

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:

Civil Case No. L-18-007

DOUG WAUN

**DECLARATION OF K. MICHAEL  
FANDEL**

Denial for a Marijuana Business License  
issued by the Director, Regulatory  
Compliance & Consumer Protection  
Division, Department of Finance and  
Administrative Services.

I, K. Michael Fandel, hereby state and declare as follows:

1. I am one of the attorneys representing Appellant Doug Waun and make the following statements based on personal knowledge.

2. Attached hereto as Exhibit 1 to this Declaration is a true and correct copy of City of Seattle Ordinance No. 124969, signed by Mayor Ed Murray on January 12, 2016. The Ordinance can be found at this link:

[http://clerk.seattle.gov/~archives/Ordinances/Ord\\_124969.pdf](http://clerk.seattle.gov/~archives/Ordinances/Ord_124969.pdf)

3. Attached hereto as Exhibit 2 to this Declaration is a true and correct copy of City of Seattle Ordinance No. 124807, signed by Mayor Ed Murray on July 17, 2015. The Ordinance can be found at this link: [http://clerk.seattle.gov/~archives/Ordinances/Ord\\_124807.pdf](http://clerk.seattle.gov/~archives/Ordinances/Ord_124807.pdf)

4. Attached hereto as Exhibit 3 to this Declaration is a true and correct copy of City of Seattle Department of Finance and Administrative Services Tip No. 5501. This Tip appears to supersede Tip No. 134, referenced on p. 2 of Exhibit A to the declaration of Donald Douglas

1 dated September 27, 2018, which is no longer available. Tip No. 5501 can be found at this link:  
2 [http://www.seattle.gov/Documents/Departments/FAS/RegulatoryServices/MJ-Business-License-](http://www.seattle.gov/Documents/Departments/FAS/RegulatoryServices/MJ-Business-License-Tip-5501.pdf)  
3 [Tip-5501.pdf](http://www.seattle.gov/Documents/Departments/FAS/RegulatoryServices/MJ-Business-License-Tip-5501.pdf)

4 I declare under penalty of perjury under the laws of the state of Washington that the  
5 foregoing is true and correct.

6 SIGNED in Seattle, Washington on this 30<sup>th</sup> day of September, 2018.

7  
8 *s/K. Michael Fandel*

9 K. Michael Fandel, WSBA No. 16281  
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**DECLARATION OF SERVICE**

I, Jennifer Schnarr, hereby declare under penalty of perjury under the laws of the state of Washington, that on this 1<sup>st</sup> day of October, 2018, a copy of the foregoing document was served on the following at the address and via the method listed below.

Stephanie P. Dikeakos  
Assistant City Attorney  
Seattle City Attorney's Office  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
Email: [stephanie.dikeakos@seattle.gov](mailto:stephanie.dikeakos@seattle.gov)  
*Attorneys for Respondent*

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*Attorneys for Washington OG*

☐ U.S. Mail, Postage Prepaid  
☐ Hand Delivered via Legal Messenger  
☐ Overnight Mail  
☐ Facsimile Transmission  
☒ Email: [stephanie.dikeakos@seattle.gov](mailto:stephanie.dikeakos@seattle.gov)

☐ U.S. Mail, Postage Prepaid  
☐ Hand Delivered via Legal Messenger  
☐ Overnight Mail  
☐ Facsimile Transmission  
☒ Email: [respegard@gth-law.com](mailto:respegard@gth-law.com)

SIGNED at Seattle, Washington this 1<sup>st</sup> day of October, 2018.

*s/Jennifer L. Schnarr*

Jennifer L. Schnarr, Legal Assistant

# Exhibit 1



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118580

Record No.: CB 118580

Type: Ordinance (Ord)

Status: Passed

Version: 3

124969

In Control: City Clerk

File Created: 11/04/2015

Final Action: 01/12/2016

**Title:** AN ORDINANCE relating to land use and zoning; repealing Ordinance 124552 and amending Sections 23.42.058, 23.47A.002, 23.47A.004, 23.47A.020, 23.48.002, 23.48.005, 23.48.065, 23.49.002, 23.49.025, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.014, 23.50.044, 23.66.122, 23.66.322, and 23.84A.025 of the Seattle Municipal Code to change marijuana zoning regulations and make technical corrections.

### Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	11/10/2015	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b> The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk <b>Notes:</b>						
1	City Clerk	11/10/2015	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office <b>Notes:</b>						
1	Council President's Office	11/12/2015	sent for review	Planning, Land Use, and Sustainability Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Planning, Land Use, and Sustainability Committee						

Notes:

- 1 Full Council 11/30/2015 referred Planning, Land Use, and Sustainability Committee

Action Text: The Council Bill (CB) was referred. to the Planning, Land Use, and Sustainability Committee

Notes:

- 1 Planning, Land Use, and Sustainability Committee 12/01/2015 discussed

Action Text: The Council Bill (CB) was discussed in Committee.

- 1 Planning, Land Use, and Sustainability Committee 12/15/2015 pass as amended Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).

In Favor: 5 Chair O'Brien, Vice Chair Burgess, Member Licata, Alternate González , Godden

Opposed: 0

Abstain: 1 Harrell

- 2 Full Council 01/11/2016 passed Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill 118580, Section 2, Section 23.42.058 of the Seattle Municipal Code, as shown in the underlined and strike through language below:

\*\*\*

C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:

1. The person operating the major marijuana activity must have a current license issued by the State of Washington pursuant to Title 69 RCW authorizing the person to produce, process, or sell, at the proposed site, marijuana, marijuana-infused products, useable marijuana, or marijuana concentrates, or to research or test any of those products at the proposed site for quality assurance pursuant to Title 69 RCW;

2. Any lot line of property having a major marijuana activity must be 1,000 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is located: elementary school;

secondary school; or playground;

3. Any lot line of property having a major marijuana activity that includes the retail sale of marijuana products must be 500 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;

4. Any lot line of property having a major marijuana activity that does not include the retail sale of marijuana products must be 250 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;

45. Any lot line of property having a major marijuana activity that includes the retail sale of marijuana products must be 350 feet or more from any lot line of other property containing major marijuana activity that includes the retail sale of marijuana products;

56. Whether a major marijuana activity complies with the locational requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, ~~or 23.42.058.C.4~~, or 23.42.058.C.5 shall be based on facts that exist on the date the Washington State Liquor and Cannabis Board issues a "Notice of Marijuana Application" to The City of Seattle.

\*\*\*

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 118580, Section 2, Section 23.42.058 of the Seattle

Municipal Code, as shown in the underlined language below:

\*\*\*

C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:

1. The person operating the major marijuana activity must have a current license issued by the State of Washington pursuant to Title 69 RCW authorizing the person to produce, process, or sell, at the proposed site, marijuana, marijuana-infused products, useable marijuana, or marijuana concentrates, or to research or test any of those products at the proposed site for quality assurance pursuant to Title 69 RCW;

2. Any lot line of property having a major marijuana activity must be 1,000 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is located: elementary school; secondary school; or playground;

3. Any lot line of property having a major marijuana activity must be 500 feet or more, except that in Downtown Mixed Residential and Downtown Mixed Commercial zones within that portion of the Downtown Urban Center that is west of Interstate 5, north of Yesler Way, and south of Denny Way major marijuana activity that includes the retail sale of marijuana products must be 250 feet or more, from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;

4. Any lot line of property having a major marijuana activity that



includes the retail sale of marijuana products must be 350 feet or more from any lot line of other property containing major marijuana activity that includes the retail sale of marijuana products;

5. Whether a major marijuana activity complies with the locational requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, or 23.42.058.C.4 shall be based on facts that exist on the date the Washington State Liquor and Cannabis Board issues a "Notice of Marijuana Application" to The City of Seattle.

\*\*\*

ACTION 3:

Motion was made by Councilmember Burgess, duly seconded and carried, to amend Council Bill 118580, Section 2, Section 23.42.058 of the Seattle Municipal Code, as shown in the underlined and strike through language below:

\*\*\*

C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:

\*\*\*

4. No more than two properties with major marijuana activity that includes the retail sale of marijuana products are allowed within 1000 feet of each other; Anywhere any lot lines of two properties with existing major marijuana activity that includes the retail sale of marijuana products are located within 1000 feet of each other, any lot line of another property, having with a new major marijuana activity that includes the retail sale of marijuana products must be 350-1000 feet or more from any the closest lot

line of ~~either~~the property containing existing major marijuana activity that includes the retail sale of marijuana products;

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ACTION 4:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill 118580, by adding a new Section 1 and renumbering subsequent bill sections, as shown in the language below:

\*\*\*

Section 1. Pursuant to the authority granted by RCW 69.50.331(8)(b), Section 3.C of this ordinance is intended to reduce the minimum distances between state-licensed marijuana premises and the facilities described in RCW 69.50.331(8)(a), except elementary schools, secondary schools, and playgrounds, from 1,000 feet to 500 feet for facilities that include the retail sale of marijuana products; from 1,000 feet to 250 feet for premises that do not include retail sale of marijuana products; and, within a portion of the downtown core only, from 1,000 feet to 250 feet for premises that include the retail sale of marijuana products. The City Council finds that reducing these minimum distances will not negatively impact the City of Seattle's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

[Renumber Sections]

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ACTION 5:

Motion was made and duly seconded to pass Council Bill 118580 as amended.

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember  
González , Council President Harrell, Councilmember Herbold,  
Councilmember Johnson, Councilmember Juarez, Councilmember  
O'Brien, Councilmember Sawant

Opposed: 0

- 3 City Clerk 01/12/2016 submitted for Mayor  
Mayor's signature  
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
Notes:
- 3 Mayor 01/12/2016 Signed  
Action Text: The Council Bill (CB) was Signed.  
Notes:
- 3 Mayor 01/12/2016 returned City Clerk  
Action Text: The Council Bill (CB) was returned. to the City Clerk  
Notes:
- 3 City Clerk 01/12/2016 attested by City  
Clerk  
Action Text: The Ordinance (Ord) was attested by City Clerk.  
Notes:
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**CITY OF SEATTLE**  
**ORDINANCE** 124969  
**COUNCIL BILL** 118580

AN ORDINANCE relating to land use and zoning; repealing Ordinance 124552 and amending Sections 23.42.058, 23.47A.002, 23.47A.004, 23.47A.020, 23.48.002, 23.48.005, 23.48.065, 23.49.002, 23.49.025, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.014, 23.50.044, 23.66.122, 23.66.322, and 23.84A.025 of the Seattle Municipal Code to change marijuana zoning regulations and make technical corrections.

WHEREAS, on October 7, 2013, Seattle City Council passed Ordinance 124326, implementing zoning restrictions on businesses involved in the production, processing, sale, and delivery of marijuana, marijuana-infused products, or useable marijuana; and

WHEREAS, a significant number of new businesses involved in the production, processing, and sale of marijuana, marijuana-infused products, or useable marijuana that are not licensed by the Washington State Liquor and Cannabis Board have opened since ordinance 124326 was passed; and

WHEREAS, state legislation amended the Revised Code of Washington (RCW), Title 69, to create a highly regulated system for the production, processing, and distribution of medical marijuana; and

WHEREAS, Seattle Resolution 31595 adopted on July 13, 2015, describes enforcement priorities for non-state-licensed marijuana businesses; and

WHEREAS, the Seattle Marijuana Business License Ordinance adopted on July 13, 2015 requires all marijuana businesses to obtain a City marijuana license;

WHEREAS, it is in the interest of the people of the City of Seattle to have clear regulations regarding where permitted marijuana businesses will be allowed to operate; and

1 WHEREAS, it is in the interest of the people of the City of Seattle to ensure that legitimate  
2 patients continue to have the authority to grow and process marijuana for their personal  
3 use under specific guidelines; and

4 WHEREAS, it is in the interest of the City of Seattle to enact clear and enforceable standards for  
5 businesses involved in the production, processing, and sale of marijuana, marijuana-  
6 infused products, or useable marijuana and to prohibit unlawful businesses that operate  
7 without a Washington State Liquor and Cannabis Board license in order to ensure  
8 appropriate oversight of product purity, packaging, security, signage and other business  
9 practices; and

10 WHEREAS, buffering and dispersion provisions are necessary to ensure there are sufficient  
11 business locations, but no concentration of permitted marijuana businesses; NOW,  
12 THEREFORE,

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

14 Section 1. Pursuant to the authority granted by RCW 69.50.331(8)(b), Section 3.C of this  
15 ordinance is intended to reduce the minimum distances between state-licensed marijuana  
16 premises and the facilities described in RCW 69.50.331(8)(a), except elementary schools,  
17 secondary schools, and playgrounds, from 1,000 feet to 500 feet for facilities that include the  
18 retail sale of marijuana products; from 1,000 feet to 250 feet for premises that do not include  
19 retail sale of marijuana products; and, within a portion of the downtown core only, from 1,000  
20 feet to 250 feet for premises that include the retail sale of marijuana products. The City Council  
21 finds that reducing these minimum distances will not negatively impact the City of Seattle's civil  
22 regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Section 2. Ordinance 124552 is repealed.

Section 3. Section 23.42.058 of the Seattle Municipal Code, enacted by Ordinance 124326, is amended as follows:

**23.42.058 Marijuana**

A. ~~((On any lot or on any combination of contiguous lots held in common ownership that contains no dwelling unit or business establishment, major marijuana activity may not be conducted.~~

B. ~~On any lot or any combination of contiguous lots held in common ownership that contains one or more dwelling units:~~

~~1. no production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may be conducted unless it is in association with a dwelling unit or is in association with a business establishment meeting the limitations imposed by subsection 23.42.058.C; and~~

~~2. major marijuana activity may not be conducted in association with any dwelling unit.~~

C. ~~Except as provided in subsection 23.42.058.D, major marijuana activity may not be conducted in association with all business establishments combined on a lot or combination of contiguous lots held in common ownership.~~

D. ~~Licensed marijuana business establishments described in subsection 23.42.058.D.1 are exempt from subsection 23.42.058.C if not located in any of the restricted areas listed in subsection 23.42.058.D.2.~~

~~1. A "licensed marijuana business establishment" within the meaning of subsection 23.42.058.D is a business establishment acting in compliance with a license issued by~~

1 the state for the production, processing, selling, or delivery of marijuana, marijuana-infused  
2 products, or useable marijuana under Title 69 of the Revised Code of Washington.

3 2. The ~~"restricted areas" within the meaning of subsection 23.42.058.D are:))~~

4 Major marijuana activity is prohibited in any dwelling unit, regardless of the zone in which the  
5 dwelling unit is located, except that major marijuana activity is allowed in caretaker's quarters  
6 unless the quarters are located in a zone or district identified in subsection 23.42.058.B.

