

DIRECTOR'S REPORT AND RECOMMENDATION
2024 Omnibus Ordinance
June 11, 2024

Introduction

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include relatively minor changes that do not warrant independent legislation, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language for consistency. The following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

Land Use Code: Title 23

23.22.100 - Design standards- Changes subsection 23.22.100.A to revise incorrect references to the Right of Way Improvement manual and formatting and style edits.

23.24.010 - Filing of application- Changes to subsection 23.24.020.A to revise incorrect references to Subtitle IX of Title 22 and formatting and style edits.

23.28.020 - Application for approval of lot boundary adjustment- Changes to section 23.28.020 to revise incorrect references to the Revised Code of Washington and formatting and style edits.

23.34.009 - Height limits of the proposed rezone – Changes subsection 23.34.009.D to revise incorrect code references.

23.34.093 - General Industrial 2 (IG2) zone, function, and locational criteria Changes to subsection 23.34.093.B revise incorrect reference to Kingdome and formatting and style edits.

23.40.002 - Conformity with regulations required – Update to section 23.40.002 includes a nomenclature change from “Marijuana” to “Cannabis” for consistency with State Statute.

23.41.004 - Applicability- The change to subsection 23.41.004.C reflects a consistency update to Design Review with regards to the Tree Protection code that revised the term “Exceptional” tree to the new code regime which uses tiered rating system for protected trees. New language clarifies that optional Administrative Design review is available for projects seeking to save Tier 1 or Tier 2 trees. This update is needed to facilitate implementation of Design Review on sites with trees regulated under the recently updated Title 25.11 (Ord. 126821).

23.41.012 - Development standard departures- Similar to the amendment of section 23.41.004, these changes at subsections 23.41.012.B.10 and 11 provides consistency with the Tree Protection code that revised the term from "Exceptional" tree to tiered rating system for trees.

23.42.058 - Marijuana-Updated section 23.42.058 with nomenclature change from "Marijuana" to "Cannabis" for consistency with Statute.

23.42.060 - Short-term rentals- Updated section 23.42.060 to remove obsolete reference to "household" definition and refine references to effective dates of code to enhance plain language reading.

23.42.130 - Nonconforming solar collectors –Updated section 23.42.130 with correct code references.

23.44.014 – Yards - Two changes are proposed. A change to subsection 23.44.014.C.5 to reflect that uncovered porches and steps are allowed as an exception to the yard requirements in more than one required yard. The second change to subsection 23.44.014.E.4 includes new language clarifying that fences are allowed in separation between structures. This change will clarify a longstanding interpretation that permits fences in both required setbacks and separations.

23.44.016 – Parking and garages. These amendments are to revise section 23.44.016 with the nomenclature for protected trees from exceptional to Tier trees consistent with recent code update (Ordinance 126821.)

23.44.020 - Tree requirements –Two changes are proposed. Update to Table A for 23.44.020 to include updated tree species for the tree requirements in RSL zones. The second change is to correct code reference to reflect updated tree code language in subsection 23.44.020.C.

23.44.041 - Accessory dwelling units - The change to the nomenclature for protected trees from exceptional to Tier 1 and Tier 2 trees consistent with recent tree code update (Ord. 126821) in Table A for 23.44.041 footnote 2. The change provides clarification at Table A for 23.44.041 footnote 4 to make plain the setbacks along alleys. The existing code allows DADUs to be built up to an alley line. This amendment will clarify that should include architectural features such as eaves and chimneys that are also allowed up to but not over the property line. The amendment to subsection 23.44.041.C.2 resolves inconsistent language that would disallow flexibility in converting existing structures to detached accessory units in the preceding table A.

23.45.510 - Floor area – Amendment made to subsection 23.45.510.D.4.a to allow all residential structures, not just apartments, in Lowrise zones this floor area exemption.

23.45.516 - Method to achieve extra residential floor area in HR zones – Addition of Map A for 23.45.516 Neighborhood Green Streets.

23.45.528 - Structure width and depth limits for lots greater than 9,000 square feet in Midrise zone - Change to section 23.45.528 clarifies language such that the code appropriately assigns width and depth limits lots with more than one principal structures.

23.45.529 - Design standards- Amendment to subsection 23.45.529.C.3 clarifies that the design standards are applicable to all housing types in Lowrise zones.

23.45.545 - Standards for certain accessory uses- Amendment to subsection 23.45.545.I, clarifies language that accessory dwelling units are permitted in Lowrise zones for single family, rowhouses and townhouses uses, not for apartment uses.

23.47A.004- Permitted and prohibited uses Nomenclature change to Table A for 23.47A.004 footnote 2 from "Marijuana" to "Cannabis" for consistency with Statute.

