

ORDINANCE No. 120267

COUNCIL BILL No. 113320

The City

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.012 to allow, as a special exception, specific commercial properties in the South Lake Union Neighborhood to increase their maximum structure height from forty (40) feet to sixty five (65) feet.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

10/4 Do Pass

COMPTROLLER FILE No. _____

Introduced: <u>JUL 31 2001</u>	By:
Referred: <u>JUL 31 2001</u>	To: Finance, Budget & Economic Development Committee
Referred:	To:
Referred:	To:
Reported: <u>2-20-01</u>	Second Reading:
Third Reading: <u>2-20-01</u>	Signed: <u>2-20-01</u>
Presented to Mayor: <u>2-20-01</u>	Approved: <u>2/22/01</u>
Returned to City Clerk: <u>2/22/01</u>	Published: <u>full 10/4</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

10-16-20 Held indefinitely
2-20-01 Passed
(Enclosed)

JD

Law Department

Jan Prago

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

ommittee on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

0/4 Do pass as amended SF-1

(E)
(H)

Prago

McIver

Leata

Leaphen

Conlin

0-20 Held indefinitely

NO

Stembroe

0-01 Passed 7-0

(Excused Conlin, Stembroe)

(H)

Vote
Fall 2011
promulgated

Committee Chair

ORDINANCE 120267

1
2
3
4 AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code
5 Section 23.47.012 to allow, as a special exception, specific commercial properties
6 in the South Lake Union Neighborhood to increase their maximum structure height
7 from forty (40) feet to sixty five (65) feet.
8

9 WHEREAS, encouraging redevelopment of properties in the Mercer Corridor is a high
10 priority of the Mayor and Council; and
11

12 WHEREAS, the South Lake Union Neighborhood Plan, adopted by City Council in March
13 1999, encourages redevelopment of properties in the Mercer Corridor area. The
14 neighborhood plan recognizes that there is a need to review existing zoning to
15 determine if any aspects of the code that may need refinement to reflect planning
16 goals, such as parking requirements, affordability, setbacks, height limits, and
17 allowing compatible cultural uses in the area; and
18

19 WHEREAS, the three blocks between Valley and Mercer Streets and Westlake and
20 Fairview Avenues act as an important transition zone that connects the
21 neighborhood with South Lake Union Park in terms of pedestrian connections,
22 view corridors, types of uses, and architecture; and
23

24 WHEREAS, in the spring of 1999, the City and the South Lake Union Planning
25 Committee hired consultants to evaluate development opportunities on the three
26 blocks between Valley and Mercer Streets and Westlake and Fairview Avenues.
27 The analyses show that there are potential benefits to allowing some or all new uses
28 to be compatible with heights in the surrounding zones, which could yield
29 improved public open space, and design and parking opportunities; and
30

31 WHEREAS, while it is possible to individually redevelop these properties at current height
32 limits, and without any land assembly, real estate and urban design analyses show
33 that there are potentially greater opportunities for public open space and other
34 public amenities, public parking accommodation with accessible weekend and
35 evening public parking, site circulation, design coherence, and integration with
36 park development across Valley Street, if the three blocks between Valley and
37 Mercer Streets and Westlake and Fairview Avenues are developed as an integrated
38 development plan at heights compatible with surrounding zoning; and
39

40 WHEREAS, in December of 1999, the City Council adopted Resolution 30080, which
41 concurs with the consultants' analysis and lays out public objectives for
42 redevelopment of the three block area; and



1
2 **NOW THEREFORE,**

3
4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5
6 **Section 1.** Section 23.47.012 of the Seattle Municipal Code, which Section was
7 last amended by Ordinance 119370, is amended as follows:

8
9 **23.47.012 Structure height and floor area ratio.**

10 ***

11 C. Additional Height Permitted. Within the area bounded by Valley and Mercer
12 Streets and Westlake and Fairview Avenues North, maximum structure height may be
13 increased from forty (40) feet to sixty-five (65) feet as a special exception pursuant to
14 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In
15 order to grant the special exception, the Director must find that all of the following criteria
16 are met:

17 1. The lot is not located within the shoreline district. However, if a lot is
18 located partially within the shoreline district, those portions of that lot which are not in the
19 shoreline district may be eligible for the special exception.

20 2. In order to reduce potential height, bulk and scale and view impacts,
21 enhance pedestrian connections across Valley and Mercer Streets, and provide greater
22 opportunities for public open space, the following development standards must apply:

23 a. A minimum of twenty (20) percent of the total development area
24 must be provided as useable open space at street level. The useable open space must be



1 directly accessible to the public during the hours of operation of South Lake Union Park,
2 and no occupied portion of the structure may extend into the required useable open space.

3 b. If the Director determines that greater public benefit will result, a
4 portion of the required useable open space may be located above street level, provided the
5 following criteria are met:

6 (1) A minimum of twenty five (25) percent of the total
7 development area is provided as useable open space.

8 (2) The useable open space is directly accessible to the
9 public during the hours of operation of South Lake Union Park, and no occupied portion of
10 the structure may extend into the required useable open space.

11 (3) The useable open space enhances visual and physical
12 pedestrian connection(s) between South Lake Union Park and the development area.

13 (4) The required useable open space is provided at heights
14 less than forty (40) feet, measured from existing or finished grade, whichever is lower.

15 c. If the Director determines that greater public benefit will result, a
16 portion of the required useable open space may be located below street level, provided the
17 criteria listed in this subsection are met. When useable open space is provided below street
18 level, the height of facades that abut the useable open space shall be measured from
19 existing grade.

20 (1) A minimum of twenty five (25) percent of the total
21 development area is provided as useable open space.



1 Streets and along Valley Street between Westlake and Boren Avenues North, the following
2 standards apply:

3 a. A minimum of eighty (80) percent of a structure's street front
4 façade at street level must be occupied by uses other than parking. For purposes of
5 calculating the eighty (80) percent, twenty-two (22) feet for the width of a driveway to
6 access parking may be subtracted from the length of the street front façade if the Director
7 determines that access to parking from Valley Street or Terry Avenue North is the best
8 opportunity to avoid traffic problems or pedestrian conflicts.

9 b. A minimum depth of thirty (30) feet from the street front façade
10 of the structure must be occupied by uses other than parking. The minimum required
11 depth may be averaged, with no depth less than fifteen (15) feet.

