

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending the Official Land Use Map to rezone all property currently in a DOC2 500/300-550 zone to a DOC2 550/300-550 zone; amending Sections 22.206.130, 23.24.040, 23.28.020, 23.28.030, 23.30.020, 23.41.004, 23.41.012, 23.42.040, 23.42.048, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.041, 23.45.510, 23.45.514, 23.45.518, 23.45.536, 23.45.545, 23.45.570, 23.46.002, 23.47A.008, 23.47A.009, 23.47A.013, 23.47A.014, 23.47A.016, 23.48.005, 23.48.020, 23.48.220, 23.48.225, 23.48.231, 23.48.245, 23.48.250, 23.48.620, 23.48.640, 23.48.645, 23.48.722, 23.48.735, 23.49.008, 23.49.011, 23.49.015, 23.49.023, 23.49.032, 23.49.106, 23.49.108, 23.49.164, 23.50.012, 23.50.014, 23.50.016, 23.50.030, 23.50.032, 23.51A.002, 23.53.015, 23.53.030, 23.54.030, 23.61.014, 23.66.030, 23.66.332, 23.72.004, 23.73.024, 23.75.085, 23.75.160, 23.76.004, 23.76.006, 23.76.012, 23.76.022, 23.76.028, 23.76.034, 23.84A.002, 23.84A.004, 23.84A.032, 23.84A.046, 23.86.002, 23.86.006, 23.86.007, 23.86.032, 25.05.030, 25.05.610, 25.05.800, 25.08.940, 25.09.090, 25.11.070, and 25.11.080 of the Seattle Municipal Code; adding a new Section 23.22.059 to the Seattle Municipal Code; and repealing Section 23.50.029 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.206.130 of the Seattle Municipal Code, last amended by Ordinance 125343, is amended as follows:

22.206.130 Requirements

* * *

B. Number of exits

1. Occupied floors containing one or more housing unit(s) above the first floor or on any floor where the means of egress does not discharge within 4 feet, measured vertically, of adjacent ground level shall have access to not less than two unobstructed exits that meet the standards of ~~((subsection))~~ Section 22.206.130 ~~((-A))~~; provided, that:

1 a. Housing units may have a single exit if located on a second floor that
2 has an occupant load of not more than ten persons or in a basement that has an occupant load of
3 not more than ten persons; or

4 b. A housing unit may have a single exit if the exit leads directly to a
5 street, alley, other public right-of-way, or yard:

6 i. At ground level, or

7 ii. By way of an exterior stairway, or

8 iii. By way of an enclosed stairway with a fire-resistant rating of
9 one hour or more that serves only that housing unit and has no connection with any other floor
10 below the floor of the housing unit being served or any other area not a part of the housing unit
11 being served; or

12 c. Housing units above the first floor or in a basement may have one exit
13 if:

14 i. An approved automatic fire-sprinkler system is provided for exit
15 ways and common areas in the building, or

16 ii. Built to the single exit requirements of the building code in
17 effect when the building was constructed, altered, rehabilitated, or repaired.

18 2. Floors other than those containing housing units shall meet the exit standards of
19 the building code in effect when the building, structure, or premises was constructed or, if
20 altered, rehabilitated, or repaired, shall meet the exit standards in effect when the floor was
21 altered, rehabilitated, or repaired.

22 3. If two exits are required, a fire escape that meets the standards of subsection
23 22.206.130.D may be used as one of the required exits.

* * *

Section 2. A new Section 23.22.059 is added to the Seattle Municipal Code as follows:

23.22.059 Shoreline District

No plat shall be approved by the Hearing Examiner covering any land situated in the Shoreline District unless in compliance with Section 23.60A.156 and conformance to the applicable provisions of Section 23.60A.168.

Section 3. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.24.040 Criteria for approval

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. Conformance to the applicable Land Use Code provisions, as modified by this Chapter 23.24;

2. Adequacy of access for pedestrians, vehicles, utilities, and fire protection as provided in Section 23.53.005 (~~(Access to lots,))~~ and Section 23.53.006; (~~(Pedestrian access and circulation;))~~)

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of Section 25.09.240 (~~(Short subdivisions and subdivisions,))~~ in environmentally critical areas and Section 23.60A.156;

6. For lots in the Shoreline District, conformance to the applicable provisions of Section 23.60A.168;

1 ((6)) 7. Whether the proposed division of land is designed to maximize the
2 retention of existing trees;

3 ((7)) 8. Conformance to the provisions of Section 23.24.045 (~~(Unit lot~~
4 ~~subdivisions,))~~ when the short subdivision is for the purpose of creating separate lots of record
5 for the construction and/or transfer of title of single-family dwelling units, townhouse, rowhouse,
6 and cottage housing developments, existing apartment structures built prior to January 1, 2013,
7 but not individual apartment units, or any combination of the above types of residential
8 development, as permitted in the applicable zones; and

9 ((8)) 9. Every lot, except unit lots and lots proposed to be platted for individual
10 live-work units in zones where live-work units are permitted, shall conform to the following
11 standards for lot configuration, unless a special exception is authorized under subsection
12 23.24.040.B:

13 a. If a lot is proposed with street frontage, then one lot line shall abut the
14 street for at least 10 feet; and

15 b. No lot shall be less than 10 feet wide for a distance of more than 10 feet
16 as measured at any point; and

17 c. No proposed lot shall have more than six separate lot lines. The lot lines
18 shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way
19 or an existing lot line; and

20 d. If the property proposed for subdivision is adjacent to an alley, and the
21 adjacent alley is either improved or required to be improved according to the standards of
22 Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except
23 that access from a street to an existing use or structure is not required to be changed to alley

1 access. Proposed new lots shall either have sufficient frontage on the alley to meet access
2 standards for the zone in which the property is located or provide an access easement from the
3 proposed new lot or lots to the alley that meets access standards for the zone in which the
4 property is located.

5 * * *

6 Section 4. Section 23.28.020 of the Seattle Municipal Code, enacted by Ordinance
7 110570, is amended as follows:

8 **23.28.020 Application for approval of lot boundary adjustment ((-))**

9 Anyone seeking an approval by the Director of a lot boundary adjustment shall file an
10 application as provided in Chapter 23.76. (~~(, the Master Use Permit Process.)~~) All applications
11 for lot boundary adjustments shall contain the following:

12 ((+)) A. A plan showing the proposed change and containing standard survey data;

13 ((2)) B. A plot plan as appropriate showing the location and dimensions of existing
14 structures in relation to the proposed lot boundary adjustment;

15 ((3)) C. A legal description of the property involved;

16 ((4)) D. Name and address of owner(s) of the property involved.