23.47A.010 - Maximum size of nonresidential use- This amendment to add subsection 23.47A.010.B.3 would clarify the amount of back of house space that is accessory to grocery stores that does not count towards the maximum size of use. This adjustment is needed to make the maximum size of use consistent with the intent to allow neighborhood grocery stores adequate space for loading, storage and other back of house functions necessary for a grocery store. With this additional back of house space, grocery stores can better meet the intent of these provisions to provide cafe and specialty food stores without breaking into the larger template found in corporate grocery stores.

23.47A.011 – Outdoor Activities - Existing code prohibits certain outdoor activities of commercial properties when they are located within 50 feet of a lot in a residential zone. This amendment to subsection 23.47A.011.E adds an allowance for these outdoor activities to be within 50 feet of a lot that is both zoned residential and commercial. This addition helps to address an increased need for outdoor activity areas, that since the pandemic, have been essential to businesses and the community. Properties that are split between residential and commercial zones occur throughout the city and represent an opportunity to increase outdoor activity areas.

23.47A.020 Odor standards - Nomenclature change to subsection 23.47A.020.B.1.m from "Marijuana" to "Cannabis" for consistency with Statute.

23.48.005 Uses - Nomenclature change at subsection 23.48.005.A.3 from "Marijuana" to "Cannabis" for consistency with Statute.

23.48.225 - Structure height in South Lake Union Urban Center-This code amendment to section 23.48.225 is to facilitate additional height for the site identified in several prior code amendments. This amendment would facilitate the density transfer from the site known as 'Seattle Times Park', to facilitate the floor area authorized under Ordinance 125927 and Council

Bill 119597 known as the South Lake Union Open Space Incentive. This legislation was created to revise the existing incentives for preservation of open space in the South Lake Union Urban Center. The proposed legislation is a response to changes in the structure of incentive zoning system that occurred with the adoption of MHA. The amendment is clarifying language to allow either residential towers at 440 feet in height or non-residential towers at the height of 190 feet. This is consistent with the findings in the original Open Space Incentive program.

23.48.720 - Floor area ratio (FAR) in SM-UP zones- This amendment to the FAR in the Seattle Mixed Uptown zones (SM-UP 160) would adjust the FAR for sites with lot coverage and limited ability to achieve due to a building base which is limited due to easements or setback from the monorail. This change is limited in scope with only one known development site the SM-UP 160 zone that is currently constrained by this monorail setback, this correction. This correction would allow additional FAR for structures to offset the limitations that the monorail setback result.

An analysis of a proposal under the existing code would result in the same ultimate FAR, but provided almost entirely in residential use with no usable ground level public space. With the proposed change, a proposal with a mix of residential and commercial use could be developed and would result in a footprint with a greater degree of ground level open space.

23.49.002 - Scope of provisions- Nomenclature change to subsection 23.49.002.F from "Marijuana" to "Cannabis" for consistency with Statute.

23.49.008 - Structure height- The amendment to add subsection 23.49.008.A.10, to clarify the intent to not preclude lodging uses from the lower-level height limit of 65 and to apply the 95 foot height limit to both residential and lodging uses. 95 feet.

23.49.025 - Odor, noise, light/glare, and solid waste recyclable materials storage space standards- Nomenclature change at subsection 23.49.025.A.1.a.9) from "Marijuana" to "Cannabis" for consistency with Statute. Also, a plain language edit at section 23.49.025.B. so that noise standards apply to repair shops for auto body, boat and airplanes.

23.49.042 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses- Nomenclature change at subsection 23.49.042.A from "Marijuana" to "Cannabis" for consistency with Statute. Change at subsection 23.49.042.C and add subsection 23.49.042.D for formatting and style edits consistency.

23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards -

There are two amendments proposed. The first one clarifies tower standards, found in section 23.49.058 to correct an omission from the Third Avenue Rezone legislation recently passed as part of the Downtown Activation Plan. The amendment would allow structures abutting 3rd

Avenue between Union Street and Pike Street to have a podium height limit of 85' rather than 65' as originally intended.

The second amendment is proposed to the tower definition to exclude those proposals for which an early design guidance (EDG) application has been submitted but have not progressed in a timely manner to Master Use Permit application submittal. These older EDG applications would be excluded from being considered a "tower" for purposes of this Section. The existing provisions do not recognize that some permit applications at the EDG level may never be pursued. A provision is added to require that an EDG application must advance to a complete MUP within 12 months from filing its EDG application, or from the effective date of this ordinance to be considered an "existing tower."