12 c. If the street front façade and depth requirements result in a space
13 greater than fifty (50) percent of the structure's footprint, the Director may modify the
14 street front façade and depth requirements to reduce the space to fifty (50) percent of the
15 structure's footprint.

16 ((C-)) D. Exemptions From FAR Calculations. The following areas shall be
17 exempted from FAR calculations:

- 18 1. All gross floor area below grade;
- 19 2. All gross floor area used for accessory parking.

20 ((D-)) E. Split Zoned Lots. When a lot is subject to more than one (1) height and
21 FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot
22 located in that zone.



1 (~~E.~~) F. Sloped Lots. On sloped lots, additional height shall be permitted along the
2 lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent
3 of slope, to a maximum additional height of five (5) feet (Exhibit 23.47.012 A).

4 (~~F.~~) G. Pitched Roofs. The ridge of pitched roofs may extend up to five (5) feet
5 above the maximum height limit in zones with height limits of thirty (30) or forty (40) feet.
6 All parts of the roof above the height limit shall be pitched at a rate of not less than three to
7 twelve (3:12)(Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend
8 beyond the height limit under this provision.

9 (~~G.~~) H. Rooftop Features.

10 1. Radio and television receiving antennas excluding dish antennas; ham
11 radio towers; smokestacks; chimneys; flagpoles; and religious symbols for religious
12 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport
13 Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear
14 lot line.

15 2. Open railings, planters, skylights, clerestories, greenhouses, parapets and
16 firewalls may extend up to four (4) feet above the maximum height limit with unlimited
17 rooftop coverage.

18 3. Solar Collectors.

19 a. In zones with height limits of (30) thirty or forty (40) feet, solar
20 collectors may extend up to four (4) feet above the maximum height limit, with unlimited
21 rooftop coverage.



1 b. In zones with height limits of sixty-five (65) feet or more, solar
2 collectors may extend up to seven (7) feet above the maximum height limit, with unlimited
3 rooftop coverage.

4 4. The following rooftop features may extend up to fifteen (15) feet above
5 the maximum height limit, so long as the combined total coverage of all features listed in
6 this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25)
7 percent of the roof area if the total includes stair or elevator penthouses or screened
8 mechanical equipment:

- 9 a. Solar collectors;
- 10 b. Stair and elevator penthouses;
- 11 c. Mechanical equipment;
- 12 d. Play equipment and open-mesh fencing which encloses it, so long
13 as the fencing is at least fifteen (15) feet from the roof edge; and
- 14 e. Dish antennas, according to the provisions of Chapter 23.57.

15 5. In order to protect solar access for property to the north, the applicant
16 shall either locate the rooftop features listed in this subsection at least ten (10) feet from the
17 north edge of the roof, or provide shadow diagrams to demonstrate that the proposed
18 location of such rooftop features would shade property to the north on January 21st at noon
19 no more than would a structure built to maximum permitted bulk:

- 20 a. Solar collectors;
- 21 b. Planters;
- 22 c. Clerestories;



- d. Greenhouses;
- e. Dish antennas, according to the provisions of Chapter 23.57;
- f. Non-firewall parapets;
- g. Play equipment.

6. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

~~((H-))~~ I. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted even if it exceeds established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;
2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and
3. Such collector(s) meet minimum energy standards administered by the Director.

~~((I-))~~ J. Television Receiving Antennas. The maximum height of television receiving antennas, except for dish antennas, shall be no more than fifty (50) feet in zones where the maximum height limit does not exceed fifty (50) feet. In zones with a maximum



1 height limit which exceeds fifty (50) feet the maximum height of the antenna shall not
2 exceed the maximum height allowed for all structures.

3 ((F-)) K. Height Exceptions for Public Schools.

4 1. For new public school construction on new public school sites, the
5 maximum permitted height shall be the maximum height permitted in the zone.

6 2. For new public school construction on existing public school sites, the
7 maximum permitted height shall be the maximum height permitted in the zone or thirty-
8 five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater.

9 3. For additions to existing public schools on existing public school sites,
10 the maximum height permitted shall be the maximum height permitted in the zone, the
11 height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof,
12 whichever is greater.

13 4. Development standard departure for structure height may be granted or
14 required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction
15 of new structures on new and existing public school sites to the extent not otherwise
16 permitted outright, maximum height which may be granted as a development standard
17 departure in zones with height limits of thirty (30) or forty (40) feet shall be thirty-five (35)
18 feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus
19 fifteen (15) feet for a pitched roof for secondary schools. All height maximums may be
20 waived by the Director when waiver would contribute to reduced demolition of residential
21 structures.





**Legislative Department
Seattle City Council
Memorandum**

Date: February 1, 2001
To: All Councilmembers
From: Geri Beardsley *Geri Beardsley* Legislative Analyst
Subject: Council Bill 113320 -- South Lake Union Text Amendment
Divided Report from Finance, Budget and Economic Development Committee

A. Background and Status

On October 4, 2000, the Finance, Budget and Economic Development (FBED) Committee voted 5-1 to recommend DO PASS for Council Bill 113320 as amended. In brief, the Council Bill contains a text amendment to the Land Use Code to create a special exception to increase height from 40 feet to 65 feet in the South Lake Union area, subject to specific criteria which require open space, upper-level setbacks, additional height for the first floor, and a maximum on upper-level lot coverage. A special exception is not granted outright; rather a project applicant would have to apply for the special exception and DCLU's decision would be appealable to the Hearing Examiner.

Full Council action has been on hold pending the outcome of a SEPA appeal which challenged the Department of Design, Construction and Land Use (DLCU) Determination of Non-significance for the legislation. The Hearing Examiner affirmed DCLU's decision on January 29, 2001.

The full Council vote on the Council Bill is now scheduled for February 20, 2001. The majority and minority positions are summarized in Section B, below, and I will be meeting with each of you in the next week to answer any questions you may have. A copy of the Council Bill, as amended by Committee is attached. If you would like a copy of the Hearing Examiner's decision, please let me know.