17 Section 5. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance
18 124843, is amended as follows:

19 **23.28.030 Criteria for approval**

20 A. The Director shall approve an application for a lot boundary adjustment if it is
21 determined that:

22 1. No additional lot, tract, parcel, site, or division is created by the proposed
23 adjustment;

1 2. No lot contains insufficient area and dimensions to meet the minimum
2 requirements for development as calculated under the development standards of the zone in
3 which the lots affected are situated, except as provided in Section 23.44.010, and under any
4 applicable regulations for siting development on parcels with riparian corridors, wetlands,
5 wetland buffers, or steep slopes in Chapter 25.09 (~~or on parcels containing priority freshwater~~
6 ~~habitat or priority saltwater habitat in Section 23.60A.160~~) or Section 23.60A.156. Adjusted lots
7 shall continue to be regarded as existing lots for purposes of Chapter 25.09. Any required
8 nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall
9 be required as set out in Section 25.09.335;

10 3. Every proposed adjusted lot shall conform to the following standards for lot
11 configuration, unless a modification is authorized under subsection 23.28.030.A.4:

12 a. If an adjusted lot is proposed with street frontage, then one lot line shall
13 abut the street for at least 10 feet; and

14 b. No adjusted lot shall be less than 10 feet wide for a distance of more
15 than 10 feet as measured at any point; and

16 c. No adjusted lot shall have more than six separate lot lines. The lot lines
17 shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way
18 or existing lot line; and

19 d. If a lot to be adjusted abuts upon an alley, and that alley is either
20 improved or required to be improved according to the standards of Section 23.53.030, then no
21 adjusted lot shall be proposed that does not provide alley access, except that access from a street
22 to an existing use or structure is not required to be changed to alley access. Either the proposed
23 adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in

1 which the property is located or an access easement from the adjusted lot or lots shall be
2 provided to the alley that meets access standards for the zone in which the property is located.

3 4. Modification. The Director's recommendation on a proposed lot adjustment
4 may modify the standards of subsection 23.28.030.A.3 if the applicant demonstrates that the
5 proposed lot boundary adjustment meets the following criteria:

6 a. The property has one of the following conditions not created by the
7 applicant:

8 1) Natural topographic features or natural obstructions prevent the
9 reconfiguration of one or more lots according to the standards of subsection 23.28.030.A.3;

10 2) Location of existing principal structures that are retained on lots
11 existing prior to the proposed lot boundary adjustment require a reconfiguration of one or more
12 lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;

13 3) Location of existing easements or feasibility of access to
14 portions of the property prevents the reconfiguration of lot lines that meet the standards of
15 subsection 23.28.030.A.3.

16 b. Modification of the standards of subsection 23.28.030.A.3 shall be the
17 minimum necessary to allow adjusted lots that each contain a building area for development that
18 meets the development standards of the zone in which the proposed lot boundary adjustment is
19 located.

20 5. The adjusted lot has adequate drainage; ((;)) water supply and sanitary sewage
21 disposal; ((;)) and access for vehicles, utilities, and fire protection;

1 **23.41.004 Applicability**

2 * * *

**Table A for 23.41.004
 Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones**

If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.

A. Category	Site Characteristic
A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B. Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
Amount of gross floor area of development	Design review type¹
B.1. Less than 8,000 square feet	No design review ^{2, 3}
B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
B.3. 35,000 square feet or greater	Full design review ⁴
C. Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
Amount of gross floor area of development	Design review type¹
C.1. Less than 8,000 square feet	No design review ^{2, 3}
C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
C.4. 35,000 square feet or greater	Full (Design Review) <u>design review</u> ⁴

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

Footnotes to Table A for 23.41.004

¹Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

²The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

³The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

⁴Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote ((2)) 4 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

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Section 8. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.41.012 Development standard departures

A. The Director may waive or modify application of a development standard to a development proposal if the Director decides that waiver or modification would result in a development that better meets the intent of adopted design guidelines.

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

- 1 1. Procedures;
- 2 2. Definitions;
- 3 3. Measurements;
- 4 4. Provisions of the Shoreline District, Chapter 23.60A;
- 5 5. Lot configuration standards in subsections 23.22.100.C.3, (~~23.24.040.A.8~~)
- 6 23.24.040.A.9, and 23.28.030.A.3;

7 6. Permitted, prohibited, or conditional use provisions, except that departures
8 may be granted from development standards for required street-level uses, subject to the
9 limitations of subsection 23.41.012.B.34;

10 * * *

11 Section 9. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance
12 124105, is amended as follows:

13 **23.42.040 Intermittent, temporary, and interim uses**

14 The Director may grant, deny, or condition applications for the following intermittent,
15 temporary, or interim uses not otherwise permitted or not meeting development standards in the
16 zone:

17 * * *

18 F. Light Rail Transit Facility Construction. A temporary structure or use that supports the
19 construction of a light rail transit facility may be authorized by the Director pursuant to a Master
20 Use Permit subject to the requirements of this subsection 23.42.040.F and subsection
21 (~~23.60.023~~) 23.60A.209.E if the structure or use is within the Shoreline District.

22 * * *

1 Section 10. Section 23.42.048 of the Seattle Municipal Code, enacted by Ordinance
2 124608, is amended as follows:

3 **23.42.048 Configuration of dwelling units**

4 * * *

5 B. Small efficiency dwelling units. In all zones, small efficiency dwelling units are
6 subject to the following standards. Small efficiency dwelling units are also subject to additional
7 standards specified in the Seattle Building Code and any Director’s Rule making interpretation
8 thereof.

9 1. ~~((Sleeping))~~ Living room net floor area. Each small efficiency dwelling unit
10 shall have a ~~((sleeping))~~ living room that has at least 150 net square feet of floor area as specified
11 in the rules promulgated by the Director. The floor area occupied by storage, bathrooms,
12 cabinets, closets, appliances, and structural features ~~((;))~~ is not included in calculating the net
13 floor area.

