



## City Ordinances Archive

Note: To find a particular ordinance, click on the Bookmarks tab on the left side of this screen

**ORDINANCE NO. 06-1001**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the acceptance of a King Conservation District grant and amending the 2006 Annual City Budget for the South 188<sup>th</sup> Street landscape project.

**WHEREAS**, the SeaTac City Council has reviewed Agenda Bill 2614 submitted by the Parks and Recreation Department, requesting authorization to accept a King Conservation District grant and amending the 2006 Annual City Budget for the South 188<sup>th</sup> Street landscape project; and

**WHEREAS**, the SeaTac City Council recognizes the benefit of performing this work in order to provide landscape continuity in conjunction with the Port of Seattle's perimeter landscape project west of the runway tunnel on the south side of South 188<sup>th</sup> Street; and

**WHEREAS**, amendment to the City's 2006 Annual City Budget is necessary to increase Municipal CIP Fund estimated revenue and provide appropriation authority in the amount of \$23,000;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The City Manager is authorized to accept a King Conservation District grant to provide landscape improvements on South 188<sup>th</sup> Street.

Section 2. The 2006 Annual City Budget shall be amended to increase revenue and expenditures in the Municipal CIP Fund by \$23,000.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 10th day of January, 2006, and signed in authentication thereof on this 10th day of January, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney  
[Effective Date: \_\_\_\_\_]

ORDINANCE NO. 06-1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON GRANTING OLYMPIC PIPE LINE COMPANY, AN INTERSTATE PIPELINE CORPORATION INCORPORATED IN THE STATE OF DELAWARE, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN EXISTING PIPELINE FACILITIES, TOGETHER WITH EQUIPMENT AND APPURTENANCES THERETO, FOR THE TRANSPORTATION OF PETROLEUM PRODUCTS WITHIN AND THROUGH PUBLIC RIGHTS-OF-WAY, PUBLIC WAYS, AND OTHER WAYS WITHIN THE CITY OF SEATAC.

**WHEREAS**, Olympic Pipe Line Company (hereinafter "Company") has applied for a nonexclusive franchise to construct, operate and maintain an existing petroleum pipeline through certain public rights of way and property within the City of SeaTac (hereinafter the "City"); and,

**WHEREAS**, the City Council finds that it is in the public interest to specify the rights and duties of Olympic Pipe Line through a franchise; and

**WHEREAS**, RCW 35A.47.040 authorizes the City to grant nonexclusive franchises for the use of City rights-of-way, streets and other designated public properties, public ways, or other ways;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

## **Section I. Definitions**

For the purposes of this Franchise and all exhibits attached hereto, the following terms, phrases, words and their derivations shall have the meaning given herein.

When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning.

1.1 Construct or Construction shall mean removing, replacing, and repairing existing pipeline(s) and/or Facilities and may include, but is not limited to, digging and/or excavating for the purposes of removing, replacing, and repairing existing pipeline(s) and/or Facilities.

1.2 Effective Date shall mean the date designated herein, after passage, approval and legal publication of this Ordinance and acceptance by Company, upon which the rights, duties and obligations shall come in effect and the date from which the time requirement for any notice, extension and/or renewal will be measured.

1.3 Emergency shall mean an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken area within the City overtaken by such occurrences.

1.4 Environmental Laws shall include the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1257 et seq.; the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.; the Occupational Safety and Health Act, 29 U.S.C. § 651 et seq.; the Washington Hazardous Waste Management Act, Chapter

70.105 RCW; and the Washington Model Toxics Control Act, Chapter 70.105D RCW all as amended from time to time; and any other valid and applicable federal, state, or local statute, code, or ordinance or valid and applicable federal or state administrative rule, regulation, ordinance, order, decree, or other valid and applicable governmental authority as now or at any time hereafter in effect pertaining to the protection of human health or the environment.

1.5 Facilities shall mean the Company's pipeline system, lines, valves, mains, and appurtenances used to transport or distribute the Company's Petroleum Product(s), existing as of the date of this Franchise or as those components may be modified or improved consistent with the terms of this Franchise.

1.6 Franchise shall mean this Franchise and any amendments, exhibits, or appendices to this Franchise.

1.7 Franchise Area means over, in, along, and under any Right of Way, Public Ways, Public Road or Highways, and Other Ways within the jurisdictional boundaries of and under control of the City, including any areas annexed by the City (but excluding properties upon which the Company holds a private easement, license, or other property interest for its Facilities) during the term of this Franchise, in which case the annexed area shall become subject to the terms of this Franchise.

1.8 Hazardous Substance means any hazardous, toxic, or dangerous substance, material, waste, pollutant, or contaminant, including all substances designated under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1257 et seq.; the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; the Federal Insecticide, Fungicide, Rodenticide Act, 7 U.S.C. § 136 et seq.; the Washington Hazardous Waste management Act, Chapter 70.105 RCW; and the

Washington Model Toxics Control Act, Chapter 70.105D, RCW; all as amended from time to time; and any other federal, state, or local statute, code or ordinance or lawful rule, regulation, order, decree, or other governmental authority as now or at any time hereafter in effect. The term shall specifically include Petroleum and Petroleum Products. The term shall also be interpreted to include any substance which, after release into the environment, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer, or genetic abnormalities.

1.9 Improve or Improvements shall mean modifications to, but not a change in the nature of, the existing pipeline(s) or Facilities as required and necessary for safe operation.

1.10 Maintenance or Maintain shall mean examining, testing, inspecting, repairing, and replacing the existing pipeline and/or facilities or any part thereof as required and necessary for safe operation.

1.11 Petroleum or Petroleum Products shall include, but is not limited to, motor gasoline, diesel fuel, and aviation jet fuel, and shall exclude natural gas.

1.12 Pipeline Corridor shall mean the pipeline pathway through the jurisdictional boundaries of the City in which the pipeline(s) and or Facilities of the Company are located, including any Rights-of-Way, Public Ways, Other Ways, and/or easement over and through private property.

1.13 Public Ways shall mean any highway, street, alley, utility easement (unless their use is otherwise restricted for other users), or other public Rights-of-way under the jurisdiction and control of the City.

1.14 Operate or Operations shall mean the use of the Company's pipeline(s) and/or Facilities for the transportation, distribution and handling of Petroleum or Petroleum Products within and through the Franchise Area.

1.15 Other Ways means the highways, streets, alleys, utility easements or other Rights-of-Way within the City as encompassed by RCW 47.24.020 and 47.52.090.

1.16 Rights-of-Way means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, easements, Rights-of-Way and similar Public Ways or Other Ways and areas located within the Franchise Area and under the City's control.

## **Section 2. Purpose**

The City grants this nonexclusive Franchise to the Company to construct, operate and maintain its existing Facilities as a liquid petroleum product delivery system for Company's business. This Franchise is granted subject to the police powers, land use authority and franchise authority of the City and is conditioned upon the terms and conditions contained herein and Company's compliance with any applicable federal, state or local regulatory programs that currently exist or may hereafter be enacted by any federal, state or local regulatory agencies with jurisdiction over the Company. The purpose of this Franchise is to delineate the conditions relating to Company's use of the Rights- of-Way, Public Ways, and Other Ways and to create a foundation for the parties to work cooperatively in the public's best interests after this Ordinance becomes effective. By granting this Franchise, the City is not assuming any risks or liabilities therefrom, which shall be solely and separately borne by Company.

Furthermore, this Franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, under, on, across, over, through, along or below any Rights-of-Ways, Public Ways, and Other Ways. This and other franchises shall, in no way, prevent or prohibit the City from using any of its Rights-of-Ways, Public Ways, and Other Ways or affect its jurisdiction over them or any part of them, and the City hereby retains full power to make all changes, relocations, repairs, maintenance, establishments, improvements, dedications or

vacations of same as the City may seem fit, including the dedication, establishment, maintenance and improvement of all new Rights-of-Way, streets, avenues, thoroughfares, and Public Ways, or Other Ways.

**Section 3. Rights Conveyed**

3.1 Pursuant to the laws of the State of Washington including, but not limited to, RCW 35A.47.040, the City hereby grants, under the terms and conditions contained herein, to Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and which is authorized to transact business within the State of Washington, its successors and assigns (subject to and as provided for in Section 6), the right, privilege, authority and Franchise to Construct, Operate, Maintain and Improve its Facilities, together with all equipment and appurtenances as may be necessary thereto, for the transportation and handling of any Petroleum or Petroleum Products, within the existing Pipeline Corridor passing through the Franchise Area, such lands being more particularly described in Schedule I, which is attached hereto and expressly incorporated herein by this reference.

3.2 This Franchise is only intended to convey a limited right and interest as to that Public Rights-of-Way, Public Ways and Other Ways in which the City has an actual interest. It is not a warranty of title or interest in the City's Rights-of Way, Public Ways and Other Ways. None of the rights granted herein shall affect the City's jurisdiction over its property, streets or rights of way.

3.3 The limited rights and privileges granted under this Franchise shall not convey any right to Company to install any new pipeline(s) and/ or Facilities without the express written consent of the City.

3.4 The Company acknowledges and warrants by acceptance of the rights and privileges granted herein, that it has carefully read and fully comprehends the terms and conditions of this Franchise and is willing to and does accept all reasonable risks of

the meaning of the provisions, terms and conditions herein. The Company further acknowledges and states that it has fully studied and considered the requirements and provisions of this Franchise, and believes that the same are consistent with all local, state and federal laws and regulations currently in effect, including the Federal Pipeline Safety Act (49 U.S.C. 60101 *et seq.*) and the Pipeline Safety Code of Federal Regulations (Title 49 CFR Part 186-199). If in the future the Company becomes aware that a provision of this franchise may be unlawful or invalid, it will not use such potential invalidity to unilaterally ignore or avoid such provision. Instead, the Company will promptly advise the City of the potential invalidity or illegality, and the parties will meet within thirty (30) days and endeavor jointly to cure the invalidity or illegality.

#### **Section 4. Term**

4.1 Each of the provisions of this Franchise shall become effective as provided in Section 26 and shall remain in effect for ten (10) years thereafter. At any time not more than two (2) years nor less than one-hundred-eighty (180) days before the expiration of the Franchise term, the Company may make a written request and the City may consider, at its sole discretion, renewing this Franchise for an additional ten (10) year renewal period unless either party expresses its intention in writing to terminate this Franchise at the conclusion of the ten (10) year term.

4.2 If the parties fail to formally renew or terminate the Franchise prior to the expiration of its term or any extension thereof, the Franchise shall be extended on a year-to-year basis (or such term as the parties may mutually agree) until a renewed Franchise is executed.

**Section 5. Application Fee**

The Company shall be subject to a one-time administrative fee of Two Thousand Dollars (\$2,000) relating to the franchise application, which is payable to the City no later than March 1, 2006.

**Section 6. Assignment and Transfer of Franchise**

6.1 This Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, nor shall title thereto, either legal or equitable, pass to or vest in any person or entity without the prior written consent of the City' s Council, acting by ordinance or resolution, which consent shall not be unreasonably withheld. Such consent shall not be deemed to waive any rights of the City to subsequently enforce non-compliance issues relating to this Franchise that existed at or before the time of the City's consent.

6.2 If such consent is given by the City then the Company shall, within thirty (30) days, file with the City a written instrument evidencing such sale, assignment or transfer of ownership, whereby the assignee(s) or transferee(s) shall agree to accept and be bound by all of the provisions of this Franchise.

**Section 7. Compliance with Laws and Standards**

Company shall, in carrying out any authorized activities under the privileges granted herein, comply with all valid and applicable local, state and federal laws, including, but not limited to, Title 49 Code of Federal Regulations, Part 195 Transportation of Hazardous Liquids, environmental laws, and any laws or regulations that may be subsequently enacted by any governmental entity with jurisdiction over Company and/or the Facilities.

**Section 8. Construction on or within Rights-of Way, Public Ways, and Other Ways**

8.1 This Section 8 shall apply to all Construction and/or Maintenance done by Company in the Franchise Area.

8.2 Except in cases where federal or state regulations or industry 'best practices' require the installation of Facilities above-ground, and except as expressly permitted by the City, all Facilities under this franchise shall be located underground.

8.3 Except in the event of an emergency, Company shall first obtain applicable permits from the City to perform maintenance or construction work on Company's Facilities within the Franchise Area. The permit application shall contain detailed plans and specifications showing the position, depth and location of all such Facilities in relation to existing City Rights-of-Ways, Public Ways, and Other Ways, or other City property, hereinafter collectively referred to as the "Plans." The Plans shall specify the class and type of material and equipment to be used, manner of excavation, construction, installation, backfill, erection of temporary structures and facilities, erection of permanent structures and facilities, traffic control, traffic turnouts and road obstructions, and all other necessary information. The Company shall file as-built plans and, when available, maps in GIS format with the City showing the final location of the facilities. Such work shall only commence upon the issuance of applicable permits, and payment of the associated fees, and attendance at a pre-construction meeting with the City, which permits shall not be unreasonably withheld or delayed after submission of a complete application. Except in the event of an emergency, the Company shall provide the City with at least seventy two (72) hours written notice prior to any construction or maintenance on the Company Facilities within the Franchise Area.

8.4 In the event of an emergency requiring immediate action by Company for the protection of the pipeline(s) or Facilities, the City's property or the property, life, health or safety of any individual, the Company shall immediately notify the City Fire

Department through the dispatch system and the Company may take action immediately to correct the dangerous condition without first obtaining any required permit so long as: (1) the Company informs the Engineering Division of the City's Public Work's department of the nature, location, and extent of the emergency, and the work to be performed, prior to commencing the work if such notification is practical, or where such prior notification is not practical, the Company shall notify the Engineering Division of the City's Public Works department on the next business day; and (2) such permit is obtained by the Company as soon as practicable following cessation of the emergency.

8.5 Before undertaking any of the work, installation, improvements, construction, repair, relocation, or maintenance authorized by this Franchise, as a condition precedent to the issuance of any permits by the City, the Company shall furnish a bond executed by the Company and a corporate surety authorized to operate a surety business in the State of Washington, in such sum as may be set and approved by the City as sufficient to ensure performance of the Company's obligations under this Franchise. The bond shall be conditioned so that the Company shall observe all the covenants, terms and conditions and shall faithfully perform all of the obligations of this Franchise, and to repair or replace any defective work or materials discovered in the City's road, streets, or property.

8.6 All work done hereunder by Company or upon Company's direction or on Company's behalf shall be undertaken and completed in a workmanlike manner and in accordance with the descriptions, plans and specifications provided to the City. The Company's activities shall be conducted in such a manner as to avoid damage or interference with other utilities, drains or other structures, and not unreasonably interfere with public travel, park uses or other municipal uses, and the free use of adjoining property and so as to provide safety for persons and property. The Company's Construction and/ or Maintenance shall be in compliance with all valid and applicable laws and regulations and specifications of governmental agencies with jurisdiction.

8.7 In case of damage caused by the Company, its agents or employees or by the Facilities of the Company to Rights-of-Way, Public Ways, or Other Ways, the Company agrees to repair the damage at its own cost and expense. The Company shall, upon discovery of any such damage, immediately notify the City. The City will inspect the damage, and set a time limit for completion of the repair. If the City discovers damage caused by the Company to Rights-of-Way, Public Ways, or Other Ways, the City shall give the Company notice of the damage and set a time limit in which the Company must repair the damage. In the event the Company does not make the repair as required in this section, the City may repair the damage pursuant to Section 13.6 of this Franchise.

8.8 The Company shall, using a licensed surveyor, immediately replace all survey markers or monuments disturbed during any work by the company within the Franchise Area. The Company shall obtain any necessary permits from the State and shall pay all costs associated with such lost, destroyed, or disturbed monuments or markers.

8.9 The Company shall place and maintain line markers pursuant to federal regulations within and along the Pipeline Corridor. Additionally, Company agrees to continue its voluntary practice of placing continuous markers underground, when and where appropriate, indicating the pipeline's location each time Company digs to the pipeline, or such other 'industry best practices' as may from time to time be developed as a method of alerting excavators of the presence of the pipeline.

8.10 The Company shall continuously be a member of the State of Washington one number locator service under (RCW 19.122), or approved equivalent, and shall comply with all such applicable rules and regulations.

8.11 Any asphalt overlay completed within the Franchise Area during the five (5) year period immediately prior to the date of the permit application shall not be open cut by the Company unless required by an emergency or necessitated by federal or

state regulatory order or rule. The Company shall install new asphalt overlay on any such street that is open cut, whether in an emergency or otherwise, for a minimum of one-half (1/2) block (approximately 150 feet) in length both directions from the open cut or pay a mitigation fee as reasonably determined by the City's Public Works Director.

## **Section 9. Abandonment or Removal of Facilities**

9.1 The Company shall notify the City of any abandoned Facilities or cessation of use of any of its Facilities within sixty (60) days after such abandonment or cessation of use.

9.2 In the event of abandonment or Company's permanent cessation of use of its Facilities, or any portion thereof within the Franchised Area, the Company shall, within one hundred and eighty days (180) after the abandonment or permanent cessation of use, either remove the Facilities at Company's sole cost and expense or alternatively, with the consent of the City, which consent shall not be unreasonably withheld, the Company may secure the Facilities in such a manner as to cause them to be as safe as is reasonably possible, by removing all Petroleum Products, purging vapors, displacing the contents of the line with an appropriate inert material and sealing the pipe ends with a suitable end closure, all in compliance with valid and applicable regulations, and abandon them in place provided that portions of the Facilities which are above ground shall be removed at Company's sole cost and expense.

9.3 In the event of the removal of all or a portion of the Facilities, Company shall restore the Franchise Area as nearly as possible to a condition that existed prior to removal of Company's Facilities. Such property restoration work shall be done at Company's sole cost and expense and to the City's reasonable satisfaction. If Company fails to remove or secure the Facilities and fails to restore the premises or take such other mutually agreed upon action, the City may, after reasonable notice to Company, remove the Facilities, restore the premises or take such other action as is reasonably necessary at Company's expense and the City shall not be liable therefore. This remedy

shall not be deemed to be exclusive and shall not prevent the City from seeking a judicial order directing that the Facilities be removed.

9.4 The City shall not charge the Company franchise fees for pipelines or pipeline segments abandoned or removed in compliance with this Section. However, the City's consent to the abandonment of Facilities in place shall not relieve the Company of the obligation and/or costs to remove, alter or re-secure such Facilities in the future in the event it is reasonably determined, as adjudged in the sole discretion of the City, that removal, alteration or re-securing the facilities is necessary or advisable for the health, safety, necessity and/or convenience of the public, in which case the Company shall perform such work at no cost to the City.

9.5 The parties expressly agree that the provisions of this Section 8 shall survive the expiration, revocation or termination of this Franchise.

#### **Section 10. Operations and Maintenance - Inspection and Testing**

10.1 The Company shall Operate and Maintain its Facilities in full compliance with the applicable provisions of Title 49, Code of Federal Regulations, Part 195, and WAC 480-75-420, as now enacted or hereafter amended, all environmental laws, and any other current or future laws or regulations that are applicable to Company's Facilities, enacted by any governmental entity with jurisdiction over Company or Company's Facilities.

10.2 At City's request, the Company shall provide, at its sole cost and expense, a briefing by qualified testing experts to explain the inspection results and Company's proposed corrective action(s). Said qualified testing expert may be an employee or representative of the Company.

10.3 The City shall use all reasonable efforts to require all excavators issued a City grading and/or right-of-way permit working within 100 feet of the Company's

Facilities to notify the State of Washington one number locator service law (RCW 19.122) at least 48 hours prior to the start of any work and to ensure compliance with the requirements of RCW 19.122. If the Company becomes aware that a third party conducts any excavation or other significant work that may affect the Facilities, the Company shall conduct such inspections and/or testing as is necessary to determine that no direct or indirect damage was done to the Facilities and that the work did not abnormally load the Company's Facilities or impair the effectiveness of the Company's cathodic protection system. Upon written request, the Company shall report to the City its inspection and findings.

### **Section 11. Encroachment Management**

11.1 The Company shall maintain a written program to prevent damage to its Facilities from excavation activities, as required by applicable state and federal guidelines.

11.2 The Company and the City shall comply with applicable and valid federal, state and local requirements regarding encroachment management, including RCW 19.122 (one-call system).

### **Section 12. Leaks, Spills and Emergency Response**

12.1 The Company warrants that it will maintain an Emergency Response Plan that is in compliance with the applicable requirements of local, state and federal agencies with jurisdiction, including provisions that require the City Fire Department be notified immediately through the dispatch system of any leak, spill, or release greater than five (5) gallons. Upon written request by either party, the parties agree to meet periodically to review the Emergency Response Plan and procedure.

12.2 The Company's emergency plans and procedures shall designate the Company's responsible local emergency officials and a direct 24 hour emergency

contact number for control center operator. The Company shall, after being notified of an emergency, cooperate with the City and make every effort to respond as soon as possible to protect the public's health, safety and welfare. The response will be subject to the Unified Command Structure of the National Incident Management System (NIMS).

12.3 The Company shall cooperate with the City and respond to protect public health and safety in the event of a pipeline emergency. The Company warrants that it will at all times have available, on the county level, sufficient emergency response equipment and materials to immediately and fully respond to any spill, leak, rupture or other release of Petroleum Products or Hazardous Substances from Company's pipeline(s) and/or Facilities and that Company shall be solely responsible for all reasonably necessary costs incurred by any agency in responding appropriately to any spill, leak, rupture or other release of Petroleum Products or Hazardous Substances from Company's pipeline(s) and/or Facilities, including, but not limited to, detection and removal of any contaminants from, earth or water, all remediation costs, equipment replacement, and staffing costs, except for any spill, leak, or other release that results from the sole negligence or willful misconduct of the City or its contractors. Any such costs shall be considered extraordinary costs that shall not be borne by the City and shall not be considered administrative expenses of the City. Nothing in this Section shall be construed as limiting the Company's right to seek recovery from third parties.

12.4 Leaks, spills, ruptures and other emergencies shall be investigated by the Company and reported to the appropriate government agencies as required by applicable state, federal, and local regulations. Furthermore, City shall be notified according to Section 8.4 and Section 12 of this Franchise.

### **Section 13. Required Relocation of Facilities**

13.1 In the event that the City undertakes or approves the construction of an Improvement Project, such as construction of, improvement to, or change in grade or

location of any street, sidewalk, storm drainage infrastructure, signal poles, arms, and equipment, utility facilities, street illumination, and transit infrastructure, and the City determines that the Improvement Project reasonably requires changes to or the relocation of Company's Facilities, then Company shall make such changes or relocations as required herein at Company's sole cost, expense and risk.

13.2 The City shall provide the Company reasonable written notice of any Improvement Project in the interest of public health, safety, welfare, necessity and/or convenience that requires changes to or the relocation of Company's Facilities. The City will endeavor, where practical, to provide the Company written notice at least two years prior to scheduled construction of such Improvement Project. However, nothing in this Section shall be construed as to relieve Company of its duty and obligation to relocate its Facilities to accommodate any Improvement Project undertaken by the City after written notice of any Improvement Project.

13.3 The City shall further provide the Company with copies of pertinent portions of the draft plans and specifications for such Improvement Project so that the Company may make the required changes to or relocate its facilities to accommodate such Improvement Project.

13.4 The Company may, after receipt of written notice requiring changes to or relocation of its Facilities under Section 13.2, submit to the City, within sixty (60) days, written alternatives to such relocation. The City shall evaluate such alternatives and advise the Company in writing if one or more of the alternatives are suitable to accommodate the Improvement Project that would otherwise necessitate changes to or relocation of the Facilities. If so requested by the City, the Company shall submit additional information to assist the City in making such evaluation including actual field verification of the location(s) of the Company's underground Facilities within the Improvement Project area by excavating (e.g., pot holing), and restoring at no expense to the City. The City shall give each alternative proposed by the Company full and fair consideration but retains sole discretion to decide whether to utilize its original plan or

an alternative proposed by the Company. If it is determined and agreed upon by the City and the Company that it is in the mutual best interest of both the City and the Company to redesign a proposed Improvement Project rather than have the Company relocate its facilities, the Company shall pay the reasonable incremental costs of redesign of the Improvement Project, including, but not limited to, increased costs of design, construction, and right-of way acquisition, in order to avoid facility relocation.

13.5 If any portion of the Company's Facilities that has been required by the City to be relocated under the provisions of this section is subsequently required to be relocated again within five (5) years of the original relocation, the City will bear the entire cost of the subsequent relocation.

13.6 The City shall work cooperatively with the Company in determining a viable and practical route within which the Company may relocate its facilities under Section 13.1, in order to minimize costs while meeting the City's project timelines and objectives. The City's requirements with regard to the required changes or relocation (i.e. depth of cover, distance from other utilities, etc.) must not be unreasonable and not inconsistent with applicable federal and state requirements, however, nothing in this section shall be construed as to limit the City's police power, land use authority, franchise authority or the City's authority to regulate the time, place and manner of Company's use of the Public Rights-of-Way, Public Ways and Other Ways.

13.7 Upon receipt of the City's reasonable notice, plans and specifications per Section 13.2, the Company shall complete relocation of such facilities so as to accommodate the Improvement Project at least ten (10) calendar days prior to commencement of the Improvement Project or such other time as the parties may agree in writing.

13.8 The City shall take reasonable steps to cooperate with the Company on any effort by the Company to apply for and obtain any state or federal funds that may be available for the relocation of the Company's Facilities provided however that the

Company's application for any such funds shall not delay the City Improvement Project. To the extent such funds are made available, the Company may apply funds towards the costs incurred to relocate the Company's Facilities.

13.9 The Company shall not be required to relocate its Facilities at its expense for the benefit of private developers or third party projects. However, in the event the City reasonably determines and notifies the Company that the primary purpose for requiring such changes to or relocation of the Company's facilities by a third party is to cause or facilitate the construction of an Improvement Project consistent with the City Capital Investment Plan, Comprehensive Plan, Transportation Improvement Program, or the Transportation Facilities Program, or other similar plan, then the Company shall change or otherwise relocate its Facilities in accordance with Section 13.1 – 13.4 at the Company's sole cost, expense and risk.

#### **Section 14. Vacation**

In the event the City vacates any portion of the Franchise Area in which the Company's Facilities are located during the term of this Franchise, the City shall, in its vacation procedure, ensure that an easement is reserved and granted to the Company for the Company's Facilities.

#### **Section 15. Design Markings**

In the event the City desires to design new streets or intersections, renovate existing streets, or make any other public improvements, the Company shall at the City's request, provide the horizontal and vertical location of the Company's underground Facilities within the Franchise Area by either field markings or by locating the Facilities on the City's design drawings and shall provide all other reasonable cooperation and assistance to the City with respect to locating and marking the location of its Facilities.

## **Section 16. Violations, Remedies and Termination**

16.1 The Company shall be in compliance with the terms of this Franchise at all times. The City reserves the right to apply any of the following remedies, alone or in combination, in the event Company violates any material provision of this Franchise. The remedies provided for in this Franchise are cumulative and not exclusive; the exercise of one remedy shall not prevent the exercise of another, or any rights of the City at law or equity.

16.2 The City may terminate this Franchise if the Company materially breaches or otherwise fails to perform, comply with or otherwise observe any of the terms of this Franchise, and fails to cure or make reasonable effort to cure such breach within thirty (30) calendar days of receipt of written notice thereof, or, if not reasonably curable within thirty (30) calendar days, within such other reasonable period of time as the parties may agree upon.

16.3 Either party may invoke the Dispute Resolution clause contained in Section 17 of this Franchise as it deems necessary with regard to termination.

16.4 If the Company's right to operate its Facilities within the Franchise Area is ultimately terminated, the Company shall comply with the terms of this Franchise, regarding removal and/or abandonment and restoration of the Facilities and with all directives of applicable federal and state agencies with jurisdiction.

16.5 In the event the Company fails to comply with any applicable federal, state, or City laws, ordinances, rules, regulations or standards or with any of the terms and conditions of this Franchise with regard to work including, but not limited to, Construction, Operation or Maintenance within the Franchise Area, and such noncompliance continues for a period of thirty (30) days after the Company receives written notice from the City regarding the noncompliance, the City may, but in no event is the City obligated to, order any work completed, including without limitation the

Company's obligation to repair, remove or relocate Facilities pursuant to this Franchise. However, the City shall not have any pipeline repair or maintenance work accomplished by any person or entity other than Company or another entity approved by the Federal Office of Pipeline Safety. If the City causes such work to be done by its own employees or by any person or entity other than the Company, the company shall, upon the City's written request, immediately reimburse the City for all reasonable costs and expenses incurred by the City in having such work performed, which costs may include the City's reasonable overhead expenses and attorneys fees.

## **Section 17. Dispute Resolution**

17.1 In the event of a dispute between the City and the Company arising by reason of this Franchise, or any obligation hereunder, the dispute shall first be referred to the representatives designated by the City and the Company to have oversight over the administration of this Franchise. Said officers or representatives shall meet within thirty (30) calendar days of either party's request for said meeting, and the parties shall make a good faith effort to attempt to achieve a resolution of the dispute.

17.2 In the event that the parties are unable to resolve the dispute under the procedure set forth in Section 17.1, then the parties hereby agree that the matter shall be referred to mediation. If the parties are unable to agree on a mediator, the parties shall each secure the services of a mediator, who will in turn work together to mutually agree upon a third mediator, and the three mediators will serve as a mediation panel to assist the parties in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties.

17.3 If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies, provided, that if the party seeking judicial redress does not substantially prevail in the judicial action, it shall pay the other party's reasonable legal fees and costs incurred in the judicial action. It is agreed that

King County, Washington shall be the venue for any judicial action arising out of this Franchise.

17.4 Subject to state and federal regulation, the Company shall be permitted to continuously operate its Facilities during dispute resolution.

## **Section 18. Indemnification**

18.1 General Indemnification. Except for environmental matters, which are covered by a separate indemnification in Section 18.2 below, the Company shall indemnify, defend and hold harmless the City, its agents, officers or employees, from any and all liability, loss, damage, cost, expense, and any claim whatsoever, including reasonable attorneys' and experts' fees incurred by the City in defense thereof, whether at law or in equity, arising out of or related to, directly or indirectly, the construction, operation, use, location, testing, repair, maintenance, removal, abandonment or damage to the Company's Facilities, or from the existence of the Company's pipeline and other appurtenant facilities, and of the products contained in, transferred through, released or escaped from said pipeline and appurtenant facilities, from any and all causes whatsoever, except the City's sole negligence and except for any incidence of the City's non-compliance with Section 10.3, above (One-Call regulations). If any action or proceeding is brought against the City by reason of the pipeline or its appurtenant facilities, the Company shall defend the City at the Company's complete expense, provided that, for uninsured actions or proceedings, defense attorneys shall be approved by the City, which approval shall not be unreasonably withheld.

18.2 Environmental Indemnification. The Company shall indemnify, defend and hold harmless the City, its agents, officers or employees, from and against any and all liability, loss, damage, expense, actions and claims (unless such liability, loss, damage, expense, actions and claims result from the City's noncompliance with Section 10.3 above) either at law or in equity, including, but not limited to, costs and reasonable attorneys' and experts' fees incurred by the City in defense thereof, arising from (a)

Company's violation of any environmental laws applicable to the Facilities or (b) from any release of a hazardous substance on or from the Facilities. This indemnity includes but is not limited to (a) liability for a governmental agency's costs of removal or remedial action for hazardous substances; (b) damages to natural resources caused by hazardous substances, including the reasonable costs of assessing such damages; (c) liability for any other person's costs of responding to hazardous substances; and (d) liability for any costs of investigation, abatement, correction, cleanup, fines, penalties, or other damages arising under any environmental laws; and (e) liability for personal injury, property damage, or economic loss arising under any statutory or common-law theory.

## **Section 19. Insurance**

19.1 The Company agrees to carry as a minimum, the following insurance, in such forms and with such carriers as are satisfactory to the City.

(a) Workers compensation and employer's liability insurance in amounts sufficient pursuant to the laws of the State of Washington;

(b) Commercial general liability insurance with combined single limits of liability not less than \$100,000,000 per occurrence and in the aggregate for bodily injury, including personal injury or death, products liability, contractual coverage, operations, explosion, collapse, underground and property damage and any claims or losses under Section 15; and

(c) Automobile liability insurance with combined single limits of liability not less than \$2,000,000 for bodily injury, including personal injury or death and property damage.

(d) Environmental pollution liability with a limit not less than \$50,000,000 for each occurrence, at a minimum covering liability from sudden and/or accidental occurrences to the extent such coverage is reasonably available in the marketplace.

19.2 The comprehensive general liability insurance and automobile liability insurance policies shall be endorsed to contain the following provisions:

(a) The City shall be named as additional insured; such insurance shall apply to the City's officers, elected officials and employees, representatives, consultants, or volunteers, while acting on behalf of the City and resulting from the Company's operations.

(b) Coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(c) Coverage shall not be suspended, canceled, modified or reduced except after thirty (30) days prior written notice to the City delivered by certified mail, return receipt requested; and

(d) Coverage shall be primary as to the City, its officers, officials, employees, representatives, consultants, or volunteers. Any insurance or self-insurance by the City, its officers, officials, employees or volunteers shall be in excess of the Company's required insurance as a result of the Company's negligence.

19.3 The Company shall furnish the City with certificates of insurance and original endorsements evidencing the coverage required by this Section upon acceptance of this Franchise. The certificates and endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf and must be received and approved by the City prior to the commencement of any work.

19.4 The indemnity and insurance provisions herein under Sections 18 and 19 of this Franchise shall survive the termination of this Franchise and shall continue for as long as the Company's Facilities shall remain in or on the Franchise Area or until the parties execute a new Franchise agreement that modifies or terminates these indemnity or insurance provisions.

**Section 20. Annual Franchise Fee.**

20.1 In consideration for granting this Franchise and for the use of the Franchise Area, there is hereby established an annual fee of Twelve Thousand Nine

Hundred Sixty Dollars (\$12,960) intended to cover the City's reasonable costs related to administering the Franchise pursuant to the City's fee schedule...

20.2 The annual fee shall increase each year throughout the term of this Franchise and any renewal terms by 100% of the non-seasonally adjusted Consumer Price Index for the Seattle-Tacoma-Bremerton Metropolitan Area for the previous calendar year. Each increase shall become effective on the anniversary date of this Franchise each year.

20.3 Each annual payment shall cover the next twelve (12) month period and shall be paid not later than the anniversary date of the Effective Date of this Franchise. Interest shall accrue on any late payment at the rate of twelve percent (12%) per annum. Such interest shall be in addition to any applicable penalties for late payment. Any partial payment shall first be applied to any penalties, then interest, then to principal.

20.4 The Franchise fee set forth in Section 20.1 does not include, and the Company agrees that it is responsible for, payments associated with the City's administrative expenses including but not limited to the City's expenses incurred in reviewing, inspecting, licensing, permitting or granting any other approvals necessary for the Company to operate and maintain its Facilities or for any inspection or enforcement costs thereunder (i.e., customary permitting fees). Additionally, the foregoing annual fee does not include any generally applicable taxes that the City may legally levy. The Company shall bear the cost of publication of this Ordinance, which is payable to the City within 30 days of publication.

## **Section 21. Eminent Domain**

The existence of this Franchise shall not limit either party's powers of eminent domain under Washington law.

## **Section 22. Legal Relations**

22.1 The Company accepts any privileges granted hereunder by the City to the Franchised Area in an "as is" condition. The Company agrees that the City has never made any representations, implied or express warranties or guarantees as to the suitability, security or safety of the location of the Company's Facilities or the Facilities themselves or possible hazards or dangers arising from other uses or users of the Rights-of Way, Public Ways and Other Ways including by the City, the general public or other utilities. As between the City and the Company, the Company shall remain solely and separately liable for the function, testing, maintenance, replacement and/or repair of the Facilities or other activities permitted hereunder.

22.2 The Company hereby waives its Workers Compensation immunity under Title 51 RCW in any cases involving the City and affirms that the City and the Company have specifically negotiated this provision, to the extent it may apply.

22.3 This Franchise Ordinance shall not create any duty of the City or any of its officials, employees or agents and no liability shall arise from any action or failure to act by the City or any of its officials, employees or agents in the exercise of powers reserved herein. Further, this Ordinance is not intended to acknowledge, create, imply or expand any duty or liability of the City with respect to any function in the exercise of its police power or for any other purpose. Any duty that may be deemed to be created in the City hereunder shall be deemed a duty to the general public and not to any specific party, group or entity.

22.4 This Franchise shall be governed by, and construed in accordance with, the laws of the State of Washington.

## **Section 23. [OMITTED]**

## **Section 24. Notice**

24.1 All notices, demands, requests, consents and approvals which may, or are required to be given by any party to any other party hereunder, shall be in writing and shall be deemed to have been duly given if delivered personally, sent by facsimile, sent by a nationally recognized overnight delivery service, or if mailed or deposited in the United States mail and sent by registered or certified mail, return receipt requested, postage prepaid to:

City:

City of SeaTac

4800 S. 188<sup>th</sup> Street

SeaTac, WA 98188-8605

Attn: City Manager

Company:

Olympic Pipe Line Company Attn: President

2319 Lind Avenue S.W.

Renton, Washington 98055

with copy to:

Mark Johnsen

Karr Tuttle Campbell

1201 Third Avenue, Suite 2900

Seattle, Washington 98101

or to such other address as the foregoing parties hereto may from time-to-time designate in writing and deliver in a like manner. All notices shall be deemed complete upon actual receipt or refusal to accept delivery. Facsimile transmission of any signed original document, and retransmission of any signed facsimile transmission shall be the same as delivery of an original document.

24.2 To ensure effective cooperation, the Company and the City shall each designate a representative responsible for communications between the Parties.

**Section 25. Miscellaneous**

25.1 In the event that a court or agency of competent jurisdiction declares a material provision of this Franchise to be invalid, illegal or unenforceable, the parties shall negotiate in good faith and agree, to the maximum extent practicable in light of such determination, to such amendments or modifications as are appropriate actions so as to give effect to the intentions of the parties as reflected herein. If severance from this Franchise of the particular provision(s) determined to be invalid, illegal or unenforceable will fundamentally impair the value of this Franchise, either party may apply to a court of competent jurisdiction to reform or reconstitute the Franchise so as to recapture the original intent of said particular provision(s). All other provisions of the Franchise shall remain in effect at all times during which negotiations or a judicial action remains pending.

25.2 Whenever this Franchise sets forth a time for any act to be performed, such time shall be deemed to be of the essence, and any failure to perform within the allotted time may be considered a material violation of this Franchise.

25.3 In the event that the Company is prevented or delayed in the performance of any of its obligations under this Franchise by reason(s) beyond the reasonable control of the Company, then the Company's performance shall be excused during the Force Majeure occurrence. Upon removal or termination of the Force Majeure occurrence the Company shall promptly perform the affected obligations in an orderly and expedited manner under this Franchise or procure a substitute for such obligation or performance that is satisfactory to the City. The Company shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.

25.4 The Section headings in this Franchise are for convenience only, and do not purport to and shall not be deemed to define, limit, or extend the scope or intent of the Section to which they pertain.

25.5 By entering into this Franchise, the parties expressly do not intend to create any obligation or liability, or promise any performance to, any third party, nor have the parties created for any third party any right to enforce this Franchise.

25.6 This Franchise and all of the terms and provisions shall be binding upon and inure to the benefit of the respective successors and assignees of the parties.

25.7 The parties each represent and warrant that they have full authority to enter into and to perform this Franchise, that they are not in default or violation of any permit, license, or similar requirement necessary to carry out the terms hereof, and that no further approval, permit, license, certification, or action by a governmental authority is required to execute and perform this Franchise, except such as may be routinely required and obtained in the ordinary course of business.

**Section 26. Effective Date**

This Ordinance shall be effective on March 1, 2006, having been (i) introduced to the City Council not less than five days before its passage; (ii) first submitted to the City Attorney; (iii) published at least five days prior to the above-referenced effective date and as otherwise required by law; and (iv) passed at a regular meeting of the legislative body of the City of SeaTac by a vote of a majority of the City Council. This Franchise Ordinance is void if the Company fails to file its unconditional acceptance of this Franchise within thirty (30) calendar days from the final passage of same by the City Council. The Company shall file its unconditional written acceptance with the City Clerk of the City of SeaTac. Furthermore, failure of the Company to so accept this Franchise within said period of time shall be deemed a rejection thereof by the Company, and the

rights and privileges herein granted shall, after the expiration of the thirty day period, absolutely cease and determine, unless the time period is extended by the parties.

ADOPTED this 10th day of January, 2006, and signed in authentication thereof on this 10th day of January, 2006.

CITY OF SEATAC

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney

\_\_\_\_\_  
Date

Date of Publication: \_\_\_\_\_

[Effective Date March 1, 2006]

[OPL Franchise]

UNCONDITIONAL ACCEPTANCE BY OLYMPIC PIPE LINE COMPANY:

I, the undersigned official of Olympic Pipe Line Company, am authorized to bind Olympic Pipe Line Company and to unconditionally accept the terms and conditions of the foregoing Franchise (Ordinance No. \_\_\_\_\_), which are hereby accepted by Olympic Pipe Line Company this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

OLYMPIC PIPE LINE COMPANY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public in and for the State of Washington  
My commission expires \_\_\_\_\_

Received on behalf of the City this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Name: \_\_\_\_\_

Title: City Clerk \_\_\_\_\_

**ORDINANCE NO. 06-1003**

AN ORDINANCE of the City Council of the City of SeaTac, Washington adding a section 3.30.055 of the SeaTac Municipal Code, related to lease or rental of City facilities, or contracts in which the City receives payment.

**WHEREAS**, RCW 35A.11.010 provides that the City, through the legislative body, may contract and be contracted with; and

**WHEREAS**, the City may delegate its contracting authority to the City Manager or designee; and

**WHEREAS**, the City Council finds that it is appropriate to delegate to the City Manager or designee the authority for entering into a lease or rental of City facilities, or for contracts in which payment is received by the City, if the value of such leases, rentals, or contracts is less than \$25,000; and

**WHEREAS**, the City Council finds it appropriate that leases, rental agreements, and contracts in which the City receives payment in excess of \$5,000, but less than \$25,000 must be reported to the City Council for approval by motion prior to execution;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** A new section 3.30.055 is hereby added to the SeaTac Municipal Code to read as follows:

**3.30.055 Lease or rental of City facilities and Contracts for which City receives payment.**

A. The City Manager or designee, on behalf of the City, is granted the authority to lease or rent City facilities, or let any contract in which the City receives either monetary or non-monetary payment for material, equipment, services, or supplies under such terms and conditions the City Manager deems is in the best interest of the City and does not interfere with public use, provided that payment to the City for any such lease, rental agreement, or contract is less than twenty-five thousand dollars (\$25,000) in value. However, leases, rental agreements, or contracts in which

payment to the City exceeds five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000) shall be reported to the City Council for approval by motion prior to execution.

**Section 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

**Section 3.** This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of February, 2006, and signed in authentication thereof on this 14th day of February, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

[Contracting for City services]

**ORDINANCE NO. 06-1004**

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity for land and property to be condemned as required for the Military Road South Project, and authorizing payment therefore from the City's 307-Transportation CIP Fund.

**WHEREAS**, the City is preparing to begin the Military Road South improvements which will consist of reconstruction of Military Road South from South 176<sup>th</sup> Street southward to South 188<sup>th</sup> Street, specifically to include widening the road from two to three lanes with landscaped median, curbs, gutters, sidewalks, storm drainage, conversion of utilities to underground, utility lines, street lighting, signalization, and paving and consolidation of driveways; and

**WHEREAS**, certain lands and properties must be acquired in order to provide the necessary rights-of-way for construction and operation of the aforesaid improvements; and

**WHEREAS**, efforts shall soon commence to acquire the property necessary for this public use by negotiation and agreement; and

**WHEREAS**, in the event that negotiated acquisition is not fully successful well in advance of the anticipated commencement of construction, it is essential that the City be prepared to initiate condemnation proceedings; and

**WHEREAS**, payment of just compensation and costs of litigation should be made from the City's 307-Transportation Capital Improvement Program (CIP) Fund;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Acquisition of the properties identified and legally described on Exhibit "A" and generally located on the drawing attached as Exhibit "B", which are incorporated herein by this reference, is necessary to the public use for the City's Military Road South project.

Section 2. The City's Legal Department is hereby authorized to commence condemnation proceedings, pursuant to law.

Section 3. Compensation to be paid to the owners of the aforesaid property, and costs of litigation, shall be paid from the City's 307-Transportation CIP Fund.

Section 4. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 14th day of February, 2006, and signed in authentication thereof on this 14th day of February, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date: \_\_\_\_\_ ]

[Military Road South Project]

**ORDINANCE NO. 06-1005**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget to include 2005 Budget Carryovers.

**WHEREAS**, certain expenditures were included in the 2005 Annual City Budget which were not initiated or completed during the 2005 fiscal year; and

**WHEREAS**, contractual or legal obligations require carryover of certain items; and

**WHEREAS**, City staff recommend that the remaining expenditures be made in 2006;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase the total General Fund revenues by \$12,130 and General Fund expenditures by \$278,251.

Section 2. The 2006 Annual City Budget shall be amended to increase the total City Street Fund expenditures by \$550.

Section 3. The 2006 Annual City Budget shall be amended to increase the total Arterial Street Fund expenditures by \$51,500.

Section 4. The 2006 Annual City Budget shall be amended to increase the total Transit Planning Fund expenditures by \$52,323.

Section 5. The 2006 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$114,331.

Section 6. The 2006 Annual City Budget shall be amended to increase the total Municipal CIP Fund revenues by \$246,250 and Municipal CIP Fund expenditures by \$335,300.

Section 7. The 2006 Annual City Budget shall be amended to increase the total Transportation CIP Fund expenditures by \$935,746.

Section 8. The 2006 Annual City Budget shall be amended to increase the total SWM Utility Fund expenditures by \$370.