B. Divided Report

Majority position (Drago, McIver, Conlin, Licata, Compton): The text amendment allows the Council to set the parameters for redevelopment of this area, with greater opportunities for open space, pedestrian connections and integration with South Lake Union Park. The additional height applies to all property owners within the three-block area and would bring the allowable height up to the level of the surrounding areas to the east, south and west. The additional height is allowed only if a developer meets specific criteria which require additional open space, upper-level setbacks and coverage limits, increased height on the first floor and restrictions on location of parking. The text amendment is fully supported by the South Lake Union neighborhood planning group as a tool to accomplish their neighborhood plan vision.

Minority position (Steinbrueck): It is not appropriate for the Council to grant a text amendment for this area in advance of knowing what specific development proposals will look like. The best



way to get good results is to wait to see if a project proponent applies for a contract rezone as part of a specific proposal. At such time, the Council could tailor the contract rezone requirements to that proposal. This would allow the Council to better ensure a fit with the urban scale, desired pedestrian environment and development trends in the area. The increased height and bulk, as well as an increased development capacity of approximately 40% sets a new standard for the area that deserves further consideration in the larger context of the park and pedestrian environment. Allowing open space below street level may not be viable and shouldn't be done without a specific development proposal to review.

SLU Text Amdt Divided Report.doc





City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Councilmember Margaret Pageler, President
Via Bryan Glynn, Law Department *MSW*

FROM: *R. F. Krochalis*
Rick Krochalis, Director

DATE: July 19, 2000

SUBJECT: South Lake Union Text Amendment

Transmittal

I am pleased to submit to you the attached ordinance, which amends the Land Use Code to increase the maximum allowable structure height within the three (3) blocks bounded by Valley and Mercer Streets and Westlake and Fairview Avenues. The maximum structure height may be increased, subject to certain criteria, from forty (40) feet to sixty-five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The granting of the proposed special exception to a given property would be a Type II decision, which is a discretionary Land Use decision and would be subject to appeal.

Background

As described in the attached Director's Report, the proposed text amendment has been designed to encourage development in the three-block proposal area that is consistent with goals set forth in the South Lake Union Neighborhood Plan, and to achieve public objectives for redevelopment as outlined by City Council Resolution 30080. Specifically, the text amendment increases the likelihood of full block development, which will provide greater opportunities for open space and other amenities, parking accommodation, site circulation, design coherence, and integration with South Lake Union Park.

In order to grant the special exception, the Director must find that certain development criteria are met. These criteria are listed in the attached ordinance and include requirements for usable open space, upper-level lot coverage limitations, and the creation of viable commercial space at street level.





City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

SEPA Environmental Review Determination

An environmental determination on this proposal will be published in the General Mailed Release (GMR) and Daily Journal of Commerce (DJC) on Thursday, July 27, 2000. The public comment period for the environmental determination will end on Thursday, August 10, 2000. The appeal period for the environmental determination will end on Thursday, August 17, 2000.

Public Hearing Scheduled

A public hearing on this legislation has been scheduled before the City Council's Finance, Budget, and Economic Development Committee in the City Council Chamber on Wednesday, August 9, 2000 at 5:30 p.m.

Non-Financial Legislation

Implementation costs associated with this legislation will be minor, and can be accommodated within existing resources.

If you have any questions about the proposed legislation, please contact J. Roque Deherrera of my staff by email at roque.deherrera@ci.seattle.wa.us or by phone at (206) 615-0743.

Attachments: Director's Report
Proposed ordinance



City of Seattle, Department of Design, Construction and Land Use
710 Second Avenue, Suite 200, Seattle, WA 98104-1703

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DIRECTOR'S REPORT AND RECOMMENDATION

INTRODUCTION

The Department of Design, Construction and Land Use (DCLU) is proposing to amend the Land Use Code to create a special exception that will allow additional structure height in a three block area located just south of Lake Union. The purpose of creating this special exception is to encourage development on these properties that will be consistent with the goals of the South Lake Union Neighborhood Plan, and to achieve public objectives for redevelopment outlined by City Council Resolution 30080. The proposed special exception will be a Type II administrative decision, and will be subject to appeal.

Proposed Land Use and Zoning Code Amendment:

To establish criteria for, and to create a special exception that will allow properties located within the proposal area to increase their allowable structure height from forty (40) feet to sixty-five (65) feet. The proposal area consists of three blocks in the South Lake Union Urban Village, which are bordered to the north and south by Valley and Mercer Streets, and to the east and west by Fairview and Westlake Avenues, respectively.

SITE AND VICINITY DESCRIPTION

The South Lake Union neighborhood is situated at the south end of Lake Union, a working waterfront and recreational area. Historically, the neighborhood was an important part of the city's industrial foundation that included lumber mills, boat building, and light manufacturing.

Today South Lake Union is a commercial and light industrial transition area between Lake Union and downtown Seattle. In recent years, the South Lake Union area has emerged as a center of high technology and biotechnology. Local businesses include WRQ INC. Software Company, ZymoGenetics Biotechnology Company, Fred Hutchinson Cancer Research Center, University of Washington School of Medicine's Institute for Molecular Systems, and the Bill and Melinda Gates Foundation.

With the exception of properties located with the shoreline, the blocks surrounding the proposal area are all zoned at a sixty five (65) foot height limit or higher and consist of Industrial Commercial, Neighborhood Commercial, Commercial, and Seattle Cascade Mixed zone designations. Many of these zones allow for housing through mixed-use development, as well as a variety of commercial uses including office, retail sales and services, restaurants, lodging, business support services, and entertainment uses.

The three blocks that will be eligible for the proposed text amendment, hereafter referred to as the proposal area, are illustrated on page 3, Figure A and described below:



-
- *Block #77.* The proposal area's westernmost block, Block #77, is approximately 86,760 square feet in size and is zoned Commercial 2 with a forty (40) foot height limit (C2-40). The block is bound by Westlake and Terry Avenues North and by Valley and Mercer Streets. The northwest portion of block #77 is located within an Urban Stable (US) Shoreline Environment and is subject to shoreline regulations. However, that portion of block #77 will not be eligible for the increased height allowed by the proposed text amendment.
 - *Block #104.* The proposal area's central block, Block #104, is approximately 92,160 square feet in size and is bound by Terry and Boren Avenues N and by Valley and Mercer Streets. Block #104 is zoned Commercial 2 with a forty (40) foot height limit (C2-40).
 - *Block #106:* The easternmost block of the proposal area, Block #106, is approximately 104,240 square feet in size (including the 5,760-square foot alley) and is zoned Commercial 2 with a forty (40) foot height limit (C2-40). The block is bound by Boren and Fairview Avenues North and by Valley and Mercer Streets.