14 2. Total floor area. The total floor area of a small efficiency dwelling unit,
15 inclusive of bathrooms, cabinets, closets, appliances, and structural features, shall be at least 220
16 square feet.

17 3. Food preparation area. Each small efficiency dwelling unit shall contain a food
18 preparation area with a cooking appliance that may be portable, such as a microwave, a
19 refrigerator, a sink, and not less than 4 square feet of contiguous countertop work area.

20 4. Bathroom. Each small efficiency dwelling unit shall contain a bathroom with a
21 toilet, sink, and a shower or bathtub.

22 Section 11. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance
23 124105, is amended as follows:

1 **23.44.006 Principal uses permitted outright**

2 The following principal uses are permitted outright in single-family zones:

3 * * *

4 F. Uses in existing or former public schools:

5 1. Child care centers, public or private schools, educational and vocational
6 training for the disabled, adult evening education classes, nonprofit libraries, community centers,
7 community programs for the elderly (~~or similar uses, in each case in existing or former public~~
8 ~~schools~~), and similar uses are permitted outright in existing or former public schools, provided
9 that any new children’s play equipment or active play area associated with the use shall be
10 located at least 30 feet from any other lot in a single family zone, and at least 20 feet from any
11 other lot in any other residential zone.

12 2. Other non-school uses in existing or former public schools, if permitted
13 pursuant to procedures established in Chapter 23.78.

14 3. Additions to existing public schools only when the proposed use of the addition
15 is a public school;

16 * * *

17 Section 12. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance
18 124105, is amended as follows:

19 **23.44.008 Development standards for uses permitted outright**

20 A. The development standards set out in this (~~subchapter~~) Subchapter I apply to
21 principal and accessory uses permitted outright in single-family zones.

22 * * *

1 F. (~~Except for a detached accessory dwelling unit, any~~) Any structure occupied by a
2 permitted principal use other than single-family residential use may be converted to single-
3 family residential use even if the structure does not conform to the development standards for
4 single-family structures. Expansions of converted nonconforming structures are regulated by
5 Section 23.42.108. Conversion of structures occupied by nonconforming uses (~~are~~) is regulated
6 by Sections 23.42.108 and 23.42.110.

7 * * *

8 Section 13. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance
9 125272, is amended as follows:

10 **23.44.010 Lot requirements**

11 * * *

12 B. Exceptions to minimum lot area requirements. The following exceptions to minimum
13 lot area requirements are allowed, subject to the requirements in subsection 23.44.010.B.2, and
14 further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square
15 feet in area:

16 1. A lot that does not satisfy the minimum lot area requirements of its zone may
17 be developed or redeveloped under one of the following circumstances:

18 a. "The Seventy-Five/Eighty Rule." The Seventy-Five/Eighty Rule
19 exception may be applied to allow separate development of lots already in existence in their
20 current configuration, or new lots resulting from a full subdivision, short subdivision, or lot
21 boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75
22 percent of the minimum required for the zone and also at least 80 percent of the mean area of the
23 lots within the same block front, subject to the following provisions:

1 1) To be counted as a separate lot for the purposes of calculating
2 the mean area of the lots on a block front, a lot must be entirely within a single-family zone, and
3 must be currently developed as a separate building site or else currently qualify for separate
4 development based on facts in existence as of the date a building permit, full or short
5 subdivision, or lot boundary adjustment application is filed with the Department. The existence
6 of structures or portions of structures on the property that is the subject of the application may be
7 disregarded when the application indicates the structures or portions of structures will be
8 demolished. In cases where this exception is applied for the purpose of a lot boundary
9 adjustment, the calculation shall be based on the existing lots as they are configured before the
10 adjustment.

11 2) To be counted as a separate lot for the purposes of calculating
12 the mean area of the lots on a block front, a lot must have at least 10 feet of frontage on the street
13 the calculation is applied to.

14 3) Lots developed with institutional uses, parks, or nonconforming
15 nonresidential uses may be excluded from the calculation. There must, however, be at least one
16 lot on the block front used for the calculation other than the property that is the subject of the
17 platting, lot boundary adjustment, or building permit application that this exception is being
18 applied to.

19 4) If property is to be subdivided or its lot lines are modified by a
20 lot boundary adjustment that increases the number of lots that qualify for separate development,
21 the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall
22 be excluded from the block front mean area calculation.

1 5) For purposes of this subsection 23.44.010.B.1.a, if the platting
2 pattern is irregular, the Director will determine which lots are included within a block front.

3 6) If an existing or proposed lot has frontage on more than one
4 street, the lot may qualify for this exception based on the calculation being applied to any street
5 on which the lot has at least 30 feet of frontage. If a proposed lot has frontage on multiple streets
6 but does not have 30 feet of frontage on any street, the exception may be applied based on the
7 calculation along the street on which the lot has the most frontage, provided the lot has at least
8 10 feet of frontage on that street. If the lot has less than 30 feet of frontage on any one street but
9 equal frontage on multiple streets, the rule may be applied based on the calculation along any
10 one of the streets, provided the lot has at least 10 feet of frontage on that street.

11 7) New lots created pursuant to subsection 23.44.010.B.1.a shall
12 comply with the following standards:

13 a) For a lot that is subdivided or short platted, the
14 configuration requirements of subsections 23.22.100.C.3 and (~~23.24.040.A.8~~) 23.24.040.A.9 or
15 with the modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

16 b) For an existing lot that is reconfigured under the
17 provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with
18 the modification provisions of subsection 23.28.030.A.4.

19 b. The lot area deficit is the result of a dedication or sale of a portion of the
20 lot to the City or state for street or highway purposes, payment was received for only that portion
21 of the lot, and the lot area remaining is at least 2,500 square feet.

22 c. The lot would qualify as a legal building site under subsection
23 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the

1 amount by which the lot was so reduced was less than ((40)) ten percent of the former area of the
2 lot. This exception does not apply to lots reduced to less than 2,500 square feet.

3 d. "The Historic Lot Exception." The historic lot exception may be applied
4 to allow separate development of lots already in existence if the lot has an area of at least 2,500
5 square feet, and was established as a separate building site in the public records of the county or
6 City prior to July 24, 1957, by deed, platting, or building permit. The qualifying lot shall be
7 subject to the following provisions:

8 1) A lot is considered to have been established as a separate
9 building site by deed if the lot was held under separate ownership from all abutting lots for at
10 least one year after the date the recorded deed transferred ownership.

