

January 5, 2018

## MEMORANDUM

**To:** Civic Development, Public Assets & Native Communities Committee  
**From:** Eric McConaghy, Legislative Analyst, Council Central Staff  
**Subject:** Public Hearing on Council Bill 119146

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On January 12, the Civic Development, Public Assets & Native Communities Committee (Committee) will hold a public hearing regarding amendments to the Land Use Code, Title 23 of the Seattle Municipal Code (SMC), recommended by Seattle Department of Construction and Inspections (SDCI). The proposed amendments, specified in [Council Bill \(CB\) 119146](#), would allow for the expansion of the Seattle Asian Art Museum (SAAM) building in Volunteer Park. This memo summarizes the content of CB 119146.

### Overview of legislation

The proposed amendments would only apply to the SAAM building in Volunteer Park. The building is an established non-conforming structure and use. The proposed amendments would allow the museum to expand subject to new development standards including a limit on the size of future addition(s).

The SMC, defines “non-conforming use,” as “a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located...”<sup>1</sup> With some exceptions, a structure nonconforming to use and development standards may be maintained, renovated, repaired or structurally altered but may not be expanded or extended in any manner that increases the extent of nonconformity or creates additional nonconformity.<sup>2</sup> CB 119146 would create an additional exception.

The SAAM project involves the renovation of the existing building and two additions to the existing structure. A Seattle Department of Construction and Inspections (SDCI) [Director’s decision](#) on the Master Use Permit ([MUP 3024753](#)) for this project was issued on March 16, 2017. SDCI may not issue the permit until the Land Use Code amendments allowing the expansion are approved by City Council.

Specifically, the proposed amendments would allow the expansion of the building and use located in Volunteer Park, as it exists on January 1, 2017, subject to the following development standards:

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<sup>1</sup> [Seattle Municipal Code \(SMC\) 23.84A.040](#).

<sup>2</sup> [SMC 23.42.106](#).

- The gross floor area of all expansions combined may not exceed 15,000 square feet;
- The expansion must be to the existing building, not a new, freestanding building;
- No expansion may exceed the elevation of the highest point of the existing building;
- Bicycle parking for the proposed expansion is required;
- Exterior lighting must be shielded or directed away from adjacent residentially zoned lots;
- The SDCI Director may waive parking and loading requirements, subject to the results of a traffic, parking, and loading study;
- The expansion is exempt from street and sidewalk improvements; and
- Other development standards that typically apply in single-family zones would not apply.

### **Related legislation**

Note that separate legislation, [CB 119150](#), addresses an amended lease and a development agreement regarding the SAAM building between the Seattle Parks Department and the Seattle Art Museum. The need for CB 119146 is predicated on approval of the lease and development agreement. If the lease and development agreement are not approved, the amendments to the Land Use Code in CB 119146 are not needed.

### **Next steps**

Following the public hearing, the Committee will discuss and take action regarding CB 119146 and CB 119150 during the meeting on January 17.

cc: Kirstan Arestad, Central Staff Director  
Ketil Freeman, Supervising Analyst