The topography of the three-block proposal area is nearly flat, sloping gently downhill from downtown towards Lake Union. Measuring from Mercer Street to Valley Street, the maximum slopes of the three blocks range from one and one quarter (1 ¼) percent to three and one quarter (3 ¼) percent.

SOUTH LAKE UNION NEIGHBORHOOD PLAN RECOMMENDATIONS

Through the support of the City's Neighborhood Planning Program, the South Lake Union community has produced a vision for the future of their neighborhood. The South Lake Union Neighborhood Plan, which was adopted by the City Council in March 1999, made the following key recommendations:

- *Neighborhood Character.* Support a mix of commercial, office, light industrial, and technology uses; retain the character of the neighborhood's light industrial heritage; and encourage development of City-owned properties.
- *Parks and Open Space.* Acquire the existing Navy Reserve property and develop South Lake Union Park and the Maritime Heritage Center, including the existing Center for Wooden Boats, open space, and waterfront access.
- *Transportation.* Conduct a feasibility analysis of transportation and streetscape improvement concepts including: realignment of the intersection of Fairview Avenue North and Valley Street; a pedestrian, bicycle, and

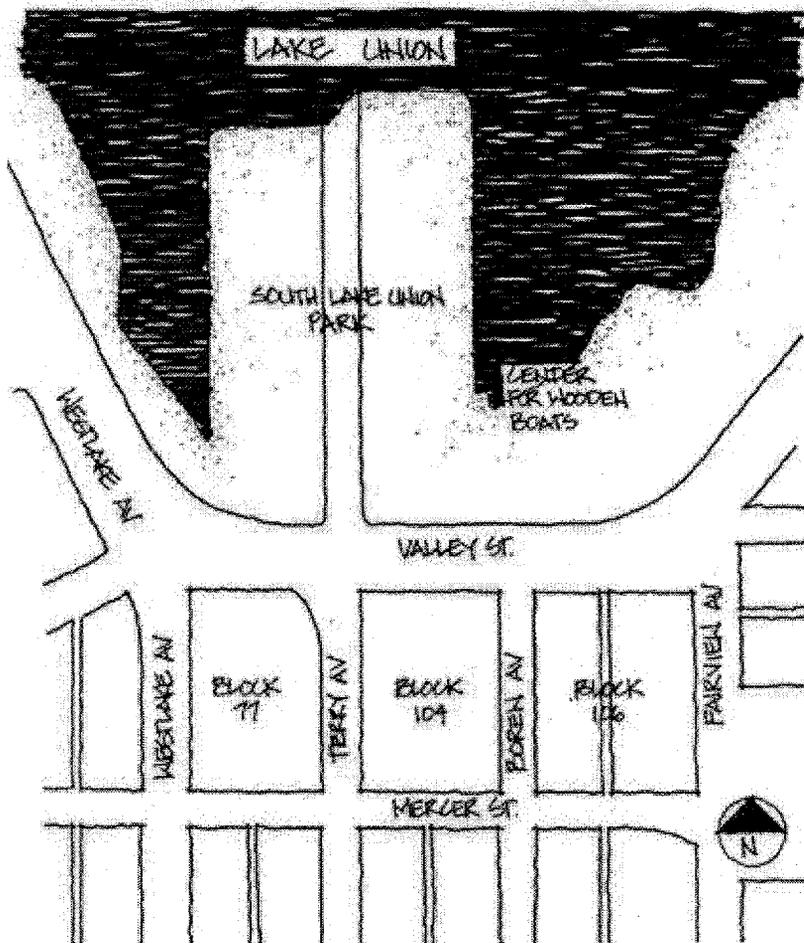


vehicle crossing (at-grade or tunnel) across Aurora Avenue North at Roy Street; a pedestrian crossing of Valley Street at Terry Avenue North (at-grade crossing and pedestrian overpass); and pedestrian-oriented streetscape improvements, especially on Terry Avenue North.

- In order to achieve community goals, the South Lake Union Neighborhood Plan recommends that while basic zoning in the South Lake Union Planning Area is not an issue in Phase II planning, there is a need to review existing zoning for any aspect of the code (e.g. parking requirements, affordability, setbacks, height limits, etc.) that may need refinement to reflect planning goals.

In defining South Lake Union’s “neighborhood character,” the South Lake Union Neighborhood Plan contains words such as *multifaceted*, *complex*, and *working community*. The South Lake Union community wishes to maintain an environment

Figure A



conducive to a working mix of industrial, commercial, and residential uses. In addition to this mix of uses, the neighborhood plan also calls for an increase in the amount of recreational opportunities and significant open space, which is currently insufficient.

The neighborhood plan identifies three parks in the South Lake Union Planning Area: Denny Park, Cascade Playground, and South Lake Union Park. South Lake

Union Park and surrounding properties will play a significant role in achieving the “parks and open space” goals outlined in the plan. On July 1, 2000 the sale of United States



Navy land to the City was completed, and the development of South Lake Union Park, which includes the creation of the Maritime Heritage Center, will commence.

The proposed text amendment will require the applicant to provide usable open space in the proposal area. This requirement will offset bulk and scale impacts of increased structure height and encourage an enhanced open space system that connects South Lake Union Park to the adjacent neighborhood.

Just as the South Lake Union Neighborhood plan calls for development of South Lake Union Park, the plan also focuses one of its recommendations on “transportation” needs for the area. The neighborhood plan proposes a series of focused transportation improvements intended to improve circulation in the area.

Due to the fact that large tracts of property will not be necessary for these improvements, the South Lake Union Planning Committee (SLUP.com) has urged the City to encourage redevelopment of properties within the proposal area. The proposal area’s proximity to South Lake Union Park and Mercer and Valley Streets, creates the opportunity to enhance the aesthetic and function of an existing vehicular gateway from Interstate 5 to Seattle Center and downtown.

CONSULTANT REPORTS

The City’s Office of Economic Development (OED) and the South Lake Union Planning Committee (SLUP.com) asked consultants to evaluate existing zoning and development while considering an increased structure height limit of sixty-five (65) feet for the three block proposal area. The two consultants selected were Makers Architecture + Urban Design and Heartland.

