

**INTERPRETATION OF THE DIRECTOR
PURSUANT TO TITLE 23 OF SEATTLE MUNICIPAL CODE**

**Regarding the Use of the Property at
600 Alaskan Way**

**SDCI Interpretation No. 21-002
(SDCI Project No. 3042654 -IR)**

Introduction

A formal request submitted by Mr. Ron Wright for an interpretation of Seattle Municipal Code (SMC) Section 23.54.040, as it pertains to the approved use of the parcel located at 600 Alaskan Way for the storage and staging of solid waste containers.

The request seeks clarification as to whether the location proposed in the attachments (Attachment A, Exhibits A and B and Attachment B, plan set 7013767-CN) meets the Seattle Land Use Code standards for staging and storage of solid waste under SMC 23.54.040.

The code interpretation request seeks to determine whether SMC 23.54.040 allows solid waste containers to be stored on the parcel more than 50 feet from a collection point, provided they are staged for pick-up within 50 feet of the collection point on service days.

The interpretation request also asks SDCI to find that the interpretation be determined to be 'a decided matter in the review of the project for a Certificate of Approval by the Pioneer Square Preservation Board (PSPB).' The former is a matter eligible for interpretation under the Seattle Municipal Code section 23.88.020. The latter determination, as to the effect of the interpretation on the PSPB and the appeal process before the Hearing Examiner, is outside the scope and authority of SMC 23.88.

Findings of Fact

1. A solid waste storage area was installed for two buildings, The storage area serves both the Polson Building and the 619 Western Building and the storage location is located on a portion of the parcel at 600 Alaskan Way.
2. 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 Civic Projects allowed the temporary relocation 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. SOOT created a new curb cut to facilitate trash pickups from the current location.
3. SPU approved a trash pick-up location, and a curb cut was installed along the Alaskan Way right-of-way in coordination with Angela Wallis¹ of Seattle Public Utilities. Shown on Attachment B.
4. The Seattle Department of Construction & Inspections (SDCI) initially issued a Notice of Code Violation on December 5, 2022, which was later amended.
5. The owner submitted a request for a Certificate of Approval from the Pioneer Square Preservation Board (PSPB).
6. A permit was submitted to SDCI for review (7013767-CN) Attachment B.
7. Preliminary analysis² of that permit and the location of trash storage by SDCI in the context of permit review concluded that all location standards of the zone were met and that the permit could be reviewed and issued pending a granting of a certificate of approval from the PSPB.
8. The request for a Certificate of Approval was denied, in part on the basis that the storage area did not meet the standards of SMC 23.54.040 at the time.
9. The matter was appealed to the Seattle Hearing Examiner.
10. The Examiner directed the Board to allow submission of revised documentation and condition its decision based on compliance with applicable code sections, including SMC 23.54.040.F.1.a and SMC 23.54.040.E.6.
11. The Hearing Examiner confirmed during the hearing that the use of the parcel for waste container storage was not contested, stating: '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.'
12. Following the remand, a formal Request for Code Interpretation was submitted to SDCI to clarify the meaning and applicability of the trash storage standards,

¹ Location of approved pick up confirmed by SDCI staff via telephone conference.

² Person consultation between staff members Dave Van Skike and David Graves.

specifically the '50-foot rule' requiring trash receptacles to be staged within 50 feet of the collection point.

13. Mr. Wright's interpretation request sought further clarification regarding the applicability of this interpretation in the context of the Hearing Examiner Decision and the review conducted by the Pioneer Square Preservation Board (PSPB).
14. Subsequently, these code provisions were amended by Seattle City Council in a suite of changes to SMC 23.54.040 and in August of 2025, the interpretation request was amended to address the new code standards.
15. These new standards became effective on October 5, 2025 in Ordinance 127285.
16. The submitted site plans at Attachment A, Exhibits A and B identify fenced area designated for the storage of containers, with staging areas located within 50 feet of the collection ramp. This configuration is consistent with the revised code and satisfies the requirement for container accessibility on collection days.
17. The code also provides at Table D to SMC 23.54.040 specific minimum dimensional requirements for solid waste storage areas in non-residential developments. The applicable minimum size for the subject parcel is 14 feet by 14 feet. The submitted plan meets this requirement. See Exhibit A to Attachment A.