11 2) If two contiguous lots have been held in common ownership at
12 any time after January 18, 1987, and a principal structure extends onto or over both lots, neither
13 lot qualifies for the exception. If the principal structure does not extend onto or over both lots,
14 but both lots were required to meet development standards other than parking requirements in
15 effect at the time the structure was built or expanded, neither lot qualifies for the exception
16 unless the vacant lot is not needed to meet current development standards other than parking
17 requirements. If the combined property fronts on multiple streets, the orientation of the principal
18 structure shall not be considered when determining if it could have been built to the same
19 configuration without using the vacant lot or lots as part of the principal structure's building site.

20 3) Lots that do not otherwise qualify for this exception cannot
21 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act
22 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of

1 removing from the principal structure minor features that do not contain enclosed interior space,
2 including but not limited to eaves and unenclosed decks.

3 4) If parking for an existing principal structure on one lot has been
4 provided on an abutting lot and parking is required under Chapter 23.54 the required parking for
5 the existing house shall be relocated onto the same lot as the existing principal structure in order
6 for either lot to qualify for the exception.

7 e. The lot is within a clustered housing planned development pursuant to
8 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a
9 development approved as an environmentally critical areas conditional use pursuant to Section
10 25.09.260.

11 f. If a lot qualifies for an exception to the lot area requirement under
12 subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or
13 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that
14 also qualify for separate development may be adjusted through the lot boundary adjustment
15 process if the adjustment maintains the existing lot areas, increases the area of a qualifying
16 substandard lot without reducing another lot below the minimum permitted lot area, or causes the
17 areas of the lots to become more equal provided the number of parcels qualifying for separate
18 development is not increased. Lots resulting from a lot boundary adjustment that do not meet the
19 minimum lot area requirement must qualify for an exception to that requirement.

20 2. Limitations

21 a. Development may occur on a substandard lot containing a riparian
22 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the
23 provisions of Chapter 25.09(~~(, Regulations for environmentally critical areas)~~) or containing

1 priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, if the
2 following conditions apply:

3 1) The substandard lot is not held in common ownership with an
4 abutting lot or lots at any time after October 31, 1992, or

5 2) The substandard lot is held in common ownership with an
6 abutting lot or lots, or has been held in common ownership at any time after October 31, 1992, if
7 proposed and future development will not intrude into the environmentally critical area or buffer
8 or priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

9 b. Lots on totally submerged lands do not qualify for any minimum lot
10 area exceptions.

11 3. Special exception review for lots less than 3,200 square feet in area. A special
12 exception Type II review as provided for in Section 23.76.004 is required for separate
13 development of any lot with an area less than 3,200 square feet that qualifies for any lot area
14 exception in subsection 23.44.010.B.1. The special exception application shall be subject to the
15 following provisions:

16 a. The depth of any structure on the lot shall not exceed two times the
17 width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the
18 portion of the easement within 5 feet of the structure on the lot qualifying under this provision
19 may be treated as a part of that lot solely for the purpose of determining the lot width for
20 purposes of complying with this subsection 23.44.010.B.3.a.

21 b. Windows in a proposed principal structure facing an existing abutting
22 lot that is developed with a house shall be placed in manner that takes into consideration the

1 interior privacy in abutting houses, provided that this provision shall not prohibit placing a
2 window in any room of the proposed house.

3 c. In approving a special exception review, additional conditions may be
4 imposed that address window placement to address interior privacy of existing abutting houses.

5 * * *

6 Section 14. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance
7 125272, is amended as follows:

8 **23.44.012 Height limits**

9 * * *

10 B. Pitched roofs. The ridge of a pitched roof on a principal structure may extend up to
11 5 feet above the maximum height limit, as determined under subsection 23.44.012.A₂ ~~((above))~~
12 All parts of the roof above the height limit must be pitched at a rate of not less than 4:12 (Exhibit
13 A for 23.44.012). No portion of a shed or butterfly roof, except on a dormer, shall be permitted
14 to extend beyond the maximum height limit, as determined under subsection 23.44.012.A₂
15 ~~((above))~~ Roof forms including but not limited to barreled and domed roofs may be allowed
16 under this subsection 23.44.012.B if the Director determines that the roof form remains within
17 the massing of a pitched roof form such as a gable or gambrel roof that would otherwise be
18 allowed by this subsection 23.44.012.B (Exhibit B for 23.44.012).

19 * * *

20 Section 15. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
21 125272, is amended as follows:

1 **23.44.014 Yards and separations**

2 Yards are required for every lot in a single-family zone. A yard that is larger than the minimum
3 size may be provided.

4 * * *

5 B. Rear Yards ((-))

6 1. The rear yard shall be ((~~twenty-five (25)~~)) 25 feet.

7 2. The minimum required rear yard for a lot having a depth of less than ((~~one~~
8 ~~hundred twenty five (125)~~)) 125 feet shall be ((~~twenty (20)~~)) 20 percent of the lot depth and in
9 no case less than ((~~ten (10)~~)) 10 feet.

10 3. When the required rear yard abuts upon an alley along a lot line, the centerline
11 of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of
12 the provision of rear yard and the determination of lot depth; provided, that at no point shall the
13 principal structure be closer than ((~~five (5)~~)) 5 feet to the alley.

14 4. When a lot in any single-family zone abuts at the rear lot line upon a public
15 park, playground, or open water, not less than ((~~fifty (50)~~)) 50 feet in width, the rear yard need
16 not exceed the depth of ((~~twenty (20)~~)) 20 feet.