Section 9. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 28th day of February, 2006, and signed in authentication thereof on this 28th day of February, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney  
[Effective Date: \_\_\_\_\_]

[2006 Budget Amendment for 2005 carryovers]

**ORDINANCE NO. 06-1006**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget for the Japanese Garden Relocation Project.

**WHEREAS**, the SeaTac City Council has reviewed Agenda Bill 2638 submitted by the Finance Department, amending the 2006 Annual City Budget for the Japanese Garden Relocation Project; and

**WHEREAS**, the total estimated cost to complete the work will exceed the existing 2006 budget for this project by approximately \$44,890; and

**WHEREAS**, amendment to the City's 2006 Annual City Budget is necessary to increase Municipal CIP Fund appropriation authority in the amount of \$44,890;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase expenditures in the Municipal CIP Fund by \$44,890.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 28th day of February, 2006, and signed in authentication thereof on this 28<sup>th</sup> day of February, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney  
[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 06-1007**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating a portion of a Wall Tie Back Easement at 21428 International Boulevard.

**WHEREAS**, a petition seeking vacation of a portion of a Wall Tie Back Easement was previously received, signed by the property owner of 21428 International Boulevard; and

**WHEREAS**, SMC 11.05.090 adopts the street vacation procedures of Chapter 35.79 RCW; and

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 05-015 fixing the public hearing for March 28, 2006, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said easement exists, and the owner has reason to convert this portion of the easement to its development purposes; and

**WHEREAS**, no objections to vacation were filed prior to the hearing; and

**WHEREAS**, the Council finds that vacation of the aforesaid portion of the easement, as legally described on Exhibit "A" and as depicted on the map marked Exhibit "B" to this Ordinance, is in the public interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Vacation of Easement. The portion of the Wall Tie Back Easement at 21428 International Boulevard legally described on Exhibit "A" to this Ordinance, and depicted on the map marked Exhibit "B" to this Ordinance, within the City of SeaTac, is hereby vacated, subject to payment pursuant to Section 2, below.

Section 2. Compensation Required. The owner of the real property at 21428 International Boulevard shall compensate the City in an amount equal to nine thousand fifty dollars (\$9,050.00).

Section 3. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 4. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 2 of this Ordinance, but in no event sooner than thirty (30) days after passage.

**ADOPTED** this 28th day of March, 2006, and signed in authentication thereof on this 28th day of March, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante Bartolo, City Attorney

[Effective Date: upon receipt of the compensation required by Section 2 of this Ordinance, but in no event sooner than thirty (30) days after passage.]

[Vacation of Easement 21428 Int'l Blvd.]

**ORDINANCE NO. 06-1008**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the Zoning Code; making amendments allowing medical clinics in schools, amending Section 15.12.040 of the SeaTac Municipal Code.

**WHEREAS**, the Growth Management Act requires regular review and update of development regulations which implement the City’s Comprehensive Plan; and

**WHEREAS**, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

**WHEREAS**, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

**WHEREAS**, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended the amendments and additions for adoption by the Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.12.040 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.12.040 General, Educational, Health Services Uses**

**ZONES: UH – Urban High Density O/CM – Office/Commercial Medium  
P – Park NB – Neighborhood Business BP – Business Park  
MHP – Mobile Home Park CB – Community Business O/C/MU – Office/Commercial/Mixed Use  
UL – Urban Low Density ABC – Aviation Business Center T – Townhouse  
UM – Urban Medium Density I – Industrial/Manufacturing**

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE     | ZONES |     |    |    |    |    |    |     |   |      |    |        |   |
|-------|--------------|-------|-----|----|----|----|----|----|-----|---|------|----|--------|---|
|       |              | P     | MHP | UL | UM | UH | NB | CB | ABC | I | O/CM | BP | O/C/MU | T |
|       | GENERAL USES |       |     |    |    |    |    |    |     |   |      |    |        |   |

|                      |   |            |            |                 |                 |                  |                 |                  |                  |                 |                  |                  |                  |                  |
|----------------------|---|------------|------------|-----------------|-----------------|------------------|-----------------|------------------|------------------|-----------------|------------------|------------------|------------------|------------------|
| 041                  | Wireless Telecommunications Facility (**) | C/P<br>(6) | C/P<br>(6) | C/P(6)          | C/P(6)          | C/P*(6)          | P/C(6)          | P/C*(6)          | P/C*(6)          | P/C(6)          | P/C*(6)          | P/C*(6)          | P/C*(6)          | C/P*(6)          |
| 042                  | Communications Facility                   |            |            | Mr.-P<br>Mjr.-C | Mr.-P<br>Mjr.-C | Mr.-P<br>Mjr.-C* | Mr.-P<br>Mjr.-C | Mr.-P<br>Mjr.-P* | Mr.-P<br>Mjr.-P* | Mr.-P<br>Mjr.-P | Mr.-P<br>Mjr.-P* | Mr.-P<br>Mjr.-P* | Mr.-P<br>Mjr.-C* | Mr.-P<br>Mjr.-C* |
| 043                  | Dry Cleaner                               |            |            |                 |                 | P*(1,2)          | P               | P*               | P*(1)            |                 | P*(2)            | P*(2)            | P*(2)            | P*(2)            |
| 046                  | Funeral Home/<br>Crematory                | C          |            |                 |                 |                  | P               | P*               | P*(1)            | P               | P*(2)            |                  |                  |                  |
| 047                  | Veterinary Clinic                         |            |            |                 |                 |                  | P               | P*               | P*(1)            | P               | P*(2)            |                  | C*               |                  |
| 048                  | Kennel                                    |            |            |                 |                 |                  | P               | P*               |                  |                 |                  |                  |                  |                  |
| 049                  | Day Care I                                |            |            | P(3,5)          | P(3,5)          | P*(3,5)          | P(3,5)          |                  | P*(1,3,5)        |                 | P*(2,3,5)        | P*(3,5)          | P*(2,3,5)        | P*(2,3,5)        |
| 050                  | Day Care II                               |            |            | C(3)            | P(3)            | P*(3)            | P(3)            | P*(3)            | P*(3)            |                 | P*(2,3)          |                  | P*(2,3)          | P*(2,3)          |
| 051                  | General Repair                            |            |            |                 |                 |                  | P               | P*               | P*(1)            | P               | P*(2)            |                  |                  |                  |
| EDUCATIONAL USES     |   |            |            |                 |                 |                  |                 |                  |                  |                 |                  |                  |                  |                  |
| 055                  | Elementary – Jr. High                     |            |            | C               | C               | C*               |                 |                  | C*               |                 |                  |                  |                  |                  |
| 056                  | High School                               |            |            | C               | C               | C*               | P               | C*               | C*               |                 |                  |                  |                  |                  |
| 057                  | Vocational School                         |            |            |                 |                 |                  | C               | P*               | C*               | C               | P*(2)            | C*               | P*(2)            |                  |
| 058                  | Specialized Instruction School            |            |            | P/C(4)          | P/C(4)          | P/C*(4)          | P               | P*               | P*               | P               | P*(2)            | C*               | P*(2)            |                  |
| 059                  | College/University                        |            |            | C               | C               | C*               |                 | P*               | P*               |                 | P*               | C*               | P*(2)            |                  |
| HEALTH SERVICES USES |   |            |            |                 |                 |                  |                 |                  |                  |                 |                  |                  |                  |                  |
| 062                  | Office/Outpatient Clinic                  |            |            | <u>P(9)</u>     |                 | P*               | P               | P*               | P*               | P               | P*               | P*               | P*               |                  |
| 064                  | Hospital                                  |            |            |                 |                 |                  | P               | P*               | P*               |                 | C*               | P*               |                  |                  |
| 065                  | Medical/Dental Lab                        |            |            |                 |                 | C*               | P               | P*               | P*               | P               | P*               | P*               | P*               | P*(2)            |
| 066                  | Miscellaneous Health                      |            |            |                 |                 |                  | P               | P*               | P*               |                 | C*               | C*               | C*               |                  |
| 067                  | Opiate Substitution Treatment Facility    |            |            |                 |                 |                  |                 | C(8)             | C(8)             | C(8)            |                  | C(8)             |                  |                  |

- \* See Chapters 15.13 and SMC for additional development standards.
- (\*\*) See Chapter 15.31 SMC for additional development standards.
- (1) Accessory to primary use not to exceed twenty percent (20%) of primary square footage.
- (2) Permitted as a part of a mixed use development.
- (3) Day Care I: DSHS license required.  
Day Care II: DSHS license required/SEPA review required.
- (4) Limited to three (3) students per day except as allowed within old school facilities subject to a Conditional Use Permit.
- (5) Except as provided pursuant to SMC 15.10.166 for family day care.
- (6) See the use charts in SMC 15.31A.031 (B) and (C) for specifics.
- (7) *Repealed by Ord. 04-1030.*
- (8) Subject to the CUP-EPF siting process (SMC 15.22.035).

(9) Allowed only at the Tyee High School campus, subject to the following criteria:

- The clinic is limited to a maximum of 1,500 square feet.
- Only students attending Tyee High School or Chinook Middle School may use the clinic.
- The clinic may be operated during week days, between the hours of 7:00 a.m. and 5:00 p.m., and during evening and weekend hours for school-sponsored special events.

Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 3. The Ordinance shall be effective five (5) days after passage and publication.

**ADOPTED** this 28th day of March, 2006, and signed in authentication thereof on this 28th day of March, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante Bartolo , City Attorney

[Effective Date 04/08/06 ]

**ORDINANCE NO. 06-1009**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating a portion of South 190<sup>th</sup> Street adjacent to 19004 47<sup>th</sup> Avenue South.

**WHEREAS**, Mr. Tim Farnam has requested vacation of a certain portion of the City right-of-way of South 190<sup>th</sup> Street adjacent to, and abutting, his property located at 19004 47<sup>th</sup> Avenue South as depicted in the legal description attached as Exhibit “A” and as shown on the map attached as Exhibit “B” to this Ordinance; and

**WHEREAS**, SMC 11.05.090 adopts the street vacation procedures of RCW 35.79; and

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 06-008 fixing the public hearing for April 25, 2006, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said right-of-way exists, and the owner has reason to convert this portion of the right-of-way to its development purposes; and

**WHEREAS**, no objections to vacation were filed prior to the hearing, and the Council finds that no person has demonstrated special injury due to substantial impairment of access to such person’s property; and

**WHEREAS**, the Council finds that vacation of the aforesaid portion of the right-of-way, as legally described on Exhibit “A” and as depicted on the map marked Exhibit “B” to this Ordinance, is in the public interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Vacation of Rights-of-Way. The portion of the right-of-way of South 190<sup>th</sup> Street legally described on Exhibit “A” to this Ordinance, and depicted on the map marked

Exhibit "B" to this Ordinance, within the City of SeaTac, is hereby vacated, subject to Sections 2 and 3 of this Ordinance.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, a utility easement shall be granted for any utilities located within the right-of-way being vacated by this Ordinance. In addition, a sensitive areas covenant, in a form acceptable to the City of SeaTac, shall be granted to the City of SeaTac due to the existing Class III stream within the vacated right-of-way. Failure to deliver to the City of SeaTac the easements and/or covenants described in this Section by October 1, 2006, shall void the vacation of right-of-way as described in Section 1 of this Ordinance.

Section 3. Compensation Required. Mr. Tim Farnam, which is the sole landowner of property abutting the aforesaid right-of-way, shall compensate the City of SeaTac in an amount equal to the full appraised value of the total area so vacated, pursuant to law, together with a processing fee, which has been determined to be the total sum of \$10,000.00, plus the cost of recording the easements and covenants described in Section 2 of this Ordinance.

Section 4. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof, together with the easements and covenants described in Section 2 of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon 1) the City's receipt of the easements and covenants described in Section 2 of this Ordinance and 2) the City's receipt of the compensation required by Section 3 of this Ordinance. In no event shall this Ordinance be effective sooner than thirty (30) days after passage.

**ADOPTED** this 25th day of April, 2006, and signed in authentication thereof on this 25th day of April, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante Bartolo, City Attorney

[Effective Date: 9/26/06 ]

[S. 190<sup>th</sup> Street Vacation]

**ORDINANCE NO. 06-1010**

AN ORDINANCE of the City of SeaTac, Washington providing for the submission to the qualified voters of the City of SeaTac at an election to be held on September 19, 2006 of a proposition authorizing the City to increase its regular property tax levy annually for six consecutive years above the limit established in RCW 84.55.010 in order to provide funds for increased fire department staffing, purchase equipment and to rebuild existing fire stations, and setting forth the ballot proposition and directing the City Clerk to certify a copy of this ordinance to the King County Records & Elections Division. The proposition would approve a maximum regular property tax levy rate for 2007 of \$3.10/\$1,000 assessed valuation, authorize annual increases in the levy amount by four percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW.

**WHEREAS**, the City of SeaTac is a Code City, located in King County, Washington, duly organized and existing pursuant to the laws of the State of Washington, and

**WHEREAS**, the City Council authorized a seismic evaluation of all three City fire stations; and

**WHEREAS**, the seismic evaluation completed by MLA Engineering provided the opinion that all three City fire stations are not structurally sound, and are in danger of significant damage or collapse in the event of major earthquake; and

**WHEREAS**, the City Council has committed to replacing Fire Station 46 using existing reserve funds; and

**WHEREAS**, the City Council believes that in the near future, the two remaining fire stations will need to be rebuilt; and

**WHEREAS**, since 1996, due to budget shortfalls to the City of SeaTac General Fund, the SeaTac Fire Department has cut a Fire Marshal's and Public Educator's position, and

**WHEREAS**, the City of SeaTac has responded to an increase of 67% of calls for service since the inception of the department in 1991, due to a steady increase in 911 calls for service, and causing increased response times to our citizens while maintaining the same number of personnel on duty daily (10 firefighters on duty at any one time); and

**WHEREAS**, from 1996 to 2005, since staffing levels were cut, there has been little fire and life safety education, first aid and CPR education, disaster preparedness education, and emergency management planning and training for citizens, and

**WHEREAS**, an appropriate level of fire service is essential to the goal of keeping the City of SeaTac a safe and livable community, and

**WHEREAS**, the City previously staffed a ladder truck until 1996, when the ladder truck was taken out of service and declared surplus because the ladder truck failed the ladder truck certification test; and

**WHEREAS**, the ladder truck was not replaced due to lack of funding, and thus the City relies on mutual aid when a ladder truck is needed, significantly increasing response time; and

**WHEREAS**, the purchase and staffing of additional Fire Department apparatus, such as a replacement ladder truck, will greatly benefit the community; and

**WHEREAS**, the City is authorized to levy a permanent regular property tax not to exceed \$3.10 per \$1,000 assessed valuation on the real property within the City, and

**WHEREAS**, the City has an unused portion of its permanent regular property tax authority, and

**WHEREAS**, the funds from the unused portion of the City's permanent regular property tax authority can be used to restore and support an essential level of public safety services, and

**WHEREAS**, in order to restore and support an essential level of public safety services to the community the City Council desires to allow the electors to vote to ratify or reject a proposition to raise the tax on real property within the City for the year 2007 to the authorized levy rate of \$3.10 per \$1,000 assessed valuation, and authorize annual increases in the levy amount by four percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes in excess of the limitations established in RCW 84.55.010 for their ratification or rejection at a special election to be held on September 19, 2006. The King County Records, Elections and Licensing Services Division, as ex officio supervisor of election in King County, is requested to find the existence of such an emergency and to call and conduct such election to be held within the City and to submit to the qualified electors of the City, for their ratification or rejection, a proposition to raise the permanent regular property tax on real property within the City, from and after January 1, 2007, to \$3.10 per \$1,000.00 of assessed valuation, authorize annual increases in the levy amount by 4 percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW.

**Section 2.** The purpose of the Proposition shall be to provide funds to operate, equip, and construct fire protection and emergency services facilities. Funds raised under this levy shall be in addition to, and not supplant, existing funds used for these purposes. Specific use of funds generated by this levy could include increased Fire Department staffing, purchases of Fire Department equipment including a ladder truck, and fire station construction. The City Council shall determine the exact use of the amounts received from such increased regular property taxes for various fire protection and emergency services purposes.

**Section 3.** The City Clerk is authorized and directed, not less than 45 days prior to such election date, to certify said Proposition to the King County Records and Elections Division, as ex officio supervisor of elections in King County, Washington in substantially the following form:

**PROPOSITION No. \_\_\_\_**  
**LEVY FOR FIRE PROTECTION AND**  
**EMERGENCY SERVICES PURPOSES**

*The City Council of the City of SeaTac Adopted Ordinance No.*  
\_\_\_\_\_ concerning an increase in the City's regular  
property tax levy.

*To* provide funds to operate, equip and construct fire protection and emergency services facilities, this proposition would increase the City's regular property tax levy for 2007 to the authorized rate of \$3.10 per \$1,000 assessed valuation, increase the levy amount by 4% for each of the five succeeding years, thereby setting the limit factor at 104%, and provide that the maximum allowable levy in 2012 shall be used to determine future increases under RCW 84.55.010.

Should this proposition be:

Approved?

Rejected?

**Section 4.** If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this Ordinance are found to be inconsistent with other provisions of the SeaTac Municipal Code, this Ordinance is deemed to control.

**Section 5.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**ADOPTED** this 25<sup>th</sup> day of April, 2006, and signed in authentication thereof on this 25<sup>th</sup> day of April, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 05/06/06 ]

[Levy Lid Lift Election]

**ORDINANCE NO. 06-1011**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget for miscellaneous items.

**WHEREAS**, the SeaTac City Council has reviewed Agenda Bill #2667 submitted by the Finance Department which details certain expenditures exceeding fiscal year 2006 appropriation authority in the City's General Fund (Fund 001), Municipal Facilities CIP Fund (Fund 306) and Surface Water Management Fund (Fund 403); and

**WHEREAS**, the budgets of these three funds need to be increased to comply with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority; and

**WHEREAS**, amendment to the City's 2006 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase the total General Fund revenues by \$68,978 and expenditures by \$168,978.

Section 2. The 2006 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund expenditures by \$8,600.

Section 3. The 2006 Annual City Budget shall be amended to increase the total Surface Water Management Fund expenditures by \$135,000.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 9th day of May, 2006, and signed in authentication thereof on this 9th day of May, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_5/20/06\_\_\_\_\_]

[2006 Budget Amendment for Miscellaneous Items]

**ORDINANCE NO. 06-1012**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget for the redemption of Local Improvement District #1 Bonds.

**WHEREAS**, in 2000, the City issued Local Improvement District #1 bonds associated with the 28<sup>th</sup>/24<sup>th</sup> Avenue S. arterial project; and

**WHEREAS**, the principal and interest on these bonds are paid by annual installments billed by the City to the applicable property owners; and

**WHEREAS**, sufficient assessment payments have been received to redeem \$50,000 in additional bonds on June 1, 2006; and

**WHEREAS**, additional appropriation authority is needed to redeem the additional bonds;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase both revenues and expenditures in the Special Assessment Debt Fund by \$50,000.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 23rd day of May, 2006, and signed in authentication thereof on this 23rd day of May, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney  
[Effective Date: 6/3/06\_\_\_\_\_]

**ORDINANCE NO. 06-1013**

AN ORDINANCE of the City of SeaTac, Washington providing for the submission to the qualified voters of the City of SeaTac at an election to be held on September 19, 2006 of a proposition authorizing the City to increase its regular property tax levy annually for six consecutive years above the limit established in RCW 84.55.010 in order to provide funds for fire protection and emergency services, including increased fire department staffing, purchase of equipment and rebuilding existing fire stations, and setting forth the ballot proposition and directing the City Clerk to certify a copy of this ordinance to the King County Records & Elections Division. The proposition would approve a maximum regular property tax levy rate for 2007 of \$3.10/\$1,000 assessed valuation, authorize annual increases in the levy amount by four percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW.

**WHEREAS**, the City of SeaTac is a Code City, located in King County, Washington, duly organized and existing pursuant to the laws of the State of Washington, and

**WHEREAS**, the City Council authorized a seismic evaluation of all three City fire stations; and

**WHEREAS**, the seismic evaluation completed by MLA Engineering provided the opinion that all three City fire stations are not structurally sound, and are in danger of significant damage or collapse in the event of major earthquake; and

**WHEREAS**, the City Council has committed to replacing Fire Station 46 using existing reserve funds; and

**WHEREAS**, the City Council believes that in the near future, the two remaining fire stations will need to be rebuilt; and

**WHEREAS**, since 1996, due to budget shortfalls to the City of SeaTac General Fund, the SeaTac Fire Department has cut a Fire Marshal's and Public Educator's position, and

**WHEREAS**, the City of SeaTac has responded to an increase of 67% of calls for service since the inception of the department in 1991, due to a steady increase in 911 calls for service, and causing increased response times to our citizens while maintaining the same number of personnel on duty daily (10 firefighters on duty at any one time); and

**WHEREAS**, from 1996 to 2005, since staffing levels were cut, there has been little fire and life safety education, first aid and CPR education, disaster preparedness education, and emergency management planning and training for citizens, and

**WHEREAS**, an appropriate level of fire service is essential to the goal of keeping the City of SeaTac a safe and livable community, and

**WHEREAS**, the City previously staffed a ladder truck until 1996, when the ladder truck was taken out of service and declared surplus because the ladder truck failed the ladder truck certification test; and

**WHEREAS**, the ladder truck was not replaced due to lack of funding, and thus the City relies on mutual aid when a ladder truck is needed, significantly increasing response time; and

**WHEREAS**, the purchase and staffing of additional Fire Department apparatus, such as a replacement ladder truck, will greatly benefit the community; and

**WHEREAS**, the City is authorized to levy a permanent regular property tax not to exceed \$3.10 per \$1,000 assessed valuation on the real property within the City, and

**WHEREAS**, the City has an unused portion of its permanent regular property tax authority, and

**WHEREAS**, the funds from the unused portion of the City's permanent regular property tax authority can be used to restore and support an essential level of public safety services, and

**WHEREAS**, in order to restore and support an essential level of fire protection and emergency services to the community the City Council desires to allow the electors to vote to ratify or reject a proposition to raise the tax on real property within the City for the year 2007 to the authorized levy rate of \$3.10 per \$1,000 assessed valuation, and authorize annual increases in the levy amount by four percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes in excess of the limitations established in RCW 84.55.010 for their ratification or rejection at a special election to be held on September 19, 2006. The King County Records, Elections and Licensing Services Division, as ex officio supervisor of election in King County, is requested to find the existence of such an emergency and to call and conduct such election to be held within the City and to submit to the qualified electors of the City, for their ratification or rejection, a proposition to raise the permanent regular property tax on real property within the City, from and after January 1, 2007, to \$3.10 per \$1,000.00 of assessed valuation, authorize annual increases in the levy amount by 4 percent, thereby setting the limit factor at 104 percent for each of the five succeeding years, and increase the levy each year thereafter as allowed by Chapter 84.55 RCW.

**Section 2.** The purpose of the Proposition shall be to provide funds to operate, equip, and construct facilities for fire protection and emergency services. Funds raised under this levy shall be in addition to, and not supplant, existing funds used for these purposes. Specific use of funds generated by this levy could include increased Fire Department staffing, purchases of Fire Department equipment including a ladder truck, and fire station construction. The City Council shall determine the exact use of the amounts received from such increased regular property taxes for various fire protection and emergency services purposes.

**Section 3.** The City Clerk is authorized and directed, not less than 45 days prior to such election date, to certify said Proposition to the King County Records and Elections Division, as ex officio supervisor of elections in King County, Washington in substantially the following form:

**PROPOSITION No. \_\_\_\_**  
**LEVY FOR FIRE PROTECTION AND**  
**EMERGENCY SERVICES PURPOSES**

*The City Council of the City of SeaTac Adopted Ordinance No.*  
\_\_\_\_\_ concerning an increase in the City's regular  
property tax levy.

*To* provide funds to operate, equip and construct facilities for fire protection and emergency services, this proposition would increase the City's regular property tax levy for 2007 to the authorized rate of \$3.10 per \$1,000 assessed valuation, increase the levy amount by 4% for each of the five succeeding years, thereby setting the limit factor at 104%, and provide the maximum allowable levy in 2012 shall be used to determine future increases under RCW 84.55.010.

Should this proposition be:

Approved?

Rejected?

**Section 4.** If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this Ordinance are found to be inconsistent with other provisions of the SeaTac Municipal Code, this Ordinance is deemed to control.

**Section 5.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**ADOPTED** this 23rd day of May, 2006, and signed in authentication thereof on this 23rd day of May, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/3/06 ]

[Levy Lid Lift Election]

**ORDINANCE NO. 06-1014**

AN ORDINANCE of the City Council of the City of SeaTac, Washington repealing Ordinance No. 06-1010.

**WHEREAS**, the City Council wants to clarify the wording of the levy lid lift proposition that will be submitted to the voters pursuant to Ordinance No. 06-1010; and

**WHEREAS**, the City Council has adopted a substitute Ordinance in lieu of Ordinance No. 06-1010, and thus Ordinance No. 06-1010 can be repealed;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** Ordinance No. 06-1010, adopted by the SeaTac City Council on April 26, 2006, is hereby repealed.

**Section 2.** This Ordinance shall be in full force and effect five (5) days after passage and publication.

**ADOPTED** this 23rd day of May, 2006, and signed in authentication thereof on this 23rd day of May, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/3/06]  
[Repeal Ordinance 06-1010]

**ORDINANCE NO. 06-1015**

AN ORDINANCE of the City Council of the City of SeaTac, Washington adding a new Section 14.10.015 to the SeaTac Municipal Code regarding short plats

***This Ordinance FAILED***

**ORDINANCE NO. 06-1016**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget for miscellaneous items and authorizing the payment of a *Total Excess Compensation Benefit Invoice* from the State of Washington Department of Retirement Systems.

**WHEREAS**, the SeaTac City Council has reviewed Agenda Bill #2686 submitted by the Finance Department which details certain expenditures exceeding fiscal year 2006 appropriation authority in the City's General Fund (Fund 001) and Building Management Fund (Fund 108); and

**WHEREAS**, the budgets of these two funds need to be increased to comply with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority; and

**WHEREAS**, amendment to the City's 2006 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures; and

**WHEREAS**, the City has received and is required to pay a *Total Excess Compensation Benefit Invoice* from the State of Washington Department of Retirement Systems for former City Manager Cal Hoggard;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase the total General Fund expenditures by \$48,070.

Section 2. The 2006 Annual City Budget shall be amended to increase revenue by \$23,600 and increase expenditures by \$29,900 in the Building Management Fund.

Section 3. The City Council authorizes payment of a *Total Excess Compensation Benefit Invoice* from the State of Washington Department of Retirement Systems in the amount of \$48,069.17.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 27th day of June, 2006, and signed in authentication thereof on this \_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

[2006 Budget Amendment for Miscellaneous Items and authorizing the payment of a *Total Excess Compensation Benefit Invoice* from the State of Washington Department of Retirement Systems]

**ORDINANCE NO. 06-1017**

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity for land and property to be condemned as required for the construction of a new Fire Station 46, and authorizing payment therefore from the City's 306-Municipal Facilities CIP Fund.

**WHEREAS**, City Council Resolution No. 06-010 authorized the replacement of Fire Station 46, including the design and construction of a new fire station at the current Fire Station 46 site; and

**WHEREAS**, certain lands and properties must be acquired in order to provide the necessary land for construction of the aforesaid improvements; and

**WHEREAS**, efforts shall soon commence to acquire the property necessary for this public use by negotiation and agreement; and

**WHEREAS**, in the event that negotiated acquisition is not fully successful well in advance of the anticipated commencement of construction, it is essential that the City be prepared to initiate condemnation proceedings; and

**WHEREAS**, payment of just compensation and costs of litigation should be made from the City's 306-Municipal Facilities CIP Fund;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** Acquisition of the properties identified and legally described on Exhibit "A" and generally located on the drawing attached as Exhibit "B", which are incorporated herein by this reference, is necessary to the public use for the City's Construction of a new Fire Station 46.

**Section 2.** The City's Legal Department is hereby authorized to commence condemnation proceedings, pursuant to law.

**Section 3.** Compensation to be paid to the owners of the aforesaid property, and costs of litigation, shall be paid from the City's 306-Municipal Facilities CIP Fund.

**Section 4.** This Ordinance shall not be codified in the SeaTac Municipal Code.

**Section 5.** If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this Ordinance are found to be inconsistent with other provisions of the SeaTac Municipal Code, this Ordinance is deemed to control.

**Section 6.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**ADOPTED** this 27th day of June, 2006, and signed in authentication thereof on this 27th day of June, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

[Fire Station 46 Acquisition]

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR ACQUISITION OF TAX LOT # 4435000205:**

Lot 3, Block 3, Lowe's Terrace, according to the plat thereof recorded in Volume 38 of Plats, page 25, in King County, Washington.

**LEGAL DESCRIPTION FOR ACQUISITION OF TAX LOT # 4435000210:**

Lot 4, Block 3, Lowe's Terrace, according to the plat thereof recorded in Volume 38 of Plats, page 25, in King County, Washington.

**LEGAL DESCRIPTION FOR ACQUISITION OF TAX LOT # 4435000275:**

Lot 17, Block 3, Lowe's Terrace, according to the plat thereof recorded in Volume 38 of Plats, page 25, in King County, Washington.

**LEGAL DESCRIPTION FOR ACQUISITION OF TAX LOT # 4435000280:**

Lot 18, Block 3, Lowe's Terrace, according to the plat thereof recorded in Volume 38 of Plats, page 25, in King County, Washington.

ORDINANCE NO. 06-1018

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, AUTHORIZING THE KING COUNTY DIVISION OF RECORDS, ELECTIONS, AND LICENSING SERVICES PRODUCE, PUBLISH, AND DISTRIBUTE A LOCAL VOTER'S PAMPHLET FOR THE SEPTEMBER 19, 2006 ELECTION AND INCLUDE THEREIN INFORMATION REGARDING THE CITY OF SEATAC'S PROPOSED BALLOT PROPOSITION NO. 1 AUTHORIZING A PROPERTY TAX LEVY LID LIFT; AGREEING TO PAY THE CITY'S SHARE OF THE COSTS OF SUCH LOCAL VOTER'S PAMPHLET; AND DIRECTING THE CITY CLERK TO FORWARD A COPY OF THIS ORDINANCE AND ALL OTHER REQUIRED INFORMATION FOR THE VOTER'S PAMPHLET TO THE KING COUNTY DIVISION OF RECORDS, ELECTIONS, AND LICENSING SERVICES.

**WHEREAS**, on May 23, 2006, the SeaTac City Council passed City of SeaTac Ordinance No. 06-1013, calling for a special election to be held on September 19, 2006 for the purpose of presenting to the voters a ballot proposition calling for a property tax levy lid lift; and

**WHEREAS**, the SeaTac City Council has determined that a local voter's pamphlet would be a desirable way of providing information to voters concerning the ballot proposition; and

**WHEREAS**, the rules for local voter's pamphlets promulgated by the King County Division of Records, Elections and Licensing Services provide that a City desiring that a local voter's pamphlet be produced and published for a local ballot proposition must request the same and agree to pay its share of the costs of producing and publishing the pamphlet;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** The City of SeaTac hereby requests that the King County Division of Records, Elections and Licensing Services produce and publish a local voter's

pamphlet for the September 19, 2006 special election and include therein the information required by RCW Chapter 29A.32 for the City of SeaTac's Ballot Proposition No. 1 regarding a property tax levy lid lift.

**Section 2.** The City of SeaTac agrees to pay its share of the cost of producing the local voter's pamphlet requested by this Ordinance.

**Section 3.** The City Clerk is hereby authorized and directed to forward a copy of this Ordinance to the King County Division of Records, Elections and Licensing Services, together with any and all other information required for the local voter's pamphlet, including but not limited to, Ordinance No. 06-1013, the explanatory statement, and the names of the committee members appointed by the City Council to prepare the statements for and against the ballot proposition. The City Clerk is directed to provide the information to King County no later than five (5) days after the effective date of the Ordinance, or when the required information is available.

**Section 4.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**ADOPTED** this 27th day of June, 2006, and signed in authentication thereof on this 27th day of June, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

[Voter's Pamphlet--Levy Lid Lift Election]

**ORDINANCE NO. 06-1019**

An ORDINANCE of the City Council of the City of SeaTac, Washington, adding a new Section 15.38 to the SeaTac Municipal Code, to adopt interim development standards to properties located within the South 154<sup>th</sup> Street Station Area, entering findings of fact supporting the adoption of interim standards, and lifting the moratorium imposed by Resolution 06-005.

**WHEREAS**, the Comprehensive Plan supports implementing interim development standards to encourage commercial land uses that serve the needs of the City's residents, businesses, and visitors (Goal 1.3); and

**WHEREAS**, adopting interim standards allows time for City staff and the Planning Commission to undertake a unified planning process and to formulate permanent development standards that reflect input from the public and the affected business community;

**WHEREAS**, RCW 36.70A.390 allows adoption of an interim zoning ordinance for a period of up to six (6) months;

**WHEREAS**, the City Council held public hearings on May 23, 2006 and June 27, 2006 as required by RCW 35A.63.220 and RCW 36.70A.390; and

**WHEREAS**, the City of SeaTac is a diverse suburban South King County community with over 25,000 citizens and a large, short-term transient population moving through the SeaTac International Airport and the hotels located within the City; and

**WHEREAS**, a portion of the City involves airport, airport commercial, commercial business, and industrial land uses, with the remainder of the City being primarily residential in nature; and

**WHEREAS**, a transit oriented development concept in the South 154<sup>th</sup> Street Station

Area would create significant economic development which would benefit the City and its residents, and help provide for creation of a mix of possible transportation infrastructures (both vehicular and pedestrian), housing, retail facilities, and public and private service facilities; and

**WHEREAS**, Sound Transit is currently constructing a light rail station at the intersection of South 154<sup>th</sup> Street and International Boulevard in the City of Tukwila; and

**WHEREAS**, the South 154<sup>th</sup> Street Station Area is located in very close proximity to the South 154<sup>th</sup> Street and International Boulevard Sound Transit Light Rail Station; and

**WHEREAS**, on February 28, 2006, under RCW 35A.63.220, the City Council adopted a moratorium relating to planning, zoning, and development regulations; and

**WHEREAS**, on April 11, 2006, the City Council adopted findings of fact to support the moratorium pursuant to RCW 35A.63.220; and

**WHEREAS**, the City is currently studying land use alternatives and design standards in the area designated as South 154<sup>th</sup> Street Station Area; and

**WHEREAS**, the City Council finds that transit oriented development at the South 154<sup>th</sup> Street Station Area is greatly in the public interest; and

**WHEREAS**, it is in the best interest of the City and its residents that interim standards be adopted at this time; and

**WHEREAS**, it is necessary to continue studying the South 154<sup>th</sup> Street Station Area so that appropriate final development regulations can be established; and

**WHEREAS**, upon adoption of interim standards, the Council finds it appropriate to lift the moratorium; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

**SECTION 1.** New Section 15.38 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.38.010 Purpose**

A. The following special standards are intended to implement the City's vision for the S. 154th St. Station Area, by promoting integrated development and pedestrian-oriented design, a diversity of uses within close proximity, open space, and a focal point for community identity.

B. Each standard includes examples and illustrations of ways in which the intent of the standard could be achieved. The graphic illustrations are meant to be examples, and not the only acceptable means to accomplishing the intent of the illustrated standards. Applicants and project designers are encouraged to consider designs, styles and techniques not pictured in the examples that fulfill the intent of the design standard. (Ord. 99-1050 § 8)

**15.38.020 Authority and Applications**

A. The provisions of this chapter shall apply to the S. 154th St. Station Area (see Figure 15.38.020). Within the S. 154th St. Station Area, Chapter 15.38 SMC shall supersede existing regulations in SMC 15.13.110 and elsewhere in SMC Title 15 when in conflict with this chapter.

B. The provisions of this chapter shall apply to all development meeting one (1) or more of the following thresholds:

1. All new construction requiring building permits; and/or
2. Major Redevelopment. Additions or alterations to a building or site, excluding interior-only improvements, which total fifty percent (50%) or more of the gross square footage (GSF) of the existing building(s) or site.

Only the portions of the building or site being altered or added to shall be required to integrate S. 154th St. Station Area special standards into the design of the alteration or addition. Project applicants proposing additions or alterations to a building or site conforming to the above criteria for major redevelopment shall arrange a pre-design meeting with planning staff prior to meeting with the Development Review Committee in order to establish those design standards applicable to the proposed addition or alteration.

C. In order to provide flexibility and creativity of project designs, departures from these special standards may be permitted (except to SMC 15.38.810), subject to the approval of the Director of Planning and Community Development:

1. If the strict interpretation or application of these special standards would be inconsistent with related provisions of the Zoning Code or would be contrary to the overall purpose or intent of City goals and objectives for the S. 154th St. Station Area or Comprehensive Plan; or

2. If it can be shown that the overall project design and feasibility can be improved.

D. In order to provide flexibility, to permit creativity of design, style, and technique, and to provide for phased development and interim uses, Development Agreements may be entered into by and between the City and property owners or developers, pursuant to RCW 36.70B.170 through 36.70B.200, unless otherwise prohibited in this chapter; provided, that the terms of any such development agreement shall be consistent with the purpose and intent of this chapter. Special conditions or exemptions established for a particular site or project through a development agreement shall include criteria or date for the termination of any such agreement.

E. Single-family homes are exempt from the provisions of this chapter. In addition, the following zoning designations and related land uses are exempt from the provisions of this chapter:

1. Urban low (UL);
2. Aviation operations (AVO) and aviation commercial (AVC).

F. Development and application of these standards, where applicable, shall be consistent with the interlocal agreement (ILA) between the City of SeaTac and the Port of Seattle.

G. Standards for high capacity transit facilities, as identified in Chapter 15.36 SMC, shall apply to all applicable development within the S. 154th St. Station Area area.



Figure 15.38.020

### **15.38.030 Development Plan – Filing Requirements**

Development applications must be submitted in sufficient detail to allow review of the project in accordance with the special standards of this chapter, SEPA requirements, and other applicable provisions of this code.

In addition to existing application requirements, the following information, at a minimum, must be included as elements in every S. 154th St. Station Area development application:

A. Site Plan. A site plan, at a scale no smaller than one (1) inch to twenty (20) feet, must show the following:

1. The location, size and finished grade of all proposed and existing on-site structures, as well as the existing topography and the grade of all public or private streets adjacent to the site;
2. A circulation plan which depicts access to the site and the vehicular, pedestrian and bicycle traffic flow on-site, as well as links with developments on adjoining parcels. Site access and circulation shall be approved by both the Director of Public Works and the Director of Planning and Community Development;
3. The location, arrangement, and total square footage of on-site useable open space areas, as specified in SMC 15.38.410 through 15.38.430;
4. Links to open spaces and landscaped areas on adjacent parcels;
5. The lot lines and footprints of all structures on all parcels within two hundred (200) feet of the boundaries of the project parcel;
6. Provide details on how all mechanical and utility rooftop equipment will be screened; and.

B. Building Elevations. For SEPA review, preliminary elevations will be accepted. A complete set of elevation drawings for proposed buildings on the project site showing trim details, dimensions and exterior materials including roofing, siding, windows and trim will be necessary for design review.

### **15.38.100 Use Charts**

The following use charts indicate the land uses permitted (P), permitted as a Conditional Use (C), or not permitted (blank cell) in each Zone.

## 15.38.110 Residential Uses

### ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

### P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                                  | ZONES |       |       |        |      |       |       |        |      |   |
|-------|---|-------|-------|-------|--------|------|-------|-------|--------|------|---|
|       |   | P     | UM    | UH    | UH-UCR | NB   | CB-C  | O/CM  | O/C/MU | T    |   |
|       | RESIDENTIAL USES                          |       |       |       |        |      |       |       |        |      |   |
| 001   | Single-Family                             |       |       |       |        |      |       |       |        |      |   |
| 002   | Duplex                                    | P     | P     | P     | C      | P    |       |       |        |      |   |
| 003   | Townhouses                                | P     | P     | P     | C      | P    |       | P     | P      | P    |   |
| 004   | Multi-Family                              | P     | P(10) | P(10) | C      | P(9) |       | P(9)  | P(9)   |      |   |
| 005   | Senior Citizen Multi                      | P     | P     | P     | C      | P    |       | P     | P      |      |   |
| 006   | Manufactured/Modular Home (13)            |       |       |       |        |      |       |       |        |      |   |
| 006.1 | Mobile Home (non-HUD)                     |       |       |       |        |      |       |       |        |      |   |
| 007   | Bed and Breakfast/Guesthouse              | P(2)  | P(2)  | P(2)  | P(2)   |      |       | P(2)  | P(2)   |      |   |
| 008   | Community Residential Facility I          | P(3)  | P(3)  | P(3)  | P(3)   | P(3) |       | P(3)  | P(3)   | P(3) |   |
| 008a  | Community Residential Facility II         |       | P     | P     | C      | P    |       | P     | P(9)   |      |   |
| 008b  | Transitional Housing                      |       |       | C(12) | C(12)  |      | P(12) | C(12) |        |      |   |
| 010   | Rest/Convalescent Center/<br>Nursing Home | P     | P     | P     | P      |      |       | P     |        |      |   |
| 011   | Mobile Home Park                          |       |       |       |        |      |       |       |        |      |   |
| 013   | College Dormitory                         |       |       |       |        | C    | P     |       | P      | P(6) | P |
|       | ACCESSORY USES                            |       |       |       |        |      |       |       |        |      |   |
| 018   | Home Occupation                           | P(6)  | P(6)  | P(6)  |        |      | P(6)  | P(6)  | P(6)   | P(6) |   |
| 019   | Shed/Garage                               | P(5)  | P(5)  | P(5)  |        |      |       |       |        |      |   |

(1) Accessory dwelling units permitted. See Chapter 15.37 SMC for standards.

(2) Standards for Bed and Breakfast:

- a. Number of guests limited to six (6), with no more than three (3) bedrooms;
- b. Parking area for three (3) nonresident vehicles, and screened;
- c. Proof of King County Health Department approval;
- d. Breakfast is only meal served for paying guest.

(3) Standards for Community Residential Facilities I:

- a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)\*\*;
- b. No more than two (2) support people\*\*;
- c. Any parking space in excess of two (2) shall be screened and not visible from public streets;
- d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
- e. Reasonable accommodation shall be made for persons with disabilities as required by state and federal law. See SMC 15.12.018 for accommodation procedure.

\*\* (a) and (b) do not apply to state-licensed adult family homes and foster family homes.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point).

(6) See Chapter 15.17 SMC for standards and limitations.

(7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.

(8) See Chapter 15.26 SMC for additional development standards.

(9) Permitted only as part of a mixed use development, as described in SMC 15.38.620, and arranged on-site as described in SMC 15.38.610.

- (10) Ground floor retail/commercial or service uses, as described in SMC 15.38.620, are allowed, but not required in the UH and UH-UCR zones.
- (11) Small lot single-family development allowed subject to design standards specified in SMC 15.19.760.
- (12) Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

## 15.38.120 Recreational/Cultural Uses

**ZONES:**

**P – Park ABC – Aviation Business Center**

**UM – Urban Medium Density I – Industrial/Manufacturing**

**UH – Urban High Density O/CM – Office/Commercial Medium**

**UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use**

**NB – Neighborhood Business T – Townhouse**

**CB-C – Urban Center**

**P – Permitted Use; C – Conditional Use Permit**

| USE # | LAND USE                     | ZONES |      |      |        |    |      |      |        |      |      |
|-------|------------------------------|-------|------|------|--------|----|------|------|--------|------|------|
|       |                              | P     | UM   | UH   | UH-UCR | NB | CB-C | O/CM | O/C/MU | T    |      |
|       | RECREATIONAL/CULTURAL USES   |       |      |      |        |    |      |      |        |      |      |
| 022   | Community Center             | P     | C    | P    | P      | P  | P    |      | P      | P    | C    |
| 023   | Golf Course                  | P     |      |      |        |    |      |      |        |      |      |
| 024   | Theater                      | P(2)  |      |      |        | P  | P    |      | P      |      |      |
| 025   | Drive-In Theater             |       |      |      |        |    |      |      |        |      |      |
| 026   | Stadium/Arena                |       |      |      |        |    |      |      |        |      |      |
| 027   | Amusement Park               |       |      |      |        |    |      |      |        |      |      |
| 028   | Library                      |       | P    | C    | P      | P  | P    |      | P      | P    | C    |
| 029   | Museum                       |       | C    | C    | P      | P  | P    |      | P      |      |      |
| 030   | Conference/Convention Center |       |      |      |        | P  | P    |      | P      |      |      |
| 031   | Cemetery                     | C     | C    | C    |        | C  | C    |      |        |      |      |
| 032   | Private/Public Stable        | P     |      |      |        |    |      |      |        |      |      |
| 033   | Park                         | P     | P    | P    | P      | P  | P    |      | P      | P    | P    |
| 034   | Church                       |       | C    | P    | P      | P  | P    |      | P      | P    | C    |
| 035   | Church Accessory             |       | C(2) | C(2) | P(2)   | P  | P    |      | P      | P    | C(2) |
| 036   | Recreational Center          | P     |      | P    | P      | P  | P    |      | P      | P    |      |
| 036.5 | Health Club                  |       |      | C(2) | P      | P  | P    |      | P      | P    |      |
| 037   | Arcade (Games/Food)          | P     |      | P(2) | P(2)   | P  | P    |      | P(2)   | P(2) |      |

(1) Site must be adjacent to an improved arterial.

(2) Accessory to primary use not to exceed twenty percent (20%) of primary square footage.