Analysis

This interpretation is rendered pursuant to the authority of the Seattle Department of Construction & Inspections under SMC 23.88.020. The proposal shown in Attachment A, Exhibit A and B, Updated Container Enclosure, Storage Space and Staging Area.

Interpretation of “Staging” vs. “Storage”

The code interpretation request is to determine whether the SMC 23.54.040, allows solid waste containers to be stored on the parcel more than 50 feet from a collection point, provided they are staged for pick up in an area that is within 50 feet of the collection point on service days. In short, are “staging” and “storage” distinct terms in the code?

The revised code in Ordinance 127285 introduces distinct definitions for “Solid Waste Storage Space” and “Solid Waste Staging Area.” At SMC 23.84A.036³, the code provides the following distinct definitions:

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

³ <https://seattle.legistar.com/View.ashx?M=F&ID=14774919&GUID=FE94FAFE-A532-49F1-93FC-F9A2CA3EEAF5>

“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 areas.

“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.

Section G.1. of SMC 23.54.040 provides:

“Dumpsters to be manually transported for collection by a solid waste service provider shall be staged no more than 50 feet from the solid waste collection location, in a manner that provides access to each container for service.”

This language establishes that staging refers to *the temporary placement of containers* for collection purposes, separate from their permanent storage location. The code does not require that containers be stored within 50 feet of the collection point, but mandates that they be staged within that distance on scheduled collection days.

This plain reading of the code is further supported by public information hosted on Seattle Public Utilities website⁴ which states the purpose of the legislation to:

Add definitions and clarifying terms to the Land Use Code. This includes for dumpsters and other container types; and clarifies how containers may be shared by building users....

Update requirements including minimum storage area dimensions, clearance heights for collection trucks, width of access doors and paths, staging and collection locations, maximum slopes, and placement of larger storage containers for collection.

Provide added flexibility for alternative arrangements to meet solid waste storage and access requirements

Conclusion:

The site plan at Attachment A, Exhibits A and B identify a fenced area designated for the storage of containers, with staging areas located within 50 feet of a collection ramp. This

⁴ <https://www.seattle.gov/sdci/codes/changes-to-code/solid-waste-storage-and-access>

configuration is consistent with Ordinance 127285 and satisfies the requirement for container accessibility on collection days. There is no code limitation on the maximum size of a container storage area.

This interpretation affirms that solid waste containers to be stored on the parcel more than 50 feet from a collection point, provided they are staged for pick-up within 50 feet of the collection point on service days. The staging of containers within 50 feet of the collection point, as depicted in the updated site plan, complies with the revised code.



Ron Wright & Associates / Architects, PS
2356 West Commodore Way, Suite 210
Seattle, Washington 98199-1258
phone 206.728.4248

DATE: February 19, 2025
TO: SDCI
FROM: Ron Wright, AIA
SUBJECT: Request for Code Interpretation, SDCI Record Number: 7013767-CN
600 Alaskan Way

Pursuant to the provisions of SMC 23.88.020 - Land use interpretations, we are hereby submitting the following request for a code interpretation pertaining to SMC 23.54.040.F.1 as it relates to the approved use of the parcel located at 600 Alaskan Way.

Attached is the site vicinity map (EXHIBIT A) and site plans (EXHIBIT B, C and D) for the proposed storage area for waste and recycling containers at the subject parcel. The storage area serves both the Polson Building and the 619 Western Building.

This request is made in response to the position taken by the Pioneer Square Preservation Board that SMC 23.54.040.F.1 limits the allowable size of a storage space for waste and recycling containers when a collection is not taking place.

SMC 23.54.040.F.1

F. Access for service 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;

The storage space for waste and recycling containers is permitted to be located on the parcel at 600 Alaskan Way per an Amended Notice of Violation (EXHIBIT E) issued by the Seattle Department of Construction and Inspections (SDCI), dated 6/23/24. The Amended Notice stated: *“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 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.”*

Further, regarding the usage of the parcel for the storage of the containers, the Amended Notice set forth *“They may remain in the current location.”*

As SMC 23.54.040.F.1 states, we believe it must be interpreted to regulate the distance that service providers must travel for access to containers, not the size or location of a storage space when containers are not being collected by service providers.

This code provision is specific only to the collection process for servicing the containers. There are numerous examples of container storage areas (inside buildings, for instance) where the storage of containers is located further than 50 feet from the collection location. Containers that are stored more than 50 feet from the collection location are commonly moved to within 50 feet during the established collection time for the collection process to occur.