17 * * *

18 D. Exceptions from standard yard requirements. No structure shall be placed in a required
19 yard except pursuant to the following:

20 * * *

21 5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may
22 project into any required yard, if ((~~they are~~)) each component is no higher than 4 feet above
23 existing grade, no closer than 3 feet to any side lot line, ((~~no wider than 6 feet and project no~~

1 ~~more than 6 feet into required front or rear yards))~~ and has no horizontal distance greater than 6
2 feet within the required yard. ((~~The width of porches and steps are to be calculated separately.~~))

3 For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps
4 are permitted in the required yards.

5 * * *

6 10. Freestanding ((~~Structures and Bulkheads.~~) structures and bulkheads

7 a. Fences, freestanding walls, bulkheads, signs, and similar structures

8 6 feet or less in height above existing or finished grade, whichever is lower, may be erected in
9 any required yard. The 6-foot height may be averaged along sloping grade for each 6-foot-long
10 segment of the fence, but in no case may any portion of the fence exceed 8 feet. Architectural
11 features may be added to the top of the fence or freestanding wall above the 6-foot height if the
12 features comply with the following: horizontal architectural feature(s), no more than 10 inches
13 high, and separated by a minimum of 6 inches of open area, measured vertically from the top of
14 the fence, are permitted if the overall height of all parts of the structure, including post caps, is
15 no more than 8 feet. Averaging the 8-foot height is not permitted. Structural supports for the
16 horizontal architectural feature(s) may be spaced no closer than 3 feet on center.

17 b. The Director may allow variation from the development standards listed
18 in subsection 23.44.014.D.10.a, according to the following:

19 1) No part of the structure may exceed 8 feet; and

20 2) Any portion of the structure above 6 feet shall be predominately
21 open, such that there is free circulation of light and air.

22 c. Bulkheads and retaining walls used to raise grade may be placed in any
23 required yard when limited to 6 feet in height, measured above existing grade. A guardrail no

1 higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of
2 February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum
3 combined height is limited to 9 1/2 feet.

4 d. Bulkheads and retaining walls used to protect a cut into existing grade
5 may ~~((not exceed))~~ be placed in any required yard when limited to the minimum height
6 necessary to support the cut. ~~((or 6 feet, whichever is greater.))~~ If the bulkhead or retaining wall
7 is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches
8 meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. ~~((A~~
9 ~~fence must be set back a minimum of 3 feet from such a bulkhead or retaining wall.))~~ If the
10 bulkhead or retaining wall is 6 feet or less, a fence may be placed on top up to a maximum
11 combined height of 9.5 feet for both fence and bulkhead or retaining wall.

12 * * *

13 Section 16. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance
14 125272, is amended as follows:

15 **23.44.016 Parking and garages**

16 * * *

17 D. Parking and garages in required yards

18 * * *

19 8. Trailers, boats, recreational vehicles, and similar equipment shall not be parked
20 in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line,
21 or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line,
22 unless fully enclosed in a structure otherwise allowed in a required yard by this subsection
23 23.44.016.D.

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* * *

Section 17. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.44.022 Institutions

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

- Community centers
- Child care centers
- Private schools
- Religious facilities
- Libraries
- Existing institutes for advanced study
- Other similar institutions

The following institutions are prohibited in single-family zones:

- Hospitals
- Colleges
- Museums
- Private clubs
- Vocational schools

* * *

1 D. General provisions

2 1. New or expanding institutions in single-family zones shall meet the
3 development standards for uses permitted outright in Sections 23.44.008 through 23.44.016
4 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution master plan.

5 2. The establishment of a child care center in a legally established ~~((institution~~
6 ~~devoted to the care or instruction of children))~~ elementary or secondary school or community
7 center, or establishment of a shelter for homeless youths and young adults in a legally established
8 ~~((institution devoted to the care or instruction of children))~~ elementary or secondary school,
9 ~~((shall not be))~~ is not considered a new use or an expansion of the institutional use ~~((if the shelter~~
10 ~~occupants are enrolled students of the institution and if))~~ provided that:

11 a. ~~((the))~~ The use does not violate any condition of approval of the existing
12 institutional use; ~~((or))~~

13 b. The use does not require expansion of the existing structure;

14 c. Any new children's play area is located at least 30 feet from any other
15 lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;

16 d. If the use is a shelter, the occupants are enrolled students of the
17 established school.

18 3. Institutions seeking to establish or expand on property that is developed with
19 residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution
20 campus may be established or expanded beyond 2 1/2 acres if the property proposed for the
21 expansion is substantially vacant land.

22 * * *

1 Section 18. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
2 124843, is amended as follows:

3 **23.44.041 Accessory dwelling units**

4 A. Accessory dwelling units, general provisions. The Director may authorize an
5 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the
6 following conditions:

7 1. A lot with or proposed for a single-family dwelling may have no more than one
8 accessory dwelling unit.

9 2. In the Shoreline District, accessory dwelling units shall be as provided in
10 Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions
11 in this Section 23.44.041.

12 ((2)) 3. The owner(s) of the lot shall comply with the owner occupancy
13 requirements of subsection 23.44.041.C.

14 ((3)) 4. Any number of related persons may occupy each unit in a single-family
15 dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either
16 unit, the total number of persons occupying both units may not altogether exceed eight.

17 ((4)) 5. All accessory dwelling units are required to meet the development
18 standards in Table A for 23.44.041, unless modified in subsection 23.44.041.B:

Table A for 23.44.041
Development ((Standards for All Accessory Dwelling Units)) standards for all accessory
dwelling units

a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit. ²

Table A for 23.44.041
Development (~~(Standards for All Accessory Dwelling Units)~~) standards for all accessory dwelling units

a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
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Footnotes to Table A for 23.44.041:

¹The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, except that a garage for the accessory dwelling unit may be located on a different level.

²More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.

1 ((5)) 6. Except on lots located within areas that are defined as either an urban
2 center or urban village in the City's Comprehensive Plan, one off-street parking space is
3 required for the accessory dwelling unit and may be provided as tandem parking with the
4 parking space provided for the principal dwelling unit. An existing required parking space may
5 not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere
6 on the lot. Except for lots located in either Map A for 23.54.015, University District Parking
7 Overlay Area or Map B for 23.54.015, Alki Area Parking Overlay Area, the Director may
8 waive the off-street parking space requirement for an accessory dwelling unit if:

9 a. The topography or location of existing principal or accessory
10 structures on the lot makes provision of an off-street parking space physically infeasible; or

11 b. The lot is located in a restricted parking zone (RPZ) and a current
12 parking study is submitted showing a utilization rate of less than 75 percent for on-street
13 parking within 400 feet of all property lines of the site.