23.49.090 - Downtown Retail Core, permitted uses - Nomenclature change at subsection 23.49.090.A from "Marijuana" to "Cannabis" for consistency with Statute. Change to subsection 23.49.090.C and add subsection 23.49.090.D for formatting and style edits consistency.

23.49.142 - Downtown Mixed Residential, permitted uses-- Nomenclature change at subsection 23.49.142.A from "Marijuana" to "Cannabis" for consistency with Statute. Change to subsection 23.49.142.C and add subsection 23.49.142.D for formatting and style edits consistency.

23.49.162 - Downtown Mixed Residential, street facade requirements- Amend Exhibits 23.49.162.A, and 23.49.162.B for clarity.

23.49.300 - Downtown Harborfront 1, uses-Nomenclature change at subsection SMC 23.49.300.A from "Marijuana" to "Cannabis" for consistency with Statute. Change at subsection SMC 23.49.300.B for formatting and style edits consistency.

23.49.320 - Downtown Harborfront 2, prohibited uses- Nomenclature change at subsection 23.49.320.I from "Marijuana" to "Cannabis" for consistency with Statute.

23.49.338 - Pike Market Mixed, prohibited uses- Nomenclature change at subsection 23.49.338.A.12 from "Marijuana" to "Cannabis" for consistency with Statute and corrected code reference at subsection 23.49.338.B.

23.50.002 - Scope of provisions - Nomenclature change at subsection 23.50.002.E from "Marijuana" to "Cannabis" for consistency with Statute.

23.50.012 – Permitted and prohibited uses – Nomenclature change to footnote 2 of Table A for 23.50.012 Uses in Industrial zones from "Marijuana" to "Cannabis" for consistency with Statute.

23.50.044 – All industrial zones – Standards for major odor sources - Nomenclature change at subsection 23.50.044.B.1.I from "Marijuana" to "Cannabis" for consistency with Statute.

23.53.006 - Pedestrian access and circulation Eliminate subsection 23.53.006.F 2. A.3 to the Street Use division deviation process which lies outside Title 23 administration and is within Seattle Department of Transportation's purview.

23.53.015 - Improvement requirements for existing streets in residential and commercial zones- Changes to correct internal code references at sections A, B and C. Amendments at sections D, E and F to correct formatting and style edits and to move a reference to an additional setback in Highrise zones at subsection 23.53.015.D.2.a) for readability later in the section.

23.53.030 – Alley improvements in all zones – Changes to section 23.53.030 include formatting and style edits changes for consistency and resolve out of date code references.

23.54.015 - Required parking and maximum parking limits – Changes to Table A for 23.54.015 to resolve formatting and style edits for consistency, and to remove transitional encampment interim use parking standards that were established by expired Ordinance 124747. Changes to Table C for 23.54.015 item F. Community Farms to correct a scrivener's error. An additional change to Table C for 23.54.015 footnote 12, consistent with prior legislation for childcare centers, clarifies the Directors authority to modify parking requirements for childcare centers.

23.54.030 - Parking space and access standards- Two changes are proposed. The first is to clarify subsection 23.54.030.B.2.d to reflect minimum height of garages regardless of where the garage takes access. The second is to update subsection 23.54.030.J to clarify Director's authority for modifying parking space size standards for residential as well as nonresidential uses.

23.55.032 - Signs in the Sand Point Overlay District- Changes to section 23.55.032 formatting and style edits changes for consistency and resolve out of date code references.

23.58C.035 - Modification of payment and performance amounts- Updates reference to include the SM-U 75-240 zone. Subsection 23.58C.035.B.1 also includes updates for formatting and style edits.

23.66.110 - Responsible agency- Updates to section 23.66.110 to delete the sentence starting with "All members of the Pioneer Square Preservation Board, established by Ordinance 110058" and make formatting and style edits.

23.66.122 - Prohibited uses- Nomenclature change at subsection 23.66.122.A.23) from "Marijuana" to "Cannabis" for consistency with Statute.

23.66.322 - Prohibited uses-- Nomenclature change at subsection 23.66.322.A.27) from "Marijuana" to "Cannabis" for consistency with Statute.

23.69.002 - Purpose and intent- Update to section 23.69.002 to delete superfluous term, "conceptual" in reference to a Master Plan.

23.69.032 - Master plan process- Changes to section 23.69.032 includes a number of formatting and style edits and reference correction including correcting reference to the Healthy Growth, Aging, and Lifestyles and Lifelong Learning Headings in the Community Well-Being element of the Comprehensive plan.

23.69.033 - Approval of master use permits prior to master plan adoption- Changes to section 23.69.033 includes a number of formatting and style edits and code reference correction.

23.69.034 - Effect of master plan adoption- Changes to section 23.69.034 to correct outdated code references.