### 15.38.130 General, Educational, Health Services Uses

**ZONES:**

- P – Park ABC – Aviation Business Center
- UM – Urban Medium Density I – Industrial/Manufacturing
- UH – Urban High Density O/CM – Office/Commercial Medium
- UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use
- NB – Neighborhood Business T – Townhouse
- CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                               | ZONES  |              |              |              |              |              |          |          |              |  |
|-------|--|--------|--------------|--------------|--------------|--------------|--------------|----------|----------|--------------|--|
|       |  | P      | UM           | UH           | UH-UCR       | NB           | CB-C         | O/CM     | O/C/MU   | T            |  |
|       | GENERAL USES                           |        |              |              |              |              |              |          |          |              |  |
| 041   | Wireless Telecommunications Facility   | C/P(6) | C/P(6)       | C/P(6)       | C/P(6)       | P            | P            | P        | P        | C/P(6)       |  |
| 042   | Communications Facility                |        | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-P | P        | P        | Mr.-P Mjr.-C |  |
| 043   | Dry Cleaner (8)                        |        |              | P(1,2)       | P(2)         | P            | P            | P(2)     | P(2)     | P(2)         |  |
| 044   | Auto Repair                            |        |              |              |              | C            |              |          |          |              |  |
| 045   | Auto Service                           |        |              |              |              | P            | P            |          |          |              |  |
| 046   | Funeral Home/Crematory                 | C      |              |              |              | P            | P(1)         | P(2)     |          |              |  |
| 047   | Veterinary Clinic                      |        |              |              | P(2)         | P            | P            | P(2)     | C        |              |  |
| 048   | Kennel                                 |        |              |              |              | P            | P(1)         |          |          |              |  |
| 049   | Day Care I                             |        | P(3,5)       | P(3,5)       | P(3,5)       | P(3,5)       |              | P(2,3,5) | P(2,3,5) | P(2,3,5)     |  |
| 050   | Day Care II                            |        | P(3)         | P(3)         | P(3)         | P(3)         | P(3)         | P(2,3)   | P(2,3)   | P(2,3)       |  |
| 051   | General Repair                         |        |              |              |              | P            | P(1)         | P(2)     |          |              |  |
|       | EDUCATIONAL USES                       |        |              |              |              |              |              |          |          |              |  |
| 055   | Elementary – Jr. High                  |        | C            | C            | C            |              |              |          |          |              |  |
| 056   | High School                            |        | C            | C            | C            | P            | C            |          |          |              |  |
| 057   | Vocational School                      |        |              |              |              | C            | P            | P(2)     | P(2)     |              |  |
| 058   | Specialized Instruction School         |        | P(4)         | P(4)         | P            | P            | P            | P(2)     | P(2)     |              |  |
| 059   | College/University                     |        | C            | C            | C            |              | P            | P        | P(2)     |              |  |
|       | HEALTH SERVICES USES                   |        |              |              |              |              |              |          |          |              |  |
| 062   | Office/Outpatient Clinic               |        |              | P            | P            | P            | P            | P        | P        |              |  |
| 064   | Hospital                               |        |              |              |              | P            | P            | C        |          |              |  |
| 065   | Medical/Dental Lab                     |        |              | C            | C            | P            | P            | P        | P        | P(2)         |  |
| 066   | Miscellaneous Health                   |        |              |              | C            | P            | P            | C        | C        |              |  |
| 067   | Opiate Substitution Treatment Facility |        |              |              |              |              | C(7)         |          |          |              |  |

- (1) Accessory to a primary use not to exceed twenty percent (20%) of primary square footage.
- (2) Permitted as a part of a mixed use development.
- (3) Day Care I: DSHS license required.  
Day Care II: DSHS license required/SEPA review required.
- (4) Limited to three (3) students per day.
- (5) Except as provided pursuant to SMC 15.10.166 for family day care (Ord. No. 94-1030, Effective 8/11/94).
- (6) WTFs are permitted uses if located on water towers, school buildings higher than thirty (30) feet, or utility poles; WTFs are conditional uses in all other cases.
- (7) Subject to the CUP-EPF siting process (SMC 15.22.038).
- (8) No drive-through facilities allowed. See SMC 15.38.170(B)

## 15.38.140 Government/Office, Business Uses

### ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                             | ZONES |    |      |        |    |      |      |        |   |  |
|-------|--------------------------------------|-------|----|------|--------|----|------|------|--------|---|--|
|       |                                      | P     | UM | UH   | UH-UCR | NB | CB-C | O/CM | O/C/MU | T |  |
|       | GOVERNMENT/OFFICE USES               |       |    |      |        |    |      |      |        |   |  |
| 071   | Social Service Office                |       |    | C    | P      | P  | P    |      | P      | P |  |
| 072   | Public Agency Office                 | P     |    | P    | P      | P  | P    |      | P      | P |  |
| 073   | Public Agency Yard                   | C(2)  |    |      |        |    | C    |      | C      | C |  |
| 074   | Public Agency Archives               | C(3)  |    |      |        | C  | P    |      | P      | P |  |
| 075   | Court                                |       |    |      |        |    | P    |      | P      | P |  |
| 076   | Police Facility                      | P     | P  | P    | P      | P  | P    |      | P      | P |  |
| 077   | Fire Facility                        | P     | P  | P    | P      | P  | P    |      | P      | P |  |
| 079   | Helipad/Airport and Facilities       |       |    |      |        |    |      |      |        |   |  |
| 080   | Utility Use                          |       | C  | C    | C      | C  | C    |      | C      | C |  |
| 081   | Utility Substation                   |       |    | C    | C      | C  | C    |      | C      | C |  |
| 082   | Financial Institution                |       |    |      | P(4)   | P  | P    |      | P      | P |  |
| 083   | City Hall                            |       |    |      | P(4)   | P  | P    |      |        |   |  |
| 083.5 | Secure Community Transition Facility |       |    |      |        |    | C(5) |      | C(5)   |   |  |
|       | BUSINESS SERVICES USES               |       |    |      |        |    |      |      |        |   |  |
| 086   | Construction/Trade                   |       |    |      |        |    | C    |      | C      |   |  |
| 087   | Truck Terminal                       |       |    |      |        |    |      |      |        |   |  |
| 088   | Airport Support Facility             |       |    |      |        |    |      |      |        |   |  |
| 089   | Warehouse/Storage                    |       |    |      |        | C  |      |      | C(1)   |   |  |
| 090   | Professional Office                  |       |    | P(4) | P(4)   | P  | P    |      | P      | P |  |
| 091   | Heavy Equipment Rental               |       |    |      |        |    |      |      |        |   |  |
| 092   | Misc. Equipment Rental Facility      |       |    |      |        | C  | C    |      | P(1)   |   |  |
| 093   | Auto Rental/Sales                    |       |    |      |        |    | P(1) |      | C(1)   |   |  |
|       |                                      |       |    |      |        |    |      |      |        |   |  |
| 095   | Motor Freight Repair                 |       |    |      |        |    |      |      |        |   |  |
| 096   | Heavy Equipment Repair               |       |    |      |        |    |      |      |        |   |  |
| 097   | R and D/Testing                      |       |    |      |        | C  | C    |      | C      |   |  |
| 098   | Commercial/Industrial Accessory Uses |       |    |      |        | P  | C    |      | C      |   |  |

(1) Accessory to primary use not to exceed twenty percent (20%) of primary use.

(2) A public agency yard located on property within the park zone may be used as a combined maintenance facility for park and nonpark purposes; provided, that the facility shall be no more expansive than that which is reasonably expected to be needed for park maintenance when park facilities are fully developed.

(3) A public archives facility located on property within the park zone is limited to existing structures.

(4) Permitted as part of a mixed use development, as described in SMC 15.38.610.

(5) Secure community transition facilities are subject to the CUP-EPF siting process (SMC 15.22.038).

## 15.38.150 Retail/Commercial Uses – Alternative 1 (Prohibits Drive-through facilities)

**ZONES:**

**P – Park ABC – Aviation Business Center**

**UM – Urban Medium Density I – Industrial/Manufacturing**

**UH – Urban High Density O/CM – Office/Commercial Medium**

**UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use**

**NB – Neighborhood Business T – Townhouse**

**CB-C – Urban Center**

**P – Permitted Use; C – Conditional Use Permit**

| USE # | LAND USE                            | ZONES |    |      |        |      |      |      |        |      |
|-------|-------------------------------------|-------|----|------|--------|------|------|------|--------|------|
|       |                                     | P     | UM | UH   | UH-UCR | NB   | CB-C | O/CM | O/C/MU | T    |
|       | RETAIL/COMMERCIAL USES              |       |    |      |        |      |      |      |        |      |
| 101   | Hotel/Motel and Associated Uses     |       |    |      |        | P    | P    | P    | C      |      |
| 102   | Forest Products                     |       |    |      |        | P(3) | P(3) | P(3) |        |      |
| 103   | Hardware/Garden Material            |       |    |      |        | P    | P    | P(6) | P(6)   | P(6) |
| 104   | Department/Variety Store            |       |    |      |        | P    | P    | P(6) | P(6)   |      |
| 105   | Food Store (4)                      |       |    | P(8) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 106   | Agricultural Crop Sales (Farm Only) |       |    |      |        | P    | P    |      |        |      |
| 107   | Auto/Boat Dealer                    |       |    |      |        |      |      |      |        |      |
| 108   | Auto Supply Store                   |       |    |      |        | P    | P(6) | C(6) | C(6)   |      |
| 109   | Gasoline/Service Station            |       |    |      |        | C    | P    |      |        |      |
| 110   | Apparel/Accessory Store             |       |    | P(7) | P(6)   |      | P    | P(6) | P(6)   |      |
| 111   | Furniture Store                     |       |    |      | P(6)   |      | P    | P(6) | P(6)   |      |
| 112   | Restaurant (4)                      |       |    | C(2) | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 112.1 | Retail Food Shop (4)                |       |    | P(8) | P(6)   | P    | P    | P(6) | P(6)   |      |
| 112.2 | Tavern                              |       |    |      | P(6)   | P(8) | P    | P(6) | C      | P(6) |
| 113   | Drug Store (4)                      |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 114   | Liquor Store (4)                    |       |    |      |        |      | P    | P    | C      |      |
| 115   | Antique/Secondhand Store            |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 116   | Sporting Goods and Related Stores   |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 117   | Media Material                      |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   |      |
| 118   | Jewelry Store                       |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 119   | Hobby/Toy Store                     |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 120   | Photographic and Electronic Store   |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 121   | Fabric Store                        |       |    | P(7) | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 122   | Florist Shop (4)                    |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 123   | Pet Store                           |       |    |      | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 124   | Wholesale/Bulk Store                |       |    |      |        |      | C    | C(6) | P(6)   |      |
| 125   | Beauty Salon                        |       |    | P(8) | P(6)   | P    | P    | C(6) | P(6)   | P(6) |
| 125.1 | Laundromat                          |       |    | P(7) | P      | P    | P    | P    | P(6)   |      |
| 125.3 | Comm. Marine Supply                 |       |    |      |        | C    | P    |      |        |      |
| 126   | Other Retail Uses (4)               |       |    | P(7) | P(6)   | C    | P    | P    | C      | P(6) |
| 127   | Adult Entertainment                 |       |    |      |        |      | C(5) |      |        |      |

(1) Forest product related businesses shall provide the following:

- a. Minimum of ten (10) acres;
- b. Access to major arterial; and
- c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).

(2) Accessory to primary use not to exceed twenty percent (20%) of primary use.

(3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.

- (4) No drive-through facilities allowed. See SMC 15.38.180
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development, as described in SMC 15.38.610.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.

**15.38.150 Retail/Commercial Uses – Alternative 2 (Allows some drive-through facilities, subject to conditions)**

**ZONES:**

- P – Park ABC – Aviation Business Center**
- UM – Urban Medium Density I – Industrial/Manufacturing**
- UH – Urban High Density O/CM – Office/Commercial Medium**
- UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use**
- NB – Neighborhood Business T – Townhouse**
- CB-C – Urban Center**

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                            | ZONES |    |      |        |      |      |   |      |        |      |
|-------|-------------------------------------|-------|----|------|--------|------|------|---|------|--------|------|
|       |                                     | P     | UM | UH   | UH-UCR | NB   | CB-C |   | O/CM | O/C/MU | T    |
|       | RETAIL/COMMERCIAL USES              |       |    |      |        |      |      |   |      |        |      |
| 101   | Hotel/Motel and Associated Uses     |       |    |      |        | P    | P    |   | P    | C      |      |
| 102   | Forest Products                     |       |    |      |        | P(3) | P(3) |   | P(3) |        |      |
| 103   | Hardware/Garden Material            |       |    |      |        | P    | P    |   | P(6) | P(6)   | P(6) |
| 104   | Department/Variety Store            |       |    |      |        | P    | P    |   | P(6) | P(6)   |      |
| 105   | Food Store                          |       |    | P(8) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 106   | Agricultural Crop Sales (Farm Only) |       |    |      |        | P    | P    |   |      |        |      |
| 107   | Auto/Boat Dealer                    |       |    |      |        |      |      |   |      |        |      |
| 108   | Auto Supply Store                   |       |    |      |        | P    | P(6) |   | C(6) | C(6)   |      |
| 109   | Gasoline/Service Station            |       |    |      |        | C    | P    |   |      |        |      |
| 110   | Apparel/Accessory Store             |       |    | P(7) | P(6)   |      | P    |   | P(6) | P(6)   |      |
| 111   | Furniture Store                     |       |    |      | P(6)   |      | P    |   | P(6) | P(6)   |      |
| 112   | Restaurant (4)                      |       |    | C(2) | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 112.1 | Retail Food Shop                    |       |    | P(8) | P(6)   | P    | P    |   | P(6) | P(6)   |      |
| 112.2 | Tavern                              |       |    |      | P(6)   | P(8) | P    |   | P(6) | C      | P(6) |
| 113   | Drug Store                          |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 114   | Liquor Store                        |       |    |      |        |      | P    |   | P    | C      |      |
| 115   | Antique/Secondhand Store            |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 116   | Sporting Goods and Related Stores   |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 117   | Media Material                      |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   |      |
| 118   | Jewelry Store                       |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 119   | Hobby/Toy Store                     |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 120   | Photographic and Electronic Store   |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 121   | Fabric Store                        |       |    | P(7) | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 122   | Florist Shop                        |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 123   | Pet Store                           |       |    |      | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 124   | Wholesale/Bulk Store                |       |    |      |        |      | C    |   | C(6) | P(6)   |      |
| 125   | Beauty Salon                        |       |    | P(8) | P(6)   | P    | P    |   | C(6) | P(6)   | P(6) |
| 125.1 | Laundromat                          |       |    | P(7) | P      | P    | P    |   | P    | P(6)   |      |
| 125.2 | Espresso Stand (9)                  |       |    | P    | P      | P    | P    | P | P    | P(6)   | P    |
| 125.3 | Comm. Marine Supply                 |       |    |      |        | C    | P    |   |      |        |      |
| 126   | Other Retail Uses                   |       |    | P(7) | P(6)   | C    | P    |   | P    | C      | P(6) |
| 127   | Adult Entertainment                 |       |    |      |        |      | C(5) |   |      |        |      |

- (1) Forest product related businesses shall provide the following:
  - a. Minimum of ten (10) acres;

- b. Access to major arterial; and
- c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.
- (4) Drive-through facilities allowed subject to conditions. See SMC 15.38.180
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development, as described in SMC 15.38.610.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Walk-up only.

### 15.38.160 Manufacturing Uses

**ZONES:**

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE   | ZONES |    |    |        |    |      |      |        |   |  |
|-------|--|-------|----|----|--------|----|------|------|--------|---|--|
|       |  | P     | UM | UH | UH-UCR | NB | CB-C | O/CM | O/C/MU | T |  |
|       | MANUFACTURING USES                                       |       |    |    |        |    |      |      |        |   |  |
| 130   | Food Processing  |       |    |    |        |    |      |      |        |   |  |
| 131   | Winery/Microbrewery                                      |       |    |    |        |    | P(1) | P(1) | C(1)   |   |  |
| 132   | Textile Mill   |       |    |    |        |    |      |      |        |   |  |
| 133   | Apparel/Textile Products                                 |       |    |    |        |    |      |      |        |   |  |
| 134   | Wood Products  |       |    |    |        |    |      |      |        |   |  |
| 135   | Furniture/Fixtures                                       |       |    |    |        |    |      |      |        |   |  |
| 136   | Paper Products   |       |    |    |        |    |      |      |        |   |  |
| 137   | Printing/Publishing                                      |       |    |    |        |    | C    |      |        |   |  |
| 138   | Chemical/Petroleum                                       |       |    |    |        |    |      |      |        |   |  |
| 138.5 | Biomedical Product Facility                              |       |    |    |        |    |      |      |        |   |  |
| 139   | Rubber/Plastic/Leather/Mineral Products                  |       |    |    |        |    |      |      |        |   |  |
| 140   | Primary Metal Industry                                   |       |    |    |        |    |      |      |        |   |  |
| 141   | Fabricated Metal Products                                |       |    |    |        |    |      |      |        |   |  |
| 142   | Commercial/Industrial Machinery                          |       |    |    |        |    |      |      |        |   |  |
| 143   | Computer/Office Equipment                                |       |    |    |        |    |      |      |        |   |  |
| 144   | Electronic Assembly                                      |       |    |    |        |    |      |      |        |   |  |
| 145   | Aerospace Equipment                                      |       |    |    |        |    |      |      |        |   |  |
| 146   | Misc. Light Manufacturing                                |       |    |    |        |    |      |      |        |   |  |
| 147   | Tire Retreading  |       |    |    |        |    |      |      |        |   |  |
| 148   | Recycling Products                                       |       |    |    |        |    |      |      |        |   |  |
| 149   | Towing Operation   |       |    |    |        |    |      |      |        |   |  |
| 150   | Auto Wrecking  |       |    |    |        |    |      |      |        |   |  |
| 151   | Self-Service Storage                                     |       |    |    |        |    |      |      |        |   |  |
| 152   | On-Site Hazardous Waste Treatment and Storage Facilities |       |    |    |        |    |      |      |        |   |  |

(1) Winery/Microbrewery with retail section.

### **15.38.170 Public/Private Parking**

Public/Private parking facilities, which provide parking spaces for a fee, either associated with some other use or not, shall be prohibited in the S. 154<sup>th</sup> St. Station Area.

### **15.38.180 Drive-through Facilities**

Drive through facilities shall be allowed subject to the following:

1. A drive-through facility shall be part of a restaurant as defined in SMC 15.10.550, and with a minimum building size of 1,500 square feet;
2. The drive-through window shall not be located between the building and the street;
3. The drive-through window shall be located such that vehicular traffic using the drive-through does not impede pedestrian circulation; and
4. The building shall meet all other applicable design standards.

### **15.38.200 Circulation**

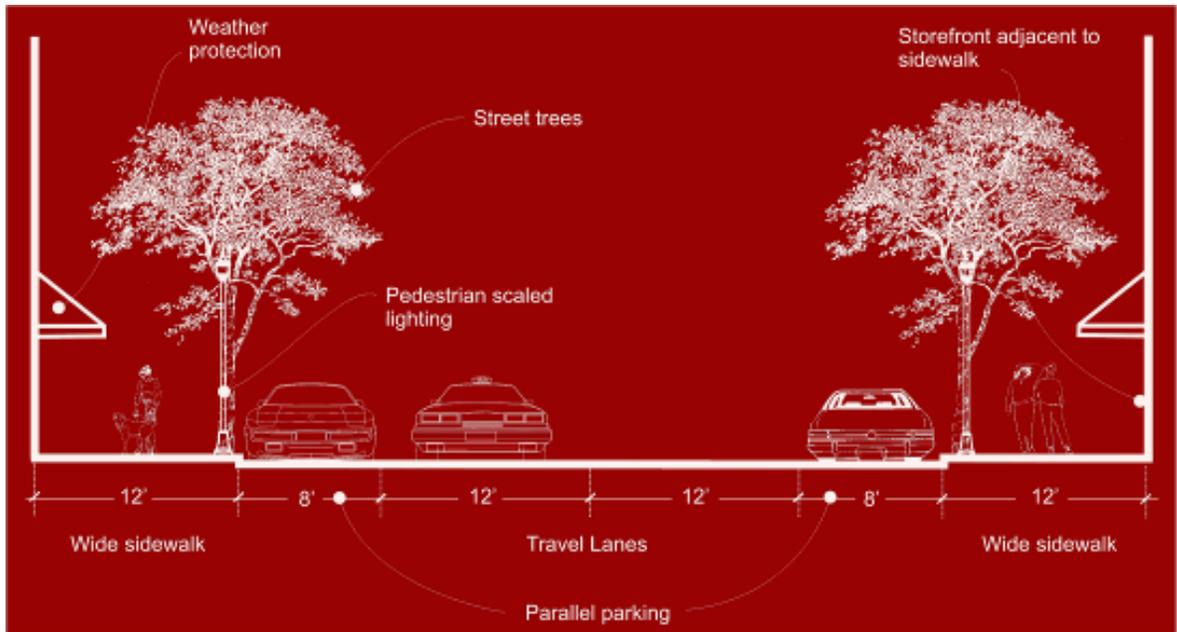
Purpose: Sufficient vehicular circulation should be provided through the establishment of an adequate network of collectors and minor arterials. Pedestrian corridors should be inviting in their overall design, such as through the provision of street furniture and landscaping, and should feel secure by providing adequate safety measures, such as lighting.

### **15.38.210 Vehicular Circulation Requirements**

A. All new or reconstructed S. 154th St. Station Area streets, whether public or private, shall be constructed within a minimum forty (40), fifty (50), or sixty-four (64) foot wide corridor (including streetfront pedestrian zones), as described below (The illustrations below describe the primary street sections: Street sections may differ at intersections to provide channelization for left and/or right turns).. Pedestrian and vehicular circulation within the S. 154th St. Station Area is intended to provide for public access, safe traffic flow, and connections to established vehicular and pedestrian routes, and is not intended to be applied prescriptively. Vehicular circulation shall be as approved by both the Director of Planning and Community Development and the Director of Public Works.

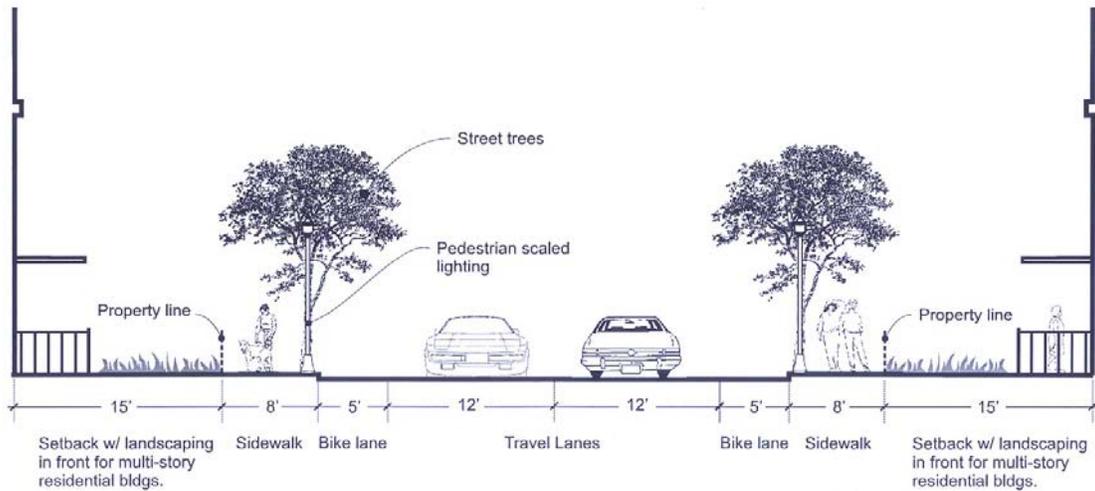
[Note: The street sections shown below will be described and contained in the documentation kept and maintained by the City's Public Works Department. This section of the Interim Standards will refer to that documentation. The street sections are shown here for illustrative purposes.]

1. S. 152<sup>nd</sup> St. within the Station Area shall be a minimum of sixty-four (64) feet in width per the diagram below.



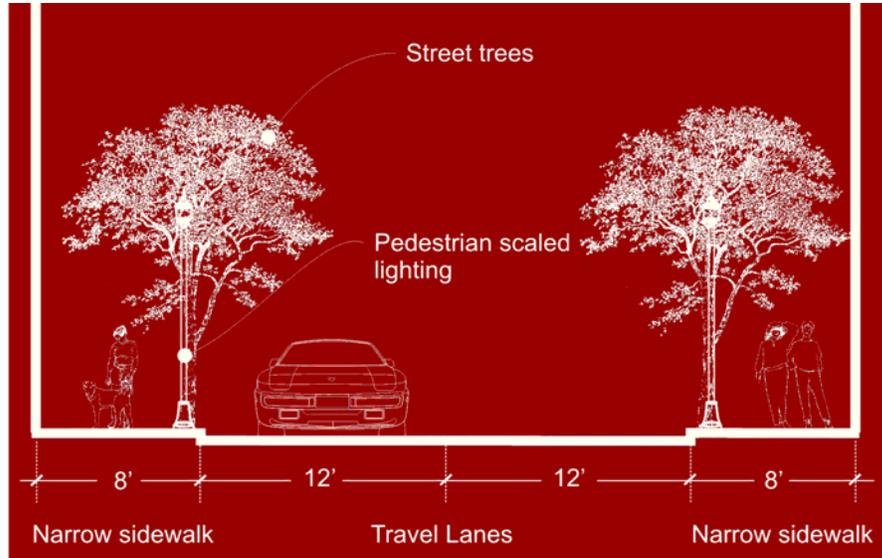
64 foot Section

2. S. 154<sup>th</sup> St. west of 32<sup>nd</sup> Ave. S. within the Station Area shall be a 2-lane minor arterial with bike lanes per the diagram below.



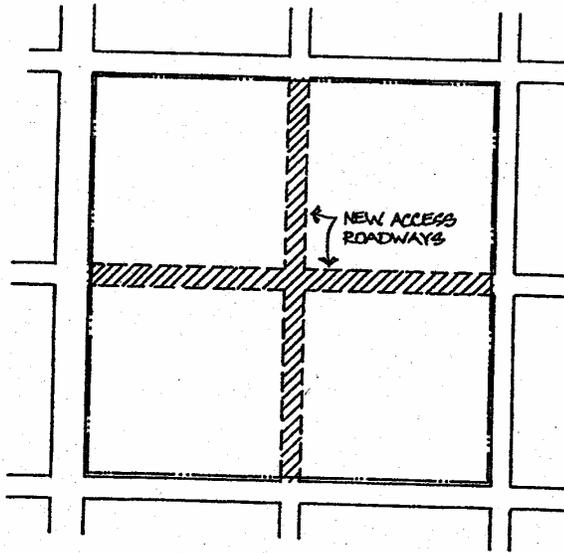
50 ft. Section

3. S. 154<sup>th</sup> St., between 32<sup>nd</sup> Ave. S. and International Boulevard; and International Boulevard, between S. 154<sup>th</sup> St. and S. 152<sup>nd</sup> St., shall be constructed consistent with the plans approved by the City of SeaTac and Sound Transit. (See Exhibit A)
  
4. All other streets within the Station Area shall be a minimum of forty (40) feet in width per the diagram below.



40 Foot Section

- B. All streets shall be designed to create blocks which are no greater than four hundred (400) feet on a side. In cases where topographic or other environmental constraints preclude the creation of a four hundred (400) feet by four hundred (400) feet block size, the four hundred (400) foot maximum block length shall apply to only two (2) sides of a block, and the maximum block length may be waived by the Director of Planning and Community Development.

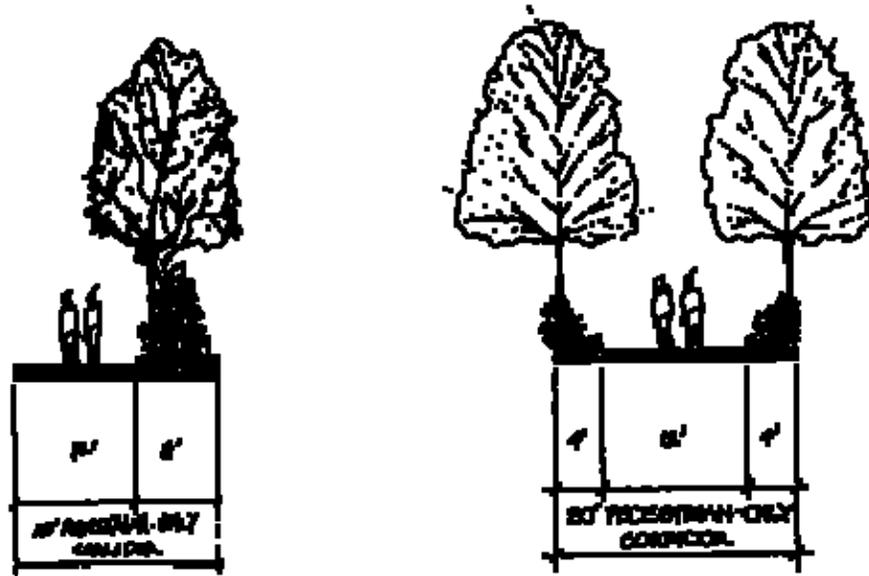


- C. An owner or developer shall coordinate with owners of adjacent parcels and consolidate, wherever possible, vehicular circulation routes to interconnect public and/or private streets in conformance with the adopted S. 154th St. Station Area Plan. Where appropriate, circulation corridors shall extend to the boundary line of the site parcel in order to provide for future development of adjacent parcels and connections with existing public and/or private streets.
- D. Dead-end streets shall be permitted only where there is no feasible connection with an adjacent public and/or private street.
- E. Half-streets shall not be allowed, except as an interim circulation route as approved by both the Director of Planning and Community Development and the Director of Public Works, in which the other half of the public or private street shall be developed on an adjacent parcel.

#### **15.38.220 Pedestrian Circulation Requirements**

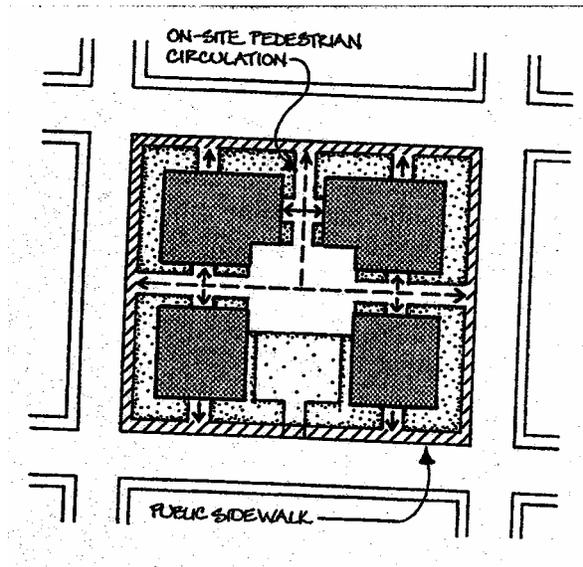
- A. All site plans proposing multiple buildings designed for residential occupancy or business access shall connect building entrances to one another and to pedestrian ways on adjacent public and/or private streets via a minimum four (4) foot wide walkway system separated from vehicular traffic. Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures. Fences, landscaping and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.

- B. On-site pedestrian ways shall be designed to connect to off-site pedestrian way systems on adjoining properties and public and/or private streets. On-site extensions of pedestrian circulation systems shall align with existing pedestrian off-site links.
- C. Pedestrian-only corridors separate from the vehicular street system shall be a minimum of twenty (20) feet wide with a minimum twelve (12) foot pathway of an approved surfacing material.



- D. Buildings or structures approved by the Director of Planning and Community Development to be built across a designated pedestrian-only corridor shall provide public pedestrian access through said structures at least between the hours of 6:00 a.m. and 8:00 p.m. daily.
- E. Public easements for pedestrian circulation shall be open to the public twenty-four (24) hours a day, except as specified in subsection (D) of this section. Private easements for pedestrian circulation should remain open to the maximum extent possible.
- F. Primary pedestrian circulation and access shall be at grade. Elevated pedestrian walkways, if approved by the Director of Planning and Community Development, may be permitted for the following purposes:
  1. To provide an extension to or direct connection with an elevated walkway/moving sidewalk;
  2. To overcome obstacles of terrain;

3. To connect immediately adjacent components of a single development; or
  4. To connect with elevated transit stations.
- G. To promote public transit use, paved sidewalks or walkways shall be provided between building entrances and the nearest transit stop located within or adjacent to the subject property. Wherever possible, buildings shall be sited adjacent to or connected with transit stop facilities. Lighting shall be provided along pedestrian walkway connections and adjacent to transit stop facilities.

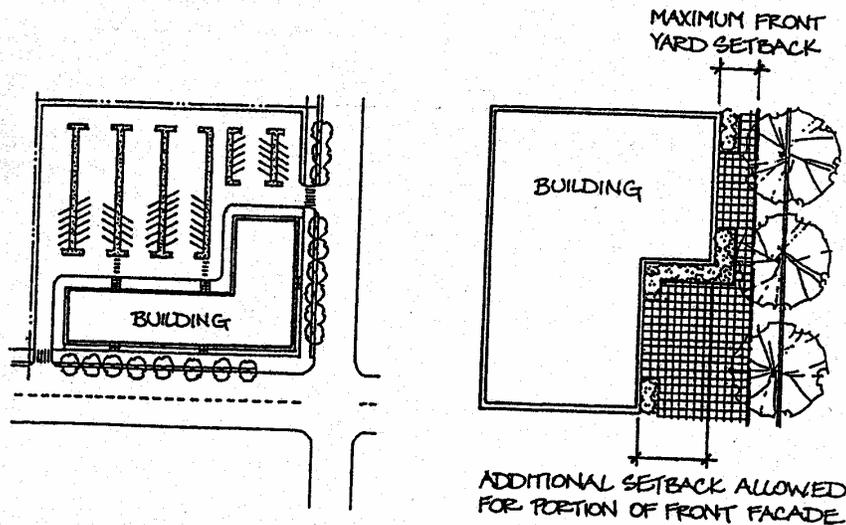


### **15.38.300 Site Planning and Building Orientation**

Purpose: Design structures to have both an external orientation, to the streetscape, and an internal orientation, to the pedestrian environment with unifying open space and pedestrian pathways. Design emphasis should be given to the pedestrian, rather than the auto environment, through placement of parking in a less prominent location (such as underground, or to the rear of the building, rather than in front), the requirement of pedestrian-level retail space; treatment of blank walls and facades and incorporation of prominent architectural features. Site layout should emphasize coordination of open spaces and pedestrian access with adjacent development or public places and compatibility with adjacent development with regard to scale, proximity and landscaping. Lighting and landscaping should allow for safety and visibility of public and semi-public areas.

### **15.38.310 Building Placement/Setbacks**

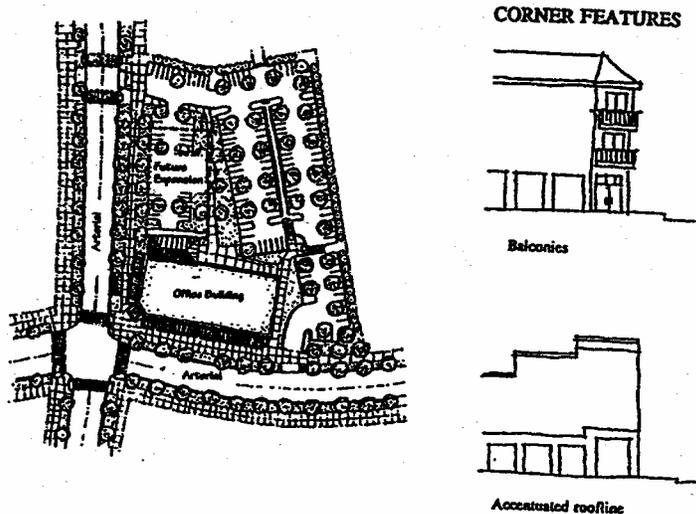
- A. For properties within the S. 154th St. Station Area (see Figure 15.38.020), the maximum front yard setbacks shall be as follows, except as provided under SMC 15.38.915, Parking Structure Placement and/or Setbacks:
  - 1. Twenty (20) feet adjacent to International Boulevard, for at least fifty percent (50%) of the building's front facade;
  - 2. Ten (10) feet adjacent to all other public and/or private streets, , for at least fifty percent (50%) of the building's front facade.
- B. The front facade of the primary building(s) on-site shall be oriented toward the front property line, with the main pedestrian entrance(s) located on this front facade. Additional building entrances may be oriented toward the rear or side of the building for access to and from parking lots.
- C. At least fifty percent (50%) of the building's front facade shall be located within the maximum front yard setback, as specified in subsection (A)(1) and (2) of this section. The remaining portions of the front facade may be stepped back a maximum of twenty (20) feet more than the established maximum setback, as approved by the Director of Planning and Community Development, for the purpose of accommodating public open space, porte cocheres, or recessed building entries.
- D. Building placement and setback shall be arranged to accommodate the front yard open space requirement as specified in SMC 15.38.420.



**15.38.320 Development Abutting Two (2) or More Street Frontages**

- A. If a building lot abuts two (2) or more public or private streets, the maximum front yard setback shall apply to the two (2) public and/or private streets with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If three (3) or more public and/or private streets have the same roadway classification, then the property owner shall select the two (2) public and/or private streets to which the maximum front yard setback shall be applied.
- B. Buildings on corner lots shall orient front facades to both the corner and adjacent public and/or private street fronts. The primary building entry shall be located on a front facade (i.e, facing a public street). Pedestrian entries near or on the corner are encouraged. Front facades shall conform to the Ground Floor Transparency requirements of 15.38.510.
  - 1. Development at the intersection of either S. 154<sup>th</sup> St. or S. 152<sup>nd</sup> St. and International Boulevard shall include architectural focal points that increase the visibility and landmark status of corner buildings, such as one (1) or more of the following:
    - a. Transparent glazing incorporated into corner building design;
    - b. Tower elements and/or roof lines that accentuate the corner;
    - c. Balconies or building terraces at or near the corner.

- C. If the subject property abuts public and/or private streets classified as principal arterials by the SeaTac Comprehensive Plan along both its front and rear property lines, then the property owner shall either:
1. Design a single building with facade entries oriented toward both the front and rear property lines; or
  2. Orient one (1) or more buildings toward the front property line along with a designated location for a current or future building or buildings oriented toward the rear property line.



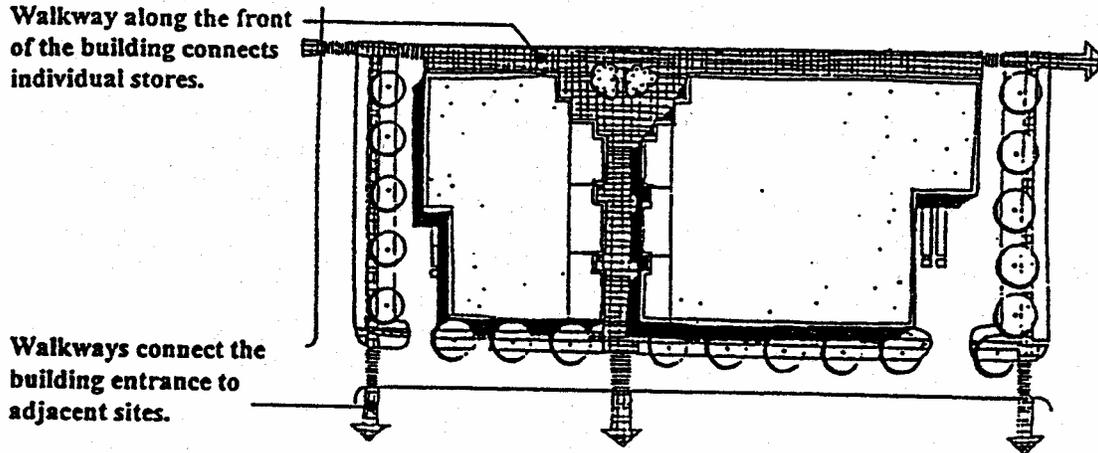
### 15.38.330 Relation to Adjacent Development

Proposed developments shall coordinate with current site planning and development efforts on adjoining parcels to take advantage of opportunities to mutually improve development design.

- A. Adjacent developments shall link open spaces and landscaping whenever possible.
- B. Proposed developments shall provide publicly accessible pedestrian connections to adjacent residential neighborhoods wherever possible, via a through-block walkway or links to sidewalks. Provide stairs or ramps where necessary when topographic barriers, such as steep slopes, inhibit direct access to surrounding development or destination points, such as transit stops.
- C. Where multi-family residential development is located adjacent to retail, commercial, employment, or institutional uses, side and/or rear yard landscape buffers shall be intersected by approved pedestrian

circulation routes in order to facilitate convenient walking connections to adjacent uses or services.

- D. Buildings or structures that terminate view corridors shall include architectural features that increase the visibility and landmark status of the subject building facade, such as a clearly defined building modulation, pedestrian entry feature, and/or roof line that accentuates the building as a focal point.



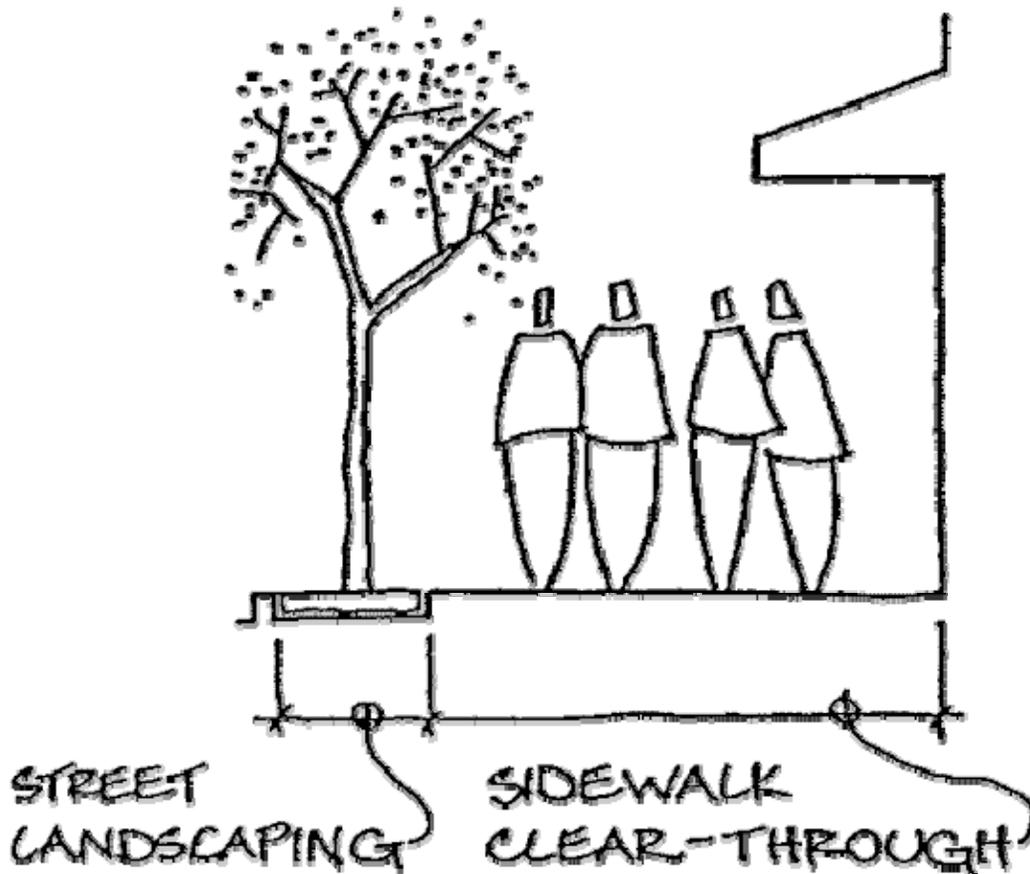
### 15.38.335 The Layout and Width of Streetfront Pedestrian Zone

Within the S. 154th St. Station Area, all new sidewalks and street improvements shall include a streetfront pedestrian zone, consisting of street landscaping and a sidewalk clear-through zone.

- A. Street Landscaping. A minimum four (4) foot wide street landscaping zone adjacent to the street curb shall be required on streets where the 12 ft. sidewalks are used, and a minimum two (2) foot wide street landscaping zone adjacent to the street curb shall be required on streets where the 8 ft. sidewalks are used. , The street landscaping zone shall consist of a combination of trees, landscaping, light poles, and street furniture in a manner to be approved by the Director of Planning and Community Development.
1. The street landscaping zone will include either tree wells and grates for street trees; or shrubs, ground cover and/or lawn in addition to street trees.
  2. Street trees shall be deciduous shade trees capable of at least twenty-five (25) feet in height. Street trees shall be planted within the street landscaping zone along public and/or private streets and be spaced no more than thirty (30) feet apart as described in SMC 15.14.130, except where variations in tree spacing, as

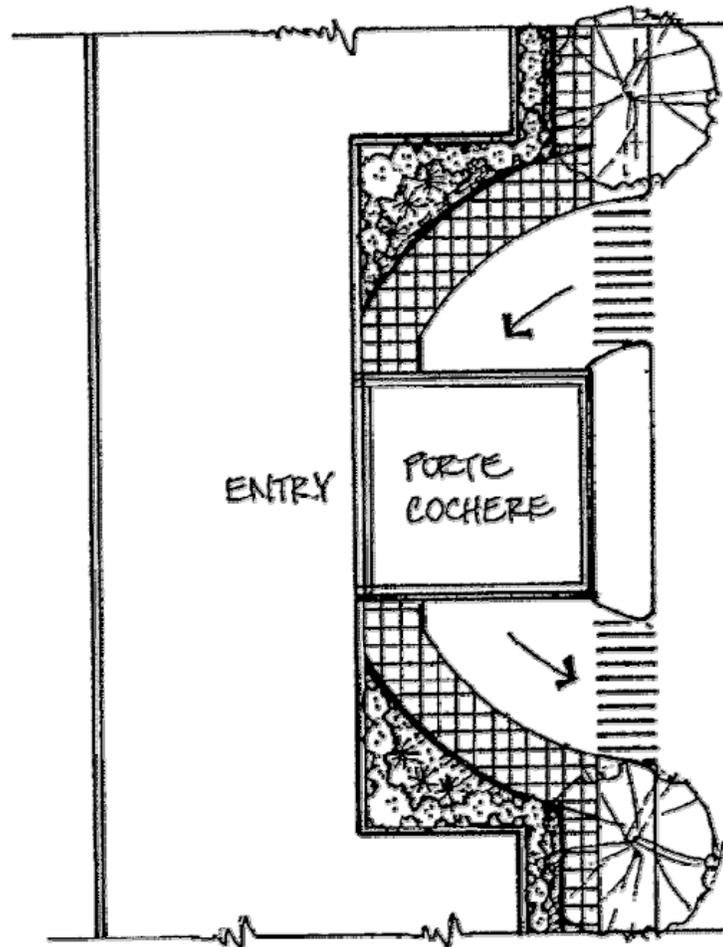
approved by the Director of Planning and Community Development, may be considered to enhance plaza areas, emphasize building focal points or avoid visually blocking retail storefront entrances.