14 B. Accessory dwelling units, detached, additional provisions. A detached accessory
15 dwelling unit is also known as a backyard cottage. The Director may authorize a detached

1 accessory dwelling unit, and that unit may be used as a residence, only under the conditions set
2 forth in subsection 23.44.041.A and the following additional conditions:

3 ~~((1. Detached accessory dwelling units are not permitted on a lot if any portion
4 of the lot is within the Shoreline District established pursuant to Section 23.60.010.~~

5 2)) 1. Detached accessory dwelling units are required to meet the additional
6 development standards set forth in Table B for 23.44.041.

Table B for 23.44.041 Development standards for detached accessory dwelling units¹					
a. Minimum lot size	4,000 square feet				
b. Minimum lot width	25 feet				
c. Minimum lot depth	70 feet ²				
d. Maximum lot coverage	The provisions of Section 23.44.010 apply.				
e. Maximum rear yard coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40 percent of the rear yard.				
f. Maximum gross floor area	800 square feet including garage and storage area but excluding covered porches and covered decks that are less than 25 square feet in area, and underground areas measured as set forth in Section 23.86.007.				
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.				
h. Minimum side yard	The provisions of subsection 23.44.014.C apply. ⁷				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{3, 4, 7}				
j. Location of entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
k. Maximum height limits ⁵	Lot width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50 ⁶	50 or greater

**Table B for 23.44.041
Development standards for detached accessory dwelling units¹**

(1) Base structure height limit (feet)	12	14	15	16	16
(2) Height allowed for pitched roof above base structure height limit (feet)	3	7	7	6	7
(3) Height allowed for shed or butterfly roof above base structure height limit (feet); see Exhibit A for 23.44.041	3	4	4	4	4
1. Minimum separation from principal structure	5 feet				

Footnotes to Table B for 23.44.041

¹The Director may allow an exception to standards a through f, h, i, and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.

²For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

³If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

⁴On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

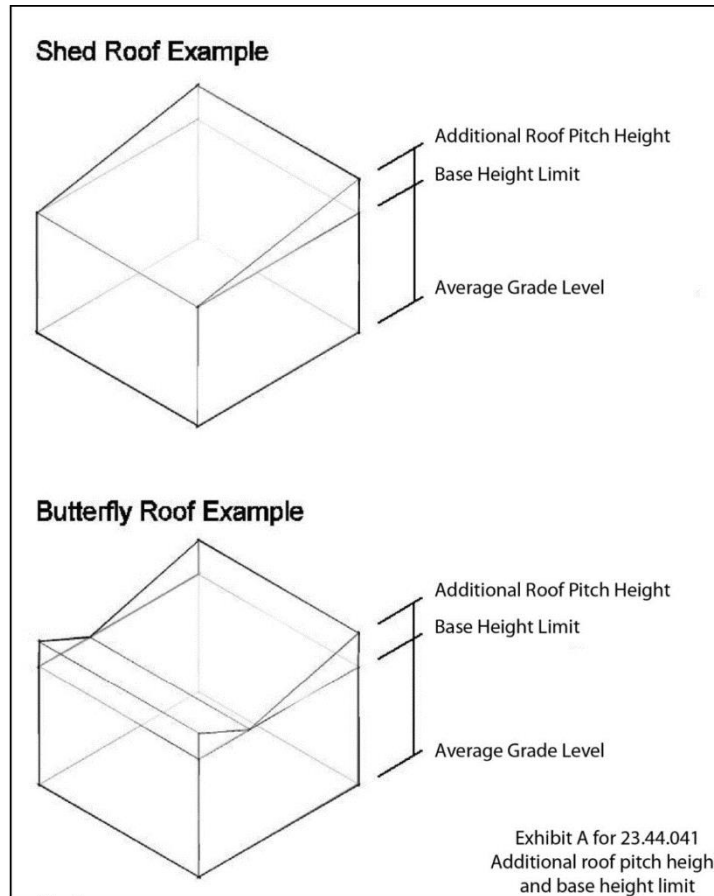
⁵Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁶Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.

⁷The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.

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Exhibit A for 23.44.041
Additional roof pitch height and base height limit



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((3)) 2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsection ((23.44.041.A.4)) 23.44.041.A.5 and standards a through f, h, i, and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate

1 that the accessory structure was constructed prior to June 1, 1999, as an accessory structure. If
2 an accessory structure constructed prior to June 1, 1999, was replaced to the same
3 configuration in accordance with the standards of Section 23.42.112, then the replacement
4 structure also qualifies for conversion under this subsection (~~((23.44.041.B.3))~~ 23.44.041.B.2.
5 For purposes of this subsection (~~((23.44.041.B.3))~~ 23.44.041.B.2, the term “conversion” means
6 either keeping the accessory structure intact or removing and rebuilding the accessory
7 structure, provided that any expansion or relocation of the accessory structure complies with
8 the development standards for detached accessory dwelling units.

9 * * *

10 Section 19. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
11 125359, is amended as follows:

12 **23.45.510 Floor area ratio (FAR) limits**

13 * * *

14 E. The following floor area is exempt from FAR limits:

15 * * *

16 3. The floor area contained in structures built prior to January 1, 1982, as single-
17 family dwelling units that will remain in residential use, regardless of the number of dwelling
18 units within the existing structure, provided that:

19 a. ~~((no))~~ No other principal structure is located between the existing
20 ~~((single family dwelling unit))~~ residential structure and the street lot line along at least one street
21 frontage. If the ~~((single family dwelling unit))~~ existing residential structure is moved on the lot,
22 the floor area of the ~~((dwelling))~~ existing residential structure remains exempt if it continues to
23 meet this provision; and

1 b. ~~((the))~~ The exemption is limited to the gross ~~((square footage))~~ floor
2 area in the ~~((single family dwelling unit))~~ existing residential structure as of January 1, 1982.

3 * * *

4 9. The floor area of required bicycle parking for small efficiency dwelling units or
5 congregate residence sleeping rooms, if the bicycle parking is located within the structure
6 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
7 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
8 limits.

9 Section 20. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance
10 125359, is amended as follows:

11 **23.45.514 Structure ~~((Height))~~ height**

12 J. Rooftop features

13 1. Flagpoles and religious symbols for religious institutions that are located on a
14 roof are exempt from height controls, except as regulated in Chapter 23.64, ~~((Airport Height~~
15 ~~Overlay District,))~~ provided they are no closer to any lot line than 50 percent of their height
16 above the roof portion where attached.