The Pioneer Square Preservation Board is incorrectly interpreting the 50 feet rule established in SMC 23.54.040.F.1 to limit the size of container storage area at the subject parcel to only the size of the area that is within the 50 feet radius of the collection location. There is no justification for using this code provision, which is intended to stipulate requirements for servicing movable containers, to limit the size or location of the storage area for the movable containers. The storage area is a permitted use for the entire parcel.

Currently, different service providers collect recycling and waste materials at different times. The proposed plan provides flexibility for placing the appropriate containers within 50 feet during the times that containers specific to the type of materials being collected are being serviced.

A different subsection, SMC 23.54.040.E.6, limits the use of storage space to storage of solid waste and recyclable materials. There is no intent in this case to use the storage space for any other purpose than storage of solid waste and recyclable materials.

Please confirm the proposed plan is compliant with the provisions of the Municipal Code, and that the size of the storage area is not limited based upon SMC 23.54.040.F.1.

List of Attachments:

EXHIBIT A Vicinity Plan

EXHIBIT B Expanded Site Plan showing 50-foot collection zone

EXHIBIT C Site Plan showing containers with proposed screened area

EXHIBIT D Enclosure Plan, 600 Alaskan Way

EXHIBIT E Director's Order RE Reconsideration of Amended Notice of Violation
(June 23, 2023)