- B. Sidewalk Clear-Through Zone. A pedestrian sidewalk clear-through zone shall be created along the public and/or private street frontage consisting of a minimum eight (8) foot wide paving area on streets using the 12 ft. sidewalk, and consisting of a minimum six (6) foot wide paving area on other streets in the station area. The pedestrian sidewalk clear-through zone shall be free of physical obstructions to pedestrian movement.
- C. Fences over four (4) feet in height or other features that form continuous visual barriers or block views to the windows of a ground level retail/commercial or service use are prohibited within the front yard setback zone.
- D. Monument signs shall be located according to an approved site plan and in a manner that does not obstruct pedestrian movement.



### 15.38.340 Driveway Entrances

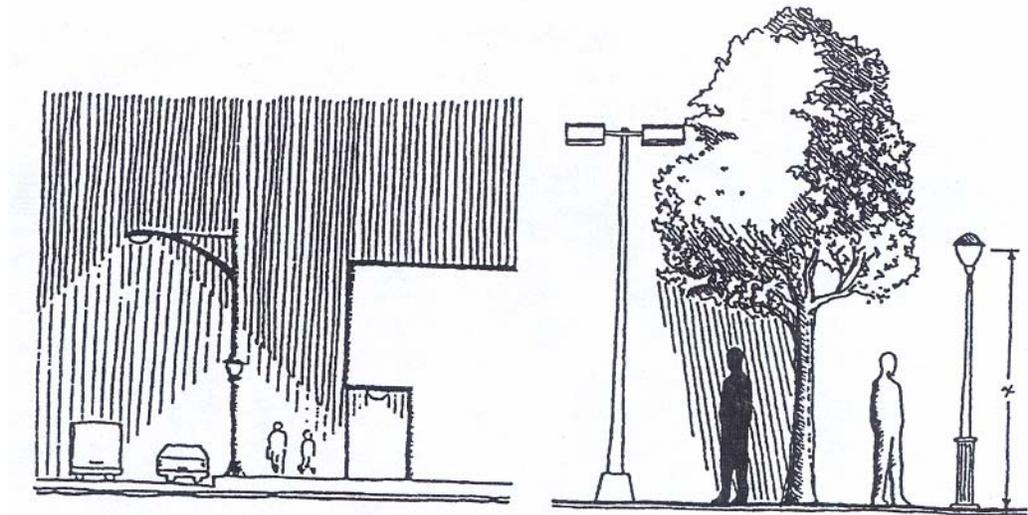
- A. Driveways serving front yard porte cochere building entries shall be approved by the Director of Planning and Community Development and include only the short-term parking that can be accommodated along one (1) double-loaded drive aisle.
- B. Pedestrian entry routes interrupted by driveways shall be distinguished from the driveway surface by decorative paving to the building entrance.



### 15.38.345 Exterior Lighting

- A. Lighting standards shall be no greater than sixteen (16) feet in height, and used to illuminate surfaces intended for pedestrians or vehicles, as well as building entries. Light fixtures shall be sited and directed to minimize glare around residences.
- B. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car or transit circulation. Along pedestrian circulation corridors, lighting standards shall be placed between pedestrian ways and public and/or private streets, driveways or parking areas. The level of lighting shall conform with the requirements of Chapter 17.40 SMC, Walkway, Bikeway and Park Lighting.
- C. Light standard designs shall be approved by the Director of Planning and Community Development, and be in conformance with a

consistent lighting standard design throughout the S. 154th St. Station Area area.



#### **15.38.350 Projects on or Near the Edge of a UL or UM Residential Zone**

Careful siting and design treatment is necessary to achieve a compatible transition between two (2) zones of differing height, bulk and scale requirements. In order to mitigate potential impacts of CB-C and UH zone development on neighboring residential districts, the following standards shall apply:

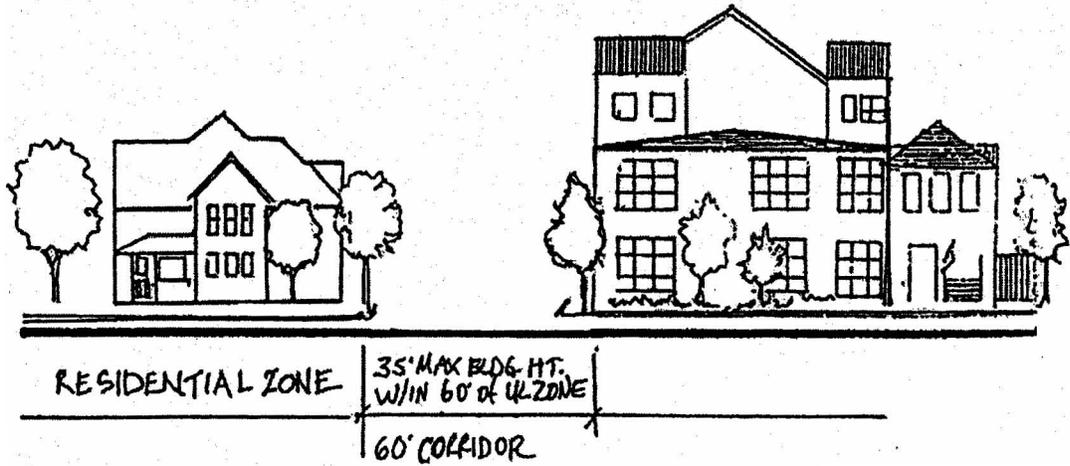
A. Properties abutting a UL zone shall incorporate the following:

1. A maximum building height of thirty-five (35) feet, relative to the base elevation of the adjacent UL zoned parcel(s) where that base elevation is higher than the base elevation of the proposed project, shall apply to all portions of a structure within sixty (60) feet of a UL zone, including access roadway widths; provided, that the overall height of any structure shall not exceed the maximum structure height specified in SMC 15.13.010; and
2. A minimum side and/or rear yard building setback of twenty (20) feet shall apply if the side or rear property boundaries are adjacent to a UL zone. Side/rear yard landscaping shall occupy all or part of the required building setback, as specified by land use in SMC 15.14.060.

B. Properties abutting a UM zone shall maintain a minimum side and/or rear yard building setback of twenty (20) feet, if the side or rear yard property boundaries are adjacent to a UM zone. Side/rear yard

landscaping shall occupy all or part of the required building setback, as specified by land use in SMC 15.14.060.

- C. Parking shall not be permitted within the side and/or rear yard building setback adjacent to a UL zone.



## **15.38.400 Open Space and Amenities**

Purpose: Break up dense development patterns with passive or active open spaces such as plazas, parks, trails and other means and link them wherever possible. Open spaces should be useable, have good access and take advantage of local amenities.

### **15.38.410 Minimum Open Space Area Required**

- A. A minimum of ten percent (10%) of net site area, excluding portions of a parcel classified as wetland; storm water facility, provided that such storm water facilities are at grade and not covered; or open water, shall be set aside as usable outdoor open space accessible to the public.
  - 1. Required landscaping and sensitive area buffers without common access links, such as pedestrian trails, shall not be included toward meeting the minimum open space area requirement.
  - 2. Driveways, parking, or other auto uses shall not be included in any usable outdoor open space area.
  - 3. Areas of a parcel with slopes greater than eight percent (8%) shall not qualify as usable outdoor open space, unless the area has been developed with an enhanced accessibility system of stairs, ramps, terraces, trails, seating areas, or other site improvements as approved by the Director of Planning and Community Development.
  - 5. Wetland/stream buffer and setback areas shall also be excluded for the purpose of calculating the open space requirement.
  
- B. Usable open space shall include one (1) or more of the following:
  - 1. Active outdoor recreation areas;
  - 2. Multi-purpose green spaces;
  - 3. Pedestrian-only corridors separate from the public or private roadway system and dedicated to passive recreation, including access links in sensitive area buffers.

The square footage (length times width) of pedestrian-only corridor shall be counted as usable open space; and/or

4. Publicly accessible plazas, courtyards, pocket parks and decorative paving areas constructed contiguous with a new or existing sidewalks located either within the front yard setback or elsewhere on-site. Developments proposing on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, and/or bikeways. Publicly accessible courtyard designs shall conform to the following standards:
    - a. The courtyard dimension is a measurement of the usable open space between two (2) buildings or to a property line, and shall have a width equal to the height of the building, up to a maximum of seventy-five (75) feet, but in no cases less than twenty (20) feet.
    - b. If the enclosing walls of a courtyard terrace upward and back with succeeding stories, the courtyard dimension shall be measured from the lowest enclosing floor or projection.
- C. The front yard open space requirement as per SMC 15.38.420 may be counted toward the minimum open space area requirement.
1. Developments have the option of contributing to a S. 154th St. Station Area open space fund in lieu of setting aside additional on-site open space area greater than the minimum required in both the front yard, as per SMC 15.38.420,. The City shall use the funds contributed to the S. 154th St. Station Area open space fund within six (6) years on an approved open space/park project or return said funds to contributors. Revenue from the S. 154th St. Station Area open space fund may be applied only to open space/park projects within the defined S. 154th St. Station Area area.
  2. To receive exemption for an amount of on-site open space totaling less than the required open space area, a contribution to the S. 154th St. Station Area open space fund shall be made in an amount that equals the monetary value of that portion of site area which is less than the required open space.

- D. Usable open space areas on-site shall be organized and designed in a manner that allows for maximum integration with open space on adjacent parcels, as specified in SMC 15.38.330.

### **15.38.420 Front Yard Open Space**

The following front yard open space regulation shall supersede the street frontage landscape requirement as specified in SMC 15.14.020(C) and 15.14.060. The building facade landscaping requirement shall continue to apply to uses in the S. 154th St. Station Area, except under pedestrian weather protection structures, as specified in SMC 15.38.570.

- A. Front yard open space area equal to the square footage of a five (5) foot strip along the length of the street-facing front facade(s) shall be developed and arranged in a manner that is accessible to the public at all times, directly connected to a sidewalk or pedestrian pathway, and bordered on at least one (1) side by, or readily accessible from, approved structure(s) on-site. Front yard open space shall be placed in one (1) or more of the following ways, as approved by the Director of Planning and Community Development:
  - 1. Plaza, Courtyard, or Pocket Park. Publicly accessible open space of a minimum two hundred (200) square feet that is adjacent to a pedestrian building entrance and consisting of at least fifty percent (50%) decorative paving. The remaining percentage of required open space area may be installed as plantings within or immediately adjacent to the plaza, courtyard, or pocket park. One (1) tree shall be required for every two hundred (200) square feet of decorative paving area. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers;
  - 2. Multi-Purpose Green Space. A combination of grass, pedestrian ways, and seating areas of a minimum two hundred (200) square feet. One (1) tree shall be required for every two hundred (200) square feet of green space area; and/or
  - 3. Decorative Paving Contiguous with Sidewalk. A minimum five (5) foot wide decorative paving area constructed contiguous with a new or existing sidewalk along the length of the front yard building facade, coupled with a direct

connection between the building entrance and sidewalk.

B. Outdoor Seating. Publicly accessible plazas, courtyards, and pocket parks shall include at least one (1) linear foot of seating per each forty (40) square feet of plaza, courtyard, or pocket park space on-site. Outdoor seating shall be in the form of:

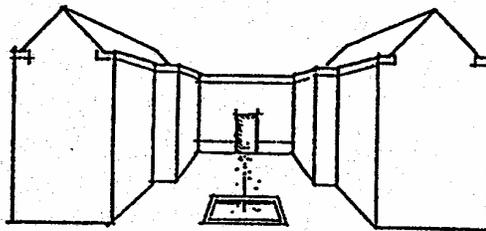
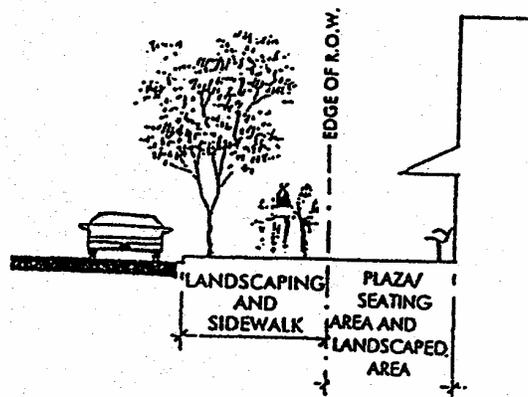
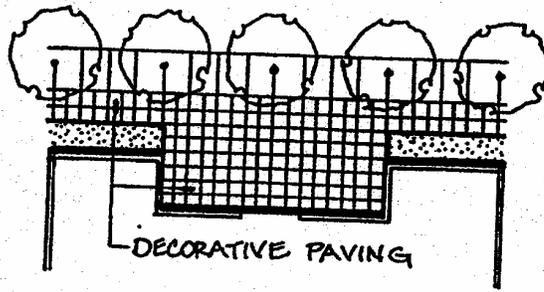
1. Freestanding outdoor benches of a minimum sixteen (16) inches wide; or
2. Seating incorporated into low walls, raised planters or building foundations at least twelve (12) inches wide and eighteen (18) inches high.

C. Focal Point For Plazas, Courtyards and Pocket Parks. In addition to seating, publicly accessible plazas, courtyards, and pocket parks should incorporate one (1) or more of the following open space amenities in order to encourage pedestrian use and activity:

1. Public art, such as a water feature or sculpture;
2. Transit stops;
3. Performance/stage areas; or
4. Other public amenities, as approved by the Director of Planning and Community Development.

D. Accessory Site Furnishings. Accessory site furnishings shall be located so as not to obstruct pedestrian access along sidewalks and to businesses.

1. Waste receptacles, movable planters and other accessory site furnishings shall be of a design which is compatible with the design of the plaza, courtyard, or pocket park, through the use of similar detailing or materials.



Organized around an outdoor space.

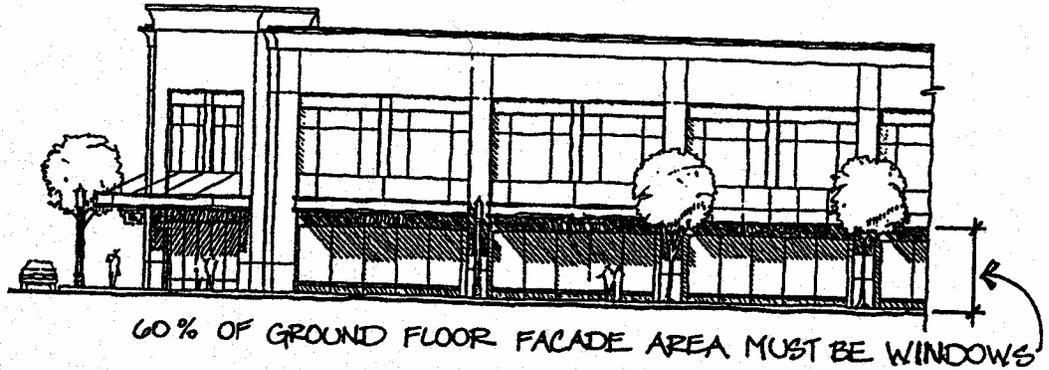
## **15.38.500 Building Design**

Purpose: Buildings should be designed to promote an architecturally appealing environment. Design emphasis should be given to the pedestrian through the provision of inviting building entries, street-level amenities and other structural and facade elements to encourage pedestrian interaction.

### **15.38.510 Ground Floor Transparency Requirements**

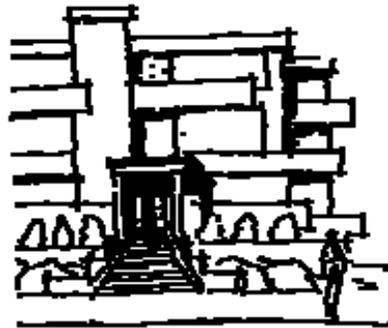
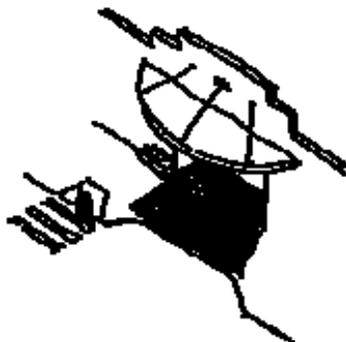
Windows shall be provided on the street level rather than blank walls to encourage a visual link between the business and passing pedestrians.

- A. Transparency requirements shall apply to buildings with a ground floor retail/commercial or service use, as defined in SMC 15.38.620 and in the S. 154th St. Station Area Use Charts (SMC 15.38.100 through 15.38.160), including portions of buildings where ground floor uses are convertible to a retail/commercial or service use. Transparency requirements shall not apply to portions of a building with ground floor housing.
  - 1. Windows shall cover at least sixty percent (60%) of the public street facing ground floor building wall area. At the first floor building level, darkly tinted, mirrored or reflective glass shall not be used. Lightly tinted windows are allowed for nonretail ground floor uses.
  - 2. Transparency requirements shall apply to that area of the ground floor building wall fronting the street up to the finished ceiling height of the first floor building space.
  - 3. Windows shall begin twelve (12) to thirty (30) inches above the finished grade of the first floor building space.



### 15.38.520 Pedestrian Building Entries

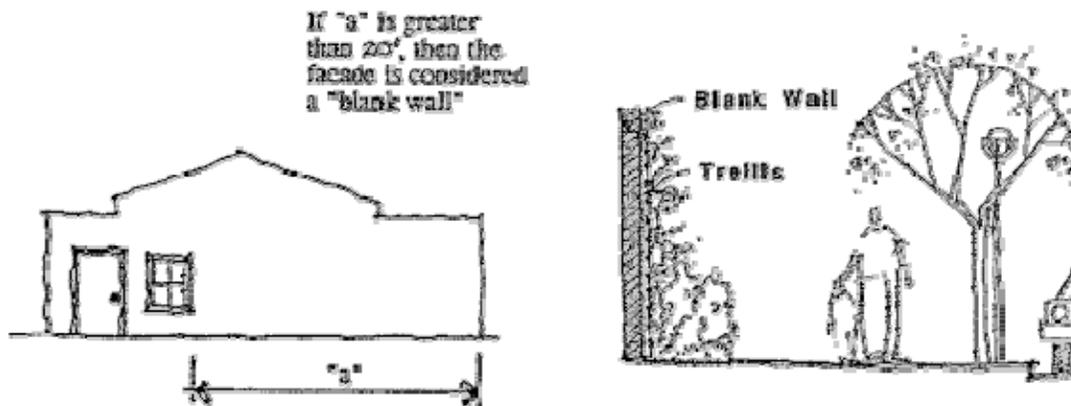
- A. Primary building entries shall be designed to be clearly visible or recognizable from an adjacent public or private street through the incorporation of two (2) or more of the following features:
1. Canopies, awnings, or other entry coverings that provide pedestrian shelter and interest;
  2. Distinctive architectural elements such as a variation in the building footprint, roof form, or amount of transparent glazing;
  3. Pedestrian-scaled ornamental lighting no greater than sixteen (16) feet in height;
  4. Landscaping designed as entry focal point.
- B. All ground level building entries shall be located no more than three (3) feet above or below the grade of the sidewalk. In the case of an allowable grade difference between a building entry and adjoining sidewalk, provide stairs and/or ramps to accommodate pedestrian access.



### 15.38.530 Treatment of Blank Walls

The definition of a “blank wall” is any wall or portion of a wall that is located within forty (40) feet of a street or pedestrian-only corridor and is without a ground level window, door or facade opening along any street-facing facade section of twenty (20) feet in length or more.

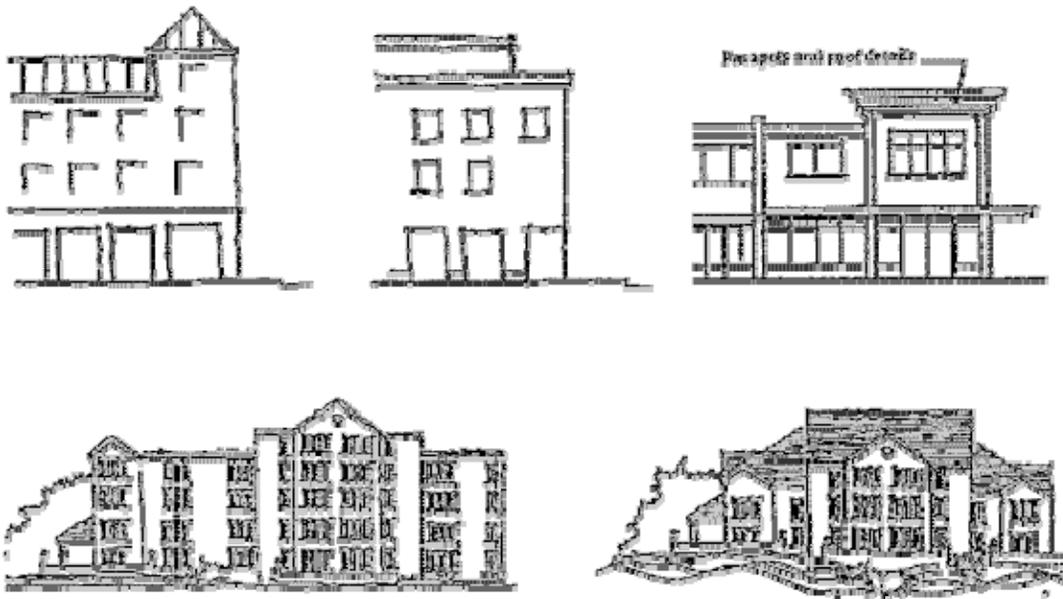
- A. Where blank wall sections are unavoidable due to the requirements of a particular land use or structural needs, they shall not exceed a length of fifty (50) feet, or twenty percent (20%) of the length of the street-facing facade, whichever is less.
- B. Blank wall sections of allowed lengths shall receive one (1) or more of the following special design treatments up to at least the finished ceiling height of the first floor building space in order to increase pedestrian comfort and interest:
  - 1. Install vertical trellis in front of the wall with climbing vines or other plant materials over at least thirty percent (30%) of the blank wall surface;
  - 2. Provide a decorative masonry pattern, or other architectural feature as approved by the Director of Planning and Community Development, over at least thirty percent (30%) of the blank wall surface; and/or
  - 3. Employ small setbacks, projections, indentations, or intervals of material change to break up the wall's surface.



### 15.38.540 Roof Lines

In order to provide a visual terminus to the tops of S. 154th St. Station Area buildings and soften rectilinear forms, roof designs must conform to one (1) of the following options:

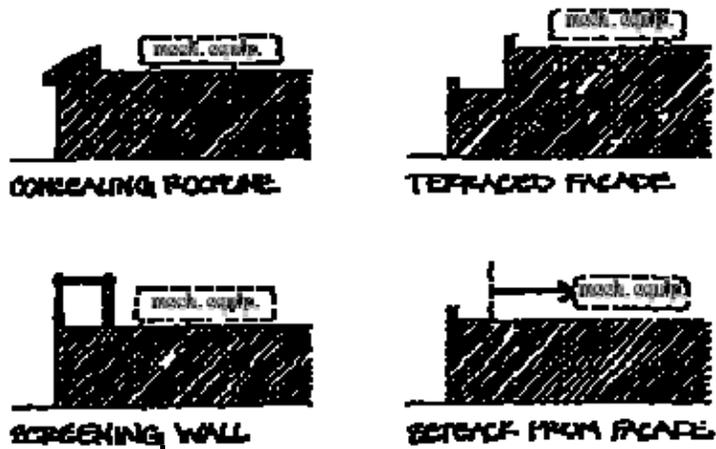
- A. Roof Line with Architectural Focal Point. A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.
- B. Roof Line Variation. The roof line articulated through a variation or step in roof height or detail, such as:
  - 1. Projecting Cornice: Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
  - 2. Articulated Parapet: Roof line parapets shall incorporate angled, curved or stepped detail elements.
- C. Pitched Roof or Full Mansard: A roof with angled edges, with or without a defined ridge line and extended eaves.
- D. Terraced Roof: A roof line incorporating setbacks for balconies, roof gardens, or patios.



### 15.38.550 Rooftop Equipment

Building rooftops shall be designed to effectively screen mechanical equipment from street-level view through one (1) or more of the following methods:

- A. A concealing roof line;
- B. A terraced facade;
- C. A screening wall or grillwork directly surrounding the equipment;
- D. Sufficient setback from the facade edge to be concealed from ground level view.

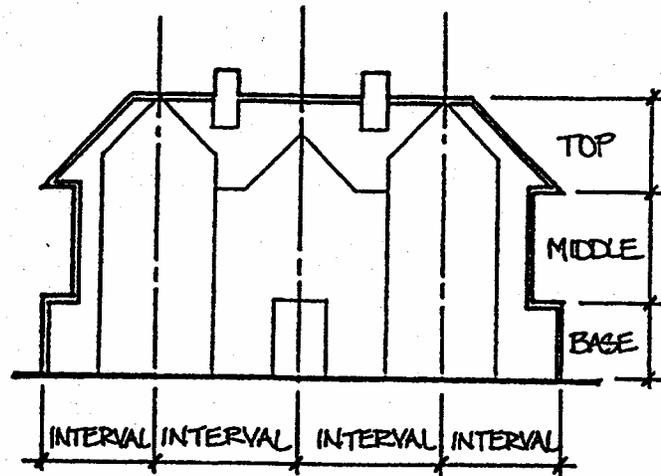


### 15.38.560 Character and Massing

Building facades one hundred (100) feet or greater in length shall incorporate vertical and/or horizontal variations in setback, material or fenestration design along the length of the applicable facade, in at least two (2) of the following ways listed below (see SMC 15.38.920 for character and massing requirements specific to parking structures):

- A. Vertical Facade Changes: Incorporate intervals of architectural variation at least every eighty (80) feet over the length of the applicable facade, such as:
  1. Varying the arrangement, proportioning and/or design of windows and doors;
  2. Incorporating changes in architectural materials; and/or
  3. Projecting forward or recessing back portions or elements of the applicable facade.
    - a. Front facades incorporating a variation in building setback shall include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, storefront or bay windows, seating and/or planting areas.
- B. Horizontal Facade Changes. Designed to differentiate the ground floor from upper floors, such as:

1. Stepping back the upper floors from the ground floor building facade;
2. Changing materials between the building base and upper floors;
3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.



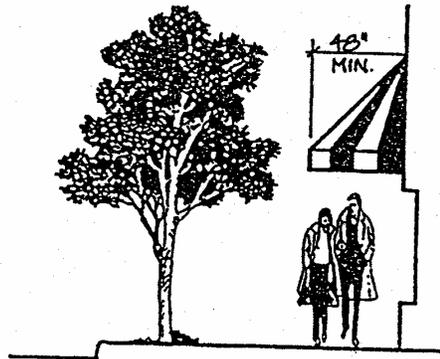
#### 15.38.570 Pedestrian Weather Protection Along Building Facades

Building facades with ground floor retail/commercial or service uses shall be designed to provide for pedestrian weather protection through the use of awnings, canopies, colonnades, marquees, or building overhangs. Pedestrian weather protection structures shall extend along at least the length of the street-facing facade with the ground floor retail/commercial or service use.

- A. Pedestrian weather protection structures shall extend a minimum of four (4) feet out from the building facade. The maximum horizontal projection from the surface of the building shall be eight (8) feet or seventy-five percent (75%) of the distance to the curb face, whichever is less. Pedestrian weather protection structures shall be architecturally integrated with the ground level design of the building to which it is attached.
- B. The minimum height of pedestrian weather protection structures shall be eight (8) feet and six (6) inches above the

sidewalk surface. Maintain a horizontal consistency by aligning the bottom edge of weather protection structures with those on adjacent buildings. Where the grade is sloping, maintain the average height above grade of adjacent weather protection structures.

- C. Building facade landscaping shall not be required under pedestrian weather protection structures along public or private street frontages. Any facade landscaping provided under pedestrian weather protection structures shall be of such width that a minimum four (4) feet of unobstructed walking area remains under the building awning, canopy, overhang, or other weather protection structure.
- D. Building facade landscaping in front of a ground floor retail use shall be designed and maintained to avoid obscuring visibility of street-facing windows or limiting access to building entrances, and shall consist of:
  - 1. Evergreen shrubs spaced no more than four (4) feet apart that do not exceed a height of four (4) feet at maturity;
  - 2. Ground cover; and
  - 3. Seasonal displays of flowering annual bedding plants.



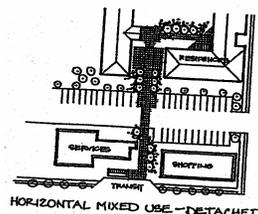
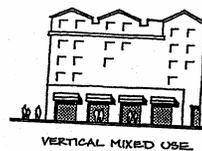
## 15.38.600 Mixed Use Development Standards

Purpose: Incorporate a mixture of different types of uses in one (1) structure or in close proximity to encourage pedestrian circulation, maximize site development potential and create an active environment. Design ground floors to accommodate commercial uses that benefit from a high degree of pedestrian activity while upper floors should be devoted to residential uses. The following regulations shall supersede the mixed use standard in SMC 15.13.107, and shall apply to S. 154th St. Station Area developments proposing land uses specified as being part of a mixed use development in the SMC 15.38.110 through 15.38.160, S. 154th St. Station Area use charts.

## 15.38.610 Definition of Mixed Use

Mixed use refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one (1) of the following ways:

- A. Vertical Mixed Use: A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
- B. Horizontal Mixed Use – Attached: A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
- C. Horizontal Mixed Use – Detached: Two (2) or more structures on one (1) site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.



### **15.38.620 Ground Floor Uses in Mixed Use and/or High Capacity Transit Facility Projects**

(For ground floor use requirements relative to parking structures, see SMC 15.38.945.)

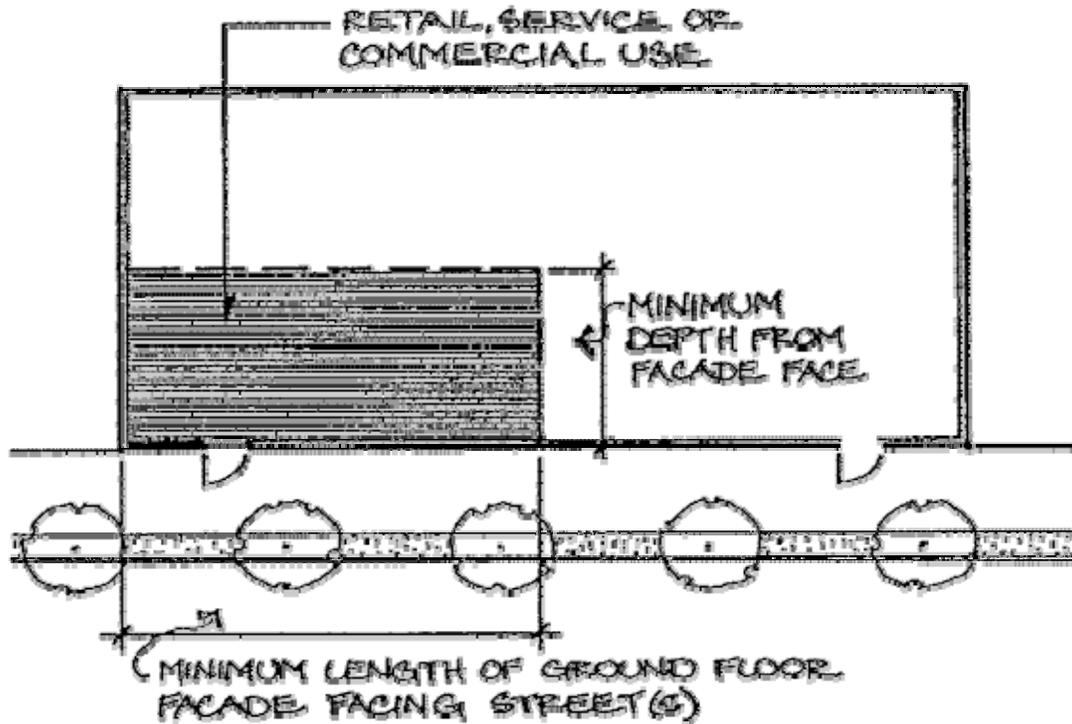
The following shall apply to vertically mixed use buildings, as well as structures in horizontal mixed use projects sited within the maximum front yard setback: (see SMC 15.38.610 for definitions of mixed use types.)

- A. A minimum of fifty percent (50%) of the length of the exterior ground floor facing the street(s), excluding vehicle entrances, exits, and alleys, shall be designed to be occupied by a retail/commercial or service use. The leasable ground floor area shall extend in depth a minimum of thirty (30) feet from the exterior building facade; provided, that the minimum required may be averaged, with no depth less than fifteen (15) feet.

A partial list of permitted retail/commercial or service uses are specified below (for a detailed listing of permitted uses, refer to the S. 154th St. Station Area use charts):

- 1. Retail/Commercial. Retail/commercial uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, hotels/motels, restaurants, and other retail/commercial uses that are not specifically auto-oriented in scale or nature.
  - 2. Services. General offices, such as professional, financial, insurance and real estate services; or personal services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries and health clubs.
- B. The minimum clear interior ceiling height standard for the retail/commercial or service use portion of mixed use buildings shall be a minimum ten (10) feet for all street level building space.
  - C. Pedestrian-level commercial uses in vertical mixed use projects shall be distinguished architecturally from attached residential units and shall utilize separate entrances where feasible.

- D. Ground floor businesses shall provide business identity signs that fit with the architectural character of the site and shall conform to all other applicable sign requirements identified in the SeaTac Municipal Code.



### 15.38.700 Multi-Family Development Standards

Purpose: Design multiple-family units that are of high quality, good architectural design, are compatible with adjacent development, especially single-family neighborhoods, and that provide linked open space. Townhouse units should be well-designed and architecturally appealing.

- A. Multi-family development within the S. 154th St. Station Area shall meet the requirements of Chapter 15.19 SMC. Additionally, the following sections of the S. 154th St. Station Area standards shall apply to projects as stated below:
1. The following standards shall apply to all multi-family projects in the S. 154th St. Station Area: SMC 15.38.200 through 15.38.220; 15.38.300 through 15.38.335; 15.38.800 through 15.38.850.

2. The following standards shall apply only to ground floor commercial in mixed use residential projects: SMC 15.38.510 and 15.38.520; 15.38.570; 15.38.600 through 15.38.620.

## **15.38.800**

### **Parking Standards**

Purpose: Minimize parking as a dominant land use. Parking should be screened through its placement behind structures and via landscaping.

#### **15.38.805 Maximum Parking Standards**

The following maximum parking standards shall be in addition to the minimum parking standards established under Chapter 15.15 SMC. In cases where the minimum parking standards established under Chapter 15.15 SMC are greater than the maximum spaces allowed in this section, then the parking standard of SMC 15.38.810 shall supersede and also serve as the minimum number of parking spaces required. (Ord. 99-1050 § 8)

### 15.38.810 Maximum Parking Requirements

| LAND USE  | MAXIMUM SPACES ALLOWED*                                |
|---|--|
| Residential Uses                                    |  |
| Single Attached Dwelling/Duplex/Townhouse           | 2 per dwelling unit                                    |
| Multi-Family Housing                                | 1 per bedroom, up to 2 per dwelling unit maximum**     |
| Senior Housing                                      | 1 per unit**   |
| Boarding House/Bed and Breakfast                    | 1 per bedroom, plus 2 for residents                    |
| Transitional Housing                                | 1 per 2 bedrooms**                                     |
| Convalescent/Community Residential Facility         | 1 per bed**  |
| Rest/Convalescent Center/Nursing Home (24 hr. care) | 1 per 3 beds***  |
| College Dormitory                                   | 1 per bedroom unit                                     |
| Residential Congregate Care                         | 0.35 per bedroom                                       |
| Recreational/Cultural Uses                          |  |
| Conference/Convention Center                        | 5 per 1,000 SF of building area                        |
| Library/Museum/Cultural Facility                    | 4 per 1,000 SF of building area                        |
| Community Center/Recreation Center                  | 4 per 1,000 SF of building area                        |
| Sports/Fitness/Health Club                          | 4 per 1,000 SF of building area                        |
| Theater   | 0.75 per fixed seat, plus 1 per employee               |
| General, Educational and Health Services Uses       |  |
| General Service Uses                                | 4 per 1,000 SF of building area                        |
| Educational Uses                                    | 1 per employee, plus 1 per 2 students                  |
| Health Services Uses                                | 4 per 1,000 SF of building area                        |
| Government/Office, Business Uses                    |  |
| Business Service/Office Uses                        | 3* per 1,000 SF of building area                       |
| Retail/Commercial Uses                              |  |
| Hotel/Motel and Associated Uses                     | 1 per bedroom, plus the following for associated uses: |
| with restaurant/lounge/bar                          | 4 per 1,000 SF of building area                        |
| with banquet/meeting room                           | 5 per 1,000 SF of gross building area                  |
| Retail Uses   | 4 per 1,000 SF of leasable space                       |
| Manufacturing Uses                                  | 1 per employee, plus 2 per 1,000 SF of building area   |
|   |  |

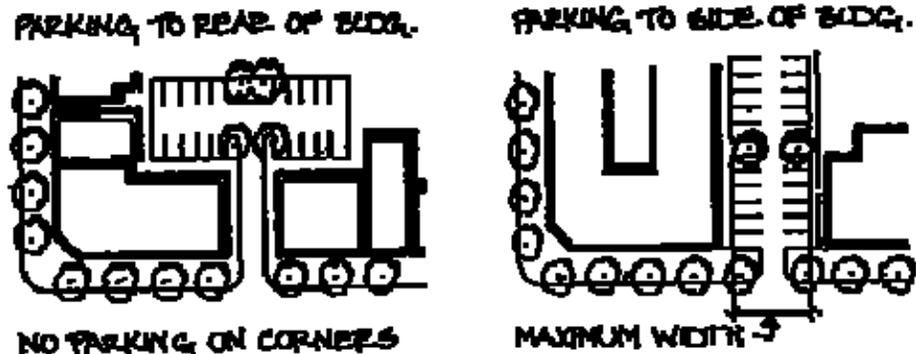
\* Where calculations result in fractions of parking spaces, the maximum number of parking stalls shall be determined by rounding up to the next whole number.

\*\* Unless modified by a parking plan demonstrating an increased need to serve residents.

## 15.38.820 Surface Parking

### A. Location of Surface Parking Lots.

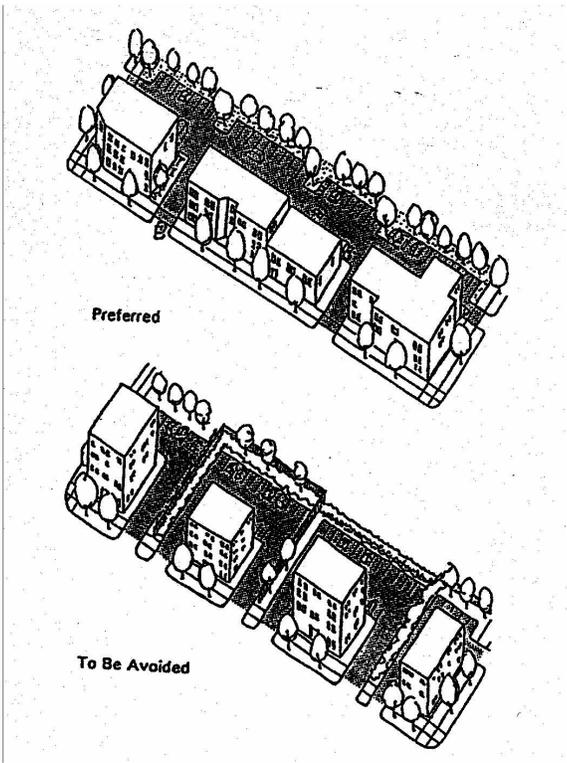
1. No parking shall be located between the building and the front property line, other than a driveway for passenger loading and off-loading only in conformance with SMC 15.38.340 and approved by the Director of Planning and Community Development. Surface parking shall be located behind a building or to the side of a building.
2. Parking located next to a building and within forty (40) feet of the front property line shall not occupy more than the width of two (2) lengthwise parking stalls and one (1) travel lane, or sixty-two (62) feet, whichever is less.
3. On corner lots, no parking shall be located between the building and either of the two (2) front property lines. If a parcel abuts more than two (2) public or private streets, no parking shall be located between the building and the front property line abutting the two (2) public and/or private streets with the highest classification.



## 15.38.830 Encouraging the Joint Use of Driveways and Parking Areas

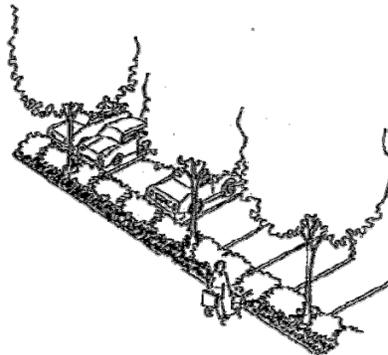
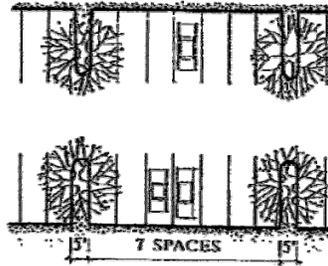
- A. The joint use of driveways and parking areas shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the building facilities and/or properties to qualify as a joint use parking facility. As an incentive, the City will consider an overall reduction in the parking ratio of up to fifty percent (50%) of the minimum required for primary nighttime uses such as theaters, bowling alleys, and restaurants when coordinated with a parking supply serving primarily daytime uses such as banks, offices, and retail stores.

B. Automobile access shall be consolidated with no more than one (1) driveway per one hundred fifty (150) linear feet of street frontage.



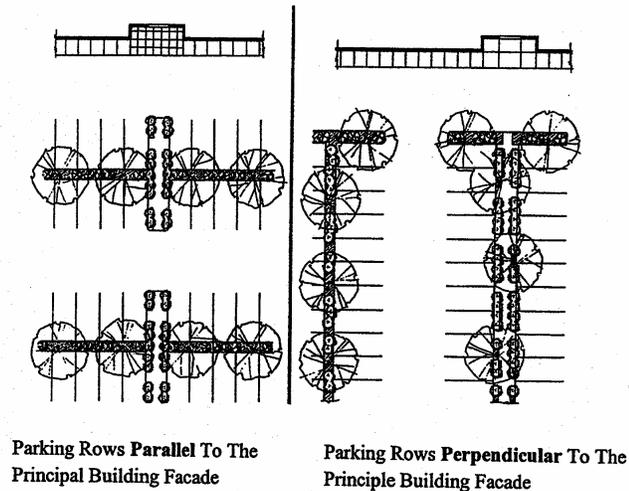
### 15.38.840 Surface Parking Lot Landscaping and Treatment of Perimeter

- A. At least ten percent (10%) of the interior surface parking area shall have landscaping when the total number exceeds twenty (20) parking stalls, including a minimum of one (1) tree for every seven (7) parking stalls to be distributed between rows and/or stalls throughout the parking lot.
- B. Surface parking shall be visually screened from public and/or private streets by means of building placement and/or landscaping. The perimeter of a parking lot shall be planted with five (5) feet of Type III landscaping, or if site layout requires, a maximum four (4) foot high fence and sufficient landscaping to filter views. Any abutting landscaped areas can be credited toward meeting this standard.
- C. The required width dimension for interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Except as noted in this subsection, trees and required landscaping shall be placed in planting beds at least five (5) feet wide between parking rows and/or stalls within the interior of the parking lot.



### 15.38.850 Pedestrian Circulation Through Parking Lots

- A. Surface parking lots containing one hundred (100) parking spaces or more shall provide pedestrian walkways through the parking field. Pedestrian walkways shall be raised, and shall be a minimum of eight (8) feet wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to nonstreetfront building entrances or existing pedestrian ways.
  - 1. For parking rows perpendicular to the principal building facade, pedestrian ways shall be located between two (2) rows of parking spaces at a minimum of one (1) pedestrian way every two hundred (200) feet.
  - 2. For parking rows parallel to the principle building facade, pedestrian ways shall be incorporated adjacent to a series of aligned landscape islands at a minimum of one (1) walkway every twenty-one (21) parking spaces.
- B. Clearly distinguish the pedestrian way network from car or transit circulation. This is particularly important in areas where these various travel modes intersect, such as at driveway entrances and in parking lots.
  - 1. Where sidewalks or walkways cross vehicular driveways, provide a continuous raised crossing, or distinguish the crossing from the driveway surface by marking with a contrasting paving material.



