



October 12, 2007

TO: Interested parties

FROM: Tom Hauger

RE: **Industrial Lands—clarifications to the legislation to limit office and retail uses**

This memo clarifies a point of confusion in the proposed legislation related to office and retail uses accessory to industrial uses. It also contains recommended clarifications for the Mayor's proposed legislation.

The Planning Commission and the Mayor believe that current zoning for industrial lands does not adequately protect our city's vibrant industrial economy. Current zoning allows large offices and retail stores to locate in our industrial centers. These types of projects cause real estate speculation, drive out family wage jobs and increase traffic in our industrial centers.

The intent of the Mayor's industrial lands proposal is to preserve family wage jobs by limiting retail and office uses that are not associated with industrial uses. Existing retail and office uses are not affected.

Unfortunately two different versions of the legislation reducing the size limit for certain non-industrial uses in industrial zones have been distributed. Both versions are marked as Version #1, however, only one of these is the correct version.

To avoid further confusion, we have attached the correct version of the legislation to this memorandum. The attached legislation is what was officially transmitted to the City Council and is now pending before Councilmember Steinbrueck's Urban Development and Planning Committee. This version is posted on the Department of Planning and Development's website. <http://www.seattle.gov/dpd/Planning/IndustrialLands/Overview/default.asp>



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The following are three issues that have been raised concerning the Mayor's proposal and our recommendations:

### **1. Office and Retail Uses Accessory to Industrial Use**

The proposed legislation eliminates the existing size limit on office and retail space that is "accessory" to an industrial use (see proposed legislation 23.50.027A1, the word "both" is stricken.) In most cases, the industrial use would be considered the "principal" use, and the office or retail space would be considered an "accessory" use, a use that is clearly incidental to the principal use. An accessory use does not have to be in the same building or on the same lot. The City recognizes that sometimes firms occupy multiple lots, possibly even across the street; so an accessory use can be something that is within a reasonable distance of the principal use, in some cases up to one mile away.

The Planning Commission has recommended to the Council's Urban Development and Planning committee that the accessory issue be more clearly spelled out in the proposed legislation, and we support amending the legislation to make the original intent clearer.

### **2. Maximum Size Limits for Office and Retail Activity in the Duwamish IC Zones**

The proposed legislation inadvertently established maximum size limits for office and retail uses in the IC zone in the Duwamish Manufacturing/Industrial Center. The Mayor's industrial land legislation was not intended to change the existing size regulations in IC zones. The Mayor supports amending legislation to show that new limits are not being imposed in this zone.

### **3. Marine Sales and Services**

The proposed legislation limits the size of marine sales and services in all industrial zones. Upon further study of the definition of marine sales and services, which includes industrial activity, the Mayor supports amending the proposed legislation to eliminate the size limit for this use in all industrial zones.

If you have any further questions, please contact me at 684-8380 or [tom.hauger@seattle.gov](mailto:tom.hauger@seattle.gov)

attachment

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

WHEREAS the City’s policy, as expressed in the Comprehensive Plan, directs the City to “(p)reserve industrial land for industrial uses...”; and

WHEREAS, the City has conducted studies indicating a continuing high demand for industrial businesses to locate in the city; and

WHEREAS, the City’s studies further indicate that development of retail and office uses in industrial zones reduces the amount of land available for industrial uses and inhibits the ability of industrial businesses to locate, remain or expand in the city; and

WHEREAS, the City’s current regulations allow new office uses of 50,000 square feet in the general industrial 1 (IG1) zone and 100,000 square feet in the general industrial 2 (IG2) zone and retail uses of 30,000 square feet and 75,000 square feet, respectively, in these zones; and

WHEREAS, a series of reports on Seattle’s Industrial Lands indicate that stricter limits on office and retail uses could better fulfill the intent of the City’s adopted policy of preserving industrial land for industrial uses and discourage competition for industrial land by nonindustrial uses; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 121281 is amended as follows:

**23.50.027 Maximum size of nonindustrial use.**

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section (~~below~~), the gross floor area of non-industrial uses on a lot shall not exceed the size limitations shown on Chart A(~~the maximum size of use limits on gross floor area specified in Chart A or, for lots~~

located in the ~~Duwamish Manufacturing/Industrial Center, Chart B~~) of this section. ~~((shall apply to uses on a lot.))~~ The ~~((maximum))~~ size limitations ~~((of use limits))~~ apply to ~~((both))~~ principal ~~((and accessory))~~ uses listed on Chart A, and any uses accessory to those uses ~~((on a lot))~~. ~~((The limits shall be applied separately to the categories of uses listed in the respective charts of this section.))~~ The total gross floor area occupied by one or more of the uses listed on ~~((limited under the respective charts of this section))~~ Chart A shall not exceed an area equal to one-half (0.5) the area of the lot in an IG1 or IG2 zone, or two and one-half (2.5) times the area of the lot in an ~~((IG2,))~~ IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Urban Center. ~~((Planning Area, as identified in Exhibit 23.50A.))~~

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Chart A.