7 B. Major marijuana activity is prohibited in the following zones and districts:

8 ((a))1. ((Any)) Single-family zones;

9 ((b))2. ((Any)) Multifamily zones;

10 ((c))3. ((Any)) Neighborhood Commercial 1 (NC1) zones;

11 ((d. Any of the following Downtown zones:))

12 ((1))4. Pioneer Square Mixed (PSM);

13 ((2))5. International District Mixed (IDM);

14 ((3))6. International District Residential (IDR);

15 ((4))7. Downtown Harborfront 1 (DH1);

16 ((5))8. Downtown Harborfront 2 (DH2); or

17 ((6))9. Pike Market Mixed (PMM); or

18 ((e. Any of the following districts:))

19 ((1))10. Ballard Avenue Landmark District;

20 ((2))11. Columbia City Landmark District;

21 ((3))12. Fort Lawton Landmark District;

22 ((4))13. Harvard-Belmont Landmark District;

23 ((5))14. International Special Review District;

1                   ~~((6))~~15. Pike Place Market Historical District;

2                   ~~((7))~~16. Pioneer Square Preservation District;

3                   ~~((8))~~17. Sand Point Overlay District; or

4                   ~~((9))~~18. Stadium Transition Area Overlay District.

5                   C. Major marijuana activity is allowed in all other zones if the activity and site meet the  
6 following requirements:

7                   1. The person operating the major marijuana activity must have a current license  
8 issued by the State of Washington pursuant to Title 69 RCW authorizing the person to produce,  
9 process, or sell, at the proposed site, marijuana, marijuana-infused products, useable marijuana,  
10 or marijuana concentrates, or to research or test any of those products at the proposed site for  
11 quality assurance pursuant to Title 69 RCW;

12                   2. Any lot line of property having a major marijuana activity must be 1,000 feet or  
13 more from any lot line of property on which any of the following uses as defined in WAC 314-  
14 55-010 is located: elementary school; secondary school; or playground;

15                   3. Any lot line of property having a major marijuana activity that includes the  
16 retail sale of marijuana products, except that in Downtown Mixed Residential and Downtown  
17 Mixed Commercial zones within that portion of the Downtown Urban Center that is west of  
18 Interstate 5, north of Yesler Way, and south of Denny Way major marijuana activity that  
19 includes the retail sale of marijuana products must be 250 feet or more, must be 500 feet or more  
20 from any lot line of property on which any of the following uses as defined in WAC 314-55-010  
21 is established and operating: child care center; game arcade; library; public park; public transit  
22 center; or recreation center or facility;



1                   4. Any lot line of property having a major marijuana activity that does not include  
2 the retail sale of marijuana products must be 250 feet or more from any lot line of property on  
3 which any of the following uses as defined in WAC 314-55-010 is established and operating:  
4 child care center; game arcade; library; public park; public transit center; or recreation center or  
5 facility;

6                   5. No more than two properties with major marijuana activity that includes the  
7 retail sale of marijuana products are allowed within 1000 feet of each other; where any lot lines  
8 of two properties with existing major marijuana activity that includes the retail sale of marijuana  
9 products are located within 1000 feet of each other, any lot line of another property with a new  
10 major marijuana activity that includes the retail sale of marijuana products must be 1000 feet or  
11 more from the closest lot line of the property containing existing major marijuana activity that  
12 includes the retail sale of marijuana products;

13                   6. Whether a major marijuana activity complies with the locational requirements  
14 prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or 23.42.058.C.5 shall  
15 be based on facts that exist on the date the Washington State Liquor and Cannabis Board issues a  
16 “Notice of Marijuana Application” to The City of Seattle.

17                   Section 4. Section 23.47A.002 of the Seattle Municipal Code, last amended by Ordinance  
18 123770, is amended as follows:

19 **23.47A.002 Scope of provisions**

20                   A. This ((e))Chapter 23.47A describes the authorized uses and development standards for  
21 the following zones:

22                   Neighborhood Commercial 1 (NC1) ((5)) ;

23                   Neighborhood Commercial 2 (NC2) ((5)) ;

1 Neighborhood Commercial 3 (NC3) ~~((5))~~ ;

2 Commercial 1 (C1) ~~((5))~~ ; and

3 Commercial 2 (C2).

4 B. Commercial zones listed in subsection 23.47A.002.A and having an incentive zoning  
5 suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.

6 ~~((B-F))C((F))~~. Some land in C zones and NC zones may be regulated by Subtitle III,  
7 Division 3, Overlay Districts, of this Title 23.

8 ~~((C-F))D((F))~~. Other regulations, including but not limited to ~~((5))~~ major marijuana  
9 activity (Section 23.42.058); requirements for streets, alleys, and easements (Chapter 23.53);  
10 standards for parking quantity, access, and design (Chapter 23.54); standards for solid waste  
11 storage (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86)  
12 may apply to development proposals. Communication utilities and accessory communication  
13 devices, except as exempted in Section 23.57.002, are subject to the regulations in this  
14 ~~((e))~~Chapter 23.47A and additional regulations in Chapter 23.57, Communications Regulations.

15 Section 5. Subsection 23.47A.004.A and Table A for 23.47A.004 of the Seattle  
16 Municipal Code, which section was last amended by Ordinance 124843, are amended as follows:

17 **23.47A.004 Permitted and prohibited uses**

18 A. All uses are permitted outright, prohibited, or permitted as a conditional use according  
19 to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided  
20 pursuant to subtitle III, Division 3, Overlay Districts, of this ~~((subtitle III of))~~ Title 23.

21 \* \* \*

<b>Table A for 23.47A.004            Uses in Commercial ((Z)) zones</b>					
	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
<b>A. AGRICULTURAL USES</b>					
A.1 Animal husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A.3. Community garden	P	P	P	P	P
A.4. Horticulture	10	25	P	P	P
A.5. Urban farm (2)	P	P	P	P	P
<b>B. CEMETERIES</b>	X	X	X	X	X
<b>C. COMMERCIAL USES (((19)))(3)</b>					
C.1. Animal shelters and kennels	X	X	X	X	P
C.2. Eating and drinking establishments					
C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
C.2.b. Restaurants	10	25	P	P	P
C.3. Entertainment uses					
C.3.a. Cabarets, adult (((17)))(4)	X	P	P	P	P
C.3.b. Motion picture theaters, adult	X	X	X	X	X
C.3.c. Panorams, adult	X	X	X	X	X
C.3.d. Sports and recreation, indoor	10	25	P	P	P
C.3.e. Sports and recreation, outdoor	X	X	X(((2)))(5) )	P	P

<b>Table A for 23.47A.004</b> <b>Uses in Commercial ((Z)) zones</b>					
	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
C.4. Food processing and craft work (2)	10	25	25	P	P
C.5. Laboratories, research and development	10	25	P	P	P
C.6. Lodging uses	X(((3))) <u>(6)</u>	CU-25(((3))) <u>(6)</u>	P	P	P
C.7. Medical services (((4))) <u>(7)</u>	10	25	P	P	P
C.8. Offices	10	25	P	35(((5))) <u>(8)</u>	35(((5))) <u>(8)</u>
C.9. Sales and services, automotive					
C.9.a. Retail sales and services, automotive	10(((6))) <u>(9)</u>	25(((6))) <u>(9)</u>	P(((6))) <u>(9)</u>	P	P
C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
C.10. Sales and services, general (2)					
C.10.a. Retail sales and services, general (2)	10	25	P	P	P
C.10.b. Retail sales, multipurpose	10(((7))) <u>(10)</u>	50	P	P	P
C.11. Sales and services, heavy					
C.11.a. Commercial sales, heavy	X	X	25	P	P

**Table A for 23.47A.004  
 Uses in Commercial ((Z)) zones**

	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
C.11.b. Commercial services, heavy	X	X	X	P	P
C.11.c. Retail sales, major durables	10	25	P	P	P
C.11.d. Retail sales and services, non-household	10	25	P	P	P
C.11.e. Wholesale showrooms	X	X	25	25	P
C.12. Sales and services, marine					
C.12.a. Marine service stations	10	25	P	P	P
C.12.b. Sales and rental of large boats	X	25	P	P	P
C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
C.12.d. Vessel repair, major	X	X	X	S	S
C.12.e. Vessel repair, minor	10	25	P	P	P
<b>D. HIGH-IMPACT USES</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>E. INSTITUTIONS</b>					
E.1. Institutions not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious facilities	P	P	P	P	P

**Table A for 23.47A.004**  
**Uses in Commercial ((Z)) zones**

	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
E.4. Schools, elementary or secondary	P	P	P	P	P
F. LIVE-WORK UNITS (((8))) <u>(11)</u>	P	P	P	P	P
G. MANUFACTURING USES					
G.1. Manufacturing, light <u>(2)</u>	X	10	25	P	P
G.2. Manufacturing, general	X	X	X	P	P
G.3. Manufacturing, heavy	X	X	X	X	X
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails					
I.1.a. Youth Service Centers	X	X	P(((20))) <u>(12)</u>	X	X
I.1.b. All other jails	X	X	X	X	X
I.2. Work-release centers	CCU-10	CCU-25	CCU	CCU	CCU
J. RESIDENTIAL USES (((9))) <u>(13)</u>					
J.1. Residential uses not listed below	P	P	P	P	CU(((10))) <u>(14)</u>
J.2. Caretaker's quarters	P	P	P	P	P
J.3. Congregate residence	X/P(((11))) <u>(15)</u>	X/P(((11))) <u>(15)</u>	P/X(((12))) <u>(16)</u>	P/X(((12))) <u>(16)</u>	P/X(((12))) <u>(16)</u>
K. STORAGE USES					
K.1. Mini-warehouses	X	X	25	40	P
K.2. Storage, outdoor	X	X	X(((13))) <u>(17)</u>	P	P

**Table A for 23.47A.004**  
**Uses in Commercial ((Z)) zones**

	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
K.3. Warehouses	X	X	25	25	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	X	X	X	S	P
L.2. Parking and moorage					
L.2.a. Boat moorage	S	S	S	S	S
L.2.b. Dry boat storage	X	25	P	P	P
L.2.c. Parking, principal use, except as listed below(((14))) <u>(18)</u>	X	25	P	P	P
L.2.c.i. Park and pool lots(((14))) <u>(18)</u>	P(((15))) <u>(19)</u>	P	P	P	P
L.2.c.ii. Park and ride lots(((14))) <u>(18)</u>	X	X	CU	CU	CU
L.2.d. Towing services	X	X	X	P	P
L.3. Passenger terminals	X	X	25	P	P
L.4. Rail transit facilities	P	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	X	X	X	X
L.5.b. Airports (water-based)	X	X	X	X	S
L.5.c. Heliports	X	X	X	X	X
L.5.d. Helistops	X	X	CCU	CCU	CU
L.6. Vehicle storage and maintenance					

**Table A for 23.47A.004  
 Uses in Commercial ((Z)) zones**

	<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>				
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
L.6.a. Bus bases	X	X	X	CCU	CCU
L.6.b. Railroad switchyards	X	X	X	X	X
L.6.c. Railroad switchyards with a mechanized hump	X	X	X	X	X
L.6.d. Transportation services, personal	X	X	P	P	P
<b>M. UTILITY USES</b>					
M.1. Communication utilities, major(((16)))(20)	X	X	X	CCU	CCU
M.2. Communication utilities, minor(((16)))(20)	P	P	P	P	P
M.3. Power plants	X	X	X	X	X
M.4. Recycling	X	X	X	P	P/CU(((48)))(21)
M.5. Sewage treatment plants	X	X	X	X	X
M.6. Solid waste management	X	X	X	X	X
M.7. Utility services uses	10	25	P	P	P

**KEY**

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010



<b>Table A for 23.47A.004</b> <b>Uses in Commercial ((Z)) zones</b>					
<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone (1)</b>					
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010 25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010 35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010 40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010 Footnotes to Table A for 23.47A.004 ((:)) (1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028). (2) In addition to the provisions in this Chapter 23.47A, urban farms that entail major marijuana activity are subject to the requirements of Section 23.42.058. (3) For commercial uses with drive-in lanes, see Section 23.47A.028. (4) Subject to subsection 23.47A.004.H. ((2)) (5) Permitted at Seattle Center. ((3)) (6) Bed and breakfasts in existing structures are permitted outright with no maximum size limit. ((4)) (7) Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services. ((5)) (8) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D. ((6)) (9) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028. ((7)) (10) Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 sq. ft. in size. ((8)) (11) Subject to subsection 23.47A.004.G. (12) Permitted pursuant to subsection 23.47A.004.D.7.					

<b>Table A for 23.47A.004            Uses in Commercial ((Z)) zones</b>					
		<b>((PERMITTED AND PROHIBITED USES BY            ZONE)) Permitted and prohibited uses by zone (1)</b>			
<b>((USES)) Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
<p>(((9))) (13) Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.</p> <p>(((10))) (14) Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in that subsection 23.47A.006.A.3.</p> <p>(((11))) (15) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.</p> <p>(((12))) (16) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.</p> <p>(((13))) (17) Permitted at Seattle Center, see Section 23.47A.011</p> <p>(((14))) (18) In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.</p> <p>(((15))) (19) Permitted only on parking lots existing at least five years prior to the establishment of the park and pool lot.</p> <p>(((16))) (20) See Chapter 23.57, Communications regulations, for regulation of communication utilities.</p> <p>(((17))) Subject to subsection 23.47A.004.H.</p> <p>(((18))) (21) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.</p> <p>(((19))) For commercial uses with drive-in lanes, see Section 23.47A.028.</p> <p>(((20))) Permitted pursuant to subsection 23.47A.004.D.7.))</p>					

Section 6. Section 23.47A.020 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

**23.47A.020 Odor standards**

1 A. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be at least  
2 ~~((ten-))~~10~~((-))~~ feet above finished sidewalk grade, and directed away to the extent possible from  
3 ~~((residential))~~ uses within ~~((fifty-))~~50~~((-))~~ feet of the vent.

4 B. Major ~~((O))~~odor ~~((S))~~sources ~~((-))~~

5 1. Uses that employ the following odor-emitting processes or activities are  
6 ~~((considered))~~ major odor sources:

- 7 a. Lithographic, rotogravure, or flexographic printing;
- 8 b. Film burning;
- 9 c. Fiberglassing;
- 10 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260  
11 gallons;
- 12 e. Handling of heated tars and asphalts;
- 13 f. Incinerating (commercial);
- 14 g. Tire buffing;
- 15 h. Metal plating;
- 16 i. Vapor degreasing;
- 17 j. Wire reclamation;
- 18 k. Use of boilers (greater than 106 British ~~((T))~~thermal ~~((U))~~units per  
19 hour, 10,000 pounds steam per hour, or 30 boiler horsepower);
- 20 l. Animal food processing;
- 21 m. The production or processing of marijuana products by a major  
22 marijuana activity; and
- 23 ~~((n-))~~n. Other similar processes or activities.

2. Uses that employ the following processes are considered major odor sources, except when the entire activity is conducted as part of a commercial use other than food processing or heavy commercial services:

- a. Cooking of grains;
- b. Smoking of food or food products;
- c. Fish or fishmeal processing;
- d. Coffee or nut roasting;
- e. Deep fat frying;
- f. Dry cleaning.

C. When an application is made for a use that is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), will determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken must be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures that were required by the permit must be maintained.