## 15.38.900

### Parking Structures

Purpose: Design parking structures to blend in with adjacent development. Emphasize design features that minimize the obtrusiveness of the parking use and encourage architectural compatibility with adjacent development. (Ord. 99-1050 § 8)

#### 15.38.905 General

Parking structures shall comply with the following minimum requirements:

- A. Only one (1) parking structure shall be allowed per development site. (Also see SMC 15.10.175.03.)
- C. Parking structures providing off-street parking for retail/commercial, service, or residential use(s) shall clearly reserve and designate all required off-street parking spaces for those use(s)
- E. Design features for parking structures shall comply with the requirements of SMC 15.38.100 and 15.38.900 through 15.38.945. (Ord. 05-1002 § 5)

#### 15.38.910 Parking Structure Design

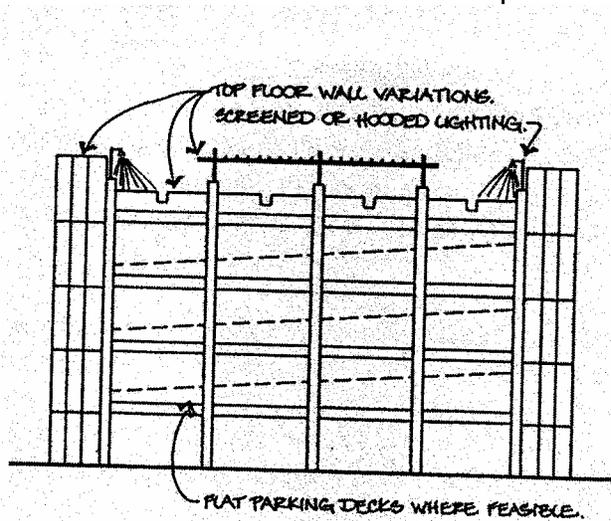
The following parking structure design standards shall be in addition to or, in some cases, supersede applicable design standards in other sections in this chapter.

- A. Parking structure facades shall have the appearance of an office building or hotel use.



Proposed design features shall be approved by the Director of Planning and Community Development.

- B. Parking decks should be flat where feasible. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.
- C. External elevator towers and stair wells shall be open to public view, or enclosed with transparent glazing.
- D. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.
- E. Parking structure top floor wall designs must conform to one (1) or more of the following options:
  - 1. Top Floor Wall with Architectural Focal Point. A top floor wall focal point refers to a prominent wall edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.
  - 2. Top Floor Wall Line Variation.
    - a. Projecting Cornice: Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
    - b. Articulated Parapet: Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.



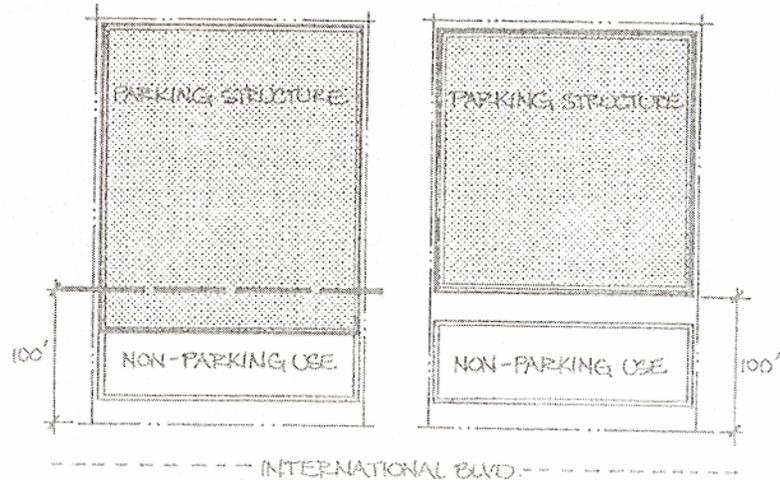
## **15.38.915 Parking Structure Placement and/or Setbacks**

**A. Parking Structures on Properties Adjacent to public streets:** Except as otherwise specified below, the provisions of this subsection shall supersede the setback standards specified in SMC 15.38.310. No parking structures shall be located within one hundred (100) feet of the International Boulevard ROW, except as specified below:

1. Parking structures located behind or adjacent to additional nonparking buildings facing public streets may be located in a manner that meets developer needs, within the setback requirements (SMC 15.38.310) and other applicable building codes, except that portions of parking garages exceeding the height of fronting buildings shall meet the one hundred (100) foot requirement specified above.
2. Parking structures may be integrated into buildings built within the maximum setback (SMC 15.38.310); provided, that a retail/commercial, service, office, or residential use, or a combination of these uses, comprises the building's face for its full height on International Boulevard.
3. The entire space within the one hundred (100) foot setback area may be developed as a public plaza to a level of design accepted by the Director of Planning and Community Development.

For corner lots on public streets, the parking structure must be faced with other uses as specified in subsection (A)(2) of this section on all sides adjacent to public and/or private streets for a distance of one hundred (100) feet from International Boulevard.

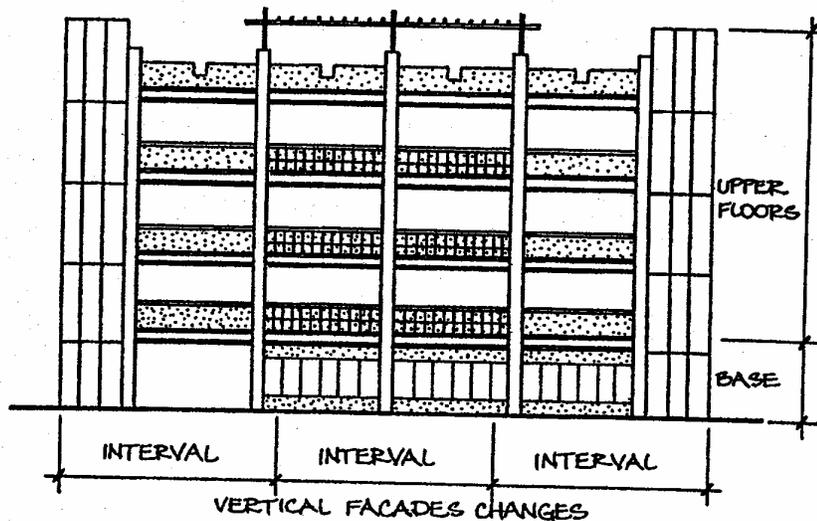
**B. Parking Structures on Properties Adjacent to All Other S. 154th St. Station Area Public and/or Private Streets.** Parking structures shall be located within the maximum front yard setback, as specified in SMC 15.38.310, or built to the side or rear of the subject property when located behind or to the side of additional buildings on-site.



### 15.38.920 Parking Structure Character and Massing

Parking structure elevations over one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variation in setback, material or fenestration design along the length of the applicable facade, in at least one (1) or more of the following ways:

- A. Vertical Facade Changes. Incorporate intervals of architectural variation at least every eighty (80) feet over the length of the applicable facade, such as:
  1. Varying the arrangement, proportioning and/or design of garage floor openings;
  2. Incorporating changes in architectural materials;
  3. Projecting forward or recessing back portions or elements of the parking structure facade;
- B. Horizontal Facade Changes. Designed to differentiate the ground floor from upper floors, such as:
  1. Stepping back the upper floors from the ground floor parking structure facade;
  2. Changing materials between the parking structure base and upper floors; and/or
  3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.



### 15.38.930 Minimizing Views Into the Parking Structure Interior

Facades of parking structures facing a public street or pedestrian way as defined by SMC 15.38.220 shall be designed without continuous horizontal parking floor openings.

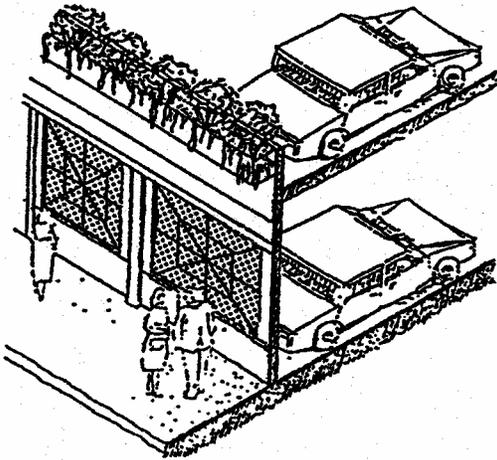
A. For portions of parking structures without a ground floor retail/commercial use, the following building facade landscaping is required:

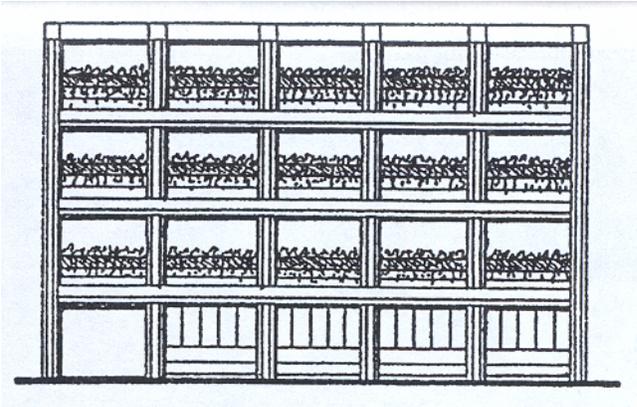
1. Five (5) foot wide facade landscape strip consisting of:
  - a. A mix of evergreen shrub groupings spaced no more than four (4) feet apart that do not exceed a height of six (6) feet at maturity;
  - b. Ground cover; and
  - c. Seasonal displays of flowering annual bedding plants.

B. Any portion of a parking structure ground floor with exposed parking areas adjacent to a public or private street shall minimize views into the parking structure interior through one (1) or more of the following methods which are in addition to the above facade landscaping strip:

1. Decorative trellis work and/or screening as architectural elements on the parking structure facade, without compromising the open parking structure requirements of the Building Code; and/or

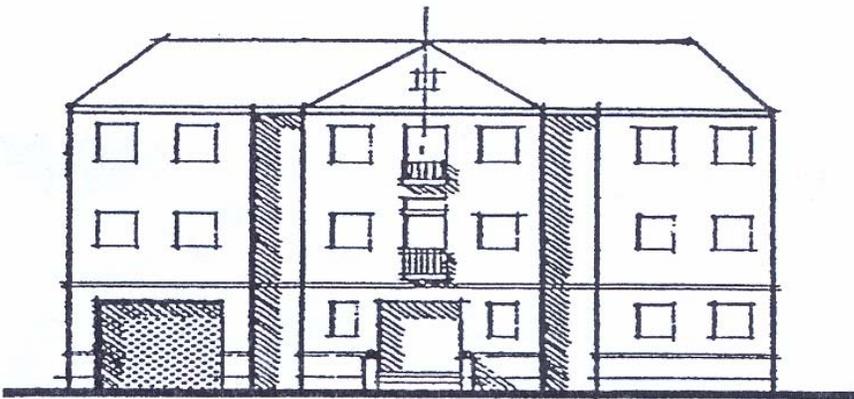
2. Glass window display cases incorporated into ground floor walls built between two (2) structural pillars. Glass window display cases shall be at least two (2) feet deep, begin twelve (12) to thirty (30) inches above the finished grade of the sidewalk, and cover at least sixty percent (60%) of the area between two (2) pillars.
- C. Upon conversion of portions of a parking structure ground floor to a retail/commercial use, the Director of Planning and Community Development may approve the removal of initially installed ground floor screening material in order to allow maximum visibility and access to the converted portions of the parking structure ground floor.
- D. In addition to the above, minimize views into the upper floors of parking structures through one (1) or more of the following methods:
1. The use of planters integrated into the upper floors of parking structure facade design;
  2. Decorative trellis work and/or screening as architectural elements on the parking structure upper floor facades; and/or
  3. Upper parking floors designed as a pattern of window-like openings on the parking structure facade.

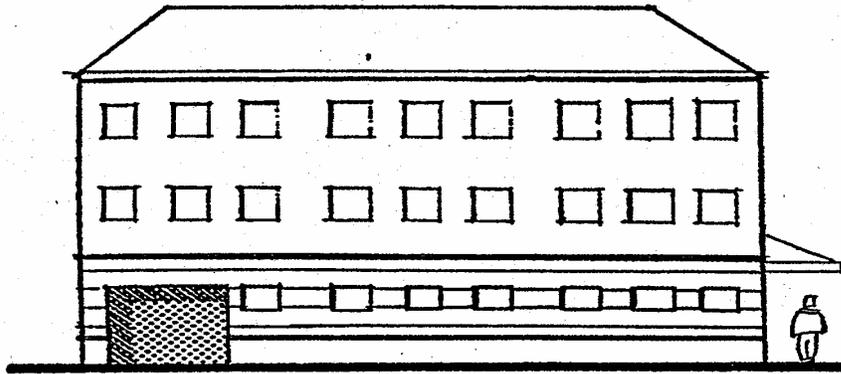




### 15.38.940 Parking Floors Located Under or Within Buildings

- A. Parking located under or within buildings shall subordinate the garage entrance to the pedestrian entrance in terms of prominence on the street, location and design emphasis.
- B. Parking at grade under a building shall be completely enclosed within the building or wholly screened through any combination of walls, decorative grilles, or trellis work with landscaping.

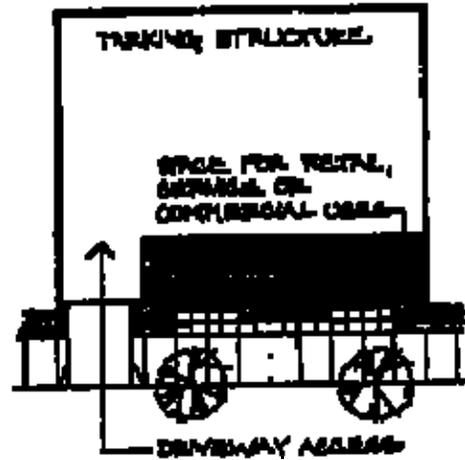
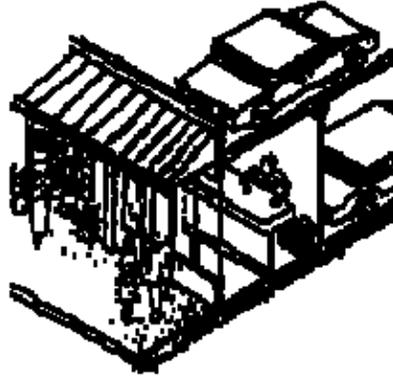




### 15.38.945 Ground Floor Uses in Parking Structures

- A. Parking structures shall be designed so that a minimum of fifty percent (50%) of the length of the exterior ground floor facade(s) with existing or projected adjacent foot traffic, excluding vehicle entrances and exits, provides ground floor area either built out as, or convertible to, retail/commercial or service uses. The applicable ground floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade; provided, that the minimum required may be averaged, with no depth less than fifteen (15) feet.
1. The minimum clear interior ceiling height standard for the retail/commercial or service use portion of parking structures shall be ten (10) feet for all street level building space.
  2. Parking structure ground floors shall include fire suppressing sprinkler systems at the time of construction.
- B. At the time of construction, a minimum of four hundred (400) square feet of leasable retail/commercial or service space shall be constructed and made available for occupancy. The remainder of the area necessary to fulfill the minimum retail/commercial or service use requirement specified in subsection (A) of this section, but not included at the time of construction, shall employ window display cases, as specified in SMC 15.38.930(B)(2) to meet the transparency requirements of SMC 15.38.510.
- C. Parking structures with ground floor retail/commercial or service uses will be granted an additional parking allowance as follows:

1. The number of parking spaces displaced by the portion of the parking structure ground floor designed for retail/commercial or service uses may be added to the maximum number of allowed parking spaces established for on-site land uses.



#### 15.38.947 Parking Structure Lighting

Lighting of parking structures shall be provided pursuant to Chapter 17.28 SMC, Parking Structures.

**SECTION 2. Findings of Fact.** The City Council hereby finds and adopts the following findings of fact in support of the interim development regulations adopted in Section 1 of this Ordinance:

- (a) Sound Transit is currently constructing a light rail transit station at the intersection of South 154<sup>th</sup> St. and International Boulevard in the City of Tukwila, known as the Tukwila International Boulevard Station.
- (b) The Tukwila International Boulevard Station is located adjacent to a commercial area in the City of SeaTac, and is within ¼ mile of the area that has been identified by the City of SeaTac as the South 154<sup>th</sup> Street Station Area.
- (c) The South 154<sup>th</sup> Street Station Area is located within the City of SeaTac Urban Center.

- (d) The SeaTac Comprehensive Plan encourages most of the City's commercial and residential growth to occur within the Urban Center's boundaries (Policy 1.1B).
- (e) The SeaTac Comprehensive Plan supports the provision of a network of connected local streets in Station Areas (the Comprehensive Plan uses the term "High Capacity Transit districts") to facilitate pedestrian circulation and transit accessibility (Policy 1.1F).
- (f) It is a widely accepted principle that the area within ¼ mile of a light rail transit station is considered to be a "Transit Oriented Development" district, where proximity to a light rail transit station generates new development and redevelopment of nearby properties that provide economic benefits to these areas and to the City, and include pedestrian orientation, and human scale amenities.
- (g) The City of SeaTac is in the process of developing a future land use plan ("Station Area Plan") for the South 154<sup>th</sup> Street Station Area, which is expected to be completed and ready for Council Action in November, 2006.
- (h) The South 154<sup>th</sup> Street Station Area Plan will include development regulations to encourage Transit Oriented Development.
- (i) The SeaTac Municipal Code development regulations currently applicable to commercial and multi-family residential development in the South 154<sup>th</sup> Street Station Area do not encourage Transit Oriented Development.
- (j) Final development regulations are being prepared for the South 154<sup>th</sup> Street Station Area that are designed to encourage and result in Transit Oriented Development.
- (k) The adoption of interim development regulations for the South 154<sup>th</sup> Street Station Area will allow the moratorium established by Resolution No. 06-005 to be lifted, while ensuring that potential development proposals for properties in the South 154<sup>th</sup> Street Station Area will be consistent with a transit oriented development concept for the South 154<sup>th</sup> Street Station Area.
- (l) The adoption of interim development regulations is appropriate because it benefits the public health, safety and welfare of the City and its Citizens.

**SECTION 3.** The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Washington Office of Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW 36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

**SECTION 4.** The moratorium enacted by Resolution 06-005 is hereby lifted upon the effective date of this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after passage, approval, and publication in accordance with law.

**ADOPTED** this 11th day of July, 2006, and signed in authentication thereof on this 11th day of July, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

G:\group\ALL\Station Area Planning\2005 - Station Area Planning\Developmnt Regulations\Interim Standards\City Council\Ordinance Interim Standards 4A.doc

**ORDINANCE NO. 06-1020**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating portions of South 172nd Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of Rights-of-Way.

**WHEREAS**, Gateway Development LLC has requested vacation of portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way depicted in the legal description attached as Exhibits “A”, “B”, “C”, and “D”; and

**WHEREAS**, SMC 11.05.090 adopts the street vacation procedures of RCW 35.79; and

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 06-014 fixing the public hearing for July 11, 2006, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said right-of-way exists, and the owner has reason to convert this portion of the right-of-way to its development purposes; and

**WHEREAS**, no objections to vacation were filed prior to the hearing, and the Council finds that no person has demonstrated special injury due to substantial impairment of access to such person’s property; and

**WHEREAS**, the Council finds that vacation of portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way, as legally described on Exhibits “A”, “B”, “C”, and “D” to this Ordinance, is in the public interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Vacation of Rights-of-Way. The portions of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South of rights-of-way, as legally described on Exhibits “A”, “B”, “C” and “D” to this Ordinance, within the City of SeaTac, is hereby vacated, subject to Sections 2 and 3 of this Ordinance.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, utility easements located within the said portions of the rights-of-way of South 172<sup>nd</sup> Street, 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South are reserved until released by the Grantees thereof.

Section 3. Compensation Required. Gateway Development LLC, which is the sole landowner of property abutting the aforesaid right-of-way, shall compensate the City of SeaTac in an amount equal to the full appraised value of the total area so vacated, less one-half the value of the areas encumbered by utility easements, pursuant to law, together with a processing fee in the sum of \$250.00, which has been determined to be the total sum of \$1,330,250.00, plus the cost of recording the easements described in Section 2 of this Ordinance.

Section 4. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof, together with the easements described in Section 2 of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon 1) the City's receipt of the easements described in Section 2 of this Ordinance and 2) the City's receipt of the compensation required by Section 3 of this Ordinance. In no event shall this Ordinance be effective sooner than thirty (30) days after passage.

**ADOPTED** this 31st day of July, 2006, and signed in authentication thereof on this 31st day of July, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_ ]

S. 172<sup>nd</sup> Street Vacation

**ORDINANCE NO. 06-1021**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to employment and employees, adopting a cost of living allowance, and amending the Classification and Compensation Plan for non-represented employees.

**WHEREAS**, Chapter 2.65 of the SeaTac Municipal Code provides for a Classification and Compensation Plan for City employees, and for annual review and re-adoption thereof; and

**WHEREAS**, review and adoption of the Plan is intended to ensure that City salaries are competitive with those offered by other public and private employers and to avoid loss of purchasing power resulting from inflation or increased costs of living; and

**WHEREAS**, the City Council has, since 1993, expressed and followed its intent to provide cost of living increases for non-represented employees of the City by tying the same to the cost of living allowance granted annually to the employees of the City represented by the Washington State Council of County and City Employees, American Federation of State, County and Municipal Employees (AFSCME), Local 3830; and

**WHEREAS**, a new collective bargaining agreement provides a cost of living allowance for the year 2006 to the said represented employees; and

**WHEREAS**, in order to address the need for a reasonable and fair compensation to non-represented City employees, and in accordance with long established policy, it is appropriate that the same cost of living allowance be granted to non-represented employees of the City, and that modification of the Classification and Compensation Plan be made accordingly;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The salary ranges within the Classification and Compensation Plan for the various positions of the non-represented employees of the City shall be increased by the amount of 2.07 percent over current levels as a cost of living allowance equal to 90% of the CPI-W for Seattle-Tacoma-Bremerton (June to June index), to be retroactive to January 1, 2006. In addition, the salary ranges within the Classification and Compensation Plan for the various positions of the non-represented employees of the City shall be increased by the amount of 1.0 percent effective July 1, 2006.

Section 2. The vacation schedule shall be changed to provide twenty-three (23) days of vacation beginning with the employee's sixteenth year of employment with the City of SeaTac.

Section 3. All non-represented employees shall contribute the following amount to the cost of the AWC Plan B medical insurance premiums effective July 1, 2006. The City shall pay up to the dollar amount paid for the cost of AWC Plan B for employees who choose the Group Health Medical Plan.

| <b>Coverage</b>           | <b>July 1, 2006</b>          |
|---------------------------|------------------------------|
|                           | <b>Medical Premium (mo.)</b> |
| Employee Only             | \$35                         |
| Employee & Spouse         | \$78                         |
| E, S + 1 Dependent        | \$98                         |
| E, S + 2 or > Dependents  | \$116                        |
| Employee and 1 Dependent  | \$55                         |
| Employee and 2 Dependents | \$72                         |

Section 4. The following salary grade changes shall be effective July 1, 2006:

| <b>Position Title</b>         | <b>Current Range</b> | <b>New Range</b> |
|-------------------------------|----------------------|------------------|
| Legal Secretary               | 43                   | 44               |
| Fire Dept. Admin. Assistant   | 43                   | 44               |
| Human Resources Technician    | 43                   | 44               |
| Risk and Benefits Coordinator | 45                   | 48               |

Section 5. The provisions of the Classification and Compensation Plan, as previously amended, shall remain in full force and effect except as inconsistent herewith.

Section 6. This Ordinance shall not be codified within the SeaTac Municipal Code.

Section 7. This Ordinance shall be in full force and effect five (5) days after passage and publication.

**ADOPTED** this 25<sup>th</sup> day of July, 2006, and signed in authentication thereof on this 25<sup>th</sup> day of July, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

]

**ORDINANCE NO. 06 - 1022**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to employment and employees, adopting a cost of living allowance, and amending the Classification and Compensation Plan for non-represented employees.

**WHEREAS**, Chapter 2.65 of the SeaTac Municipal Code provides for a Classification and Compensation Plan for City employees, and for annual review and re-adoption thereof; and

**WHEREAS**, review and adoption of the Plan is intended to ensure that City salaries are competitive with those offered by other public and private employers and to avoid loss of purchasing power resulting from inflation or increased costs of living; and

**WHEREAS**, the City Council has, since 1993, expressed and followed its intent to provide cost of living increases for non-represented employees of the City by tying the same to the cost of living allowance granted annually to the employees of the City represented by the Washington State Council of County and City Employees (WSCCCE), American Federation of State, County and Municipal Employees (AFSCME), Local 3830; and

**WHEREAS**, a current collective bargaining agreement provides a cost of living allowance for the year 2007 to the said represented employees; and

**WHEREAS**, in order to address the need for a reasonable and fair compensation to non-represented City employees, and in accordance with long established policy, it is appropriate that the same cost of living allowance be granted to non-represented employees of the City, and that modification of the Classification and Compensation Plan be made accordingly;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The salary ranges within the Classification and Compensation Plan for the various positions of the non-represented employees of the City shall be increased by the amount of 4.37 percent over current levels as a cost of living allowance equal to 95% of the CPI-W for Seattle-Tacoma-Bremerton (June to June index), to be effective as of January 1, 2007.

Section 2. The provisions of the Classification and Compensation Plan, as previously amended, shall remain in full force and effect except as inconsistent herewith.

Section 3. Effective for medical premiums paid beginning January 2007, non-represented employees shall pay a portion of the medical insurance premium for the Association of Washington Cities (AWC) Medical Plan B according to the following table. The City shall pay the balance of the premium.

| Coverage                  | January 1, 2007       |
|---------------------------|-----------------------|
|                           | Medical Premium (mo.) |
| Employee Only             | \$38                  |
| Employee & Spouse         | \$84                  |
| E, S + 1 Dependent        | \$106                 |
| E, S + 2 or > Dependents  | \$125                 |
| Employee and 1 Dependent  | \$59                  |
| Employee and 2 Dependents | \$78                  |

For employees who choose the Group Health medical plan, the City shall pay up to the dollar amount paid for employees and their dependents on the AWC Medical Plan B.

Section 4. This Ordinance shall not be codified within the SeaTac Municipal Code.

Section 5. This Ordinance shall be in full force and effect five (5) days after passage and publication.

**ADOPTED** this 10th day of October, 2006, and signed in authentication thereof on this 10th day of October, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante-Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

**Ordinance #06-1023  
Fireworks Control Ordinance  
was rejected  
October 10, 2006**

**ORDINANCE NO. 06-1024**

AN ORDINANCE of the City Council of the City of SeaTac, Washington approving the final plat for the development commonly known as Traditions at Angle Lake.

**WHEREAS**, the City received an application for preliminary approval of a proposed subdivision within the City, to be known as "Traditions at Angle Lake", which was assigned File No. SUB04-00009; and

**WHEREAS**, the preliminary plat was reviewed by the Planning Department and by the City's Hearing Examiner at a public hearing conducted on April 21, 2005, where adjacent property owners and other persons interested in the development were heard, and after which the Hearing Examiner issued his findings of fact, conclusions and recommendations, dated May 10, 2005; and

**WHEREAS**, the owner/developer, Todd McKittrick, has now requested final plat approval; and

**WHEREAS**, the City Council considered the request for final plat approval at its meeting on November 14, 2006; and

**WHEREAS**, the proposed final plat of Traditions at Angle Lake is beneficial to the public health, safety and general welfare, and the public use and interest will be served by the platting of the subject subdivision; and

**WHEREAS**, the Council finds as a fact that the proposed subdivision is in conformity with the City Comprehensive Plan and all applicable development regulations and other land use controls; and

**WHEREAS**, the proposed final plat of Traditions at Angle Lake has satisfied all of the conditions for approval of the final plat;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** The final plat of the Traditions at Angle Lake subdivision is hereby approved.

**Section 2.** The City Manager, or designee, is hereby authorized to sign the final plat, indicating the approval of the City Council, and the plat shall be recorded pursuant to law.

**Section 3.** This Ordinance shall not be codified.

**Section 4.** This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 14<sup>th</sup> day of November, 2006 and signed in authentication thereof on this 14<sup>th</sup> day of November, 2006.

CITY OF SEATAC

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante Bartolo, City Attorney

Effective Date: 11/25/06

[Traditions Final Plat Approval]

**ORDINANCE NO. 06-1025**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to automated traffic safety cameras; authorizing use of these cameras to detect stoplight infractions and school speed zone violations at intersections where two-arterials intersect and school speed zones; adopting the standards and restrictions regarding use of traffic safety cameras enacted by the Washington State Legislature during the 2005 regular session and codified under RCW 46.63.170; setting the monetary penalty for such infractions detected by an automated traffic safety camera; and creating a new Chapter 9.35 of the SeaTac Municipal Code.

**WHEREAS**, in 2005, the State Legislature passed a law authorizing local jurisdictions to use automated traffic safety cameras subject to restrictions specified in that legislation; and

**WHEREAS**, the City Council of the City of SeaTac, Washington, recognizes the value of implementing an automated traffic enforcement program in furtherance of its goals in creating a safe environment for its citizenry; and

**WHEREAS**, the City Council of the City of SeaTac has adopted ordinances regulating traffic infractions within the City, codified within Title 9 of the SeaTac Municipal Code; and

**WHEREAS**, the State Legislature has passed a law authorizing local jurisdictions to use automated traffic safety cameras subject to restrictions specified in that legislation;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** The use of automated traffic safety cameras to detect a violation of Chapter 9.35 of the SeaTac Municipal Code is authorized at intersections where two-arterial roadways intersect, subject to the restrictions specified in state law (RCW 46.63.170).

**Section 2.** The use of automated traffic safety cameras to detect a violation of Chapter 9.35 of the SeaTac Municipal Code is authorized in school speed zones, subject to the restrictions specified in state law (RCW 46.63.170).

**Section 3.** That a new Chapter 9.35 is added to the SeaTac Municipal Code and shall read as follows:

### **Chapter 9.35**

#### **Automated Traffic Enforcement**

Sections:

|          |  |
|----------|--|
| 9.35.010 | Authorized use of automated traffic safety cameras |
| 9.35.020 | Notice of infraction                               |
| 9.35.030 | Response to notice of infraction                   |
| 9.35.040 | Infractions processed                              |
| 9.35.050 | Fines  |
| 9.35.060 | Non-exclusive enforcement                          |

#### **9.35.010 Authorized use of automated traffic safety cameras.**

A. Law enforcement officers of the City of SeaTac and persons commissioned by the SeaTac Police Department are authorized to use automated traffic cameras and related automated systems to detect the following: (1) stoplight violations; and (2) school speed zone violations.

B. The use of automated traffic safety cameras is subject to the following restrictions:

1. The use of automated traffic safety cameras is restricted to two-arterial intersections and school speed zones only.

2. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while a violation is occurring. The picture must not reveal the face of the driver or of the passengers in the vehicle.

3. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

4. Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this Chapter are for the exclusive use of law enforcement in the discharge of duties under this Chapter and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this Chapter. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this Chapter nor retained longer than necessary to enforce this Chapter.

5. For the purposes of this Chapter, “automated traffic safety camera” means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device.

**9.35.020 Notice of infraction.**

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within fourteen (14) days of the violation, or to the renter of a vehicle within fourteen (14) days of establishing the renter’s name and address under this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this Chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

B. The registered owner of a vehicle is responsible for such an infraction unless the registered owner overcomes the presumption in this Section. If appropriate under the circumstances, a renter identified under subsection E of this Section is responsible for such an infraction.

C. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera system, proof that the particular vehicle described in the notice of traffic infraction was in violation of this Section, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

D. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

E. If the registered owner of the vehicle is a rental car business, the peace officer shall, before such a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen (18) days of receiving the written notice, provide to the peace officer by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or

3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the peace officer relieves a rental car business of any liability under this Chapter for the notice of infraction.

**9.35.030 Response to notice of infraction.**

A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to such notice by mail. Such person must still respond in accordance with state law, including but not limited to RCW 46.63.070.

**9.35.040 Infractions processed.**

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this Chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

**9.35.050 Fines.**

The fine for infractions committed pursuant to the provisions of this Chapter shall be a base monetary penalty of \$101.

**9.35.060 Non-exclusive enforcement.**

Nothing in this Section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

**Section 4.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

**Section 5.** This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of November, 2006, and signed in authentication thereof on this 14th day of November, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante Bartolo, City Attorney

[Effective Date: 11/25/06]

[Automated Traffic Safety Cameras]

**ORDINANCE NO. 06-1026**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to employee benefits and increasing the monthly contribution to the City's VEBA medical, dental and vision expense plan, in lieu of certain health insurance coverage, for Council members and eligible participating employees.

**WHEREAS**, by Resolution No. 96-001, the City Council authorized the City Manager to implement a Voluntary Employee Beneficiary Association (VEBA) medical, dental and vision expense plan as an optional benefit; and

**WHEREAS**, the VEBA Plan offered is currently administrated by REHN & Associates, Inc., formally entitled the "Voluntary Employees' Beneficiary Association for Public Service Employers in the Northwest", but also referred to as the "HRA VEBA", and

**WHEREAS**, this benefit was made available to all Council members in lieu of the AWC Plan B medical insurance coverage and dental and vision coverage; and

**WHEREAS**, the benefit was also made available to all employees able to terminate City-provided medical insurance (but not dental and vision coverage) by reason of such employees maintaining a policy of medical insurance in addition to that provided by the City; and

**WHEREAS**, the plan diverts all or a portion of the insurance premium which the City would otherwise pay for applicable health insurance to the VEBA Health Reimbursement Arrangement Plan on behalf of each Councilmember and participating employee; and

**WHEREAS**, based solely upon representations of VEBA Service Group, LLC the City contribution to the VEBA Plan is payroll deductible on a tax-free basis and money in each account can be used by Council members and participating employees to pay out-of-pocket

medical, dental, and vision expenses which qualify pursuant to Internal Revenue Service Publication 502; and

**WHEREAS**, all Council members currently participate in the HRA VEBA; and

**WHEREAS**, the City contribution on behalf of each participant is currently a flat monthly sum of \$693.00, which was equivalent to the premium for AWC Plan B medical coverage for an employee and spouse in 2006 and, for Council members only, an additional monthly sum of \$174.00, which was then equivalent to the full family premium for dental and vision coverage; and

**WHEREAS**, the Council deems it appropriate to increase the City contribution on behalf of each participant to the flat monthly sum of \$732.00, which is equivalent to the 2007 premium for AWC Plan B (management employees) medical coverage for an employee and spouse, and for Council members only, to contribute an additional monthly sum of \$178.00, which is equivalent to the 2007 full family premium for dental and vision coverage; and

**WHEREAS**, because the City contribution is in lieu of health insurance and is not a direct insurance benefit, the same constitutes compensation to Council members which cannot be increased during an existing term of office pursuant to Article XI, Section 8 of the Washington State Constitution and RCW 35A.13.040;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The City shall contribute the sum of \$732.00 per month to the HRA VEBA Trust Plan on behalf of each eligible and participating employee in lieu of medical insurance coverage but not in lieu of dental and vision coverage, commencing with the first pay period of January 2007.

Section 2. The City shall contribute the sum of \$910.00 per month to the HRA VEBA Plan on behalf of each Councilmember in lieu of medical, dental, and vision insurance coverage.

Section 3. Because the monthly contribution provided by Section 2, above, constitutes an increase in Councilmember's compensation, the increase shall become effective as to each Councilmember upon his or her election or re-election to a Council position at the next election following the effective date of this Ordinance.

Section 4. On a biennial basis, every two years following the year of the effective date of this Ordinance, and during the annual budget process, a review of any changes in the premiums paid by the City for employee medical, dental, and vision insurance coverage shall be conducted for the purpose of adjusting the VEBA Trust contributions by a similar amount to ensure parity.

Section 5. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 6. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of November, 2006, and signed in authentication thereof on this 14th day of November, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante-Bartolo, City Attorney

[Effective Date: 11/25/06 ]  
[VEBA Contributions]

**ORDINANCE NO. 06-1027**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending SMC 15.16 of the City's Sign Code to extend the amortization period for nonconforming signs.

**WHEREAS**, the City adopted its original sign code by Ordinance No. 92-1041; and

**WHEREAS**, Ordinance No. 92-1041 included a sign amortization program for nonconforming signs and which established a deadline for nonconforming signs to be brought into compliance with the city's sign standards; and

**WHEREAS**, there has been a judicial decision that local jurisdictions are governed by the Scenic Vistas Act (Chapter 47.42. RCW) which requires monetary compensation for removal of nonconforming signs along primary state highways and interstates; and

**WHEREAS**, this decision has significant financial and administrative implications for implementation of the sign amortization program; and

**WHEREAS**, the City Council adopted Ordinance 02-1023, which extended the amortization period for non conforming signs through December 15, 2006; and

**WHEREAS**, the City needs additional time to fully assess the potential financial and programmatic implications regarding non-conforming signs;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.16.120 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.16.120 Nonconforming Signs**

A. General. To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of original adoption of this code, this section provides for a period of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on Federal income taxes; however, whether it may

be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the code's enactment. All nonconforming signs in existence as of the date of original adoption of this code shall be brought into conformity with this code no later than ~~December 15, 2006~~December 31, 2010.

B. Nonconforming Signs.

1. Notification of Nonconformity or Illegality. The Code Administrator shall, as soon as practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the Administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and, where practical, the owner of the property on which the sign is located of the following; provided, that the business license of the business with which the sign is associated shall be presumed to be the sign user under this code:

- a. The sign's nonconformity or illegality;
- b. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

2. Signs Eligible for Nonconforming Sign Permit. With the exceptions herein provided, any on-site primary sign located within the City limits on the date of adoption of this code, or located in areas annexed to the City thereafter, which does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:

- a. The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or
- b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.

3. Signs Not Eligible for Nonconforming Sign Permits. The following signs shall not be eligible for characterization as nonconforming signs:

- a. Prohibited signs, as defined in SMC 15.16.110, except for signs which rotate, as defined in SMC 15.16.110(C).

- b. Secondary signage not meeting the code specifications, except for informational and directional signs in compliance with the code at the time of adoption of this code.
  - c. All signs not eligible for characterization as a nonconforming sign shall be considered illegal.
4. Number of Nonconforming Signs Permitted. Each sign user within the City having existing nonconforming signs meeting the requirements of SMC 15.16.160 shall be permitted to designate only one (1) such sign as “nonconforming” for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit.
5. Permit for Nonconforming Signs. A nonconforming sign permit is required for each nonconforming sign designated under SMC 15.16.160. The permit (certificate of zone compliance – CZC) shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within sixty (60) days of notification by the City. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in subsection (D) of this section.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the Administrator may require to ensure compliance with the code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the sixty (60) day period of notification shall within six (6) months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to penalties cited in Chapter 15.32 SMC.

6. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:
- a. The sign is altered in any way in structure or height which is not in compliance with the standards of this chapter; or
  - b. The sign is relocated to a position which is not in compliance with the standards of this chapter; or
  - c. The sign is replaced; provided, that this replacement refers to structural replacement, not change of “copy,” panel or lettering; or
  - d. Any new primary sign is erected or placed in connection with the enterprise using the nonconforming sign; or

- e. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within sixty (60) days following notification by the City (subsection (B) of this section) that the sign is nonconforming and that a permit must be obtained; or
- f. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or a change in business name, and the sign shall be brought into conformity. Such nonconforming signs shall, within ninety (90) days, be brought into conformity with this code or be removed.

Upon any of the above-referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The Administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or shall be removed.

- C. **Illegal Signs.** An illegal sign is any sign which does not comply with the requirements of this chapter within the City limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under SMC 15.16.160
- D. **Amortization Period for Nonconforming Signs.** Nonconforming signs, as defined in subsection (B)(2) of this section, for which a nonconforming sign permit has been issued may remain in a nonconforming state until ~~December 15, 2006~~ December 31, 2010. Thereafter, the sign shall be brought into conformity with this code or be removed; provided, however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status.
- E. **Nonconforming Sign Maintenance and Repair.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, nor from any provisions on prohibited signs, contained in SMC 15.16.110; provided, however, that any repainting, replacement of “copy,” panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status (SMC 15.16.120(B)(6)).
- F. **Subsequent Amendments to the Sign Code.** After the date of its initial adoption, if any subsequent amendments to the sign code cause a sign to become nonconforming, the Department of Planning and Community Development shall notify affected business owners and property owners of the new regulations by first class mail based upon active City business license records and King County property records.

1. All illegal signs are subject to removal within ninety (90) days;
2. All nonconforming signs are eligible for a nonconforming sign permit. The permit shall be applied for by the business owner or property owner and issued by the Department. These signs shall be subject to a nine (9) year amortization period, after which the nonconforming permit will expire and the sign shall be brought into compliance with the code.

Section 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of November, 2006 and signed in authentication thereof on this 14th day of November, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante Bartolo, City Attorney

[Effective Date:     11/25/06    ]

[Chapter 15.16 Sign Code Amortization Extension]

**ORDINANCE NO. 06-1028**

AN ORDINANCE of the City Council of the City of SeaTac, Washington confirming the appointment of Paul J. Codd as the Municipal Court Judge, affixing the compensation of the Municipal Court Judge and Judges Pro-Tem, and authorizing entry of a Professional Services Contract.

**WHEREAS**, the City Manager has appointed Paul J. Codd to serve as the SeaTac Municipal Court Judge for 2007-2011, pursuant to RCW 35A.13.080 (2); and

**WHEREAS**, the City Council deems it is appropriate to confirm the appointment made by the City Manager; and

**WHEREAS**, the City Council deems it appropriate to set the compensation of the Municipal Court Judge and Judges Pro-Tem at \$65.00 per hour, pursuant to RCW 3.50.080 and RCW 3.50.090; and

**WHEREAS**, the City Council deems it appropriate to authorize the City Manager to enter into a Professional Services Contract with Judge Codd;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** The SeaTac City Council confirms the City Manager's appointment of Paul J. Codd to serve as Municipal Court Judge for four years, commencing January 1, 2007.

**Section 2.** The compensation of the Municipal Court Judge and Judges Pro-Tem shall be \$65.00 per hour.

**Section 3.** The City Manager is authorized to enter into a Professional Services Contract with Judge Codd in substantially similar form attached hereto as "Exhibit A."

**Section 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

**Section 5.** This Ordinance shall not be codified.

**Section 6.** This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 30th day of November, 2006, and signed in authentication thereof on this 30th day of November, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney

[Effective Date: 12/09/06]

[Municipal Court Judge]

**ORDINANCE NO 06-1029**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to property taxes, establishing the levy rate for the year 2007, setting the amount to be levied in 2007 by taxation on the assessed valuation of the property of the City, and stating the dollar amount of the increase and the percentage increase over the prior year's property tax levy.

**WHEREAS**, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be levied by property taxes; and

**WHEREAS**, RCW 84.52.020 requires that, upon fixing of the amount to be so levied, the City Clerk shall certify the same to the Clerk of the King County Council; and

**WHEREAS**, RCW 84.55.120, as amended in 1997 by Referendum 47, requires a statement of any increased tax in terms of both dollar revenue and percentage change from the previous year; and

**WHEREAS**, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has now certified the assessed valuation of all taxable property situated within the boundaries of the City at \$4,077,974,305; and

**WHEREAS**, the SeaTac City Council, after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of SeaTac requires a regular levy in the amount of \$10,638,145, which includes an increase in property tax revenue from the previous year, and amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the City and in its best interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,  
WASHINGTON DO ORDAIN as follows:**

**SECTION 1. Levy Rate Fixed.**

The regular ad valorem levy rate for collection during the fiscal year of 2007 is hereby set at \$2.61 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

**SECTION 2. Estimated Amount to be Collected by Ad Valorem Taxation.**

The amount of revenue to be collected by the City in the fiscal year 2007 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$10,638,145.

**SECTION 3. Increase in Property Tax Revenue From the Previous Year.**

The increase in the regular property tax levy is hereby authorized for the 2007 levy year in the amount of \$166,907, which is a percentage increase of 1.682% from the previous year. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and any additional amounts resulting from any annexations that have occurred and refunds made.

**SECTION 4. Effective Date.**

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 30th day of November, 2006, and signed in authentication thereof on this 30th day of November, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante-Bartolo, City Attorney

[Effective Date: \_\_\_\_\_ 12/9/06 \_\_\_\_\_]

[2007 Property Tax Levy]

**ORDINANCE NO. 06-1030**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2006 Annual City Budget for miscellaneous items.

**WHEREAS**, the SeaTac City Council has reviewed agenda bill #2740 submitted by the Finance Department which details certain expenditures exceeding fiscal year 2006 appropriation authority in the City's Building Management Fund (Fund 108); and

**WHEREAS**, the budget of the Building Management Fund needs to be increased to comply with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority; and

**WHEREAS**, amendment to the City's 2006 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2006 Annual City Budget shall be amended to increase the total Building Management Fund expenditures by \$25,000.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 12th day of December, 2006, and signed in authentication thereof on this 12th day of December, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/23/06\_\_\_\_\_]

**ORDINANCE NO. 06-1031**

AN ORDINANCE of the City Council of the City of SeaTac, Washington setting compensation for City Council members and the Council member selected to serve as Mayor.

**WHEREAS**, the last Ordinance that provided a salary increase for City Council members and the Council member selected to serve as Mayor occurred in January 2002; and

**WHEREAS**, the City Council members and Mayor are not eligible under State law to receive an annual cost of living increase; and

**WHEREAS**, the Council is cognizant of Article XI, Section 8 of the Constitution of the State of Washington which provides that salaries of elected municipal officials shall not be increased during their current term of office; and

**WHEREAS**, the Council is also cognizant of RCW 35A.13.040 which provides, in part, that the compensation of the Mayor shall not be increased or diminished after the Mayor has been chosen by the Council; and

**WHEREAS**, it is appropriate from time to time to provide a salary increase for Council members and the Council member selected to serve as Mayor;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1 of Ordinance No. 02-1001 is hereby amended to read as follows:

The compensation to be paid to the members of the SeaTac City Council who are elected to their positions in an election subsequent to the effective date of this Ordinance, and the compensation to be paid, pursuant to RCW 35A.13.040, to the Council member selected to serve as Mayor, shall be as follows:

|                 |                   |
|-----------------|-------------------|
| Council members | \$1,000 per month |
|-----------------|-------------------|

Council member selected as Mayor                      \$1,200 per month

Section 2.        This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 3.        This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 12th day of December, 2006, and signed in authentication thereof on this 12th day of December, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date:       12/23/06      ]

**ORDINANCE NO. 06-1032**

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending portions of the City of SeaTac Comprehensive Plan.