17 2. Open railings, planters, greenhouses not dedicated to food production, parapets,
18 and firewalls on the roofs of principal structures may extend 4 feet above the maximum height
19 limit set in subsections 23.45.514.A, 23.45.514.B, ~~((E,))~~ and 23.45.514.F. ~~((of this Section~~
20 ~~23.45.514.))~~

21 3. Architectural projections that result in additional interior space, such as
22 dormers, skylights, and clerestories, are subject to the following limits:

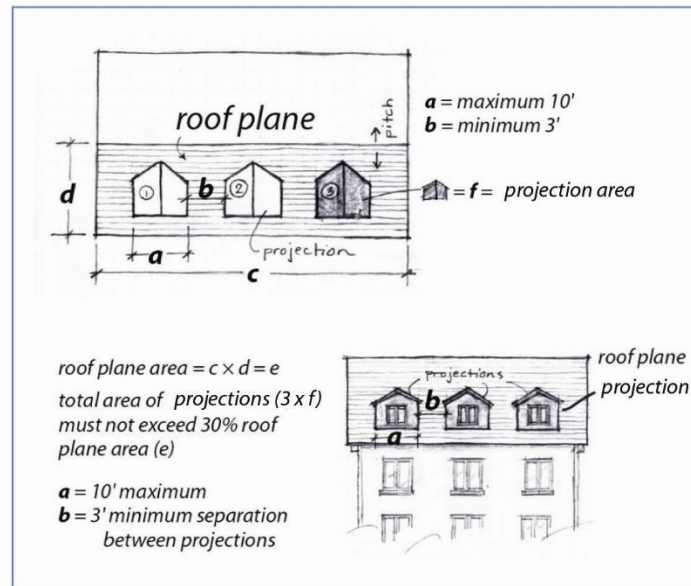
1 a. On pitched roofs, projections may extend to the height of the ridge of
2 a pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions
3 are met:

4 ((i)) 1. the total area of the projections is no more than 30
5 percent of the area of each roof plane measured from the plan view perspective;

6 ((ii)) 2. each projection is limited to 10 feet in width; and

7 ((iii)) 3. each projection is separated by at least 3 feet from any
8 other projection (see Exhibit D for 23.45.514).

9 **Exhibit D for 23.45.514: Permitted Projections on Pitched Roofs**



10
11 b. On flat roofs, the projections may extend 4 feet above the maximum
12 height limit allowed by subsections 23.45.514.A, 23.45.514.B, and 23.45.514.F if the
13 following requirements are met:

14 1) the total area of the projections is no more than 30 percent of
15 the area of the roof plane; and

1 2) the projections are setback at least 4 feet from any street facing
2 facade.

3 4. In LR zones, the following rooftop features may extend 10 feet above the
4 height limit set in subsections 23.45.514.A and 23.45.514.F, if the combined total coverage of all
5 features in subsections 23.45.514.J.4.a through 23.45.514.J.4.f does not exceed 15 percent of the
6 roof area (or 20 percent of the roof area if the total includes screened mechanical equipment):

7 a. Stair penthouses, except as provided in subsection 23.45.514.J.6;

8 b. Mechanical equipment;

9 c. Play equipment and open-mesh fencing that encloses it, if the fencing is
10 at least 5 feet from the roof edge;

11 d. Chimneys;

12 e. Wind-driven power generators; and

13 f. Minor communication utilities and accessory communication devices,
14 except that height is regulated according to the provisions of Section 23.57.011.

15 * * *

16 Section 21. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
17 125272, is amended as follows:

18 **23.45.518 Setbacks and separations**

19 A. LR zones. Required setbacks for the LR zones are shown in Table A for 23.45.518.

**Table A for 23.45.518
Required Setbacks in LR Zones Measured in Feet**

All LR zones	Category of residential use			
	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with alley; 7 if no alley	0 with alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side setback for facades 40 feet or less in length ¹	5	0 where abutting another rowhouse development ³ , otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side setback for facades greater than 40 feet in length ²	5 minimum	0 where abutting another rowhouse development ³ , otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnotes to Table A for 23.45.518:

¹Additions to existing nonconforming structures built prior to April 11, 2011, shall be set back a sufficient distance so that the addition complies with setback standards. For any portion of a structure built before April 11, 2011, the average setback applies only to a new addition built after that date. If an addition is to a side wall extended vertically, the existing side wall line may be continued by the addition, provided that the average setback of 7 feet or the 5-foot minimum setback is met.

²Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.

³If the side facades of rowhouse developments on abutting lots are not joined, then a 3.5 foot setback is required, except the side setback may be reduced to zero if the abutting lot contains a rowhouse development and an easement is provided along the shared lot line of the abutting lot sufficient to leave a 3.5 foot separation between the principal structures of the abutting rowhouse developments.

* * *

1 J. Structures in required setbacks or separations

2 * * *

3 12. Mechanical equipment. Heat pumps and similar mechanical equipment, not
4 including incinerators, are permitted in required setbacks if they comply with the requirements of
5 Chapter 25.08. No heat pump or similar equipment shall be located within 3 feet of any lot line.
6 Charging devices for electric cars are considered mechanical equipment and are permitted in
7 required setbacks if not located within 3 feet of any lot line.

8 * * *

9 Section 22. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance
10 125272, is amended as follows:

11 **23.45.536 Parking location, access, and screening**

12 * * *

13 D. Screening of parking

14 1. Parking shall be screened from direct street view by:

15 a. ~~((the))~~ The street-facing facade of a structure;

16 b. ~~((garage))~~ Garage doors;

17 c. ~~((a))~~ A fence or wall; or

18 d. ~~((landscaped))~~ Landscaped areas, including bioretention facilities or
19 landscaped berms.

20 2. Screening provided by a fence, wall, or vegetation in a landscaped area shall
21 not be located within any required sight triangle and shall meet the following conditions:

22 a. The fence, wall, or vegetation in the landscaped area shall be at least 3
23 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is

1 present. If the elevation of the ground at the base of the fence, wall, or landscaped area is higher
2 than the finished elevation of the parking surface, the difference in elevation may be measured as
3 a portion of the required height of the screen, so long as the fence, wall, or vegetation in the
4 landscaped area is at least 3 feet in height. If located in a setback, the fence or wall shall meet the
5 requirements of subsection 23.45.518.J.7.