Section 7. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

**23.48.002 Scope of provisions**

A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM) zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. As identified in Table A for 23.48.002, the SM-SLU designation with a height limit suffix may be applied to SM zoned land in the South Lake Union area. The SM-D designation with a height limit range may be applied to SM zoned land in the West Dravus area.

The SM-NR designation with a height limit suffix may be applied to SM zoned land in the North Rainier area.

Table A for 23.48.002 SM Zone Designations	
Zone designation	Geographic location
SM-SLU	South Lake Union
SM-D	West Dravus
SM-NR	North Rainier

B. The provisions of Subchapter I for 23.48 apply in all SM zones and supplemental regulations for designated areas are provided in Chapter 23.48. To the extent provisions in a supplemental subchapter conflict with provisions in Subchapter I, the provisions of the supplemental subchapter apply.

C. Other regulations, such as requirements for major marijuana activity (Section 23.42.058); requirements for streets, alleys, and easements ((in)) (Chapter 23.53) (((Requirements for Streets, Alleys, and Easements))); ((Chapter 23.54 (Quantity and Design Standards for Access, Off-street Parking, and Solid Waste Storage))) quantity and design standards for access, off-street parking, and solid waste storage (Chapter 23.54); ((Chapter 23.55 (Signs))) signs (Chapter 23.55); and ((Chapter 23.86 (Measurements))) measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57.

Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

**23.48.005 Uses**

1           A. Permitted uses

2                   1. All uses are permitted outright, either as principal or accessory uses, except  
3 those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional  
4 uses by subsection 23.48.005.C.

5                   2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

6                   3. Major marijuana activity shall comply with the requirements of Section  
7 23.42.058.

8           B. Prohibited uses. The following uses are prohibited as both principal and accessory  
9 uses, except as otherwise noted:

- 10                   1. All high-impact uses;
- 11                   2. All heavy manufacturing uses;
- 12                   3. General manufacturing uses, greater than 25,000 square feet of gross floor area  
13 for an individual business establishment, except for pharmaceutical production;
- 14                   4. Drive-in businesses, except gas stations;
- 15                   5. Jails;
- 16                   6. Adult motion picture theaters and adult ((~~panoramas~~)) panorams;
- 17                   7. Outdoor storage, except for outdoor storage associated with florists and  
18 horticulture uses;
- 19                   8. Principal use surface parking;
- 20                   9. Animal shelters and kennels;
- 21                   10. Animal husbandry;
- 22                   11. Park and pool lots;
- 23                   12. Park and ride lots;

13. Work release centers;

14. Recycling;

15. Solid waste management; and

16. Mobile home parks.

C. Conditional uses

1. Conditional uses are subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the provisions of both Section 23.42.042 and this subsection 23.48.005.C.

2. Mini-warehouses and warehouses may be permitted by the Director as administrative conditional uses if:

a. The street-level portion of a mini-warehouse or warehouse only fronts on an east/west oriented street, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts.

D. Required street-level uses

1. One or more of the uses listed in this subsection 23.48.005.D are required at street level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.A. The following uses qualify as required street-level uses:

a. General sales and service uses;

b. Eating and drinking establishments;

1 c. Entertainment uses;

2 d. Public libraries;

3 e. Public parks; and

4 f. Arts facilities.

5 2. Standards for required street-level uses. Required street-level uses shall meet  
6 the development standards in subsection 23.48.040.C.

7 Section 9. Section 23.48.065 of the Seattle Municipal Code, last amended by Ordinance  
8 124883, is amended as follows:

9 **23.48.065 Noise and odor standards**

10 A. All permitted uses and activities are subject to the noise standards of Section  
11 23.47A.018.

12 B. All permitted uses and activities are subject to the odor standards of Section  
13 23.47A.020.

14 Section 10. Section 23.49.002 of the Seattle Municipal Code, last amended by Ordinance  
15 122054, is amended as follows:

16 **23.49.002 Scope of provisions ((e))**

17 A. This ((e))Chapter 23.49 details those authorized uses and their development standards  
18 which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1),  
19 Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed  
20 Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM),  
21 International District Mixed (IDM), International District Residential (IDR), Downtown  
22 Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).



1 B. Property in the following special districts: Pike Place Market Urban Renewal Area,  
2 Pike Place Market Historic District, Pioneer Square Preservation District, International Special  
3 Review District, and the Shoreline District, are subject to both the requirements of this  
4 ((e))Chapter 23.49 and the regulations of the district.

5 C. Standards and guidelines for amenity features are found in the Downtown Amenity  
6 Standards.

7 D. Requirements for alley improvements are provided in Chapter 23.53. Standards for  
8 design of parking are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55.  
9 Methods for measurements are provided in Chapter 23.86.

10 E. Communication utilities and accessory communication devices except as exempted in  
11 Section 23.57.002 are subject to the regulations in this ((e))Chapter 23.49 and additional  
12 regulations in Chapter 23.57.

13 F. Major marijuana activity is subject to the regulations in this Chapter 23.49 and  
14 additional regulations in Section 23.42.058.

15 Section 11. Subsection 23.49.025.A of the Seattle Municipal Code, which section was  
16 last amended by Ordinance 124378, is amended as follows:

17 **23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**  
18 **standards**

19 A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least 10  
20 feet above finished sidewalk grade, and directed away from ((residential)) uses within 50 feet of  
21 the vent.

22 1. Major odor sources

1 a. Uses that employ the following odor-emitting processes or activities are  
2 ((considered)) major odor sources:

- 3 1) Lithographic, rotogravure, or flexographic printing;
- 4 2) Film burning;
- 5 3) Fiberglassing;
- 6 4) Selling of gasoline and/or storage of gasoline in tanks larger  
7 than 260 gallons;
- 8 5) Handling of heated tars and asphalts;
- 9 6) Incinerating (commercial);
- 10 7) Metal plating;
- 11 8) Use of boilers (greater than 106 British thermal units per hour,  
12 10,000 pounds steam per hour, or 30 boiler horsepower);
- 13 9) The production or processing of marijuana products by a major  
14 marijuana activity; and
- 15 10) Other uses creating similar odor impacts.

16 b. Uses that employ the following processes are considered major odor  
17 sources, unless the entire activity is conducted as part of a commercial use other than food  
18 processing or heavy commercial services:

- 19 1) Cooking of grains;
- 20 2) Smoking of food or food products;
- 21 3) Fish or fishmeal processing;
- 22 4) Coffee or nut roasting;
- 23 5) Deep fat frying;

6) Dry cleaning; and

7) Other uses creating similar odor impacts.

2. Review of ~~((M))~~major ~~((O))~~odor ~~((S))~~sources. When an application is made for a use ~~((which))~~ that is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures that were required by the permit shall be maintained.

\* \* \*

Section 12. Section 23.49.042 of the Seattle Municipal Code, last amended by Ordinance 122054, is amended as follows:

**23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses ~~((r))~~**

The provisions of this ~~((s))~~Section 23.49.042 apply in DOC1, DOC2, and DMC zones.

A. All uses ~~((shall be))~~ are permitted outright except those specifically prohibited by Section 23.49.044~~((;))~~ and those permitted only as conditional uses by Section 23.49.046, ~~((, and parking, which shall be regulated by))~~ Parking is allowed pursuant to Section 23.49.045, and major marijuana activity is allowed pursuant to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public ~~((F))~~facilities ~~((;))~~

1. Except as provided in ~~((S))~~subsection 23.49.046.D.2, uses in public facilities that are most similar to uses permitted outright under this ~~((e))~~Chapter 23.49 shall also be

permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential ~~((P))~~public ~~((F))~~facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 13. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance 120443, is amended as follows:

**23.49.090 Downtown Retail Core, permitted uses ~~((:))~~**

A. All uses ~~((shall be))~~ are permitted outright except those which are specifically prohibited by Section 23.49.092~~((:))~~ and those which are permitted only as conditional uses by Section 23.49.096. ~~((, and parking, which shall be regulated by))~~ Parking is allowed subject to Section 23.49.094 and major marijuana activity is allowed subject to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public ~~((F))~~facilities ~~((:))~~

1. Except as provided in Section 23.49.096, uses in public facilities that are most similar to uses permitted outright under this ~~((e))~~Chapter 23.49 shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential ~~((P))~~public ~~((F))~~facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 14. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance 118672, is amended as follows:

**23.49.142 Downtown Mixed Residential, permitted uses~~((:))~~**

A. All uses ~~((shall be))~~ are permitted outright except those specifically prohibited by Section 23.49.144~~((:))~~ and those permitted only as conditional uses by Section 23.49.148. ~~((, and~~

1 ~~parking, which shall be regulated by~~) Parking is permitted pursuant to Section 23.49.146, and  
2 major marijuana activity is allowed pursuant to Section 23.42.058.

3 B. All uses not prohibited ~~((shall be))~~ are permitted as either principal or accessory uses.

4 C. Public ~~((F))~~ facilities ~~((:))~~

5 1. Except as provided in ~~((Section 23.49.148 D2))~~ subsection 23.49.148.D.2, uses  
6 in public facilities that are most similar to uses permitted outright under this ~~((e))~~ Chapter 23.49  
7 ~~((shall))~~ are also ~~((be))~~ permitted outright subject to the same use regulations and development  
8 standards that govern the similar uses.

9 2. Essential ~~((P))~~ public ~~((F))~~ facilities. Permitted essential public facilities shall  
10 also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

11 Section 15. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance  
12 117430, is amended as follows:

13 **23.49.300 Downtown Harborfront 1, uses ~~((:))~~**

14 A. Uses that ~~((shall be))~~ are permitted or prohibited in Downtown Harborfront 1 are  
15 ~~((determined by the))~~ identified in Chapter 23.60A, the Seattle Shoreline Master Program, except  
16 that major marijuana activity is prohibited.

17 B. Essential ~~((P))~~ public ~~((F))~~ facilities. Permitted essential public facilities shall also be  
18 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

19 Section 16. Section 23.49.320 of the Seattle Municipal Code, last amended by Ordinance  
20 122311, is amended as follows:

21 **23.49.320 Downtown Harborfront 2, prohibited uses ~~((:))~~**

22 The following uses ~~((shall be))~~ are prohibited as both principal and accessory uses:

23 A. Drive-in businesses, except gas stations located in parking garages;

1 B. Outdoor storage, except when accessory to water-dependent or water-related uses  
2 located in Downtown Harborfront 1 or Downtown Harborfront 2;

3 C. Adult motion picture theaters and adult panorams;

4 D. All general and heavy manufacturing uses;

5 E. Solid waste management;

6 F. Recycling;

7 G. All high-impact uses; ~~((and))~~

8 H. Work-release centers ~~((;))~~ ; and

9 I. Major marijuana activity.

10 Section 17. Subsection 23.49.338.A of the Seattle Municipal Code, which section was  
11 last amended by Ordinance 122311, is amended as follows:

12 **23.49.338 Pike Market Mixed, prohibited uses.**

13 A. The following uses are prohibited as both principal and accessory uses in areas outside  
14 of the Pike Place Market Historical District, Map 1K:

15 1. Drive-in businesses, except gas stations located in parking garages;

16 2. Outdoor storage;

17 3. Adult motion picture theaters and adult panorams;

18 4. Transportation facilities, except principal use parking;

19 5. Major communication utilities;

20 6. All general manufacturing uses;

21 7. Solid waste management;

22 8. Recycling;

23 9. All industrial uses;

10. Jails; ~~((and))~~

11. Work-release centers ~~((;))~~ ; and

12. Major marijuana activity.

\* \* \*

Section 18. Section 23.50.002 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

**23.50.002 Scope of provisions**

A. There ~~((shall be))~~ are four ~~((4))~~ industrial classifications: General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC). This ~~((e))~~ Chapter 23.50 describes the authorized uses and development standards for the Industrial zones.

B. In addition to the regulations in this Chapter 23.50, certain industrial areas may be regulated by other chapters or titles of the Seattle Municipal Code, including but not limited to: Special Review Districts, Chapter 23.66; Landmark Districts, Chapter 25.12; or the Shoreline District, Chapter 23.60A.

C. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this ~~((e))~~ Chapter 23.50 and additional regulations in Chapter 23.57. Requirements for streets, alleys, and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84A.

D. For the purposes of this ~~((e))~~ Chapter 23.50, the terms "existing structures or uses" mean those structures or uses which were established under permit, or for which a permit has

been granted and has not expired, or are substantially underway in accordance with ~~((Section 23.04.010 D))~~ subsection 23.04.010.D, on ~~((the effective date of the ordinance codified in this chapter.))~~ October 7, 1987.

E. Major marijuana activity is subject to the regulations in this Chapter 23.50 and additional regulations in Section 23.42.058.

Section 19. Subsections 23.50.012.A and 23.50.012.B and Table A for 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 124326, are amended as follows:

### 23.50.012 Permitted and Prohibited Uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use, according to Table A for 23.50.012 and this Section 23.50.012.

B. All permitted uses are allowed as either a principal use or an accessory use, unless otherwise indicated in Table A for 23.50.012.