Makers Architecture and Urban Design conducted an urban design and economic analysis based on the South Lake Union Neighborhood Plan and city objectives for redevelopment of the South Lake Union area. The following objectives were used in their analysis:

- Promote desirable economic development consistent with the South Lake Union Neighborhood Plan, including creation of livable wage jobs.
- Create an attractive gateway to the city from Interstate 5 through the proposal area, with a focus on streetscape beautification and public art;
- Provide safe, attractive pedestrian crossings connecting the project sites to the South Lake Union Park and to the neighborhood.
- Identify urban design features and development guidelines in the project area that will help strengthen the connection between the South Lake Union Neighborhood and South Lake Union Park.



Heartland was charged with completing a market and financial analysis of the proposal area. Heartland identified and evaluated the financial opportunities for the following uses: office, biotech, cultural, hospitality, residential, retail, and parking. In addition to determining financial opportunities favored in the market, the City and SLUP.com requested that the development scenarios meet the following objectives:

- An increase in the number of jobs.
- An increase in tax revenue generated.
- An increase in the amount of open space.
- A compatible neighborhood design.
- A catalyst for economic development in the area.
- An opportunity to include parking for South Lake Union Park.
- A mix of uses appropriate for a gateway and transition zone.

The Makers findings offer conclusions that support a text amendment to allow twenty five (25) feet of additional height in the proposal area. Specifically, the Makers report states that, "allowing building heights consistent with those allowed on adjacent sites improves opportunities for creating a desirable development atmosphere on the project sites." In order to achieve the desired outcome of development in the project area, the Makers report suggests that imposing additional requirements on the applicant is appropriate. The requirements may include:

- Provision for a specific amount of publicly accessible open spaces or plazas as part of a project,
- Inclusion of ground-floor service or retail uses along selected street-level frontages, and
- Enhanced landscaping, and
- Stepped-back or terraced architectural forms to reduce visual scale, enhance Lake Union Views, and soften the visual scale along Valley Street.

The Heartland report also supports an increased height limit for the proposal area. From their analysis, the Heartland group determined that increasing the allowable building height is important for several reasons:

- The three blocks contained in the proposal area are the only blocks outside of the shoreline district in the South Lake Union area zoned at 40 feet. Parcels immediately adjacent to the blocks containing the proposal area are zoned at



sixty (65) feet. Increasing the height of properties in the proposal area also reflects zoning compatibility with the surrounding neighborhood as described in the South Lake Union Neighborhood Plan.

- The additional development capacity resulting from a height increase may improve the feasibility of underground or structured parking facilities within any development as the costs of those structures can be spread over more buildable square footage.
- Increasing the allowable building height creates the potential for additional public spaces or other public amenities that would not necessarily be possible to achieve while maintaining a financially feasible project at a 40-foot height limit. Additional public space could serve the goals of the City by increasing the pedestrian friendliness of the area and providing parking for South Lake Union Park.
- Raising the building height provides the ability to create a different, potentially more interesting, architectural statement in the area. However, if not designed carefully, it may also create a wall between the South Lake Union Park and neighborhood and eliminate the desired Gateway effect.
- Other results of the height increase include the revitalization of the neighborhood, the potential to attract other new businesses to the South Lake Union area and the potential to create a better link between South Lake Union Park and the rest of the area.

On September 30th, 1999, the City held a public meeting to present the findings of the Makers and Heartland studies.

COUNCIL RESOLUTION 30080

On December 13, 1999, City Council adopted a resolution directing the Director of the Executive Services Department to investigate potential development of properties in the South Lake Union Area. As part of the resolution, Council acknowledged the conclusions of the Makers and Heartland property analyses, which support additional heights for structures in the three block proposal area. The Council acknowledged further support for the additional height by adopting the following language as part of their resolution:

- WHEREAS, real estate and urban design analyses show that there are potentially greater opportunities for public open space and other public amenities, public parking accommodation, site circulation, design coherence, and integration with park development across Valley Street, if the three blocks between Valley and Mercer Streets and Westlake and Fairview Avenues are developed as an integrated development plan at heights compatible with surrounding zoning; and



-
- WHEREAS, these three blocks act as an important transition zone which connects the neighborhood with South Lake Union Park in terms of pedestrian connections, view corridors, types of uses, and architecture; and

 - Section 4. The City Council concurs with the consultants' analyses that there may be potential benefits to allowing some or all of the new uses on the three blocks between Valley and Mercer Streets and Westlake and Fairview Avenues to be compatible with heights in the surrounding upland zones, which could yield improved public open space, and design and parking opportunities. Responses to the RFQ may propose contract rezones or development agreements if they can demonstrate how such a proposal would be essential to achieving the City's public objectives. Nothing in this resolution expresses the views or determination by the City's legislative authority regarding the zoning or rezoning of the subject property or any adjacent property.

ANALYSIS

Consultant analyses, SLUP.com, and Seattle City Council agree that encouraging development in the proposal area will increase opportunities to achieve neighborhood goals for South Lake Union. Allowing applicants to use the proposed special exception will make full block development more feasible than current zoning does, while achieving the development character envisioned in the neighborhood plan.

Following is a list of potential impacts and mitigation measures associated with allowing twenty-five (25) feet of additional building height in the proposal area:

Potential Impacts:

(1) The proposed amendments will add approximately 60% more structure height in the proposal area. This additional height could result in large, block like structures that would create morning and afternoon shadowing of Valley Street and Boren and Terry Avenues North, which are to serve as vehicular and pedestrian gateways between the neighborhood and the park.

(2) In addition, allowing sixty-five (65) foot tall structures to be built flush with adjacent streets will add to an existing physical disconnect between South Lake Union Park and the South Lake Union Neighborhood. This will effectively wall off a potential pedestrian gateway between the park and the neighborhood by not allowing for a necessary visual transition from development in the proposal area to South Lake Union Park.



Proposed Mitigation:

(1) A minimum of 20% of the proposal area must be provided as usable open space at street level. Usable open space is defined in the Land Use Code as follows: "Open Space, Usable" means an open space which is of appropriate size, shape, location and topographic siting so that it provides landscaping, pedestrian access or opportunity for outdoor recreational activity. Parking areas and drive- ways are not usable open spaces.