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt a Comprehensive Plan, which plan is required to include various elements for land use, housing, transportation, capital facilities and utilities, and which may include other elements such as, community image, economic vitality, environmental management, parks, recreation and open space, and human services; and

**WHEREAS**, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings; and

**WHEREAS**, the State Growth Management Act (RCW 36.70A.130) requires that each comprehensive land use plan and development regulations be subject to continuing review and evaluation by the county or city that adopted them; and

**WHEREAS**, the State Growth Management Act provides for amendments to the Comprehensive Plan no more than once per year; and

**WHEREAS**, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan; and

**WHEREAS**, it is necessary to update the Comprehensive Plan implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

**WHEREAS**, procedures for amending the Plan have been implemented in 2006,

including efforts to solicit public input, acceptance of proposals for Comprehensive Plan amendments, evaluation according to preliminary and final criteria; and

**WHEREAS**, the environmental impacts of the proposed amendments have been assessed, and a Determination of Nonsignificance, File No. SEP06-00011, was issued November 14, 2006; and

**WHEREAS**, after a public hearing on November 27, 2006 to consider proposed amendments to the Comprehensive Plan, the Planning Commission recommended to the City Council adoption of proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, after consideration of the recommendation of the Planning Commission, the Department of Planning and Community Development has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

**WHEREAS**, copies of these proposed amendments were filed with the Washington Department of Community, Trade, and Economic Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. The City of SeaTac Comprehensive Plan, adopted on December 20, 1994, and amended annually in subsequent years, is hereby amended as set forth in Exhibit A (attached). A copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection; and

Section 2. The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Washington Office of Community, Trade and Economic Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW 36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 4. This Ordinance shall be in full force and effect on December 31, 2006.

ADOPTED this 12th day of December, 2006 and signed in authentication thereof this 12th day of December, 2006.

CITY OF SEATAC

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date: 12/31/06\_\_\_\_\_]

**ORDINANCE NO. 06-1033**

An ORDINANCE of the City Council of the City of SeaTac, Washington, adopting Map Amendment #10 of the 2006 Final Docket of Comprehensive Plan Amendments.

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt a Comprehensive Plan, which plan is required to include various elements for land use, housing, transportation, capital facilities and utilities, and which may include other elements such as, community image, economic vitality, environmental management, parks, recreation and open space, and human services; and

**WHEREAS**, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings; and

**WHEREAS**, the State Growth Management Act (RCW 36.70A.130) requires that each comprehensive land use plan and development regulations be subject to continuing review and evaluation by the county or city that adopted them; and

**WHEREAS**, the State Growth Management Act provides for amendments to the Comprehensive Plan no more than once per year; and

**WHEREAS**, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan; and

**WHEREAS**, it is necessary to update the Comprehensive Plan implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

**WHEREAS**, procedures for amending the Plan have been implemented in 2006, including efforts to solicit public input, acceptance of proposals for Comprehensive Plan amendments, evaluation according to preliminary and final criteria; and

**WHEREAS**, the environmental impacts of the proposed amendments have been assessed, and a Determination of Nonsignificance, File No. SEP06-00011, was issued November 14, 2006; and

**WHEREAS**, after a public hearing on November 27, 2006 to consider proposed amendments to the Comprehensive Plan, the Planning Commission recommended to the City Council adoption of proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, after consideration of the recommendation of the Planning Commission, the Department of Planning and Community Development has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

**WHEREAS**, copies of these proposed amendments were filed with the Washington Department of Community, Trade, and Economic Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. The City of SeaTac Comprehensive Plan, adopted on December 20, 1994, and amended annually in subsequent years, is hereby amended as set forth in

Exhibit A (attached). A copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection; and

Section 2. The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Washington Office of Community, Trade and Economic Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW 36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 4. This Ordinance shall be in full force and effect on December 31, 2006.

ADOPTED this 12th day of December, 2006 and signed in authentication thereof this 12th day of December, 2006.

CITY OF SEATAC

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date:     12/31/06    ]

**ORDINANCE NO. 06-1034**

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting the S. 154<sup>th</sup> St. Station Area Plan and the SeaTac/Airport Station Area Plan

**WHEREAS**, the City of SeaTac is a diverse suburban South King County community with approximately 26,000 residents and a large, short-term transient population moving through the SeaTac International Airport and the hotels located within the City. A portion of the City involves airport, airport commercial, commercial business, and industrial land uses, with the remainder of the City being primarily residential in nature. International Boulevard and highways SR 509 and SR 518 are major traffic routes passing through SeaTac. A major freeway, I-5, abuts the easterly boundary of the City. There is, however, no defined “downtown” or “city center” to serve as a focal point for city identity, business and commerce, and cultural, entertainment, retail, and public and private service facilities. The Council finds that such a focal point for city identity would be greatly in the public interest; and

**WHEREAS**, Sound Transit is building two stations that will serve SeaTac starting in 2009, including the Tukwila International Boulevard Station, at International Blvd. and S. 154<sup>th</sup> St., and the SeaTac/Airport Station, at International Blvd. and S. 176<sup>th</sup> St.; and

**WHEREAS**, the Puget Sound Regional Council (PSRC) has forecast significant growth for the region in which the City is located, over the coming several decades, based on trends of expanding business in the Puget Sound area. In accordance with the Growth Management Act, the City must take actions that will cause future growth to differ from past trends. The City has modified the PSRC forecasts based on City and County policies, including the designation of SeaTac as an Urban Center, and the existing regional plans for high capacity transit; and

**WHEREAS**, the City does not currently have the residential infrastructure to meet the needs of future populations beyond 2022 as forecasted by the Puget Sound Regional Council; and

**WHEREAS**, visitors to the City include people arriving through the airport as well as local people from neighboring communities. While some people simply drive through SeaTac on their way to more distant places, others come specifically for the businesses, activities and amenities of the City. The Seattle-Tacoma International Airport transported 18.8 million air passengers in 1993, with the majority of flights being domestic. The number of passengers has nearly doubled in the last ten years. The City has over 30 hotels/motels with a total of over 5,200 hotel/motel rooms. Occupancy rates for hotels typically vary from 50 to 90 percent, depending on the season. Assuming these are single occupancy rooms, SeaTac has an average of 2,500 to 4,500 overnight visitors; and

**WHEREAS**, the City's comprehensive plan designates an "Urban Center" with clearly defined boundaries, a mixture of land uses, a pedestrian emphasis, public open spaces and recreational opportunities, and both daytime and nighttime activities, and densities sufficient to support high capacity transit; and

**WHEREAS**, both the S. 154<sup>th</sup> St. Station Area and the SeaTac/Airport Station Area are located within the City's designated Urban Center; and

**WHEREAS**, the area surrounding each light rail station is referred to as a station area. Each station area is defined by a rough quarter mile radius from each station, which is generally considered a comfortable walking distance. The S. 154<sup>th</sup> Street Station Area is located in the north-central section of SeaTac on its eastern border with the city of Tukwila. It is bounded on the east by International Boulevard, on the south by SR 518, on the west mostly by 30<sup>th</sup> Ave. S.

The northern border follows parcel lines mid-way between S. 152<sup>nd</sup> St. and S. 150<sup>th</sup> St. The SeaTac/Airport Station Area is located near the area designated as SeaTac's City Center. It is bound on the north by S. 170<sup>th</sup> St., on the east by 32<sup>nd</sup> Ave. S., on the west by International Blvd., and the southern border is marked by the south boundary of the Kilroy Office Towers parcel; and,

**WHEREAS**, it is widely accepted that the presence of light rail transit stations create demand for services and building/development types that support higher office, commercial, and residential densities, and increase pedestrian activity; and

**WHEREAS**, Transit Oriented Development principles seek to create compact, high density mixed use, pedestrian friendly communities centered around high quality high capacity transit systems; and

**WHEREAS**, most cities in Washington have a recognizable downtown or city center, which typically serve as a focal point within each city, and provide a sense of community identity and civic pride. They may include retail and commercial establishments, parking facilities, condominiums and multi-family housing, government buildings, parks, open spaces, and provisions for vehicular and pedestrian circulation; and

**WHEREAS**, the station areas must encourage a relationship between land uses and enhanced transit systems. To facilitate this, more intensive land uses should be clustered near transit and rail stations; and

**WHEREAS**, the area around Light Rail Transit stations has the potential of evolving into areas characterized by pedestrian amenities and connections, and a concentrated mix of commercial, residential and office uses. Not only should there be a concentration of economic activities, but there should be public spaces and uses as well. It is important to establish the

character and level of quality prior to the initial phases of development, in order to advance the design and development of these areas and to prevent an uncoordinated “patchwork” development pattern; and

**WHEREAS**, for the station areas to be lively and appealing, and to produce return investment, they must offer safe, convenient and attractive places for people who move on foot. While vehicles need to have access and ability to circulate and park, the pedestrian, although often neglected in the built environment, is key to viable station areas; and

**WHEREAS**, the S. 154<sup>th</sup> St. Station Area should be a vibrant, mixed use residential neighborhood that acknowledges and celebrates the area’s diverse population. It should be pedestrian-oriented and well-integrated with high capacity transit. It should have a strong residential component and include neighborhood-focus retail and other services; and

**WHEREAS**, the SeaTac/Airport Station Area should be a vibrant mixed use neighborhood with services and amenities for local residents as well as the traveling public. It should be a center for community identity with public gathering places, parks, and plazas. It should be pedestrian-oriented and well-integrated with high capacity transit; and

**WHEREAS**, it is important that public spaces be provided throughout the station areas and in association with major development projects so that, eventually, there can be a wide variety of types and sizes throughout the station areas. Public space may be in the form of streets, large parks, small parks, plazas, courtyards, gardens, and walkways. The station areas should provide all of these choices. Some may be developed by the City or other agencies, while some may be privately provided: and

**WHEREAS**, the station areas should not be seen as isolated, free-standing areas of the community. They should provide for linkages between and among individual parcels and it

should be linked to the neighborhoods surrounding it. Such linkages can be enhanced by a street grid or interconnections, and by transit. A principal means of linkage should be through sidewalks, walkways and other pedestrian corridors. These may be developed as a part of public streets and open space, or by easements and improvements on private property; and

**WHEREAS**, the station areas should be designated to accommodate residents, employees, and visitors in a mix of uses and structures. Moderate and high density residential uses are appropriate within the station areas. Residents, employees, and visitors should be able to walk or ride mass transit to work and to take advantage of activities within the station areas; and

**WHEREAS**, development within the station areas will likely require parking availability in the form of parking structures. While some of this may be underground, multi-story garages may also be expected. It will be necessary to ensure that these structures, which may have large floor areas and heights, contribute positively to the image of the station areas. Innovative and quality architectural design solutions should be encouraged. In addition, while parking structures require lighting for reasons of safety and security, such lighting should be directed and shielded so as to not create glare or intrude upon adjacent residential communities; and

**WHEREAS**, multi-family development is a driver of the commercial uses that will give the station area a pedestrian-friendly character; and

**WHEREAS**, single-family areas can be protected from the impacts of higher intensity multi-family and commercial land uses by the use of development standards and land uses that provide for gradual transition of building height, setbacks, land use intensities, and new housing types, including townhouses; and

**WHEREAS**, notices were published, public participation was obtained, comments were received, and public hearings held during the course of formulating the Draft Station Area Action Plans; and

**WHEREAS**, the requirements of the State Environmental Policy Act (SEPA) have been satisfied through issuance of a Mitigated Determination of Nonsignificance on November 14, 2006; and

**WHEREAS**, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

**WHEREAS**, non-substantive editorial, graphical and technical edits to the S. 154<sup>th</sup> St. Station Area Action Plan and SeaTac/Airport Station Area Action Plan should be made subsequent to adoption of these Subarea Plans; and

**WHEREAS**, drafts of the proposed station area action plans were filed with the Department of Community, Trade and Economic Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The S. 154<sup>th</sup> St. Station Area Action Plan and the SeaTac/Airport Station Area Action Plan is hereby adopted as set forth in Exhibits “A” and “B” attached hereto and incorporated herein by this reference.

Section 2. The Department of Planning and Community Development is hereby directed to prepare necessary non-substantive editorial, graphical and technical edits to the S. 154<sup>th</sup> St. Station Area Action Plan and the SeaTac/Airport Station Area Action Plan following adoption of the Plans.

Section 3. The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Department of Community, Trade and Economic Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW

36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 4. This ordinance shall be in full force and effect on December 31, 2006.

**ADOPTED** this 12th day of December, 2006, and signed in authentication thereof on this 12th day of December, 2006.

**CITY OF SEATAC**

---

Gene Fisher

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary Mirante-Bartolo, City Attorney

[Effective Date: 12/31/06\_\_\_\_\_]

G:\group\ALL\Station Area Planning\2006 - Station Area Planning\City Council\Ordinances\SAP Ordinance Draft  
1 12-5-06.doc

# Exhibit A

## S. 154<sup>th</sup> St. Station Area Plan

# Exhibit B

## SeaTac/Airport Station Area Plan

**ORDINANCE NO. 06-1035**

An ORDINANCE of the City Council of the City of SeaTac, Washington, readopting Section 15.38 to the SeaTac Municipal Code, regarding interim development standards to properties located within the South 154<sup>th</sup> Street Station Area, and entering findings of fact supporting the readoption of interim standards.

**WHEREAS**, the Comprehensive Plan supports implementing interim development standards to encourage commercial land uses that serve the needs of the City's residents, businesses, and visitors (Goal 1.3); and

**WHEREAS**, adopting interim standards allows time for City staff and the Planning Commission to complete a unified planning process and to formulate permanent development standards that reflect input from the public and the affected business community; and

**WHEREAS**, RCW 36.70A.390 allows adoption of an interim zoning ordinance for a period of up to six (6) months; and

**WHEREAS**, the current interim development standards for the S. 154<sup>th</sup> St. Station Area expire on January 22, 2007; and

**WHEREAS**, the City Council held public hearings on May 23, 2006 and June 27, 2006 as required by RCW 35A.63.220 and RCW 36.70A.390 to adopt the Interim Standards; and

**WHEREAS**, the City Council held a public hearing on December 12, 2006 as required by RCW 35A.63.220 and RCW 36.70A.390; and

**WHEREAS**, the City of SeaTac is a diverse suburban South King County community with over 25,000 citizens and a large, short-term transient population moving through the SeaTac International Airport and the hotels located within the City; and

**WHEREAS**, a portion of the City involves airport, airport commercial, commercial

business, and industrial land uses, with the remainder of the City being primarily residential in nature; and

**WHEREAS**, a transit oriented development concept in the South 154<sup>th</sup> Street Station Area would create significant economic development which would benefit the City and its residents, and help provide for creation of a mix of possible transportation infrastructures (both vehicular and pedestrian), housing, retail facilities, and public and private service facilities; and

**WHEREAS**, Sound Transit is currently constructing a light rail station at the intersection of South 154<sup>th</sup> Street and International Boulevard in the City of Tukwila; and

**WHEREAS**, the South 154<sup>th</sup> Street Station Area is located in very close proximity to the South 154<sup>th</sup> Street and International Boulevard Sound Transit Light Rail Station; and

**WHEREAS**, on February 28, 2006, under RCW 35A.63.220, the City Council adopted a moratorium relating to planning, zoning, and development regulations; and

**WHEREAS**, on April 11, 2006, the City Council adopted findings of fact to support the moratorium pursuant to RCW 35A.63.220; and

**WHEREAS**, the City is currently studying land use alternatives and design standards in the area designated as South 154<sup>th</sup> Street Station Area; and

**WHEREAS**, the City Council finds that transit oriented development at the South 154<sup>th</sup> Street Station Area is greatly in the public interest; and

**WHEREAS**, it is in the best interest of the City and its residents that interim standards be readopted at this time; and

**WHEREAS**, it is necessary to continue studying the South 154<sup>th</sup> Street Station Area so that appropriate final development regulations can be established; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,**

**WASHINGTON DO ORDAIN as follows:**

**SECTION 1.** For a period of six (6) months from the effective date of this Ordinance, Section 15.38 of the SeaTac Municipal Code is hereby readopted as follows:

**15.38.010 Purpose**

A. The following special standards are intended to implement the City’s vision for the S. 154th St. Station Area, by promoting integrated development and pedestrian-oriented design, a diversity of uses within close proximity, open space, and a focal point for community identity.

B. Each standard includes examples and illustrations of ways in which the intent of the standard could be achieved. The graphic illustrations are meant to be examples, and not the only acceptable means to accomplishing the intent of the illustrated standards. Applicants and project designers are encouraged to consider designs, styles and techniques not pictured in the examples that fulfill the intent of the design standard. (Ord. 99-1050 § 8)

**15.38.020 Authority and Applications**

A. The provisions of this chapter shall apply to the S. 154th St. Station Area (see Figure 15.38.020). Within the S. 154th St. Station Area, Chapter 15.38 SMC shall supersede existing regulations in SMC 15.13.110 and elsewhere in SMC Title 15 when in conflict with this chapter.

B. The provisions of this chapter shall apply to all development meeting one (1) or more of the following thresholds:

1. All new construction requiring building permits; and/or
2. Major Redevelopment. Additions or alterations to a building or site, excluding interior-only improvements, which total fifty percent (50%) or more of the gross square footage (GSF) of the existing building(s) or site.

Only the portions of the building or site being altered or added to shall be required to integrate S. 154th St. Station Area special standards into the design of the alteration or addition. Project applicants proposing additions or alterations to a building or site conforming to the above criteria for major redevelopment shall arrange a pre-design meeting with planning staff prior to meeting with the Development Review Committee in order to establish those design standards applicable to the proposed addition or alteration.

C. In order to provide flexibility and creativity of project designs, departures from these special standards may be permitted (except to SMC 15.38.810), subject to the approval of the Director of Planning and Community Development:

1. If the strict interpretation or application of these special standards would be inconsistent with related provisions of the Zoning Code or would be contrary to the overall purpose or intent of City goals and objectives for the S. 154th St. Station Area or Comprehensive Plan; or
2. If it can be shown that the overall project design and feasibility can be improved.

D. In order to provide flexibility, to permit creativity of design, style, and technique, and to provide for phased development and interim uses, Development Agreements may be entered into by and between the City and property owners or developers, pursuant to RCW 36.70B.170 through 36.70B.200, unless otherwise prohibited in this chapter; provided, that the terms of any such development agreement shall be consistent with the purpose and intent of this chapter. Special conditions or exemptions established for a particular site or project through a development agreement shall include criteria or date for the termination of any such agreement.

E. Single-family homes are exempt from the provisions of this chapter. In addition, the following zoning designations and related land uses are exempt from the provisions of this chapter:

1. Urban low (UL);
2. Aviation operations (AVO) and aviation commercial (AVC).

F. Development and application of these standards, where applicable, shall be consistent with the interlocal agreement (ILA) between the City of SeaTac and the Port of Seattle.

G. Standards for high capacity transit facilities, as identified in Chapter 15.36 SMC, shall apply to all applicable development within the S. 154th St. Station Area area.



Figure 15.38.020

### 15.38.030 Development Plan – Filing Requirements

Development applications must be submitted in sufficient detail to allow review of the project in accordance with the special standards of this chapter, SEPA requirements, and other applicable provisions of this code.

In addition to existing application requirements, the following information, at a minimum, must be included as elements in every S. 154th St. Station Area development application:

A. Site Plan. A site plan, at a scale no smaller than one (1) inch to twenty (20) feet, must show the following:

1. The location, size and finished grade of all proposed and existing on-site structures, as well as the existing topography and the grade of all public or private streets adjacent to the site;
2. A circulation plan which depicts access to the site and the vehicular, pedestrian and bicycle traffic flow on-site, as well as links with developments on adjoining parcels. Site access and circulation shall be approved by both the Director of Public Works and the Director of Planning and Community Development;

3. The location, arrangement, and total square footage of on-site useable open space areas, as specified in SMC 15.38.410 through 15.38.430;
4. Links to open spaces and landscaped areas on adjacent parcels;
5. The lot lines and footprints of all structures on all parcels within two hundred (200) feet of the boundaries of the project parcel;
6. Provide details on how all mechanical and utility rooftop equipment will be screened; and.

B. Building Elevations. For SEPA review, preliminary elevations will be accepted. A complete set of elevation drawings for proposed buildings on the project site showing trim details, dimensions and exterior materials including roofing, siding, windows and trim will be necessary for design review.

### **15.38.100 Use Charts**

The following use charts indicate the land uses permitted (P), permitted as a Conditional Use (C), or not permitted (blank cell) in each Zone.

## 15.38.110 Residential Uses

### ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

### P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                                  | ZONES |       |       |        |      |       |       |        |      |   |
|-------|---|-------|-------|-------|--------|------|-------|-------|--------|------|---|
|       |   | P     | UM    | UH    | UH-UCR | NB   | CB-C  | O/CM  | O/C/MU | T    |   |
|       | RESIDENTIAL USES                          |       |       |       |        |      |       |       |        |      |   |
| 001   | Single-Family                             |       |       |       |        |      |       |       |        |      |   |
| 002   | Duplex                                    | P     | P     | P     | C      | P    |       |       |        |      |   |
| 003   | Townhouses                                | P     | P     | P     | C      | P    |       | P     | P      | P    |   |
| 004   | Multi-Family                              | P     | P(10) | P(10) | C      | P(9) |       | P(9)  | P(9)   |      |   |
| 005   | Senior Citizen Multi                      | P     | P     | P     | C      | P    |       | P     | P      |      |   |
| 006   | Manufactured/Modular Home (13)            |       |       |       |        |      |       |       |        |      |   |
| 006.1 | Mobile Home (non-HUD)                     |       |       |       |        |      |       |       |        |      |   |
| 007   | Bed and Breakfast/Guesthouse              | P(2)  | P(2)  | P(2)  | P(2)   |      |       | P(2)  | P(2)   |      |   |
| 008   | Community Residential Facility I          | P(3)  | P(3)  | P(3)  | P(3)   | P(3) |       | P(3)  | P(3)   | P(3) |   |
| 008a  | Community Residential Facility II         |       | P     | P     | C      | P    |       | P     | P(9)   |      |   |
| 008b  | Transitional Housing                      |       |       | C(12) | C(12)  |      | P(12) | C(12) |        |      |   |
| 010   | Rest/Convalescent Center/<br>Nursing Home | P     | P     | P     | P      |      |       | P     |        |      |   |
| 011   | Mobile Home Park                          |       |       |       |        |      |       |       |        |      |   |
| 013   | College Dormitory                         |       |       |       |        | C    | P     |       | P      | P(6) | P |
|       | ACCESSORY USES                            |       |       |       |        |      |       |       |        |      |   |
| 018   | Home Occupation                           | P(6)  | P(6)  | P(6)  |        |      | P(6)  | P(6)  | P(6)   | P(6) |   |
| 019   | Shed/Garage                               | P(5)  | P(5)  | P(5)  |        |      |       |       |        |      |   |

(1) Accessory dwelling units permitted. See Chapter 15.37 SMC for standards.

(2) Standards for Bed and Breakfast:

- a. Number of guests limited to six (6), with no more than three (3) bedrooms;
- b. Parking area for three (3) nonresident vehicles, and screened;
- c. Proof of King County Health Department approval;
- d. Breakfast is only meal served for paying guest.

(3) Standards for Community Residential Facilities I:

- a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)\*\*;
- b. No more than two (2) support people\*\*;
- c. Any parking space in excess of two (2) shall be screened and not visible from public streets;
- d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
- e. Reasonable accommodation shall be made for persons with disabilities as required by state and federal law. See SMC 15.12.018 for accommodation procedure.

\*\* (a) and (b) do not apply to state-licensed adult family homes and foster family homes.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point).

(6) See Chapter 15.17 SMC for standards and limitations.

(7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.

(8) See Chapter 15.26 SMC for additional development standards.

(9) Permitted only as part of a mixed use development, as described in SMC 15.38.620, and arranged on-site as described in SMC 15.38.610.

- (10) Ground floor retail/commercial or service uses, as described in SMC 15.38.620, are allowed, but not required in the UH and UH-UCR zones.
- (11) Small lot single-family development allowed subject to design standards specified in SMC 15.19.760.
- (12) Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

## 15.38.120 Recreational/Cultural Uses

### ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                     | ZONES |      |      |        |    |      |      |        |      |      |
|-------|------------------------------|-------|------|------|--------|----|------|------|--------|------|------|
|       |                              | P     | UM   | UH   | UH-UCR | NB | CB-C | O/CM | O/C/MU | T    |      |
|       | RECREATIONAL/CULTURAL USES   |       |      |      |        |    |      |      |        |      |      |
| 022   | Community Center             | P     | C    | P    | P      | P  | P    |      | P      | P    | C    |
| 023   | Golf Course                  | P     |      |      |        |    |      |      |        |      |      |
| 024   | Theater                      | P(2)  |      |      |        | P  | P    |      | P      |      |      |
| 025   | Drive-In Theater             |       |      |      |        |    |      |      |        |      |      |
| 026   | Stadium/Arena                |       |      |      |        |    |      |      |        |      |      |
| 027   | Amusement Park               |       |      |      |        |    |      |      |        |      |      |
| 028   | Library                      |       | P    | C    | P      | P  | P    |      | P      | P    | C    |
| 029   | Museum                       |       | C    | C    | P      | P  | P    |      | P      |      |      |
| 030   | Conference/Convention Center |       |      |      |        | P  | P    |      | P      |      |      |
| 031   | Cemetery                     | C     | C    | C    |        | C  | C    |      |        |      |      |
| 032   | Private/Public Stable        | P     |      |      |        |    |      |      |        |      |      |
| 033   | Park                         | P     | P    | P    | P      | P  | P    |      | P      | P    | P    |
| 034   | Church                       |       | C    | P    | P      | P  | P    |      | P      | P    | C    |
| 035   | Church Accessory             |       | C(2) | C(2) | P(2)   | P  | P    |      | P      | P    | C(2) |
| 036   | Recreational Center          | P     |      | P    | P      | P  | P    |      | P      | P    |      |
| 036.5 | Health Club                  |       |      | C(2) | P      | P  | P    |      | P      | P    |      |
| 037   | Arcade (Games/Food)          | P     |      | P(2) | P(2)   | P  | P    |      | P(2)   | P(2) |      |

(1) Site must be adjacent to an improved arterial.

(2) Accessory to primary use not to exceed twenty percent (20%) of primary square footage.

### 15.38.130 General, Educational, Health Services Uses

**ZONES:**

- P – Park ABC – Aviation Business Center
- UM – Urban Medium Density I – Industrial/Manufacturing
- UH – Urban High Density O/CM – Office/Commercial Medium
- UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use
- NB – Neighborhood Business T – Townhouse
- CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                               | ZONES  |              |              |              |              |              |          |          |              |  |
|-------|--|--------|--------------|--------------|--------------|--------------|--------------|----------|----------|--------------|--|
|       |  | P      | UM           | UH           | UH-UCR       | NB           | CB-C         | O/CM     | O/C/MU   | T            |  |
|       | GENERAL USES                           |        |              |              |              |              |              |          |          |              |  |
| 041   | Wireless Telecommunications Facility   | C/P(6) | C/P(6)       | C/P(6)       | C/P(6)       | P            | P            | P        | P        | C/P(6)       |  |
| 042   | Communications Facility                |        | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-C | Mr.-P Mjr.-P | P        | P        | Mr.-P Mjr.-C |  |
| 043   | Dry Cleaner (8)                        |        |              | P(1,2)       | P(2)         | P            | P            | P(2)     | P(2)     | P(2)         |  |
| 044   | Auto Repair                            |        |              |              |              | C            |              |          |          |              |  |
| 045   | Auto Service                           |        |              |              |              | P            | P            |          |          |              |  |
| 046   | Funeral Home/Crematory                 | C      |              |              |              | P            | P(1)         | P(2)     |          |              |  |
| 047   | Veterinary Clinic                      |        |              |              | P(2)         | P            | P            | P(2)     | C        |              |  |
| 048   | Kennel                                 |        |              |              |              | P            | P(1)         |          |          |              |  |
| 049   | Day Care I                             |        | P(3,5)       | P(3,5)       | P(3,5)       | P(3,5)       |              | P(2,3,5) | P(2,3,5) | P(2,3,5)     |  |
| 050   | Day Care II                            |        | P(3)         | P(3)         | P(3)         | P(3)         | P(3)         | P(2,3)   | P(2,3)   | P(2,3)       |  |
| 051   | General Repair                         |        |              |              |              | P            | P(1)         | P(2)     |          |              |  |
|       | EDUCATIONAL USES                       |        |              |              |              |              |              |          |          |              |  |
| 055   | Elementary – Jr. High                  |        | C            | C            | C            |              |              |          |          |              |  |
| 056   | High School                            |        | C            | C            | C            | P            | C            |          |          |              |  |
| 057   | Vocational School                      |        |              |              |              | C            | P            | P(2)     | P(2)     |              |  |
| 058   | Specialized Instruction School         |        | P(4)         | P(4)         | P            | P            | P            | P(2)     | P(2)     |              |  |
| 059   | College/University                     |        | C            | C            | C            |              | P            | P        | P(2)     |              |  |
|       | HEALTH SERVICES USES                   |        |              |              |              |              |              |          |          |              |  |
| 062   | Office/Outpatient Clinic               |        |              | P            | P            | P            | P            | P        | P        |              |  |
| 064   | Hospital                               |        |              |              |              | P            | P            | C        |          |              |  |
| 065   | Medical/Dental Lab                     |        |              | C            | C            | P            | P            | P        | P        | P(2)         |  |
| 066   | Miscellaneous Health                   |        |              |              | C            | P            | P            | C        | C        |              |  |
| 067   | Opiate Substitution Treatment Facility |        |              |              |              |              | C(7)         |          |          |              |  |

- (1) Accessory to a primary use not to exceed twenty percent (20%) of primary square footage.
- (2) Permitted as a part of a mixed use development.
- (3) Day Care I: DSHS license required.  
Day Care II: DSHS license required/SEPA review required.
- (4) Limited to three (3) students per day.
- (5) Except as provided pursuant to SMC 15.10.166 for family day care (Ord. No. 94-1030, Effective 8/11/94).
- (6) WTFs are permitted uses if located on water towers, school buildings higher than thirty (30) feet, or utility poles; WTFs are conditional uses in all other cases.
- (7) Subject to the CUP-EPF siting process (SMC 15.22.038).
- (8) No drive-through facilities allowed. See SMC 15.38.170(B)

## 15.38.140 Government/Office, Business Uses

### ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                             | ZONES |    |      |        |    |      |      |        |   |  |
|-------|--------------------------------------|-------|----|------|--------|----|------|------|--------|---|--|
|       |                                      | P     | UM | UH   | UH-UCR | NB | CB-C | O/CM | O/C/MU | T |  |
|       | GOVERNMENT/OFFICE USES               |       |    |      |        |    |      |      |        |   |  |
| 071   | Social Service Office                |       |    | C    | P      | P  | P    |      | P      | P |  |
| 072   | Public Agency Office                 | P     |    | P    | P      | P  | P    |      | P      | P |  |
| 073   | Public Agency Yard                   | C(2)  |    |      |        |    | C    |      | C      | C |  |
| 074   | Public Agency Archives               | C(3)  |    |      |        | C  | P    |      | P      | P |  |
| 075   | Court                                |       |    |      |        |    | P    |      | P      | P |  |
| 076   | Police Facility                      | P     | P  | P    | P      | P  | P    |      | P      | P |  |
| 077   | Fire Facility                        | P     | P  | P    | P      | P  | P    |      | P      | P |  |
| 079   | Helipad/Airport and Facilities       |       |    |      |        |    |      |      |        |   |  |
| 080   | Utility Use                          |       | C  | C    | C      | C  | C    |      | C      | C |  |
| 081   | Utility Substation                   |       |    | C    | C      | C  | C    |      | C      | C |  |
| 082   | Financial Institution                |       |    |      | P(4)   | P  | P    |      | P      | P |  |
| 083   | City Hall                            |       |    |      | P(4)   | P  | P    |      |        |   |  |
| 083.5 | Secure Community Transition Facility |       |    |      |        |    | C(5) |      | C(5)   |   |  |
|       | BUSINESS SERVICES USES               |       |    |      |        |    |      |      |        |   |  |
| 086   | Construction/Trade                   |       |    |      |        |    | C    |      | C      |   |  |
| 087   | Truck Terminal                       |       |    |      |        |    |      |      |        |   |  |
| 088   | Airport Support Facility             |       |    |      |        |    |      |      |        |   |  |
| 089   | Warehouse/Storage                    |       |    |      |        | C  |      |      | C(1)   |   |  |
| 090   | Professional Office                  |       |    | P(4) | P(4)   | P  | P    |      | P      | P |  |
| 091   | Heavy Equipment Rental               |       |    |      |        |    |      |      |        |   |  |
| 092   | Misc. Equipment Rental Facility      |       |    |      |        | C  | C    |      | P(1)   |   |  |
| 093   | Auto Rental/Sales                    |       |    |      |        |    | P(1) |      | C(1)   |   |  |
|       |                                      |       |    |      |        |    |      |      |        |   |  |
| 095   | Motor Freight Repair                 |       |    |      |        |    |      |      |        |   |  |
| 096   | Heavy Equipment Repair               |       |    |      |        |    |      |      |        |   |  |
| 097   | R and D/Testing                      |       |    |      |        | C  | C    |      | C      |   |  |
| 098   | Commercial/Industrial Accessory Uses |       |    |      |        | P  | C    |      | C      |   |  |

(1) Accessory to primary use not to exceed twenty percent (20%) of primary use.

(2) A public agency yard located on property within the park zone may be used as a combined maintenance facility for park and nonpark purposes; provided, that the facility shall be no more expansive than that which is reasonably expected to be needed for park maintenance when park facilities are fully developed.

(3) A public archives facility located on property within the park zone is limited to existing structures.

(4) Permitted as part of a mixed use development, as described in SMC 15.38.610.

(5) Secure community transition facilities are subject to the CUP-EPF siting process (SMC 15.22.038).

## 15.38.150 Retail/Commercial Uses – Alternative 1 (Prohibits Drive-through facilities)

**ZONES:**

**P – Park ABC – Aviation Business Center**

**UM – Urban Medium Density I – Industrial/Manufacturing**

**UH – Urban High Density O/CM – Office/Commercial Medium**

**UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use**

**NB – Neighborhood Business T – Townhouse**

**CB-C – Urban Center**

**P – Permitted Use; C – Conditional Use Permit**

| USE # | LAND USE                            | ZONES |    |      |        |      |      |      |        |      |
|-------|-------------------------------------|-------|----|------|--------|------|------|------|--------|------|
|       |                                     | P     | UM | UH   | UH-UCR | NB   | CB-C | O/CM | O/C/MU | T    |
|       | RETAIL/COMMERCIAL USES              |       |    |      |        |      |      |      |        |      |
| 101   | Hotel/Motel and Associated Uses     |       |    |      |        | P    | P    | P    | C      |      |
| 102   | Forest Products                     |       |    |      |        | P(3) | P(3) | P(3) |        |      |
| 103   | Hardware/Garden Material            |       |    |      |        | P    | P    | P(6) | P(6)   | P(6) |
| 104   | Department/Variety Store            |       |    |      |        | P    | P    | P(6) | P(6)   |      |
| 105   | Food Store (4)                      |       |    | P(8) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 106   | Agricultural Crop Sales (Farm Only) |       |    |      |        | P    | P    |      |        |      |
| 107   | Auto/Boat Dealer                    |       |    |      |        |      |      |      |        |      |
| 108   | Auto Supply Store                   |       |    |      |        | P    | P(6) | C(6) | C(6)   |      |
| 109   | Gasoline/Service Station            |       |    |      |        | C    | P    |      |        |      |
| 110   | Apparel/Accessory Store             |       |    | P(7) | P(6)   |      | P    | P(6) | P(6)   |      |
| 111   | Furniture Store                     |       |    |      | P(6)   |      | P    | P(6) | P(6)   |      |
| 112   | Restaurant (4)                      |       |    | C(2) | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 112.1 | Retail Food Shop (4)                |       |    | P(8) | P(6)   | P    | P    | P(6) | P(6)   |      |
| 112.2 | Tavern                              |       |    |      | P(6)   | P(8) | P    | P(6) | C      | P(6) |
| 113   | Drug Store (4)                      |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 114   | Liquor Store (4)                    |       |    |      |        |      | P    | P    | C      |      |
| 115   | Antique/Secondhand Store            |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 116   | Sporting Goods and Related Stores   |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 117   | Media Material                      |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   |      |
| 118   | Jewelry Store                       |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 119   | Hobby/Toy Store                     |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 120   | Photographic and Electronic Store   |       |    |      | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 121   | Fabric Store                        |       |    | P(7) | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 122   | Florist Shop (4)                    |       |    | P(7) | P(6)   | P    | P    | P(6) | P(6)   | P(6) |
| 123   | Pet Store                           |       |    |      | P(6)   |      | P    | P(6) | P(6)   | P(6) |
| 124   | Wholesale/Bulk Store                |       |    |      |        |      | C    | C(6) | P(6)   |      |
| 125   | Beauty Salon                        |       |    | P(8) | P(6)   | P    | P    | C(6) | P(6)   | P(6) |
| 125.1 | Laundromat                          |       |    | P(7) | P      | P    | P    | P    | P(6)   |      |
| 125.3 | Comm. Marine Supply                 |       |    |      |        | C    | P    |      |        |      |
| 126   | Other Retail Uses (4)               |       |    | P(7) | P(6)   | C    | P    | P    | C      | P(6) |
| 127   | Adult Entertainment                 |       |    |      |        |      | C(5) |      |        |      |

- (1) Forest product related businesses shall provide the following:
  - a. Minimum of ten (10) acres;
  - b. Access to major arterial; and
  - c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.

- (4) No drive-through facilities allowed. See SMC 15.38.180
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development, as described in SMC 15.38.610.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.

**15.38.150 Retail/Commercial Uses – Alternative 2 (Allows some drive-through facilities, subject to conditions)**

**ZONES:**

- P – Park ABC – Aviation Business Center**
- UM – Urban Medium Density I – Industrial/Manufacturing**
- UH – Urban High Density O/CM – Office/Commercial Medium**
- UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use**
- NB – Neighborhood Business T – Townhouse**
- CB-C – Urban Center**

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE                            | ZONES |    |      |        |      |      |   |      |        |      |
|-------|-------------------------------------|-------|----|------|--------|------|------|---|------|--------|------|
|       |                                     | P     | UM | UH   | UH-UCR | NB   | CB-C |   | O/CM | O/C/MU | T    |
|       | RETAIL/COMMERCIAL USES              |       |    |      |        |      |      |   |      |        |      |
| 101   | Hotel/Motel and Associated Uses     |       |    |      |        | P    | P    |   | P    | C      |      |
| 102   | Forest Products                     |       |    |      |        | P(3) | P(3) |   | P(3) |        |      |
| 103   | Hardware/Garden Material            |       |    |      |        | P    | P    |   | P(6) | P(6)   | P(6) |
| 104   | Department/Variety Store            |       |    |      |        | P    | P    |   | P(6) | P(6)   |      |
| 105   | Food Store                          |       |    | P(8) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 106   | Agricultural Crop Sales (Farm Only) |       |    |      |        | P    | P    |   |      |        |      |
| 107   | Auto/Boat Dealer                    |       |    |      |        |      |      |   |      |        |      |
| 108   | Auto Supply Store                   |       |    |      |        | P    | P(6) |   | C(6) | C(6)   |      |
| 109   | Gasoline/Service Station            |       |    |      |        | C    | P    |   |      |        |      |
| 110   | Apparel/Accessory Store             |       |    | P(7) | P(6)   |      | P    |   | P(6) | P(6)   |      |
| 111   | Furniture Store                     |       |    |      | P(6)   |      | P    |   | P(6) | P(6)   |      |
| 112   | Restaurant (4)                      |       |    | C(2) | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 112.1 | Retail Food Shop                    |       |    | P(8) | P(6)   | P    | P    |   | P(6) | P(6)   |      |
| 112.2 | Tavern                              |       |    |      | P(6)   | P(8) | P    |   | P(6) | C      | P(6) |
| 113   | Drug Store                          |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 114   | Liquor Store                        |       |    |      |        |      | P    |   | P    | C      |      |
| 115   | Antique/Secondhand Store            |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 116   | Sporting Goods and Related Stores   |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 117   | Media Material                      |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   |      |
| 118   | Jewelry Store                       |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 119   | Hobby/Toy Store                     |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 120   | Photographic and Electronic Store   |       |    |      | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 121   | Fabric Store                        |       |    | P(7) | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 122   | Florist Shop                        |       |    | P(7) | P(6)   | P    | P    |   | P(6) | P(6)   | P(6) |
| 123   | Pet Store                           |       |    |      | P(6)   |      | P    |   | P(6) | P(6)   | P(6) |
| 124   | Wholesale/Bulk Store                |       |    |      |        |      | C    |   | C(6) | P(6)   |      |
| 125   | Beauty Salon                        |       |    | P(8) | P(6)   | P    | P    |   | C(6) | P(6)   | P(6) |
| 125.1 | Laundromat                          |       |    | P(7) | P      | P    | P    |   | P    | P(6)   |      |
| 125.2 | Espresso Stand (9)                  |       |    | P    | P      | P    | P    | P | P    | P(6)   | P    |
| 125.3 | Comm. Marine Supply                 |       |    |      |        | C    | P    |   |      |        |      |
| 126   | Other Retail Uses                   |       |    | P(7) | P(6)   | C    | P    |   | P    | C      | P(6) |
| 127   | Adult Entertainment                 |       |    |      |        |      | C(5) |   |      |        |      |

- (1) Forest product related businesses shall provide the following:
  - a. Minimum of ten (10) acres;

- b. Access to major arterial; and
- c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.
- (4) Drive-through facilities allowed subject to conditions. See SMC 15.38.180
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development, as described in SMC 15.38.610.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Walk-up only.

### 15.38.160 Manufacturing Uses

**ZONES:**

- P – Park ABC – Aviation Business Center
- UM – Urban Medium Density I – Industrial/Manufacturing
- UH – Urban High Density O/CM – Office/Commercial Medium
- UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use
- NB – Neighborhood Business T – Townhouse
- CB-C – Urban Center

P – Permitted Use; C – Conditional Use Permit

| USE # | LAND USE   | ZONES |    |    |        |    |      |      |        |   |
|-------|--|-------|----|----|--------|----|------|------|--------|---|
|       |  | P     | UM | UH | UH-UCR | NB | CB-C | O/CM | O/C/MU | T |
|       | MANUFACTURING USES                                       |       |    |    |        |    |      |      |        |   |
| 130   | Food Processing  |       |    |    |        |    |      |      |        |   |
| 131   | Winery/Microbrewery                                      |       |    |    |        |    | P(1) | P(1) | C(1)   |   |
| 132   | Textile Mill   |       |    |    |        |    |      |      |        |   |
| 133   | Apparel/Textile Products                                 |       |    |    |        |    |      |      |        |   |
| 134   | Wood Products  |       |    |    |        |    |      |      |        |   |
| 135   | Furniture/Fixtures                                       |       |    |    |        |    |      |      |        |   |
| 136   | Paper Products   |       |    |    |        |    |      |      |        |   |
| 137   | Printing/Publishing                                      |       |    |    |        |    | C    |      |        |   |
| 138   | Chemical/Petroleum                                       |       |    |    |        |    |      |      |        |   |
| 138.5 | Biomedical Product Facility                              |       |    |    |        |    |      |      |        |   |
| 139   | Rubber/Plastic/Leather/Mineral Products                  |       |    |    |        |    |      |      |        |   |
| 140   | Primary Metal Industry                                   |       |    |    |        |    |      |      |        |   |
| 141   | Fabricated Metal Products                                |       |    |    |        |    |      |      |        |   |
| 142   | Commercial/Industrial Machinery                          |       |    |    |        |    |      |      |        |   |
| 143   | Computer/Office Equipment                                |       |    |    |        |    |      |      |        |   |
| 144   | Electronic Assembly                                      |       |    |    |        |    |      |      |        |   |
| 145   | Aerospace Equipment                                      |       |    |    |        |    |      |      |        |   |
| 146   | Misc. Light Manufacturing                                |       |    |    |        |    |      |      |        |   |
| 147   | Tire Retreading  |       |    |    |        |    |      |      |        |   |
| 148   | Recycling Products                                       |       |    |    |        |    |      |      |        |   |
| 149   | Towing Operation   |       |    |    |        |    |      |      |        |   |
| 150   | Auto Wrecking  |       |    |    |        |    |      |      |        |   |
| 151   | Self-Service Storage                                     |       |    |    |        |    |      |      |        |   |
| 152   | On-Site Hazardous Waste Treatment and Storage Facilities |       |    |    |        |    |      |      |        |   |

(1) Winery/Microbrewery with retail section.

### **15.38.170 Public/Private Parking**

Public/Private parking facilities, which provide parking spaces for a fee, either associated with some other use or not, shall be prohibited in the S. 154<sup>th</sup> St. Station Area.

### **15.38.180 Drive-through Facilities**

Drive through facilities shall be allowed subject to the following:

1. A drive-through facility shall be part of a restaurant as defined in SMC 15.10.550, and with a minimum building size of 1,500 square feet;
2. The drive-through window shall not be located between the building and the street;
3. The drive-through window shall be located such that vehicular traffic using the drive-through does not impede pedestrian circulation; and
4. The building shall meet all other applicable design standards.