\* \* \*

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z)) zones</b> <del>((PERMITTED AND PROHIBITED USES BY ZONE))</del> <u>Permitted and prohibited uses by zone</u>					
<del>((USES))</del> <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<b>A. AGRICULTURAL USES</b>					
A.1. Animal <del>((H))</del> <u>husbandry</u>	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community <del>((G))</del> <u>garden</u>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>
A.4. Horticulture	X	X	X	X	X
A.5. Urban <del>((F))</del> <u>farm (1)</u>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>	P <del>((14))</del> ) <del>(2)</del>



<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z))zones</b> <b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted</b> <b>and prohibited uses by zone</b>					
<b>((USES))Uses</b>	<b>IB</b>	<b>IC</b>	<b>IG1 and IG2 (general)</b>	<b>IG1 in the Duwamish M/I Center</b>	<b>IG2 in the Duwamish M/I Center</b>
<b>B. CEMETERIES</b>	X	X	X	X	X
<b>C. COMMERCIAL USES</b>					
C.1. Animal ((S))shelters and ((K))kennels	X(((1))) (3)	P	P	P	P
C.2. Eating and drinking establishments	P	P	P	P	P
C.3. Entertainment ((U))uses					
C.3.a. Cabarets, adult	P(((13))) (4)	P(((13))) (4)	X	X	X
C.3.b. Motion picture theaters, adult	X	X	X	X	X
C.3.c. Panorams, adult	X	X	X	X	X
C.3.d. Sports and recreation, indoor	P	P	P	X	P
C.3.e. Sports and recreation, outdoor	P	P	P	X	P
C.3.f. Theaters and spectator sports facilities					
C.3.f.i. Lecture and meeting halls	P	P	P	P	P
C.3.f.ii. Motion picture theaters	P	P	P	X	X
C.3.f.iii. Performing arts theaters	P	P	P	X	X
C.3.f.iv. Spectator sports facilities	P	P	P	X(((2))) (5)	X(((2))) (5)
C.4. Food processing and craft work (1)	P	P	P	P	P

Table A For 23.50.012 Uses in Industrial ((Z))zones					
((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone					
((USES))Uses	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
C.5. Laboratories, Research and development	P	P	P	P	P
C.6. Lodging uses	CU	CU	CU	X	X
C.7. Medical services (((3))) <del>(6)</del>	P	P	P	P	P
C.8. Offices	P	P	P	P	P
C.9. Sales and services, automotive	P	P	P	P	P
C.10. Sales and services, general <del>(1)</del>	P	P	P	P	P
C.11. Sales and services, heavy	P	P	P	P	P
C.12. Sales and services, marine	P	P	P	P	P
D. HIGH-IMPACT USES	X	X or CU(((4))) <del>(7)</del>	X or CU(((5))) <del>(8)</del>	X or CU(((5))) <del>(8)</del>	X or CU(((5))) <del>(8)</del>
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB(((47))) <del>(9)</del>	X(((6))) <del>(10)</del>	X(((6))) <del>(10)</del>
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(((7))) <del>(11)</del>	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(((9)))	EB	X(((8))) <del>(13)</del>	X(((8))) <del>(13)</del>

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z))zones</b>					
((PERMITTED AND PROHIBITED USES BY ZONE)) <u>Permitted</u> <u>and prohibited uses by zone</u>					
((USES)) <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
		((12))			
E.11. Private ((C))clubs	EB	EB	EB	X	X
E.12. Religious facilities	P(((15)) )((14))	P(((15)) )((14))	P(((15))((14))	P(((15))((14))	P(((15))((14))
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light (1)	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P
G.3. Manufacturing, heavy	CU	X or CU(((14 0)))((15))	P or CU(((14 0)))((16))	P	P
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's	P	P	P	P	P

Table A For 23.50.012 Uses in Industrial ((Z))zones					
((USES))Uses	((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
quarters					
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
K. STORAGE USES					
K.1. Mini-warehouses	P	P	P	X	P
K.2. Storage, outdoor	P	P	P	P	P
K.3. Warehouses	P	P	P	P	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	P	P	P	P	P
L.2. Parking and moorage					
L.2.a. Boat moorage	P	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P	P
L.2.c. Parking, principal use, except as listed below	P	P or X(((15)))P(((17)))	P	X(((2)))((5))	X(((2)))((5))
L.2.c.i. Park and Pool ((L))lots	P(((12)))((18))	P(((12)))((18))	P(((12)))((18))	CU	CU
L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU
L.2.d. Towing services	P	P	P	P	P
L.3. Passenger terminals	P	P	P	P	P
L.4. Rail ((F))transit ((F))facilities	P	P	P	P	P
L.5. Transportation					

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z)) zones</b>					
<del>((USES))</del> <u>Uses</u>	<del>((PERMITTED AND PROHIBITED USES BY ZONE))</del> <u>Permitted and prohibited uses by zone</u>				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
facilities, air					
L.5.a. Airports (land-based)	X	CCU	CCU	CCU	CCU
L.5.b. Airports (water-based)	X	CCU	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance					
L.6.a. Bus bases	CU	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES					
M.1. Communication ((U)) utilities, major	CU	CU	CU	CU	CU
M.2. Communication ((U)) utilities, minor	P	P	P	P	P
M.3. Power ((P)) plants	X	CCU	P	P	P
M.4. Recycling	P	P	P	P	P
M.5. Sewage ((F)) treatment ((P)) plants	X	CCU	CCU	CCU	CCU
M.6. Solid waste management					
M.6.a. Salvage yards	X	X	P	P	P
M.6.b. Solid waste transfer stations	CU((F7))((19))	CU	CU	CU	CU
M.6.c. Solid	X	CCU	CCU	CCU	CCU

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z))zones</b>					
<b>((PERMITTED AND PROHIBITED USES BY ZONE)) Permitted and prohibited uses by zone</b>					
<b>((USES))Uses</b>	<b>IB</b>	<b>IC</b>	<b>IG1 and IG2 (general)</b>	<b>IG1 in the Duwamish M/I Center</b>	<b>IG2 in the Duwamish M/I Center</b>
waste incineration facilities					
M.6.d. Solid waste landfills	X	X	X	X	X
M.7. Utility services ((S))uses	P	P	P	P	P
<b>KEY</b> CU = Administrative conditional use CCU = Council conditional use EB = Permitted only in a building existing on October ((5))7, 1987. EB/CU = Administrative conditional use permitted only in a building existing on October ((5)) 7, 1987. P = Permitted X = Prohibited					
<b>((Notes))Footnotes to Table A for 23.50.012</b> (1) In addition to the provisions in this Chapter 23.50, urban farms that entail major marijuana activity are regulated by Section 23.42.058. (2) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed: (a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016; (b) 10,000 square feet in IB and IC zones; and (c) 20,000 square feet in IG2 zones. (((1))) (3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted. (4) Subject to subsection 23.50.012.E. (((2))) (5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one space per 650 square feet ratio under the following circumstances: (a) The parking is owned and operated by the owner of the spectator sports facility or					

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z))zones</b>					
<del>((PERMITTED AND PROHIBITED USES BY ZONE))</del> <u>Permitted and prohibited uses by zone</u>					
<del>((USES))</del> <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
exhibition hall, and (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and (c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking. <del>((3))</del> (6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014. <del>((4))</del> (7) The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses. <del>((5))</del> (8) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5. <u>(9) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing &amp; Industrial Center.</u> <del>((6))</del> (10) A college or university offering a primarily vocational curriculum within the zone is permitted. <del>((7))</del> (11) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14. <u>(12) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.</u> <del>((8))</del> (13) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks. <del>((9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.))</del> <u>(14) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.</u> <del>((10))</del> (15) The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited. <del>((11))</del> (16) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C. <u>(17) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.</u> <del>((12))</del> (18) Park and pool lots are not permitted within 3,000 feet of the Downtown Urban Center. <del>((13) Subject to subsection 23.50.012.E.))</del>					

<b>Table A For 23.50.012</b> <b>Uses in Industrial ((Z))zones</b>					
((PERMITTED AND PROHIBITED USES BY ZONE)) <u>Permitted</u> <u>and prohibited uses by zone</u>					
((USES)) <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<del>(((14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as indoor agricultural operations. Except for indoor agricultural operations established prior to the effective date of this ordinance, indoor agricultural operations are not permitted in the IG1 zone. Indoor agricultural operations within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:</del> <del>a. 5,000 square feet in IG1 zones for indoor agricultural operations established prior to the effective date of this ordinance;</del> <del>b. 10,000 square feet in IB and IC zones; and</del> <del>c. 20,000 square feet in IG2 zones;))</del> <del>(((15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.))</del> <del>(((15) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.))</del> <del>(((17))) (19) Subject to subsection 23.50.014.B.7.e.</del> <del>(((17) Research and education facilities that are a part of a college or university, and that are water dependent or water related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing &amp; Industrial Center.))</del>					

Section 20. Subsection 23.50.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 124105, is amended as follows:

#### **23.50.014 Conditional uses**

\* \* \*

B. Administrative ((C))conditional ((U))uses. The following uses, identified as administrative conditional uses in Table A for 23.50.012, may be permitted by the Director if the provisions of this subsection 23.50.014.B and subsection 23.50.014.A are met.

1. Artist's studio/dwellings in an existing structure may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB)



1 and Industrial Commercial (IC) zones, except as provided in the Shoreline District, Chapter  
2 23.60A, upon showing that the occupant is a bona fide working artist, and subject to the  
3 following criteria:

4 a. Artist's studio/dwellings shall generally be discouraged along arterials  
5 such as freeways, state routes and freight lines;

6 b. Artist's studio/dwellings shall not be allowed in areas where existing  
7 industrial uses may cause environmental or safety problems;

8 c. Artist's studio/dwellings shall not be located where they may restrict or  
9 disrupt industrial activity;

10 d. The nature of the artist's work shall be such that there is a genuine need  
11 for the space; and

12 e. The owner(s) of a building seeking a conditional use for artist's  
13 studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable  
14 to the Director, that acknowledges that the owner(s) and occupants of the building accept the  
15 industrial character of the neighborhood and agree that existing or permitted industrial uses do  
16 not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and  
17 equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns,  
18 including any lessees of the artist's studio/dwellings.

19 2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish  
20 Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General  
21 Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted  
22 as a conditional use according to the following criteria:

1 a. The park-and-pool lot shall not create conflict with industrial activity by  
2 causing significant additional traffic to circulate through the area;

3 b. The park-and-pool lot has direct vehicular access to a designated arterial  
4 improved to City standards;

5 c. The park-and-pool lot shall be located on an existing parking area  
6 unless no reasonable alternative exists;

7 d. If the proposed park-and-pool lot is located on a lot containing  
8 accessory parking for other uses, there shall be no substantial conflict in the principal operating  
9 hours of the lot and the other uses; and

10 e. The park-and-pool lot is not located within ((three thousand  
11 ))3,000(( ))) feet of downtown.

12 3. Except in the Duwamish Manufacturing/Industrial Center, lodging uses may be  
13 permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial  
14 Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

15 a. The use is designed primarily to serve users in the industrial area; and

16 b. The use is designed and located to minimize conflicts with industrial  
17 uses in the area.

18 4. A residential use not otherwise permitted in the zone may be permitted as a  
19 conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB)  
20 and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to  
21 the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a  
22 Landmark District, pursuant to the Seattle Municipal Code, Chapters 25.16, Ballard Avenue

1 Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject to the following  
2 criteria:

3 a. The use shall be compatible with the historic or landmark character of  
4 the structure. The Director shall request a determination regarding compatibility by the  
5 respective Board having jurisdiction over the structure or lot;

6 b. The residential use shall not restrict or disrupt industrial activity in the  
7 zone, and

8 c. The surrounding uses would not be detrimental to occupants of the  
9 Landmark structure.

10 5. High-impact uses may be permitted as a conditional use in General Industrial 1  
11 (IG1), and General Industrial 2 (IG2) zones, according to the following criteria:

12 a. The lot is located so that large concentrations of people, particularly in  
13 residential and commercial areas, are not exposed to unreasonable adverse impacts;

14 b. A management plan may be required. The Director may determine the  
15 level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the  
16 effects. Discussion of materials handling and storage, odor control, transportation and other  
17 factors may be required.

18 6. A new railroad switchyard with a mechanized hump, or the expansion of such a  
19 use beyond the lot occupied as of October ((5)) 7, 1987 may be permitted as a conditional use in  
20 General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following  
21 criteria:

22 a. The lot is located so that large concentrations of people, particularly in  
23 residential and commercial areas, are not exposed to unreasonable adverse impacts;

1                   b. Measures to minimize the impacts of noise, light and glare, and other  
2 measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse  
3 impacts shall be incorporated into the design and operation of the facility.

4                   7. Solid waste transfer stations may be permitted as a conditional use in General  
5 Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Commercial (IC), and Industrial Buffer  
6 (IB) zones according to the following criteria:

7                   a. Measures to minimize potential odor emissions and airborne pollutants  
8 shall be determined in consultation with the Puget Sound Clean Air Agency (PSCAA). These  
9 measures shall be incorporated into the design and operation of the facility;

10                  b. Measures to maximize control of rodents, birds and other vectors shall  
11 be determined in consultation with Public Health—Seattle & King County. These measures shall  
12 be incorporated into the design and operation of the facility;

13                  c. The Director may require a transportation plan. The Director shall  
14 determine the level of detail to be disclosed in the plan such as estimated trip generation, access  
15 routes and surrounding area traffic counts, based on the probable impacts and/or scale of the  
16 proposed facility; and

17                  d. Measures to minimize other impacts are incorporated into the design  
18 and operation of the facility.

19                  e. For any portion of the principal structure containing the solid waste  
20 management use that is located in an IB zone, the following standards apply:

21                         1) The maximum floor area of the principal structure is limited to  
22 7,000 square feet.

2) A setback of at least 65 feet is required between any façade of the principal structure and any lot line that abuts or is across a street from a residentially zoned lot.

f. Accessory structures including scales, scale houses, entrance/exit kiosks, walls, screening, and other minor incidental improvements, including canopies over scales houses and drive lanes, are permitted in IB zones. The total area of all scale houses in IB zones shall not exceed 1,000 square feet.

g. A landscaped area at least 20 feet deep is required between any structure or any parking located in an IB zone and the nearest street lot line.

h. Parking and driveways accessory to a solid waste transfer station. Parking and driveways on property in an IB zone may be permitted as a conditional use accessory to a solid waste transfer station if:

1) The parking is on property that is part of the same development site as the solid waste transfer station use.

2) The parking meets the criteria of Section 23.50.014.A.

3) The parking is subject to analysis in any transportation plan required by the Director pursuant to subsection 23.50.014.B.7.c.

4) Driveways providing access to parking or access to the solid waste transfer station are on the same development site as the solid waste transfer station use.

i. Rooftop features on the principal structure shall not exceed the maximum height limit of the zone.

j. All transfer, handling, and compacting of materials processed by the solid waste management use shall be conducted within an enclosed structure.

1 k. Outdoor storage is prohibited.

2 8. Heavy Manufacturing uses may be permitted in the Industrial Buffer (IB) zone  
3 as a conditional use according to the following criteria:

4 a. The use shall be located within an enclosed building except for  
5 shipbuilding;

6 b. The hours of operation for all processes creating any adverse impacts on  
7 residentially or commercially zoned land may be limited;

8 c. Truck and service traffic associated with the heavy manufacturing use  
9 shall be directed away from streets serving lots in nonindustrial zones;

10 d. The infrastructure of the area shall be capable of accommodating the  
11 traffic generated by the proposed use; and

12 e. The use shall not produce sustained or recurrent vibrations exceeding  
13 0.002g acceleration as measured on lots in nonindustrial zones.

14 9. The heavy manufacturing uses listed in subsection 23.50.014.B.9.a (~~of this~~  
15 ~~section~~)) may be permitted in the Industrial Commercial (IC) zone as a conditional use according  
16 to criteria contained in subsection 23.50.014.B.9.b.

17 a. Uses ((:))

18 (1) Mass production of commercial or recreational vessels of any  
19 size and the production of vessels up to (~~(one hundred and twenty (120))~~) feet in length,  
20 constructed to individual specifications; and

21 (2) Manufacturing of electrical components, such as  
22 semiconductors and circuit boards, using chemical processes such as etching or metal coating;  
23 and

(3) Production of industrial organic and inorganic chemicals, and  
soaps and detergents.

b. Criteria ((-))

(1) Except for shipbuilding, the use shall be located within an  
enclosed building;

(2) The hours of operation for all processes creating any impacts  
on residentially or commercially zoned land may be limited;

(3) Truck and service traffic associated with the heavy  
manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

(4) The infrastructure of the area shall be capable of  
accommodating the traffic generated by the proposed use;

(5) The use shall not produce sustained or recurrent vibrations  
exceeding 0.002g acceleration as measured on lots in nonindustrial zones;

(6) The finished product as packaged for sale or distribution shall  
be in such a form that product handling and shipment does not constitute a significant public  
health risk; and

(7) The nature of the materials produced and/or the scale of  
manufacturing operations may be limited in order to minimize the degree and severity of risks to  
public health and safety.