At 20%, the total amount of open space that could be provided in the proposal area is 56,632 square feet. This requirement will lead to taller, thinner structures in the proposal area rather than shorter, bulkier buildings that could be built by applying current zoning regulations. The resulting development will increase light and open air elements for the development, which will result in reduced bulk and an appropriate scale for structures on these key blocks between South Lake Union and neighborhoods to the south.

(2) In order to encourage development of attractive structures that minimize shadowing and increase light and air effects on adjacent right of ways, all portions of a structure above forty (40) feet in height are limited to a maximum lot coverage of sixty-four (64) percent. In addition, these portions of a structure must be located at least fifteen (15) feet from Valley Street and Westlake, Terry, Boren, and Fairview Avenues North, except as modified through Chapter 23.41, Design Review.

(3) All portions of structures above forty (40) feet shall be located away from Valley Street, as well Terry and Boren Avenues.

Potential Impact:

Obstructing viewing opportunities of Lake Union.

Proposed Mitigation:

Views of South Lake Union and Lake Union and South Lake Union Park from public rights-of-way will not be affected by the proposed text amendment. As described earlier in this report, the proposal area is relatively flat, and surrounding zoning south, east and west of the proposal area currently allows structure heights of at least sixty-five (65) feet. No increased view blockage will occur as a result of the increase in structure height.



There is an outlying possibility that some distant upland views of Lake Union may be affected by the proposed text amendment. However, the anticipated view blockage is slight and will be reduced by the usable open space and upper-level lot coverage requirements.

As a secondary benefit, requirements designed to mitigate bulk and scale may provide additional viewing opportunities of Lake Union. By requiring 20% usable open space at street level that extends from the ground to the sky, the text amendment may provide viewing opportunities that would not be afforded by current code requirements.

Similarly, at the discretion of the developer, upper level viewing areas in the proposal area may result from the 64% percent upper-level lot coverage limitation.

In an effort to further aid neighborhood plan objectives, the following criteria should also be met in order for the Director to grant additional height in the proposal area:

- In order to create viable commercial spaces along the street, development at street level shall have a minimum floor to floor height of thirteen (13) feet.
- Properties, or portions of properties, which are located within the shoreline district shall not be eligible for the special exception; and
- Design review shall not have the authority to waive or modify the open space quantity or upper-level lot coverage requirements of the special exception.

RECOMMENDATION

The Department of Design, Construction and Land Use recommends approval of the proposed text amendment, which would increase the maximum allowable structure height on the three blocks located between Valley and Mercer Streets and Westlake and Fairview Avenues from forty (40) feet to sixty-five (65) feet. In order to mitigate impacts of additional structure height in the proposal area and to ensure that public objectives for redevelopment of the South Lake Union Neighborhood are met, the applicant must meet all of the criteria described in the attached ordinance.



ORDINANCE

1
2
3
4 AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code
5 Section 23.47.012 to allow, as a special exception, specific commercial properties in
6 the South Lake Union Neighborhood to increase their maximum structure height
7 from forty (40) feet to sixty five (65) feet.
8

9 WHEREAS, encouraging redevelopment of properties in the Mercer Corridor is a high
10 priority of the Mayor and Council; and
11

12 WHEREAS, the South Lake Union Neighborhood Plan, adopted by City Council in March
13 1999, encourages redevelopment of properties in the Mercer Corridor area. The
14 neighborhood plan recognizes that there is a need to review existing zoning to
15 determine if any aspects of the code that may need refinement to reflect planning
16 goals, such as parking requirements, affordability, setbacks, height limits, and
17 allowing compatible cultural uses in the area; and
18

19 WHEREAS, the three blocks between Valley and Mercer Streets and Westlake and Fairview
20 Avenues act as an important transition zone that connects the neighborhood with
21 South Lake Union Park in terms of pedestrian connections, view corridors, types of
22 uses, and architecture; and
23

24 WHEREAS, in the spring of 1999, the City and the South Lake Union Planning Committee
25 hired consultants to evaluate development opportunities on the three blocks between
26 Valley and Mercer Streets and Westlake and Fairview Avenues. The analyses show
27 that there are potential benefits to allowing some or all new uses to be compatible
28 with heights in the surrounding zones, which could yield improved public open
29 space, and design and parking opportunities; and
30

31 WHEREAS, while it is possible to individually redevelop these properties at current height
32 limits, and without any land assembly, real estate and urban design analyses show
33 that there are potentially greater opportunities for public open space and other public
34 amenities, public parking accommodation, site circulation, design coherence, and
35 integration with park development across Valley Street, if the three blocks between
36 Valley and Mercer Streets and Westlake and Fairview Avenues are developed as an
37 integrated development plan at heights compatible with surrounding zoning; and
38

39 WHEREAS, in December of 1999, the City Council adopted Resolution 30080, which
40 concurs with the consultants' analysis and lays out public objectives for
41 redevelopment of the three block area; and



1
2
3 **NOW THEREFORE,**

4
5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**
6

7 **Section 1.** Section 23.47.012 of the Seattle Municipal Code, which Section was last
8 amended by Ordinance 119370, is amended as follows:

9
10 **23.47.012 Structure height and floor area ratio.**

11 ***

12 C. Additional Height Permitted. Within the area bounded by Valley and Mercer
13 Streets and Westlake and Fairview Avenues North, maximum structure height may be
14 increased from forty (40) feet to sixty-five (65) feet as a special exception pursuant to
15 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In
16 order to grant the special exception, the Director must find that all of the following criteria
17 are met:

18 1. The lot is not located within the shoreline district. However, if a lot is
19 located partially within the shoreline district, those portions of that lot which are not in the
20 shoreline district may be eligible for the special exception.

21 2. In order to reduce potential bulk and scale impacts, enhance pedestrian
22 connections across Valley and Mercer Streets, and provide greater opportunities for public
23 open space, the following development standards must apply:



1 a. A minimum of twenty (20) percent of the total development area
2 must be provided as usable open space at street level. The usable open space must be
3 directly accessible to the public and no occupied portion of the structure may extend into the
4 required usable open space.

5 b. If the Director determines that greater public benefit will result, a
6 portion of the required usable open space may be located above street level, provided the
7 following criteria are met:

8 (1) The usable open space is directly accessible to the public.