### **15.38.200 Circulation**

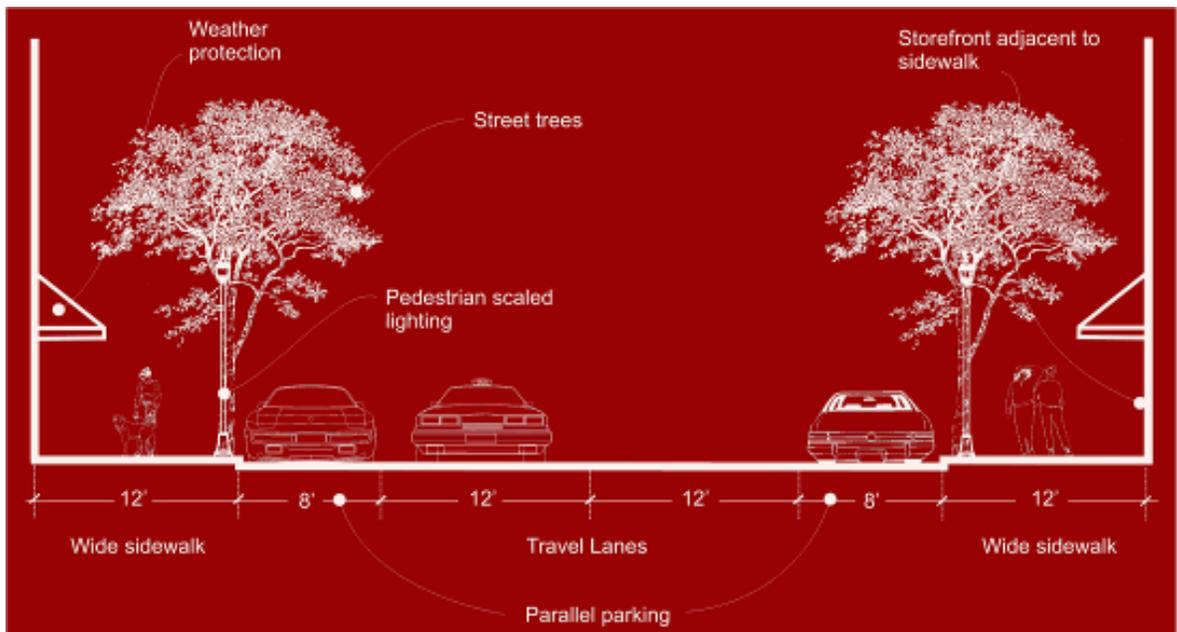
Purpose: Sufficient vehicular circulation should be provided through the establishment of an adequate network of collectors and minor arterials. Pedestrian corridors should be inviting in their overall design, such as through the provision of street furniture and landscaping, and should feel secure by providing adequate safety measures, such as lighting.

### **15.38.210 Vehicular Circulation Requirements**

A. All new or reconstructed S. 154th St. Station Area streets, whether public or private, shall be constructed within a minimum forty (40), fifty (50), or sixty-four (64) foot wide corridor (including streetfront pedestrian zones), as described below (The illustrations below describe the primary street sections: Street sections may differ at intersections to provide channelization for left and/or right turns).. Pedestrian and vehicular circulation within the S. 154th St. Station Area is intended to provide for public access, safe traffic flow, and connections to established vehicular and pedestrian routes, and is not intended to be applied prescriptively. Vehicular circulation shall be as approved by both the Director of Planning and Community Development and the Director of Public Works.

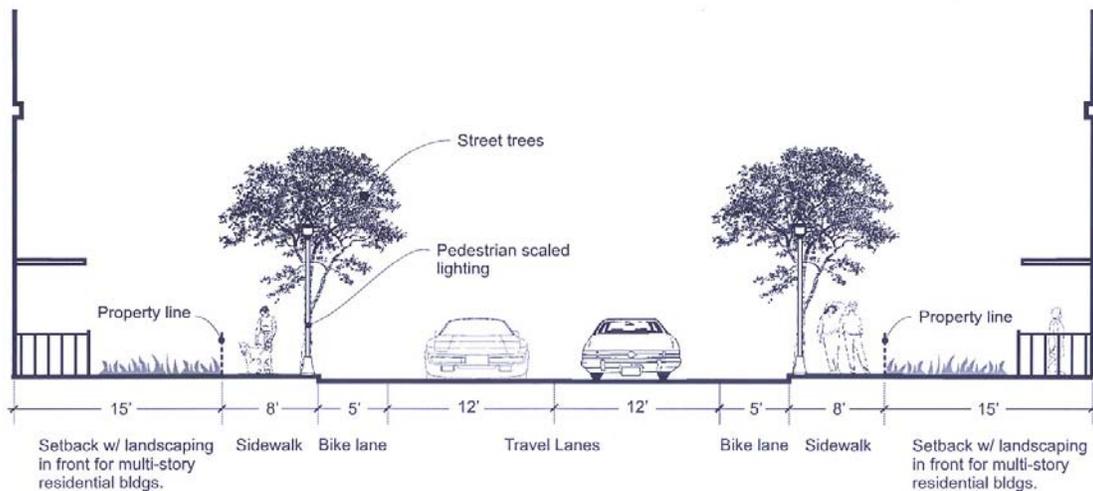
[Note: The street sections shown below will be described and contained in the documentation kept and maintained by the City's Public Works Department. This section of the Interim Standards will refer to that documentation. The street sections are shown here for illustrative purposes.]

1. S. 152<sup>nd</sup> St. within the Station Area shall be a minimum of sixty-four (64) feet in width per the diagram below.



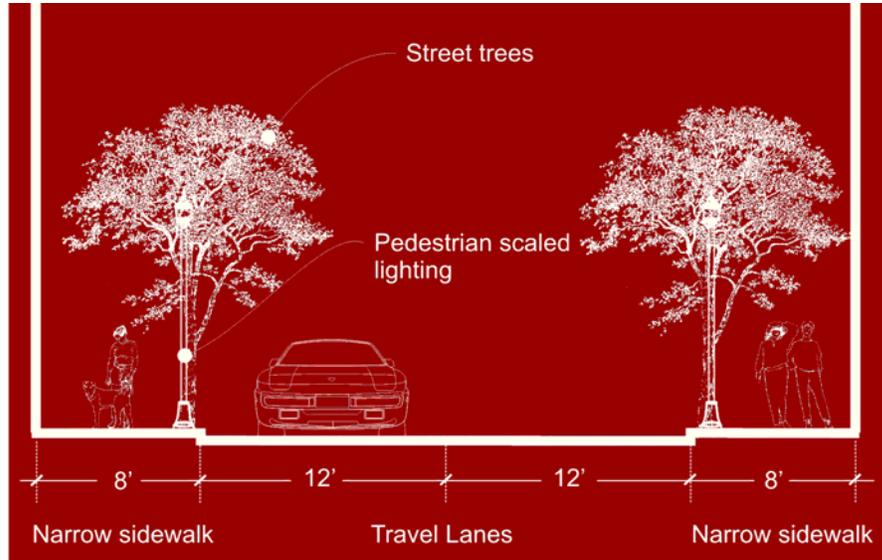
64 foot Section

2. S. 154<sup>th</sup> St. west of 32<sup>nd</sup> Ave. S. within the Station Area shall be a 2-lane minor arterial with bike lanes per the diagram below.



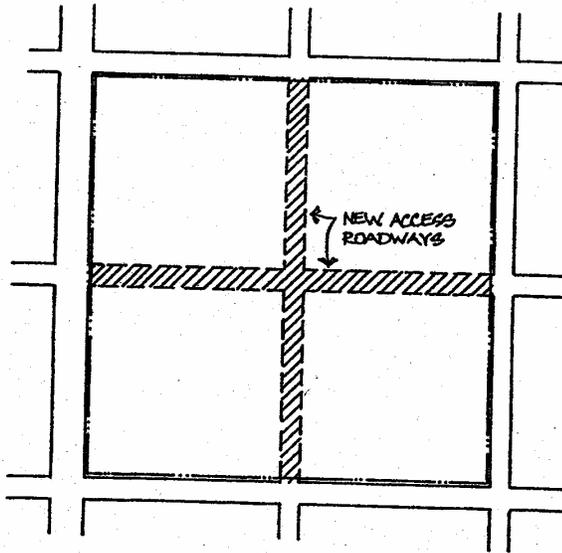
50 ft. Section

3. S. 154<sup>th</sup> St., between 32<sup>nd</sup> Ave. S. and International Boulevard; and International Boulevard, between S. 154<sup>th</sup> St. and S. 152<sup>nd</sup> St., shall be constructed consistent with the plans approved by the City of SeaTac and Sound Transit. (See Exhibit A)
  
4. All other streets within the Station Area shall be a minimum of forty (40) feet in width per the diagram below.



40 Foot Section

- B. All streets shall be designed to create blocks which are no greater than four hundred (400) feet on a side. In cases where topographic or other environmental constraints preclude the creation of a four hundred (400) feet by four hundred (400) feet block size, the four hundred (400) foot maximum block length shall apply to only two (2) sides of a block, and the maximum block length may be waived by the Director of Planning and Community Development.

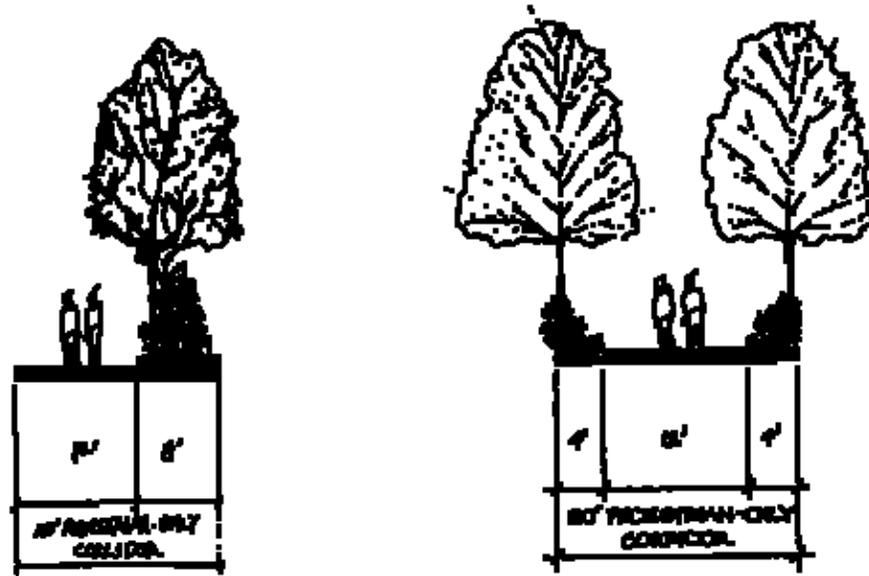


- C. An owner or developer shall coordinate with owners of adjacent parcels and consolidate, wherever possible, vehicular circulation routes to interconnect public and/or private streets in conformance with the adopted S. 154th St. Station Area Plan. Where appropriate, circulation corridors shall extend to the boundary line of the site parcel in order to provide for future development of adjacent parcels and connections with existing public and/or private streets.
- D. Dead-end streets shall be permitted only where there is no feasible connection with an adjacent public and/or private street.
- E. Half-streets shall not be allowed, except as an interim circulation route as approved by both the Director of Planning and Community Development and the Director of Public Works, in which the other half of the public or private street shall be developed on an adjacent parcel.

**15.38.220 Pedestrian Circulation Requirements**

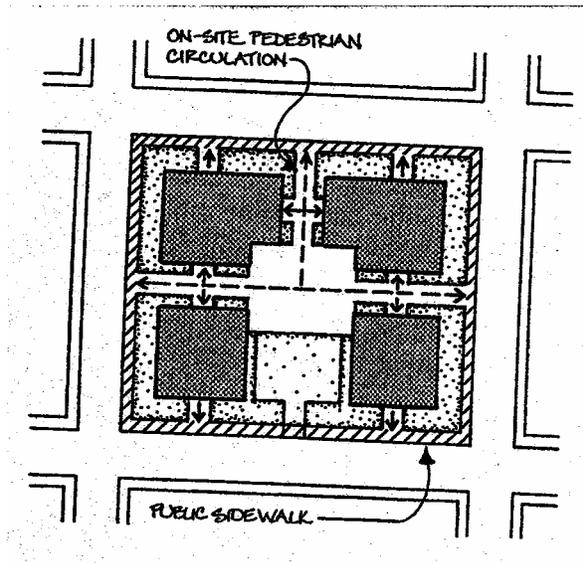
- A. All site plans proposing multiple buildings designed for residential occupancy or business access shall connect building entrances to one another and to pedestrian ways on adjacent public and/or private streets via a minimum four (4) foot wide walkway system separated from vehicular traffic. Public sidewalks may be considered part of the walkway system if they provide convenient movement between structures. Fences, landscaping and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.

- B. On-site pedestrian ways shall be designed to connect to off-site pedestrian way systems on adjoining properties and public and/or private streets. On-site extensions of pedestrian circulation systems shall align with existing pedestrian off-site links.
- C. Pedestrian-only corridors separate from the vehicular street system shall be a minimum of twenty (20) feet wide with a minimum twelve (12) foot pathway of an approved surfacing material.



- D. Buildings or structures approved by the Director of Planning and Community Development to be built across a designated pedestrian-only corridor shall provide public pedestrian access through said structures at least between the hours of 6:00 a.m. and 8:00 p.m. daily.
- E. Public easements for pedestrian circulation shall be open to the public twenty-four (24) hours a day, except as specified in subsection (D) of this section. Private easements for pedestrian circulation should remain open to the maximum extent possible.
- F. Primary pedestrian circulation and access shall be at grade. Elevated pedestrian walkways, if approved by the Director of Planning and Community Development, may be permitted for the following purposes:
  1. To provide an extension to or direct connection with an elevated walkway/moving sidewalk;
  2. To overcome obstacles of terrain;

3. To connect immediately adjacent components of a single development; or
  4. To connect with elevated transit stations.
- G. To promote public transit use, paved sidewalks or walkways shall be provided between building entrances and the nearest transit stop located within or adjacent to the subject property. Wherever possible, buildings shall be sited adjacent to or connected with transit stop facilities. Lighting shall be provided along pedestrian walkway connections and adjacent to transit stop facilities.

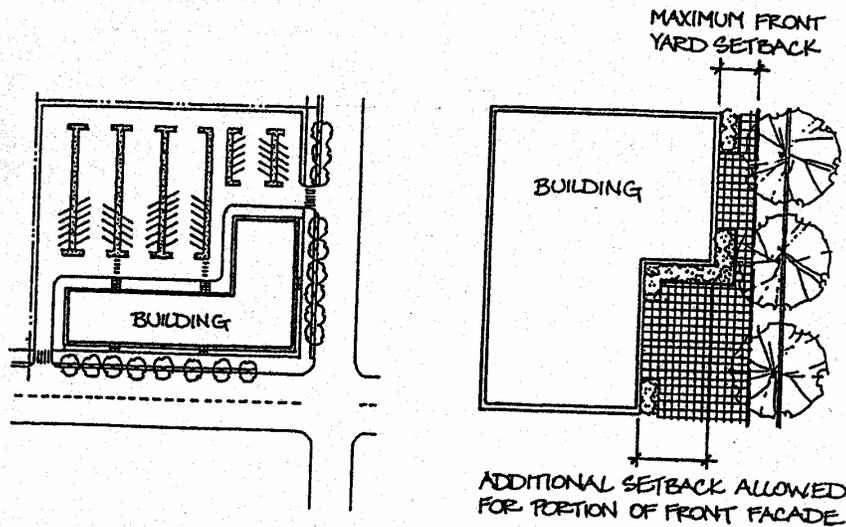


### **15.38.300 Site Planning and Building Orientation**

Purpose: Design structures to have both an external orientation, to the streetscape, and an internal orientation, to the pedestrian environment with unifying open space and pedestrian pathways. Design emphasis should be given to the pedestrian, rather than the auto environment, through placement of parking in a less prominent location (such as underground, or to the rear of the building, rather than in front), the requirement of pedestrian-level retail space; treatment of blank walls and facades and incorporation of prominent architectural features. Site layout should emphasize coordination of open spaces and pedestrian access with adjacent development or public places and compatibility with adjacent development with regard to scale, proximity and landscaping. Lighting and landscaping should allow for safety and visibility of public and semi-public areas.

### **15.38.310 Building Placement/Setbacks**

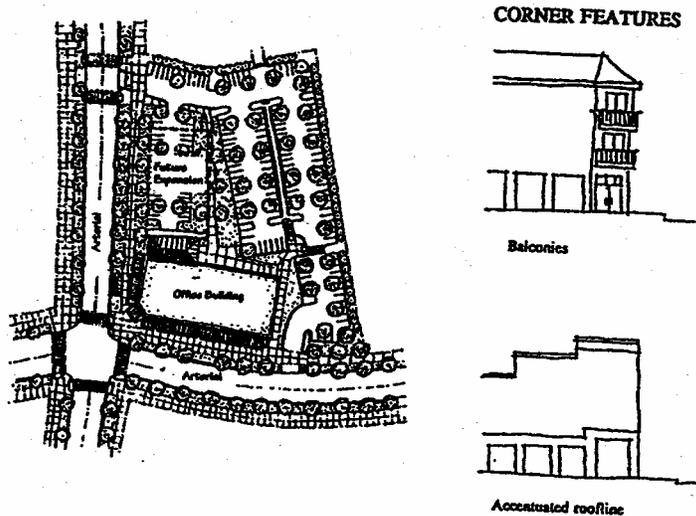
- A. For properties within the S. 154th St. Station Area (see Figure 15.38.020), the maximum front yard setbacks shall be as follows, except as provided under SMC 15.38.915, Parking Structure Placement and/or Setbacks:
  - 1. Twenty (20) feet adjacent to International Boulevard, for at least fifty percent (50%) of the building's front facade;
  - 2. Ten (10) feet adjacent to all other public and/or private streets, , for at least fifty percent (50%) of the building's front facade.
- B. The front facade of the primary building(s) on-site shall be oriented toward the front property line, with the main pedestrian entrance(s) located on this front facade. Additional building entrances may be oriented toward the rear or side of the building for access to and from parking lots.
- C. At least fifty percent (50%) of the building's front facade shall be located within the maximum front yard setback, as specified in subsection (A)(1) and (2) of this section. The remaining portions of the front facade may be stepped back a maximum of twenty (20) feet more than the established maximum setback, as approved by the Director of Planning and Community Development, for the purpose of accommodating public open space, porte cocheres, or recessed building entries.
- D. Building placement and setback shall be arranged to accommodate the front yard open space requirement as specified in SMC 15.38.420.



### 15.38.320 Development Abutting Two (2) or More Street Frontages

- A. If a building lot abuts two (2) or more public or private streets, the maximum front yard setback shall apply to the two (2) public and/or private streets with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If three (3) or more public and/or private streets have the same roadway classification, then the property owner shall select the two (2) public and/or private streets to which the maximum front yard setback shall be applied.
- B. Buildings on corner lots shall orient front facades to both the corner and adjacent public and/or private street fronts. The primary building entry shall be located on a front facade (i.e, facing a public street). Pedestrian entries near or on the corner are encouraged. Front facades shall conform to the Ground Floor Transparency requirements of 15.38.510.
  1. Development at the intersection of either S. 154<sup>th</sup> St. or S. 152<sup>nd</sup> St. and International Boulevard shall include architectural focal points that increase the visibility and landmark status of corner buildings, such as one (1) or more of the following:
    - a. Transparent glazing incorporated into corner building design;
    - b. Tower elements and/or roof lines that accentuate the corner;
    - c. Balconies or building terraces at or near the corner.

- C. If the subject property abuts public and/or private streets classified as principal arterials by the SeaTac Comprehensive Plan along both its front and rear property lines, then the property owner shall either:
1. Design a single building with facade entries oriented toward both the front and rear property lines; or
  2. Orient one (1) or more buildings toward the front property line along with a designated location for a current or future building or buildings oriented toward the rear property line.



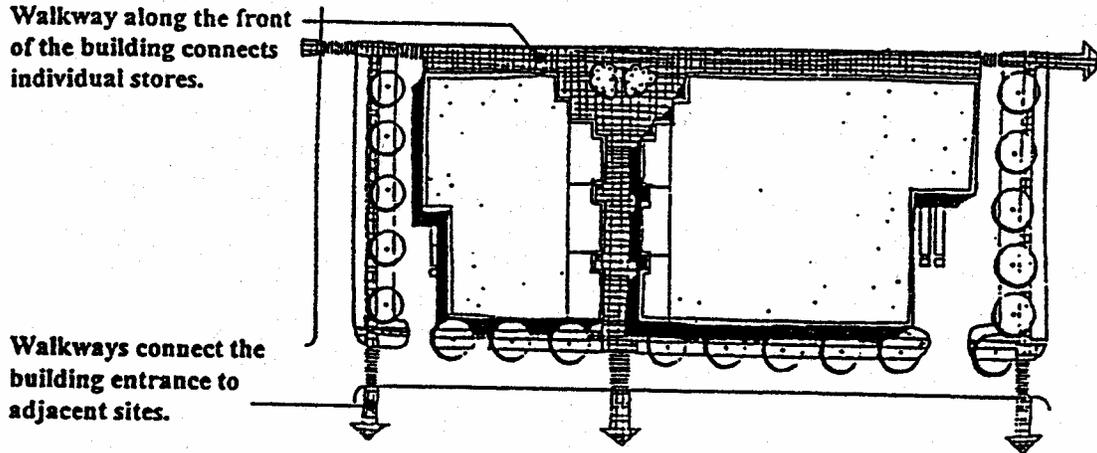
### 15.38.330 Relation to Adjacent Development

Proposed developments shall coordinate with current site planning and development efforts on adjoining parcels to take advantage of opportunities to mutually improve development design.

- A. Adjacent developments shall link open spaces and landscaping whenever possible.
- B. Proposed developments shall provide publicly accessible pedestrian connections to adjacent residential neighborhoods wherever possible, via a through-block walkway or links to sidewalks. Provide stairs or ramps where necessary when topographic barriers, such as steep slopes, inhibit direct access to surrounding development or destination points, such as transit stops.
- C. Where multi-family residential development is located adjacent to retail, commercial, employment, or institutional uses, side and/or rear yard landscape buffers shall be intersected by approved pedestrian

circulation routes in order to facilitate convenient walking connections to adjacent uses or services.

- D. Buildings or structures that terminate view corridors shall include architectural features that increase the visibility and landmark status of the subject building facade, such as a clearly defined building modulation, pedestrian entry feature, and/or roof line that accentuates the building as a focal point.



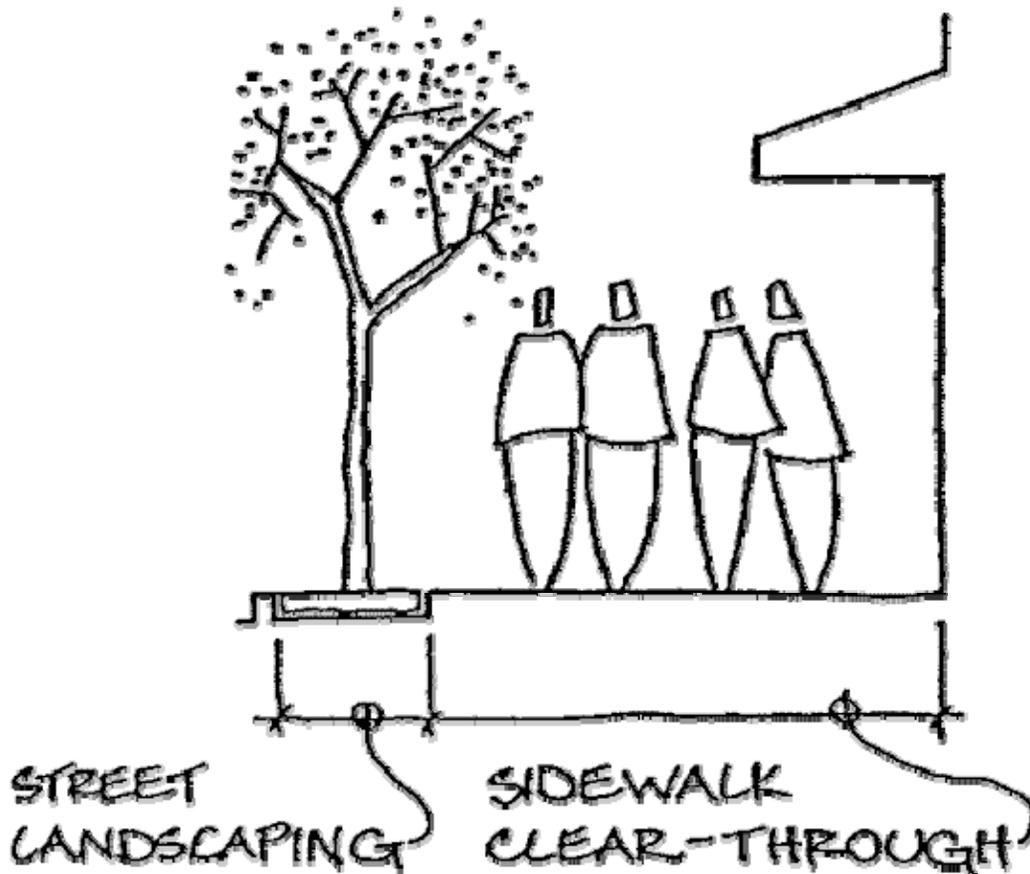
### 15.38.335 The Layout and Width of Streetfront Pedestrian Zone

Within the S. 154th St. Station Area, all new sidewalks and street improvements shall include a streetfront pedestrian zone, consisting of street landscaping and a sidewalk clear-through zone.

- A. Street Landscaping. A minimum four (4) foot wide street landscaping zone adjacent to the street curb shall be required on streets where the 12 ft. sidewalks are used, and a minimum two (2) foot wide street landscaping zone adjacent to the street curb shall be required on streets where the 8 ft. sidewalks are used. , The street landscaping zone shall consist of a combination of trees, landscaping, light poles, and street furniture in a manner to be approved by the Director of Planning and Community Development.
1. The street landscaping zone will include either tree wells and grates for street trees; or shrubs, ground cover and/or lawn in addition to street trees.
  2. Street trees shall be deciduous shade trees capable of at least twenty-five (25) feet in height. Street trees shall be planted within the street landscaping zone along public and/or private streets and be spaced no more than thirty (30) feet apart as described in SMC 15.14.130, except where variations in tree spacing, as

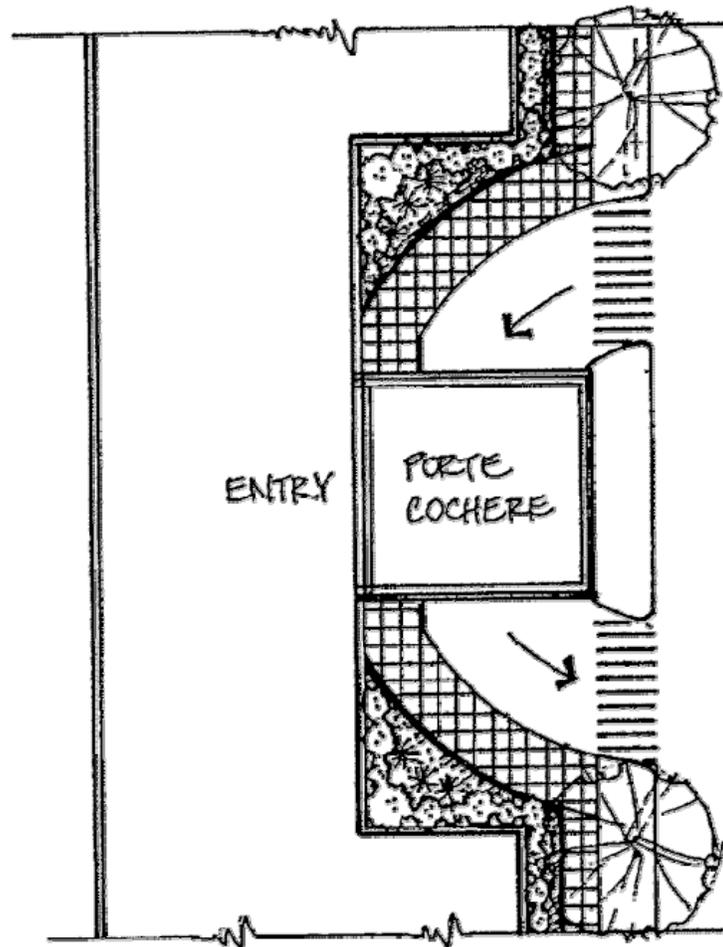
approved by the Director of Planning and Community Development, may be considered to enhance plaza areas, emphasize building focal points or avoid visually blocking retail storefront entrances.

- B. Sidewalk Clear-Through Zone. A pedestrian sidewalk clear-through zone shall be created along the public and/or private street frontage consisting of a minimum eight (8) foot wide paving area on streets using the 12 ft. sidewalk, and consisting of a minimum six (6) foot wide paving area on other streets in the station area. The pedestrian sidewalk clear-through zone shall be free of physical obstructions to pedestrian movement.
- C. Fences over four (4) feet in height or other features that form continuous visual barriers or block views to the windows of a ground level retail/commercial or service use are prohibited within the front yard setback zone.
- D. Monument signs shall be located according to an approved site plan and in a manner that does not obstruct pedestrian movement.



### 15.38.340 Driveway Entrances

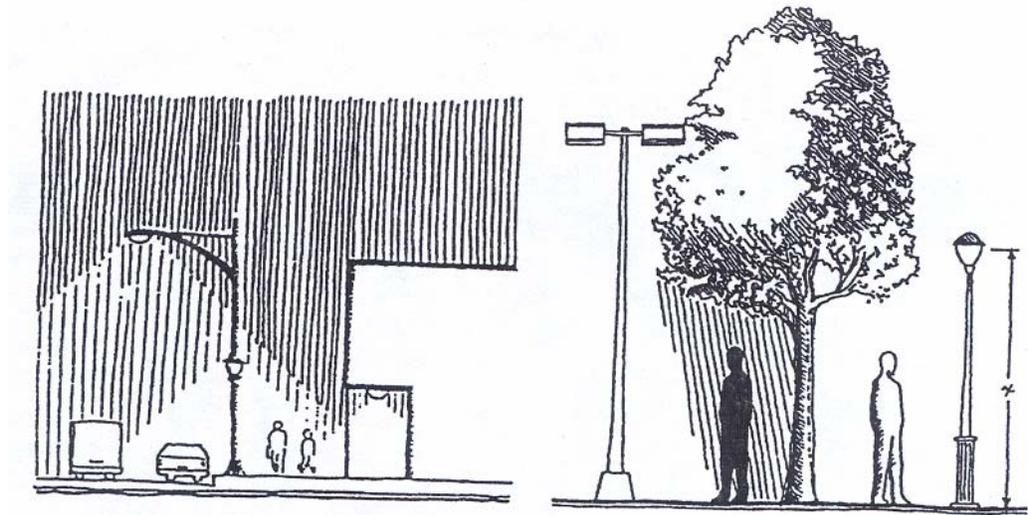
- A. Driveways serving front yard porte cochere building entries shall be approved by the Director of Planning and Community Development and include only the short-term parking that can be accommodated along one (1) double-loaded drive aisle.
- B. Pedestrian entry routes interrupted by driveways shall be distinguished from the driveway surface by decorative paving to the building entrance.



### 15.38.345 Exterior Lighting

- A. Lighting standards shall be no greater than sixteen (16) feet in height, and used to illuminate surfaces intended for pedestrians or vehicles, as well as building entries. Light fixtures shall be sited and directed to minimize glare around residences.
- B. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car or transit circulation. Along pedestrian circulation corridors, lighting standards shall be placed between pedestrian ways and public and/or private streets, driveways or parking areas. The level of lighting shall conform with the requirements of Chapter 17.40 SMC, Walkway, Bikeway and Park Lighting.
- C. Light standard designs shall be approved by the Director of Planning and Community Development, and be in conformance with a

consistent lighting standard design throughout the S. 154th St. Station Area area.



#### **15.38.350 Projects on or Near the Edge of a UL or UM Residential Zone**

Careful siting and design treatment is necessary to achieve a compatible transition between two (2) zones of differing height, bulk and scale requirements. In order to mitigate potential impacts of CB-C and UH zone development on neighboring residential districts, the following standards shall apply:

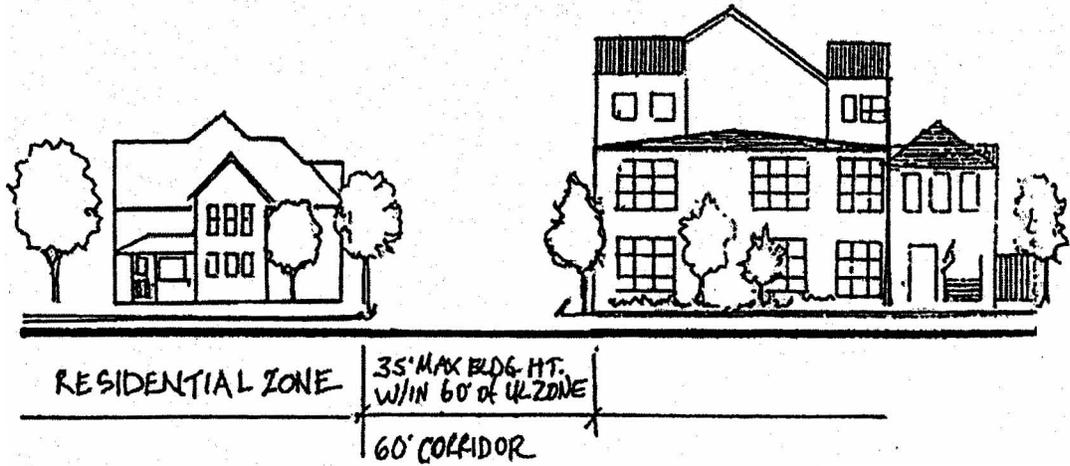
A. Properties abutting a UL zone shall incorporate the following:

1. A maximum building height of thirty-five (35) feet, relative to the base elevation of the adjacent UL zoned parcel(s) where that base elevation is higher than the base elevation of the proposed project, shall apply to all portions of a structure within sixty (60) feet of a UL zone, including access roadway widths; provided, that the overall height of any structure shall not exceed the maximum structure height specified in SMC 15.13.010; and
2. A minimum side and/or rear yard building setback of twenty (20) feet shall apply if the side or rear property boundaries are adjacent to a UL zone. Side/rear yard landscaping shall occupy all or part of the required building setback, as specified by land use in SMC 15.14.060.

B. Properties abutting a UM zone shall maintain a minimum side and/or rear yard building setback of twenty (20) feet, if the side or rear yard property boundaries are adjacent to a UM zone. Side/rear yard

landscaping shall occupy all or part of the required building setback, as specified by land use in SMC 15.14.060.

- C. Parking shall not be permitted within the side and/or rear yard building setback adjacent to a UL zone.



### **15.38.400 Open Space and Amenities**

Purpose: Break up dense development patterns with passive or active open spaces such as plazas, parks, trails and other means and link them wherever possible. Open spaces should be useable, have good access and take advantage of local amenities.

### **15.38.410 Minimum Open Space Area Required**

- A. A minimum of ten percent (10%) of net site area, excluding portions of a parcel classified as wetland; storm water facility, provided that such storm water facilities are at grade and not covered; or open water, shall be set aside as usable outdoor open space accessible to the public.
  - 1. Required landscaping and sensitive area buffers without common access links, such as pedestrian trails, shall not be included toward meeting the minimum open space area requirement.
  - 2. Driveways, parking, or other auto uses shall not be included in any usable outdoor open space area.
  - 3. Areas of a parcel with slopes greater than eight percent (8%) shall not qualify as usable outdoor open space, unless the area has been developed with an enhanced accessibility system of stairs, ramps, terraces, trails, seating areas, or other site improvements as approved by the Director of Planning and Community Development.
  - 5. Wetland/stream buffer and setback areas shall also be excluded for the purpose of calculating the open space requirement.
  
- B. Usable open space shall include one (1) or more of the following:
  - 1. Active outdoor recreation areas;
  - 2. Multi-purpose green spaces;
  - 3. Pedestrian-only corridors separate from the public or private roadway system and dedicated to passive recreation, including access links in sensitive area buffers.

The square footage (length times width) of pedestrian-only corridor shall be counted as usable open space; and/or

4. Publicly accessible plazas, courtyards, pocket parks and decorative paving areas constructed contiguous with a new or existing sidewalks located either within the front yard setback or elsewhere on-site. Developments proposing on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, and/or bikeways. Publicly accessible courtyard designs shall conform to the following standards:
    - a. The courtyard dimension is a measurement of the usable open space between two (2) buildings or to a property line, and shall have a width equal to the height of the building, up to a maximum of seventy-five (75) feet, but in no cases less than twenty (20) feet.
    - b. If the enclosing walls of a courtyard terrace upward and back with succeeding stories, the courtyard dimension shall be measured from the lowest enclosing floor or projection.
- C. The front yard open space requirement as per SMC 15.38.420 may be counted toward the minimum open space area requirement.
1. Developments have the option of contributing to a S. 154th St. Station Area open space fund in lieu of setting aside additional on-site open space area greater than the minimum required in both the front yard, as per SMC 15.38.420,. The City shall use the funds contributed to the S. 154th St. Station Area open space fund within six (6) years on an approved open space/park project or return said funds to contributors. Revenue from the S. 154th St. Station Area open space fund may be applied only to open space/park projects within the defined S. 154th St. Station Area area.
  2. To receive exemption for an amount of on-site open space totaling less than the required open space area, a contribution to the S. 154th St. Station Area open space fund shall be made in an amount that equals the monetary value of that portion of site area which is less than the required open space.

- D. Usable open space areas on-site shall be organized and designed in a manner that allows for maximum integration with open space on adjacent parcels, as specified in SMC 15.38.330.

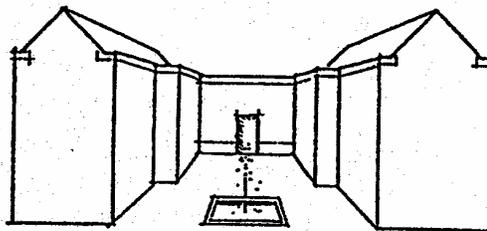
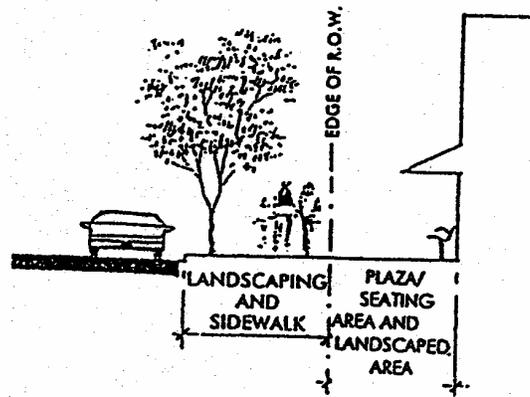
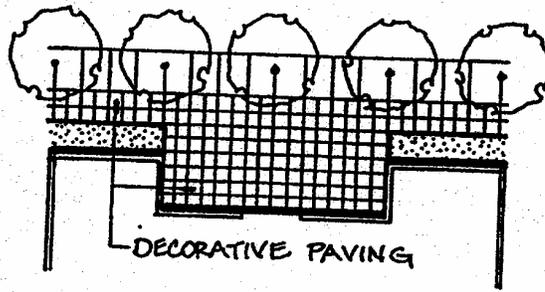
### **15.38.420 Front Yard Open Space**

The following front yard open space regulation shall supersede the street frontage landscape requirement as specified in SMC 15.14.020(C) and 15.14.060. The building facade landscaping requirement shall continue to apply to uses in the S. 154th St. Station Area, except under pedestrian weather protection structures, as specified in SMC 15.38.570.

- A. Front yard open space area equal to the square footage of a five (5) foot strip along the length of the street-facing front facade(s) shall be developed and arranged in a manner that is accessible to the public at all times, directly connected to a sidewalk or pedestrian pathway, and bordered on at least one (1) side by, or readily accessible from, approved structure(s) on-site. Front yard open space shall be placed in one (1) or more of the following ways, as approved by the Director of Planning and Community Development:
  - 1. Plaza, Courtyard, or Pocket Park. Publicly accessible open space of a minimum two hundred (200) square feet that is adjacent to a pedestrian building entrance and consisting of at least fifty percent (50%) decorative paving. The remaining percentage of required open space area may be installed as plantings within or immediately adjacent to the plaza, courtyard, or pocket park. One (1) tree shall be required for every two hundred (200) square feet of decorative paving area. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers;
  - 2. Multi-Purpose Green Space. A combination of grass, pedestrian ways, and seating areas of a minimum two hundred (200) square feet. One (1) tree shall be required for every two hundred (200) square feet of green space area; and/or
  - 3. Decorative Paving Contiguous with Sidewalk. A minimum five (5) foot wide decorative paving area constructed contiguous with a new or existing sidewalk along the length of the front yard building facade, coupled with a direct

connection between the building entrance and sidewalk.

- B. Outdoor Seating. Publicly accessible plazas, courtyards, and pocket parks shall include at least one (1) linear foot of seating per each forty (40) square feet of plaza, courtyard, or pocket park space on-site. Outdoor seating shall be in the form of:
1. Freestanding outdoor benches of a minimum sixteen (16) inches wide; or
  2. Seating incorporated into low walls, raised planters or building foundations at least twelve (12) inches wide and eighteen (18) inches high.
- C. Focal Point For Plazas, Courtyards and Pocket Parks. In addition to seating, publicly accessible plazas, courtyards, and pocket parks should incorporate one (1) or more of the following open space amenities in order to encourage pedestrian use and activity:
1. Public art, such as a water feature or sculpture;
  2. Transit stops;
  3. Performance/stage areas; or
  4. Other public amenities, as approved by the Director of Planning and Community Development.
- D. Accessory Site Furnishings. Accessory site furnishings shall be located so as not to obstruct pedestrian access along sidewalks and to businesses.
1. Waste receptacles, movable planters and other accessory site furnishings shall be of a design which is compatible with the design of the plaza, courtyard, or pocket park, through the use of similar detailing or materials.



Organized around an outdoor space.

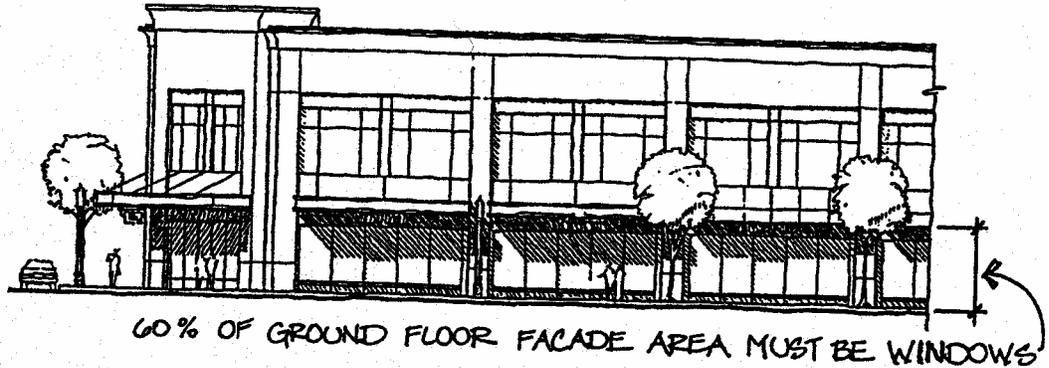
## **15.38.500 Building Design**

Purpose: Buildings should be designed to promote an architecturally appealing environment. Design emphasis should be given to the pedestrian through the provision of inviting building entries, street-level amenities and other structural and facade elements to encourage pedestrian interaction.

### **15.38.510 Ground Floor Transparency Requirements**

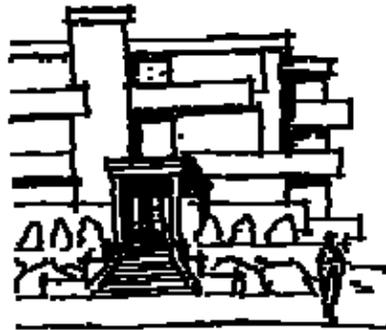
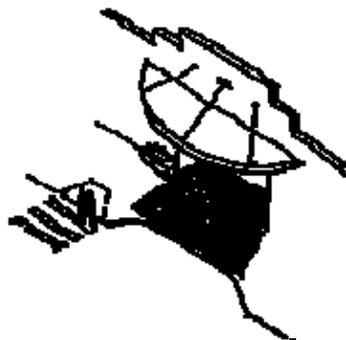
Windows shall be provided on the street level rather than blank walls to encourage a visual link between the business and passing pedestrians.

- A. Transparency requirements shall apply to buildings with a ground floor retail/commercial or service use, as defined in SMC 15.38.620 and in the S. 154th St. Station Area Use Charts (SMC 15.38.100 through 15.38.160), including portions of buildings where ground floor uses are convertible to a retail/commercial or service use. Transparency requirements shall not apply to portions of a building with ground floor housing.
  - 1. Windows shall cover at least sixty percent (60%) of the public street facing ground floor building wall area. At the first floor building level, darkly tinted, mirrored or reflective glass shall not be used. Lightly tinted windows are allowed for nonretail ground floor uses.
  - 2. Transparency requirements shall apply to that area of the ground floor building wall fronting the street up to the finished ceiling height of the first floor building space.
  - 3. Windows shall begin twelve (12) to thirty (30) inches above the finished grade of the first floor building space.