~~((2))~~ 3. The ~~((maximum))~~ size ~~((of use limits))~~ limitation on non-industrial uses shall not apply to the areas identified in Exhibit 23.50.027A, provided that no single non-office use listed in Chart A may ~~((retail establishment shall))~~ exceed fifty thousand (50,000) square feet in size.

<del>((CHART A for 23.50.027</del>			
<del>INDUSTRIAL ZONES</del>			
<del>Categories of Uses Subject to Size of Use Limits</del>	<del>IG1</del>	<del>IG2 and IB</del>	<del>IC</del>
<del>Retail sales and service or entertainment except spectator sports facilities</del>	<del>30,000 sq. ft.</del>	<del>75,000 sq. ft.</del>	<del>75,000 sq. ft.</del>
<del>Office</del>	<del>50,000 sq. ft.</del>	<del>100,000 sq. ft.</del>	<del>N.M.S.L.</del>

N.M.S.L. = No Maximum Size Limits))

**CHART A  
 INDUSTRIAL ZONES**

<u>Uses Subject to Size Limits</u>	<u>IG1 and IG2</u>	<u>IB</u>	<u>IC</u>
<u>Animal Shelters and Kennels*</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Drinking establishments**</u>	<u>3,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Entertainment*</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Lodging Uses*</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Medical Services*</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Office</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Restaurants</u>	<u>5,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Retail Sales, Major Durables</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Sales and Services, Automotive</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Sales and Services, General</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Sales and Services, Marine</u>	<u>10,000 sq. ft.</u>	<u>30,000 sq. ft.</u>	<u>75,000 sq. ft.</u>

N.S.L. = No Size Limit

\* Where permitted under Chart A of Section 23.50.012.

\*\* The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

**((CHART B for 23.50.027  
 GENERAL INDUSTRIAL ZONES  
 WITHIN DUWAMISH M/I CENTER**

<b>Categories of Uses Subject to Size of Use Limits</b>	<b>IG1</b>	<b>IG2</b>
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for restaurants and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments*	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N.M.S.L.	5,000 sq. ft.

N.M.S.L. = No Maximum Size Limits\*

1 ~~\*The maximum size limit for brew pubs applies to that portion of the pub that is not used for~~  
2 ~~brewing purposes.))~~

3 B. The following exceptions to the ~~((maximum size of use limits))~~ size limitations in  
4 Chart A are allowed for a structure existing as of September 26, 2007: ~~((April 3, 1995; and the~~  
5 ~~following exceptions to maximum size of use limits in Chart B are allowed for a structure~~  
6 ~~existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:))~~

7  
8 1. A use legally established as of September 26, 2007 ~~((April 3, 1995))~~ that  
9 already exceeds the size limitations ~~((maximum size of use limits))~~ listed in Chart A may  
10 continue. ~~((; and uses legally established as of September 1, 1999 that then exceed the maximum~~  
11 ~~size of use limits listed in Chart B may continue.))~~

12  
13 2. Subject to the limitations in subsection E ~~((of this section))~~, the gross floor  
14 area of a use listed in Chart A and legally established as of September 26, 2007 ~~((April 3~~  
15 ~~1995))~~ may be converted to another category of use listed in Chart A provided that the combined  
16 gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of  
17 such uses legally established as of September 26, 2007. ~~((April 3, 1995; and the gross floor area~~  
18 ~~of a use listed in Chart B and legally established as of September 1, 1999 may be converted to~~  
19 ~~another category of use listed in Chart B provided that the combined gross floor area devoted to~~  
20 ~~uses listed in Chart B does not exceed the total gross floor area of such uses legally established~~  
21 ~~as of September 1, 1999.))~~

1                   3. If fifty (50) percent or more of the gross floor area of the structure has been  
2 legally established as of ~~((April 3, 1995))~~September 26, 2007 with a use or uses listed in Chart  
3 A, those categories of uses may exceed the size of use limits as follows:

4                               a. Uses listed in Chart A may expand within and occupy the entire  
5 structure.