9 (2) The usable open space enhances pedestrian connection(s)
10 between South Lake Union Park and the development area.

11 (3) The required usable open space must be provided at
12 elevations less than forty (40) feet, measured from existing or finished grade, whichever is
13 lower.

14 c. All portions of a structure that exceed forty (40) feet in height are
15 limited to a maximum lot coverage of sixty-four (64) percent. In addition, portions of a
16 structure above forty (40) in height feet must be located at least fifteen (15) feet from the
17 street property line along Valley Street and Westlake, Terry, Boren, and Fairview Avenues
18 North.

19 d. Departures from development standards pursuant to Chapter 23.41,
20 Design Review, shall not be granted for open space quantity or upper level lot coverage
21 requirements in this Section.



1 3. Development at street level must have a minimum floor to floor height of
2 thirteen (13) feet.

3 ~~((C.))~~ D. Exemptions From FAR Calculations. The following areas shall be
4 exempted from FAR calculations:

- 5 1. All gross floor area below grade;
- 6 2. All gross floor area used for accessory parking.

7 ~~((D.))~~ E. Split Zoned Lots. When a lot is subject to more than one (1) height and
8 FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot
9 located in that zone.

10 ~~((E.))~~ F. Sloped Lots. On sloped lots, additional height shall be permitted along the
11 lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent
12 of slope, to a maximum additional height of five (5) feet (Exhibit 23.47.012 A).

13 ~~((F.))~~ G. Pitched Roofs. The ridge of pitched roofs may extend up to five (5) feet
14 above the maximum height limit in zones with height limits of thirty (30) or forty (40) feet.
15 All parts of the roof above the height limit shall be pitched at a rate of not less than three to
16 twelve (3:12)(Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend
17 beyond the height limit under this provision.

18 ~~((G.))~~ H. Rooftop Features.

19 1. Radio and television receiving antennas excluding dish antennas; ham
20 radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are



1 exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay
2 District, provided they are a minimum of ten (10) feet from any side or rear lot line.

3 2. Open railings, planters, skylights, clerestories, greenhouses, parapets and
4 firewalls may extend up to four (4) feet above the maximum height limit with unlimited
5 rooftop coverage.

6 3. Solar Collectors.

7 a. In zones with height limits of (30) thirty or forty (40) feet, solar
8 collectors may extend up to four (4) feet above the maximum height limit, with unlimited
9 rooftop coverage.

10 b. In zones with height limits of sixty-five (65) feet or more, solar
11 collectors may extend up to seven (7) feet above the maximum height limit, with unlimited
12 rooftop coverage.

13 4. The following rooftop features may extend up to fifteen (15) feet above the
14 maximum height limit, so long as the combined total coverage of all features listed in this
15 subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent
16 of the roof area if the total includes stair or elevator penthouses or screened mechanical
17 equipment:

- 18 a. Solar collectors;
19 b. Stair and elevator penthouses;
20 c. Mechanical equipment;



1 d. Play equipment and open-mesh fencing which encloses it, so long
2 as the fencing is at least fifteen (15) feet from the roof edge; and

3 e. Dish antennas, according to the provisions of Chapter 23.57.

4 5. In order to protect solar access for property to the north, the applicant shall
5 either locate the rooftop features listed in this subdivision at least ten (10) feet from the
6 north edge of the roof, or provide shadow diagrams to demonstrate that the proposed
7 location of such rooftop features would shade property to the north on January 21st at noon
8 no more than would a structure built to maximum permitted bulk:

9 a. Solar collectors;

10 b. Planters;

11 c. Clerestories;

12 d. Greenhouses;

13 e. Dish antennas, according to the provisions of Chapter 23.57;

14 f. Non-firewall parapets;

15 g. Play equipment.

16 6. Structures existing prior to May 10, 1986 may add new or replace existing
17 mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and
18 shall comply with the noise standards of Section 23.47.018.

19 ((H)) L Solar Retrofits. The Director may permit the retrofitting of solar collectors
20 on conforming or nonconforming structures existing on June 9, 1986 as a special exception
21 pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use



1 Decisions. Such a retrofit may be permitted even if it exceeds established height limits, if the
2 following conditions are met:

3 1. There is no feasible alternative solution to placing the collector(s) on the
4 roof;

5 2. The positioning of such collector(s) minimizes view blockage and shading
6 of property to the north, while still providing adequate solar access for the collectors; and

7 3. Such collector(s) meet minimum energy standards administered by the
8 Director.

9 ((F)) L Television Receiving Antennas. The maximum height of television receiving
10 antennas, except for dish antennas, shall be no more than fifty (50) feet in zones where the
11 maximum height limit does not exceed fifty (50) feet. In zones with a maximum height limit
12 which exceeds fifty (50) feet the maximum height of the antenna shall not exceed the
13 maximum height allowed for all structures.

14 ((F)) K. Height Exceptions for Public Schools.

15 1. For new public school construction on new public school sites, the
16 maximum permitted height shall be the maximum height permitted in the zone.

17 2. For new public school construction on existing public school sites, the
18 maximum permitted height shall be the maximum height permitted in the zone or thirty-five
19 (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater.

20 3. For additions to existing public schools on existing public school sites, the
21 maximum height permitted shall be the maximum height permitted in the zone, the height of



1 the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever
2 is greater.

3 4. Development standard departure for structure height may be granted or
4 required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction
5 of new structures on new and existing public school sites to the extent not otherwise
6 permitted outright, maximum height which may be granted as a development standard
7 departure in zones with height limits of thirty (30) or forty (40) feet shall be thirty-five (35)
8 feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus
9 fifteen (15) feet for a pitched roof for secondary schools. All height maximums may be
10 waived by the Director when waiver would contribute to reduced demolition of residential
11 structures.

12 //

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1 5. To qualify for the pitched roof exception, all parts of the roof above the
2 height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a
3 shed roof shall extend above the height limit under this provision.
4

5 **Section 2.** This ordinance shall take effect and be in force thirty (30) days from and
6 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
7 (10) days after presentation, it shall take effect as provided by Municipal Code Section
8 1.04.020.

9
10 Passed by the City Council the _____ day of _____, 2000, and signed by
11 me in open session in authentication of its passage this _____ day of _____,
12 2000.

