

Amendment 1 Version 2 to CB 121152 – Clarification to “Substantial improvement” definition

Sponsor: Councilmember Lin

Correct a drafting error

Effect: This amendment would correct a drafting error in CB 121152. Specifically, the amendment would replace an errant reference to “substantial damage” in the definition of “substantial improvement” to clarify that the term “substantial improvement” does not apply to improvements required to remedy code violations or approved alterations of historic structures, like historic waterfront piers.

Amend Section 2 of CB 121152, as follows:

Section 2. Chapter 25.06 of the Seattle Municipal Code, last amended by Ordinance 126536, is amended as follows:

CHAPTER 25.06 FLOODPLAIN DEVELOPMENT

25.06.030 Definitions

Unless specifically defined (~~below~~) in this Section 25.06.030, words or phrases used in this Chapter 25.06 shall be interpreted to give them the meaning they have in common usage. For purposes of this Chapter 25.06(~~, the following words or phrases are defined as set out below~~):

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~((R-1.)) "Substantial improvement" means any ((repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:~~

~~a. Before the improvement or repair is started; or~~

~~b. If the structure has been damaged and is being restored, before the damage occurred.~~

~~2. For the purpose of this definition, a "substantial improvement" commences when the first alteration on any wall, ceiling, floor or other structural part of the building is made, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:~~

~~a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or~~

~~b. Any alteration of a structure which is listed on the National Register of Historic Places or a State Inventory of Historic Places, which is designated as a landmark pursuant to SMC Chapter 25.12 or which is included in a landmark or historic district.))~~

reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. ~~"Substantial damage"~~ This term does not include either:

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February 26, 2026
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1. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