### 15.38.520 Pedestrian Building Entries

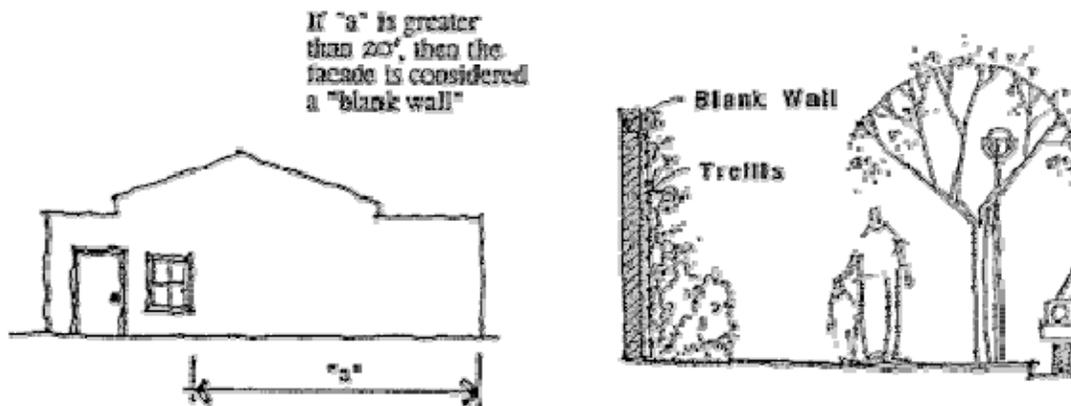
- A. Primary building entries shall be designed to be clearly visible or recognizable from an adjacent public or private street through the incorporation of two (2) or more of the following features:
1. Canopies, awnings, or other entry coverings that provide pedestrian shelter and interest;
  2. Distinctive architectural elements such as a variation in the building footprint, roof form, or amount of transparent glazing;
  3. Pedestrian-scaled ornamental lighting no greater than sixteen (16) feet in height;
  4. Landscaping designed as entry focal point.
- B. All ground level building entries shall be located no more than three (3) feet above or below the grade of the sidewalk. In the case of an allowable grade difference between a building entry and adjoining sidewalk, provide stairs and/or ramps to accommodate pedestrian access.



### 15.38.530 Treatment of Blank Walls

The definition of a “blank wall” is any wall or portion of a wall that is located within forty (40) feet of a street or pedestrian-only corridor and is without a ground level window, door or facade opening along any street-facing facade section of twenty (20) feet in length or more.

- A. Where blank wall sections are unavoidable due to the requirements of a particular land use or structural needs, they shall not exceed a length of fifty (50) feet, or twenty percent (20%) of the length of the street-facing facade, whichever is less.
- B. Blank wall sections of allowed lengths shall receive one (1) or more of the following special design treatments up to at least the finished ceiling height of the first floor building space in order to increase pedestrian comfort and interest:
  - 1. Install vertical trellis in front of the wall with climbing vines or other plant materials over at least thirty percent (30%) of the blank wall surface;
  - 2. Provide a decorative masonry pattern, or other architectural feature as approved by the Director of Planning and Community Development, over at least thirty percent (30%) of the blank wall surface; and/or
  - 3. Employ small setbacks, projections, indentations, or intervals of material change to break up the wall's surface.



### 15.38.540 Roof Lines

In order to provide a visual terminus to the tops of S. 154th St. Station Area buildings and soften rectilinear forms, roof designs must conform to one (1) of the following options:

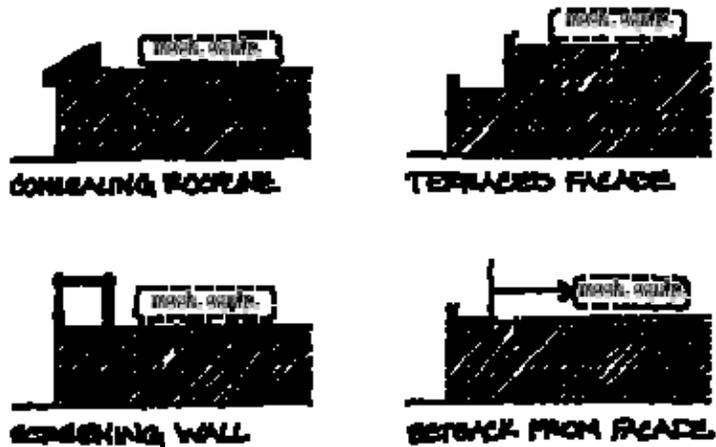
- A. Roof Line with Architectural Focal Point. A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.
- B. Roof Line Variation. The roof line articulated through a variation or step in roof height or detail, such as:
  - 1. Projecting Cornice: Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
  - 2. Articulated Parapet: Roof line parapets shall incorporate angled, curved or stepped detail elements.
- C. Pitched Roof or Full Mansard: A roof with angled edges, with or without a defined ridge line and extended eaves.
- D. Terraced Roof: A roof line incorporating setbacks for balconies, roof gardens, or patios.



### 15.38.550 Rooftop Equipment

Building rooftops shall be designed to effectively screen mechanical equipment from street-level view through one (1) or more of the following methods:

- A. A concealing roof line;
- B. A terraced facade;
- C. A screening wall or grillwork directly surrounding the equipment;
- D. Sufficient setback from the facade edge to be concealed from ground level view.

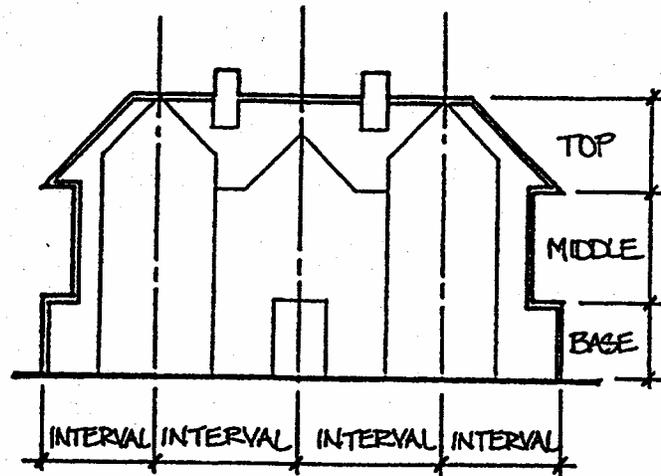


### 15.38.560 Character and Massing

Building facades one hundred (100) feet or greater in length shall incorporate vertical and/or horizontal variations in setback, material or fenestration design along the length of the applicable facade, in at least two (2) of the following ways listed below (see SMC 15.38.920 for character and massing requirements specific to parking structures):

- A. Vertical Facade Changes: Incorporate intervals of architectural variation at least every eighty (80) feet over the length of the applicable facade, such as:
  - 1. Varying the arrangement, proportioning and/or design of windows and doors;
  - 2. Incorporating changes in architectural materials; and/or
  - 3. Projecting forward or recessing back portions or elements of the applicable facade.
    - a. Front facades incorporating a variation in building setback shall include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, storefront or bay windows, seating and/or planting areas.
- B. Horizontal Facade Changes. Designed to differentiate the ground floor from upper floors, such as:

1. Stepping back the upper floors from the ground floor building facade;
2. Changing materials between the building base and upper floors;
3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.



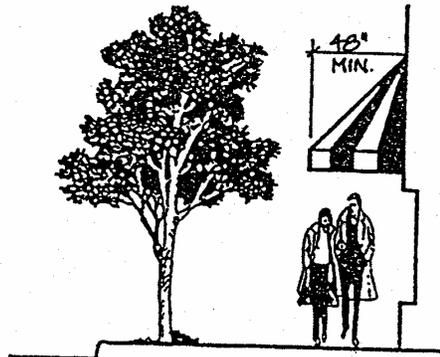
### 15.38.570 Pedestrian Weather Protection Along Building Facades

Building facades with ground floor retail/commercial or service uses shall be designed to provide for pedestrian weather protection through the use of awnings, canopies, colonnades, marquees, or building overhangs. Pedestrian weather protection structures shall extend along at least the length of the street-facing facade with the ground floor retail/commercial or service use.

- A. Pedestrian weather protection structures shall extend a minimum of four (4) feet out from the building facade. The maximum horizontal projection from the surface of the building shall be eight (8) feet or seventy-five percent (75%) of the distance to the curb face, whichever is less. Pedestrian weather protection structures shall be architecturally integrated with the ground level design of the building to which it is attached.
- B. The minimum height of pedestrian weather protection structures shall be eight (8) feet and six (6) inches above the

sidewalk surface. Maintain a horizontal consistency by aligning the bottom edge of weather protection structures with those on adjacent buildings. Where the grade is sloping, maintain the average height above grade of adjacent weather protection structures.

- C. Building facade landscaping shall not be required under pedestrian weather protection structures along public or private street frontages. Any facade landscaping provided under pedestrian weather protection structures shall be of such width that a minimum four (4) feet of unobstructed walking area remains under the building awning, canopy, overhang, or other weather protection structure.
- D. Building facade landscaping in front of a ground floor retail use shall be designed and maintained to avoid obscuring visibility of street-facing windows or limiting access to building entrances, and shall consist of:
  - 1. Evergreen shrubs spaced no more than four (4) feet apart that do not exceed a height of four (4) feet at maturity;
  - 2. Ground cover; and
  - 3. Seasonal displays of flowering annual bedding plants.



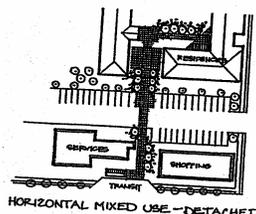
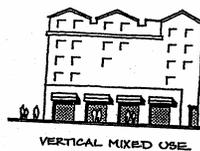
## 15.38.600 Mixed Use Development Standards

Purpose: Incorporate a mixture of different types of uses in one (1) structure or in close proximity to encourage pedestrian circulation, maximize site development potential and create an active environment. Design ground floors to accommodate commercial uses that benefit from a high degree of pedestrian activity while upper floors should be devoted to residential uses. The following regulations shall supersede the mixed use standard in SMC 15.13.107, and shall apply to S. 154th St. Station Area developments proposing land uses specified as being part of a mixed use development in the SMC 15.38.110 through 15.38.160, S. 154th St. Station Area use charts.

## 15.38.610 Definition of Mixed Use

Mixed use refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one (1) of the following ways:

- A. Vertical Mixed Use: A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
- B. Horizontal Mixed Use – Attached: A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
- C. Horizontal Mixed Use – Detached: Two (2) or more structures on one (1) site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.



### **15.38.620 Ground Floor Uses in Mixed Use and/or High Capacity Transit Facility Projects**

(For ground floor use requirements relative to parking structures, see SMC 15.38.945.)

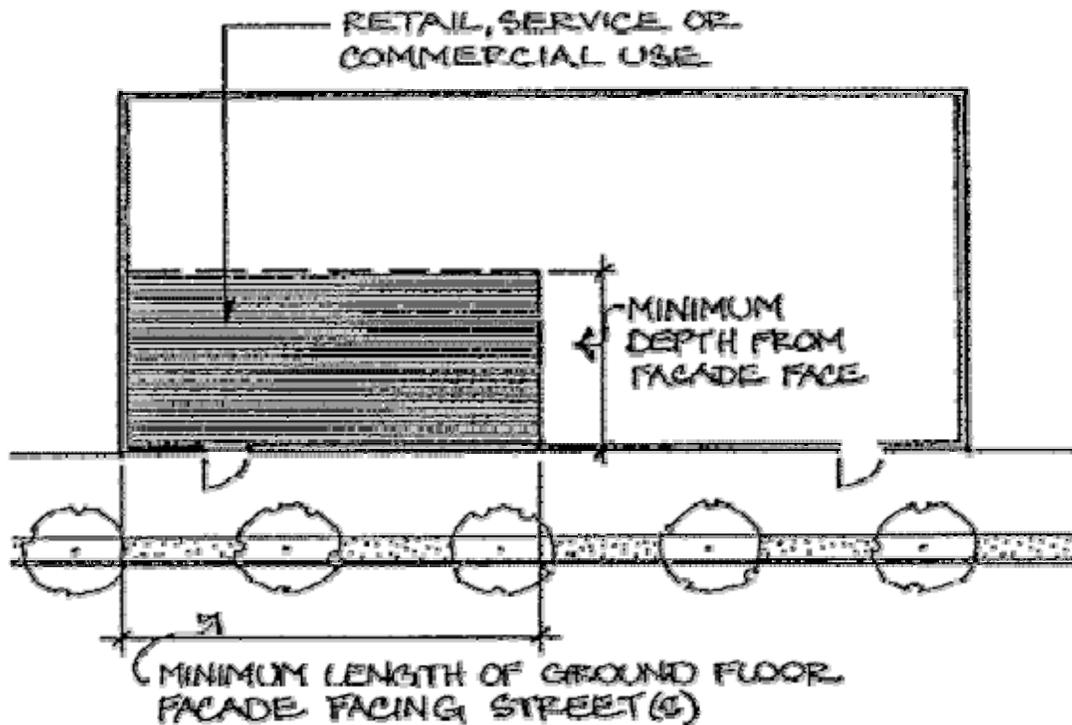
The following shall apply to vertically mixed use buildings, as well as structures in horizontal mixed use projects sited within the maximum front yard setback: (see SMC 15.38.610 for definitions of mixed use types.)

- A. A minimum of fifty percent (50%) of the length of the exterior ground floor facing the street(s), excluding vehicle entrances, exits, and alleys, shall be designed to be occupied by a retail/commercial or service use. The leasable ground floor area shall extend in depth a minimum of thirty (30) feet from the exterior building facade; provided, that the minimum required may be averaged, with no depth less than fifteen (15) feet.

A partial list of permitted retail/commercial or service uses are specified below (for a detailed listing of permitted uses, refer to the S. 154th St. Station Area use charts):

- 1. Retail/Commercial. Retail/commercial uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, hotels/motels, restaurants, and other retail/commercial uses that are not specifically auto-oriented in scale or nature.
  - 2. Services. General offices, such as professional, financial, insurance and real estate services; or personal services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries and health clubs.
- B. The minimum clear interior ceiling height standard for the retail/commercial or service use portion of mixed use buildings shall be a minimum ten (10) feet for all street level building space.
  - C. Pedestrian-level commercial uses in vertical mixed use projects shall be distinguished architecturally from attached residential units and shall utilize separate entrances where feasible.

- D. Ground floor businesses shall provide business identity signs that fit with the architectural character of the site and shall conform to all other applicable sign requirements identified in the SeaTac Municipal Code.



### 15.38.700 Multi-Family Development Standards

Purpose: Design multiple-family units that are of high quality, good architectural design, are compatible with adjacent development, especially single-family neighborhoods, and that provide linked open space. Townhouse units should be well-designed and architecturally appealing.

- A. Multi-family development within the S. 154th St. Station Area shall meet the requirements of Chapter 15.19 SMC. Additionally, the following sections of the S. 154th St. Station Area standards shall apply to projects as stated below:
1. The following standards shall apply to all multi-family projects in the S. 154th St. Station Area: SMC 15.38.200 through 15.38.220; 15.38.300 through 15.38.335; 15.38.800 through 15.38.850.

2. The following standards shall apply only to ground floor commercial in mixed use residential projects: SMC 15.38.510 and 15.38.520; 15.38.570; 15.38.600 through 15.38.620.

## **15.38.800**

### **Parking Standards**

Purpose: Minimize parking as a dominant land use. Parking should be screened through its placement behind structures and via landscaping.

#### **15.38.805 Maximum Parking Standards**

The following maximum parking standards shall be in addition to the minimum parking standards established under Chapter 15.15 SMC. In cases where the minimum parking standards established under Chapter 15.15 SMC are greater than the maximum spaces allowed in this section, then the parking standard of SMC 15.38.810 shall supersede and also serve as the minimum number of parking spaces required. (Ord. 99-1050 § 8)

### 15.38.810 Maximum Parking Requirements

| LAND USE  | MAXIMUM SPACES ALLOWED*                                |
|---|--|
| Residential Uses                                    |  |
| Single Attached Dwelling/Duplex/Townhouse           | 2 per dwelling unit                                    |
| Multi-Family Housing                                | 1 per bedroom, up to 2 per dwelling unit maximum**     |
| Senior Housing                                      | 1 per unit**   |
| Boarding House/Bed and Breakfast                    | 1 per bedroom, plus 2 for residents                    |
| Transitional Housing                                | 1 per 2 bedrooms**                                     |
| Convalescent/Community Residential Facility         | 1 per bed**  |
| Rest/Convalescent Center/Nursing Home (24 hr. care) | 1 per 3 beds***  |
| College Dormitory                                   | 1 per bedroom unit                                     |
| Residential Congregate Care                         | 0.35 per bedroom                                       |
| Recreational/Cultural Uses                          |  |
| Conference/Convention Center                        | 5 per 1,000 SF of building area                        |
| Library/Museum/Cultural Facility                    | 4 per 1,000 SF of building area                        |
| Community Center/Recreation Center                  | 4 per 1,000 SF of building area                        |
| Sports/Fitness/Health Club                          | 4 per 1,000 SF of building area                        |
| Theater   | 0.75 per fixed seat, plus 1 per employee               |
| General, Educational and Health Services Uses       |  |
| General Service Uses                                | 4 per 1,000 SF of building area                        |
| Educational Uses                                    | 1 per employee, plus 1 per 2 students                  |
| Health Services Uses                                | 4 per 1,000 SF of building area                        |
| Government/Office, Business Uses                    |  |
| Business Service/Office Uses                        | 3* per 1,000 SF of building area                       |
| Retail/Commercial Uses                              |  |
| Hotel/Motel and Associated Uses                     | 1 per bedroom, plus the following for associated uses: |
| with restaurant/lounge/bar                          | 4 per 1,000 SF of building area                        |
| with banquet/meeting room                           | 5 per 1,000 SF of gross building area                  |
| Retail Uses   | 4 per 1,000 SF of leasable space                       |
| Manufacturing Uses                                  | 1 per employee, plus 2 per 1,000 SF of building area   |
|   |  |

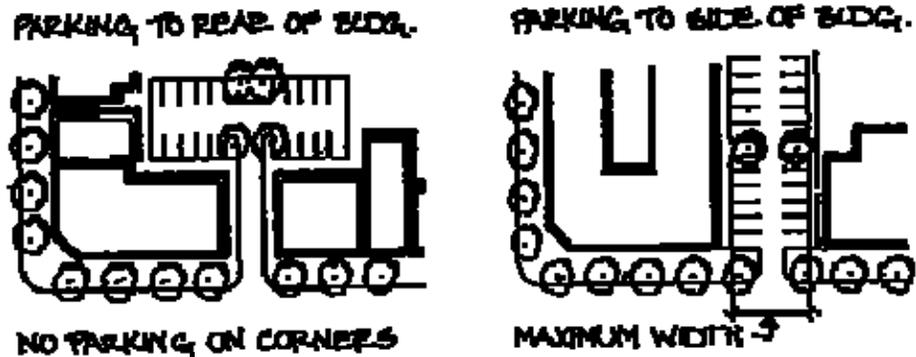
\* Where calculations result in fractions of parking spaces, the maximum number of parking stalls shall be determined by rounding up to the next whole number.

\*\* Unless modified by a parking plan demonstrating an increased need to serve residents.

### 15.38.820 Surface Parking

#### A. Location of Surface Parking Lots.

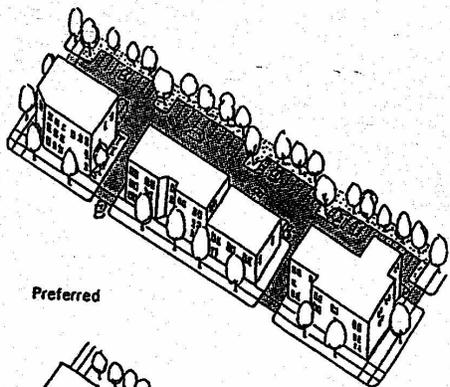
1. No parking shall be located between the building and the front property line, other than a driveway for passenger loading and off-loading only in conformance with SMC 15.38.340 and approved by the Director of Planning and Community Development. Surface parking shall be located behind a building or to the side of a building.
2. Parking located next to a building and within forty (40) feet of the front property line shall not occupy more than the width of two (2) lengthwise parking stalls and one (1) travel lane, or sixty-two (62) feet, whichever is less.
3. On corner lots, no parking shall be located between the building and either of the two (2) front property lines. If a parcel abuts more than two (2) public or private streets, no parking shall be located between the building and the front property line abutting the two (2) public and/or private streets with the highest classification.



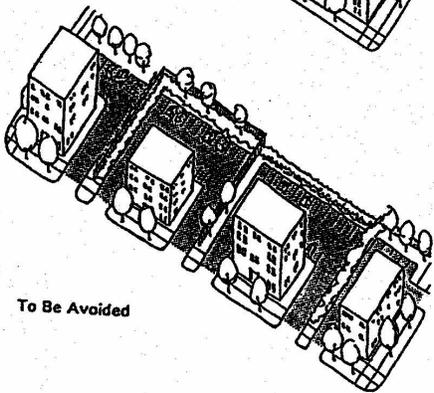
### 15.38.830 Encouraging the Joint Use of Driveways and Parking Areas

- A. The joint use of driveways and parking areas shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the building facilities and/or properties to qualify as a joint use parking facility. As an incentive, the City will consider an overall reduction in the parking ratio of up to fifty percent (50%) of the minimum required for primary nighttime uses such as theaters, bowling alleys, and restaurants when coordinated with a parking supply serving primarily daytime uses such as banks, offices, and retail stores.

B. Automobile access shall be consolidated with no more than one (1) driveway per one hundred fifty (150) linear feet of street frontage.



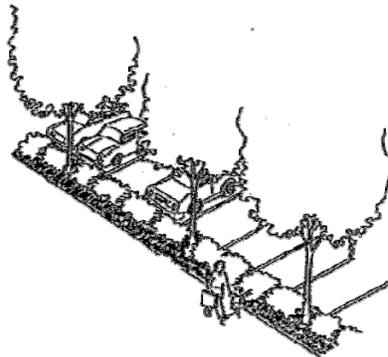
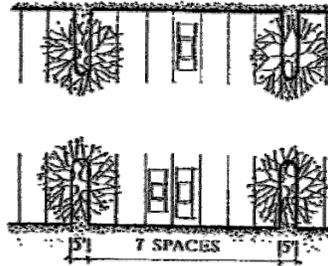
Preferred



To Be Avoided

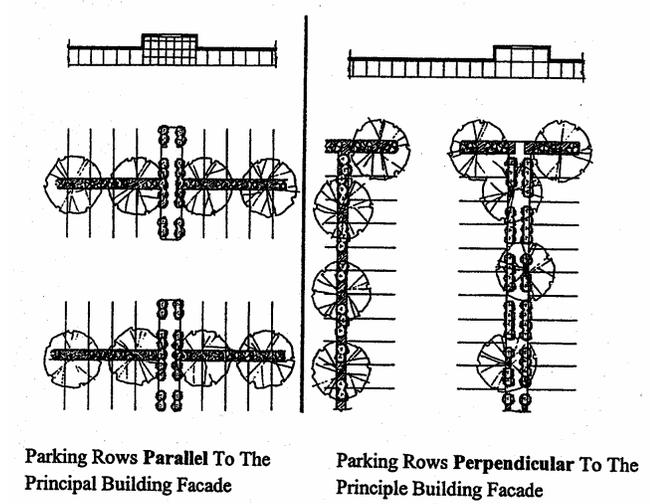
### 15.38.840 Surface Parking Lot Landscaping and Treatment of Perimeter

- A. At least ten percent (10%) of the interior surface parking area shall have landscaping when the total number exceeds twenty (20) parking stalls, including a minimum of one (1) tree for every seven (7) parking stalls to be distributed between rows and/or stalls throughout the parking lot.
- B. Surface parking shall be visually screened from public and/or private streets by means of building placement and/or landscaping. The perimeter of a parking lot shall be planted with five (5) feet of Type III landscaping, or if site layout requires, a maximum four (4) foot high fence and sufficient landscaping to filter views. Any abutting landscaped areas can be credited toward meeting this standard.
- C. The required width dimension for interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Except as noted in this subsection, trees and required landscaping shall be placed in planting beds at least five (5) feet wide between parking rows and/or stalls within the interior of the parking lot.



### 15.38.850 Pedestrian Circulation Through Parking Lots

- A. Surface parking lots containing one hundred (100) parking spaces or more shall provide pedestrian walkways through the parking field. Pedestrian walkways shall be raised, and shall be a minimum of eight (8) feet wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to nonstreetfront building entrances or existing pedestrian ways.
  - 1. For parking rows perpendicular to the principal building facade, pedestrian ways shall be located between two (2) rows of parking spaces at a minimum of one (1) pedestrian way every two hundred (200) feet.
  - 2. For parking rows parallel to the principle building facade, pedestrian ways shall be incorporated adjacent to a series of aligned landscape islands at a minimum of one (1) walkway every twenty-one (21) parking spaces.
- B. Clearly distinguish the pedestrian way network from car or transit circulation. This is particularly important in areas where these various travel modes intersect, such as at driveway entrances and in parking lots.
  - 1. Where sidewalks or walkways cross vehicular driveways, provide a continuous raised crossing, or distinguish the crossing from the driveway surface by marking with a contrasting paving material.



## 15.38.900

### Parking Structures

Purpose: Design parking structures to blend in with adjacent development. Emphasize design features that minimize the obtrusiveness of the parking use and encourage architectural compatibility with adjacent development. (Ord. 99-1050 § 8)

#### 15.38.905 General

Parking structures shall comply with the following minimum requirements:

- A. Only one (1) parking structure shall be allowed per development site. (Also see SMC 15.10.175.03.)
- C. Parking structures providing off-street parking for retail/commercial, service, or residential use(s) shall clearly reserve and designate all required off-street parking spaces for those use(s)
- E. Design features for parking structures shall comply with the requirements of SMC 15.38.100 and 15.38.900 through 15.38.945. (Ord. 05-1002 § 5)

#### 15.38.910 Parking Structure Design

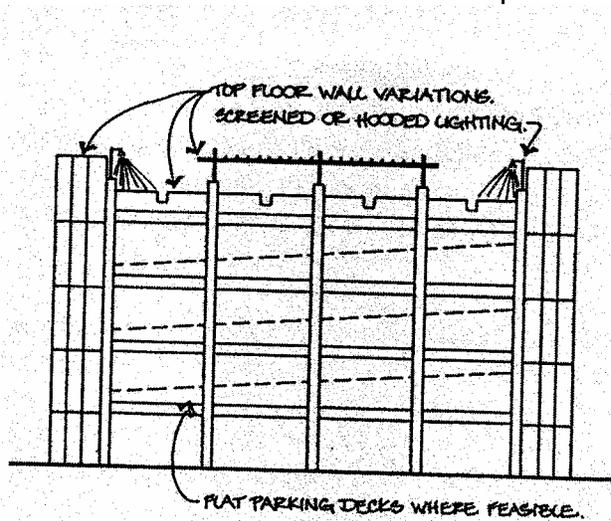
The following parking structure design standards shall be in addition to or, in some cases, supersede applicable design standards in other sections in this chapter.

- A. Parking structure facades shall have the appearance of an office building or hotel use.



Proposed design features shall be approved by the Director of Planning and Community Development.

- B. Parking decks should be flat where feasible. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.
- C. External elevator towers and stair wells shall be open to public view, or enclosed with transparent glazing.
- D. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.
- E. Parking structure top floor wall designs must conform to one (1) or more of the following options:
  - 1. Top Floor Wall with Architectural Focal Point. A top floor wall focal point refers to a prominent wall edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.
  - 2. Top Floor Wall Line Variation.
    - a. Projecting Cornice: Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
    - b. Articulated Parapet: Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.



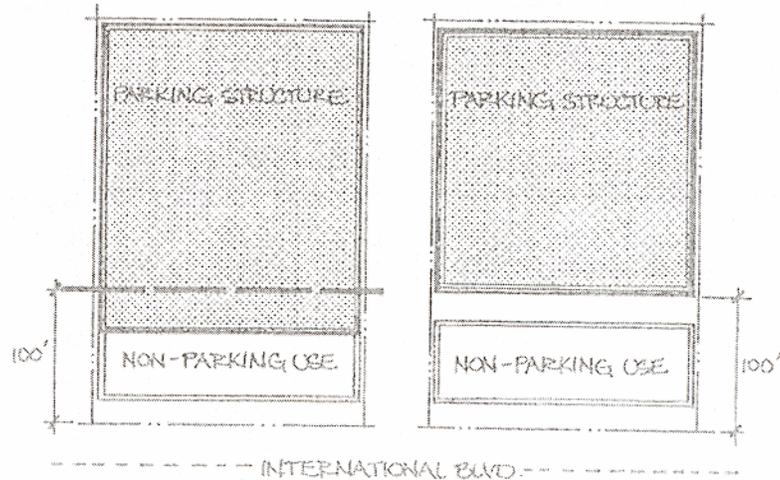
## **15.38.915 Parking Structure Placement and/or Setbacks**

**A. Parking Structures on Properties Adjacent to public streets:** Except as otherwise specified below, the provisions of this subsection shall supersede the setback standards specified in SMC 15.38.310. No parking structures shall be located within one hundred (100) feet of the International Boulevard ROW, except as specified below:

1. Parking structures located behind or adjacent to additional nonparking buildings facing public streets may be located in a manner that meets developer needs, within the setback requirements (SMC 15.38.310) and other applicable building codes, except that portions of parking garages exceeding the height of fronting buildings shall meet the one hundred (100) foot requirement specified above.
2. Parking structures may be integrated into buildings built within the maximum setback (SMC 15.38.310); provided, that a retail/commercial, service, office, or residential use, or a combination of these uses, comprises the building's face for its full height on International Boulevard.
3. The entire space within the one hundred (100) foot setback area may be developed as a public plaza to a level of design accepted by the Director of Planning and Community Development.

For corner lots on public streets, the parking structure must be faced with other uses as specified in subsection (A)(2) of this section on all sides adjacent to public and/or private streets for a distance of one hundred (100) feet from International Boulevard.

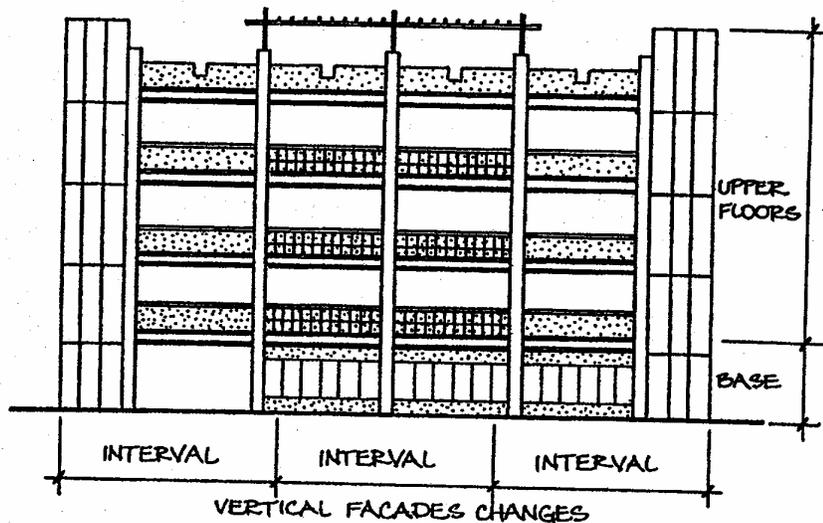
**B. Parking Structures on Properties Adjacent to All Other S. 154th St. Station Area Public and/or Private Streets.** Parking structures shall be located within the maximum front yard setback, as specified in SMC 15.38.310, or built to the side or rear of the subject property when located behind or to the side of additional buildings on-site.



### 15.38.920 Parking Structure Character and Massing

Parking structure elevations over one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variation in setback, material or fenestration design along the length of the applicable facade, in at least one (1) or more of the following ways:

- A. Vertical Facade Changes. Incorporate intervals of architectural variation at least every eighty (80) feet over the length of the applicable facade, such as:
  1. Varying the arrangement, proportioning and/or design of garage floor openings;
  2. Incorporating changes in architectural materials;
  3. Projecting forward or recessing back portions or elements of the parking structure facade;
- B. Horizontal Facade Changes. Designed to differentiate the ground floor from upper floors, such as:
  1. Stepping back the upper floors from the ground floor parking structure facade;
  2. Changing materials between the parking structure base and upper floors; and/or
  3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.



### 15.38.930 Minimizing Views Into the Parking Structure Interior

Facades of parking structures facing a public street or pedestrian way as defined by SMC 15.38.220 shall be designed without continuous horizontal parking floor openings.

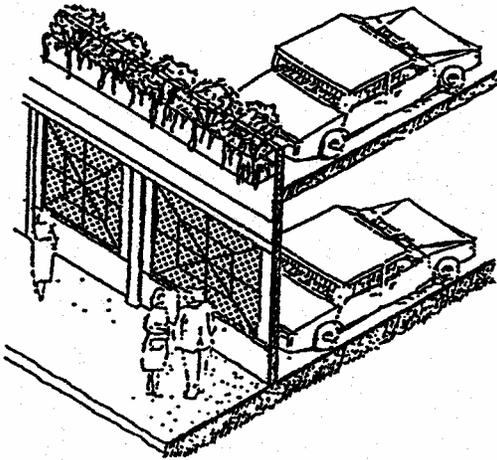
A. For portions of parking structures without a ground floor retail/commercial use, the following building facade landscaping is required:

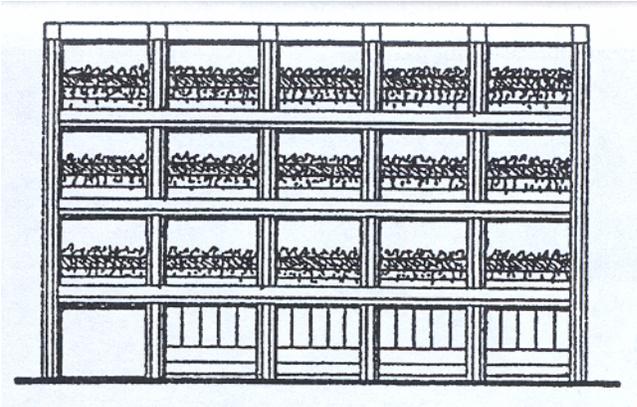
1. Five (5) foot wide facade landscape strip consisting of:
  - a. A mix of evergreen shrub groupings spaced no more than four (4) feet apart that do not exceed a height of six (6) feet at maturity;
  - b. Ground cover; and
  - c. Seasonal displays of flowering annual bedding plants.

B. Any portion of a parking structure ground floor with exposed parking areas adjacent to a public or private street shall minimize views into the parking structure interior through one (1) or more of the following methods which are in addition to the above facade landscaping strip:

1. Decorative trellis work and/or screening as architectural elements on the parking structure facade, without compromising the open parking structure requirements of the Building Code; and/or

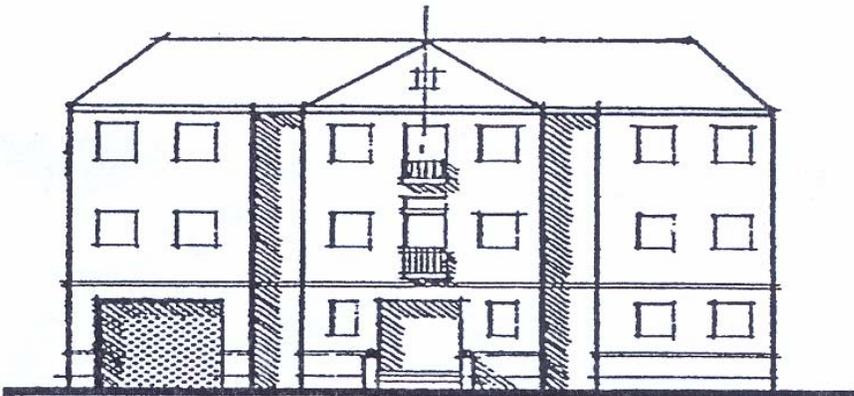
2. Glass window display cases incorporated into ground floor walls built between two (2) structural pillars. Glass window display cases shall be at least two (2) feet deep, begin twelve (12) to thirty (30) inches above the finished grade of the sidewalk, and cover at least sixty percent (60%) of the area between two (2) pillars.
- C. Upon conversion of portions of a parking structure ground floor to a retail/commercial use, the Director of Planning and Community Development may approve the removal of initially installed ground floor screening material in order to allow maximum visibility and access to the converted portions of the parking structure ground floor.
- D. In addition to the above, minimize views into the upper floors of parking structures through one (1) or more of the following methods:
1. The use of planters integrated into the upper floors of parking structure facade design;
  2. Decorative trellis work and/or screening as architectural elements on the parking structure upper floor facades; and/or
  3. Upper parking floors designed as a pattern of window-like openings on the parking structure facade.

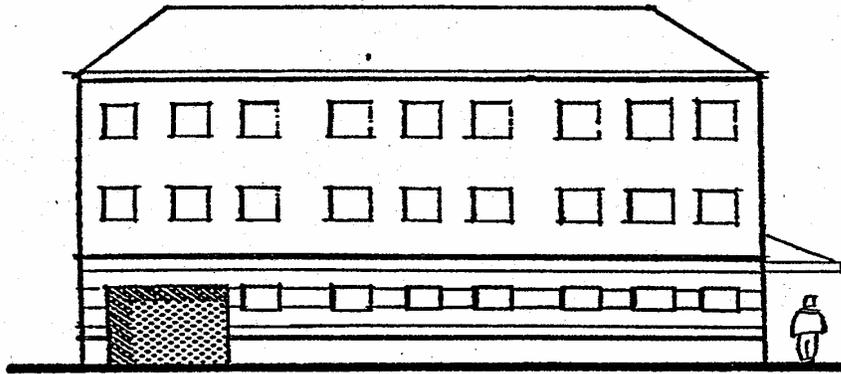




### 15.38.940 Parking Floors Located Under or Within Buildings

- A. Parking located under or within buildings shall subordinate the garage entrance to the pedestrian entrance in terms of prominence on the street, location and design emphasis.
- B. Parking at grade under a building shall be completely enclosed within the building or wholly screened through any combination of walls, decorative grilles, or trellis work with landscaping.

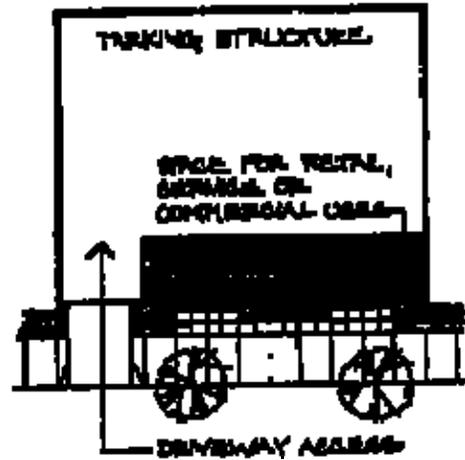
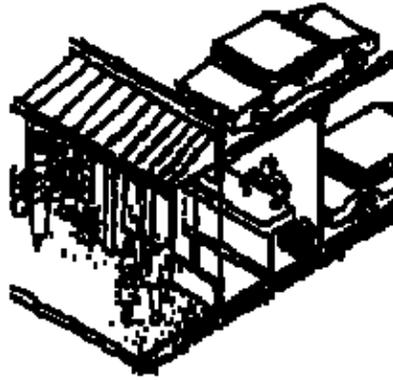




### 15.38.945 Ground Floor Uses in Parking Structures

- A. Parking structures shall be designed so that a minimum of fifty percent (50%) of the length of the exterior ground floor facade(s) with existing or projected adjacent foot traffic, excluding vehicle entrances and exits, provides ground floor area either built out as, or convertible to, retail/commercial or service uses. The applicable ground floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade; provided, that the minimum required may be averaged, with no depth less than fifteen (15) feet.
1. The minimum clear interior ceiling height standard for the retail/commercial or service use portion of parking structures shall be ten (10) feet for all street level building space.
  2. Parking structure ground floors shall include fire suppressing sprinkler systems at the time of construction.
- B. At the time of construction, a minimum of four hundred (400) square feet of leasable retail/commercial or service space shall be constructed and made available for occupancy. The remainder of the area necessary to fulfill the minimum retail/commercial or service use requirement specified in subsection (A) of this section, but not included at the time of construction, shall employ window display cases, as specified in SMC 15.38.930(B)(2) to meet the transparency requirements of SMC 15.38.510.
- C. Parking structures with ground floor retail/commercial or service uses will be granted an additional parking allowance as follows:

1. The number of parking spaces displaced by the portion of the parking structure ground floor designed for retail/commercial or service uses may be added to the maximum number of allowed parking spaces established for on-site land uses.



#### 15.38.947 Parking Structure Lighting

Lighting of parking structures shall be provided pursuant to Chapter 17.28 SMC, Parking Structures.

**SECTION 2. Findings of Fact.** The City Council hereby finds and adopts the following findings of fact in support of the interim development regulations readopted in Section 1 of this Ordinance:

- (a) Sound Transit is currently constructing a light rail transit station at the intersection of South 154<sup>th</sup> St. and International Boulevard in the City of Tukwila, known as the Tukwila International Boulevard Station.
- (b) The Tukwila International Boulevard Station is located adjacent to a commercial area in the City of SeaTac, and is within ¼ mile of the area that has been identified by the City of SeaTac as the South 154<sup>th</sup> Street Station Area.
- (c) The South 154<sup>th</sup> Street Station Area is located within the City of SeaTac Urban Center.

- (d) The SeaTac Comprehensive Plan encourages most of the City's commercial and residential growth to occur within the Urban Center's boundaries (Policy 1.1B).
- (e) The SeaTac Comprehensive Plan supports the provision of a network of connected local streets in Station Areas (the Comprehensive Plan uses the term "High Capacity Transit districts") to facilitate pedestrian circulation and transit accessibility (Policy 1.1F).
- (f) It is a widely accepted principle that the area within ¼ mile of a light rail transit station is considered to be a "Transit Oriented Development" district, where proximity to a light rail transit station generates new development and redevelopment of nearby properties that provide economic benefits to these areas and to the City, and include pedestrian orientation, and human scale amenities.
- (g) The City of SeaTac is in the process of developing a future land use plan ("Station Area Plan") for the South 154<sup>th</sup> Street Station Area, which is expected to be completed and ready for Council Action in December, 2006.
- (h) The South 154<sup>th</sup> Street Station Area Plan will include development regulations to encourage Transit Oriented Development.
- (i) The SeaTac Municipal Code development regulations currently applicable to commercial and multi-family residential development in the South 154<sup>th</sup> Street Station Area do not encourage Transit Oriented Development.
- (j) Final development regulations are being prepared for the South 154<sup>th</sup> Street Station Area that are designed to encourage and result in Transit Oriented Development.
- (k) The current interim development regulations, as passed by Ordinance 06-1019, expire on January 22, 2007.
- (l) The adoption of interim development regulations for the South 154<sup>th</sup> Street Station Area will ensure that potential development proposals for properties in the South 154<sup>th</sup> Street Station Area will be consistent with a transit oriented development concept for the South 154<sup>th</sup> Street Station Area.

- (m) The readoption of interim development regulations is appropriate because it benefits the public health, safety and welfare of the City and its Citizens.

**SECTION 3.** The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Washington Office of Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW 36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

**SECTION 4. Effective Date.** This Ordinance shall take effect and be in full force January 1, 2007.

**ADOPTED** this 12th day of December, 2006, and signed in authentication thereof on this 12th day of December, 2006.

**CITY OF SEATAC**

---

Gene Fisher, Mayor

ATTEST:

---

Judith L. Cary, City Clerk

Approved as to Form:

---

Mary E. Mirante Bartolo, City Attorney

[Effective Date: 01/01/07 ]

**ORDINANCE NO. 06-1036**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting the Annual Budget for the year 2007 and appropriating funds for the estimated expenditures.

**WHEREAS**, State Law, Chapter 35A.33 RCW requires the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, a public hearing, and final fixing of the budget; and

**WHEREAS**, a preliminary budget for the fiscal year 2007 has been prepared and filed; a public hearing has been held for the purpose of fixing the final budget; and the City Council has deliberated and has made adjustments and changes deemed necessary and proper;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2007 Annual Budget for the City of SeaTac, covering the period from January 1, 2007, through December 31, 2007, is hereby adopted by reference with appropriations in the amount of \$59,433,311.

Section 2. The budget sets forth totals of estimated appropriations for each separate fund, and the aggregate totals for all such funds. The said budget appropriation, in summary by fund and aggregate total of the City of SeaTac are as follows:

| <u>Fund Number</u> | <u>Fund Name</u>                | <u>Appropriations</u> |
|--------------------|---------------------------------|-----------------------|
| 001                | General                         | \$ 25,963,130         |
| 101                | City Street                     | 787,970               |
| 102                | Arterial Street                 | 5,449,694             |
| 106                | Transit Planning                | 40,740                |
| 107                | Hotel/Motel Tax                 | 944,170               |
| 108                | Building Management             | 242,900               |
| 110                | Facility Repair and Replacement | 182,995               |
| 201                | City Hall Limited Tax G.O. Bond | 428,605               |
| 202                | Transportation Bond             | 867,265               |
| 203                | Hotel/Motel Tax Bond            | 383,545               |
| 204                | Special Assessment Debt         | 339,310               |
| 205                | LID Guarantee                   | 156,000               |
| 301                | Municipal Capital Improvements  | 5,314,778             |
| 303                | Fire Equipment Capital Reserve  | 626,630               |

Ordinance No. \_\_\_\_\_  
(continued)

| <u>Fund Number</u> | <u>Fund Name</u>         | <u>Appropriations</u> |
|--------------------|--------------------------|-----------------------|
| 306                | Municipal Facilities CIP | \$ 3,200,000          |
| 307                | Transportation CIP       | 8,549,744             |
| 403                | SWM Utility              | 1,583,485             |
| 406                | SWM Construction         | 3,974,000             |
| 501                | Equipment Rental         | <u>398,350</u>        |
| TOTAL ALL FUNDS    |                          | <b>\$ 59,433,311</b>  |

Section 3. A complete copy of the final budget as adopted herein shall be transmitted to the Division of Municipal Corporations in the Office of the State Auditor, and to the Association of Washington Cities. One complete copy of the final budget as adopted herein shall be filed with the City Clerk and shall be available for use by the public.

Section 4. This Ordinance shall be in full force and effect for the fiscal year 2007 five (5) days after passage and publication as required by law.

ADOPTED this 12th day of December, 2006, and signed in authentication thereof on this 12<sup>th</sup> day of December, 2006.

**CITY OF SEATAC**

\_\_\_\_\_  
Gene Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/23/06\_\_\_\_\_]

[2007 Annual Budget Ordinance]

**Ordinance #06-1037**  
**February 6, 2007 Special Election**  
**Voters Pamphlet**  
**Re: Fireworks Proposition No. 1**  
**Failed**  
**December 12, 2006**