23.71.006 - Application of regulations- Changes to section 23.71.006 to remove language referencing an exception procedure in Section 23.71.026 that was repealed in 2003.

23.84A.006 "C" – Insert new definition to section 23.84A.006 of 'Cannabis, Cannabis Activity, Major, Cannabis-infused products, Cannabis, useable' to align Title 23 with nomenclature in the Statute.

23.84A.007 "D"- Changes to section 23.84A.007 to replace language regarding superseded Public Benefit Features Rule in definition of "Downtown Amenity Standards."

23.84A.025 "M" -Changes to section 23.84A.025 to strike outdated Marijuana definitions consistent with changes to new cannabis definitions in 23.84A.006.

23.84A.030 "P" -Changes to section 23.84A.030 to clarify language and correct references to "Public Benefits Features Rule" which refers to Superseded Director's Rule 20-93.

23.84A.032 "R" – Changes to section 23.84A.032 to remove outdated reference to RCW Chapter 18.20 in definition of "Assisted Living Facility."

23.84A.038 "T" – Changes to section 23.84A.038 to remove definition of "exceptional trees" a reference used in Chapter 25.11 that has been updated to new nomenclature and a tiered tree rating system.

Environmental Policies and Procedures

25.05.444 - Elements of the environment- Changes to section 25.05.444 to delete parking as an element under consideration in Environmental Review consistent with updates to the Revised Code of Washington.

25.05.675 - Specific environmental policies- Changes to section 25.05.675 to update Attachment A with the official name of several City Parks including Charles Richey Sr. Viewpoint, Rainbow Viewpoint, East Portal I-90 Overlook, Kerry Viewpoint, NW 60th Street Viewpoint and Ursula Judkins Viewpoint.

25.05.714 - Agency- Amend incorrect reference to Revised Code of Washington in subsection 25.05.714.E.

Environmental Critical Areas

25.09.045 Exemptions- Changes to section 25.09.045 to provide clarifying language that an exemption is not required to be processed separately from a development permit application.

25.09.160 Development standards for wetlands and wetland buffers-Changes to section 25.09.160 to correct internal references to riparian area "buffers."

Tree Protection

25.11.020 Exemptions- Changes to section 25.11.020 to clarify the existing tree removal exemption that applies in Environmentally Critical Areas and provide correct code reference to the process for approval in Section 25.09.070.

25.11.030 Emergency actions- Changes to section to 25.11.030 to provide correct reference to the qualifications and industry standard for Tree Risk Assessments consistent with Ordinance 126821.

25.11.040 - Hazardous tree removal – Amendment subsection 25.11.040.B.3 to clarify that normal and routine pruning shall be completed to mitigate hazards.

25.11.050 General provisions for regulated tree categories – Updates to Table A for 25.11.050 are provided to correctly implement tree removal regulations in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed Zones, to provide corrected reference notation and provide correct code references. Include clarifying footnote 1 that indicates which zones that table does not apply.

25.11.060 Requirements for trees when development is proposed- Changes to section 25.11.060 to provide corrected reference to indicate which portion of the Tree Protection Area may be reduced by the Director consistent with the language in Ordinance 126821.

25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones- Three changes are proposed. The first amendment is to subsection 25.11.070.A.2 to provide clarity around reducing yards and setbacks in order to voluntarily protect Tier 1,2,3 and 4 trees. The second amendment is in subsection 25.11.070.A.3 address the calculation of maximum lot coverage and that minimum

width of structure that must be able to be achieved in order to determine if a tree may be removed. The third change is to subsection 25.11.070.B.2.b to clarify that developments identified are for low -ncome housing meeting the definition in Title 23.

Ballard Avenue Landmark District

25.16.080 Certificate of approval – Application-Correct subsection 25.16.080.A.1.g to refer to correct chapter reference Section 22.900G.010. Additional formatting and style edits.

25.16.115 Requests for interpretation- Changes to section 25.16.115 to update for consistency and add correct code references.

25.16.150 Conflicting provisions- Changes to section 25.16.150 to update for consistency and add correct code references.

Harvard Belmont Landmark District

25.22.070 - Development and design review guidelines- Changes to section 25.22.070 for consistency, add correct code references.

25.22.135 - Requests for interpretations- Changes to section 25.22.135 for consistency, add correct code references.

Pike Place Markey Historic District

25.24.060 - Approval of changes to buildings, structures and other visible elements- Updates to section 25.24.060 for consistency, add correct code references.

Pioneer Square Historical District.

25.28.230 Definitions- Changes to section 25.28.230 for formatting and style edits changes for consistency and resolve out of date code references.

25.28.290 - Method of service of notice and order - Correct section 25.28.290 out of date code references.

Recommendation

Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.