10. The high-impact uses listed in subsection 23.50.B.10.a ~~((of this section))~~ may  
be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria  
contained in subsection 23.50.B.10.b ~~((of this section))~~.

1 a. Uses ((-))

2 (1) The manufacture of Group A hazardous materials, except Class  
3 A or B explosives; and

4 (2) The manufacture of Group B hazardous materials, when the  
5 hazardous materials are present in quantities greater than ~~((two thousand five hundred~~  
6 ~~()))2,500(( ))~~ pounds of solids, ~~((two hundred seventy five ()))275(( ))~~ gallons of liquids, or ~~((one~~  
7 ~~thousand ( ))1,000(( ))~~ cubic feet of gas at any time.

8 b. Criteria ((-))

9 (1) The lot is located so that large concentrations of people,  
10 particularly in residential and commercial areas, are not exposed to unreasonable adverse  
11 impacts;

12 (2) A management plan may be required. The Director may  
13 determine the level of detail to be disclosed in the plan based on the probable impacts and/or the  
14 scale of the effects. Discussion of materials handling and storage, odor control, transportation,  
15 and other factors may be required;

16 (3) The finished product as packaged for sale or distribution shall  
17 be in such a form that product handling and shipment does not constitute a significant public  
18 health risk; and

19 (4) The nature of the materials produced and/or the scale of  
20 manufacturing operations may be limited in order to minimize the degree and severity of risks to  
21 public health and safety.



1 11. Bus bases may be permitted as a conditional use in the General Industrial 1  
2 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones  
3 according to the following criteria:

4 a. The amount of industrial land occupied by the facility shall be  
5 minimized. To avoid disruption of the industrial function of the area, the presence of the facility  
6 shall not obstruct the operation or likely expansion of existing industrial uses;

7 b. The location of the facility shall not result in significant displacement of  
8 viable industrial uses or support activities;

9 c. The amount of land occupied by the facility that has access to industrial  
10 shorelines or major rail facilities shall be minimized; and

11 d. A transportation plan may be required to prevent conflicts with nearby  
12 industrial uses. The Director shall determine the level of detail to be disclosed in the plan based  
13 on the probable impacts and/or scale of the proposed facility.

14 12. Development of a medical service use over ~~((ten thousand-))~~10,000~~(( ))~~  
15 square feet, outside but within ~~((two thousand five hundred-))~~2,500~~(( ))~~ feet of a medical Major  
16 Institution overlay district boundary, shall be subject to administrative conditional use approval,  
17 unless included in an adopted master plan. In making a determination whether to approve or  
18 deny medical service use, the Director shall determine whether an adequate supply of industrially  
19 zoned land will continue to exist. The following factors shall be used in making this  
20 determination:

21 a. Whether the amount of medical service use development existing and  
22 proposed in the vicinity would reduce the current viability or significantly impact the longer-  
23 term potential of the manufacturing or heavy commercial character of the industrial area; and

1                   b. Whether medical service use development would displace existing  
2 manufacturing or heavy commercial uses or usurp vacant land, in areas with parcels particularly  
3 suited for manufacturing or heavy commercial uses.

4                   13. A nonconforming use may be converted by an administrative conditional use  
5 authorization to a use not otherwise permitted in the zone based on the following factors:

6                   a. New uses shall be limited to those first permitted in the next more  
7 intensive zone;

8                   b. The Director shall evaluate the relative impacts of size, parking, traffic,  
9 light, glare, noise, odor, and similar impacts of the two ~~((2))~~ uses, and how these impacts could  
10 be mitigated;

11                   c. The Director must find that the new nonconforming use is no more  
12 detrimental to property in the zone and vicinity than the existing nonconforming use.

13                   14. An accessory hospital facility may be permitted as a conditional use according  
14 to the following criteria:

15                   a. The hospital facility is an integral element of a research and  
16 development laboratory or an institute for advanced study to which it is accessory; and

17                   b. The hospital use shall not be allowed in areas where industrial activity  
18 may adversely affect hospital activity.

19                   Section 21. Section 23.50.044 of the Seattle Municipal Code, last amended by Ordinance  
20 124378, is amended as follows:

21 **23.50.044 (~~(Industrial Buffer and Industrial Commercial)~~ All Industrial zones—Standards**  
22 **for major odor sources**

23                   A. Major odor sources in Industrial Buffer and Industrial Commercial zones

1                   1. Uses that involve the following odor-emitting processes or activities (~~shall be~~  
2 ~~considered~~)) are major odor sources:

- 3                   a. Lithographic, rotogravure, or flexographic printing;
- 4                   b. Film burning;
- 5                   c. Fiberglassing;
- 6                   d. Selling of gasoline and/or storage of gasoline in tanks larger than 260  
7 gallons;
- 8                   e. Handling of heated tars and asphalts;
- 9                   f. Incinerating (commercial);
- 10                  g. Metal plating;
- 11                  h. Tire buffing;
- 12                  i. Vapor degreasing;
- 13                  j. Wire reclamation;
- 14                  k. Use of boilers (greater than 106 British thermal units per hour, 10,000  
15 pounds steam per hour, or 30 boiler horsepower);
- 16                  l. The production or processing of marijuana products by a major  
17 marijuana activity; and
- 18                  m. Other uses creating similar odor impacts.

19                   2. Uses that employ the following processes shall be considered major odor  
20 sources, unless the entire activity is conducted as part of a commercial use other than food  
21 processing or heavy commercial services:

- 22                   a. Cooking of grains;
- 23                   b. Smoking of food or food products;

- c. Fish or fishmeal processing;
- d. Coffee or nut roasting;
- e. Deep-fat frying;
- f. Dry cleaning;
- g. Animal food processing; and
- h. Other uses creating similar odor impacts.

B. Major odor sources in General Industrial zones

1. Uses that involve the following odor-emitting processes or activities in General

Industrial zones are major odor sources:

- a. The production or processing of marijuana products by a major marijuana activity.

~~((B-))~~C. When an application is made in ~~((the Industrial Buffer (IB) or Industrial Commercial (IC)))~~ an Industrial zone for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. Measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. Once a permit has been issued, any measures which were required by the permit shall be maintained.

Section 22. Section 23.66.122 of the Seattle Municipal Code, last amended by Ordinance 123034, is amended as follows:

**23.66.122 Prohibited uses**

A. The following uses are prohibited in the Pioneer Square Preservation District as both principal and accessory uses:

- 1                   1. Retail ice dispensaries;
- 2                   2. Plant nurseries;
- 3                   3. Frozen food lockers;
- 4                   4. Animal shelters and kennels;
- 5                   5. Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F
- 6 if an applicant elects to use added height under the provisions of Section 23.49.180;
- 7                   6. Automotive sales and service, except gas stations located in parking garages;
- 8                   7. Marine sales and service;
- 9                   8. Heavy commercial services;
- 10                  9. Heavy commercial sales;
- 11                  10. Adult motion picture theaters;
- 12                  11. Adult panorams;
- 13                  12. Bowling alleys;
- 14                  13. Skating rinks;
- 15                  14. Major communication utilities;
- 16                  15. Advertising signs and off-premises directional signs;
- 17                  16. Transportation facilities, except passenger terminals, rail transit facilities,
- 18 parking garages, and streetcar maintenance bases;
- 19                  17. Outdoor storage;
- 20                  18. Jails;
- 21                  19. Work-release centers;
- 22                  20. General and heavy manufacturing uses;
- 23                  21. Solid waste management;

1                    22. Recycling uses; ~~((and))~~

2                    23. Major marijuana activity; and

3                    24. High-impact uses.

4                    B. Except for the uses listed in subsection 23.66.122.B.2, automobile-oriented  
5 commercial uses are prohibited, including but not limited to the automobile-oriented uses listed  
6 in subsection 23.66.122.B.1.

7                    1. Examples of prohibited automobile-oriented commercial uses ~~((:))~~ :

8                    a. Drive-in businesses ~~((:))~~ ;

9                    b. Principal and accessory surface parking areas not in existence prior to  
10 August 10, 1981 ~~((:))~~ ;

11                    c. Principal-use parking garages for long-term parking ~~((:))~~ ; and

12                    d. Motels.

13                    2. Permitted automobile-oriented uses ~~((:))~~ :

14                    a. Gas stations accessory to parking garages;

15                    b. Accessory-use surface parking in the Subarea B shown on Map C for  
16 23.66.122 and 23.66.150 either:

17                    ~~((f))~~1) if the accessory-use surface parking is in a location  
18 permitted by and complies with the standards contained in Section 23.49.180; or

19                    ~~((f))~~2) if the lot satisfies the provisions of Section 23.49.019 ~~((:))~~ ;

20                    c. Principal-use parking garages for long-term parking in structures  
21 authorized pursuant to ~~((subsection))~~ Section 23.49.180; and

22                    d. Accessory-use parking garages.

Section 23. Section 23.66.322 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

**23.66.322 Prohibited uses**

A. The following uses are prohibited as both principal and accessory uses in the entire International Special Review District:

1. Adult motion picture theaters;
2. Adult panorams;
3. All general and heavy manufacturing uses;
4. All high-impact uses;
5. Solid waste management;
6. Recycling uses;
7. Automotive sales and service;
8. Bowling lanes;
9. Major communication utilities;
10. Heavy commercial sales;
11. Drive-in businesses;
12. Frozen food lockers;
13. Heavy commercial services;
14. Marine sales and services;
15. Medical testing laboratories;
16. Mortuary services;
17. Motels;
18. Outdoor storage;

19. Plant nurseries;
20. Retail ice dispensaries;
21. Shooting galleries;
22. Skating rinks;
23. Mobile home parks;
24. Transportation facilities except: passenger terminals, rail transit facilities, and storage uses;
25. Animal shelters and kennels;
26. Jails;
27. Major marijuana activity; and
28. Work-release centers.

B. In addition to the prohibited uses listed in subsection 23.66.322.A, light manufacturing uses that occupy more than 10,000 square feet are prohibited in that portion of the International Special Review District west of Interstate 5.

C. All light manufacturing uses are prohibited in that portion of the District in an IDR zone.

Section 24. Section 23.84A.025 of the Seattle Municipal Code, last amended by Ordinance 124326, is amended as follows:

**23.84A.025 "M"**

\* \* \*

"Marijuana activity, major" means, except as provided below, ~~((the))~~ any production, processing, or selling ~~((, or delivery))~~ of marijuana, marijuana-infused products, ~~((or useable))~~ usable marijuana ~~((that involves more than 45 marijuana plants, 72 ounces of useable marijuana, or an~~



1 ~~amount of marijuana infused product that could reasonably be produced with 72 ounces of~~  
2 ~~useable marijuana.)) , or marijuana concentrates. Major marijuana activity does not include the~~  
3 following activities when they occur within a dwelling unit occupied by a qualifying patient or  
4 designated provider, as those terms are defined in RCW 69.51A.010, or within an enclosed  
5 structure that is accessory to such a dwelling unit:

6 a. production of marijuana involving up to 15 plants;

7 b. production of marijuana involving up to 60 plants if the production is  
8 conducted by a cooperative that is registered with the Washington State Liquor and Cannabis  
9 Board and operates in compliance with RCW 69.51A.043;

10 c. drying or incorporation into food of up to 15 marijuana plants; or

11 d. drying or incorporation into food of up to 60 marijuana plants if such  
12 processing is conducted by a cooperative that is registered with the Washington State Liquor and  
13 Cannabis Board and operates in compliance with chapter 69.51A RCW.

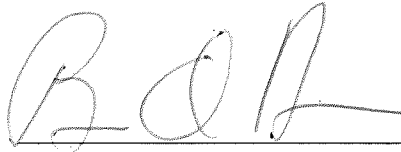
14 “Marijuana concentrates” means products consisting wholly or in part of the resin extracted from  
15 any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

16 \* \* \*

17 Section 25. The provisions of this ordinance are declared to be separate and  
18 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or  
19 portion of this ordinance, or the invalidity of its application to any person or  
20 circumstance, does not affect the validity of the remainder of this ordinance, or the  
21 validity of its application to other persons or circumstances.  
22

Section 26. This ordinance shall take effect and be in force immediately upon the approval by the Mayor; or if returned to the Council by the Mayor unsigned, then immediately upon its return; or if not approved and returned by the Mayor within 10 days after presentation, then on the 11<sup>th</sup> day after its presentation to the Mayor; or if vetoed by the Mayor, then immediately after its passage over his veto.

Passed by the City Council the 11<sup>th</sup> day of January, 2016, and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of January, 2016.



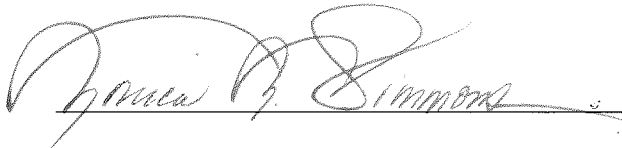
President \_\_\_\_\_ of the City Council

Approved by me this 12<sup>th</sup> day of January, 2016.



Edward B. Murray, Mayor

Filed by me this 12<sup>th</sup> day of January, 2016.



Monica Martinez Simmons, City Clerk

1

2 (Seal)

3

4

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STATE OF WASHINGTON -- KING COUNTY

--SS.

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333043

No. 124969,973,974,975,976

CITY OF SEATTLE, CLERKS OFFICE

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

01/29/16

The amount of the fee charged for the foregoing publication is the sum of \$103.68 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

01/29/2016

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### Title Only Ordinances

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The full text of the following legislation, passed by the City Council on January 11, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### Ordinance 124969

AN ORDINANCE relating to land use and zoning; repealing Ordinance 124552 and amending Sections 23.42.053, 23.47A.002, 23.47A.004, 23.47A.020, 23.48.002, 23.48.005, 23.48.065, 23.49.002, 23.49.025, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.014, 23.50.044, 23.66.122, 23.66.322, and 23.84A.025 of the Seattle Municipal Code to change marijuana zoning regulations and make technical corrections.

#### Ordinance 124973

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### Ordinance 124974

AN ORDINANCE, relating to City employment, to be known as the Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs; and ratifying and confirming certain prior acts.

#### Ordinance 124975

AN ORDINANCE relating to City employment; providing wage increases effective December 31, 2014, December 30, 2015, December 29, 2016 and December 27, 2017 for certain non-represented City employees and officers; providing adjustments to certain pay titles in addition to the 2015 wage increase; authorizing a \$15 per hour minimum wage for all non-represented City of Seattle employees; authorizing and directing the Seattle Human Resources Director to change rates of pay for certain job titles to a minimum of \$15 per hour effective April 1, 2015; authorizing paid leave for City employees who took furloughs in 2010; and ratifying and confirming certain prior acts.

#### Ordinance 124976

AN ORDINANCE relating to City employment; authorizing the execution of collective bargaining agreements between The City of Seattle and certain unions in the Coalition of City Unions, for the time period January 1, 2015 through December 31, 2018; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, January 29, 2016.

1/29/2016(333043)

# Exhibit 2



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118419

Record No.: CB 118419

Type: Ordinance (Ord)

Status: Passed

Version: 3

124807

In Control: City Clerk

File Created: 06/02/2015

Final Action: 07/17/2015

**Title:** AN ORDINANCE related to the regulation of marijuana businesses; adding a new Chapter 6.500 to the Seattle Municipal Code; amending Ordinance 124648, which adopted the 2015 Budget, changing appropriations to various departments and budget control levels, making cash transfers between various City funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

**Notes:**

Date  
Filed with City Clerk: 7/17/2015

Mayor's Signature: 7/17/2015

**Sponsors:** Licata

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:**

**Drafter:** David B. Mendoza

**Filing Requirements/Dept Action:**

**History of Legislative File**

**Legal Notice Published:**

☐ Yes

☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/04/2015	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b> The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	<b>Notes:</b>						
1	City Clerk	06/04/2015	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	06/08/2015	sent for review	Finance and Culture Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Finance and Culture Committee						
	<b>Notes:</b>						
1	Full Council	06/22/2015	referred	Finance and Culture Committee			

**Action Text:** The Council Bill (CB) was referred. to the Finance and Culture Committee  
**Notes:**

- 1 Finance and Culture 06/24/2015  
Committee

**Action Text:** Item was presented and discussed

- 1 Finance and Culture 07/08/2015 pass as amended  
Committee

Pass

**Action Text:** The Committee recommends that Full Council pass as amended the Council Bill (CB).

**Notes:**

In Favor: 3 Chair Licata, Vice Chair Godden, Member Burgess

Opposed: 0

- 2 Full Council 07/13/2015 passed

Pass

**Action Text:** The Council Bill (CB) was passed by the following vote and the President signed the Bill:

**Notes:**

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

- 3 City Clerk 07/14/2015 submitted for Mayor  
Mayor's signature

**Action Text:** The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

**Notes:**

- 3 Mayor 07/17/2015 Signed

**Action Text:** The Council Bill (CB) was Signed.

**Notes:**

- 3 Mayor 07/17/2015 returned City Clerk

**Action Text:** The Council Bill (CB) was returned. to the City Clerk

**Notes:**

- 3 City Clerk 07/17/2015 attested by City  
Clerk

**Action Text:** The Ordinance (Ord) was attested by City Clerk.

**Notes:**

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**CITY OF SEATTLE**  
**ORDINANCE** 124807  
**COUNCIL BILL** 118419

AN ORDINANCE related to the regulation of marijuana businesses; adding a new Chapter 6.500 to the Seattle Municipal Code; amending Ordinance 124648, which adopted the 2015 Budget, changing appropriations to various departments and budget control levels, making cash transfers between various City funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

WHEREAS, the residents of the State of Washington voted in favor of Initiative 692 creating the Medical Use of Marijuana Act (MUCA);

WHEREAS, the MUCA does not create any legal right to grow, process, or distribute medical marijuana but only allows for an affirmative defense for patients and providers;

WHEREAS, Initiative 502 was passed statewide and by voters in the state of Washington;

WHEREAS, public support for Initiative 502 was in large part driven by the desire to end criminalization of marijuana production, processing, and distribution;

WHEREAS, Initiative 502 creates a highly regulated system for the production, processing and distribution of marijuana for adult use;

WHEREAS, the Washington State Liquor and Cannabis Board (LCB) has allowed for the provision of 21 retail marijuana stores within the City of Seattle;

WHEREAS, 14 recreational marijuana retail stores have opened in the City of Seattle as of June 2, 2015;

WHEREAS, the Department of Finance and Administrative Services and the Department of Planning and Development have determined that there are approximately 99 medical marijuana retailers operating without licenses issued by the LCB in the City of Seattle;

1 WHEREAS, an estimated 54 marijuana retailers without state licenses have established  
2 operations in the City of Seattle since January 1, 2013;

3 WHEREAS, there have been numerous armed robberies and thefts of unlicensed marijuana  
4 businesses, endangering staff at these establishments and the surrounding community;

5 WHEREAS, access to recreational marijuana should be limited to those over 21 years of age;

6 WHEREAS, access to medical marijuana by those under 21 years of age should be available  
7 only to those patients with a qualifying medical condition that has been confirmed by a  
8 healthcare provider;

9 WHEREAS, the proliferation of unlicensed marijuana businesses has seen an attendant increase  
10 in elementary and secondary school students, who are not qualifying patients, accessing  
11 marijuana-infused products;

12 WHEREAS, 77 percent of drug/alcohol discipline incidents in Seattle public schools in 2014  
13 involved marijuana;

14 WHEREAS, it is in the interest of the people of the City of Seattle to prevent those under 21  
15 years of age from accessing marijuana and marijuana-infused products;

16 WHEREAS, it is in the interest of the people of the City of Seattle to halt the proliferation of  
17 non-state licensed, and therefore unlawful, marijuana businesses while maintaining  
18 access to medical marijuana for qualifying patients;

19 WHEREAS, the state legislature and Governor Inslee signed into law SSB 5052 that reforms  
20 medical marijuana law in Washington State;

21 WHEREAS, SSB 5052 prioritizes non-state-licensed marijuana establishments operating before  
22 January 1, 2013 having an opportunity to obtain a state license by July 1, 2016; and

1 WHEREAS, it is in the interest of the City to regulate marijuana businesses in order to promote  
2 the health, welfare, and safety of the citizens of Seattle, including persons under the age  
3 of 21;

4 WHEREAS, the creation of a regulatory license for marijuana businesses will allow the City of  
5 Seattle to incorporate LCB rules regarding operating hours and signage that are of  
6 concern to neighborhoods surrounding marijuana businesses;

7 WHEREAS, it is in the interest of the City of Seattle to ensure that newly legal marijuana  
8 business are in compliance with state and city law; NOW, THEREFORE,

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

10 Section 1. A new Chapter 6.500 is added to the Seattle Municipal Code as follows:

11 **Chapter 6.500 MARIJUANA BUSINESSES**

12 **6.500.010 Application of other provisions**

13 The licenses provided for in this Chapter are subject to the general provisions of the new  
14 Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a  
15 conflict between the provisions of Chapter 6.202 and this Chapter 6.500, the provisions of this  
16 Chapter 6.500 shall control.

17 **6.500.020 Definitions**

18 For the purposes of this Chapter the following definitions are adopted:

19 “Authorization” means a form developed by the Washington State Department of Health  
20 that is completed and signed by a qualifying patient’s health care professional and printed on  
21 tamper-resistant paper.  
22

1           “Cannabis health and beauty aid” means a product containing parts of the cannabis plant  
2 and that: (a) is intended for use only as a topical application to provide for therapeutic benefit or  
3 to enhance appearance; (b) contains a THC concentration of not more than 0.3 percent; (c) does  
4 not cross the blood-brain barrier; and (d) is not intended for ingestion by humans or animals.

5           “Department” means the Department of Finance and Administrative Services of The City  
6 of Seattle.

7           “Designated provider” means a person who is 21 years of age or older and:

8           1.       a. Is the parent or guardian of a qualifying patient who is under the age of 18  
9 years and, beginning July 1, 2016, holds a recognition card; or

10                   b. Has been designated in writing by a qualifying patient to serve as the  
11 designated provider for that patient;

12           1.       a. Has an authorization from the qualifying patient’s health care professional; or

13                   b. Beginning July 1, 2016:

14                           1) Has been entered into the medical marijuana authorization database as  
15 being the designated provider to a qualifying patient; and

16                           2) Has been provided a recognition card;

17                           3) Is prohibited from consuming marijuana obtained for the personal,  
18 medical use of the qualifying patient for whom the individual is acting as designated provider;

19                           4) Provides marijuana to only the qualifying patient that has designated  
20 him or her;

21                           5) Is in compliance with the terms and conditions of RCW 69.51A; and

22                           6) Is the designated provider to only one patient at any one time.

1       “Director” means the Director of the Department of Finance and Administrative Services  
2 of The City of Seattle or that Director’s designee.

3       “Employee” means any individual who is employed by an employer in return for the  
4 payment of direct or indirect monetary wages or profit, any individual who volunteers his or her  
5 services to an employer for no monetary compensation, or any individual who performs work or  
6 renders services, for any period of time, at the direction of an owner, lessee, or other person in  
7 charge of a place.

8       “Engaging in business” has the meaning provided in subsection 5.30.030.B.1.

9       “Gross profit” means the entire gross receipts from all sales and services made in, upon,  
10 or from the licensed business.

11       “Health care professional” means a physician licensed under chapter 18.71 RCW, a  
12 physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under  
13 chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a  
14 naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner  
15 licensed under chapter 18.79 RCW.

16       “Marijuana” means all parts of the plant *Cannabis*, whether growing or not, with a THC  
17 concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted  
18 from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or  
19 preparation of the plant, its seeds or resin. The term does not include the mature stalks of the  
20 plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other  
21 compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the  
22 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable  
23 of germination.

1           “Marijuana business” means any person or entity that grows, possesses, produces,  
2 processes, manufactures, sells (whether at wholesale or retail), distributes, transports, allows for  
3 consumption on their premises, or delivers marijuana with the object of gain, benefit, or  
4 advantage to the person, and includes, but is not limited to, any marijuana processor, producer, or  
5 retailer, regardless of whether the marijuana is intended for medical or recreational use.

6           “Marijuana concentrates” means products consisting wholly or in part of the resin  
7 extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten  
8 percent.

9           “Marijuana processor” means a person licensed by the Washington State Liquor and  
10 Cannabis Board to process marijuana into marijuana concentrates, usable marijuana, and  
11 marijuana-infused products, package and label marijuana concentrates, usable marijuana, and  
12 marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable  
13 marijuana, and marijuana-infused products at wholesale to marijuana retailers.

14           “Marijuana producer” means a person licensed by the Washington State Liquor and  
15 Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other  
16 marijuana producers.

17           “Marijuana products” means usable marijuana, marijuana concentrates, and marijuana-  
18 infused products as defined in this Section.

19           “Marijuana-infused products” means products that contain marijuana or marijuana  
20 extracts, are intended for human use, are derived from marijuana, and have a THC concentration  
21 no greater than ten percent. The term “marijuana-infused products” does not include either  
22 usable marijuana or marijuana concentrates.

1           “Marijuana retailer” means a person licensed by the Washington State Liquor and  
2 Cannabis Board to sell marijuana concentrates, usable marijuana, and marijuana-infused  
3 products in a retail outlet.

4           “Medical marijuana authorization database” means the secure and confidential database  
5 created by the Washington State Department of Health pursuant to chapter 69.51A RCW, as  
6 amended by Chapter 70, Laws of 2015.

7           “Medical marijuana establishment” means a marijuana business operating in compliance  
8 with chapter RCW 69.51A.

9           “Net profit” means gross sales minus cost of goods sold.

10          “Operator” means any person operating, conducting, or maintaining a marijuana  
11 business.

12          “Person” means any individual, partnership, corporation, trust, incorporated or  
13 unincorporated association, marital community, joint venture, governmental entity, or other  
14 entity or group of persons however organized.

15          “Premises” means the building and land upon which a marijuana producer, processor, or  
16 retailer is located.

17          “Process” means to engage in any one or more of the activities of a marijuana processor.

18          “Produce” means to plant, grow, or harvest marijuana for medical or recreational use.

19          “Qualifying patient” means a person who:

- 20               1.       a. Is a patient of a health care professional;
- 21                       b. Has been diagnosed by that health care professional as having a
- 22 terminal or debilitating medical condition;
- 23                       c. Is a resident of the state of Washington at the time of such diagnosis;

d. Has been advised by that health care professional about the risks and benefits of the medical use of marijuana;

e. Has been advised by that health care professional that he or she may benefit from the medical use of marijuana;

f. 1) Has an authorization from his or her health care professional; or  
2) Beginning July 1, 2016, has been entered into the medical marijuana authorization database and has been provided a recognition card; and

g. Is otherwise in compliance with the terms and conditions of RCW 69.51A.

b. "Qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of Chapter 69.51A RCW are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

"Successor" means any person to whom the owner(s) of a marijuana business who are quitting, selling out, exchanging or disposing of the marijuana business sells or otherwise conveys, directly or indirectly, the owner(s)' share of the business, or any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the business in bulk and not in the ordinary course of the person's marijuana business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

"Tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

1. One or more features designed to prevent copying of the paper;



2. One or more features designed to prevent the erasure or modification of information on the paper; or

3. One or more features designed to prevent the use of counterfeit authorization.

“Recognition card” means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

“True party of interest” means:

1. For a sole proprietorship, the sole proprietor and spouse.

2. For a general partnership, all partners and their spouses.

3. For a limited partnership, limited liability partnership, or limited liability limited partnership, all general partners and their spouses and all limited partners and their spouses.

4. For a limited liability company, all members and their spouses, and all managers and their spouses.

5. For a privately held corporation, all corporate officers (or persons with equivalent title) and their spouses, and all stockholders and their spouses.

6. For a publicly held corporation, all corporate officers (or persons with equivalent title) and their spouses, and all stockholders and their spouses.

7. For multilevel ownership structures, all persons and entities that make up the ownership structure and their spouses.

8. Any entity or person (inclusive of financiers) that is expecting a percentage of the profits in exchange for a monetary loan or expertise, any entity or person who is in receipt of, or has the right to receive, a percentage of the gross or net profit from the licensed business

during any full or partial calendar or fiscal year, or any entity or person who exercises control over the licensed business in exchange for money or expertise.

“True party of interest” does not mean:

1. A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

2. A person who receives a bonus as an employee, if: the employee is on a fixed wage or salary and the bonus is not more than 25 percent of the employee's pre-bonus annual compensation; or the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

3. A person or entity contracting with the applicant(s) to sell the property, unless the contract holder exercises control over or participates in the management of the licensed business.

“Usable Marijuana” means dried marijuana flowers. The term “usable marijuana” does not include either marijuana-infused products or marijuana concentrates.

#### **6.500.030 License required**

It is unlawful for any person to engage in a marijuana business in the City unless such person has obtained from the Director a license to do so, to be designated as a marijuana business license, and is in compliance with all provision of this Chapter 6.500.

#### **6.500.040 General provisions**

A. No license shall be approved under this Chapter 6.500 for any marijuana business located on federal lands.

1 B. No marijuana business shall be located within another business. More than one  
2 marijuana business licensee may be located in the same building if each licensee has their own  
3 area physically separated with their own entrance. Marijuana and marijuana products shall not be  
4 commingled.

5 C. No marijuana processor licensed by the Department shall conduct the processing,  
6 storage, or sale of marijuana-infused products except using sanitary practices and ensuring  
7 facilities are constructed, kept, and maintained in a clean and sanitary condition pursuant to rules  
8 prescribed by the Seattle Department of Planning and Development, Seattle Fire Department,  
9 Washington Department of Agriculture under Chapters 16-165 and 16-167 Washington  
10 Administrative Code (WAC), and Seattle-King County Department of Public Health.

11 D. Licensees shall not allow the consumption of marijuana or marijuana products on the  
12 licensed premises.

13 E. Signs must be posted at all licensed premises that inform the public that no persons  
14 under the age of 21 years are permitted on the premises. After July 1, 2016, signs must be posted  
15 that inform the public that qualified patients between the ages of 18 and 21 years with  
16 recognition cards are permitted on the premises.

17 F. A business shall only sell product to the public from their licensed location.

18 G. Marijuana or marijuana products shall not be provided from booths at vendor fairs,  
19 farmers' markets, or other similar events.

20 **6.500.050 License applications**

21 A. Marijuana business licenses are limited to those persons who have been issued a  
22 license by the Washington State Liquor and Cannabis Board to produce, process, distribute, or  
23 transport marijuana or marijuana products.

1 B. Those persons licensed by the Liquor and Cannabis Board to conduct quality  
2 assurance testing or research on marijuana for scientific purposes are exempted from the  
3 requirement to acquire the license created by this Chapter 6.500. Manufacturers and distributors  
4 of cannabis health and beauty aids are likewise exempted from the requirement to acquire a  
5 license created by this Chapter 6.500.

6 C. Those persons operating medical marijuana businesses that, before January 1, 2013,  
7 acquired a license issued by The City of Seattle under Section 5.55.230, attained a state  
8 registration certificate under RCW 82.32.030, established their operation as a medical-marijuana  
9 establishment, have fully paid any judgments for unpaid wages or tip compensation, and have  
10 consistently paid all applicable state and local taxes and fees, including but not limited to  
11 Washington State Employment Security Department unemployment premiums and Washington  
12 State Labor and Industries Department fees, may continue to operate until July 1, 2016 without a  
13 license issued by this Chapter 6.500. In order to continue operating without a license pursuant to  
14 this subsection 6.500.050.C, those persons or entities must fulfill all criteria and timely take all  
15 steps necessary to remain eligible to obtain a license from the Washington State Liquor and  
16 Cannabis Board no later than July 1, 2016. In addition, persons operating medical marijuana  
17 establishments must comply with all advertising and signage requirements pursuant to WAC  
18 314-55-155 as adopted through rulemaking by the Director.

19 1. It shall be the burden of each medical marijuana establishment to affirmatively  
20 show that it meets the requirements of this subsection 6.500.050.C. Upon the request of the  
21 Director, such persons shall submit all records necessary to establish their eligibility to operate  
22 pursuant to this subsection 6.500.050.C.

1                   2. A person or entity that is a successor of a medical marijuana establishment that  
2 had acquired a state registration certificate under RCW 82.32.030 and City of Seattle license  
3 under Section 5.55.230 and began operations before January 1, 2013 but attained their interest or  
4 control of said entity after January 1, 2013 may be eligible to continue operations until July 1,  
5 2016 if operations were continuous and the transfer of interest or control is documented.

6                   D. Marijuana businesses that are not located within the City but provide marijuana  
7 businesses located in Seattle with marijuana or marijuana products must obtain a license under  
8 this Chapter 6.500. Only those persons that have a license issued by the Washington State  
9 Liquor and Cannabis Board may obtain a license under this Chapter 6.500.

10                  E. All applications shall be submitted by and issued in the name(s) of the true party(ies)  
11 of interest and shall be signed by such person(s) and certified as true under penalty of perjury,  
12 and shall be accompanied by written evidence sufficient to show that such person(s) are the  
13 owner, operator, or lessee of the premises. All applications shall be submitted on a form supplied  
14 by the Director.

15                  1. Failure to provide complete information required on an application form  
16 approved by the Director's form shall render the application incomplete and the license  
17 consequently shall be denied.

18                  2. Within 30 days of any change in the information required to be submitted in  
19 this Section 6.500.050, each licensee shall notify the Director in writing of such change on a  
20 form provided by the Director.

21                  F. Applicants shall comply with all City and State laws, including but not limited to  
22 license or tax obligations and all provisions of this Chapter 6.500.

1 G. Applications from currently operating state-licensed marijuana businesses must be  
2 received within 30 days of the effective date of this Chapter 6.500.

3 **6.500.060 License—Applicant investigation**

4 A. The Director may investigate each license application. The Director may request  
5 record checks, site inspections or confirmation of zoning compliance to be performed by  
6 appropriate City agencies. The agency to which such a request has been directed shall determine  
7 whether the applicant, activity, and/or premises comply with the requirements of City laws,  
8 rules, and regulations enforced by the agency. The agency shall notify the Director in writing  
9 whether or not any violation is found, specifying any noncompliance. If the Director does not  
10 receive a written reply within 30 days from the date of the original request for the check or  
11 inspection, the Director shall issue the license if the applicant is deemed qualified to hold the  
12 license in all other respects provided however, that the license shall be deemed invalid upon the  
13 receipt of competent evidence that the requirements of this Chapter 6.500 or any other law, rule,  
14 or regulation have not been met.

15 B. The Department may conduct an investigation of any person or entity that exercises  
16 any control over the applicant's business operations, including but not limited to a financial  
17 investigation and/or a criminal history background.

18 **6.500.070 Inspection of premises**

19 A. Applicants shall allow the premises sought to be licensed under this Chapter 6.500 and  
20 all books and records to be inspected by persons authorized by the Director, Fire and Police  
21 Departments, Seattle-King County Health Department, and Department of Planning and  
22 Development to ensure that the applicant meets all licensing and other legal requirements.  
23 Failure to grant access shall result in denial of the license application.

B. Each licensee shall allow the premises, including all books and records, to be inspected in accordance with and in the same manner as in subsection 6.500.070.A. Refusal to grant access to authorized persons shall result in a non-renewal or revocation of the license.

**6.500.080 License fees**

A. The following application fees shall apply:

- |   |         |
|---|---------|
| 1. Marijuana Business License - Located in Seattle          | \$1,000 |
| 2. Marijuana Business License - Located outside Seattle     | \$500   |
| 3. Marijuana Business License - Reinspection, Reinstatement |         |
| Relocation of Physical                                      |         |
| Address Fee   | \$250   |

B. Application fees are non-refundable.

**6.500.090 Issuance of licenses**

A. The Director shall deny a license and shall notify the applicant in writing of the reasons for denial and the opportunity to appeal, if the Director finds any of the following:

1. The application does not meet the requirements of this Chapter 6.500; or
  2. The applicant or any employee, agent, partner, director, officer, or manager has knowingly made any false, misleading, or fraudulent omission or statement of material fact in the application for a license, or in any report or record required to be filed with the Director; or
  3. The applicant or any employee, agent, partner, director, officer, or manager of the applicant has not attained the age of 21 years at the time that the application was submitted;
- or
4. The applicant or any employee, agent, partner, director, officer, or manager of the applicant is currently the subject of a final license suspension or revocation order issued

pursuant to this Chapter 6.500 that became final less than three years before the date that the pending application was submitted; or

5. The applicant has not provided written evidence that the applicant is the current owner, operator, or lessee of the business premises to be licensed; or

6. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09; or

7. The license may be otherwise denied under Section 6.202.230.

B. No license shall be issued to:

1. A person under the age of 21 years;

2. A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this Section 6.500.090; or

3. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

C. The Director may, subject to the provisions of Sections 6.500.140, 6.500.145, 6.500.147 and 6.500.150, suspend or revoke any license for violations of this Chapter 6.500.

#### **6.500.100 State regulatory provisions; Director to adopt rules**

The Director shall adopt rules that incorporate applicable provisions of the Washington Administrative Code relating to the regulation of marijuana businesses by the Washington State Liquor and Cannabis Board, and shall periodically review and update such rules as changes are made to such provisions of the Washington Administrative Code.

#### **6.500.110 Restricted access for persons under 21 years of age**



1           A. It is unlawful for any person under the age of 21 years to be in or upon any licensed  
2 premises. Beginning July 1, 2016, persons between the ages of 18 and 21 years may be permitted  
3 upon licensed premises if they are a qualifying patient with an authorization or recognition card.

4           B. It is unlawful for any owner, operator, manager, employee, or other person in charge  
5 of a business for which a license under this Chapter is required, to allow any person under the  
6 age of 21 years without an authorization or recognition card to be in or upon such premises.

7           C. All licensees shall affirmatively check the identification, authorization, and  
8 recognition card, and all licensees shall confirm the age of all that enter or are on the premises.

9           D. Retail marijuana licensees shall issue recognition cards in accordance with state law  
10 and shall confirm the validity of authorizations and recognition cards.

11 **6.500.120 License – Transfer of interest**

12           The licenses issued under this Chapter 6.500 are not transferable. However, an interest in  
13 a business entity holding the license may be transferred, but only after the new owner, member  
14 or principal has submitted an application, met all the standards and requirements in this Chapter  
15 6.500, and secured written approval of the Director.

16 **6.500.130 Change of location**

17           If the licensee changes the location of the place of business, the licensee shall return the  
18 business license to the Director and a new application must be submitted. Each new license  
19 application submitted pursuant to a change of location of the place of business is subject to the  
20 requirements of this Chapter 6.500 and may be denied if any such requirements are not met. A  
21 change of location occurs any time there is any change to the physical location address.

22 **6.500.140 License suspension**

1 In addition to the reasons set forth in Section 6.202.230 as now or hereafter amended, any  
2 license issued under this Chapter 6.500 may be suspended upon a finding that:

3 A. Any amount of marijuana or marijuana product has been sold to any person that is  
4 under the age of 21 years who is not a qualifying patient with a recognition card issued by the  
5 licensee or any of the licensee's owners, officers, managers, employees or agents. Designated  
6 providers with a recognition card may purchase marijuana or marijuana products on behalf of a  
7 qualified patient of any age;

8 B. The licensee or any of its owners, officers, managers, employees, or agents has  
9 violated or failed to comply with any applicable provisions of this Chapter 6.500 or any rule or  
10 regulation prescribed under this Chapter 6.500;

11 C. The licensee or its owners, officers, managers, employees, or agents permitted or  
12 authorized any violation of any of the provisions of this Chapter 6.500 by any person;

13 D. Three or more of any combination of citations, notices of violation, notices of  
14 infraction, charges, complaints, or any other notifications to the licensee that the licensee has  
15 violated any one or more provisions of the Seattle Municipal Code or other applicable law,  
16 including but not limited to applicable development regulations, zoning and building codes,  
17 noise, fire, licensing and health ordinances, laws, rules, and regulations, were issued to the  
18 licensee in any three-month period;

19 E. The licensee does not maintain a current license required under Chapter 5.55 or is in  
20 default in any payment of any license fee or tax, penalty or interest due under Title 5 or Title 6;

21 F. The licensee is a person who has been certified pursuant to RCW 74.20A.320 by the  
22 Washington Department of Social and Health Services as a person who is not in compliance with  
23 a support order. If the person has continued to meet all other requirements for reinstatement

1 during the suspension, reissuance of the license shall be automatic upon the Director's receipt of  
2 a release issued by the Washington Department of Social and Health Services stating that the  
3 licensee is in compliance with the order; or

4 G. The licensee, manager, or any employee or agent of a licensee knew or had reason to  
5 know that a violation of this Chapter 6.500 was occurring or about to occur and such licensee,  
6 manager, employee, or agent failed to either prevent or report to proper law enforcement  
7 authorities the violation.

#### 8 **6.500.145 License revocation**

9 In addition to the reasons set forth in Section 6.202.230 as now or hereafter amended, any  
10 license issued under this Chapter 6.500 may be revoked upon a finding that:

11 A. The licensee has committed three or more violations of this Chapter 6.500 within a  
12 12-month period; or

13 B. The licensee has failed to cure any condition for which a suspension was issued  
14 within 30 days of the time when such condition could have been reasonably cured; or

15 C. The property at which the business is located has been determined by a court to be a  
16 chronic nuisance property as provided in Chapter 10.09.

#### 17 **6.500.147 Suspension or revocation; effective date; length**

18 A. Except for summary suspensions under Section 6.500.150, suspensions or revocations  
19 become effective upon the date of issuance of any notice of suspension or revocation or, in the  
20 event of an appeal, when a final ruling on appeal affirming the Director's findings is issued.

##### 21 B. Length of suspensions

22 1. Unless a time period is specified in a particular section of this Chapter 6.500,  
23 suspensions shall extend until evidence is produced to the Director showing by preponderance

1 that the violation is cured. Where a violation cannot be cured, suspensions shall extend one  
2 month or until the license expires, whichever occurs first. Licensees must submit a written  
3 request for reinstatement to the Director after the period of suspension has passed.

4 2. The Department shall post a suspension notice in a conspicuous place on or  
5 about the licensed premises. The notice shall state that the license has been suspended by order  
6 of the Director.

7 3. During the period of license suspension, the licensee, its manager, employees,  
8 and agents:

- 9 a. Are required to comply with all applicable laws;
- 10 b. Shall not remove, alter, or cover the posted suspension notice, and may  
11 not permit another person to do so;
- 12 c. Shall not place or permit the placement of any statement on the licensed  
13 premises indicating that the premises has been closed for any reason other than as stated in the  
14 suspension notice;
- 15 d. Shall not advertise by any means that the licensed premises is closed for  
16 any reason other than as stated in the suspension notice.

17 4. During the period of license suspension:

- 18 a. The licensee shall not operate the marijuana business; and
- 19 b. No sale, delivery, service, destruction, removal, or receipt of marijuana  
20 or marijuana products shall be conducted by the licensee.

21 5. Upon approval by the Director, a licensee may take necessary measures to  
22 keep current stock that is on hand at the time of the suspension from spoiling or becoming

1 unsalable during a suspension, provided that such measures shall not include processing the  
2 product.

3 6. If the Director has ordered a license suspended, the applicant may contest the  
4 suspension to the Hearing Examiner in the same manner as that provided under Section  
5 6.202.270 to contest license denials, revocations, or refusals to renew.

6 C. Length of Revocation. Revocations shall extend until the end of the annual license  
7 period. The licensee or any person in which the licensee is a principal, or any person who is or  
8 was a principal of the licensee, shall not again be licensed during such period.

9 D. Except in cases involving summary suspension, whenever a timely notice of appeal  
10 under Section 6.202.270 is filed, a licensee may continue to engage in the activity for which the  
11 license is required pending a final decision.

12 **6.500.150 License—Summary suspension**

13 A. Notwithstanding any other provision of this Chapter 6.500, a license may be  
14 summarily suspended, with such suspension to take effect immediately by order of the Director  
15 prior to hearing upon finding that there is reasonable cause to believe that the activity licensed  
16 under this Chapter 6.500 and engaged in by the licensee causes or will cause a clear, substantial,  
17 and imminent hazard to life, safety, property, or privacy.

18 B. Whenever any license is summarily suspended a hearing by the Hearing Examiner  
19 may be requested by the licensee within ten days after the date of suspension. The Director may  
20 waive the ten day requirement upon satisfaction that failure to submit the request was beyond the  
21 control of the licensee. Such hearing shall be held within five days of the request, unless a later  
22 date is agreed to by the licensee, with a minimum 48-hours' notice to the licensee, and shall be  
23 conducted by the Hearing Examiner according to the Hearing Examiner rules for contested cases.