EXHIBIT A

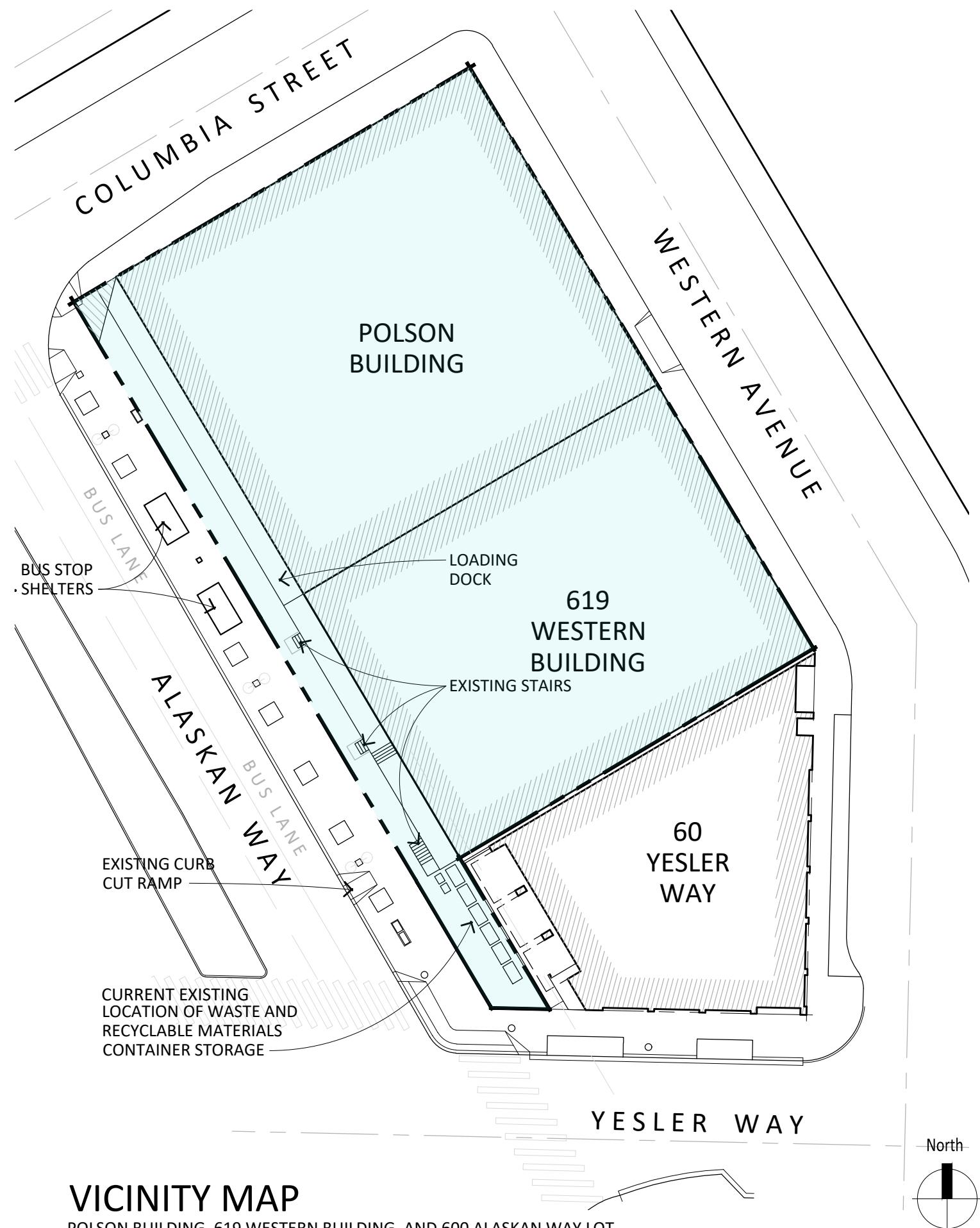


EXHIBIT B

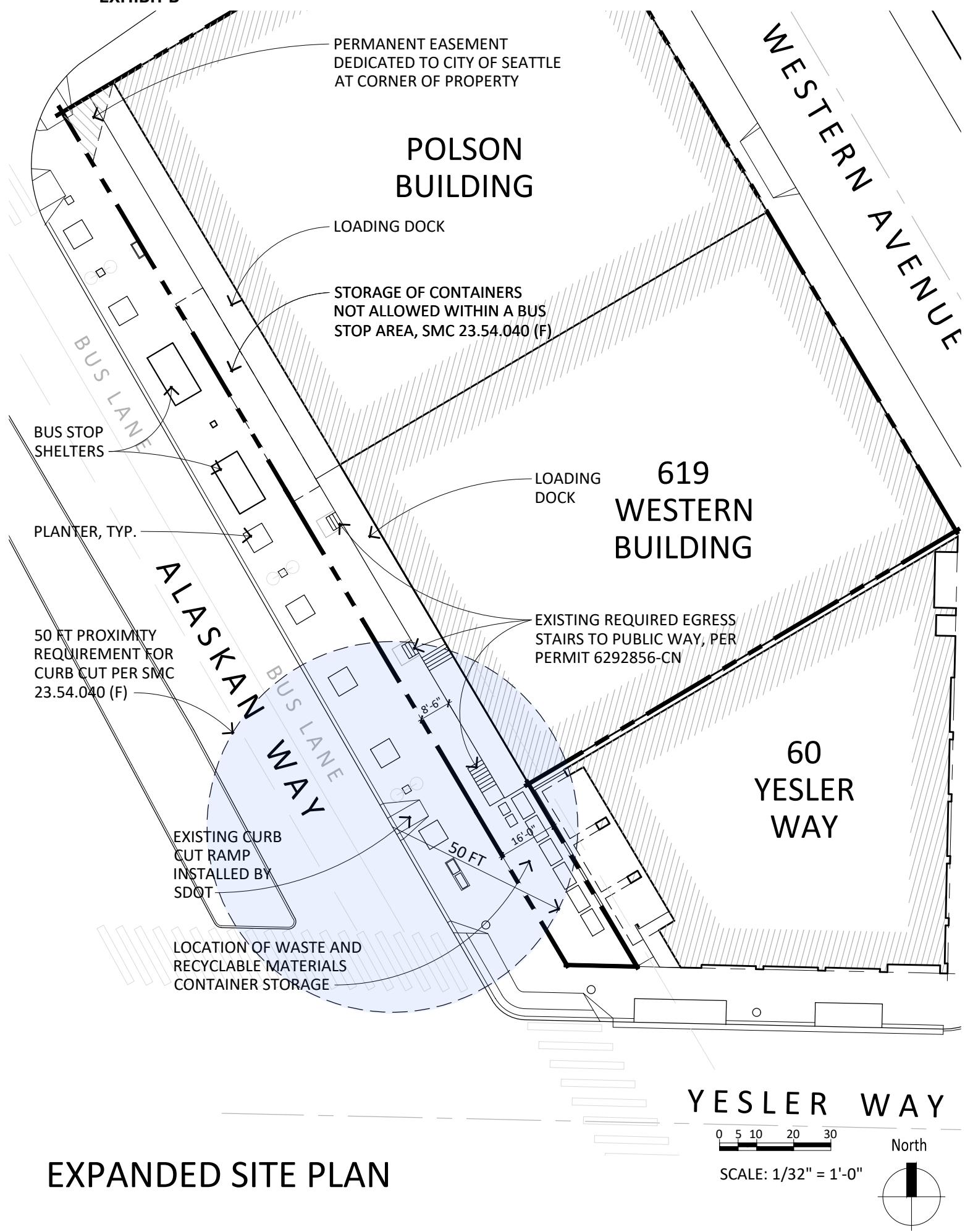
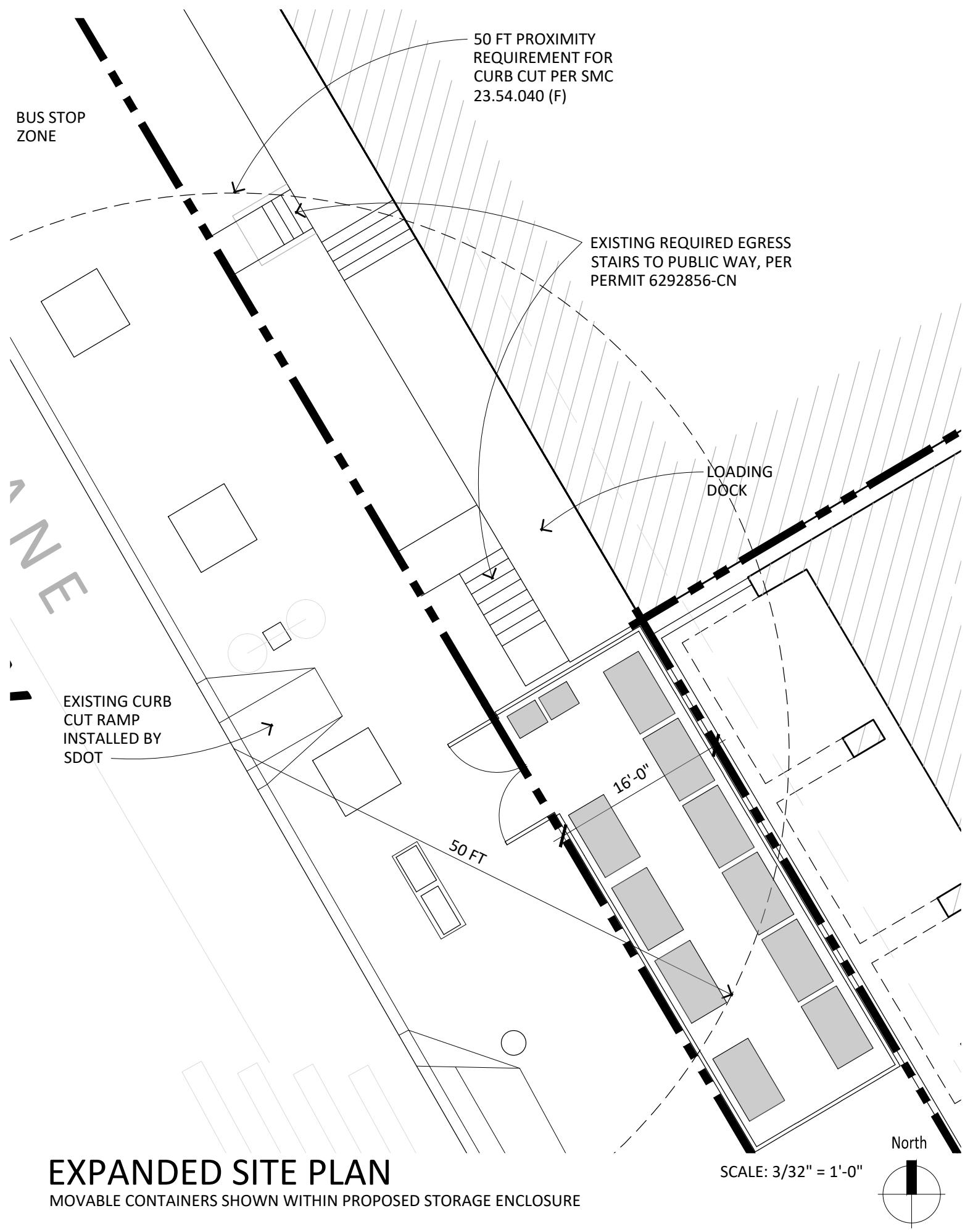
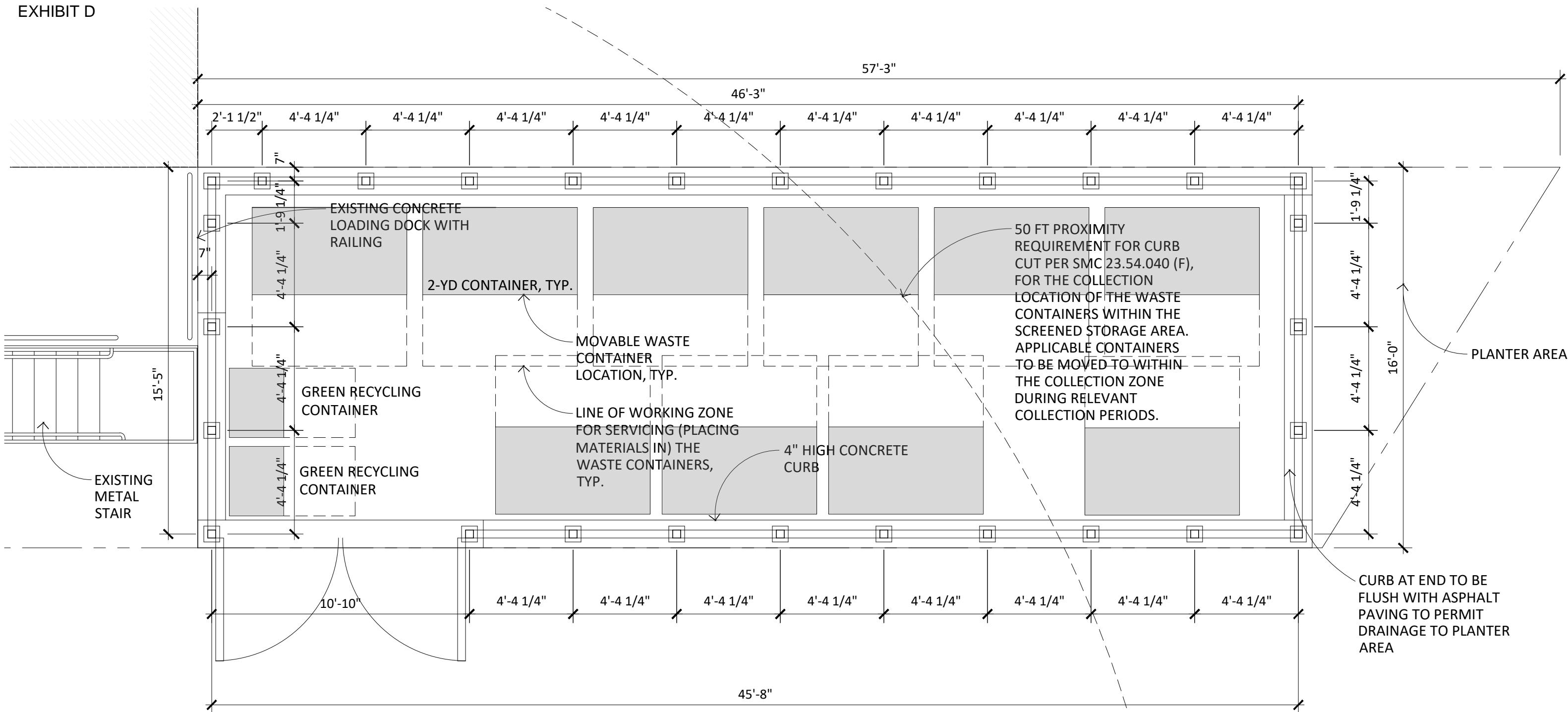


EXHIBIT C





WASTE AND RECYCLING CONTAINER STORAGE ENCLOSURE

1/7/25

1/4" = 1'-0"

NORTI



600 ALASKAN WAY

Seattle, Washington

RON WRIGHT & ASSOCIATES/ARCHITECTS, P.S.
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SEATTLE, WASHINGTON 98199
(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..."

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Order of the Director
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cc: Melissa Balais
via email to *citizenmelissa@citizenm.com*

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