6                               b. The structure may be expanded by up to the following amounts and the  
7 use or uses may be permitted to expand within and occupy the entire structure:

8                                       (1) IG1 and IG2 Zones: Twenty (20) percent of the existing  
9 structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

10                                       (2) ~~((IG2,))~~IB and IC Zones: Twenty (20) percent of the existing  
11 structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

12                               ~~((4. Subject to the limitations in subsection E of this section, if fifty (50) percent  
13 or more of the gross floor area of the structure has been legally established as of September 1,  
14 1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use  
15 limits as follows:~~

16                                       ~~a. Uses listed in Chart B may expand within and occupy the entire  
17 structure.~~

18                                       ~~b. The structure may be expanded by up to the following amounts and the  
19 use or uses may be permitted to expand within and occupy the entire structure, provided the  
20 structure has not previously been expanded pursuant to subsection E of this section:~~



1 service use since that date without interruption, and it exceeded the size of use limits in Chart A  
2 ~~((B))~~ as of September 12, 2007 ~~((1, 1999))~~;

3 b. At least fifty (50) percent of the gross sales of the ~~((retail))~~general sales  
4 and service use are to businesses or business representatives; and

5 c. The use has not previously converted any use listed in Chart ~~((B))~~A to  
6 general~~((retail))~~ sales and service pursuant to subsection B2 of this section or expanded the gross  
7 floor area of the ~~((retail))~~general sales and service use pursuant to subsections B.3~~((4))~~.a or  
8 B.~~((4))~~3.b of this section.

9  
10 3. The Director shall consider the following and may impose conditions to assure  
11 that these criteria are met:

12 a. That well-defined boundaries, buffers, edge conditions or circulation  
13 patterns will separate the use, if the gross floor area of the ~~((retail))~~general sales and service use  
14 is expanded, from surrounding industrial activity;

15 b. That adverse impacts on nearby industrial uses are minimized; and

16 c. That the proposed expansion of the gross floor area of the  
17 ~~((retail))~~general sales and service use will increase the capacity of the existing use to support  
18 other businesses by providing goods and services that are used by such businesses as well as by  
19 individual consumers in the Duwamish Manufacturing/Industrial Center.

20 4. To be eligible for expansion onto a contiguous lot that is not separated by a  
21 street, alley or other right-of-way, the applicant also must demonstrate that:

1 a. The established use on the contiguous lot is a use that is permitted in  
2 commercial as well as industrial zones, and that use has been established for at least ten (10)  
3 years prior to the date of application; and

4 b. The most recent business establishment on the contiguous lot has  
5 ceased operations or moved to another location for reasons unrelated to the proposed expansion  
6 of the (~~retail~~)general sales and service use that is applying for the special exception.  
7

8 5. Any (~~retail~~)general sales and service use that has expanded its gross floor  
9 area pursuant to a special exception granted pursuant to this section may not thereafter convert  
10 any use listed in Chart A (~~B~~) to retail pursuant to subsection B2 of this section or expanded the  
11 gross floor area of the (~~retail~~)general sales and service use pursuant to subsections B.3((4)).a or  
12 B.3((4)).b of this section.  
13

14 Section 2. Section 23.50.028 of the Seattle Municipal Code, which Section was last  
15 amended by Ordinance 121828, is amended as follows:

16 **23.50.028 Floor area ratio.**

17 The floor area ratio (FAR), as provided below, shall determine the gross square footage  
18 permitted.  
19

20 A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum  
21 FAR shall be two and one-half (2.5) for permitted uses not listed in Chart A of Section  
22 23.50.027. For uses listed in Chart A of Section 23.50.027, the total maximum FAR shall be  
23 one-half (0.5).  
24  
25  
26  
27

1 B. (~~General Industrial 2 and~~) Industrial Buffer, Floor Area Ratio. The maximum FAR  
2 for all (~~General Industrial 2 (IG2) and~~) uses on lots in the Industrial Buffer (IB) zone  
3 (~~uses~~) shall be two and one half (2.5).

4 \* \* \*

5 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall  
6 be exempt from FAR calculations:  
7

- 8 1. All gross floor area below grade;
- 9 2. All gross floor area used for accessory parking;
- 10 3. All gross floor area used for mechanical equipment, stair and elevator  
11 penthouses and communication equipment, stair and elevator penthouses and communication  
12 equipment and antennas located on the rooftop of structures;

14 4. All gross floor area used ~~(s)~~ for covered rooftop recreational space of a  
15 building existing as of December 31, 1998, when complying with the provisions of Section  
16 23.50.012D;

17 ~~((5. All gross floor area of a monorail station, including all floor area open to the  
18 general public during normal hours of station operation (but excluding retail or service  
19 establishments to which public access is limited to customers or clients, even where such  
20 establishments are primarily intended to serve monorail riders); and~~