13
14 _____
15 President of the City Council

16 Approved by me this _____ day of _____, 2000.

17
18 _____
19 Paul Schell, Mayor

20
21 Filed by me this _____ day of _____, 2000.

22
23 _____
24 City Clerk

25 (SEAL)

26



STATE OF WASHINGTON – KING COUNTY

--SS.

128146
City of Seattle, Clerk's Office

No. FULL ORD.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120267 ORDINANCE

was published on

02/27/01

The amount of the fee charged for the foregoing publication is the sum of \$ 0.00, which amount has been paid in full.



Subscribed and sworn to before me on

02/27/01



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 222707

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.012 to allow, as a special exception, specific commercial properties in the following areas: (1) Floor to floor height of thirteen (13) feet. Along Terry Avenue North between Valley and Mercer Streets and along Valley Street between Westlake and Boren Avenue North, the following standards apply:

a. A minimum of eight (80) percent of a structure's street front facade at street level must be occupied by uses other than parking. For purposes of calculating the eight (80) percent, twenty-two (22) feet for the width of a driveway to access parking may be subtracted from the length of the street front facade if the Director determines that access to parking from Valley Street or Terry Avenue North is the best opportunity to avoid traffic problems or pedestrian conflicts.

b. A minimum depth of thirty (30) feet from the street front facade of the structure must be occupied by uses other than parking. The minimum required depth may be averaged with no depth less than fifteen (15) feet.

c. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

(C.) D. Exemptions from FAR Calculations: The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking.

(D.) E. Split Zoned Lots. When a lot is subject to more than one (1) height and FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot located in that zone.

(E.) F. Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint at the rate of one (1) foot for each six percent of slope, to a maximum additional height of five (5) feet (Exhibit 23.47.012 A).

(F.) G. Pitched Roofs. The ridge of pitched roofs may extend up to five (5) feet above the maximum height limit in zones with height limits of thirty (30) or forty

(40) feet. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

(G.) H. Rooftop Features.

Attorney for PR. BRIAN K SNURE, WSBA 23276, Address: 1140 070 by serving on or mail- ing to the personal representa- tives of the personal representa- tive or the personal representa- tive's attorney at the address stated below a copy of the claim and filing the original of the claim with the court. The claim must be presented within the period of (1) Thirty days after the date of first publication or (2) four months after the date of first publication of the notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided under RCW 11.40.020(3), or (2) four months after the date of first publication of the notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.40.051 and RCW 11.40.060. This bar is effective as to claims against both nonprobate assets and probate assets.

Personal Representative: HAROLD J. LEONARD, Attorney for Personal Representative: STEVEN J. PEIR- FLE, WSBA #14704, Address: for Mailing or Service: BAILEY, DUSKIN & PEIRFLE, Attorneys at Law, P.O. Box 188, 22422 S.R. 9 N.E., Arlington, WA 98223. Phone: (360) 436-2168. 3/13/2001 (1140010 & 015)

Notice to Creditors (RCW 11.40.010 & 015)

STATE OF WASHINGTON - KING COUNTY

--SS.

128146
City of Seattle, Clerk's Office

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The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120267 ORDINANCE

was published on

02/27/01

The amount of the fee charged for the foregoing publication is the sum of \$ 0.00, which amount has been paid in full.

Valentin Valdez

Subscribed and sworn to before me on

02/27/01

Melissa M. Pasqua
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120297

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.47.012 to allow, as a special exception, specific commercial properties in the South Lake Union Neighborhood to increase their maximum structure height from forty (40) feet to sixty five (65) feet.

WHEREAS, encouraging redevelopment of properties in the Mercer Corridor is a high priority of the Mayor and Council; and

WHEREAS, the South Lake Union Neighborhood Plan, adopted by City Council in March 1989, encourages redevelopment of properties in the Mercer Corridor area. The neighborhood plan recognizes that there is a need to review existing zoning to determine if any aspects of the code that may need refinement to reflect planning goals, such as parking requirements, affordability, setbacks, height limits, and allowing compatible cultural uses in the areas; and

WHEREAS, the three blocks between Valley and Mercer Streets and Westlake and Fairview Avenues act as an important transition zone that connects the neighborhood with South Lake Union Park in terms of pedestrian connections, view corridors, types of uses, and architecture; and

WHEREAS, in the spring of 1989, the City and the South Lake Union Planning Committee hired consultants to evaluate development opportunities on the three blocks between Valley and Mercer Streets and Westlake and Fairview Avenues. The analyses show that there are potential benefits to allowing some or all new uses to be compatible with heights in the surrounding zones, which could yield improved public open space, and design and parking opportunities; and

WHEREAS, while it is possible to individually redevelop these properties at current height limits, and without any land assembly, real estate and urban design analyses show that there are potentially greater opportunities for public open space and other public amenities, public parking accommodation with accessible weekend and evening public parking, site circulation, design coherence, and integration with park development across Valley Street, if the three blocks between Valley and Mercer Street, and Westlake and Fairview Avenues are developed as an integrated development plan at heights compatible with surrounding zoning; and

WHEREAS, in December of 1989, the City Council adopted Resolution 35080, which concurs with the consultants' analysis and lays out public objectives for redevelopment of the three block area; and

NOW THEREFORE,
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119870, is amended as follows:

23.47.012 STRUCTURE HEIGHT AND FLOOR AREA RATIO.

C. Additional Height Permitted. Within the area bounded by Valley and Mercer Streets and Westlake and Fairview Avenues North, maximum structure height may be increased from forty (40) feet to sixty five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In order to grant the special exception, the Director must find that all of the following criteria are met:

1. The lot is not located within the shoreline district. However, if a lot is located partially within the shoreline district, those portions of that lot which are not in the shoreline district may be eligible for the special exception.
2. In order to reduce potential back-

(40) feet. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

((G.)) H. Rooftop Features.

1. Radio and television receiving antennas, excluding dish antennas; ham radio towers; smokestacks, chimneys, flagpoles; and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of (30) thirty or forty (40) feet, solar collectors may extend up to four (4) feet above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and
- e. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses;
- e. Dish antennas, according to the provisions of Chapter 23.57;
- f. Non-firewall parapets;
- g. Play equipment.

6. Structures existing prior to May 10, 1988 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

((H.)) I. Solar retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted even if it exceeds established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof.
2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing