

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.085, 23.48.240, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.61.008, 23.61.014, 23.84A.004, 23.84A.025, 23.84A.028, 23.84A.038, 23.84A.042, and 23.84A.048 of the Seattle Municipal Code (SMC), adding new Sections 23.45.517, 23.47A.017, 23.48.602, 23.48.605, 23.48.615, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690 to the SMC; and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

..body

WHEREAS, Sound Transit will open a light rail station at NE 43rd Street and Brooklyn Avenue NE in 2021, and the City’s Comprehensive Plan supports walkable, compact, mixed-use neighborhoods surrounding station areas; and

WHEREAS, from 2011 to 2016, City staff worked with community members in the University Community Urban Center to discuss the future of the neighborhood including zoning, development, open space, housing affordability, and walkability; and

WHEREAS, in 2013, City staff and community members completed the University District (“U District”) Urban Design Framework, summarizing guiding principles and specific strategies for achieving neighborhood goals; and

WHEREAS, the public process in the U District has identified affordable housing, open space, historic preservation, and improved development standards as key community concerns; and

WHEREAS, these proposed zoning amendments have been reviewed as part of a programmatic Environmental Impact Statement (EIS) for the University District, completed January 8,

1 2015, and the adequacy of the Final EIS was upheld by the Seattle Hearing Examiner on
2 June 19, 2015, and the content was updated to include Mandatory Housing Affordability
3 requirements through an addendum issued May 27, 2016; and

4 WHEREAS, in September 2015, City Council approved Ordinance 124888 to amend the
5 Comprehensive Plan’s University Community Neighborhood Plan goals and policies, and
6 make changes to the Future Land Use Map; and

7 WHEREAS, the City has provided for public participation opportunities in the development and
8 review of these proposed amendments; and

9 WHEREAS, in May 2013 the City Council adopted Resolution 31444, which established a work
10 program for reviewing and potentially modifying the City’s affordable housing incentive
11 programs; and

12 WHEREAS, according to Resolution 31444, the City Council commissioned reports examining
13 national best practices for increasing the availability of affordable housing to identify
14 new strategies for Seattle; and

15 WHEREAS, in September 2014 the City Council adopted Resolution 31546, in which the
16 Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda
17 (HALA) Advisory Committee be jointly convened by the Council and the Mayor to
18 evaluate potential housing strategies; and

19 WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and
20 City Council on July 13, 2015; and

21 WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of
22 residential and commercial zones and, in connection with such upzones, implementation

1 of a mandatory inclusionary housing requirement for new residential development and
2 commercial linkage fees for new commercial development; and

3 WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary
4 housing requirement offer developers the option of building affordable housing or
5 making a cash contribution to fund preservation and production of affordable housing,
6 and that the requirement be implemented upon approval of extensive citywide upzoning
7 of residential and commercial zones; and

8 WHEREAS, the City has the authority to require mandatory housing affordability for residential
9 development according to its police power; and

10 WHEREAS, a mandatory housing affordability requirement for residential development is one of
11 many actions the City intends to undertake to implement the Comprehensive Plan's goals
12 and policies for housing affordability; and

13 WHEREAS the Countywide Planning Policies, as ratified by the King County Council, provide
14 that jurisdictions may consider a full range of programs, from optional to mandatory, that
15 will assist in meeting the jurisdiction's share of the countywide need for affordable
16 housing; and

17 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
18 36.70A RCW, is to make adequate provision for the housing needs of all economic
19 segments of the City; and

20 WHEREAS, the Affordable Housing Incentives Program Act, RCW 36.70A.540, authorizes and
21 encourages cities to enact or expand affordable housing incentive programs providing for
22 the development of low-income housing units through development regulations or
23 conditions on rezoning or permit decisions, or both; and

1 WHEREAS, according to the Affordable Housing Incentives Program Act, jurisdictions may
2 establish a minimum amount of affordable housing that must be provided by all
3 residential developments in areas where increased residential development capacity has
4 been provided; and

5 WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory
6 Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand
7 Bargain”) states that the mandatory housing affordability requirements for residential and
8 commercial development should achieve a projected production level over ten years of no
9 less than 6,000 units of housing affordable to households with incomes no greater than 60
10 percent of median income, and that, if the projected production level falls below the
11 target, all parties agree to develop and consider options to achieve the agreed-upon
12 production target; and

13 WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established
14 the framework for an Affordable Housing Impact Mitigation Program for commercial
15 development; and

16 WHEREAS, in November 2015, the City Council adopted Resolution 31612, stating the
17 Council’s intent to make changes to zoning and land use regulations to implement a
18 mandatory inclusionary affordable housing program for residential development
19 recommended by the HALA Advisory Committee and the Mayor; and

20 WHEREAS, in August 2016, Council adopted and the Mayor signed Ordinance 125108 to
21 establish the framework for mandatory housing affordability for residential development;
22 and

1 WHEREAS, this ordinance was informed by public feedback gathered at an open house
2 conducted on May 31, 2016, and hundreds of presentations and conversations with the U
3 District Partnership, the Roosevelt Neighbors Alliance, University Heights Community
4 Club, U District Community Council, Northeast District Council, University of
5 Washington, the Seattle Planning Commission, the Seattle Design Commission, as well
6 as letters, emails, and other correspondence from individuals and groups; and

7 WHEREAS, this ordinance would increase development capacity and implement the Affordable
8 Housing Impact Mitigation Program for commercial development and mandatory
9 housing affordability for residential development in the University District; and

10 WHEREAS, increased residential development in the University District will assist in achieving
11 local growth management and housing policies; and

12 WHEREAS, this ordinance provides increased residential development capacity in the form of
13 an increase in the amount of height or floor area allowed by zoning in many areas of the
14 University District; and

15 WHEREAS, the Council has reviewed and considered the Executive's report and
16 recommendations, public testimony made at the public hearing, and other pertinent
17 material regarding the proposed amendments; and

18 WHEREAS, the Council finds that the amendments to be adopted are consistent with the Growth
19 Management Act, and will protect and promote the health, safety, and welfare of the
20 general public; NOW, THEREFORE,

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

22 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
23 amended to remove the University District Station Area Overlay District and rezone land located

1 on pages 60, 61, 78, and 79 of the Official Land Use Map, all as shown on Exhibit A1 and A2,
2 respectively, both attached to this ordinance.

3 Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance
4 124883, is amended as follows:

5 **23.30.010 Classifications for the purpose of this Subtitle III**

6 A. General zoning designations. The zoning classification of land shall include one of the
7 designations in this subsection 23.30.010.A. Only in the case of land designated "RC," the
8 classification shall include both "RC" and one additional multifamily zone designation in this
9 subsection 23.30.010.A.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
Seattle Mixed	SM
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
Seattle Mixed-University District	SM-U
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR

Zones	Abbreviated
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

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2 B. Suffixes—Height (~~(Limits, Letters)~~) limits, letters, mandatory housing affordability

3 provisions, and (~~(Incentive Provisions)~~) incentive provisions. The zoning (~~(classification)~~)

4 classifications for land subject to some of the designations in subsection 23.30.010.A include one

5 or more numerical suffixes indicating height limit(s) or a range of height limits, or one or more

6 letter suffixes indicating certain overlay districts or designations, or numerical suffixes enclosed

7 in parentheses indicating the application of incentive zoning provisions, or letter suffixes and

8 letter-with-numerical suffixes enclosed in parentheses indicating the application of mandatory

9 housing affordability provisions, or any combination of these. A letter suffix may be included

10 only in accordance with provisions of this (~~(title)~~) Title 23 expressly providing for the addition of

11 the suffix. A zoning classification that includes a numerical or letter suffix or other combinations

12 denotes a different zone than a zoning classification without any suffix or with additional, fewer,

13 or different suffixes. Except where otherwise specifically stated in this (~~(title)~~) Title 23 or where

14 the context otherwise clearly requires, each reference in this (~~(title)~~) Title 23 to any zoning

15 designation in subsection 23.30.010.A without a suffix, or with fewer than the maximum

16 possible number of suffixes, includes any zoning classifications created by the addition to that

17 designation of one or more suffixes.

1 Section 3. Section 23.45.502 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.45.502 Scope of provisions**

4 A. This Chapter 23.45 establishes regulations for the following zones:

5 1. Lowrise 1 (LR1);

6 2. Lowrise 2 (LR2);

7 3. Lowrise 3 (LR3);

8 4. Midrise (MR) (references to MR zones include the Midrise/85 (MR/85) zone
9 unless otherwise noted); and

10 5. Highrise (HR).

11 B. (~~Multi-family zones~~) Zones listed in subsection 23.45.502.A and having an incentive
12 zoning suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive (~~provisions~~)
13 Provisions.

14 C. Zones listed in subsection 23.45.502.A that have a mandatory housing affordability
15 suffix of either (M), (M1), or (M2) are subject to this Chapter 23.45 and to the provisions of
16 Chapters 23.58B and 23.58C. Specific provisions that apply to zones with a mandatory housing
17 affordability suffix are in Section 23.45.517.

18 (~~C.~~) D. Areas in multifamily zones described in subsection 23.76.026.D are vested
19 according to the provisions of subsection 23.76.026.D.

20 Section 4. Subsections 23.45.510.B and 23.45.510.D of the Seattle Municipal Code,
21 which section was last amended by Ordinance 125163, are amended as follows:

22 **23.45.510 Floor area ratio (FAR) limits**

23 * * *

1 B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for
 2 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then the
 3 applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area
 4 exceeding that allowed by the FAR shown in the suffix designation. In LR zones the following
 5 standards apply to the calculation of gross floor area for application of FAR limits:

6 1. Exterior corridors, breezeways, and stairways that provide building circulation
 7 and access to dwelling units or sleeping rooms((;)) are included in gross floor area.

8 2. Balconies, patios, and decks that are associated with a single dwelling unit or
 9 sleeping room and that are not used for common circulation, and ground-level walking paths, are
 10 excluded from gross floor area.

11 3. Common walls separating individual rowhouse and townhouse dwelling units
 12 are considered to be exterior walls.

**Table A for 23.45.510
 FAR in LR ((Zones)) zones¹**

Zone	Location	Category of residential use((¹)) ²			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments((²)) ³	Townhouse developments((²)) ³	Apartments((²)) ³
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3

**Table A for 23.45.510
 FAR in LR ((Zones)) zones¹**

Zone	Location	Category of residential use ⁽¹⁾ ²			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments ⁽⁽²⁾⁾ ³	Townhouse developments ⁽⁽²⁾⁾ ³	Apartments ⁽⁽²⁾⁾ ³
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5 ⁽⁽³⁾⁾ ⁴
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes to Table A for 23.45.510((:))

¹ FAR limits for LR1 zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.B.1.

² If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.

⁽⁽²⁾⁾³ The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.

⁽⁽³⁾⁾⁴ On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

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D. FAR limits in MR and HR zones. FAR limits apply to all structures and lots in MR and HR zones as shown in Table B for 23.45.510, provided that if the MR and HR zone designations include an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive ((provisions)) Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

Table B for 23.45.510		
Floor ((Area Ratios)) <u>area ratios (FAR)</u> in MR and HR zones¹		
	MR	HR
Base FAR	3.2	8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240 feet or less in height; 14 for structures over 240 feet

Footnotes to Table B for 23.45.510
¹The maximum FAR limit for MR zones with a mandatory housing affordability suffix is shown in subsection 23.48.517.B.2.

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Section 5. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.512 Density limits—LR zones

A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments((-)) is shown on Table A for 23.45.512, except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

**Table A for 23.45.512
 Density ((Limits)) limits in Lowrise ((Zones)) zones¹**

Zone	Units allowed per square foot of lot area by category of residential use ⁽⁽⁴⁾⁾ ²			
	Cottage housing development ⁽⁽²⁾⁾ ³ and single-family dwelling unit ⁽⁽⁶⁾⁾ ⁴	Rowhouse development	Townhouse development ⁽⁽⁴⁾⁾ ⁵	Apartment ⁽⁽⁵⁾⁾ ⁶
LR1 ⁶	1/1,600	1/1,600 or ((No)) no limit ⁽⁽³⁾⁾ ⁷	1/2,200 or 1/1,600	1/2,000 ((Duplexes)) duplexes and ((Triplexes)) triplexes only
LR2	1/1,600	No limit	1/1,600 or ((No)) no limit	1/1,200 or ((No)) no limit
LR3	1/1,600	No limit	1/1,600 or ((No)) no limit	1/800 or ((No)) no limit

Footnotes for Table A for 23.45.512

¹ Density limits for LR1 zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.C.

⁽⁽⁴⁾⁾² When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

⁽⁽²⁾⁾³ See Section 23.45.531 for specific regulations about cottage housing developments.

~~⁽⁽³⁾⁾ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.~~

⁴ One single-family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

⁽⁽⁴⁾⁾⁵ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

⁽⁽⁵⁾⁾⁶ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

~~⁽⁽⁶⁾⁾ One single-family residence meeting the standards of subsection 23.45.510.C and Section 23.45.526 may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.~~

⁷ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

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B. Density exception for certain types of low-income multifamily residential uses((-))

1 1. The exception in this subsection 23.45.512.B applies to low-income disabled
2 multifamily residential uses, low-income elderly multifamily residential uses, and low-income
3 elderly/low-income disabled multifamily residential uses, operated by a public agency or a
4 private nonprofit corporation, if they do not qualify for the higher FAR limit shown in Table A
5 for 23.45.510.

6 2. The uses listed in subsection 23.45.512.B.1 shall have a maximum density of
7 one dwelling unit per 400 square feet of lot area if a majority of the dwelling units are designed
8 for and dedicated to tenancies of at least three months, and the dwelling units remain in low-
9 income disabled multifamily residential use, low-income elderly multifamily residential use, or
10 low-income elderly/low-income disabled multifamily residential use for the life of the structure.

11 C. Carriage houses, nursing homes, congregate housing, assisted living facilities, and
12 accessory dwelling units that meet the standards of Section 23.45.545((;-)) are exempt from the
13 density limit set in Table A for 23.45.512.

14 D. In LR1 zones no apartment shall contain more than three dwelling units, except as
15 permitted in subsections 23.45.512.E and 23.45.512.G.

16 E. Dwelling unit(s) located in structures built prior to January 1, 1982, as single-family
17 dwelling units that will remain in residential use are exempt from density limits and the
18 provisions of subsection 23.45.512.D.

19 F. If dedication of right-of-way is required, permitted density shall be calculated before
20 the dedication is made.

21 G. Adding ~~((Units))~~ units to ~~((Existing Structures.))~~ existing structures

22 1. One additional dwelling unit may be added to an existing residential use
23 regardless of the density restrictions in subsections 23.45.512.A, 23.45.512.B, 23.45.512.C, and

1 23.45.512.D ~~((above))~~. An additional unit is allowed only if the proposed additional unit is to be
 2 located entirely within an existing structure, and no additional floor area is proposed to be added
 3 to the existing structure.

4 2. For the purposes of this subsection 23.45.512.G₂, "existing residential uses" are
 5 those that were established under permit as of October 31, 2001, or for which a permit has been
 6 granted and the permit has not expired on October 31, 2001.

7 Section 6. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance
 8 124803, is amended as follows:

9 **23.45.514 Structure height**

10 A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514,
 11 the height limits for principal structures permitted in LR zones are as shown on Table A for
 12 23.45.514.

Table A for 23.45.514				
Structure ((Height)) height for Lowrise ((Zones)) zones (in ((Feet)) feet)				
Housing type	LR1	LR2	LR3 outside ((Urban Centers, Urban Villages)) urban centers and urban villages, and Station Area Overlay Districts	LR3 in ((Urban Centers, Urban Villages)) urban centers and urban villages, and Station Area Overlay Districts
Cottage housing developments	18	18	18	18
Rowhouse and townhouse developments	30	30	30	30
Apartments	30	30	30	40 ¹
Footnotes for Table A for 23.45.514 ((:))				
¹ The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.				

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**Table A for 23.45.517
 FAR limits for LR1 zones with mandatory housing affordability suffix**

Zone	Location	Category of residential use ¹			
		Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
LR1	Outside or inside urban centers, urban villages, and the Station Area Overlay District	1.3	1.3	1.2	1.2

Footnotes to Table A for 23.45.517

¹Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C.

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- 2 2. The maximum FAR limit for MR zones with a mandatory housing affordability
- 3 suffix is 4.5.
- 4 C. Density limit. The minimum lot area per dwelling unit for cottage housing
- 5 developments, townhouse developments, and apartments in LR1 zones with a mandatory
- 6 housing affordability suffix is shown on Table B for 23.45.517. The limit on the number of
- 7 dwelling units permitted in an apartment in the LR1 zone in subsection 23.45.512.D does not
- 8 apply to a LR1 zone with a mandatory housing affordability suffix.

Table B for 23.45.517
Density limits in LR1 zones with mandatory housing affordability suffix

Zone	Units allowed per square foot of lot area by category of residential use ^{1, 2}			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development	Apartment
LR1	No limit	No limit	1/1,600	No limit ⁵

Footnotes to Table B for 23.45.517

¹ When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

² Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C.

³ See Section 23.45.531 for specific regulations about cottage housing developments.

⁴ One single-family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

⁵ The limit on the number of dwelling units permitted in an apartment in the LR1 zone in subsection 23.45.512.D does not apply to a LR1 zone with a mandatory housing affordability suffix.

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2 D. Structure height. The maximum height limit for principal structures permitted in MR
 3 zones with a mandatory housing affordability suffix is 80 feet, subject to the additions and
 4 exceptions allowed as set forth in subsections 23.45.514.C, 23.45.514.H, 23.45.514.I, and
 5 23.45.514.J.

6 E. Green building performance. Applicants for development in LR1 zones with a
 7 mandatory housing affordability suffix shall make a commitment that the proposed development
 8 will meet the green building standard and shall demonstrate compliance with that commitment,
 9 all in accordance with Chapter 23.58D.

10 Section 8. Section 23.47A.002 of the Seattle Municipal Code, last amended by Ordinance
 11 124969, is amended as follows:

1 **23.47A.002 Scope of provisions**

2 A. This Chapter 23.47A describes the authorized uses and development standards for the
3 following zones:

4 1. Neighborhood Commercial 1 (NC1);

5 2. Neighborhood Commercial 2 (NC2);

6 3. Neighborhood Commercial 3 (NC3);

7 4. Commercial 1 (C1); and

8 5. Commercial 2 (C2).

9 B. (~~(Commercial zones)~~) Zones listed in subsection 23.47A.002.A and having an
10 incentive zoning suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive
11 Provisions.

12 C. Zones listed in subsection 23.47A.002.A that have a mandatory housing affordability
13 suffix of either (M), (M1), or (M2) are subject to this Chapter 23.47A and to the provisions of
14 Chapters 23.58B and 23.58C. Specific provisions for zones with a mandatory housing
15 affordability suffix are in Section 23.47A.017.

16 (~~(C)~~) D. Some land in C zones and NC zones may be regulated by Subtitle III, Division 3,
17 Overlay Districts, of this Title 23.

18 (~~(D)~~) E. Other regulations, including but not limited to major marijuana activity (Section
19 23.42.058); requirements for streets, alleys, and easements (Chapter 23.53); standards for
20 parking quantity, access, and design (Chapter 23.54); standards for solid waste storage (Chapter
21 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to
22 development proposals. Communication utilities and accessory communication devices, except

1 as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.47A and
2 additional regulations in Chapter 23.57, Communications Regulations.

3 Section 9. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance
4 125125, is amended as follows:

5 **23.47A.009 Standards applicable to specific areas**

6 A. Resolution of standards conflicts. To the extent there is a conflict between this Section
7 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

8 B. West Seattle Junction Hub Urban Village. The following provisions apply to
9 development in the NC3 85(4.75) zone.

10 1. Lot coverage limit. The maximum lot coverage permitted for principal and
11 accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.

12 2. The total permitted FAR is as identified in subsection (~~23.47A.013.F~~)
13 23.47A.013.E.

14 3. Maximum width of structures. The maximum width of all portions of a
15 structure measured parallel to a north-south street lot line is 275 feet.

16 4. Setback and separation requirements

17 a. The following standards apply to structures greater than 250 feet in
18 width measured parallel to a north-south street lot line:

19 1) A minimum separation of 30 feet is required between structures
20 that are adjacent to the same north-south street lot line; and

21 2) A minimum setback of 15 feet is required from side lot lines
22 that are not street side lot lines and that separate lots that abut the same north-south street lot line;
23 and

1 c. Width and depth limits do not apply to stories of a structure with more
2 than 50 percent of the total gross floor area occupied by any of the following uses:

- 3 1) Community clubs or community centers;
4 2) Religious facilities;
5 3) Arts facilities;
6 4) Preschool, elementary, or secondary schools; or
7 5) Performing arts theaters.

8 2. Provisions for the transfer of development rights (TDR) and transfer of
9 development potential (TDP)

10 a. Lots located in NC3 and NC3P zones with height limits of 55 feet or
11 greater are eligible as open space, vulnerable masonry structure, or Landmark TDR and TDP
12 sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter
13 23.84A and meets all applicable standards in Section 23.58A.042.

14 b. The maximum amount of TDR and TDP that can be transferred from an
15 eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of
16 the FAR permitted on a lot that is solely occupied by residential uses or non-residential uses in
17 the zone where the sending site is located, as shown on Table A for 23.47A.013 and Table A for
18 23.47A.017 for zones with a mandatory housing affordability suffix, multiplied by the lot area of
19 the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and
20 TDP previously transferred.

21 c. Eligible receiving sites are limited to those lots in SM-U zones specified
22 in subsection 23.48.623.C.

1 Section 10. Subsection 23.47A.012.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125173, is amended as follows:

3 **23.47A.012 Structure height**

4 A. The height limit for structures in NC zones or C zones is ~~((30 feet, 40 feet, 65 feet, 85~~
5 ~~feet, 125 feet, or 160 feet,))~~ as designated on the Official Land Use Map, Chapter 23.32.

6 Structures may not exceed the applicable height limit, except as otherwise provided in this
7 Section 23.47A.012.

8 1. In zones with a 30 foot or 40 foot mapped height limit:

9 a. The height of a structure may exceed the otherwise applicable limit by
10 up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

11 1) Either:

12 a) A floor-to-floor height of 13 feet or more is provided for
13 non-residential uses at street level; or

14 b) A residential use is located on a street-level, street-facing
15 facade, provided that the average height of the exterior facades of any portion of a story that is
16 partially below-grade does not exceed 4 feet, measured from existing or finished grade,
17 whichever is less, and the first floor of the structure at or above grade is at least 4 feet above
18 sidewalk grade; and

19 2) The additional height allowed for the structure will not allow an
20 additional story beyond the number that could be built under the otherwise applicable height
21 limit.

1 b. The height of a structure may exceed the otherwise applicable limit by
2 up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are
3 met:

4 1) Residential and multipurpose retail sales uses are located in the
5 same structure;

6 2) The total gross floor area of at least one multi-purpose retail
7 sales use exceeds 12,000 square feet;

8 3) A floor-to-floor height of 16 feet or more is provided for the
9 multi-purpose retail sales use at street level;

10 4) The additional height allowed for the structure will not allow an
11 additional story beyond the number that could be built under the otherwise applicable height
12 limit if a floor-to-floor height of 16 feet were not provided at street level; and

13 5) The structure is not allowed additional height under subsection
14 23.47A.012.A.1.a.

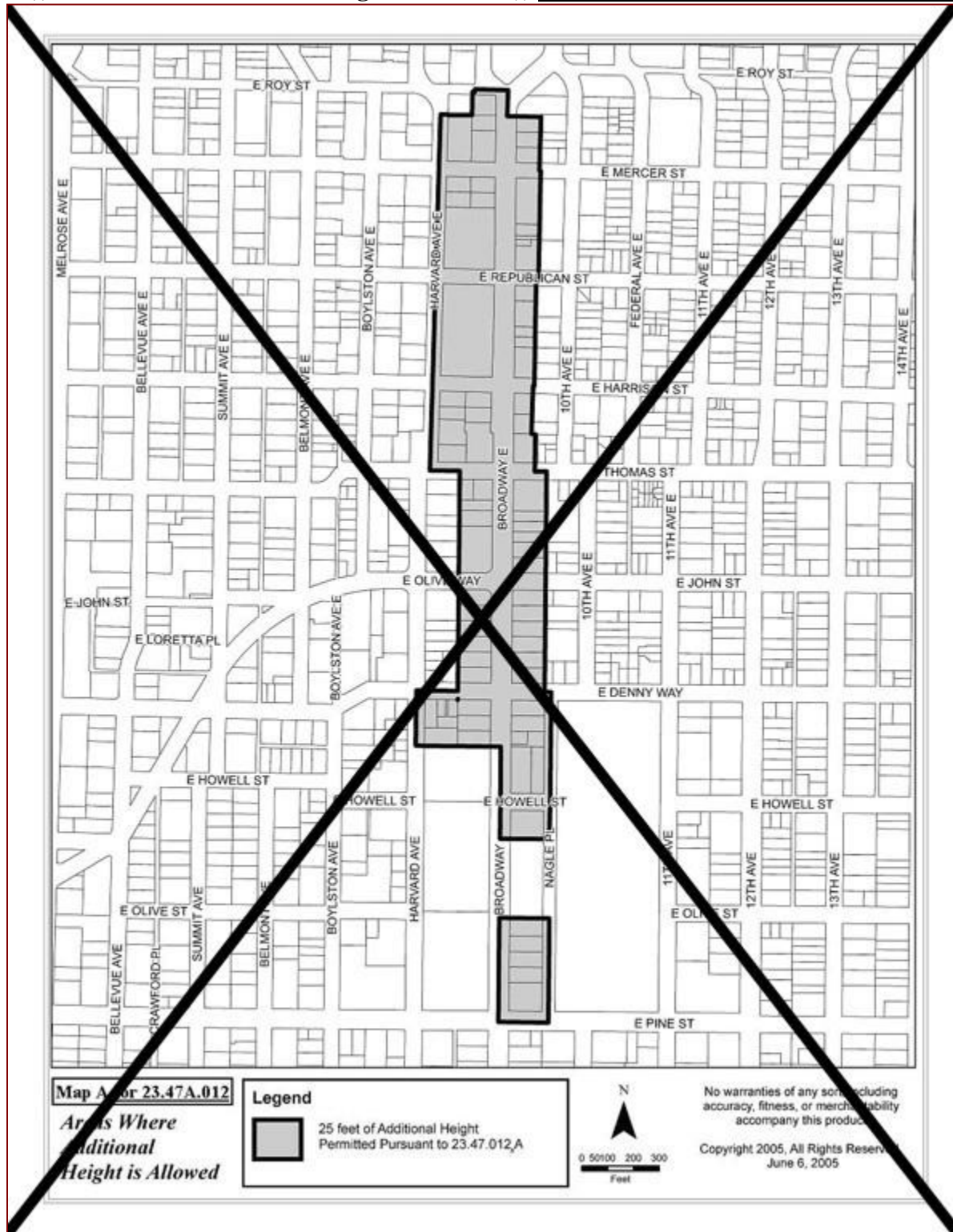
15 c. The Director shall reduce or deny the additional structure height
16 allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block
17 views from neighboring residential structures of any of the following: Mount Rainier, the
18 Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake
19 Washington, Lake Union, or the Ship Canal.

20 2. For any lot within the designated areas shown on Map A for 23.47A.012, the
21 height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land
22 Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone,
23 according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain

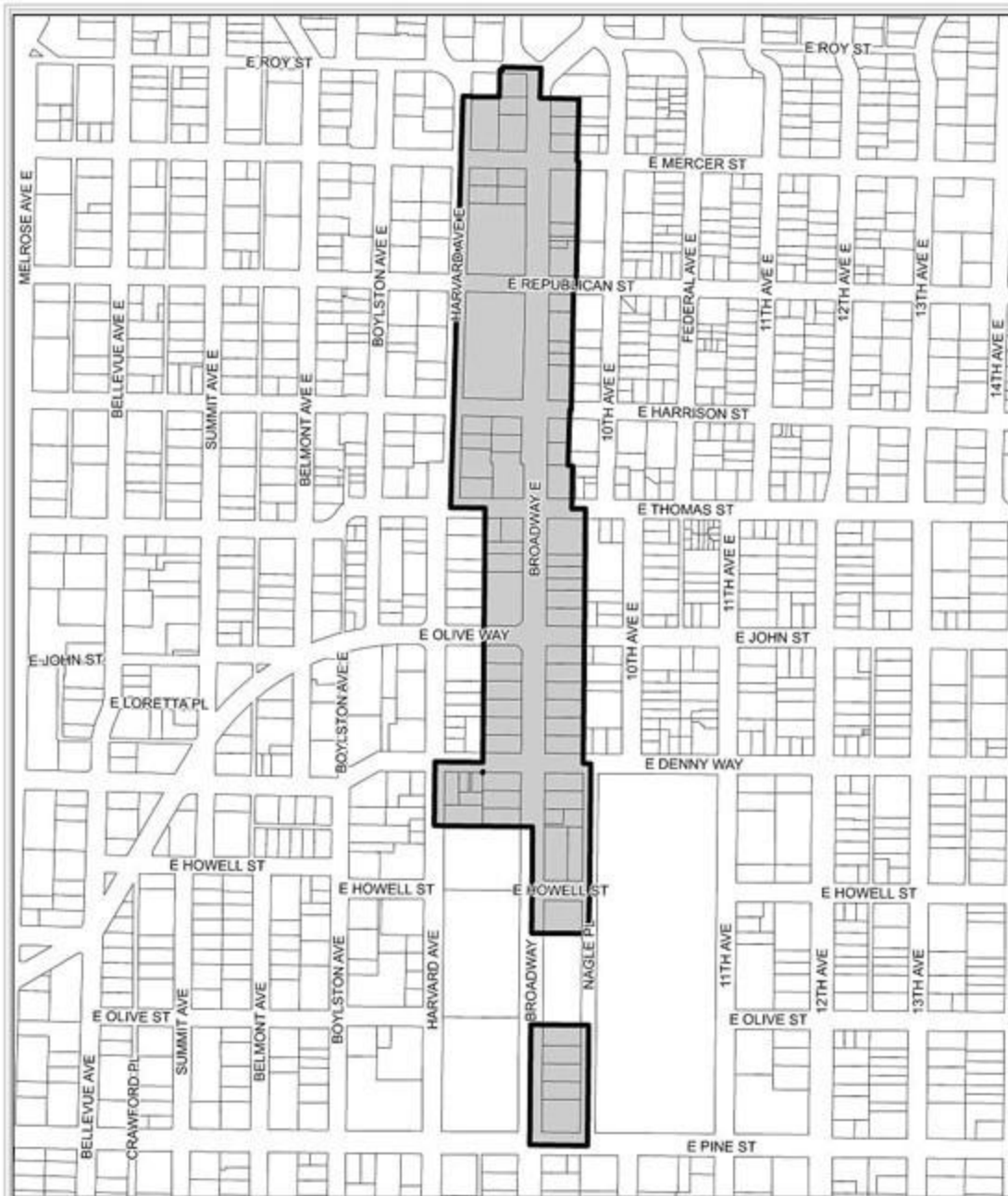
- 1 only residential uses, and provided that no additional height is allowed under subsection
- 2 23.47A.012.A.1.

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Map A for 23.47A.012
((Areas Where Additional Height Is Allowed)) Areas where additional height is allowed




3



Map A for 23.47A.012
Areas where additional height is allowed

Legend

 25 feet of Additional Height Permitted Pursuant to 23.47.012A



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1 ~~((3. Within the Station Area Overlay District within the University Community~~
2 ~~Urban Center, maximum structure height may be increased to 125 feet when all of the following~~
3 ~~are met:~~

- 4 ~~a. The lot is within two blocks of a planned or existing light rail station;~~
5 ~~b. The proposed use of the lot is functionally related to other office~~
6 ~~development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be~~
7 ~~occupied by a single entity;~~
8 ~~c. A transportation management plan for the life of the use includes~~
9 ~~incentives for light rail and other transit use by the employees of the office use;~~
10 ~~d. The development shall provide street level amenities for pedestrians~~
11 ~~and shall be designed to promote pedestrian interest, safety, and comfort through features such as~~
12 ~~landscaping, lighting and transparent facades, as determined by the Director; and~~
13 ~~e. This subsection 23.47A.012.A.3 can be used only once for each~~
14 ~~development that is functionally related.)~~

15 ((4)) 3. On a lot containing a peat settlement-prone environmentally critical area,
16 the height of a structure may exceed the otherwise applicable height limit and the other height
17 allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of
18 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill
19 sides of the structure, the maximum elevation of the structure height shall be no greater than the
20 height allowed by the first sentence of this subsection ((23.47A.012.A.4)) 23.47A.012.A.3. The
21 Director may apply the allowances in this subsection ((23.47A.012.A.4)) 23.47A.012.A.3 only if
22 the following conditions are met:

1 a. The Director finds that locating a story of parking underground is
2 infeasible due to physical site conditions such as a high water table;

3 b. The Director finds that the additional height allowed for the structure is
4 necessary to accommodate parking located partially below grade that extends no more than 6 feet
5 above existing or finished grade, whichever is lower, and no more than 3 feet above the highest
6 existing or finished grade along the structure footprint, whichever is lower, as measured to the
7 finished floor level above; and

8 c. Other than the additional story of parking allowed according to this
9 subsection (~~((23.47A.012.A.4))~~ 23.47A.012.A.3, the additional height (~~((allowed for the structure~~
10 ~~by subsection 23.47A.012.A.4,))~~) shall not allow an additional story beyond the number of stories
11 that could be built under the otherwise applicable height limit.

12 ((5)) 4. In zones that are located within the Pike/Pine Conservation Overlay
13 District with a mapped height limit of 65 feet, or with a mapped height limit of 40 feet with
14 provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2,
15 the provisions of Section 23.73.014 apply.

16 * * *

17 Section 11. Section 23.47A.013 of the Seattle Municipal Code, last amended by
18 Ordinance 125173, is amended as follows:

19 **23.47A.013 Floor area ratio**

20 A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C
21 zones.

22 1. All gross floor area not exempt under subsection 23.47A.013.D is counted
23 against the maximum gross floor area allowed by the permitted FAR.

2. If there are multiple structures on a lot, the highest FAR limit applicable to any structure on the lot applies to the combined non-exempt gross floor area of all structures on the lot, subject to subsection 23.47A.013.A.4.

3. Except as provided in subsection 23.47A.013.D.7, parking that is within or covered by a structure or portion of a structure and that is within a story that is not underground shall be included in gross floor area calculations.

4. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is in both a multifamily zone and a commercial zone, the floor area on the commercial portion of the lot may not exceed the maximum that would be allowed if the commercial portion of the lot were a separate lot.

B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E, and 23.47A.013.F, (~~and 23.47A.013.G,~~) maximum FAR allowed in C zones and NC zones is shown in Table A for 23.47A.013, provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

Table A for 23.47A.013
Maximum ((~~Floor Area Ratio~~)) floor area ratio (FAR) outside of the Station Area Overlay District¹

	Height limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
1. Total FAR permitted on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5

Table A for 23.47A.013
Maximum (~~Floor Area Ratio~~) floor area ratio (FAR) outside of the Station Area Overlay District¹

	Height limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7

n/a = not applicable

Footnotes to Table A for 23.47A.013

¹Maximum FAR limits for zones with a mandatory housing affordability suffix are shown on Table A for 23.47A.017.

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C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Table B for 23.47A.013, provided that, if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown in the suffix designation.

Table B for 23.47A.013
Maximum (~~Floor Area Ratio~~) floor area ratio (FAR) in the Station Area Overlay District

	Height limit (in feet)					
	30	40	65	85	125	160
Maximum FAR	3	4	5.75	6	6	7

7
8
9

D. The following gross floor area is not counted toward maximum FAR:

1. All underground stories or portions of stories;

1 2. All portions of a story that extend no more than 4 feet above existing or
2 finished grade, whichever is lower, excluding access;

3 3. Gross floor area of a transit station, including all floor area open to the general
4 public during normal hours of station operation but excluding retail or service establishments to
5 which public access is limited to customers or clients, even where such establishments are
6 primarily intended to serve transit riders;

7 ~~((4. Within the South Lake Union Urban Center, gross floor area occupied by
8 mechanical equipment located on the roof of a structure;~~

9 ~~5. Within the South Lake Union Urban Center, mechanical equipment that is
10 accessory to a research and development laboratory, up to 15 percent of the gross floor area of a
11 structure. The allowance is calculated on the gross floor area of the structure after all space
12 exempt under this subsection 23.47A.013.D is deducted;))~~

13 ~~((6))~~ 4. Within First Hill, on lots zoned NC3~~((7))~~ with a 160 foot height limit, all
14 gross floor area occupied by a residential use;

15 ~~((7))~~ 5. On a lot containing a peat settlement-prone environmentally critical area,
16 above-grade parking within or covered by a structure or portion of a structure, if the Director
17 finds that locating a story of parking below grade is infeasible due to physical site conditions
18 such as a high water table, if either:

19 a. ~~((the))~~ The above-grade parking extends no more than 6 feet above
20 existing or finished grade and no more than 3 feet above the highest existing or finished grade
21 along the structure footprint, whichever is lower, as measured to the finished floor level or roof
22 above, pursuant to subsection ~~((23.47A.012.A.5))~~ 23.47A.012.A.3; or

23 b. ~~((all))~~ All of the following conditions are met:

- 1 1) No above-grade parking is exempted by subsection
2 ~~((23.47A.013.D.7.a))~~ 23.47A.013.D.5.a;
- 3 2) The parking is accessory to a residential use on the lot;
4 3) Total parking on the lot does not exceed one space for each
5 residential dwelling unit plus the number of spaces required for non-residential uses; and
6 4) The amount of gross floor area exempted by this subsection
7 ~~((23.47A.013.D.7.b))~~ 23.47A.013.D.5.b does not exceed 25 percent of the area of the lot in zones
8 with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height
9 limit 65 feet or greater; and
- 10 ((~~8~~)) 6. Rooftop greenhouse areas meeting the standards of ~~((subsection))~~
11 subsections 23.47A.012.C.6 and 23.47A.012.C.7.
- 12 ~~((E. Within the Station Area Overlay District within the University Community Urban
13 Center, for office structures permitted prior to 1971, the area of the lot for purposes of
14 calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on
15 which the existing structure is located, provided the office structure is to be part of a functionally
16 related development occupied by a single entity with over 500,000 square feet of area in office
17 use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this
18 subsection 23.47A.013.E, and the maximum permitted FAR is 8.))~~
- 19 ((~~F~~)) E. Within the West Seattle Junction Hub Urban Village, on lots zoned NC3
20 85(4.75), the total permitted FAR for all uses within a mixed-use structure containing residential
21 and non-residential uses is 5.5.
- 22 ((~~G~~)) E. Within the portion of the Greenwood Residential Urban Village, on lots zoned
23 NC2 40 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW,

1 the total permitted FAR within a mixed-use structure containing residential and non-residential
2 uses is 4.

3 ~~((H))~~ G. Minimum FAR

4 1. A minimum FAR shown in Table C for 23.47A.013 is required whenever more
5 than 1,000 square feet of gross floor area is added to or removed from a lot located in:

6 a. a pedestrian-designated zone in an ~~((Urban Center, Urban Village))~~
7 urban center, urban village, or Station Area Overlay District; or

8 b. the Northgate Overlay District and abutting a Major Pedestrian Street as
9 shown on Map A for 23.71.004.

Table C for 23.47A.013						
Minimum ((Floor Area Ratio)) floor area ratio (FAR)¹						
Height limit (in feet)	30	40	65	85	125	160
Minimum FAR	1.5	1.5	2	2	2.5	2.5

Footnotes to Table C for 23.47A.013
¹Minimum floor area ratios for zones with a mandatory affordable housing suffix are shown on Table B for 23.47A.017.

10
11 2. The minimum FAR requirement provided in subsection ~~((23.47A.013.H.1))~~
12 23.47A.013.G.1 does not apply if:

13 a. ~~((additional))~~ Additional floor area is added to an existing structure on a
14 lot that is nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;

15 b. ~~((the))~~ The lot is larger than five acres;

16 c. ~~((all))~~ All existing gross floor area is demolished to create a vacant lot;

17 or

18 d. ~~((parks))~~ Parks and open space is the principal use of the lot.

1 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
2 as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when
3 calculating lot size for the purpose of determining the minimum FAR requirement provided in
4 subsection (~~(23.47A.013.H.1)~~) 23.47A.013.G.1.

5 4. The Director, in consultation with the Director of the Department of
6 Neighborhoods, may waive the minimum FAR requirement provided in subsection
7 (~~(23.47A.013.H.1)~~) 23.47A.013.G.1 for lots that contain a designated Landmark, or for lots
8 within a Landmark District pursuant to Title 25 or within a Special Review District pursuant to
9 Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a
10 Landmark or meet adopted District design and development guidelines.

11 5. The Director may waive the minimum FAR requirement provided in subsection
12 (~~(23.47A.013.H.1)~~) 23.47A.013.G.1 for lots within the Pike/Pine Conservation Overlay District
13 pursuant to Chapter 23.32, if the Director determines that the proposed development promotes
14 neighborhood conservation objectives.

15 6. The following gross floor area is not counted toward the minimum FAR
16 requirement provided in subsection (~~(23.47A.013.H.1)~~) 23.47A.013.G.1:

- 17 a. Gross floor area below grade; and
- 18 b. Gross floor area containing parking.

19 7. In zones with an incentive zoning suffix, the minimum FAR requirement is the
20 FAR indicated by the incentive zoning suffix if that FAR is less than the FAR required by
21 subsection (~~(23.47A.013.H.1)~~) 23.47A.013.G.1.

1 Section 12. A new Section 23.47A.017 is added to the Seattle Municipal Code as
2 follows:

3 **23.47A.017 Commercial zones with a mandatory housing affordability suffix**

4 The following standards apply to NC zones with a mandatory housing affordability suffix of
5 either (M), (M1), or (M2):

6 A. Affordable housing requirements. Development is subject to the provisions of
7 Chapters 23.58B and 23.58C.

8 B. Floor area ratio (FAR). The maximum FAR allowed in NC zones with a mandatory
9 housing affordability suffix is shown on Table A for 23.47A.017.

Table A for 23.47A.017		
Maximum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix		
Height limit (in feet)	30	55
Maximum FAR ¹	2.5	3.75
Footnote to Table A for 23.47A.017		
¹ Total FAR permitted for all uses on a lot		

10
11 C. Minimum FAR. The minimum FAR required in NC zones with a mandatory housing
12 affordability suffix is shown on Table B for 23.47A.017.

Table B for 23.47A.017		
Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix		
Height limit (in feet)	30	55
Minimum FAR	1.5	1.5

13

1 Section 13. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance
2 124969, is amended as follows:

3 **23.48.002 Scope of provisions**

4 A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM)
5 zones and establishes development standards. The SM zone boundaries are shown on the Official
6 Land Use Map. ~~((As))~~ SM zone designations for specific geographic areas are identified in Table
7 A for 23.48.002~~((;)).~~ ~~((the))~~ The SM-SLU designation with a height limit suffix may be applied
8 to SM zoned land in the South Lake Union ~~((area))~~ Urban Center. The SM-D designation with a
9 height limit range may be applied to SM zoned land in the West Dravus area. The SM-NR
10 designation with a height limit suffix may be applied to SM zoned land in the North Rainier area.
11 The SM-U designation with a height limit suffix may be applied to SM-U zoned land in the
12 University Community Urban Center.

Table A for 23.48.002	
SM ((Zone Designations)) <u>zone designations for geographic areas</u>	
Zone designation	Geographic ((location)) <u>area</u>
SM-SLU	South Lake Union <u>Urban Center</u>
SM-D	West Dravus <u>area</u>
SM-NR	North Rainier <u>area</u>
<u>SM-U</u>	<u>University Community Urban Center</u>

13
14 B. The provisions of this Subchapter I ~~((for))~~ of Chapter 23.48 ~~((apply in))~~ are applicable
15 to all SM zones ~~((and supplemental))~~ , including SM zones in geographic areas shown on Table
16 A for 23.48.002. Supplemental regulations for ~~((designated))~~ SM zones in specific geographic
17 areas are provided for in the subsequent subchapters of this Chapter 23.48. To the extent
18 provisions in a supplemental subchapter conflict with provisions in this Subchapter I, the
19 provisions of the supplemental subchapter ~~((apply))~~ shall prevail.

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Section 14. Subsection 23.48.005.D of the Seattle Municipal Code, which section was last amended by Ordinance 124969, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required at street level (~~((on all lots))~~) along the street-facing facade 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))~~ 23.48.205.C (~~((The following uses qualify as required street level uses))~~):

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks; ~~((and))~~
- f. Arts facilities;
- g. Religious facilities; and
- h. Light rail transit stations.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for SM zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

1 Section 15. Section 23.48.020 of the Seattle Municipal Code, enacted by Ordinance
 2 124883, is amended as follows:

3 **23.48.020 Floor area ratio (FAR)**

4 A. General provisions

5 1. All gross floor area not exempt under subsection 23.48.020.D counts toward
 6 the ~~((maximum))~~ gross floor area allowed under the FAR limits.

7 2. The applicable FAR limit applies to the total non-exempt gross floor area of all
 8 structures on the lot.

9 3. If a lot is in more than one zone, the FAR limit for each zone applies to the
 10 portion of the lot located in that zone.

11 B. FAR limits ~~((in SM zones))~~. The FAR limits for SM zones, excluding SM zones in
 12 specific geographic areas as set forth in the applicable subchapter of this Chapter 23.48, ((FAR
 13 limits in SM zones, excluding SM zones within South Lake Union Urban Center, Dravus, and
 14 North Rainier Urban Village,)) are shown in Table A for 23.48.020.

Table A for 23.48.020 SM FAR ((Limits)) <u>limits</u>		
Zone	FAR limits for all uses⁽¹⁾	
	Base	Maximum¹
SM 40	3	3.5
SM 65	3.5	5
SM 85 ²	4.5	6
SM 125	5	8
SM 160	5	9

**Table A for 23.48.020
 SM FAR ((Limits)) limits**

Zone	FAR limits for all uses ⁽¹⁾	
	Base	Maximum ¹
SM 240	6	13

Footnotes to Table A for 23.48.020⁽²⁾

¹~~((Within the area shown on Map A for 23.48.020, all gross floor area occupied by a residential use is exempt from FAR calculations. To achieve maximum FAR, see subsection 23.48.020.C for requirements))~~ See subsection 23.48.020.C for requirements for achieving maximum FAR.

²In the SM 85 zone within the area shown on Map A for 23.48.020, residential uses are ~~((not subject to the base FAR limit))~~ exempt from FAR calculations.

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C. ~~((A))~~ In the zones shown on Table A for 23.48.020, all non-exempt ~~((non-residential))~~ floor area above the base FAR is considered extra floor area. Extra floor area may be obtained, up to the maximum FAR, only through the provision of public amenities ~~((meeting the standards of))~~ according to Section 23.48.021 and Chapter 23.58A.

D. Floor area exempt from FAR calculations. ~~((1-))~~ The following floor area is exempt from ~~((maximum))~~ FAR calculations in all SM zones, including SM zone designations for a specific geographic area:

~~((a))~~ 1. All underground stories or portions of stories.

~~((b))~~ 2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

~~((e))~~ 3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.D has been deducted. Mechanical equipment

1 located on the roof of a structure, whether enclosed or not, is not included as part of the
2 calculation of total gross floor area.

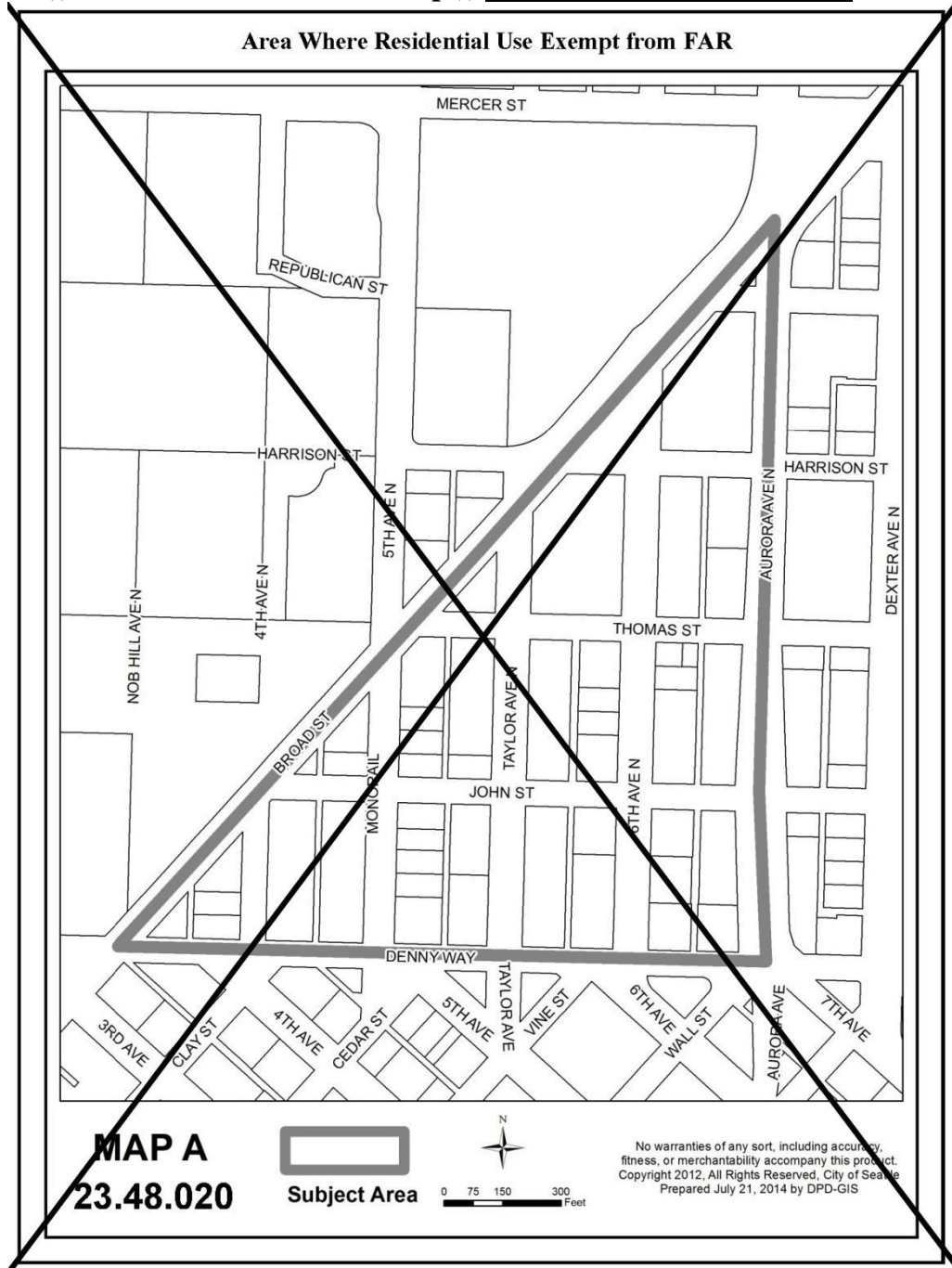
3 ((~~4~~) 4. All gross floor area for solar collectors and wind-driven power generators.

4 ((~~2. In the SM 85 zone shown on Map A for 23.48.020, all gross floor area~~
5 ~~occupied by a residential use is exempt from FAR calculations.~~

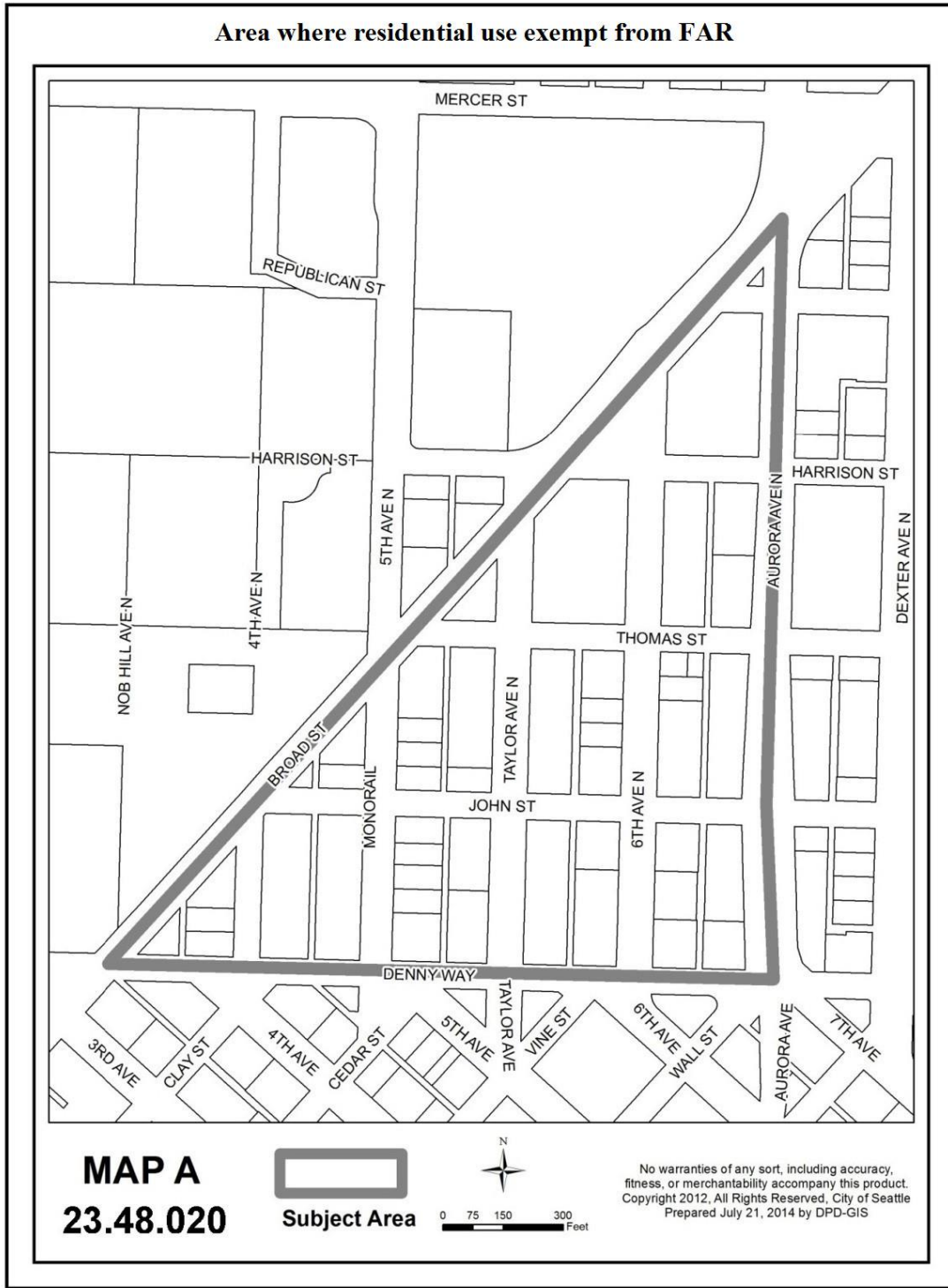
6 3. Additional floor area that is exempt from FAR calculations in specific SM
7 designations is identified in the applicable subchapter of Chapter 23.48.)

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Map A for 23.48.020 Area (~~(Where Residential Use Exempt)~~) where residential use exempt from FAR



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E. Minimum FAR

1. A minimum FAR shown in Table B for 23.48.020 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in a Station Area Overlay District ~~((and))~~ or on a lot abutting a Class 1 or Class 2 Pedestrian Street or a Neighborhood Green Street, as shown on Map A for 23.48.240 for SM-SLU zones, Map A for 23.48.440 for SM-NR zones, and Map A for 23.48.640 for SM-U zones.

Table B for 23.48.020						
Minimum FAR						
Height ((Limit)) limit (in feet)	40 ((feet))	65 ((feet)) , 75, 85, or 95	((85 feet))	125 ((feet)) or 160	((160 feet))	240 ((feet)) or greater
Minimum FAR	1.5	2	((2))	2.5	((2.5))	3

2. The minimum FAR requirement provided in subsection 23.48.020.E.1 does not apply if:

a. ~~((additional))~~ Additional floor area is added to an existing structure on a lot that is nonconforming with respect to the minimum FAR shown in Table B for 23.48.020;

b. ~~((the))~~ The lot is larger than five acres;

c. ~~((all))~~ All existing gross floor area is demolished to create a vacant lot;

or

d. ~~((parks))~~ Parks and open space is the principal use of the lot.

3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or as a buffer to one of these areas, as defined in Chapter 25.09, are not included when calculating lot size for the purpose of determining the minimum FAR requirement provided in subsection 23.48.020.E.1.

4. The Director, in consultation with the Director of the Department of Neighborhoods, may waive the minimum FAR requirement in subsection 23.48.020.E.1 for lots

1 that contain a designated Landmark, or for lots within a Landmark District pursuant to Title 25
2 or within a Special Review District pursuant to Chapter 23.66, if the Director determines a
3 waiver is necessary to preserve the integrity of a Landmark or meet adopted District design and
4 development guidelines.

5 5. ~~((The following))~~ All gross floor area is ~~((not))~~ counted toward the minimum
6 FAR requirement provided in subsection 23.48.020.E.1, except the following:

7 a. Gross floor area below grade, including all underground stories or
8 portions of stories; and

9 b. Gross floor area containing parking.

10 Section 16. Section 23.48.021 of the Seattle Municipal Code, last amended by Ordinance
11 125163, is amended as follows:

12 **23.48.021 Extra floor area in Seattle Mixed zones**

13 A. General

14 1. ~~((Except pursuant to Sections 23.48.221 and Section 23.48.421, development~~
15 ~~containing))~~ Development achieving extra floor area ~~((obtained))~~ under Section 23.48.020 or
16 Section 23.48.025 shall provide public amenities according to the standards of this Section
17 23.48.021 and Chapter 23.58A. If the development is not located within an adopted Local
18 Infrastructure Project Area as per Map A for 23.58A.044, extra floor area shall be achieved
19 through the requirements of subsection 23.48.021.B. If the development is located within an
20 adopted Local Infrastructure Project Area, extra floor area shall be achieved through the
21 requirements of subsection 23.48.021.C.

22 2. Development achieving extra floor area in an SM zone designation for a
23 specific geographic area shall meet the conditions of this Section 23.48.021 and provide public

1 amenities according to the standards of this Section 23.48.021 and Chapter 23.58A, except where
2 supplemented in the applicable subchapter.

3 ((2))3. Definitions in Section 23.58A.004 apply in this Section 23.48.021 unless
4 otherwise specified.

5 B. Calculation outside of ((an adopted Local Infrastructure Project Area)) specific areas

6 1. Means to achieve extra residential floor area. If the maximum height limit for
7 residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban
8 Center, SM-U zones, and the Mount Baker Station Area Overlay District, the applicant shall use
9 bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all
10 extra residential floor area on the lot.

11 2. Means to achieve extra non-residential floor area. If the maximum height limit
12 for non-residential use is 85 feet or lower or the lot is located outside of the South Lake Union
13 Urban Center, SM-U zones, and the Mount Baker Station Area Overlay District, the applicant
14 shall use bonus non-residential floor area for affordable housing and child care pursuant to
15 Section 23.58A.024 to achieve all extra non-residential floor area on the lot.

16 C. Calculation within an adopted Local Infrastructure Project Area

17 1. Means to achieve extra residential floor area. If the maximum height limit for
18 residential use is 85 feet or lower, the applicant shall use bonus residential floor area for
19 affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on
20 the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall:

21 a. ((achieve)) Achieve 60 percent of the extra residential floor area on the
22 lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014;
23 and

1 residential floor area on the lot. If the maximum height limit for non-residential use is greater
2 than 85 feet, the applicant shall:

3 a. ~~((achieve))~~ Achieve 75 percent of the extra non-residential floor area on
4 the lot by using bonus non-residential floor area for affordable housing and child care pursuant to
5 Section 23.58A.024, or housing transferable development rights (TDR) pursuant to subsection
6 23.48.221.A and Section 23.58A.042, or both; and

7 b. ~~((achieve))~~ Achieve 25 percent of extra non-residential floor area by
8 acquiring regional development credits pursuant to Section 23.58A.044.

9 D. Minimum requirement. Developments containing any extra floor area shall meet the
10 following requirements:

11 1. ~~((Leadership in Energy and Environmental Design (LEED) requirement))~~
12 Green building performance. The applicant shall make a commitment that the proposed
13 development will meet the green building standard and shall demonstrate compliance with that
14 commitment, all in accordance with Chapter 23.58D.

15 2. Transportation Management Program (TMP). The applicant will provide a
16 TMP for non-residential development, consistent with requirements for TMPs in any applicable
17 Director's ~~((Rule))~~ rule, that demonstrates, to the satisfaction of the Director in consultation with
18 the Director of Transportation, that no more than 40 percent of trips to and from the
19 development will be made using single-occupant vehicles (SOVs). The TMP shall be submitted
20 with the Master Use Permit application.

21 a. For purposes of measuring the percent of trips to and from the
22 development made using SOVs in the TMP, the number of SOV trips shall be calculated for the

1 p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by
2 employees at the site (the p.m. peak hour of the generator).

3 b. Compliance with this subsection 23.48.021.D.2 does not affect the
4 responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR)
5 Ordinance.

6 Section 17. Subsection 23.48.025.A of the Seattle Municipal Code, which section was
7 enacted by Ordinance 124883, is amended as follows:

8 **23.48.025 Structure height**

9 A. (~~Base and maximum height~~) Height limits

10 1. The height limits for structures in the SM zones are (~~40 feet, 55 feet, 65 feet,~~
11 ~~75 feet, 85 feet, 125 feet, 160 feet, 240 feet, or 400 feet~~) as shown on the Official Land Use
12 Map, Chapter 23.32, except as otherwise provided in this Section 23.48.025 or in the applicable
13 subchapters of this Chapter 23.48 for SM zone designations for specific geographic areas shown
14 in Table A for 23.48.002. In certain zones, as specified in this Section 23.48.025, the maximum
15 structure height is allowed only for particular uses or only under specified conditions, or both.
16 Where height limits are established for portions of a structure that contain specified types of
17 uses, the applicable height limit for the structure is the highest applicable height limit for the
18 types of uses in the structure, unless otherwise specified.

19 2. In the SM-SLU, SM-D, and SM-NR zones, the applicable height limit for
20 portions of a structure that contain non-residential and live-work uses is shown as the first figure
21 after the zone designation, and the base height limit for portions of a structure in residential use
22 is shown as the first figure following the "/". The third figure shown is the maximum residential

1 height limit. Within zones that have an incentive zoning suffix, the number in the suffix is the
2 base FAR.

3 * * *

4 Section 18. Section 23.48.040 of the Seattle Municipal Code, enacted by Ordinance
5 124883, is amended as follows:

6 **23.48.040 Street-level development standards**

7 ~~((The following street level development standards apply to Class 1 or Class 2 Pedestrian
8 streets shown on Map A for 23.48.240 and Map A for 23.48.440.))~~

9 A. ~~((General))~~ Street-facing facade requirements. ~~((General))~~ For SM zones in the SM-
10 SLU and SM-NR geographic areas, the following street-facing facade requirements apply to
11 facades facing Class 1 and Class 2 Pedestrian ~~((streets))~~ Streets, Neighborhood Green Streets,
12 and all other streets, as shown on Map A for 23.48.240 and Map A for 23.48.440~~((-))~~:

13 1. Primary pedestrian entrance. Each new structure facing a Class 1 Pedestrian
14 ~~((street))~~ Street is required to provide a primary building entrance for pedestrians from the street
15 or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

16 2. Minimum facade height. A minimum facade height is required for the street-
17 facing facades of new structures, unless all portions of the structure are lower than the required
18 minimum facade height listed below.

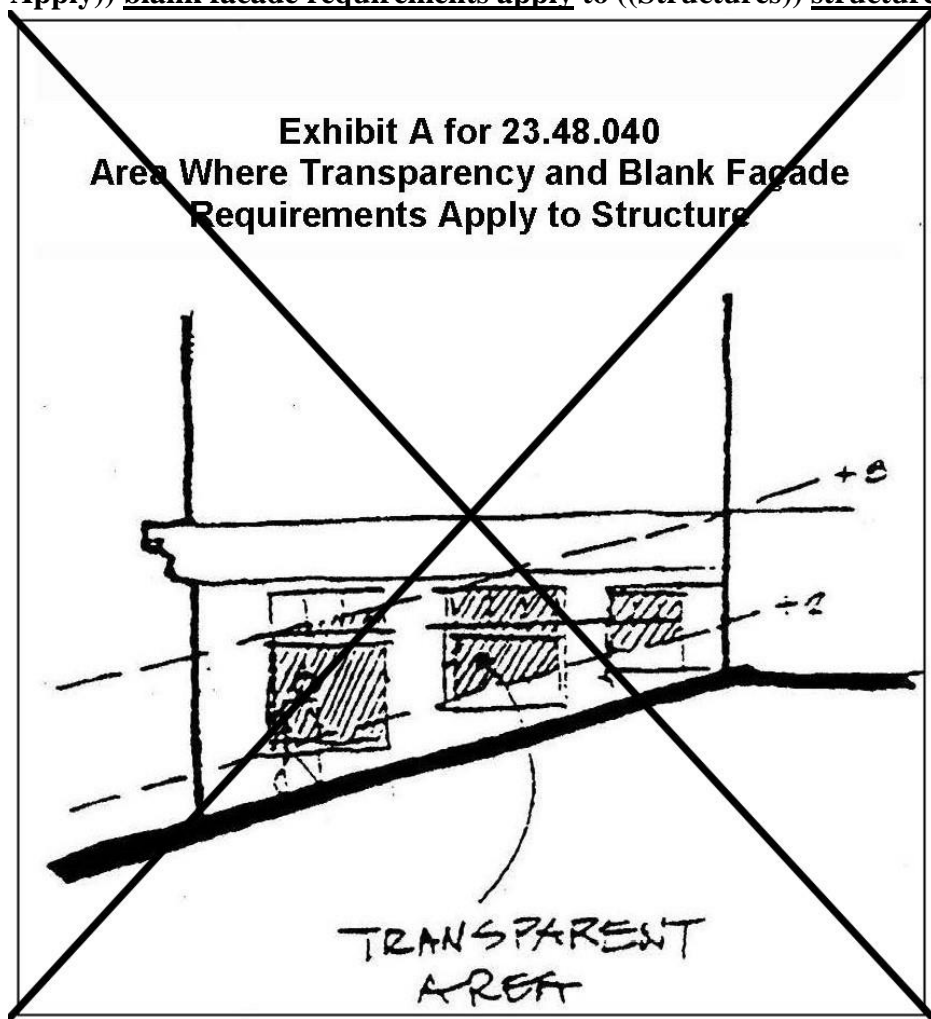
19 a. On Class 1 Pedestrian Streets the minimum height for street-facing
20 facades is 45 feet.

21 b. On Class 2 Pedestrian Streets and Neighborhood Green Streets the
22 minimum height for street-facing facades is 25 feet.

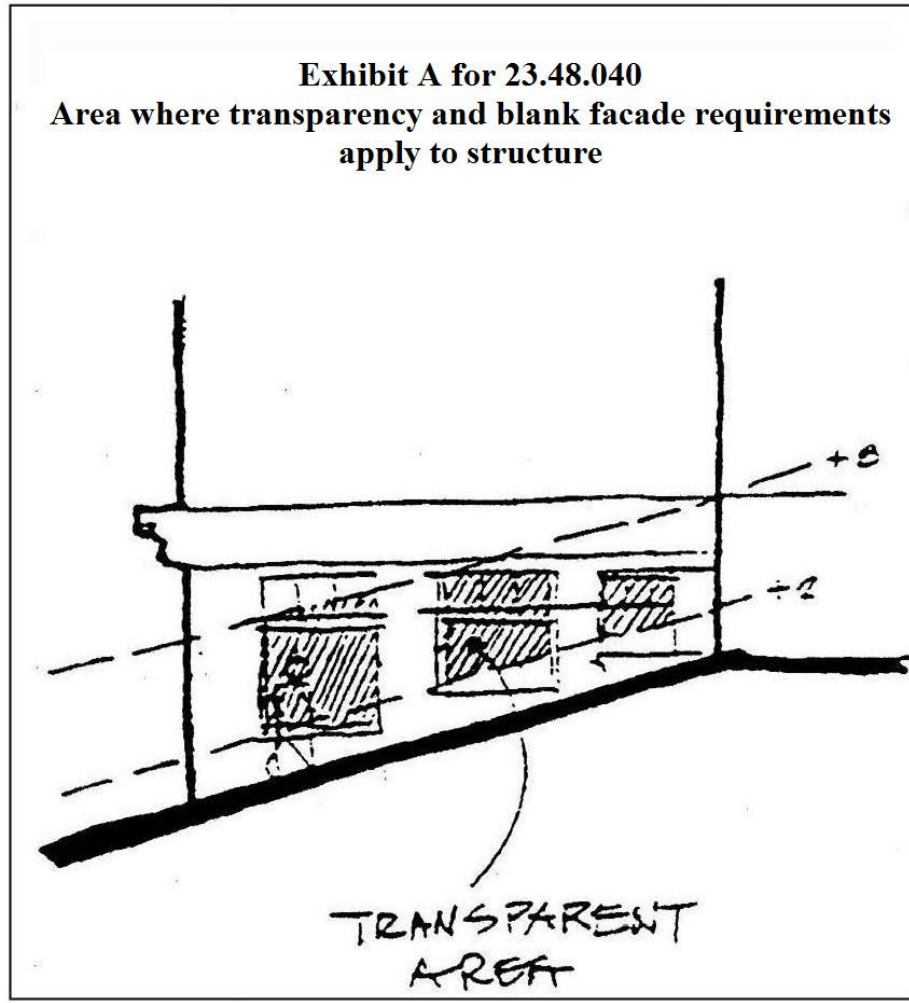
1 c. On all other streets, the minimum height for street-facing facades is 15
2 feet.

3 B. Transparency and blank facade requirements. The provisions of this subsection
4 23.48.040.B apply to the area of a street-facing facade between 2 feet and 8 feet above a
5 sidewalk, as shown on ((~~Exhibit A for 23.48.040~~)) ~~Exhibit A for 23.48.040~~ ~~((~~pursuant to subsection 23.48.040.B.1~~))~~ ,
6 but do not apply to portions of a structure in residential use.

7 **Exhibit A for 23.48.040**
8 **Area ~~((Where Transparency))~~ where transparency and ((Blank Facade Requirements
9 Apply)) blank facade requirements apply to ((Structures)) structure**



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~~((1. Transparency requirements apply to all street facing, street level facades, except for portions of structures in residential use as follows:~~

~~a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Map A for 23.48.240 and Map A for 23.48.440, a minimum of 60 percent of the street facing facade must be transparent.~~

~~b. For all other streets, a minimum of 30 percent of the street facing facade must be transparent.~~

~~c. If the slope of the street frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced to 45 percent of the street facing facade on~~

1 ~~Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets and 22 percent of the~~
2 ~~street facing facade on all other streets.~~

3 ~~d. Only clear or lightly tinted glass in windows, doors, and display~~
4 ~~windows are considered transparent. Transparent areas shall be designed and maintained to~~
5 ~~provide views into and out of the structure. Except for institutional uses, no permanent signage,~~
6 ~~window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items~~
7 ~~shall completely block views into and out of the structure between 4 feet and 7 feet above~~
8 ~~adjacent grade. The installation of temporary signs or displays that completely block views may~~
9 ~~be allowed if such temporary sign complies with subsection 23.55.012.B.~~

10 ~~2. Blank facade limits. Any portion of the facade that is not transparent is~~
11 ~~considered to be a blank facade.~~

12 ~~a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and~~
13 ~~Neighborhood Green Streets.~~

14 ~~1) Blank facades shall be limited to segments 15 feet wide, except~~
15 ~~for garage doors, which may be wider than 15 feet. Blank facade width may be increased to 30~~
16 ~~feet if the Director determines that the facade is enhanced by architectural detailing, artwork,~~
17 ~~landscaping, or other similar features that have visual interest. The width of garage doors shall be~~
18 ~~limited to the width of the driveway plus 5 feet.~~

19 ~~2) Any blank segments of the facade shall be separated by~~
20 ~~transparent areas at least 2 feet wide.~~

21 ~~3) The total of all blank facade segments, including garage doors,~~
22 ~~shall not exceed 40 percent of the street facade of the structure on each street frontage; or 55~~
23 ~~percent if the slope of the street frontage of the facade exceeds 7.5 percent.~~

1 ~~b. Blank facade limits for all other streets not specified in subsection~~
2 ~~23.48.240.B.2.a or Section 23.48.440.~~

3 1) ~~Blank facades are limited to segments 30 feet wide, except for~~
4 ~~garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet if~~
5 ~~the Director determines that the facade is enhanced by architectural detailing, artwork,~~
6 ~~landscaping, or other similar features that have visual interest. The width of garage doors shall be~~
7 ~~limited to the width of the driveway plus 5 feet.~~

8 2) ~~Any blank segments of the facade shall be separated by~~
9 ~~transparent areas at least 2 feet wide.~~

10 3) ~~The total of all blank facade segments, including garage doors,~~
11 ~~shall not exceed 70 percent of the street facade of the structure on each street frontage; or 78~~
12 ~~percent if the slope of the street frontage of the facade exceeds 7.5 percent.~~

13 c. ~~Blank facade limits do not apply to portions of structures in residential~~
14 ~~use.))~~

15 1. Transparency requirements

16 a. In SM zones in the SM-SLU, SM-NR, and SM-U geographic areas, on
17 Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, a minimum of 60
18 percent of the street-facing facade must be transparent, except that if the slope of the street
19 frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced
20 to 45 percent of the street-facing facade.

21 b. In all SM zones either within or outside specific geographic areas, for
22 all other streets not specified in subsection 23.48.040.B.1.a, a minimum of 30 percent of the
23 street-facing facade must be transparent, except that if the slope of the street frontage of the

1 facade exceeds 7.5 percent, the minimum amount of transparency required shall be reduced to 22
2 percent of the street-facing facade.

3 c. Only clear or lightly tinted glass in windows, doors, and display
4 windows is considered transparent. Transparent areas shall be designed and maintained to
5 provide views into and out of the structure. Except for institutional uses, no permanent signage,
6 window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items
7 shall completely block views into and out of the structure between 4 feet and 7 feet above
8 adjacent grade. The installation of temporary signs or displays that completely block views may
9 be allowed if such temporary installations comply with subsection 23.55.012.B.

10 2. Blank facade limits. Any portion of the street-facing facade that is not
11 transparent is considered to be a blank facade and is subject to the following:

12 a. In SM zones in the SM-SLU, SM-NR, and SM-U geographic areas, for
13 facades facing Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, the
14 following apply:

15 1) Blank facades are limited to segments 15 feet wide, except
16 segments with garage doors, which may exceed a width of 15 feet and may be as wide as the
17 driveway plus 5 feet. Blank facade width may be increased to 30 feet if the Director determines
18 that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar
19 features that have visual interest.

20 2) The total width of all blank facade segments, including garage
21 doors, shall not exceed 40 percent of the width of the street-facing facade of the structure on each
22 street frontage, or 55 percent of the width of the street-facing facade if the slope of the street
23 frontage of the facade exceeds 7.5 percent.

1 b. In all SM zones either within or outside specific geographic areas, all
2 other streets not specified in subsection 23.48.040.B.2.a are subject to the following:

3 1) Blank facades are limited to segments 30 feet wide, except for
4 garage doors, which may be exceed a width of 30 feet and may be as wide as the driveway plus 5
5 feet. Blank facade width may be increased to 60 feet if the Director determines as a Type I
6 decision that the facade is enhanced by architectural detailing, artwork, landscaping, or other
7 similar features that have visual interest.

8 2) The total width of all blank facade segments, including garage
9 doors, shall not exceed 70 percent of the width of the street-facing facade of the structure on each
10 street frontage; or 78 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

11 c. Any blank segment of a street-facing facade shall be separated by
12 transparent areas that are at least 2 feet wide.

13 C. Development standards for required street-level uses. Street-level uses that are
14 required by subsection 23.48.005.D, and street-level uses exempt from FAR calculations under
15 the provisions of subsection 23.48.220.B.2 or 23.48.620.B.2, whether required or not, shall meet
16 the following development standards:

17 ~~((1)A)~~ 1. Where street-level uses are required, a minimum of 75 percent of the
18 street-facing facade of each street frontage requiring street-level uses shall be occupied by uses
19 listed in subsection 23.48.005.D.1 ~~((at street level on all lots abutting streets designated as Class~~
20 1 Pedestrian Streets shown on Map A for 23.48.240 and Map A for 23.48.440)). The remaining
21 street-facing facade may contain other permitted uses or pedestrian or vehicular entrances.

1 2. There is no minimum frontage requirement for street-level uses provided at
2 locations where they are not required but are exempt from FAR calculations under the provisions
3 of subsection 23.48.220.B.2 or 23.48.620.B.2.

4 ~~((2))~~ 3. The space occupied by street-level uses shall have a minimum floor-to-
5 floor height of 13 feet and extend at least 30 feet in depth at street level from the street-front
6 facade.

7 4. If the minimum requirements of subsection 23.48.040.C.1 and the depth
8 requirements of subsection 23.48.040.C.2 would require more than 50 percent of the structure's
9 footprint to be occupied by required uses in subsection 23.48.005.D, the Director may modify the
10 street-facing facade or depth requirements, or both, so that no more than 50 percent of the
11 structure's footprint is required to be occupied by the required uses in subsection 23.48.005.D.

12 ~~((3))~~ 5. Street-level uses shall be located within 10 feet of the street lot line,
13 ~~except ((that if outdoor amenity area required in subsection 23.48.045.B, or other required open~~
14 ~~space, abuts the applicable street lot line and separates the street-facing facade from the street,~~
15 ~~the required street level use may abut the amenity area or open space.))~~ for the following:

16 a. Required street-level uses may be located more than 10 feet from the
17 applicable street lot line if they abut an outdoor amenity area provided to meet the requirements
18 of Section 23.48.045, or other required or bonused amenity area or open space provided for in
19 this Chapter 23.48 that separates the portion of the street-facing facade including the required
20 street-level uses from the street lot line;

21 b. If a street-level setback is required from the street lot line by the
22 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance that the street-level use is

1 allowed to set back from the street lot line shall be measured from the line established by the
2 required setback; and

3 c. If development standards in this Chapter 23.48 require modulation of
4 the street-facing facade at street level, the required street-level uses may abut the street-level
5 setback area provided to comply with the modulation standards.

6 ((4)) 6. Pedestrian access to street-level uses shall be provided directly from the
7 street, from permitted outdoor common amenity area, or ((~~abutting~~)) from required or bonused
8 open space abutting the street. Pedestrian entrances shall be located no more than 3 feet above or
9 below sidewalk grade or at the same elevation as the abutting permitted outdoor common
10 amenity area or required or bonused open space.

11 Section 19. Section 23.48.045 of the Seattle Municipal Code, enacted by Ordinance
12 124883, is amended as follows:

13 **23.48.045 Amenity area for residential uses**

14 A. Amenity area is required for all development with more than 20 new dwelling units.

15 B. Quantity of amenity area. An area equivalent to ((5)) five percent of the total gross
16 floor area in residential use shall be provided as amenity area, except that((7)) in no instance shall
17 the amount of required amenity area exceed the area of the lot. In determining the quantity of
18 amenity area required, accessory parking areas and areas used for mechanical equipment are
19 excluded from the calculation of gross floor area in residential use. For the purposes of this
20 subsection 23.48.045.B, bioretention facilities qualify as amenity area.

21 C. Standards for amenity area. Required amenity area shall meet the following standards:

22 1. All residents of the project shall have access to the required amenity area,
23 which may be provided at or above ground level.

1 2. A maximum of 50 percent of the required amenity area may be enclosed.

2 3. The minimum horizontal dimension for required amenity areas is 15 feet,
3 except that for amenity area that is provided as landscaped open space located at street level and
4 accessible from the street, the minimum horizontal dimension is 10 feet (~~for amenity areas~~
5 ~~provided as landscaped open space accessible from the street at street level~~)).

6 4. The minimum size of a required amenity area is 225 square feet.

7 ~~((4))~~ 5. Amenity area ~~((that is))~~ provided as landscaped ~~((, street level open space~~
8 ~~that is))~~ open space located at street level and accessible from the street shall be counted as twice
9 the actual area in determining the amount provided to meet the amenity area requirement.

10 ~~((5))~~ 6. ~~((In mixed use projects, any public))~~ Public open space provided ~~((for~~
11 ~~non-residential))~~ on a lot to meet open space requirements for non-residential uses on the lot or
12 to allow for extra non-residential floor area through a floor area bonus for open space amenities
13 according to the provisions of this Chapter 23.48 and Section 23.58A.040 ~~((development that~~
14 ~~meets the standards of this Section 23.48.045 satisfies))~~ may be used as area satisfying the
15 residential amenity area requirement for residential uses on the lot if the open space provided
16 meets the standards of this Section 23.48.045.

17 ~~((6))~~ 7. Parking areas, driveways, and pedestrian access, except for pedestrian
18 access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be
19 counted as amenity area except that a woonerf may provide a maximum of 50 percent of the
20 required amenity area if the design of the woonerf is approved through a design review process
21 pursuant to Chapter 23.41.

22 ~~((7))~~ 8. For a development that maintains a designated Seattle Landmark on the
23 lot, the Director may, as Type I decision and in consultation with the Director of Neighborhoods,

1 waive or modify the amenity area requirement if it is determined that maintaining the Landmark
2 structure significantly limits the ability to accommodate the required amenity area on the site.

3 ~~((§))~~ 9. For lots abutting a designated Neighborhood Green Street, up to 50
4 percent of the amenity area requirement may be met by ~~((contributing to the development of))~~
5 improving the abutting Neighborhood Green Street according to the standards for green street
6 improvements in Section 23.58A.040. The Director may waive the requirement that the
7 Neighborhood Green Street abut the lot and allow the improvement to be made to a
8 Neighborhood Green Street located in the general vicinity of the project if the Director
9 determines that the ~~((Neighborhood Green Street))~~ improvement will benefit residents of the
10 project.

11 Section 20. Section 23.48.055 of the Seattle Municipal Code, enacted by Ordinance
12 124883, is amended as follows:

13 **~~23.48.055 ((Screening and landscaping))~~ Landscaping and screening standards**

14 A. Landscaping requirements

15 1. All landscaping provided to meet the requirements of this Section 23.48.055
16 shall comply with the Director's rules adopted to foster the long-term health, viability, and
17 coverage of plantings. The Director's rules shall address, at a minimum, the type and size of
18 plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants.

19 2. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to
20 Section 23.86.019, is required for any lot with:

- 21 a. Development containing more than four new dwelling units; or
22 b. Development, either a new structure or an addition to an existing
23 structure, containing more than 4,000 square feet of non-residential uses; or

1 c. Any ~~((parking lot containing))~~ use with more than 20 new parking
2 spaces for automobiles.

3 3. Landscaping for required setback areas and berms. If development standards
4 require landscaping in setback areas or berms, each required setback area or berm shall be
5 planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian
6 access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative
7 pavers, street furnishings, sculptures, or fountains may cover a maximum of 30 percent of each
8 required landscaped area or berm. Landscaping shall be provided according to standards
9 promulgated by the Director. Landscaping designed to manage storm water qualifies as required
10 landscaping.

11 B. ~~((Where))~~ If screening ~~((or landscaping))~~ is required for specific uses in subsection
12 23.48.055.C, ~~((or when landscaping is required in setbacks as specified by development~~
13 ~~standards, the following types of screening and landscaping shall be provided))~~ 3-foot high
14 screening shall be provided on the lot lines specified in subsection 23.48.055.C. Except as
15 specified for parking located above street-level in subsection 23.48.055.C.3.c, the required
16 screening may be provided as

17 ~~((1. Three foot high screening on street lot lines. The required screening may be~~
18 ~~provided as either:~~

19 ~~a-A))~~ a fence, ~~((or))~~ wall, ~~((at least 3 feet in height; or~~

20 ~~b-A))~~ hedge, or landscaped berm ~~((at least 3 feet in height)).~~

21 ~~((2. Landscaping for setback areas and berms. Each setback area or berm required~~
22 ~~shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as~~
23 ~~pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design,~~

1 ~~decorative pavers, sculptures, or fountains may cover a maximum of 30 percent of each required~~
2 ~~landscaped area or berm. Landscaping shall be provided according to standards promulgated by~~
3 ~~the Director. Landscaping designed to provide treatment for storm water runoff qualifies as~~
4 ~~required landscaping.))~~

5 C. Screening for specific uses

6 1. Gas stations shall provide 3-foot high screening along lot lines abutting all
7 streets, except within required sight triangles.

8 2. Surface parking areas

9 a. Surface parking areas abutting streets. Surface parking areas shall
10 provide 3-foot high screening along the lot lines abutting all streets, except within required sight
11 triangles.

12 b. Surface parking areas abutting alleys. Surface parking areas shall
13 provide 3-foot high screening along the lot lines abutting an alley. The Director may reduce or
14 waive the screening requirement for part or all of the lot line abutting the alley when required
15 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

16 3. Parking in structures. Except as provided for by subsection 23.48.085.B,
17 parking located at or above street level in a garage shall be screened ~~((according to the following~~
18 ~~requirements.))~~ as follows:

19 a. On Class 1 and Class 2 Pedestrian Streets~~((and Neighborhood Green~~
20 Streets shown on Map A for 23.48.240 and Map A for 23.48.440, and on all streets in SM-U
21 zones, parking is not permitted at street level unless separated from the street by other uses,
22 provided that garage doors need not be separated. The facade of the separating uses shall be
23 subject to the transparency and blank facade standards in Section 23.48.040.

1 b. On all other streets, parking is permitted at street level (~~when~~) if at
2 least 30 percent of the street frontage of the parking area, excluding that portion of the frontage
3 occupied by garage doors, is separated from the street by other uses. The facade of the separating
4 uses shall be subject to the transparency and blank facade standards in Section 23.48.040. The
5 remaining parking shall be screened from view at street level and the street facade shall be
6 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

7 c. The perimeter of each floor of parking above street level shall have an
8 opaque screen at least 3.5 feet high, except in the SM-SLU (~~zone~~) and SM-U zones, where
9 specific requirements for the location and screening of parking located on stories above the street
10 level apply.

11 4. Fences or free-standing walls associated with utility services uses may obstruct
12 or allow views to the interior of a site. Where site dimensions and site conditions allow,
13 applicants are encouraged to provide both a landscaped setback between the fence or wall and
14 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,
15 through the height, design, or construction of the fence or wall, including the use of materials,
16 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any
17 fence or free-standing wall for a utility service use shall provide either:

18 a. A landscaped area a minimum of 5 feet in depth between the wall or
19 fence and the street lot line; or

20 b. Architectural detailing, artwork, vegetated trellises, decorative fencing,
21 or similar features to provide visual interest facing the street lot line, as approved by the Director.

22 D. Street trees requirements

1 ~~((1. Street trees shall be provided in all planting strips. Existing street trees may~~
2 ~~count toward meeting the street tree requirement.~~

3 ~~2. Exceptions to street tree requirements~~

4 ~~a. Street trees are not required when a change of use is the only permit~~
5 ~~requested.~~

6 ~~b. Street trees are not required for temporary use permits.~~

7 ~~c. Street trees are not required if an existing structure is expanded by less~~
8 ~~than 1,000 square feet. Generally, two street trees shall be required for each additional 1,000~~
9 ~~square feet of expansion. Rounding of fractions pursuant to subsection 23.86.002.B is not~~
10 ~~permitted. The number of street trees shall be controlled by the Seattle Department of~~
11 ~~Transportation standard.~~

12 ~~3. If it is not feasible to plant street trees according to City standards, either a~~
13 ~~landscaped setback a minimum of 5 feet deep is required along the street lot line, or landscaping~~
14 ~~other than trees may be located in the planting strip according to Department of Transportation~~
15 ~~standards. The street trees shall be planted in the landscaped area at least 2 feet from the street lot~~
16 ~~line if they cannot be placed in the planting strip.))~~

17 1. Street trees are required when any development is proposed, except as provided
18 in subsection 23.48.055.D.2 and Section 23.53.015. Existing street trees shall be retained unless
19 the Director of Transportation approves their removal. The Director, in consultation with the
20 Director of Transportation, will determine the number, type, and placement of street trees to be
21 provided:

22 a. To improve public safety;

23 b. To promote compatibility with existing street trees;

1 c. To match trees to the available space in the planting strip;

2 d. To maintain and expand the urban forest canopy;

3 e. To encourage healthy growth through appropriate spacing;

4 f. To protect utilities; and

5 g. To allow access to the street, buildings, and lot.

6 2. Exceptions to street tree requirements:

7 a. If a lot borders an unopened right-of-way, the Director may reduce or
8 waive the street tree requirement along that street if, after consultation with the Director of
9 Transportation, the Director determines that the street is unlikely to be opened or improved.

10 b. Street trees are not required for any of the following:

11 1) Establishing, constructing, or modifying single-family dwelling
12 units;

13 2) Changing a use, or establishing a temporary use or intermittent
14 use;

15 3) Expanding a structure by 1,000 square feet or less; or

16 4) Expanding surface area parking by less than ten percent in area
17 and less than ten percent in number of spaces.

18 3. When an existing structure is proposed to be expanded by more than 1,000
19 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of
20 additional structure, up to the maximum number of trees that would be required for new
21 construction.

22 4. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot
23 setback shall be planted with street trees along the street property line or landscaping other than

1 trees shall be provided in the planting strip, subject to approval by the Director of Transportation.

2 If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is
3 not feasible, the Director may reduce or waive this requirement.

4 Section 21. Section 23.48.085 of the Seattle Municipal Code, enacted by Ordinance
5 124883, is amended as follows:

6 **23.48.085 Parking and loading location, access, and curb cuts**

7 A. Parking accessory to non-residential uses may be provided on-site and/or within 800
8 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Off-site
9 parking.

10 B. Parking at street level within structures

11 1. ~~((Except as permitted under))~~ Parking located at street level in a structure is
12 subject to the provisions of subsections 23.48.055.C.3.a and 23.48.055.C.3.b, except as provided
13 for in subsections 23.48.085.B.2 and 23.48.085.B.3~~((, parking is not permitted at street level~~
14 ~~unless separated from the street by other uses, provided that garage doors need not be~~
15 ~~separated))~~.

16 2. Due to physical site conditions such as topographic or geologic conditions,
17 parking is permitted in stories that are partially below street level and partially above street level
18 without being separated from the street by other uses, if:

19 a. The street front portion of the parking that is at or above street level
20 does not abut a Class 1 Pedestrian Street requiring street-level uses; and

21 b. The street front portion of the parking that is at or above street level,
22 excluding garage and loading doors and permitted access to parking, is screened from view at the
23 street level; and

1 c. The street-facing facade is enhanced by architectural detailing, artwork,
2 landscaping, stoops, and porches providing access to residential uses, or similar visual interest
3 features.

4 3. Parking is permitted in a story that is partially above (~~(street level)~~) street level
5 and partially below (~~(street level)~~) street level in a structure permitted in a setback area under the
6 provisions of subsection 23.48.240.C.2.b.

7 C. Accessory surface parking is permitted under the following conditions, except as
8 provided by (~~(Section)~~) Sections 23.48.285 and 23.48.685:

9 1. All accessory surface parking shall be located at the rear or to the side of the
10 principal structure.

11 2. The amount of lot area allocated to accessory surface parking shall be limited
12 to 30 percent of the total lot area. For parking that is accessory to a use on another site, this
13 requirement is applied to the lot on which the parking is located.

14 D. Parking and loading access. If a lot abuts more than one right-of-way, the location of
15 access for parking and loading shall be determined by the Director, depending on the
16 classification of rights-of-way according to the following:

17 1. Access to parking and loading shall be from the alley when the lot abuts an
18 alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and
19 loading access would not create a significant safety hazard as determined by the Director.

20 2. If the lot does not abut an improved alley, or use of the alley for parking and
21 loading access would create a significant safety hazard as determined by the Director, parking
22 and loading access may be permitted from the street. If the lot abuts more than one street, the
23 location of access is determined by the Director, as a Type I decision, after consulting with the

1 Director of Transportation. ~~((Unless))~~ For SM zone designations in the SM-SLU, SM-NR, and
2 SM-U geographic areas with pedestrian street classifications, unless the Director otherwise
3 determines under subsection 23.48.085.D.3, access is allowed only from a right-of-way in the
4 category ~~((,determined by the classifications shown on either Map A for 23.48.240 or Map A for~~
5 ~~23.48.440 that is most))~~ preferred among the categories of rights-of-way abutting the lot,
6 according to the ranking set forth below, from most to least preferred (a portion of a street that is
7 included in more than one category is considered as belonging only to the least preferred of the
8 categories in which it is included)~~((-))~~:

- 9 a. An undesignated street;
- 10 b. Class ~~((1))~~ 2 Pedestrian Street;
- 11 c. Class ~~((2))~~ 1 Pedestrian Street;
- 12 d. ~~((Designated))~~ Neighborhood Green Street.

13 3. The Director may allow or require access from a right-of-way other than one
14 indicated ~~((by subsection 23.48.085.D.1 or 23.48.085.D.2))~~ as the preferred category in this
15 subsection 23.48.085.D if, after consulting with the Director of Transportation, the Director finds
16 that an exception to the access requirement is warranted. The Director shall base the decision on
17 granting an exception on any of the following: whether and to what extent alternative locations
18 of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the
19 movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or
20 minimize hazards ~~((,the Director finds that an exception to the access requirements is~~
21 ~~warranted))~~. Curb cut controls on designated Neighborhood Green Streets shall be evaluated on a
22 case-by-case basis, but generally access from Neighborhood Green Streets is not allowed if
23 access from any other right-of-way is possible.

1 E. Curb cut width and number

2 1. Permitted access shall be limited to one two-way curb cut. In the event the site
3 is too small to permit one two-way curb cut, two one-way curb cuts shall be permitted.

4 2. Curb cut width (~~(and number of curb cuts)~~) shall satisfy the provisions of
5 Section 23.54.030(~~(, except as modified in this Section 23.48.085)~~).

6 Section 22. Subsection 23.48.240.B of the Seattle Municipal Code, which section was
7 enacted by Ordinance 124883, is amended as follows:

8 **23.48.240 Street-level development standards in South Lake Union Urban Center**

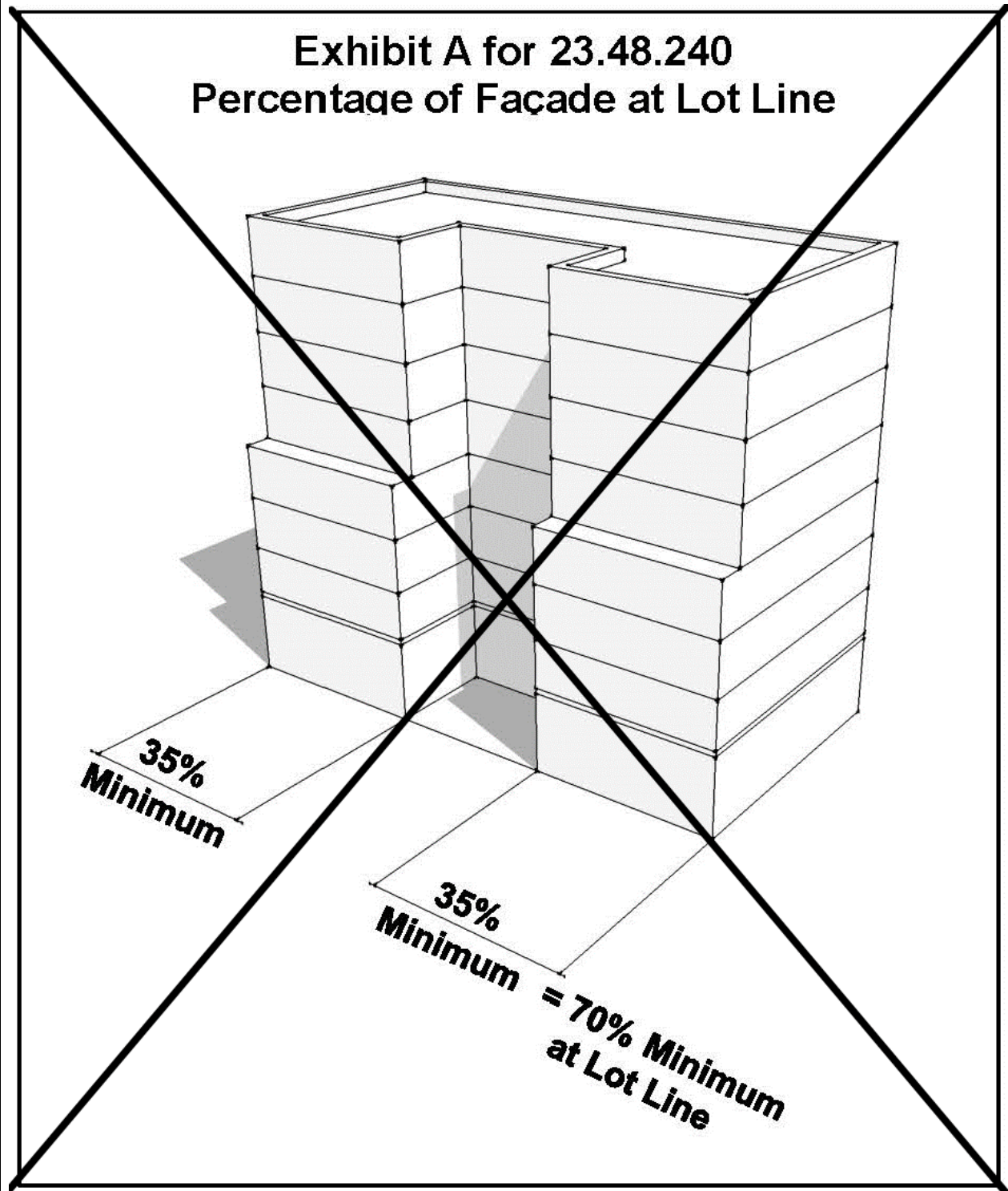
9 * * *

10 B. General facade requirements

11 1. Permitted setbacks from street lot lines. Except on lots subject to the provisions
12 of subsection 23.48.240.C, the street-facing facades of a structure are permitted to set back from
13 the street lot line as follows:

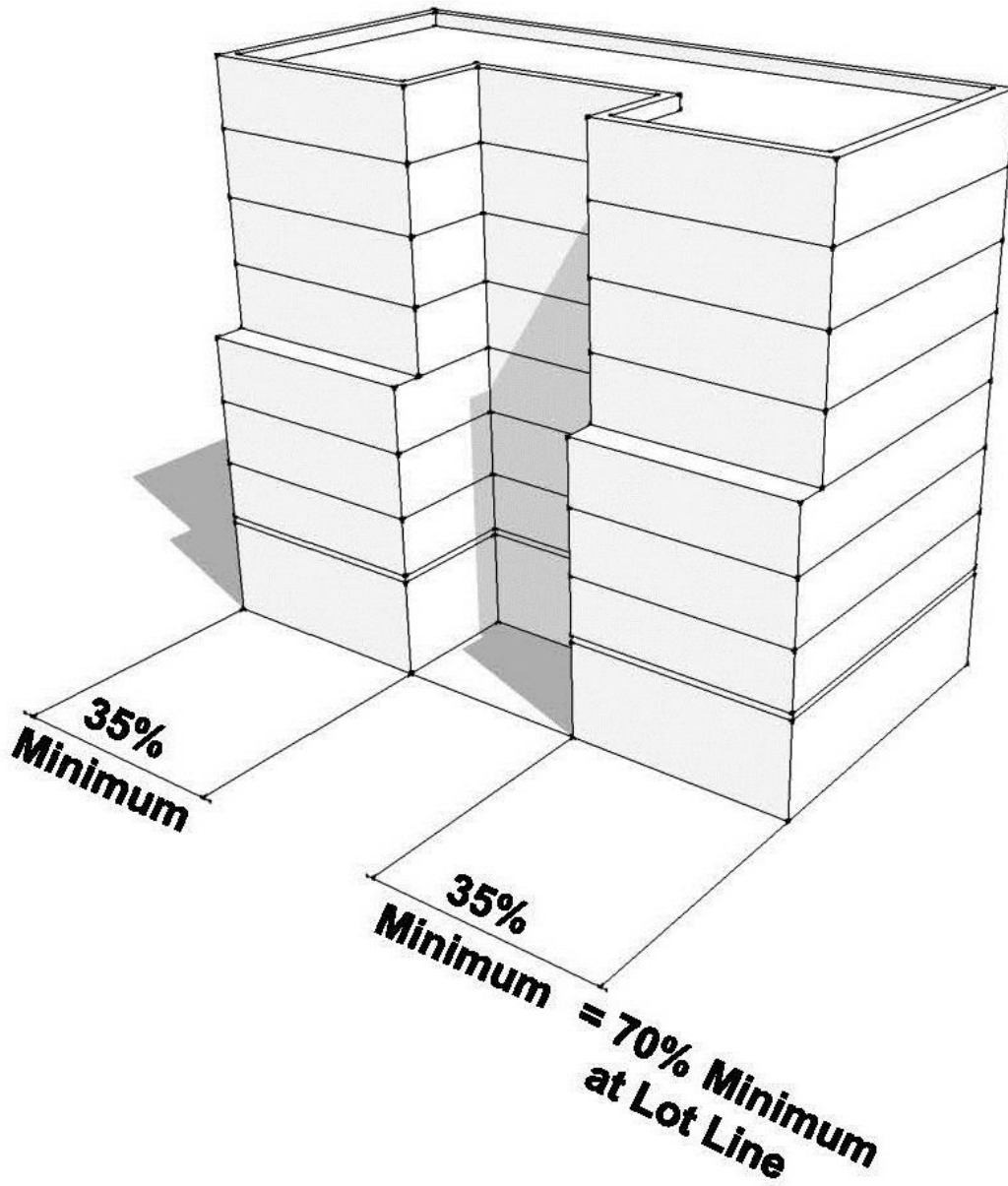
14 a. The street-facing facades of structures abutting Class 1 Pedestrian
15 Streets, as shown on Map A for 23.48.240, shall be built to the street lot line for a minimum of
16 70 percent of the facade length, provided that the street frontage of any required outdoor amenity
17 area, or other required open space, or usable open space provided in accordance with subsections
18 23.48.240.E, 23.48.240.F, or 23.48.245.B.4.c is excluded from the total amount of frontage
19 required to be built to the street lot line (Exhibit A for 23.48.240).

- 1 **Exhibit A for 23.48.240**
- 2 **Percentage of ((Facade)) facade at ((Lot-Line)) lot line**



3

Exhibit A for 23.48.240 Percentage of facade at lot line



1 **Map A for 23.48.240**
2 **Pedestrian Street Classifications in South Lake Union**



3

1 23.48 supplement the provisions of Subchapter I of Chapter 23.48. In cases of conflicts between
2 the provisions in Subchapter I of Chapter 23.48 and this Subchapter V of Chapter 23.48, the
3 provisions in this Subchapter V shall govern.

4 **23.48.605 Uses in SM-U zones**

5 A. Conditional uses. Principal use parking garages shall only be permitted as an
6 administrative conditional use if the provisions of subsection 23.48.605.B are met.

7 B. To approve a principal use parking garage as an administrative conditional use, the
8 Director shall, after consulting with the Director of Transportation, find that:

9 1. Traffic from the garage will not have substantial adverse effects on peak hour
10 traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage;

11 2. The vehicular entrances and exits to the garage are located so that they will not
12 disrupt traffic, pedestrian circulation, bicycle circulation, or transit routes;

13 3. The garage will be operated by a parking company whose primary purpose is to
14 support the University Community Urban Center business community by providing and
15 managing parking facilities for its customers, business owners, and employees.

16 C. Required street-level uses

17 1. One or more of the following uses listed in this subsection 23.48.605.C.1 are
18 required at street level along the street-facing facades abutting streets shown on Map A for
19 23.48.605:

20 a. General sales and service uses;

21 b. Eating and drinking establishments;

22 c. Entertainment uses;

23 d. Public libraries;

- 1 e. Public parks; (~~and~~)
- 2 f. Arts facilities;
- 3 g. Religious facilities;
- 4 h. Human services uses;
- 5 i. Child care facilities; and
- 6 j. Light rail transit stations.

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

9

1
2

Map A for 23.48.605 Locations of street-level use requirements



3

1 **23.48.615 Structure height in SM-U zones**

2 A. Maximum height limits.

3 1. The maximum structure height in SM-U zones is shown as the number(s)
4 following the zone designation. For zones that include two numbers, the first number of the
5 height suffix is the height limit for midrise structures and the second number following the dash
6 is the maximum height limit for highrise structures. A highrise structure is any structure that
7 exceeds the height limit for midrise structures, excluding rooftop features. Highrise structures are
8 subject to the highrise floor area limits in subsection 23.48.645.A.

9 2. A minimum lot size of 12,000 square feet is required for a highrise structure.

10 B. Provisions for rooftop features allowed above the height limit are in subsection
11 23.48.025.C. For zones with two height limits in the height suffix, the provisions in subsection
12 23.48.025.C apply to both height limits.

13 **23.48.620 Floor area ratio in SM-U zones**

14 A. Floor area ratio (FAR) limits. Except as otherwise specified in this Section 23.48.620,
15 FAR limits for the SM-U 85 zone are as shown in Table A for 23.48.620; FAR limits for the
16 SM-U/R 75-240 zone are as shown in Table B for 23.48.620; and FAR limits for the SM-U 75-
17 240 and the SM-U 95-320 zones are as shown in Table C for 23.48.620.

Table A for 23.48.620 FAR limits for SM-U 85 zone	
Base FAR	Maximum FAR
4.75	6.0

18

Table B for 23.48.620
FAR limits for SM-U/R 75-240 zone

FAR limit for non-residential uses	FAR limits for residential uses and mixed use ¹		
	Base FAR	Maximum FAR for lots with structures that do not exceed the midrise height limit ²	Maximum FAR for lots with a highrise structure
0.5	4.75	6	10

Footnotes to Table B for 23.48.620

¹ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

² Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.

1

Table C for 23.48.620
FAR limits for SM-U 75-240 and SM-U 95-320 zones

Zone	FAR limits for lots with structures that do not exceed the midrise height limit ¹		
	Base FAR	Maximum FAR	
SM-U 75-240 SM-U 95-320	4.75	6	

Zone	FAR limits for lots with a highrise structure		
	Base FAR for all uses	Maximum FAR for non-residential uses	Maximum FAR for residential uses and for all uses in a mixed-use development ²
SM-U 75-240	4.75	7	10
SM-U 95-320	4.75	7	12

Footnotes to Table C for 23.48.620

¹ Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.

² For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

1
 2 B. Additional increment of chargeable floor area above the base FAR. On lots that
 3 include uses or features specified in this subsection 23.48.620.B, an additional increment of
 4 chargeable floor area is permitted above the base FAR as follows:

5 1. For all SM-U zones, an additional increment of 0.5 FAR is permitted above the
 6 base FAR of the zone shown on Table A, Table B, or Table C for 23.48.620 if a lot includes one
 7 or more qualifying Landmark structures, subject to the following conditions:

8 a. The structure is rehabilitated to the extent necessary so that all features
 9 and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good
 10 condition and consistent with the applicable ordinances and with any certificates of approval

1 issued by the Landmarks Preservation Board, all as determined by the Director of
2 Neighborhoods; and

3 b. A notice is recorded in the King County real estate records, in a form
4 satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of
5 this Chapter 23.48.

6 c. For purposes of this subsection 23.48.620.B, a "qualifying Landmark" is
7 a structure that:

8 1) is subject, in whole or in part, to a designating ordinance
9 pursuant to Chapter 25.12; and

10 2) is on a lot on which no improvement, object, feature, or
11 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
12 designating ordinance.

13 d. A qualifying Landmark that allows for the additional increment of FAR
14 under this subsection 23.48.620.B.1 is not eligible as a Landmark transferable development
15 rights (TDR) or transferable development rights (TDP) sending site. For so long as any of the
16 chargeable floor area of the increment allowed above the base FAR of the zone under this
17 subsection 23.48.620.B.1 remains on the lot, each Landmark for which the increment was
18 granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall
19 maintain the exterior and interior of each qualifying Landmark in good condition and repair and
20 in a manner that preserves the features and characteristics that are subject to designation or
21 controls by ordinance unless the Landmarks Preservation Board has issued a certificate of
22 approval for the modification or demolition of the Landmark.

1 e. In the SM-U/R 75-240 zone, the additional increment of chargeable
2 floor area allowed above the base FAR shall be for residential use only.

3 2. For all SM-U zones, an additional increment of up to 0.5 FAR is permitted
4 above the base FAR of the zone if a lot includes a human service use, subject to the following
5 conditions:

6 a. The amount of the additional increment of FAR permitted above the
7 base FAR under this subsection 23.48.620.B.2 shall not exceed the gross square footage of floor
8 area in the human service use.

9 b. The minimum area provided for one or more human service uses shall
10 be 2,500 square feet of interior space;

11 c. The location of the human service use shall be accessible to the elderly
12 and disabled, with exterior and interior directional signage clearly visible from the street;

13 d. The space shall be occupied by a human service use for the life of the
14 project on the lot. If the property owner is unable to secure a human service use to occupy the
15 space, after a six-month period, if the space remains unoccupied, it may be used for non-profit
16 purposes as a community and/or public area, under the following conditions:

17 1) The space shall be made available to community and charitable
18 organizations and is not to be used for profit-making activities;

19 2) The space shall be made available for both day and evening use;

20 3) The space shall be made available on a first-come, first-served
21 basis to community and charitable organizations;

22 4) There shall be no charge for use of the space, except for any
23 costs that may be necessary by the interim use; and

1 3. For the SM-U 75-240 and SM-U 95-320 zones, an additional increment of 0.5
2 FAR is permitted above the base FAR of the zone as shown on Table C for 23.48.620 if a lot
3 includes a preschool, an elementary school, or a secondary school, provided that the school
4 meets the conditions for floor area exempt from FAR in subsection 23.48.620.C.4.

5 4. For the SM-U 85 zone, an additional increment of chargeable floor area up to
6 0.5 FAR is permitted above the base FAR of the zone shown on Table A for 23.48.620 for a lot
7 that includes one or more vulnerable masonry structures included on a list of structures that meet
8 specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that
9 the following conditions are met:

10 a. The amount of the additional increment of FAR permitted above the
11 base FAR under this subsection 23.48.620.B.4 shall not exceed the gross square footage of floor
12 area in the vulnerable masonry structures retained on the lot, and shall in no case exceed 0.5
13 FAR; and

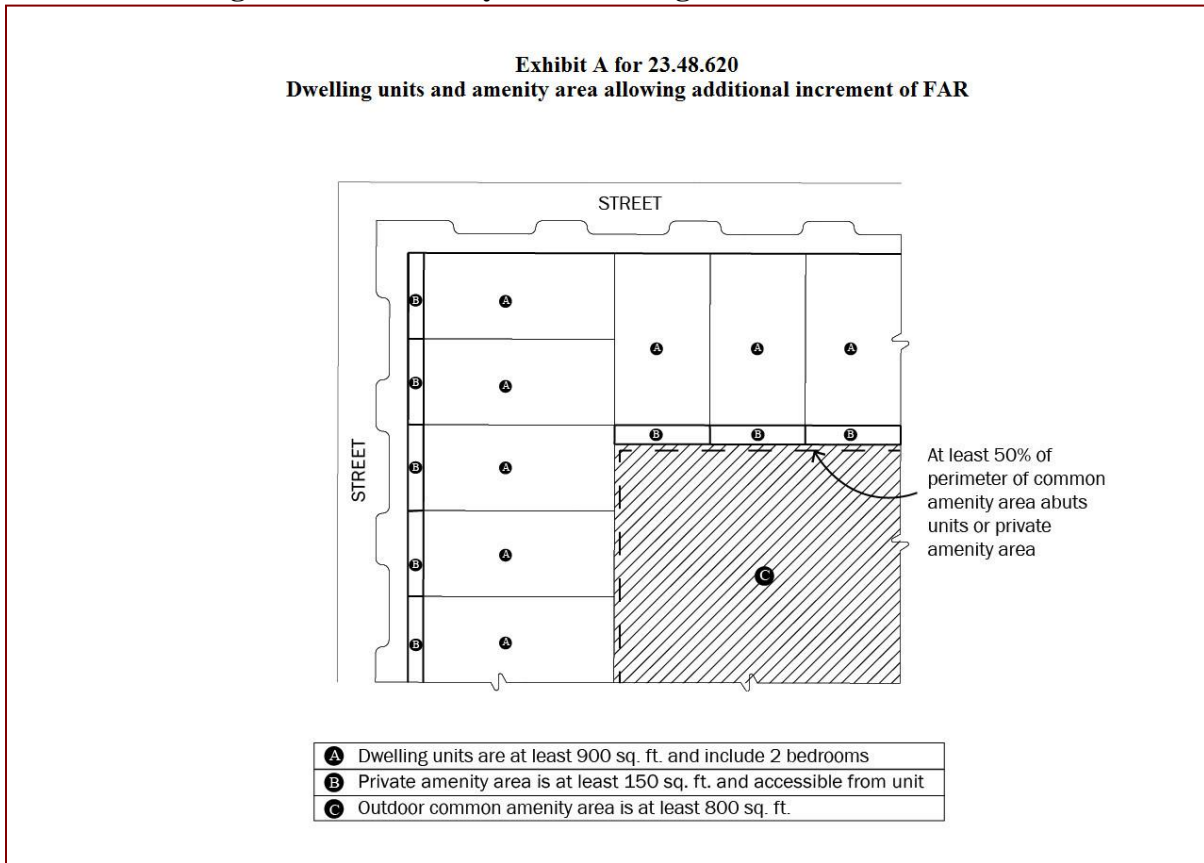
14 b. The vulnerable masonry structure shall be retained according to the
15 provisions of subsection 23.58A.042.F.3 for a structure that qualifies as a vulnerable masonry
16 structure TDR or TDP sending site, and the structure shall be retained on the lot for the life of the
17 project.

18 5. For all SM-U zones, an additional increment of 0.5 FAR is permitted above the
19 base FAR of the zone for a lot that includes residential dwelling units that comply with all of the
20 following conditions, as illustrated in Exhibit A for 23.48.620:

21 a. Unit number and size. The project includes a minimum of ten dwelling
22 units that each have a minimum area of 900 gross square feet and include two or more bedrooms;

1
2

Exhibit A for 23.48.620 Dwelling units and amenity area allowing additional increment of FAR



3
4

5 6. The additional chargeable floor area allowed as an increment above the base
6 FAR for individual uses and features specified in this subsection 23.48.620.B may be combined,
7 provided that in no case shall the total amount of additional chargeable floor area allowed above
8 the base FAR exceed 1 FAR and in no case shall more than one increment of additional floor
9 area be allowed for the same use or feature on the lot.

10 7. Extra floor area achieved as provided for in Section 23.48.622 shall be
11 chargeable floor area added above the increment of FAR allowed under the provisions of this
12 subsection 23.48.620.B.

13 C. Floor area exempt from FAR. In addition to the exempt floor area identified in
14 subsection 23.48.020.D, the following floor area is exempt from FAR limits:

1 1. The floor area contained in a Landmark structure subject to controls and
2 incentives imposed by a designating ordinance if the owner of the Landmark has executed and
3 recorded an agreement acceptable in form and content to the Landmarks Preservation Board
4 providing for the rehabilitation and maintenance of the historically significant features of the
5 structure including but not limited to a certificate of approval for the modification of the
6 Landmark. This exemption does not apply to a lot from which a Landmark TDR or TDP has
7 been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or
8 TDP available for transfer under Chapter 23.58A;

9 2. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.005.D,
10 whether required or not, that meet the development standards of subsection 23.48.040.C;

11 3. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.005.D
12 that abut and have access onto a mid-block corridor meeting the standards of subsection
13 23.48.640.F and the applicable standards in Section 23.58A.040;

14 4. Floor area for a preschool, an elementary school, or a secondary school, which
15 may include minimum space requirements for associated uses including but not limited to
16 academic core functions, child care, administrative offices, a library, maintenance facilities, food
17 service, interior recreation, and specialty instruction space, provided that;

18 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
19 letter to the Director from the operator of the school indicating that, based on the Master Use
20 Permit plans, the operator has determined that the development would meet the operator's
21 specifications; and

1 b. Prior to issuance of a building permit, the applicant shall submit a
2 written certification by the operator to the Director that the operator's specifications have been
3 met;

4 5. Floor area used for theaters or arts facilities, which for the purposes of this
5 Section 23.48.620 may be operated either by for-profit or not-for-profit organizations;

6 6. Floor area in a vulnerable masonry structure included on a list of structures that
7 meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided
8 that the structure is retained for a minimum of 50 years according to the provisions that apply to
9 a qualifying “vulnerable masonry structure” TDR or TDP sending site in subsection
10 23.58A.042.F.3;

11 7. All gross floor area of a light rail transit station and related passenger
12 amenities;

13 8. All gross floor area of a human service use;

14 9. Floor area in enclosed portions of a mid-block corridor or other enclosed open
15 space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where
16 the feature is located. The exemption applies regardless of whether a floor area bonus is
17 obtained;

18 10. Up to a maximum of 50,000 square feet of the floor area occupied by a City
19 facility, including but not limited to fire stations and police precincts, but not a City facility
20 predominantly occupied by office use; and

21 11. Up to 25,000 square feet of a community center that is open to the general
22 public for a minimum of six hours per day, five days per week, 42 weeks per year.

1 **23.48.621 Mandatory housing affordability (MHA) in SM-U zones**

2 SM-U zones located in the University Community Urban Center are subject to the provisions of
3 Chapters 23.58B and 23.58C.

4 **23.48.622 Extra floor area in SM-U zones**

5 A. Means to achieve extra floor area above the base FAR, or above the additional
6 increment of chargeable floor area allowed above the base FAR by subsection 23.48.620.B

7 1. General. The applicant shall:

8 a. Achieve 65 percent of the extra floor area on the lot by using bonus
9 residential floor area for affordable housing pursuant to Section 23.58A.014 or bonus non-
10 residential floor area for affordable housing and child care pursuant to Section 23.58A.024;
11 and

12 b. Achieve 35 percent of the extra floor area through the use of one or
13 more of the following options:

14 1) Acquiring open space, Landmark, or vulnerable masonry TDR
15 or TDP according to Sections 23.48.623 and 23.58A.042; or

16 2) Providing open space amenities according to Sections 23.48.624
17 and 23.58A.040.

18 2. Extra floor area in mixed-use projects. In a project that exceeds the base FAR,
19 or exceeds the increment of additional chargeable floor area allowed above the base FAR under
20 subsection 23.48.620.B, and that includes both residential and non-residential uses, the amount
21 of extra residential floor area and extra non-residential floor area to be obtained shall be
22 calculated as follows:

1 a. Relative to the total chargeable gross floor area of all uses in the project,
2 determine the percentage that is in residential use and the percentage that is in non-residential
3 use.

4 b. Determine the total amount of extra floor area in the project above the
5 base FAR, or above the increment of additional chargeable floor area allowed above the base
6 FAR under subsection 23.48.620.B, and, using the percentages derived in subsection
7 23.48.622.B.1, divide this total amount to determine the share of extra floor area that is to be
8 obtained as extra residential floor area and the share that is to be obtained as extra non-residential
9 floor area according to the applicable provisions of the zone.

10 B. Green building performance. Applicants for development containing any extra
11 floor area in SM-U zones shall make a commitment that the proposed development will meet the
12 green building standard and shall demonstrate compliance with that commitment, all in
13 accordance with Chapter 23.58D.

14 **23.48.623 Transfer of development rights (TDR) and potential (TDP) in SM-U zones**

15 A. General standards

16 1. For the purposes of this Section 23.48.623, the transfer of development rights
17 to gain extra non-residential floor area in a project on a receiving site is TDR and the transfer of
18 development potential to gain extra residential floor area in a project on a receiving site is TDP.

19 2. The following types of TDR and TDP may be transferred to the extent
20 permitted in Table A for 23.48.623, subject to the limits and conditions of this Chapter 23.48 and
21 the standards for the use of TDR and TDP in Section 23.58A.042:

- 22 a. Landmark TDR and TDP;
23 b. Open space TDR and TDP; and

1 c. Vulnerable masonry structure TDR and TDP.

Table A for 23.48.623 Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
SM-U 85, SM-U 75-240, and SM-U 95-320	S, R	S, R	S, R
SM-U/R 75-240	S, R ¹	S, R ¹	S, R ¹
NC3-55 ² , NC3-65 ²	S	S	S

S = Eligible sending lot location
 R = Eligible receiving lot location
 Footnotes to Table A for 23.48.623
¹ Only TDP can be used on receiving lots
² Only lots located within the University Community Urban Center west of 15th Avenue NE.

2
 3 B. Sending sites. Eligible sending site locations are shown on Table A for 23.48.623.

4 Eligible TDR and TDP sending sites shall meet the definition of an open space, vulnerable
 5 masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A and comply with
 6 all applicable standards in this Chapter 23.48 and Section 23.58A.042.

7 C. Receiving sites. Receiving site locations are shown on Table A for 23.48.623. Only
 8 lots zoned SM-U within the University Community Urban Center west of 15th Avenue NE are
 9 eligible receiving sites, and the amount of extra floor area that can be gained through the use of
 10 TDR and TDP on an eligible receiving site is specified in Section 23.48.622.

11 D. Except as provided in subsection 23.47A.009.E.2.b, the maximum amount of TDR
 12 and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor
 13 area equivalent to the numerical value of the base FAR of the zone in which the sending site is
 14 located, as shown on Table A, Table B, and Table C for 23.48.620, multiplied by the lot area of

1 the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and
2 TDP previously transferred.

3 **23.48.624 Bonus floor area for open space amenities in SM-U zones**

4 A. In SM-U zones, extra floor area may be gained above the base FAR specified for the
5 zone in Section 23.48.620 in projects that provide open space amenities in accordance with
6 Section 23.58A.040 and subject to the limits and conditions of Section 23.48.622 and this
7 Section 23.48.624.

8 B. The following open space amenities are eligible for a floor area bonus to gain an
9 amount of extra floor area specified in Section 23.48.622:

- 10 1. Neighborhood open space;
- 11 2. Green street improvements on designated Neighborhood Green Streets shown
12 on Map A for 23.48.640;
- 13 3. Green street setback on lots abutting a designated Neighborhood Green Street
14 shown on Map A for 23.48.640; and
- 15 4. Mid-block corridor.

16 C. To be eligible for a floor area bonus, open space amenities shall comply with the
17 applicable development standards and conditions specified in Section 23.58A.040, except that
18 for a mid-block corridor, in addition to the conditions of Section 23.58A.040, the provisions of
19 subsection 23.48.640.E apply.

20 **23.48.627 Combined lot development in SM-U zones**

21 A. Lots located on the same block in any SM-U zone may be combined, whether
22 contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable

1 floor area on one or more such lots under this Chapter 23.48 to be used on one or more other lots,
2 according to the provisions of this Section 23.48.627.

3 B. The applicable FAR for all lots in a combined lot development where all lots are
4 located in the same zone shall be based on the height limit that applies to the tallest structure
5 proposed in the combined lot development.

6 C. If the lots of a combined lot development are located in different zones, the FAR for
7 any lot shall be the applicable FAR of the zone in which it is located, based on the height of the
8 structure proposed on the lot.

9 D. In the SM-U 75-240 and SM-U 95-320 zones, any structure exceeding the height limit
10 for midrise structures in a combined lot development must be located on an individual lot that
11 meets the minimum size requirements of subsection 23.48.615.A.2.

12 E. In a combined lot development that includes a lot in the SM-U/R zone, the amount of
13 floor area in non-residential uses on any individual lot in the SM-U/R zone cannot exceed the
14 FAR limit for non-residential uses on Table B for 23.48.620 as applied to that lot individually.

15 F. Within the combined lot, the permitted chargeable floor area from one lot, referred to in
16 this Section 23.48.627 as the "reduced lot," may be allowed on one or more other lots on the
17 same block, referred to in this Section 23.48.627 as the "increased lot(s)," up to the maximum
18 FAR limit.

19 G. Gross floor area allowed on the increased lot shall be allowed in the following
20 order:

21 1. The first amount of gross floor area allowed on the increased lot shall be the
22 chargeable floor area allowed up to the base FAR calculated on the increased lot, minus any
23 existing chargeable floor area on the lot, and shall not be considered extra floor area.

1 2. The second amount of gross floor area allowed on the increased lot shall be
2 all gross floor area allowed above the base FAR up to the maximum FAR calculated on the
3 increased lot and shall be considered extra floor area.

4 3. The third amount of gross floor area allowed on the increased lot shall be all
5 gross floor area allowed above the base FAR up to the maximum FAR calculated on the
6 reduced lot and shall be considered extra floor area.

7 4. The last amount of gross floor area allowed on the increased lot shall be all
8 gross floor area allowed below the base FAR calculated on the reduced lot, minus any existing
9 chargeable floor area on the lot, and shall not be considered extra floor area.

10 H. The fee owners of each lot within the combined lot shall execute an agreement or
11 instrument, which shall include the legal descriptions of each lot and shall be recorded in the
12 King County Recorder’s Office. In the agreement or instrument, the owners shall acknowledge
13 the extent to which development capacity on the reduced lot shall be reduced by the use of
14 chargeable floor area on the increased lot. The agreement or instrument shall also provide that
15 such standards and conditions in this Section 23.48.627 shall covenant and run with the land
16 and shall be specifically enforceable by the parties and by The City of Seattle.

17 I. Development on any lot in a combined lot development shall not exceed or deviate
18 from height limits or other development standards, except as specified in this Section
19 23.48.627.

20 **23.48.630 Adoption of vulnerable masonry structures rules**

21 A. The Director shall promulgate a rule listing the structures that meet the following
22 eligibility criteria as a “vulnerable masonry structure” (VMS) TDR or TDP sending site under

1 subsection 23.58A.042.F and that, as a vulnerable masonry structure, are exempt from the
2 calculations for chargeable FAR under subsection 23.48.620.C.6:

3 1. The structure is included in the Department of Neighborhoods Historic
4 Resource Survey and has an assigned status classification as either Yes-Inventory or Yes-Hold;
5 and

6 2. The structure has unreinforced masonry bearing walls and is included in the list
7 of unreinforced masonry structures (URMs) identified by the Department in April 2016, or any
8 subsequent list pursuant to subsection 23.48.630.B. with a classification of Critical Risk (C),
9 High Risk (H), or Medium Risk (M).

10 B. The Director shall periodically update the list to respond to changed conditions and
11 remove or add structures to the list to maintain consistency with the criteria specified in
12 subsection 23.48.630.A.

13 **23.48.635 Maximum width and depth limits in SM-U zones**

14 A. The maximum width and depth limit of a structure is 250 feet, except as otherwise
15 provided in this Section 23.48.635. The width and depth limits do not apply to below-grade or
16 partially below-grade stories with street-facing facades that do not extend more than 4 feet above
17 the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially
18 below-grade story, excluding access.

19 B. For the stories of a structure subject to width and depth limits, all portions of the same
20 story that are horizontally contiguous, including any portions connected by doorways, ramps,
21 bridges, elevated stairways, and other such devices, shall be included in the measurement of
22 width and depth. The width and depth limit of stories in separate structures or structures on the
23 same lot that abut but are not internally connected shall be measured separately, except that

1 designated Landmark structures and structures that qualify as vulnerable masonry structures
2 according to Section 23.48.630 that are retained on the lot are excluded from the width and depth
3 measurement, whether internally connected to a new structure or not.

4 C. Width and depth limits do not apply to stories of a structure with more than 50 percent
5 of the total gross floor area occupied by any of the following uses:

- 6 1. Community clubs or community centers;
- 7 2. Religious facilities;
- 8 3. Arts facilities;
- 9 4. Preschool, elementary, or secondary schools; or
- 10 5. Performing arts theaters.

11 D. Width and depth limits do not apply to the portion of a structure that is 55 feet or less
12 in height on a lot that includes a light rail transit station.

13 **23.48.640 Street-level development standards in SM-U zones**

14 A. Required street-level setbacks in SM-U zones

15 1. In the SM-U 85, SM-U 75-240, and SM-U 95-320 zones, a street-level setback
16 is required at grade from specified street lot lines as shown on Table A for 23.48.640. If the
17 required setback allows for averaging the depth of the setback from the street lot line, any
18 setback area further than 10 feet from the street lot line shall not be included in the averaging
19 calculation.

Table A for 23.48.640 Required street-level setbacks in the SM-U 85, SM-U 75-240, and SM-U 95-320 zones	
Street requiring setback from abutting street lot line:	Required setback measured from street lot line
NE 42 nd Street	3 feet average
NE 43 rd Street	3 feet average

Table A for 23.48.640 Required street-level setbacks in the SM-U 85, SM-U 75-240, and SM-U 95-320 zones	
Street requiring setback from abutting street lot line:	Required setback measured from street lot line
NE 45 th Street	8 feet minimum
NE 50 th Street	5 feet minimum

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2. All setback areas required by subsection 23.48.640.A.1 shall either be part of a usable open space or be landscaped according to standards in subsection 23.48.055.A.3, except that for setbacks required from lot lines abutting NE 45th Street and NE 50th Street, no landscaping is required if the setback area is paved to match the abutting sidewalk, and the Director, after consulting with the Director of the Seattle Department of Transportation, determines that the paved setback area will not conflict with Seattle Department of Transportation standards for the abutting sidewalk.

3. Required street-level setbacks in the SM-U/R 75-240 zone. On all streets in the SM-U/R 75-240 zone, an average street-level setback of 5 feet is required from all street lot lines, subject to the following:

a. No setback shall be less than 3 feet from the street lot line, and any setback area further than 10 feet from the street lot line shall not be included in the averaging calculation.

b. The setback area shall either be part of a usable open space or landscaped according to standards in subsection 23.48.055.A.3.

4. Underground structures are permitted in all required setback areas.

1 5. Bay windows, canopies, horizontal projection of decks, balconies with open
2 railings, eaves, cornices, gutters, and other similar architectural features that are at least 13 feet
3 above the sidewalk elevation are permitted to extend up to 4 feet into the required setback.

4 6. Setback areas eligible for floor area bonus. Areas provided as required street-
5 level setbacks under this subsection 23.48.640.A that abut a designated Neighborhood Green
6 Street shown on Map A for 23.48.640 are eligible for a floor area bonus as a green street setback,
7 provided that the setback area complies with the development standards and conditions in
8 Section 23.58A.040 for a green street setback.

9 B. Facade requirements for street-level residential units and live-work units. In all SM-U
10 zones, the street-facing facades of street-level residential units and live-work units shall set back
11 an average of 7 feet from the street lot line, subject to the following:

12 1. No setback shall be less than 5 feet from the street lot line, and any setback area
13 further than 15 feet from the street lot line is not be included in the averaging calculation.

14 2. The following is permitted in the required setback area:

15 a. Landscaped area accessible from individual dwelling units or from the
16 principal entrance to the structure;

17 b. Private or common useable open space or amenity area; and

18 c. Unenclosed stoops, steps, decks, or porches related to the abutting
19 residential or live-work units that are no higher than four feet above sidewalk grade, excluding
20 hand rails and guard rails.

21 3. Bay windows, canopies, horizontal projection of decks, balconies with open
22 railings, eaves, cornices, gutters, and other similar architectural features that are at least 13 feet
23 above the sidewalk elevation are permitted to extend up to 4 feet into the required setback.

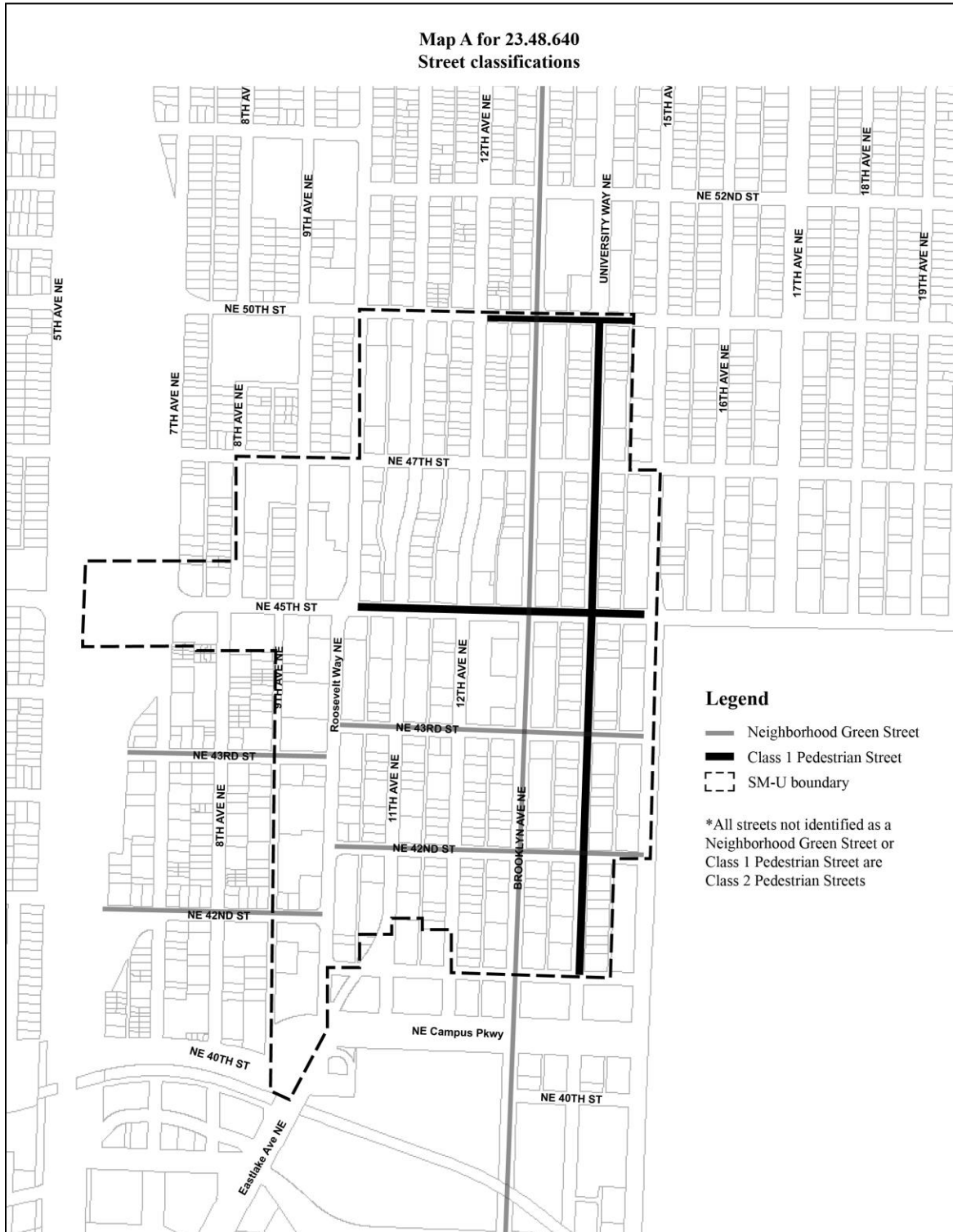
1 C. Transparency and blank facade standards. The transparency requirements and blank
2 facade limits in subsection 23.48.040.B apply to all street-facing facades in the SM-U zone.

3 D. Required street-level uses. Street-level uses listed in subsection 23.48.605.C and
4 meeting the standards of subsection 23.48.040.C are required along the street frontages of the
5 streets shown on Map A for 23.48.605.

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Map A for 23.48.640 Street Classifications



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1 E. Mid-block corridor

2 1. Required mid-block corridor

3 a. In the area shown on Map B for 23.48.640, lots that meet the following
4 criteria are required to provide a mid-block corridor:

5 1) The lot exceeds 30,000 square feet in area and abuts two
6 north/south streets. Lots exceeding 30,000 square feet that are separated only by an alley and that
7 are developed as a combined lot development under Section 23.48.627 are also required to
8 provide a mid-block corridor to connect the two abutting north/south streets; and

9 2) The lot has a street frontage that exceeds 250 feet on at least one
10 of the abutting north/south streets.

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Map B for 23.48.640 Area requiring mid-block corridors



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b. On lots where a mid-block corridor is required in subsection

23.48.640.E.1, the following standards shall apply:

1) The mid-block corridor shall provide an unobstructed, continuous pedestrian pathway that extends across the lot and any separating alley to connect both of the abutting streets, and if entrances include doors or gates, public access shall be provided as required for a mid-block corridor eligible for a floor area bonus in subsection 23.58A.040.C.4.a;

2) The alignment of the pedestrian corridor and the point at which it intersects each street shall be no closer than 150 feet to an east/west street abutting the block;

3) Entrances to the corridor at the street shall be accessible to pedestrians at grade level from the sidewalk, and the length of the corridor shall be at ground level, except that minor changes in grade are permitted to accommodate conditions on sloping sites, provided that all segments of the corridor are physically and visually connected and accessible to persons with disabilities;

4) The average width of the corridor shall be 25 feet, with a minimum width of 15 feet. Any completely covered segment of the pedestrian corridor shall have a minimum width of 20 feet;

5) The corridor shall include at least one usable open space with a minimum area of 1,500 square feet and a minimum horizontal dimension of 30 feet;

6) The corridor shall be open to the sky, except that up to 35 percent of the length of the corridor may be covered and enclosed if located on private property, provided the minimum height of covered portions is 13 feet;

1 required because of the lot size, is eligible for the mid-block corridor floor area bonus under the
2 provisions of Section 23.48.624, provided that the corridor meets the standards in subsection
3 23.48.640.E.1.b and applicable standards in Section 23.58A.040.

4 3. A mid-block corridor provided under this subsection 23.48.640.E, whether
5 required or not, is eligible to qualify as amenity area for residential uses under Section
6 23.48.045, or required usable open space under subsection 23.48.650.C, or both, provided the
7 applicable standards of Section 23.48.045 and subsection 23.48.650.C are met.

8 4. A mid-block corridor provided according to the provisions of this subsection
9 23.48.640.E shall also qualify as required open space in Section 23.48.650, provided that the
10 mid-block corridor meets the standards in Section 23.48.650.

11 F. Overhead weather protection

12 1. Continuous overhead weather protection, provided by such features as
13 canopies, awnings, marquees, and arcades, is required along at least 60 percent of the street
14 frontage of a structure, except that any portions of the street frontage occupied by residential
15 dwelling units and any portion of a designated Landmark structure or vulnerable masonry
16 structure shall not be included as part of the street frontage subject to this requirement.

17 2. The covered area shall extend a minimum of 6 feet from the structure, unless
18 otherwise provided in this subsection 23.48.640.F, and unless there is a conflict with existing or
19 proposed street trees or utility poles, in which case the Director may adjust the width to
20 accommodate such features as provided for in subsection 23.48.640.F.6.

21 3. The overhead weather protection must be provided over the sidewalk, or over a
22 walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the

1 sidewalk, the covered walking area must be within 18 inches of sidewalk grade and meet
2 Washington State requirements for barrier-free access.

3 4. For overhead weather protection extending up to 6 feet from the structure, the
4 lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of
5 13 feet above the sidewalk or covered walking area. For weather protection extending more than
6 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet
7 and a maximum of 15 feet above the sidewalk or covered walking area.

8 5. Lighting for pedestrians shall be provided. The lighting may be located on the
9 facade of the building or on the overhead weather protection.

10 6. Where the standards listed in this subsection 23.48.640.F conflict with the
11 vertical and horizontal clearance requirements in the street right-of-way, the standards may be
12 modified by the Director as a Type I decision in consultation with the Director of Transportation.

13 **23.48.645 Upper-level development standards in SM-U zones**

14 A. Highrise floor area limits. All highrise structures are subject to a limit on the floor area
15 of stories above 45 feet in height except that, on a lot that includes a light rail transit station, the
16 limit on floor area only applies to stories above 55 feet in height.

17 1. The height above which the highrise floor area limit applies is measured from
18 the average grade level. Stories that do not exceed 45 feet in height or, on a lot that includes a
19 light rail transit station, stories that do not exceed 55 feet in height, are not subject to a floor area
20 limit.

21 2. Highrise floor area limits in the SM-U 75-240 and SM-U 95-320 zones are
22 shown on Table A for 23.48.645.

**Table A for 23.48.645
 Highrise floor area limits in the SM-U 75-240 and SM-U 95-320 zones**

Height of structure	Average gross floor area for all stories above 45 feet¹	Maximum gross floor area of any single story above 45 feet¹
Greater than the first height limit of the height suffix, excluding rooftop features, but not exceeding 160 feet in height	20,000 square feet for stories in non-residential use, except as provided in subsection 23.48.645.A.4; or 12,000 square feet for stories in residential use ²	24,000 square feet for stories in non-residential use; or 13,000 square feet for stories in residential use ²
Greater than 160 feet but not exceeding 240 feet in height	10,500 square feet	11,500 square feet
Greater than 240 feet in height	9,500 square feet	10,500 square feet

Footnotes to Table A for 23.48.645

¹ On a lot that includes a light rail transit station, the limit on the floor area of stories applies to stories above 55 feet in height.

² For stories that include a mix of non-residential and residential uses, the applicable floor area limit shall be the limit that applies to the use that accounts for more than 50 percent of the total floor area of the story, or the greater of the two floor area limits if the story includes equal amounts of residential and non-residential uses.

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 2 3. In the SM-U/R 75-240 zone, for highrise structures, the gross floor area limit of
 3 stories or portions of stories that extend above 45 feet in height is 10,500 square feet.

4 4. In the SM-U 75-240 and SM-U 95-320 zones, for stories subject to a floor area
 5 limit under subsection 23.48.645.A.2, the average and maximum gross floor area limit is 24,000
 6 square feet up to 160 feet if the following apply:

7 a. For each story subject to a floor area limit up to 160 feet in height, a
 8 minimum of 50 percent of the floor area is in research and development laboratory uses; and

9 b. The minimum floor-to-floor height of each story subject to a floor area
 10 limit up to 160 feet in height is 14 feet.

1 B. Upper-level setbacks in SM-U 75-240 and SM-U 95-320 zones. The following upper-
2 level setbacks are required, and the height above which the setback is required shall be measured
3 from the midpoint of the lot line from which the setback is required:

4 1. On lots that do not include highrise structures, an average setback of 10 feet is
5 required from all abutting street lot lines for any portion of a structure that exceeds 65 feet in
6 height. The maximum depth of a setback that can be used for calculating the average is 20 feet.

7 2. For a lot that is across a street from a lot in a LR zone or a MR zone, portions
8 of any structure above 65 feet in height are required to set back an average of 10 feet from any
9 portion of the street lot line that abuts the separating street. The maximum depth of a setback that
10 can be used for calculating the average is 20 feet.

11 3. For a lot in the SM-U 95-320 zone that abuts a lot in a MR zone, portions of
12 any structure above 65 feet in height are required to set back a minimum of 15 feet from the
13 abutting lot line.

14 C. Upper-level setbacks in SM-U 85 zone. For a lot in the SM-U 85 zone that abuts
15 University Way NE, portions of a structure above 45 feet in height are required to set back an
16 average of 15 feet from the street lot line abutting University Way NE. The maximum depth of a
17 setback that can be used for calculating the average is 20 feet.

18 D. Upper-level setbacks in the SM-U/R 75-240 zone. The minimum required upper-level
19 setbacks in the SM-U/R 75-240 zone are shown on Table B for 23.48.645.

Table B for 23.48.645	
Required upper-level setbacks in the SM-U/R 75-240 zone	
Lot line from which required setback is measured:	Minimum setback required for portions of a structure at or above specified heights
Rear lot line that abuts an alley	Portions of a structure 45 feet or less in height: None required

**Table B for 23.48.645
 Required upper-level setbacks in the SM-U/R 75-240 zone**

Lot line from which required setback is measured:	Minimum setback required for portions of a structure at or above specified heights
	Portions of a structure greater than 45 feet in height: 10 feet minimum
Lot line that abuts neither a street nor an alley	For structures 75 feet in height or less: 7 feet average; 5 feet minimum ¹ For structures that exceed 75 feet in height, portions of a structure 45 feet or less in height: 7 feet average; 5 feet minimum ¹ and Portions of a structure greater than 45 feet in height: 15 feet minimum
Footnotes to Table B for 23.48.645 ¹ No setback is required along lot lines where an existing structure is built to the abutting lot line.	

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2 E. Side lot line setbacks. In the SM-U 75-240 and SM-U 95-320 zones, a minimum
 3 setback of 15 feet is required from any side lot line that is not a street or alley lot line for all
 4 portions of a highrise structure exceeding the midrise height limit of the zone.

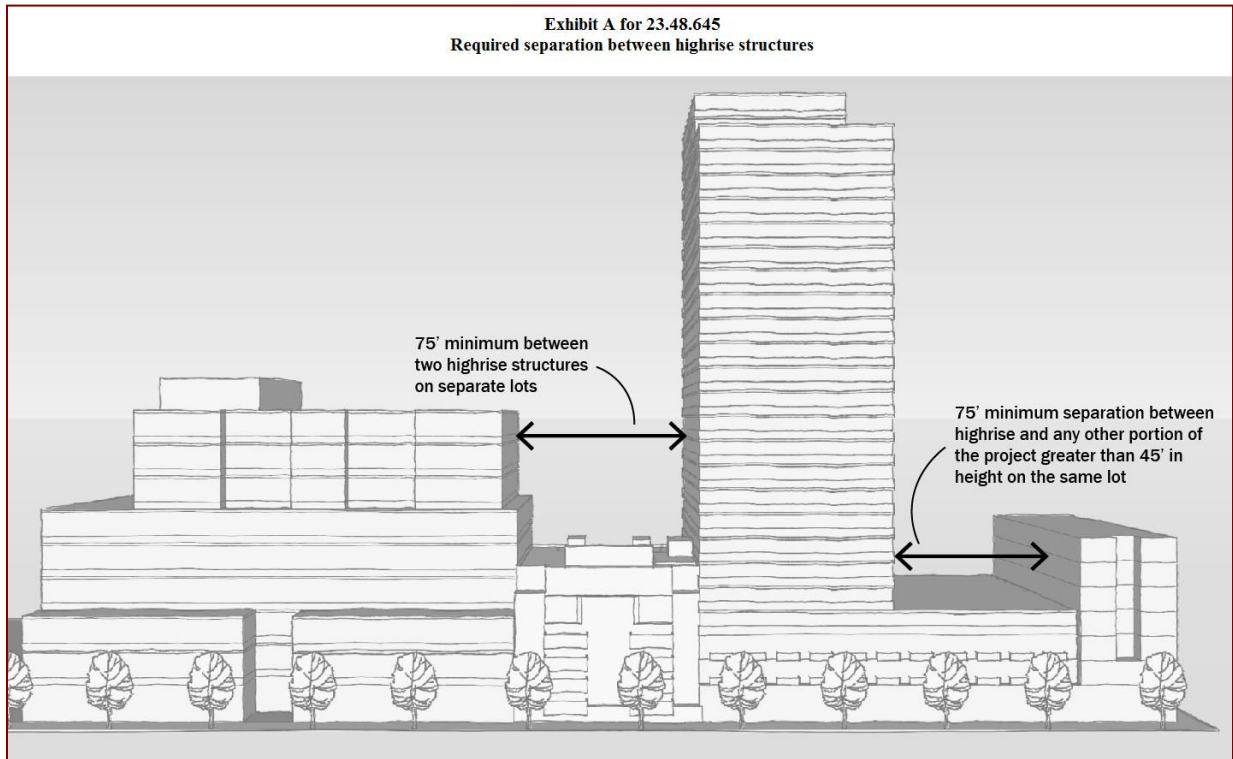
5 F. Separation. On lots with structures that exceed the midrise height limit, excluding
 6 rooftop features otherwise allowed above the height limit by subsection 23.48.025.C, separation
 7 between structures or portions of the same structure is required as follows:

8 1. A minimum separation of 75 feet is required between highrise portions of
 9 structures on a lot and any existing highrise structures located on a separate lot in the same block,
 10 as shown on Exhibit A for 23.48.645; and

11 2. If more than one structure, or portions of the same structure, on a lot are
 12 highrise structures, a minimum separation of 75 feet is required between any highrise portion of

1 a structure and all portions of other structures on the lot that exceed 45 feet in height, as shown
2 on Exhibit A for 23.48.645.

3 **Exhibit A for 23.48.645**
4 **Required separation between highrise structures**
5



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7 3. For the purposes of this subsection 23.48.625.F, the separation requirements for
8 lots separated by an alley that are combined under the provisions of Section 23.48.627 shall be
9 applied according to subsection 23.48.645.F.1, as if the lots were separate lots on the same block.

10 4. If the presence of an existing highrise structure would preclude the addition of
11 another highrise structure on a different block front of the same block, the Director may, as a
12 special exception according to Chapter 23.76, reduce the required separation of this subsection
13 23.48.645.F by up to 20 percent. In determining the amount of reduction in separation allowed,
14 the Director shall consider the following factors that may support the reduction in separation
15 between structures and offset any related impacts:

1 a. The potential impact of the additional highrise structure on adjacent
2 structures located within the same block and on adjacent blocks, in terms of views, privacy,
3 and shadows;

4 b. Potential public benefits related to the development that offset the
5 impact of the reduction in required separation between structures, such as the provision of
6 public open space, improvements to a designated green street, or other streetscape
7 improvements, or the preservation of a Landmark structure;

8 c. The potential impact on the public environment, including shadow
9 and view impacts on nearby streets and public open spaces; and

10 d. Design characteristics of the additional structure, such as overall bulk
11 and massing, orientation, facade treatments and transparency, visual interest, and other
12 features that address the relationship between the two structures.

13 5. For purposes of this subsection 23.48.645.F, a highrise structure is
14 considered to be “existing” and must be taken into consideration when other highrise
15 structures are proposed, under any of the following circumstances:

16 a. The highrise structure is physically present, except that a highrise
17 structure that is physically present is not considered "existing" if the owner of the lot where
18 the highrise structure is located has applied to the Director for a permit to demolish the
19 highrise structure and provided that no building permit for the proposed highrise structure is
20 issued until the demolition of the highrise structure that is physically present has been
21 completed;

1 b. The highrise structure is a proposed highrise structure for which a
2 complete application for a Master Use Permit or building permit has been submitted, provided
3 that:

4 i. the application has not been withdrawn or cancelled without
5 the highrise structure having been constructed; and

6 ii. if a decision on that application has been published or a
7 permit on the application has been issued, the decision or permit has not expired, and has not
8 been withdrawn, cancelled, or invalidated, without the highrise structure having been
9 constructed.

10 c. The highrise structure is a proposed highrise structure for which a
11 complete application for early design guidance has been filed and a complete application for a
12 Master Use Permit or building permit has not been submitted, provided that the early design
13 guidance application will not qualify a proposed highrise structure as an existing highrise
14 structure if a complete Master Use Permit application is not submitted within 90 days of the date
15 of the early design guidance public meeting if one is required, or within 90 days of the date the
16 Director provides guidance if no early design meeting is required, or within 150 days of the first
17 early design guidance public meeting if more than one early design guidance public meeting is
18 held.

19 G. Projections. The first 4 feet of horizontal projection of decks, balconies with open
20 railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-
21 level setbacks required in subsections 23.48.645.B, 23.48.645.C, 23.48.645.D and 23.48.645.E,
22 and in the separation area required in subsections 23.48.645.F.

1 **23.48.646 Facade modulation in SM-U zones**

2 A. In all SM-U zones, for all structures on lots exceeding 12,000 square feet, facade
3 modulation is required for the street-facing facade within 10 feet of a street lot line, except as
4 specified in subsection 23.48.646.B.

5 B. Modulation is not required for the following:

6 1. For portions of the street-facing facade of a story that is less than 4 feet above
7 sidewalk grade, as measured to the top of the floor above the partially below-grade story;

8 2. For structures on a lot in the SM-U/R 75-240 zone that exceed 75 feet in
9 height;

10 3. For stories above street level that include parking that is separated from the
11 street lot line by other uses along all street frontages; and

12 4. For the portion of the street-facing facade that does not exceed a width of 100
13 feet above 45 feet in height.

14 C. The maximum length of an unmodulated facade for midrise structures in SM-U 75-
15 240 and SM-U 95-320 zones and for all structures in the SM-U 85 zone is prescribed in Table A
16 for 23.48.646, and the maximum length of an unmodulated facade for highrise structures in the
17 SM-U 75-240 and SM-U 95-320 zones is prescribed in Table B for 23.48.646. This maximum
18 length shall be measured parallel to each street lot line, and shall apply to any portion of a
19 facade, including projections such as balconies, that is located within 10 feet of street lot lines.

**Table A for 23.48.646
Facade modulation for midrise structures in SM-U 75-240 and SM-U 95-320 zones and
for structures in SM-U 85 zone**

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line
Stories up to 45 feet in height ¹	120 feet

Table A for 23.48.646
Facade modulation for midrise structures in SM-U 75-240 and SM-U 95-320 zones and for structures in SM-U 85 zone

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	80 feet

Footnotes to Table A for 23.48.646
¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.

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Table B for 23.48.646
Facade modulation for highrise structures in SM-U 75-240 and SM-U 95-320 zones

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line
Stories up to 45 feet in height ¹	160 feet
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	120 feet
Stories above the midrise height limit of the zone	80 feet

Footnotes to Table B for 23.48.646
¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.

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3 D. If a portion of a street-facing facade within 10 feet of the street lot line extends to the
 4 maximum length permitted for an unmodulated facade, any further increase in the length of the
 5 facade is allowed only if the additional portions of the facade set back a minimum of 10 feet
 6 from the street lot line for a minimum length of 20 feet. If the required setback is provided,
 7 additional portions of the facade may be located within 10 feet of the street lot line. Permitted
 8 projections within the setback area are limited to the following:

- 9 1. Roof eaves, including gutters and roof cornices and other similar architectural
 10 features, that may extend a maximum of 18 inches into the setback area; and

1 2. Overhead weather protection, whether required by subsection 23.48.640.H or
2 not.

3 **23.48.650 Required open space for large lot developments in SM-U zones**

4 A. Open space meeting the standards of this Section 23.48.650 is required in all SM-U
5 zones for development on a lot exceeding 30,000 square feet.

6 B. Open space required by subsection 23.48.650.A shall meet the following standards:

7 1. The minimum amount of required open space shall be equal to 15 percent of
8 the lot area.

9 2. Area qualifying as required open space may include both unenclosed usable
10 open space and limited amounts of enclosed areas, as provided for in this subsection 23.48.650.B
11 and as specified in Table A for 23.48.650.

Table A for 23.48.650

Limits on open space allowed as enclosed and unenclosed areas

Type of open space	Minimum amount required	Maximum amount allowed
Usable open space open to the sky subject to subsection 23.48.650.B.5	60 percent	No limit
Open space covered overhead by the structure, such as an arcade or building cantilever, and subject to subsection 23.48.650.B.6	None	20 percent
Enclosed open space providing amenity features such as a public atrium, a shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor and subject to subsection 23.48.650.B.7	None	35 percent

12
13 3. Minimum area. The required open space shall generally be provided as one
14 connected area that is accessible at street level, with variations in elevation allowed to
15 accommodate changes in topography or to provide for features such as ramps that improve

1 access for persons with disabilities. If the required amount of open space exceeds 4,500 square
2 feet, open space areas may be provided at separate locations on the lot, provided that no separate
3 area is less than 2,000 square feet.

4 4. The average horizontal dimension for an area qualifying as the required
5 unenclosed usable open space is 20 feet, and the minimum horizontal dimension is 10 feet.

6 5. Area provided as usable open space shall be open to the sky and directly
7 accessible from an abutting street, with no structures containing floor area separating this portion
8 of the required open space area from the street frontage, in order to allow both visual and
9 physical access to the space for pedestrians from the street.

10 6. Open space provided as unenclosed space covered overhead by the structure for
11 weather protection shall abut a street lot line and be open and accessible to pedestrians along the
12 sidewalk. The area shall have an average horizontal dimension of 10 feet and a minimum
13 horizontal dimension of 5 feet, and the minimum vertical clearance of the covered space shall be
14 20 feet.

15 7. Open space provided as enclosed interior space, such as a public atrium, a
16 shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor, shall meet
17 all of the following requirements:

18 a. The space shall have direct access for pedestrians, including persons
19 with disabilities, from the street, or from an outdoor, usable public open space abutting the street;

20 b. The space shall be provided as one continuous area that is a minimum
21 of 2,000 square feet in size, with an average horizontal dimension of 20 feet and a minimum
22 horizontal dimension of 10 feet. Enclosed area that abuts and is accessible to exterior open space

1 is not considered a separate area for the purposes of determining the minimum area requirements
2 of subsection 23.48.650.B.3;

3 c. The minimum floor-to-ceiling height of any enclosed area is 15 feet;
4 and

5 d. Space, such as lobby area and corridors used solely to provide access
6 between the structure's principal street entrance and elevators, does not qualify as enclosed
7 interior open space for the purposes of this subsection 23.48.650.B.7.

8 8. All areas provided as open space under this Section 23.48.650 shall be
9 accessible to persons with disabilities.

10 9. Features provided under this subsection 23.48.650.B are eligible to qualify as
11 amenity area for residential uses required by Section 23.48.045, provided the standards of that
12 Section 23.48.045 are met.

13 10. Features provided under this subsection 23.48.650.B that satisfy the
14 requirements for open space amenities in Section 23.48.624 and Section 23.58A.040 are eligible
15 for a floor area bonus to gain extra floor area according to the provisions of Section 23.48.621.

16 11. Usable open space satisfying the requirements of this subsection 23.48.650.B
17 may be provided on a site other than the project site, provided that the following conditions are
18 met:

19 a. The alternate open space site is located within an SM-U zone and within
20 500 feet of the project site;

21 b. The minimum area of the usable open space at the alternate site is 4,500
22 square feet;

1 c. The minimum size of the open space on an alternates site and the
2 maximum distance from the project may be increased or decreased for a project if the Director
3 determines, as a Type I decision, that such adjustments are reasonably necessary to provide for
4 open space that will meet the additional need for open space caused by the project, enhance
5 public access to the open space, and/or allow for a significant share of the required open space to
6 also be accommodated on the project site.

7 d. The owner of any lot on which off-site open space is provided to meet
8 the requirements of this subsection 23.48.650.B shall execute and record an easement in a form
9 acceptable to the Director assuring compliance with the requirements of this Section 23.48.650.
10 The Director is authorized to accept such an easement, provided that the terms do not impose any
11 costs or obligations on the City.

12 12. Usable open space provided on a site other than the project site according to
13 subsection 23.48.650.B.11 that satisfies the requirements for a neighborhood open space in
14 Section 23.58A.040 is eligible for a floor area bonus to gain extra floor area according to the
15 provisions of Section 23.48.621.

16 **23.48.680 Parking quantity in SM-U zones**

17 A. Off street parking spaces and bicycle parking are required according to Section
18 23.54.015.

19 B. Maximum parking limit for non-residential uses

20 1. Except as provided in subsection 23.48.680.B.2, parking for non-residential
21 uses is limited to one parking space per every 1,000 square feet of gross floor area in non-
22 residential use.

1 2. If on or before September 1, 2012, a lot is providing legal off-site parking for
2 another lot, by means such as a recorded parking easement or off-site accessory parking
3 covenant on the subject lot, then the number of such off-site parking spaces is allowed on the off-
4 site lot in addition to one space per 1,000 square feet for non-residential uses on the subject lot.

5 **23.48.685 Parking location in SM-U zones**

6 A. Parking location within structures

7 1. Except as provided in subsection 23.48.685.A.2, parking within structures,
8 excluding driveway access and garage doors or openings, shall be located below the street-level
9 story or separated from the street along all street frontages by another use. There is no limit on
10 the number of stories of parking above the street-level story if the parking is separated along all
11 street frontages of the structure by another use.

12 2. On lots that are less than 24,000 square feet in size, or that are 103 feet in depth
13 or less as measured from the lot line with the greatest street frontage, parking is permitted within
14 structures above the street-level story as follows:

15 a. One story of parking is permitted above the street-level story for every
16 two stories of parking located below grade that, in combination, provide at least twice the
17 capacity of the above grade story, up to a maximum of two stories of parking above the street-
18 level story.

19 b. Parking located on stories above the street-level story of a structure
20 shall be separated from the street by other uses and screened as follows:

21 1) A minimum of 30 percent of the length of the parking area
22 measured along each street frontage shall be separated from the street by another use. For

1 structures located at street intersections, the separation by another use shall be provided at the
2 corner portion(s) of the structure.

3 2) Any parking area that is not separated from the street by another
4 use shall be enclosed by facades along all street frontages. Facades shall be designed to minimize
5 the impacts of glare from vehicle headlights and interior garage lighting on pedestrian views
6 from the street.

7 c. The Director may permit more than two stories of parking above the
8 street-level story of the structure, or waive the amount of parking required to be located below
9 grade when parking is provided above the street-level story, or permit other exceptions to this
10 subsection 23.48.685.A.2, as a Type I decision, if the Director finds that locating parking below
11 grade is infeasible due to physical site conditions such as a high water table or proximity to a
12 tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that
13 can be provided below grade, if any, and the amount of additional parking to be permitted above
14 street level based on an assessment of the conditions that restrict an applicant from providing the
15 parking below grade, such as the depth and dimensions of an underground tunnel. The rationale
16 that a site is too small to accommodate parking below grade is not a basis for granting an
17 exception under this subsection 23.48.685.A.2.c.

18 B. Accessory surface parking shall be separated from all street lot lines by another use
19 within a structure, except that driveway access need not be separated.

20 **23.48.690 Development agreements in SM-U zones**

21 A. The Director may recommend that the Council approve a development agreement
22 pursuant to chapter 36.70B RCW for real property that includes land zoned SM-U within the
23 University Community Urban Center.

1 B. The Director's recommendation shall be informed by an urban design framework
2 that the Director has developed through a community involvement process.

3 C. The proposed development agreement shall be for the development of real property
4 that achieves one of more of the following key design and development objectives of the
5 urban design framework:

6 1. The addition of significant public open space in the neighborhood core near
7 the proposed transit station;

8 2. Better integration of new development with light rail transit facilities;

9 3. Enhanced pedestrian circulation;

10 4. Retention of key elements defining neighborhood character, including
11 designated Landmark structures and other historic resources;

12 5. Strengthening and revitalization of the historic pedestrian-oriented business
13 district;

14 6. Green storm water infrastructure exceeding requirements in Chapter 22.800;

15 7. District heating and cooling;

16 8. Improved urban form; and

17 9. Increased diversity in building types, mix of activities, and the range of
18 employment activities and household types accommodated in the area.

19 D. Nothing in this Section 23.48.690 limits the Council's authority to enter into a
20 development agreement authorized by chapter 36.70B RCW in situations other than those
21 described in subsection 23.48.690.C.

1 Section 24. Section 23.58A.040 of the Seattle Municipal Code, last amended by
2 Ordinance 125173, is amended as follows:

3 **23.58A.040 Bonus floor area for open space amenities**

4 A. Findings. The City Council finds that:

5 1. Amenities, including public open space, are an important aspect of livability in
6 areas targeted in the Comprehensive Plan for concentrated housing and employment growth.

7 2. Developments that add density will increase demand for public open space. If
8 additional public open space is voluntarily provided to offset additional demand, the impacts on
9 available open space resources will be mitigated.

10 3. Within Highrise zones, the average amount of public open space, including
11 breathing room open space, needed to accommodate residential development is at least 0.14
12 square feet of open space per gross square foot of residential floor area in a development.

13 B. Voluntary agreements for amenities. Where expressly permitted by the provisions of
14 the zone, an applicant may achieve bonus floor area in part through a voluntary agreement for
15 provision of amenities to mitigate impacts of the development, subject to the limits in this
16 Chapter 23.58A.

17 1. Except where limited in the provisions of the zone, amenities that may be
18 provided for bonus floor area include:

- 19 a. ((~~neighborhood~~)) Neighborhood open space;
- 20 b. ((~~green~~)) Green street setbacks on lots abutting designated green streets;
- 21 c. ((~~green~~)) Green street improvements;
- 22 d. ((~~mid-block~~)) Mid-block corridor; and
- 23 e. ((~~hillside~~)) Hillside terrace.

1 2. The amenities listed in subsection 23.58A.040.B.1 are referred to as "open
2 space amenities" in this Section 23.58A.040. Mitigation of impacts identified in subsection
3 23.58A.040.A may be achieved by providing the amenity on the same lot as the development
4 using the bonus floor area or, for green street improvements, in the right-of-way within ~~((two~~
5 ~~blocks))~~ 1/4 mile of the development using the bonus floor area (the performance option), by a
6 payment-in-lieu of providing the amenity on- or off-site (payment option), or both.

7 3. Amenities provided as part of street vacations may not be counted as amenities
8 for the purpose of achieving extra floor area.

9 C. Performance option

10 1. General provisions

11 a. An applicant electing to use the performance option shall provide the
12 amenity on the same lot as the development using the bonus floor area, except ~~((to the extent a~~
13 ~~combined lot development is expressly permitted by the provisions of the zone and except for~~
14 ~~green street improvements that shall be provided within two blocks of the lot.))~~ as follows:

15 1) The amenity is located on a lot that is included in a combined
16 lot development or a lot that is specified according to a Council approved development
17 agreement that is expressly permitted by the provisions of the zone;

18 2) The amenity is a green street improvement that is provided on a
19 designated green street within 1/4 mile of the lot; or

20 3) The amenity is a neighborhood open space in an SM-U zone
21 that is provided to satisfy the open space requirement for a large lot development under Section
22 23.48.650 on a site other than the project site in accordance with subsection 23.48.650.B.11. The
23 off-site open space provided to meet the open space requirement on the project site shall not be

1 used to meet the open space requirement or to provide a bonus for extra floor area for any other
2 lot other than the project site.

3 b. The maximum area of any amenity or combination of amenities
4 provided on a lot eligible for a bonus is established in this subsection 23.58A.040.C and may be
5 further limited by Sections 23.58A.012, 23.58A.022, or the provisions of the zone. Open space
6 amenities shall meet the standards of this subsection 23.58A.040.C in order to qualify for bonus
7 floor area, except as may be authorized by the Director under subsection ((23.58A.040.C.4))
8 23.58A.040.C.5. An open space amenity may also qualify as a required residential amenity or
9 other open space requirement to the extent permitted by the provisions of the zone.

10 ((b)) 2. Amenities in Downtown zones in South Downtown;

11 ((4)) a. In Downtown zones in South Downtown, in order to qualify for
12 bonus residential floor area, amenity features shall satisfy the eligibility conditions of the
13 Downtown Amenity Standards, except as provided in subsection ((23.58A.040.C.1.b.2))
14 23.58A.040.C.2.b, and shall be consistent with the guidelines of the Downtown Amenity
15 Standards.

16 ((2)) b. The Director may allow ((departures)) modifications from the
17 eligibility conditions of the Downtown Amenity Standards, as a Type I decision, if the applicant
18 demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for
19 that amenity feature, and that the departure is consistent with any applicable criteria for allowing
20 the particular type of departure in the Downtown Amenity Standards.

21 ((3)) c. The Director may condition the approval of an amenity as
22 provided in the Downtown Amenity Standards.

1 ((2)) 3. Bonus ratio. Unless otherwise specified in the provisions of the zone,
2 amenities may be used to gain bonus floor area according to the following ratios and subject to
3 the limits of this Section 23.58A.040:

4 a. For a neighborhood open space, 7 square feet of bonus floor area per 1
5 square foot of qualifying neighborhood open space area (7:1).

6 b. For a green street setback, 5 square feet of bonus floor area per 1 square
7 foot of qualifying green street setback area (5:1).

8 c. For a green street improvement, 5 square feet of bonus floor area per 1
9 square foot of qualifying green street improvement area (5:1).

10 d. For a mid-block corridor, 7 square feet of bonus floor area per 1 square
11 foot of qualifying mid-block corridor area (7:1).

12 e. For a residential or non-residential hillside terrace, 5 square feet of
13 bonus floor area per 1 square foot of qualifying hillside terrace area (5:1).

14 ((3)) 4. Maximum open space amenity in Highrise zone. In the Highrise zone, the
15 amount of open space amenity for which bonus floor area may be allowed shall not exceed the
16 lesser of the amount required to mitigate the impact created by the total bonus residential floor
17 area in the development, or 15,000 square feet. For purposes of this Section 23.58A.040, the
18 amount of open space required to mitigate that impact in the Highrise zone is 0.14 square feet of
19 open space amenity per square foot of bonus residential floor area, unless the Director
20 determines, as a Type I decision, that a different ratio applies based on consideration of one or
21 both of the following:

22 a. ((the)) The overall number or density of people anticipated to use or
23 occupy the structure in which bonus floor area will be located, in relation to the total floor area

1 of the structure, is different from the density level of approximately 1.32 persons per 1,000
2 residential gross square feet, which was used to establish the ratio in subsection 23.58A.040.C,
3 such that a different amount of open space is needed to mitigate the impacts of development;

4 b. ~~((characteristics))~~ Characteristics or features of the development
5 mitigate the impacts that the anticipated population using or occupying the structure in which
6 bonus floor area will be located would otherwise have on open space needs.

7 ~~((4))~~ 5. Standards for open space amenities. The following standards apply to
8 open space amenities, except as otherwise specifically stated in the provisions of the zone.

9 a. Public access

10 1) Public access for open space amenities in Downtown zones is
11 regulated pursuant to subsection ~~((23.58A.040.C.1.b))~~ 23.58A.040.C.2.

12 2) Except for green street improvements, open space amenities not
13 in Downtown zones shall be open to the public, without charge, each day of the year for a
14 minimum of ten hours each day for a neighborhood open space and for a mid-block corridor in
15 SM-U zones in the University Community Urban Center, and 24 hours each day of the year for a
16 green street setback. The hours of public access identified above shall be during daylight hours,
17 unless there are insufficient daylight hours, in which case the open space shall also be open
18 during nighttime hours for the balance of the hours the open space is to remain open. Public
19 access may be limited temporarily during hours that are otherwise required to be open to the
20 public for necessary maintenance or for reasons of public safety.

21 3) Within the open space, property owners, tenants, and their
22 agents shall allow members of the public to engage in activities allowed in the public sidewalk
23 environment, except that those activities that would require a street use permit if conducted on

1 the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature
2 gathering, and holding signs, all without obstructing access to the space, any building, or other
3 adjacent features, and without unreasonably interfering with the enjoyment of the space by
4 others, shall be allowed. While engaged in allowed activities, members of the public may not be
5 asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment
6 of the space by others unless the space is being closed to the general public consistent with this
7 subsection 23.58A.040.C. No parking, storage, or other use may be established on or above the
8 surface of the open space except as provided in subsection ~~((23.58A.040.C.4.b.2.f))~~
9 23.58A.040.C.5.b.2.f. Use by motor vehicles of open space for which bonus floor area is granted
10 is not permitted. The open space shall be identified clearly with the City's public open space logo
11 on a plaque placed at a visible location at each street entrance providing access to the amenity.
12 The plaque shall indicate, in letters legible to passersby, the nature of the bonus amenity, its
13 availability for general public access, and additional directional information as needed.

14 b. Standards for neighborhood open space

15 1) Neighborhood open space in Downtown zones in South
16 Downtown ~~((are))~~ is regulated pursuant to subsection ~~((23.58A.040.C.1.b))~~ 23.58A.040.C.2.

17 2) Neighborhood open space not in Downtown zones used to
18 qualify for bonus floor area shall meet the conditions in this subsection ~~((23.58A.040.C.4.b.2))~~
19 23.58A.040.C.5.b.2, unless ~~((an exception))~~ a modification is ~~((granted))~~ allowed by the Director
20 as a Type I decision, based on the Director's determination that, relative to the strict application
21 of the standards, the exception will result in improved public access and use of the space or a
22 better integration of the space with surrounding development.

1 a) The open space shall comply with the applicable
2 provisions of this Section 23.58A.040. The open space shall consist of one continuous area with
3 a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

4 b) A minimum of 35 percent of the open space shall be
5 landscaped with grass, ground cover, bushes, and/or trees.

6 c) Either permanent or movable seating in an amount
7 equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public
8 use during hours of public access.

9 d) The open space shall be located and configured to
10 maximize solar exposure to the space, allow easy access from streets or other abutting public
11 spaces, including access for persons with disabilities, and allow convenient pedestrian circulation
12 through all portions of the open space. The open space shall have a minimum frontage of 30 feet
13 at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

14 e) The open space shall be provided at ground level, except
15 that in order to provide level open spaces on steep lots, some separation of multiple levels may
16 be allowed, provided they are physically and visually connected and accessible to persons with
17 disabilities.

18 f) Up to 20 percent of the open space may be covered by
19 elements accessory to public use of the open space, including: permanent, freestanding
20 structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead
21 arcades or other forms of overhead weather protection; and any other features approved by the
22 Director that contribute to pedestrian comfort and active use of the space. The following
23 elements within the open space area may count as open space and are not subject to the

1 percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is
2 not reserved for any commercial use, exterior stairs and mechanical assists that provide access to
3 public areas and are available for public use, and any similar features approved by the Director.
4 Seating or tables, or both, may be provided and reserved for customers of restaurants or other
5 uses abutting the open space, but the area reserved for customer seating shall not exceed 15
6 percent of the open space area or 500 square feet, whichever is less.

7 c. Standards for green street setbacks

8 1) Green street setbacks in Downtown zones in South Downtown
9 are regulated pursuant to subsection (~~(23.58A.040.C.1.b)~~) 23.58A.040.C.2.

10 2) Green street setbacks in Downtown zones outside South
11 Downtown are regulated pursuant to Section 23.49.013.

12 3) Green street setbacks not in Downtown zones shall meet the
13 following standards:

14 a) Where permitted by the provisions of the zone, bonus
15 floor area may be gained for green street setbacks by development on lots abutting those street
16 segments that are listed or shown as green streets in the provisions of the zone.

17 b) A green street setback shall be provided as a setback
18 from a lot line abutting a designated green street. The setback shall be continuous for the length
19 of the frontage of the lot abutting the green street, and a minimum of 50 percent of the setback
20 area (~~(eligible for a bonus)~~) shall be landscaped. The area of any driveways in the setback area is
21 not included in the bonusable area. For area eligible for a bonus, the average setback from the
22 abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The
23 design of the setback area shall allow for public access, such as access to street-level uses in

1 abutting structures or access to areas for seating. The Director may (~~grant an exception~~)
2 approve a modification to the standards in this subsection (~~(23.58A.040.C.4.e.3.b)~~)
3 23.58A.040.C.5.c.3.b as a Type I decision, based on the Director's determination that the
4 (~~exception~~) modification is consistent with a green street concept plan, if one exists, established
5 in accordance with (~~Directors Report DR~~) Director's Rule 11-2007, or a successor rule.

6 d. Standards for green street improvement. Green street improvements
7 used to qualify for bonus floor area shall be located on a designated green street and shall meet
8 the standards of a city-approved streetscape concept plan or other design document approved by
9 the Director.

10 e. Standards for mid-block corridor(~~(-)~~)

11 1) Mid-block corridors used to qualify for bonus floor area in
12 Downtown zones in South Downtown are regulated pursuant to subsection (~~(23.58A.040.C.1.b)~~)
13 23.58A.040.C.2.

14 2) Mid-block corridors used to qualify for bonus floor area in the
15 Mount Baker Station Area must meet the requirements in the Downtown Amenity Standards.

16 3) Mid-block corridors used to qualify for bonus floor area in the
17 SM-U zones within the University Community Urban Center shall meet the applicable
18 requirements of subsection 23.58A.040.C and the requirements of subsection 23.48.640.E.

19 f. Standards for hillside terraces. A hillside terrace used to qualify for
20 bonus floor area in South Lake Union Urban Center or in Downtown zones in South Downtown
21 (~~are~~) is regulated pursuant to subsection (~~(23.58A.040.C.1.b)~~) 23.58A.040.C.2.

22 g. Declaration. If open space is to be provided for purposes of obtaining
23 bonus floor area, the owners of the lot using the bonus floor area, and of the lot where the open

1 space is provided, if different, shall execute and record a declaration and voluntary agreement in
2 a form acceptable to the Director identifying the bonus amenities; acknowledging that the right
3 to develop and occupy a portion of the gross floor area on the lot using the bonus floor area is
4 based upon the long-term provision and maintenance of the open space and that development is
5 restricted in the open space; and committing to provide and maintain the open space.

6 h. Identification

7 1) Open space amenities in Downtown zones in South Downtown
8 shall meet the identification conditions of the Downtown Amenity Standards.

9 2) Open space amenities not in Downtown zones shall be identified
10 clearly with the City's public open space logo on a plaque placed at a visible location at each
11 street entrance providing access to the amenity. The plaque shall indicate, in letters legible to
12 passersby, the nature of the bonus amenity, its availability for general public access, and
13 additional directional information as needed.

14 i. Duration; alteration. Except as provided for in this subsection

15 ((~~23.58A.040.C.4.i~~) 23.58A.040.C.5.i, the owners of the lot using the bonus floor area and of
16 the lot where the open space amenity is located, if different, including all successors, shall
17 provide and maintain the open space amenities for which bonus floor area is granted, in
18 accordance with the applicable provisions of this Section 23.58A.040, for as long as the bonus
19 floor area gained by the open space amenities exists. An open space amenity for which bonus
20 floor area has been granted may be altered or removed only to the extent that either or both of the
21 following occur, and alteration or removal may be further restricted by the provisions of the zone
22 and by conditions of any applicable permit:

1 determined by the Director based on any relevant information submitted by the applicant, and
2 any other data related to land values and costs that the Director considers reliable.

3 c. Cash payments shall be made prior to issuance and as a condition to
4 issuance of any permit after the first building permit for a development and before any permit for
5 any construction activity other than excavation and shoring is issued.

6 d. Any payment_in_lieu of providing neighborhood open space shall be
7 deposited in a dedicated fund or account solely to support acquisition or development of public
8 open space within ~~((0.25))~~ 1/4 mile of the lot using the bonus floor area, or within another area
9 prescribed by the provisions of the zone, or at another location where the applicant and the
10 Director agree that it will mitigate the direct impacts of the development, and the payment shall
11 be expended within five years of receipt for such purposes.

12 Section 25. Section 23.58A.042 of the Seattle Municipal Code, last amended by
13 Ordinance 125173, is amended as follows:

14 **23.58A.042 Transferable development potential (TDP) and rights (TDR)**

15 * * *

16 B. General standards for sending lots

17 1. TDP calculation. The maximum amount of TDP floor area that may be
18 transferred from a sending lot is the amount by which the residential floor area allowed under the
19 base floor area ratio (FAR), or floor area that could be allowed under the base residential height
20 as determined by the Director if no base residential floor area exists, exceeds the sum of:

21 a. ~~((any))~~ Any nonexempt floor area existing on the sending lot; plus

22 b. ~~((any))~~ Any TDP or TDR previously transferred from the sending lot.

1 a. Each portion of the open space shall be accessible from each other
2 portion of the open space without leaving the open space.

3 b. The open space shall have a minimum area of 5,000 square feet.

4 c. The open space shall be directly accessible from the sidewalk or another
5 public open space, including access for persons with disabilities.

6 d. The open space shall be at ground level, except that in order to provide
7 level open spaces on steep lots, some separation of multiple levels may be allowed, provided
8 they are physically and visually connected.

9 e. No more than 20 percent of the open space may be occupied by any
10 above grade structures.

11 f. A minimum of 35 percent of the open space shall be landscaped with
12 grass, ground cover, bushes, and/or trees.

13 g. Either permanent or movable seating in an amount equivalent to 1 lineal
14 foot for every 200 square feet of open space shall be available for public use during hours of
15 public access.

16 h. The open space shall be located and configured to maximize solar
17 exposure to the space, allow easy access from streets or other abutting public spaces, including
18 access for persons with disabilities, and allow convenient pedestrian circulation through all
19 portions of the open space.

20 i. The lot shall be located a minimum of ~~((0.25))~~ 1/4 mile from the closest
21 lot approved by the Director as a separate open space TDP or TDR site, unless the lot is abutting
22 another TDP or TDR site and is designed to be integrated with the other TDP or TDR site.

1 j. The open space shall be open to the public, without charge, each day of
2 the year for a minimum of ten hours each day during daylight hours, unless there are insufficient
3 daylight hours, in which case the open space shall also be open during nighttime hours for the
4 balance of the hours the open space is to remain open. Public access may be limited temporarily
5 during hours that are otherwise required to be open to the public for necessary maintenance or
6 for reasons of public safety.

7 k. Within the open space, property owners, tenants, and their agents shall
8 allow members of the public to engage in activities allowed in the public sidewalk environment,
9 except that those activities that would require a street use permit if conducted on the sidewalk
10 may be excluded or restricted. Free speech activities such as hand billing, signature gathering,
11 and holding signs, all without obstructing access to the space, any building, or other adjacent
12 features, and without unreasonably interfering with the enjoyment of the space by others, shall be
13 allowed. While engaged in allowed activities, members of the public may not be asked to leave
14 for any reason other than conduct that unreasonably interferes with the enjoyment of the space
15 by others unless the space is being closed to the general public consistent with subsection
16 23.58A.042.D.1.j.

17 l. The open space shall be identified clearly with the City's public open
18 space logo on a plaque placed at a visible location at each street entrance providing access to the
19 amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus
20 amenity, its availability for general public access, and additional directional information as
21 needed.

22 m. Unless the open space will be in public ownership, the applicant shall
23 make adequate provision to ensure the permanent maintenance of the open space.

1 2. Special exception for open space TDP or TDR sites. The Director may grant, or
2 grant with conditions, an exception to the standards for open space TDP or TDR sites in this
3 subsection 23.58A.042.D and any applicable Director's (~~Rules~~) rules, as a special exception
4 pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.
5 In determining whether to grant, grant with conditions, or deny a request for special exception
6 under this subsection 23.58A.042.D.2, the Director shall consider:

7 a. (~~the~~) The extent to which the exception would result in an open space
8 TDP or TDR site that better meets the intent of the provisions of this subsection 23.58A.042.D;
9 and

10 b. (~~the~~) The extent to which the exception would allow the design of the
11 open space to take advantage of unusual site characteristics or conditions in the surrounding area,
12 such as views and relationship to surroundings.

13 3. After any TDP or TDR is transferred from an open space TDP or TDR site, lot
14 coverage by structures shall be permanently limited to 20 percent, or any greater amount that was
15 allowed as a special exception prior to the transfer, and no development shall be permitted that
16 would be inconsistent with the standards under which it was approved as an open space TDP or
17 TDR sending site.

18 E. Standards for (~~Housing~~) housing TDR sending lots

19 1. Housing on lots from which housing TDR is transferred shall be rehabilitated to
20 the extent required to provide decent, sanitary, and habitable conditions, in compliance with
21 applicable codes, and so as to have an estimated minimum useful life of at least 50 years from
22 the time of the TDR transfer, as approved by the Director of Housing. If housing TDR is
23 proposed to be transferred prior to the completion of work necessary to satisfy this subsection

1 23.58A.042.E, the Director of Housing may require, as a condition to such transfer, that security
2 be deposited with the City to ensure the completion of such work.

3 2. The housing units on a lot from which housing TDR is transferred, and that are
4 committed to affordable housing as a condition to eligibility of the lot as a TDR sending site,
5 shall be generally comparable in their average size and quality of construction to other housing
6 units in the same structure, in the judgment of the Director of Housing, after completion of any
7 rehabilitation or construction undertaken in order to qualify as a TDR sending lot.

8 3. For transfers of housing TDR, the owner of the sending lot shall execute and
9 record an agreement, with the written consent of all holders of encumbrances on the sending lot,
10 unless such consent is waived by the Director of Housing for good cause, to provide for the
11 maintenance of the required housing on the sending lot for a minimum of 50 years. Such
12 agreement shall commit to limits on rent and occupancy consistent with the definition of housing
13 TDR site and acceptable to the Director of Housing.

14 F. Standards for vulnerable masonry structure TDR or TDP sending lots. Within the
15 portion of the University Community Urban Center west of 15th Avenue NE, TDR and TDP
16 may be transferred from lots that comply with the following conditions:

17 1. The sending lot is located in an SM-U zone or an NC3 or NC3P zone with a
18 mapped height limit of 55 feet or greater;

19 2. The lot includes a structure that contributes to the historic architectural context
20 of the neighborhood, as indicated by being included in the Department of Neighborhoods'
21 (DON) Historic Resource Survey, and is structurally at risk, as indicated by being included on a
22 list of structures meeting specific criteria in a rule promulgated by the Director according to
23 Section 23.48.627; and

1 3. The qualifying structure on the sending lot shall be retained as follows for a
2 minimum of 50 years:

3 a. The structure shall be rehabilitated and maintained to comply with all
4 applicable codes;

5 b. All exterior facades shall be retained; except that portions of a new
6 structure may abut facades that are not street-facing facades or that set back a minimum of 30
7 feet from a street lot line that is generally parallel to the facade, and connections between the
8 new structure and the facades of the retained structure are allowed; and

9 c. Additions or alterations to the structure that extend the useful physical
10 life or economic viability of the structure are permitted, provided that:

11 1) The additions do not significantly alter the original structural
12 system or result in significant alterations to any historic or architectural characteristics of the
13 exterior appearance of the structure as documented in the DON historic resource survey, except
14 as may be required to comply with applicable codes; and

15 2) The total floor area of any additions to the original structure,
16 excluding floor area added to reclaim floor area that may have been removed from the original
17 structure over time, does not exceed one story in height and the equivalent of 0.5 FAR, as
18 calculated on the lot on which the structure was originally permitted.

19 4. If development rights from a lot certified by the Department as a vulnerable
20 masonry structure sending site have not been sold within three years of certification, the lot must
21 be recertified by the Director to determine that the structure continues to qualify as an eligible
22 sending site; and

1 5. The owner of the sending site must notify the Director when the initial sale of
2 development rights has occurred, and the rehabilitation work necessary to satisfy this subsection
3 23.58A.042.F must be completed within five years after this initial transaction. If the work is not
4 completed within the five-year period, the Director may allow one extension with the
5 requirement that a security be deposited with the City in an amount determined by the Director to
6 ensure that the work is completed within a specified time.

7 6. For transfers of vulnerable masonry structure TDR and TDP, the owner of the
8 sending lot shall execute and record an agreement, with the written consent of all holders of
9 encumbrances on the sending lot, unless such consent is waived by the Director for good cause,
10 to provide for the maintenance of the required structure on the sending lot a minimum of 50
11 years. Such agreement shall commit to limits on additions and modifications to the structure
12 consistent with the provisions of this subsection 23.58A.042.F and acceptable to the Director.

13 ((F)) G. Standards for TDP sending lots in South Downtown. This subsection
14 ((23.58A.042.F)) 23.58A.042.G applies to TDP sending lots in South Downtown, in addition to
15 the general provisions in this Section 23.58A.042.

16 1. Limit on open space TDP. The maximum amount of open space TDP that may
17 be transferred from a sending lot is the amount by which three times the lot area exceeds the total
18 gross floor area of all uses on the lot.

19 2. South Downtown Historic TDP

20 a. Only lots in the Pioneer Square Preservation District or the International
21 Special Review District may qualify as sending lots for South Downtown Historic TDP.

22 b. In order to be eligible to send South Downtown Historic TDP, a lot
23 shall contain a structure that includes at least 5,000 gross square feet in above-grade floor area

1 and has been finally determined to be a contributing structure under Section 23.66.032 within no
2 more than three years prior to the recording of the deed conveying the TDP from the sending lot.

3 c. Contributing structures on a sending lot from which South Downtown
4 Historic TDP is transferred shall be rehabilitated and maintained in accordance with an
5 agreement pursuant to subsection (~~(23.58A.042.J.3)~~) 23.58A.042.K.3.

6 d. South Downtown Historic TDP shall not be transferred from a lot from
7 which South Downtown Historic TDR has been transferred or from a lot on which any bonus
8 floor area has been established based on the presence of a contributing structure.

9 3. Limit on combined TDR and TDP. A cumulative combination of TDR and
10 TDP exceeding a total of six times the lot area may not be transferred from any lot.

11 ~~((G))~~ H. TDP or TDR required before construction. No permit after the first building
12 permit, no permit for any construction activity other than excavation and shoring, and no permit
13 for occupancy of existing floor area by any use based upon TDP or TDR will be issued for
14 development that includes TDP or TDR until the applicant's possession of TDP or TDR is
15 demonstrated to the satisfaction of the Director.

16 ~~((H))~~ I. Time of determination of TDP or TDR eligible for transfer. The eligibility of a
17 sending lot to transfer TDP or TDR, and the amount transferable from a sending lot, shall be
18 determined as of the date of transfer from the sending lot and shall not be affected by the date of
19 any application, permit decision, or other action for any development seeking to use the TDP or
20 TDR.

21 ~~((I))~~ J. Reservation in deed. Any TDP or TDR eligible for transfer may be reserved in the
22 conveyance of title to an eligible sending lot, by the express terms of the deed or other
23 instrument of conveyance reserving a specified amount of TDP or TDR, provided that an

1 instrument acceptable to the Director is recorded binding the lot to the terms and conditions for
2 eligibility to send TDP or TDR under this Section 23.58A.042. Any TDP or TDR so reserved
3 shall be considered transferred from that lot and later may be conveyed by deed without
4 participation of the owner of the lot.

5 ((~~F~~) K. TDP or TDR deeds and agreements

6 1. The fee owners of the sending lot shall execute a deed and shall obtain the
7 release of the TDP or TDR from all liens of record and the written consent of all holders of
8 encumbrances on the sending lot other than easements and restrictions, unless the requirement
9 for a release or consent is waived by the Director for good cause. The deed shall be recorded in
10 the King County real property records. If TDP or TDR is conveyed to the owner of a receiving
11 lot described in the deed, the TDP or TDR shall pass with the receiving lot, whether or not a
12 structure using the TDP or TDR shall have been permitted or built prior to any conveyance of the
13 receiving lot, unless otherwise expressly stated in the deed or any subsequent instrument
14 conveying the lot or the TDP or TDR. Any subsequent conveyance of TDP or TDR previously
15 conveyed to a receiving lot shall require the written consent of all parties holding any interest in
16 or lien on the receiving lot from which the conveyance is made. If the TDP or TDR is transferred
17 other than directly from the sending lot to the receiving lot using the TDP or TDR, then after the
18 initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and
19 recorded, each referring by King County recording number to the prior deed.

20 2. Any person may purchase any TDP or TDR that is eligible for transfer by
21 complying with the applicable provisions of this Section 23.58A.042, whether or not the
22 purchaser is then an applicant for a permit to develop real property or is the owner of any
23 potential receiving lot. Any purchaser of the TDP or TDR (including any successor or assignee)

1 may use the TDP or TDR to obtain floor area above the applicable base height limit or base floor
2 area limit on a receiving lot to the extent that use of TDP or TDR is permitted under the Land
3 Use Code provisions applicable with respect to the issuance of permits for development of the
4 development intended to use the TDP or TDR. The Director may require, as a condition of
5 processing any permit application using TDP or TDR or for the release of any security posted in
6 lieu of a deed for TDP or TDR to the receiving lot, that the owner of the receiving lot
7 demonstrate that the TDP or TDR has been validly transferred of record to the receiving lot, and
8 that the owner has recorded in the real estate records a notice of the filing of such permit
9 application, stating that the TDP or TDR is not available for retransfer.

10 3. As a condition to the effective transfer of Landmark TDP or TDR or South
11 Downtown Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot
12 shall execute and record an agreement running with the land, in form and content acceptable to,
13 and accepted in writing by, the Director of Neighborhoods, providing for the rehabilitation and
14 maintenance of the historically significant or other relevant features of the structure or structures
15 on the lot and acknowledging the restrictions on future development resulting from the transfer.
16 The Director may require evidence that each holder of a lien has effectively subordinated the lien
17 to the terms of the agreement, and that any holders of interests in the property have agreed to its
18 terms. To the extent that a Landmark structure on the sending lot, or a contributing structure on a
19 sending lot in a special review district requires restoration or rehabilitation for the long-term
20 preservation of the structure or its historically or architecturally significant features, the Director
21 of Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the
22 owner of the sending site apply for and obtain a certificate of approval from the Landmarks
23 Preservation Board, or from the Director of Neighborhoods after review by the Pioneer Square

1 Preservation Board or International Special Review District Board, as applicable, for the
2 necessary work, or post security satisfactory to the Director of Neighborhoods for the completion
3 of the restoration or rehabilitation, or both.

4 Section 26. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was
5 last amended by the ordinance introduced as Council Bill 118854, is amended as follows:

6 **23.58B.040 Mitigation of impacts - payment option**

7 A. Amount of cash contributions

8 1. An applicant complying with this Chapter 23.58B through the payment option
9 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
10 amount per square foot according to Table A or Table B for 23.58B.040 and Map A for
11 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as
12 follows:

13 a. Including chargeable floor area in commercial use in the following:

- 14 1) A new structure;
15 2) An addition to a structure;
16 3) A change of use from residential use to commercial use; or
17 4) Any combination of the above; and

18 b. Excluding chargeable floor area in commercial use as follows:

- 19 1) The first 4,000 gross square feet of street-level commercial uses;
20 and
21 2) Street-level commercial uses along a designated principal
22 pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040
Payment calculation amounts:
In Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	\$14.25
DH2/65	\$15.00
DH2/85	\$15.25
DMC-65	\$8.25
DMC-85	\$8.00
DMC 85/65-150	\$11.75
DMC-125	\$10.00
DMC-160	\$8.00
DMC 240/290-400	\$10.00
DMC 340/290-400	\$12.50
DOC1 U/450/U	\$14.75
DOC2 500/300-500	\$14.25
DRC 85-150	\$13.50
DMR/C 65/65-85	\$9.75
DMR/C 65/65-150	\$9.75
DMR/C 85/65	\$17.50
DMR/C 125/65	\$17.50
DMR/C 240/125	\$14.25
DMR/R 85/65	\$14.00
DMR/R 125/65	\$16.00
DMR/R 240/65	\$16.00
All IDM zones	\$8.00
IDR 45/125-240	\$10.00
IDR 150	\$10.00
IDR/C 125/150-240	\$8.00
PMM-85	Not applicable
PSM 100/100-120	\$11.00
PSM 100/100-130	\$11.00

Table A for 23.58B.040
Payment calculation amounts:
In Downtown, (~~and~~) SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
PSM 100/120-150	\$11.00
PSM-100	\$11.00
PSM-245	\$10.25
PSM-85-120	\$12.25
SM-SLU 85/65-125	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-240	Not applicable
SM-SLU 160/85-240	\$11.25
SM-SLU 240/125-400	\$10.00
SM-SLU/R 55/85	\$8.25
SM-85	\$8.00
SM-125	\$8.00
<u>SM-U 85</u>	<u>\$7.00</u>
<u>SM-U/R 75-240</u>	<u>\$20.00</u>
<u>SM-U 75-240</u>	<u>\$20.00</u>
<u>SM-U 95-320</u>	<u>\$20.00</u>

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Table B for 23.58B.040
Payment calculation amounts:
Outside Downtown, (~~and~~) SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot¹		
	Low	Medium	High
All (industrial buffer) <u>Industrial Buffer</u> zones (IB)	Not applicable	Not applicable	Not applicable
All (industrial general) <u>Industrial General</u> zones (IG)	Not applicable	Not applicable	Not applicable
All (master planned communities) <u>Master Planned Communities</u> – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable

Table B for 23.58B.040

Payment calculation amounts:

Outside Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot ¹		
	Low	Medium	High
IC 85-160	\$10.00	\$10.00	\$10.00
<u>Zones with an (M) suffix</u>	[RESERVED]	[RESERVED]	[RESERVED]
<u>Zones with an (M1) suffix</u>	[RESERVED]	\$11.25	[RESERVED]
<u>Zones with an (M2) suffix</u>	[RESERVED]	[RESERVED]	[RESERVED]
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00

Footnotes to Table B for 23.58B.040

¹ Area within the University Community Urban Center is medium.

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2. Automatic adjustments to payment amounts. On March 1, 2016, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58B.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section 27. Section 23.58B.050 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118854, is amended as follows:

23.58B.050 Mitigation of impacts - performance option

A. Amount of MHA-C housing

1. An applicant complying with this Chapter 23.58B through the performance option shall provide total square feet of housing meeting the standards of subsection

1 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
2 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
3 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as
4 follows:

5 a. Including chargeable floor area in commercial use in the following:

- 6 1) A new structure;
- 7 2) An addition to a structure;
- 8 3) A change of use from residential use to commercial use; or
- 9 4) Any combination of the above; and

10 b. Excluding chargeable floor area in commercial use as follows:

- 11 1) The first 4,000 gross square feet of street-level commercial uses;

12 and

- 13 2) Street-level commercial uses along a designated principal

14 pedestrian street in a Pedestrian designated zone.

15 2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than
16 three units of housing required to meet the standards of subsection 23.58B.050.B, using a
17 conversion factor for unit size as determined by the Director, the applicant shall provide a cash
18 contribution using the payment option according to subsection 23.58B.040.A.

Table A for 23.58B.050
Performance calculation amounts:
In Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	8.6%
DH2/65	9.1%

Table A for 23.58B.050
Performance calculation amounts:
In Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot
DH2/85	9.2%
DMC-65	5.0%
DMC-85	5.0%
DMC 85/65-150	7.1%
DMC-125	6.1%
DMC-160	5.0%
DMC 240/290-400	6.1%
DMC 340/290-400	7.6%
DOC1 U/450/U	8.9%
DOC2 500/300-500	8.6%
DRC 85-150	8.2%
DMR/C 65/65-85	5.9%
DMR/C 65/65-150	5.9%
DMR/C 85/65	10.6%
DMR/C 125/65	10.6%
DMR/C 240/125	8.6%
DMR/R 85/65	8.5%
DMR/R 125/65	9.7%
DMR/R 240/65	9.7%
All IDM zones	5.0%
IDR 45/125-240	6.1%
IDR 150	6.1%
IDR/C 125/150-240	5.0%
PMM-85	Not applicable
PSM 100/100-120	6.7%
PSM 100/100-130	6.7%
PSM 100/120-150	6.7%
PSM-100	6.7%

Table A for 23.58B.050
Performance calculation amounts:
In Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot
PSM-245	6.2%
PSM-85-120	7.4%
SM-SLU 85/65-125	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-240	Not applicable
SM-SLU 160/85-240	6.8%
SM-SLU 240/125-400	6.1%
SM-SLU/R 55/85	5.0%
SM-85	5.0%
SM-125	5.0%
<u>SM-U 85</u>	<u>5.0%</u>
<u>SM-U/R 75-240</u>	<u>9.0%</u>
<u>SM-U 75-240</u>	<u>9.0%</u>
<u>SM-U 95-320</u>	<u>9.0%</u>

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Table B for 23.58B.050
Performance calculation amounts:
Outside Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot ¹		
	<u>Low</u>	<u>Medium</u>	<u>High</u>
All ((industrial buffer)) <u>Industrial Buffer</u> zones (IB)	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>
All ((industrial general)) <u>Industrial General</u> zones (IG)	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>
All ((master planned communities)) <u>Master Planned Communities</u> –	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>

Table B for 23.58B.050

Performance calculation amounts:

Outside Downtown, ~~((and))~~ SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot ¹		
	<u>Low</u>	<u>Medium</u>	<u>High</u>
Yesler Terrace zones (MPC-YT)			
IC 85-160	6.1%	<u>6.1%</u>	<u>6.1%</u>
<u>Zones with an (M) suffix</u>	<u>[RESERVED]</u>	<u>[RESERVED]</u>	<u>[RESERVED]</u>
<u>Zones with an (M1) suffix</u>	<u>[RESERVED]</u>	<u>8.0%</u>	<u>[RESERVED]</u>
<u>Zones with an (M2) suffix</u>	<u>[RESERVED]</u>	<u>[RESERVED]</u>	<u>[RESERVED]</u>
Other zones where provisions refer to Chapter 23.58B	5.0%	<u>5.0%</u>	<u>5.0%</u>

Footnotes to Table B for 23.58B.050

¹ Area within the University Community Urban Center is medium.

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Map A for 23.58B.050
Payment and performance areas: high, medium, and low

[RESERVED]

* * *

Section 28. Subsection 23.58C.030.A of the Seattle Municipal Code, which section was last amended by Ordinance 125108, is amended as follows:

23.58C.030 Permit documentation

A. General

1. For any development to which this Chapter 23.58C applies, the Master Use Permit application and the first building permit application that includes the structural frame for the structure shall include the following:

1 a. If the applicant elects the payment option, the amount of the required
2 cash contribution according to subsection 23.58C.040.A;

3 b. If the applicant elects the performance option, the number of units
4 required to be provided according to subsection 23.58C.050.A, the amount of any cash
5 contribution according to subsection 23.58C.050.A.3.b, and a proposal for units that meet the
6 requirements according to subsection 23.58C.050.C; and

7 c. If the applicant (~~seeks relief according to [CODE SECTION~~
8 ~~RESERVED]~~ or) seeks a modification according to subsection 23.58C.035.B or subsection
9 23.58C.035.C, the earliest application according to this subsection 23.58C.030.A.1 shall include
10 requests for such relief or modifications including all supporting materials required for a decision
11 on the requests.

12 2. The Director shall, as a Type I decision and in consultation with the Director of
13 Housing, determine:

14 a. If the applicant elects to comply with this Chapter 23.58C through the
15 payment option according to Section 23.58C.040, the amount of the cash contribution;

16 b. If the applicant elects to comply with this Chapter 23.58C through the
17 performance option according to Section 23.58C.050, the number of units that shall meet the
18 requirements according to subsection 23.58C.050.C, the amount of any cash contribution
19 according to subsection 23.58C.050.A.3.b, and the compliance of the proposal required
20 according to subsection 23.58C.030.A.1.b with the requirements according to subsection
21 23.58C.050.C; and

22 c. Any modification according to subsection 23.58C.035.B.1.

1 2. An applicant requesting a modification according to subsection
2 ~~((23.58C.035.B))~~ 23.58C.035.B.2 shall have requested any available relief according to [CODE
3 SECTION RESERVED], and the Director will evaluate relief according to [CODE SECTION
4 RESERVED] before evaluating a modification according to subsection ~~((23.58C.035.B))~~
5 23.58C.035.B.2. An applicant requesting a modification according to subsection 23.58C.035.C
6 shall have requested ~~((any available relief according to [CODE SECTION RESERVED] and))~~
7 any available modification according to subsection 23.58C.035.B, and the Director will evaluate
8 ~~((relief according to [CODE SECTION RESERVED] and))~~ a modification according to
9 subsection 23.58C.035.B before evaluating a modification according to subsection
10 23.58C.035.C.

11 3. The decision on any modification according to subsection 23.58C.035.B or
12 subsection 23.58C.035.C shall specify a per-square-foot payment amount for the development
13 and/or a percentage of units in each structure that shall meet the requirements of subsection
14 23.58C.050.C, as applicable, that can be applied to the final plans for the development or, in the
15 case of a modification according to subsection 23.58C.035.C, an absolute payment amount for
16 the development or number of units in each structure that shall meet the requirements according
17 to subsection 23.58C.050.C along with a limitation on the degree of change in the final plans that
18 is permissible without a redetermination of the modification.

19 B. ~~((Reserved))~~ Inability to use certain capacity

20 1. In a SM-U 75-240 or SM-U 95-320 zone, the performance calculation amount
21 according to Table A for 23.58C.050 shall be reduced to six percent and the payment calculation
22 amount according to Table A for 23.58C.040 shall be reduced such that it is equal to the amount
23 that applies in SM-U 85 if the applicant demonstrates that the site does not meet the minimum lot

1 size required for a highrise structure according to subsection 23.48.615.A.2, or that one or more
2 specific requirements of Sections 23.48.635, 23.48.645, and 23.48.646 would prevent a highrise
3 development from being able to achieve an average highrise floor area of at least 7,500 square
4 feet for stories subject to the highrise floor area limit according to subsection 23.48.645. For
5 purposes of this subsection 23.58C.035.B.1, the following shall apply:

6 a. Financial feasibility shall not be considered in determining whether a
7 threshold could be achieved.

8 b. Recommendations by a Design Review Board shall not be considered
9 requirements of Title 23.

10 2. [RESERVED]

11 C. Modification based on severe economic impact

12 1. The purpose of this subsection 23.58C.035.C is to allow the Director to modify
13 the amount of payment required according to subsection 23.58C.040.A or the amount of
14 performance required according to subsection 23.58C.050.A if the applicant can demonstrate
15 facts supporting a determination of severe economic impact at such a level that a property
16 owner's constitutional rights may be at risk.

17 2. For purposes of this subsection 23.58C.035.C, the Director is not making a
18 determination of the constitutional rights of a property owner, but instead is reviewing the
19 credibility and strength of facts demonstrating severe economic impact.

20 3. The Director may, as a special exception according to Chapter 23.76, waive or
21 reduce the amount of payment required according to subsection 23.58C.040.A or the number of
22 units required to meet the requirements according to subsection 23.58C.050.C if the applicant
23 shows that application of the requirements of this Chapter 23.58C would:

1 a. Create severe economic impact by depriving a property owner of all
2 economically beneficial use of the property; or

3 b. Create severe economic impact, not reaching deprivation of all
4 economically beneficial use, but reaching the level of an undue burden that should not be borne
5 by the property owner.

6 4. In determining whether there is a severe economic impact reaching the level of
7 an undue burden that should not be borne by the property owner, the Director may weigh the
8 following nonexclusive factors:

9 a. The severity of the economic impact caused by the application of the
10 requirements of this Chapter 23.58C;

11 b. The degree to which the requirements of this Chapter 23.58C were or
12 could have been anticipated;

13 c. The extent to which alternative uses of the property or configurations of
14 the proposed development would alleviate the need for the requested waiver or reduction;

15 d. The extent to which any economic impact was due to decisions by the
16 applicant and/or property owner; and

17 e. Other factors relevant to whether the burden should be borne by the
18 property owner.

19 5. The waiver or reduction may be approved only to the extent necessary to grant
20 relief from the severe economic impact.

