

Amendment 3
to
Council Bill 120121
Sponsor: Lewis

Authorize the Director of Neighborhoods to make decisions about street-level uses while interim controls are in effect.

Amend Section 2 of Council Bill 120121 as shown:

23.42.041 Additional interim street-level uses

Where street-level uses are required in any downtown zone, except in the International Special Review District, the interim uses set forth in this Section 23.42.041 are allowed in addition to uses allowed by the zone for an interim period according to the provisions of this Section 23.42.041.

A. Eligibility. In order to qualify for an interim street-level use, an applicant must demonstrate the following:

1. The Department had issued a certificate of occupancy for the structure prior to the effective date of this ordinance.
2. The applicant submits a complete application for interim street-level use within 12 months after the effective date of this ordinance.
3. Structures with existing permit conditions, or development standard limitations related to street-level uses for floor area ratio pursuant to Section 23.49.011 or bonus floor area achieved for general sales and service uses pursuant to Sections 23.49.012 and 23.49.013 may use interim street level use(s) pursuant to this Section 23.42.041 and will not require additional developer contributions.

4. The space may return to the previously established use at the property owner's or applicant's option, consistent with Section 23.42.108.

5. Notwithstanding the expiration of the interim regulations, an approval for interim street-level uses or a permit that is issued or approved for issuance prior to the expiration of the interim regulations can continue as a non-conforming use consistent with Sections 23.42.100 through 23.42.110.

6. Except for uses that are prohibited pursuant to Section 23.66.122 and subsection 23.66.130.E, interim street-level uses permitted pursuant to this Section 23.42.041 in the Pioneer Square Preservation District shall be approved pursuant to Subchapter II of Chapter 23.66 and the following:

a. Street-level for the purposes of application of this subsection 23.42.041.A.6 means a story or stories located within 8 feet measured horizontally above or below street-level.

b. No office use may occupy more than 50 percent of the street-level frontage of a block that is 20,000 square feet or more in area.

c. The Director of the Department of Neighborhoods Pioneer Square Preservation Board ("Board") may, following a special review of potential impacts, including, but not limited to, ~~traffic, parking, noise, and~~ the scale and character of the pedestrian environment, ~~recommend to the Director of Neighborhoods that the uses at street level be~~ administratively approve uses at the street level; ~~and~~ if the impacts of such uses are not significantly adverse. The ~~Board may recommend, and the~~ Director ~~of Neighborhoods~~ may also impose ~~;~~ conditions to mitigate the impacts of approved uses.

Ketil Freeman
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ed. The Director of Neighborhoods shall make the decision about allowing similar uses set forth at subsection 23.42.041.B.1.1.

Effect: This amendment would authorize the Director of Neighborhoods to make administrative decisions about authorizing and conditioning uses at the street-level in the Pioneer Square Special Review District while the interim controls are in effect and limit the scope of review to the pedestrian environment.