1 The Director shall have the burden of proving by a preponderance of the evidence that the  
2 activity engaged in by the licensee causes or will cause a clear, substantial and imminent hazard  
3 to life, safety, property, or privacy. The Hearing Examiner shall issue the decision within ten  
4 days of the date of the hearing.

5 C. If the applicant does not file a timely request for hearing, the Director's order for  
6 summary suspension shall be final and the suspension shall remain in effect until such time as  
7 the Director determines that the hazard no longer exists.

#### 8 **6.500.160 Seizure or confiscation of marijuana and marijuana products**

9 The Department, its authorized agents, or the Seattle Police Department may seize or  
10 confiscate (1) all marijuana or marijuana products in the possession of a marijuana business that  
11 does not have a valid license issued pursuant to this Chapter 6.500 and that is not exempt  
12 pursuant to subsections 6.500.050.B or 6.500.050.C from obtaining a license, and (2) all  
13 marijuana or marijuana products that do not meet any or all of requirements of this Chapter  
14 6.500 or any rules promulgated pursuant to this Chapter 6.500.

15 Nothing in this Section 6.500.160 shall be construed to limit the authority of any law  
16 enforcement officer to seize or confiscate marijuana or marijuana products pursuant to any other  
17 law.

#### 18 **6.500.170 Penalties**

##### 19 A. Civil Violations

20 The violation or failure to comply with any provision of this Chapter 6.500 shall  
21 constitute a civil violation and shall be enforced under the citation provisions set forth in this  
22 Section 6.500.170 by the Director, provided, however, that this Section 6.500.170 shall not be

1 construed as preventing the enforcement of alternative criminal penalties under Section  
2 6.500.175.

3 B. Citation

4 1. If after investigation the Director determines that the standards or requirements  
5 of provisions of this Chapter 6.500 have been violated, the Director may issue a citation to the  
6 owner and/or other person or entity responsible for the violation. The citation shall include the  
7 following information: (1) the name and address of the person to whom the citation is issued; (2)  
8 a reasonable description of the location of the property on which the violation occurred; (3) a  
9 separate statement of each standard or requirement violated; (4) the date of the violation; (5) a  
10 statement that the person cited must respond to the citation within 15 days after service; (6) a  
11 space for entry of the applicable penalty; (7) a statement that a response must be sent to the  
12 Hearing Examiner and received not later than 5 p.m. on the day the response is due; (8) the  
13 name, address, and phone number of the Hearing Examiner where the citation is to be filed; (9) a  
14 statement that the citation represents a determination that a violation has been committed by the  
15 person named in the citation and that the determination shall be final unless contested as  
16 provided in this Chapter 6.500; and (10) a certified statement of the Director's representative  
17 issuing the citation, authorized by RCW 9A.72.085, setting forth facts supporting issuance of the  
18 citation.

19 2. The citation may be served by personal service in the manner set forth in  
20 RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last  
21 known address of such person(s). Service shall be complete at the time of personal service, or  
22 if mailed, on the date of mailing. If a citation sent by first class mail is returned as

undeliverable, service may be made by posting the citation at a conspicuous place on the property.

### C. Response to Citation

A person must respond to a citation in one of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing an address to which notice of such hearing may be sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.

4. A response to a citation must be received by the Office of the Hearing Examiner no later than 15 days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

D. Failure to respond. If a person fails to respond to a citation within 15 days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

### E. Mitigation hearings

1. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within 30 days after written response to the citation requesting a hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be



1 sent to the address specified in the request for hearing not less than ten days before the date of  
2 the hearing.

3           2. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing  
4 that shall not be governed by the Rules of Evidence. The person cited may present witnesses,  
5 but witnesses shall not be compelled to attend. A representative from the Department of  
6 Transportation may also be present and may present additional information, but attendance by  
7 a representative from the Department of Transportation is not required.

8           3. Disposition. The Hearing Examiner shall determine whether the person's  
9 explanation justifies reduction of the monetary penalty. Factors that may be considered in  
10 whether to reduce the penalty include whether the violation was caused by the act, neglect, or  
11 abuse of another.

12           4. Entry of Order. After hearing the explanation of the person cited and any  
13 other information presented at the hearing, the Hearing Examiner shall enter an order finding  
14 that the person cited committed the violation and assessing a monetary penalty in an amount  
15 determined pursuant to subsection 6.500.170.H. The Hearing Examiner's decision is the final  
16 decision of the City on the matter.

17           F. Contested hearing

18           1. Date and Notice. If a person requests a contested hearing, the hearing shall  
19 be held within 60 days after the written response to the citation requesting such hearing is  
20 received.

21           2. Hearing. Contested hearings shall be conducted pursuant to the procedures  
22 for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing  
23 Examiner for hearing contested cases, except as modified by this Section 6.500.170. The

1 issues heard at the hearing shall be limited to those that are raised in writing in the response to  
2 the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing  
3 Examiner may issue subpoenas for the attendance of witnesses and the production of  
4 documents.

5           3. Sufficiency. No citation shall be deemed insufficient for failure to contain a  
6 detailed statement of the facts constituting the specific violation which the person cited is  
7 alleged to have committed or by reason of defects or imperfections, provided such lack of  
8 detail or such defects or imperfections do not prejudice substantial rights of the person cited.

9           4. Amendment of Citation. A citation may be amended prior to the conclusion  
10 of the hearing to conform to the evidence presented if substantial rights of the person cited are  
11 not thereby prejudiced.

12           5. Evidence at Hearing. The certified statement or declaration authorized by  
13 RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that the person  
14 cited is responsible. The certified statement or declaration authorized under RCW 9A.72.085  
15 and any other evidence accompanying the report shall be admissible without further  
16 evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085  
17 shall also be admissible without further evidentiary foundation. The person cited may rebut the  
18 Department of Transportation evidence and establish that the cited violation(s) did not occur  
19 or that the person contesting the citation is not responsible for the violation.

20           6. Disposition. The Hearing Examiner shall determine by a preponderance of  
21 the evidence whether the violation occurred. If the Hearing Examiner determines that the  
22 violation occurred, the citation shall be sustained and the Hearing Examiner shall enter an  
23 order finding that the person cited committed the violation and imposing the applicable

penalty. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

7. Final Decision. The Hearing Examiner's decision is the final decision of the City.

G. Failure to appear for hearing

Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

H. Penalties

1. The following penalties shall be assessed for violations of any provision of this Chapter 6.500 other than Section 6.500.030 and any provision of the Washington Administrative Code:

- a. \$500 for the first violation, and
- b. \$1,000 for each subsequent violation within a 12-month period.

2. The following penalties shall be assessed for violations of Section 6.500.030:

- a. \$1,000 for the first violation, and
- b. \$1,500 for each subsequent violation within a six-month period.

3. Violations of or failure to comply with provisions of the Washington Administrative Code that have been adopted by the Director pursuant to Section 6.500.100 shall have the same monetary penalties as those set forth in the applicable provisions of Washington Administrative Code adopted by the Director.

I. Collection of penalties

1 If the person or entity cited fails to pay a penalty imposed pursuant to this chapter, the  
2 penalty may be referred to a collection agency. The cost to the City for the collection services  
3 will be assessed as costs, at the rate agreed to between the City and the collection agency, and  
4 added to the penalty. Alternatively, the City may pursue collection in any other manner allowed  
5 by law.

6 J. Each day a separate violation

7 Each day a person or entity violates or fails to comply with a provision referenced in  
8 Section 6.500.170 may be considered a separate violation for which a citation may be issued.

9 **6.500.175 Alternative criminal penalty**

10 Any person who violates or fails to comply with any of the provisions of this Chapter  
11 6.500 shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04,  
12 except that absolute liability shall be imposed for such a violation or failure to comply and none  
13 of the mental states described in Section 12A.04.030 need be proved. The Director may request  
14 the City Attorney to prosecute such violations criminally as an alternative to the citation  
15 procedure outlined in this Chapter 6.500.

16 **6.500.178 Additional relief**

17 The Director may seek legal or equitable relief at any time to enjoin any acts or practices  
18 that violate the provisions of this Chapter 6.500 or abate any condition that constitutes a  
19 nuisance.

20 Section 2. In order to pay for necessary costs and expenses incurred or to be incurred in  
21 order to implement this Chapter but for which insufficient appropriations were made due to  
22 causes that could not reasonably have been foreseen at the time the 2015 Budget was adopted,

appropriations for the following items in the 2015 budget are increased from the funds shown, as follows:

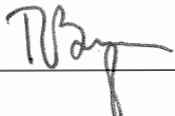
Fund	Department	Budget Control Level	2015 Amount
FAS Operating Fund (50300)	FAS	Revenue and Consumer Protection (A4530)	\$154,000
Planning and Development Fund (15700)	DPD	Code Compliance (U2400)	\$68,000
Planning and Development Fund (15700)	DPD	Planning (U2900)	\$18,000
General Sub-fund (00100)	Finance General	Support to Operating Funds (2QE00)	\$86,000
<b>TOTAL</b>			<b>\$326,000</b>

Section 3. Ratify and Confirm. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

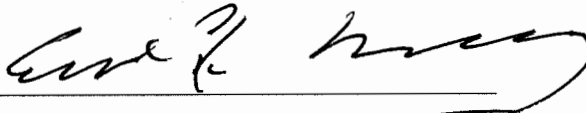
Section 4. Severability. The several provisions of this ordinance are declared to be separate and severable and an order of any court of competent jurisdiction holding invalid any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.


Passed by a 3/4 vote of all the members of the City Council the 13<sup>th</sup> day of JULY, 2015, and signed by me in open session in authentication of its passage this 13<sup>th</sup> day of JULY, 2015.

  
President \_\_\_\_\_ of the City Council

Approved by me this 17 day of JULY, 2015.

  
Edward B. Murray, Mayor

Filed by me this 17<sup>th</sup> day of JULY, 2015.

  
Monica Martinez Simmons, City Clerk

(Seal)

--SS.

CITY OF SEATTLE, CLERKS OFFICE

The amount of the fee charged for the foregoing publication is the sum of \$108.50 which amount has been paid in full.

**Affidavit of Publication**

Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on July 13, 2015, and published below by title only, will be mailed ~~upon request~~, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### Ordinance 124810

AN ORDINANCE related to cable television; authorizing the Mayor or his designee to enter into a new Cable Television Franchise Agreement and an agreement regarding additional public benefits with Qwest Broadband Services, Inc. d/b/a CenturyLink; authorizing the Chief Technology Officer to enter into other agreements for the purpose of implementing or administering the new franchise; increasing appropriations in the 2015 budget of the Department of Information Technology for costs incurred in processing the franchise application; and transferring cash received for processing the franchise application; all by a 3/4 vote of the City Council.

#### Ordinance 124809

AN ORDINANCE providing the Office of City Auditor independent audit authority, including access to employer records, after a case is closed by the Seattle Office for Civil Rights (SOCR) in order to evaluate SOCR's enforcement efforts of Chapters 14.16, 14.17, 14.19, and 14.20 of the Seattle Municipal Code (SMC); amending Sections 3.40.040, 14.16.060, and 14.20.050 of the SMC; and creating a new Section 14.19.065 of the SMC.

#### Ordinance 124808

AN ORDINANCE related to business licenses; amending Sections 5.30.030, 5.30.060, 5.32.150, 5.40.060, 5.40.080, 5.40.085, 5.45.110, 5.55.030, 5.55.040, 5.55.220, and 5.55.230 of the Seattle Municipal Code; and adding a new Section 5.55.238 to the Seattle Municipal Code.

#### Ordinance 124807

AN ORDINANCE related to the regulation of marijuana businesses; adding a new Chapter 6.500 to the Seattle Municipal Code; amending Ordinance 124648, which adopted the 2015 Budget, changing appropriations to various departments and budget control levels, making cash transfers between various City funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

#### Ordinance 124806

AN ORDINANCE relating to the City Light Department; approving a 15-year franchise to construct, operate, maintain, replace, and repair an electrical light and power system in, across, over, along, under, through, and below certain designated public rights-of-way in the City of Lake Forest Park.

Date of publication in the Seattle Daily Journal of Commerce, July 31, 2015.

7/31(326943)



# Exhibit 3

# Seattle Licenses

— part of a multi-departmental series on City services

## Seattle Marijuana Regulatory Business Licensing Information

Updated July 1, 2016

Seattle City Council and Mayor Murray passed legislation to regulate marijuana businesses in Seattle. Effective Aug. 17, 2015, Seattle Municipal Code (SMC) 6.500 requires marijuana businesses located in Seattle and those that come into Seattle to engage in marijuana business activities to obtain and maintain a Washington State Liquor and Cannabis Board (WSLCB) license as well as a Seattle Marijuana Regulatory Business License and a Seattle Business License Tax Certificate.

All licenses necessary to operate in Seattle must be maintained and current. No marijuana businesses will be allowed to operate in Seattle without a Marijuana Regulatory Business License.

### Marijuana Business Regulatory License Applications

Application packets are available at the Department of Finance and Administrative Services (FAS) License and Tax Administration office on the 42nd floor of the Seattle Municipal Tower, 700 Fifth Ave.

You may request to have the application packet mailed or sent to you electronically by sending an email to **marijuana@seattle.gov** with "License Application Packet Request" in the subject line and your contact name, business name, phone number, and physical business and mailing addresses in the body of the message.

You may return the application in person or by mail, but only complete applications will be accepted. **License fees will only be accepted following approval of the entire application package.**

If you have a physical location within Seattle city limits, you must also submit:

- Copy of a current Certificate of Occupancy, if available **OR** a copy of an approved use permit or active (non-expired) permit issued through the Seattle Department of Construction and Inspections (SDCI).

#### AND

- Verification of base zoning requirements for the type of business and activity.

If an application is deemed incomplete, applicants will be notified and given the opportunity to resubmit a complete application with required documents.

Upon approval of your application, an **Approval/Invoice** will be sent to you. You may mail in your payment or remit the license fee in person at the FAS office on the 42nd floor of the Seattle Municipal Tower, 700 Fifth Ave.

### Marijuana Business Regulatory License Renewals

The City will mail license renewal forms to all licensees on record. If you have not received the renewal forms by May 15, email **marijuana@seattle.gov** to submit a request for the forms; please include your business name, customer number and mailing address. The completed forms with license fee must be received, reviewed and approved by June 30 to continue business activities in Seattle. To allow sufficient time for the renewal process, you should submit all necessary materials by May 31.

Renewal approval is dependent upon currency with all required permits, licenses, fines, fees and tax obligations for the City as well as Washington state. Outstanding obligations, violations, judgements and convictions may result in non-renewal or suspension or revocation of your Marijuana Regulatory Business License.

[www.seattle.gov/fas](http://www.seattle.gov/fas)



## Inspections

FAS inspectors may inspect your business premises during operating hours. Please review SMC 6.500 to ensure compliance. Violations may result in civil penalties, license suspension and/or license revocation. Criminal charges and/or seizure of marijuana and marijuana products may be considered.

## Questions?

Questions regarding operating a marijuana business in Seattle should be directed to **[marijuana@seattle.gov](mailto:marijuana@seattle.gov)** or 206-615-0760.