21 6. A request to the Director for a modification according to this subsection
22 23.58C.035.C shall include, at a minimum, all of the following:

1 a. A description of the requested waiver or reduction, including the
2 proposed payment or performance amount;

3 b. Documentation showing that any relief available according to [CODE
4 SECTION RESERVED] or subsection 23.58C.035.B would not eliminate the need for the
5 requested waiver or reduction;

6 c. The identity of the property owner and the date of the owner's
7 acquisition of the property;

8 d. Documentation showing the use of the property at the time of the
9 request or, if the property is vacant at that time, the use of the property prior to commencement
10 of vacancy;

11 e. Documentation explaining and supporting the claim of economic
12 impact; and

13 f. Documentation showing that a different development configuration that
14 satisfied the requirements of this Chapter 23.58C would not alleviate the need for the requested
15 waiver or reduction.

16 7. The applicant shall provide any additional information as may be required by
17 the Director to make a determination on the request. The applicant shall have the burden of
18 proving by a preponderance of the evidence that a waiver or reduction authorized according to
19 this subsection 23.58C.035.C is justified.

20 8. None of the following, standing alone and without consideration of the full
21 range of relevant factors including those according to subsection 23.58C.035.C.4, shall be a
22 sufficient basis for the Director to grant a waiver or reduction authorized according to this
23 subsection 23.58C.035.C:

- 1 a. The fact of a decrease in property value;
- 2 b. The fact that a property owner is unable to utilize the full amount of any
- 3 increase in residential development capacity enacted in connection with implementation of this
- 4 Chapter 23.58C in the zone in which the property is located; or
- 5 c. The fact that any such increase in residential development capacity,
- 6 combined with the requirements of this Chapter 23.58C, did not leave the property owner in a
- 7 better financial position than would have been the case with no increase in residential
- 8 development capacity and no application of the requirements of this Chapter 23.58C.

9 9. In any appeal to the Hearing Examiner, the parties will have an additional

10 opportunity to make a record on the factual issues consistent with due process.

11 Section 30. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was

12 enacted by Ordinance 125108, is amended as follows:

13 **23.58C.040 Affordable housing – (~~Payment~~) payment option**

14 A. Payment amount

15 1. An applicant complying with this Chapter 23.58C through the payment option

16 shall provide a cash contribution to the City, calculated by multiplying the payment calculation

17 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for

18 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor

19 area of parking located in stories or portions of stories that are underground, as follows:

20 a. In the case of construction of a new structure, the gross floor area in

21 residential use and the gross floor area of live-work units;

1 b. In the case of construction of an addition to an existing structure that
 2 results in an increase in the total number of units within the structure, the gross floor area in
 3 residential use and the gross floor area of live-work units in the addition;

4 c. In the case of alterations within an existing structure that result in an
 5 increase in the total number of units within the structure, the gross floor area calculated by
 6 dividing the total gross floor area in residential use and gross floor area of live-work units by the
 7 total number of units in the proposed development, and multiplying that quotient by the net
 8 increase in units in the structure;

9 d. In the case of change of use that results in an increase in the total
 10 number of units, the gross floor area that changed to residential use or live-work units; or

11 e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
((inside)) <u>In Downtown</u>, ((and)) <u>SM-SLU</u>, and <u>SM-U</u> zones	
Zone ((category))	((Dollars per square foot of gross floor area according to subsection 23.58C.040.A.1)) <u>Payment calculation amount per square foot</u>
((RESERVED)) <u>SM-U 85</u>	((RESERVED)) <u>\$13.25</u>
<u>SM-U/R 75-240</u>	<u>\$20.00</u>
<u>SM-U 75-240</u>	<u>\$20.00</u>
<u>SM-U 95-320</u>	<u>\$20.00</u>

12

1 1. An applicant complying with this Chapter 23.58C through the performance
2 option shall provide, as part of the units to be developed in each structure, a number of units that
3 meet the requirements according to subsection 23.58C.050.C calculated by multiplying the
4 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
5 as applicable, by the total number of units to be developed in each structure.

6 2. If the number of units that meet the requirements according to subsection
7 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
8 applicant shall:

9 a. Round up to two units; or

10 b. Provide one dwelling unit that meets the requirements according to
11 subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
12 Housing.

13 3. If the number of units that meet the requirements according to subsection
14 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
15 includes a fraction of a unit, the applicant shall:

16 a. Round up to the nearest whole unit; or

17 b. Round down to the nearest whole unit and pay a cash contribution for
18 the fraction of a unit not otherwise provided, calculated by multiplying the performance
19 calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A
20 for 23.58C.050, as applicable, by the total gross floor area to be developed as measured
21 according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not
22 provided, and dividing the resulting number by the total number of units required to be provided
23 based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions

1 according to this subsection 23.58C.050.A.3.b shall be governed according to subsection
2 23.58C.040.B.

3 4. When the applicant elects to comply with this Chapter 23.58C through the
4 performance option for a development that contains multiple structures and the calculation
5 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,
6 the Director may, as a Type I decision in consultation with the Director of Housing, allow such
7 fractions of units to be combined, provided:

8 a. If the sum of the combined fractions of units calculated according to this
9 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

10 1) Round up to two units; or

11 2) Provide one dwelling unit that meets the requirements according
12 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
13 Housing;

14 b. If the sum of the combined fractions of units calculated according to
15 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
16 applicant shall:

17 1) Round up to the nearest whole unit; or

18 2) Round down to the nearest whole unit and pay a cash
19 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
20 23.58C.050.A.3.b; and

21 c. The construction of the structure(s) containing the units that meet the
22 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an

1 earlier time than completion of construction of other structures in the development containing
 2 units.

Table A for 23.58C.050 ((Affordable housing to be provided (performance option))) <u>Performance calculation amounts:</u> ((inside)) <u>In Downtown, ((and)) SM-SLU, and SM-U zones</u>	
Zone ((category))	Percentage <u>set-aside per ((of)) total number of units to be developed in each structure</u>
SM-U 85	6.0%
<u>SM-U/R 75-240</u>	<u>9.0%</u>
<u>SM-U 75-240</u>	<u>9.0%</u>
<u>SM-U 95-320</u>	<u>9.0%</u>

3

Table B for 23.58C.050 ((Affordable housing to be provided (performance option))) <u>Performance calculation amounts</u> ((outside)) <u>Outside Downtown, ((and)) SM-SLU, and SM-U zones</u>			
Zone ((category))	Percentage <u>set-aside per ((of)) total number of units to be developed in each structure¹</u>		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
<u>Zones with an (M1) suffix</u>	[RESERVED]	<u>9.0%</u>	[RESERVED]
<u>Zones with an (M2) suffix</u>	[RESERVED]	[RESERVED]	[RESERVED]

Footnotes to Table B for 23.58C.050
 ((The location of the zone, by low, medium, or high area, is as shown on Map A for 23.58C.050.))
¹Area within the University Community Urban Center is medium.

4
 5 **Map A for 23.58C.050**
 6 **Payment and performance areas: high, medium, and low**
 7

8 **[RESERVED]**

9 * * *

1 Section 32. Section 23.61.008 of the Seattle Municipal Code, last amended by Ordinance
2 122311, is amended as follows:

3 **23.61.008 Prohibited (~~(Uses.)~~) uses**

4 The following uses are prohibited within an underlying commercial zone as both
5 principal and accessory uses, except as otherwise noted:

6 A. Drive-in businesses(~~(, except as provided in 23.61.014, Nonconforming uses)~~);

7 * * *

8 Section 33. Section 23.61.014 of the Seattle Municipal Code, last amended by Ordinance
9 122311, is amended as follows:

10 **23.61.014 Nonconforming uses(~~(:)~~)**

11 (~~(A. Expansion. Uses)~~) Within the station area overlay districts shown in subsection
12 23.61.014.A, uses listed in (~~(this)~~) subsection 23.61.014.B may be expanded or extended by an
13 amount of gross floor area not to exceed (~~(twenty(=))~~)20(~~(=)~~) percent of the existing gross floor
14 area of the use, provided that this exception may be applied only once (~~(to any individual~~
15 ~~business establishment)~~) on a lot.

16 ((1)) A. The provisions of this (~~(subsection)~~) Section 23.61.014 apply to the following
17 station (~~(areas)~~) area overlay districts:

18 ((a)) 1. Henderson;

19 ((b)) 2. Othello;

20 ((e)) 3. (~~(Edmunds)~~) Columbia City; and

21 ((d)) 4. (~~(McClellan)~~) Mount Baker.

22 ((2)) B. The provisions of this (~~(subsection)~~) Section 23.61.014 apply to the following
23 nonconforming uses:

1 ((a)) 1. Automotive retail sales and services;

2 ((b)) 2. General manufacturing;

3 ((e)) 3. Heavy commercial services; and

4 ((d)) 4. Mini-warehouse and warehouse.

5 ~~((B. Relocation. In the University District Station Area, banks with a drive in facility may~~
6 ~~be moved to another location within the station area provided:~~

7 1. ~~The use was in existence on May 5, 2006;~~

8 2. ~~This exception may be applied only once to any individual business~~
9 ~~establishment;~~

10 3. ~~The new location is not within a pedestrian designated zone;~~

11 4. ~~The curb cut(s) at the new location will serve both the drive in lane and access~~
12 ~~to parking for the use;~~

13 5. ~~The use at the new location is limited to one drive in lane; and~~

14 6. ~~The drive in lane may not be located between the structure containing the bank~~
15 ~~use and a street right of way.))~~

16 Section 34. Section 23.84A.004 of the Seattle Municipal Code, last amended by
17 Ordinance 124883, is amended as follows:

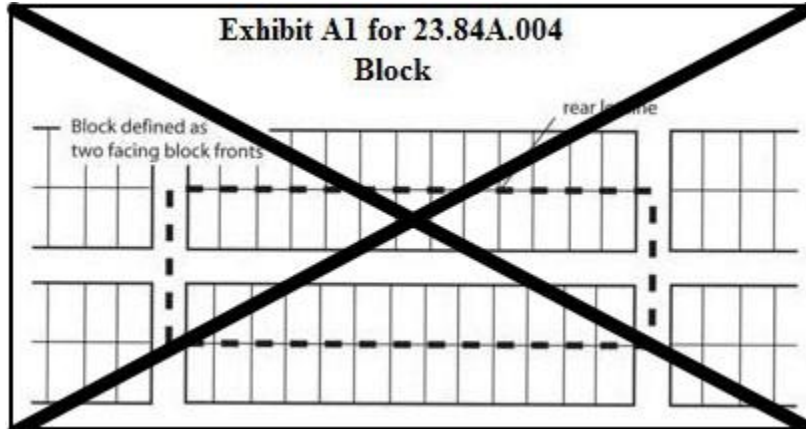
18 **23.84A.004 "B((;))"**

19 * * *

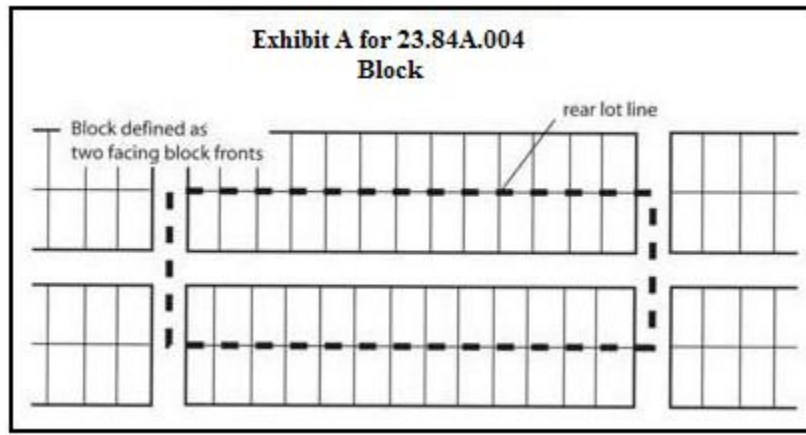
20 "Block." In areas outside downtown and Seattle Mixed (~~(-South Lake Union (SM-SLU))~~)
21 SM zones, a block consists of two facing block fronts bounded on two sides by alleys or rear lot
22 lines and on two sides by the centerline of platted streets, with no other intersecting streets
23 intervening, as depicted in Exhibit ~~((A1))~~ A for 23.84A.004.

1
2

**Exhibit ((A1)) A for 23.84A.004
Block**



3



4

5

In downtown and Seattle Mixed (~~(South Lake Union (SM-SLU))~~) (SM) zones within

6

specific geographic areas as identified in Table A for 23.48.002, a block consists of the area

7

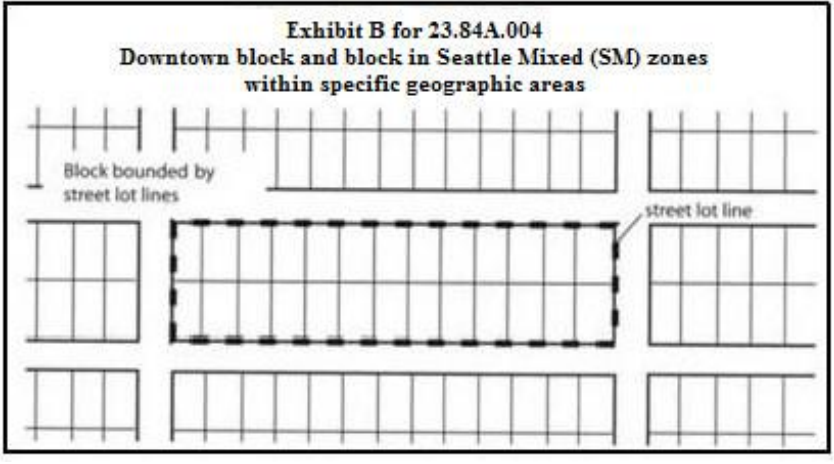
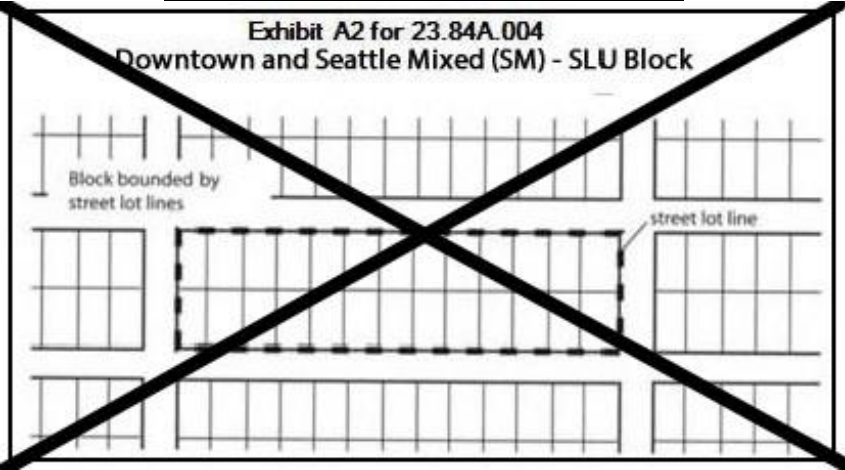
bounded by street lot lines, and may or may not be bisected by an alley, as depicted in Exhibit

8

((A2)) B for 23.84A.004.

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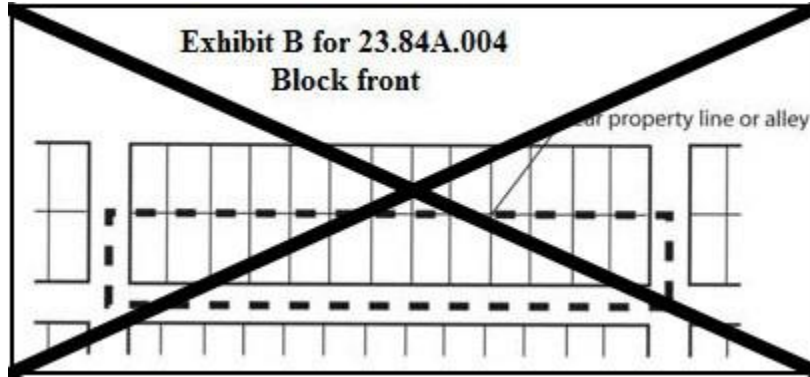
Exhibit ((A2)) B for 23.84A.004
Downtown block and block in Seattle Mixed ((-South Lake Union (SM-SLU) block)) (SM)
zones within specific geographic areas



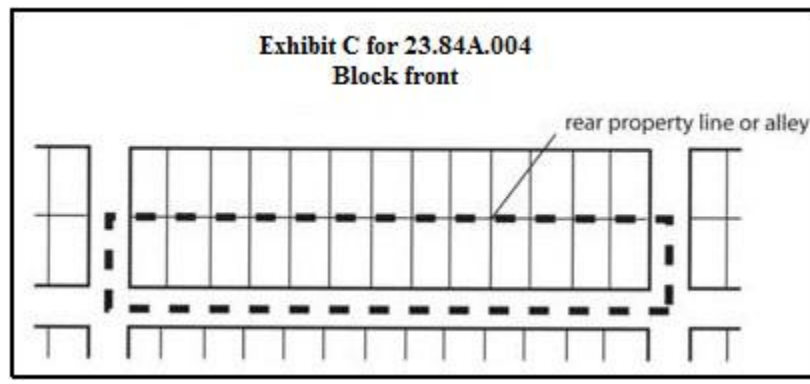
"Block front" means the land area along one side of a street bound on three sides by the centerline of platted streets and on the fourth side by an alley or rear lot lines (Exhibit ((B)) C for 23.84A.004). For blocks in Downtown zones and all Seattle Mixed (SM) zones within specific geographic areas set forth in Table A to 23.48.002, if there is no alley or rear lot line, a line that approximates the centerline of the block shall be used to establish the line dividing the two block fronts of the block, taking into consideration the location of vacated alleys on the block, if any, and the location and orientation of alleys and rear lot lines on surrounding blocks.

1
2

**Exhibit ((B)) C for 23.84A.004
Block front**



3



4

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* * *

6

Section 35. Section 23.84A.025 of the Seattle Municipal Code, last amended by

7

Ordinance 124969, is amended as follows:

8

23.84A.025 "M"

9

* * *

10

"Mid-block corridor" means an amenity feature that provides open space and ~~((public~~
11 ~~access and circulation))~~ publicly accessible connections across extremely long blocks ~~((located~~
12 ~~in))~~ to mitigate transportation impacts of new development by improving pedestrian circulation
13 in high density areas, including the South Lake Union Urban Center, the University Community
14 Urban Center west of 15th Avenue NE, and the Downtown Urban Center east of Interstate 5.

15

* * *

1 Section 36. Section 23.84A.028 of the Seattle Municipal Code, last amended by
2 Ordinance 124952, is amended as follows:

3 **23.84A.028 "O"**

4 * * *

5 "Open space, landscaped" means exterior space, at ground level, predominantly open to
6 public view and used for the planting of trees, shrubs, ground cover, and other natural vegetation,
7 and the installation of bioretention facilities.

8 "Open space, neighborhood" means an amenity feature that provides usable open space
9 to mitigate the impacts of new development on open space resources in high density areas and
10 that promotes good urban form by including open space as an element of large scale
11 development in such areas.

12 * * *

13 Section 37. Section 23.84A.038 of the Seattle Municipal Code, last amended by
14 Ordinance 124883, is amended as follows:

15 **23.84A.038 "T"**

16 "Tandem houses" means two unattached single-family dwelling units occupying the same
17 lot.

18 "Tandem parking" means one ~~((1))~~ car parked behind another where aisles are not
19 provided.

20 "TDP" or ~~((transferable))~~ Transferable development potential" means base residential
21 floor area, measured in square feet of gross floor area, that may be transferred from one lot to
22 another according to provisions of this Title 23. These terms do not denote or imply that the

1 owner of TDP has a legal or vested right to construct or develop any development or to establish
2 any use.

3 "TDP, Landmark" means TDP transferred from, or transferable from, a lot based on its
4 status as a Landmark TDP site.

5 "TDP, open space" means TDP transferred from, or transferable from, a lot based on its
6 status as an open space TDP site.

7 "TDP, South Downtown Historic" means TDP transferred from, or transferable from, a
8 lot based on its status as a South Downtown Historic TDP site.

9 "TDP, vulnerable masonry structure" means TDP transferred from, or transferable from,
10 a lot based on its status as a vulnerable masonry structure TDP site.

11 "TDP site, Landmark" means a lot, in an area where the applicable provisions of the zone
12 permit Landmark TDP to be transferred from a lot, that includes one or more structures
13 designated wholly or in part as a ((~~landmark~~)) Landmark under Chapter 25.12 or its predecessor
14 ordinance, if the owner of the ((~~landmark~~)) Landmark has executed and recorded an agreement
15 acceptable in form and content to the Landmarks Preservation Board, providing for the
16 restoration and maintenance of the historically significant features of the structure, and which lot
17 includes no other structure that is not accessory to one or more of such structures.

18 "TDP site, open space" means a lot, in an area where the provisions of the zone permit
19 open space TDP to be transferred from a lot, that satisfies the applicable standards for an open
20 space TDP site in Chapter 23.58A and the provisions of the zone to the extent that an exception
21 from those standards has not been granted.

1 "TDP site, South Downtown Historic" means a lot within the Pioneer Square
2 Preservation District or the International Special Review District that satisfies the conditions to
3 be a sending lot for South Downtown Historic TDP under Chapter 23.58A.

4 "TDP site, vulnerable masonry structure" means a lot in an area where the applicable
5 provisions of the zone permit vulnerable masonry structure TDP to be transferred from a lot that
6 satisfies the applicable standards for a vulnerable structure TDP site in subsection 23.58A.042.F
7 and the provisions of the zone, to the extent that an exception from those standards has not been
8 granted.

9 "TDR" or "Transferable development rights" means development potential, measured in
10 square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this
11 Title 23. Such terms do not include regional development credits, nor do they include
12 development capacity transferable between lots pursuant to Planned Community Development
13 provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right
14 to ~~((construction))~~ construct or develop any development or to establish any use.

15 "TDR, arts facility" means either TDR from a major performing arts facility that are
16 transferable pursuant to ~~((Section 23.49.014-G))~~ subsection 23.49.014.G; or TDR that are
17 eligible for transfer based on the status of the sending lot as an arts facility TDR site, and if they
18 are eligible for transfer on any other basis, are designated by the applicant seeking to use such
19 TDR on a receiving lot as arts facility TDR.

20 "TDR, DMC housing" means TDR that are eligible for transfer based on the status of the
21 sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other
22 basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC
23 housing TDR.

1 "TDR, housing" means TDR that are eligible for transfer based on the status of the
2 sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis,
3 are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

4 "TDR, Landmark" means TDR that are eligible for transfer based on the fact that the
5 sending lot or a structure on such lot is designated as a (~~(landmark)~~) Landmark or as part of a
6 (~~(landmark)~~) Landmark under Chapter 25.12 or its predecessor ordinance, except Landmark
7 housing TDR.

8 "TDR, Landmark housing" means TDR that are eligible for transfer based on the status of
9 the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any
10 other basis, are designated by the applicant seeking to use such TDR on a receiving lot as
11 Landmark housing TDR.

12 "TDR, open space" means TDR that may be transferred from, or transferable from, a lot
13 based on its status as an open space TD(~~(P)~~)R site.

14 "TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible
15 for transfer based on the status of a structure on the sending lot as contributing to the
16 architectural or historic character of the Pioneer Square Preservation District or the International
17 Special Review District pursuant to Section 23.66.032.

18 "TDR, vulnerable masonry structure" means TDR that are eligible for transfer based on
19 the status of the sending lot as a vulnerable masonry structure TDR site and, if they would be
20 eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR
21 on a receiving lot as vulnerable masonry structure TDR.

22 "TDR site, arts facility" means a lot meeting the following requirements:

1 1. The lot is located in (~~the South Lake Union Urban Center either in an IC zone~~
2 ~~or in~~) a zone with a height limit of 85 feet or more;

3 2. Each structure to be developed on the lot is a major performing arts facility; or
4 has or will have a minimum of (~~one~~) 1 FAR or all of its chargeable floor area if there is less
5 than (~~one~~) 1 FAR in the structure(s) committed for at least 50 years to occupancy by one or
6 more not-for-profit organizations dedicated to the creation, display, performance, or screening of
7 art by or for members of the general public.

8 3. The arts facility commitments on the lot (~~comply with Section 23.50.053 for~~
9 ~~structures in the South Lake Union Urban Center and~~) comply with the standards of the
10 applicable zone and are memorialized in a recorded agreement between the owner of such an arts
11 facility and the Director of the Seattle Office of Arts and Culture.

12 "TDR site, DMC housing" means a lot meeting the following requirements:

13 1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

14 2. Each structure to be developed on the lot has or will have a minimum of (~~fifty~~
15 ~~)50(%)~~)50(%) percent of total gross above-grade floor area committed to low-income housing for a
16 minimum of (~~fifty~~)50(%) years, unless such requirement is waived or modified by the
17 Director of the Office of Housing for good cause;

18 3. The lot will have above-grade gross floor area equivalent to at least (~~one~~)
19 ~~1(%)~~) FAR committed to very low-income housing use for a minimum of (~~fifty~~)50(%) years;
20 and

21 4. The low-income housing and very low-income housing commitments on the lot
22 comply with the standards in (~~Section 23.49.012 B1b~~) subsection 23.49.012.B.1.b and are

1 memorialized in a recorded agreement between the owner of such low-income and very low-
2 income housing and the Director of the Office of Housing.

3 "TDR site, housing" means a lot meeting the following requirements:

4 1. The lot is located in any Downtown zone except PMM, DH-1, and DH-2 zones,
5 or is located in the South Lake Union Urban Center in any SM zone with a height limit of 85 feet
6 or higher;

7 2. Each structure on the lot has a minimum of 50 percent of total gross above-
8 grade floor area committed to low-income housing for a minimum of 50 years;

9 3. The lot has above-grade gross floor area equivalent to at least 1 FAR
10 committed to very low-income housing use for a minimum of 50 years;

11 4. The above-grade gross floor area on the lot committed to satisfy the conditions
12 in subsections 2 and 3 of this definition is contained in one or more structures existing as of July
13 27, 2001, and the area was in residential use as of that date; and

14 5. The low-income housing and very low-income housing commitments on the lot
15 comply with the standards in subsection 23.49.012.B.1.b and are memorialized in a recorded
16 agreement between the owner of the low-income and very low-income housing and the Director
17 of Housing.

18 "TDR site, Landmark housing" means a lot meeting the following requirements:

19 1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-
20 1, and DH-2 zones;

21 2. The lot contains a designated ~~((landmark))~~ Landmark under ~~((SMC))~~ Chapter
22 25.12 and such structure will be renovated to include a minimum of ~~((fifty (50)))~~ percent of
23 total gross above-grade floor area committed to low-income housing for a minimum of ~~((fifty~~

1 ~~()~~50(~~()~~) years;

2 3. The lot has or will have above-grade gross floor area equivalent to at least ~~((one~~
3 ~~()~~)1(~~()~~) FAR committed to very low-income housing use for a minimum of ~~((fifty-~~()~~)50(~~()~~))~~
4 years;

5 4. The low-income housing and very low-income housing commitments on the lot
6 comply with the standards in ~~((Section 23.49.012 B1b))~~ subsection 23.49.012.B.1.b and are
7 memorialized in a recorded agreement between the owner of such low-income and very low-
8 income housing and the Director of the Office of Housing.

9 "TDR site, open space" means a lot that has been approved by the Director as a sending
10 lot for open space TDR, which approval is still in effect, and for which all the conditions to
11 transfer open space TDR have been satisfied.

12 ~~(("TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible~~
13 ~~for transfer based on the status of a structure on the sending lot as contributing to the~~
14 ~~architectural or historic character of the Pioneer Square Preservation District or the International~~
15 ~~Special Review District pursuant to Section 23.66.032.))~~

16 "TDR site, South Downtown Historic" means a lot eligible to transfer South Downtown
17 Historic TDR, located within the Pioneer Square Preservation District or the International
18 Special Review District, that includes one or more structures determined to be contributing to the
19 architectural or historic character of the district pursuant to Section 23.66.032.

20 "TDR site, vulnerable masonry structure" means a lot that satisfies the standards to be a
21 sending lot for vulnerable masonry structure TDR in subsection 23.58A.042.F and the standards
22 of the zone to the extent that an exception from those standards has not been granted.

23 * * *

1 Section 38. Section 23.84A.042 of the Seattle Municipal Code, last amended by
2 Ordinance 122935, is amended as follows:

3 **23.84A.042 "V(~~(v)~~)"**

4 * * *

5 "Vocational or fine arts school." See "Institution."

6 "Vulnerable masonry structure" means a structure in specified zones within the
7 University Community Urban Center west of 15th Avenue NE that is identified in a Director's
8 rule because it meets criteria for being included on the list of unreinforced masonry structures
9 (URM) identified by Seattle DCI and is also classified in the Department of Neighborhoods's
10 Historic Resource Survey as a structure likely to qualify for nomination as a Seattle Landmark.

11 Section 39. Section 23.84A.048 of the Seattle Municipal Code, last amended by
12 Ordinance 124883, is amended as follows:

13 **23.84A.048 "Z"**

14 * * *

15 "Zone, commercial" means a zone with a classification that includes one of the
16 following: NC1, NC2, NC3, C1, C2, SM, SM-SLU, SM-D, (~~and~~) SM-NR, and SM-U, which
17 classification also may include one or more suffixes.

18 * * *

19 "Zone, residential" means a zone with a classification that includes any of the following:
20 SF9600, SF7200, SF5000, RSL, LR1, LR2, LR3, MR, HR, RC, DMR, IDR, (~~and~~) SM/R, SM-
21 SLU/R, and SM-U/R which classification also may include one or more suffixes, but not
22 including any zone with an RC designation.

23 * * *

1 Section 40. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2016,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2016.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2016.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2016.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)
16
17

18 Exhibits:
19 Exhibit A1 – U District Rezone Map
20 Exhibit A2 – U District Station Area Overlay District (to be Removed)