor will be placed, the solid waste storage space shall accommodate a minimum 2 feet of clearance around all sides of the compactor(s);

f. The solid waste collection location for front-load dumpsters shall have a 24-foot overhead clearance; and

1 g. Solid waste collection locations shall be located such that solid waste
2 service providers do not need to reposition containers larger than 4 cubic yards or containers that
3 store compacted materials.

4 3. For roll-off dumpsters (uncompacted and compacted solid waste):

5 a. Gates or access routes for solid waste collection vehicles shall be a
6 minimum of 12 feet wide;

7 b. Direct access to the dumpsters by solid waste collection vehicles shall
8 be provided at the solid waste collection location;

9 c. Overhead clearance (floor to ceiling) for a low-profile roll-off dumpster
10 shall be a minimum of 14 feet;

11 d. Overhead clearance (floor to ceiling) for a roll-off dumpster of standard
12 height shall be a minimum of 16 feet; and

13 e. Overhead clearance (floor to ceiling) if the container is not stored on a
14 dock shall be a minimum of 18 feet.

15 ((G. Access for occupants to the storage space from the collection location shall meet the
16 following requirements:

17 1. Direct access shall be provided from the alley or street to the containers;

18 2. A pick-up location within 50 feet of a curb cut or collection location shall be

19 designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-
20 of-way;

21 3. If a planting strip is designated as a pick-up location, any required landscaping
22 shall be designed to accommodate the solid waste and recyclable containers within this area.))

1 H. The solid waste ((and recyclable materials)) storage space, access, solid waste staging
2 area, and ((pick-up)) solid waste collection location specifications required in this Section
3 23.54.040, including the number, ((and sizes of containers,)) volume, and dimensions (width and
4 depth) of containers and the type of solid waste, shall be included on the plans submitted with the
5 permit application for any development subject to the requirements of this Section 23.54.040.

6 ((I. The Director, in consultation with the Director of Seattle Public Utilities, has the
7 discretion to modify the requirements of this Section 23.54.040 as a Type I decision, if the
8 applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040
9 and if either:

10 1. The applicant can demonstrate difficulty in meeting any of the requirements of
11 this Section 23.54.040; or

12 2. The applicant proposes to construct or expand a structure, and the requirements
13 of this Section 23.54.040 conflict with opportunities to increase residential densities and/or retain
14 ground level retail uses.))

15 ((J.)) I. Ramps to accommodate solid waste container access

16 1. A solid waste access ramp to the street ((to accommodate solid waste container
17 access)) that is not more than 5 feet in width may be approved by the Director of Transportation
18 if:

19 a. Access to solid waste containers is not from an alley;

20 b. No on-site parking is provided;

21 c. The lot contains solid waste containers that are 1 cubic yard or larger;

22 and

d. There are no existing solid waste access ramps ((~~to accommodate solid waste container access~~)) or other curb cuts within 150 feet of the street lot line, as measured parallel to the street lot line. For purposes of this subsection ((23.54.040.J.1.d)) 23.54.040.I.1.d, curb ramps at crosswalks are not considered existing ramps for solid waste access.

2. The standards of subsections ((23.54.040.J.1-a)) 23.54.040.I.1.a through ((23.54.040.J.1-d)) 23.54.040.I.1.d may be modified by the Director of Transportation where unusual topography, inability to temporarily stage solid waste containers in a parking lane, or other local conditions present significant challenges for accommodating solid waste container access.

J. If the requirements of this Section 23.54.040 cannot be met, the Director, after consultation with the Director of Seattle Public Utilities, may approve alternative arrangements.
Such measures may be approved as a Type I decision in relation to any requirement of this Section 23.54.040, except subsection 23.54.040.I. Alternative staging arrangements may be approved as a Type I decision by the Director after consultation with the Director of Seattle Public Utilities and the Director of Transportation. Approval of alternative arrangements is at the discretion of the Director and does not obligate the Director to grant relief from any requirement or obligate the Director to provide any improvements within a right-of-way. The Director may consider, but is not limited to considering:

1. Whether adequate areas exist on the lot or in the right-of-way for staging or collecting solid waste containers:

2. Whether the solid waste requirements adequately accommodate the needs of a particular development type, such as:

a. Affordable housing;

1 b. Small efficiency dwelling units;

2 c. Congregate housing; or

3 d. Development using compaction of solid waste;

4 3. Whether alternative solid waste arrangements would result in one or more
5 additional dwelling units being constructed; and

6 4. The effect on the efficiency of collection services such as:

7 a. Minimizing the number of days for collection service;

8 b. Providing safe access to the solid waste collection area; or

9 c. Providing an efficient route between the solid waste storage space and
10 the solid waste collection location.

11 Section 3. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance
12 126157, is amended as follows:

13 **23.84A.036 “S”**

14 * * *

15 “Solarium” means a room, porch, or other area, that is designed to admit sunlight, is part
16 of a larger structure, is enclosed substantially entirely by glass or another transparent material,
17 and is not primarily used for the cultivation or protection of plants.

18 “Solid waste collection location” means the location where solid waste is collected from
19 solid waste containers into a solid waste collection vehicle.

20 “Solid waste containers” include, but are not limited to, the following:

21 1. “Carts” are wheeled containers and available in sizes ranging from 10 gallons
22 to 100 gallons.

1 2. “Dumpsters.” with or without wheels, are containers designed to allow
2 mechanical loading of solid waste onto solid waste collection vehicles, provided in volumes
3 ranging from 0.75 cubic yards to 8 cubic yards.

4 3. “Roll-off dumpsters” are containers for solid waste that require a winch system
5 to load onto the flatbed of a specialized solid waste collection vehicle. They may include
6 compacted or uncompacted materials.

7 4. “Front-load dumpsters” are containers loaded by mechanisms on the front of
8 solid waste collection vehicles to dump solid waste and require 24 feet of overhead clearance to
9 complete service.

10 5. “Low-profile roll-off dumpsters” are roll-off dumpsters with a height maximum
11 of 88 inches.

12 “Solid waste incineration facilities.” See “Solid waste management” under “Utility.”

13 “Solid waste landfills.” See “Solid waste management” under “Utility.”

14 “Solid waste management.” See “Utility.”

15 “Solid waste service providers” means persons that provide solid waste management
16 services for a solid waste management business or utility, and persons hired by site occupants to
17 move solid waste containers on a regular basis.

18 “Solid waste staging area” means a location for intermediate placement of garbage,
19 recycling, and compostable materials in preparation for collection by solid waste collection
20 vehicles, either on private property or within the right-of-way.

21 “Solid waste storage space” means a location for keeping, maintaining, or storing
22 garbage, recycling, or compostable materials from the time of disposal by users until the time of
23 staging or collection, provided that a solid waste storage space may serve as a solid waste staging

1 area and/or solid waste collection location if the storage space meets the requirements for such
2 area(s).

3 "Solid waste transfer station." See "Solid waste management" under "Utility."

4 | * * *

5 Section 4. The provisions of this ordinance are declared to be separate and severable.

6 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
7 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
8 validity of the remainder of this ordinance or the validity of its application to other persons or
9 circumstances.

1 Section 5. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the 2nd day of September, 2025,
4 and signed by me in open session in authentication of its passage this 2nd day of
5 September, 2025.

Sarah M. Lerner

6 President _____ of the City Council

7 Approved / returned unsigned / vetoed this 5th day of September, 2025.

Bruce A. Harrell

8 Bruce A. Harrell, Mayor

9 Filed by me this 5th day of September, 2025.

Scheereen Dedman

10 Scheereen Dedman, City Clerk

11 (Seal)