6 b. The fence, wall, or vegetation in the landscaped area shall be set back at
7 least 3 feet from the lot line.

8 3. Screening by garage doors in LR zones. If parking is provided in a garage in or
9 attached to a principal structure and garage door(s) face a street, the garage door(s) may be no
10 more than 75 square feet in area.

11 * * *

12 Section 23. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance
13 125483, is amended as follows:

14 **23.45.545 Standards for certain accessory uses**

15 E. Nonconforming solar collectors. The Director may permit the installation of solar
16 collectors that meet minimum energy standards and that increase an existing nonconformity as a
17 special exception pursuant to Chapter 23.76. Such an installation may be permitted even if it
18 exceeds the height limits established in Section(~~s 23.45.009 and~~) 23.45.514 when the following
19 conditions are met:

20 1. There is no feasible alternative solution to placing the collector(s) on the roof;
21 and

1 c. Through a secondary entry on the same facade as the primary entry to
2 the principal unit that is smaller and less visually prominent than the entry to the principal unit,
3 and does not have a prominent stoop, porch, portico, or other entry feature.

4 6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit
5 may not exceed 4 feet in height, except for exterior stairs providing access to an accessory
6 dwelling unit located above a garage.

7 7. Parking. Parking is not required for an accessory dwelling unit.

8 8. In the Shoreline District, accessory dwelling units in rowhouse and townhouse
9 units shall be as provided in Chapter 23.60A and where allowed in the Shoreline District, they
10 are also subject to the provisions in this subsection 23.45.545.I.

11 J. An accessory dwelling unit within an established single-family dwelling unit or on the
12 lot of an established single-family dwelling unit shall be considered an accessory use to the
13 single-family dwelling unit, shall meet the standards listed for accessory dwelling units in
14 Section 23.44.041, and shall not be considered a separate dwelling unit for any development
15 standard purposes in multifamily zones. In the Shoreline District, accessory dwelling units in
16 single-family dwelling units shall be as provided in Chapter 23.60A and where allowed in the
17 Shoreline District, they are also subject to the provisions in this subsection 23.45.545.J.

18 * * *

19 Section 24. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance
20 125272, is amended as follows:

21 **23.45.570 Institutions**

22 * * *

1 G. Parking

2 1. Parking (~~((Quantity))~~) quantity. Parking and loading is required pursuant to
3 Section 23.54.015.

4 2. Location of (~~((Parking))~~) parking. Parking areas and facilities may be located
5 anywhere on the lot except in the required front setback or side street side setback.

6 3. Screening of (~~((Surface Parking Areas))~~) surface parking areas. Surface parking
7 areas for more than five vehicles shall be screened in accordance with the following
8 requirements and the provisions of Section 23.45.524.

9 a. Screening shall be provided on each side of the parking area (~~((which))~~)
10 that abuts, or faces across a street, alley, or access easement, a lot in a residential zone.

11 b. Screening shall consist of a fence, solid evergreen hedge or wall
12 between 4 and 6 feet in height. Sight triangles must be provided. Fences surrounding sports
13 fields/recreation areas may be 8 feet high. The Director may permit higher fencing when
14 necessary for sports fields.

15 c. The height of the visual barrier created by the screen required in
16 subsection 23.45.570.G.3 shall be measured from street level. If the elevation of the lot line is
17 different from the finished elevation of the parking surface, the difference in elevation may be
18 measured as a portion of the required height of the screen, so long as the screen itself is a
19 minimum of 3 feet in height.

20 4. Landscaping of surface parking. Accessory surface parking areas for more than
21 20 vehicles shall be landscaped according to the following requirements:

22 a. One tree per every five parking spaces is required.

1 b. Each required tree shall be planted in a landscaped area and shall be 3
2 feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or
3 structural barriers shall protect landscaping, but may include openings to allow movement of
4 stormwater.

5 c. Hardy evergreen ground cover shall be planted to cover each landscaped
6 area.

7 d. The trees and landscaped areas shall be located within the parking area
8 to break up large expanses of pavement and cars.

9 * * *

10 Section 25. Section 23.46.002 of the Seattle Municipal Code, last amended by Ordinance
11 124843, is amended as follows:

12 **23.46.002 Scope of provisions**

13 A. This Chapter 23.46 details those authorized commercial uses which are or may be
14 permitted in Residential-Commercial (RC) zones.

15 B. All RC zones are assigned a residential zone classification on the Official Land Use
16 Map. Developments that do not include commercial uses permitted according to this Chapter
17 23.46 are regulated according to the standards for the applicable residential zone. ((The))
18 Structures containing floor area in commercial use permitted according to this Chapter 23.46 are
19 subject to the development standards of this Chapter 23.46 and the designated residential zone,
20 ~~((for apartments apply to all principal structures in the RC zone. The development standards of~~
21 ~~the designated residential zone shall apply to all structures in the RC zone, except as otherwise~~
22 ~~specified for commercial uses in this Chapter 23.46, and)) except that parking quantity is
23 required as provided in Chapter 23.54.~~

1 * * *

2 Section 26. Section 23.47A.008 of the Seattle Municipal Code, last amended by
3 Ordinance 125272, is amended as follows:

4 **23.47A.008 Street-level development standards**

5 * * *

6 E. When a live-work unit is located on a street-level street-facing facade, the provisions
7 of subsections 23.47A.008.A and 23.47A.008.B, and the following requirements, apply:

8 1. The portion of each such live-work unit in which business is conducted must be
9 located between the principal street and the residential portion of the live-work unit. The non-
10 residential portions of the unit shall extend the width of the street-level street-facing facade, shall
11 extend a minimum depth of 15 feet from the street-level street-facing facade, and shall not
12 contain any of the primary features of the residential (live) portion of the live-work unit, such as
13 kitchen, bathroom, sleeping, or laundry facilities. These basic residential features shall be
14 designed and arranged to be separate from the work portion of the live-work unit.

15 2. Each live-work unit must have a pedestrian entry on the street-facing facade
16 that is designed to be visually prominent and provide direct access to the non-residential portions
17 of the unit.

18 ~~((2))~~3. Each live-work unit must include an exterior sign with the name of the
19 business associated with the live-work unit. Such signage shall be clearly associated with the unit
20 and visible to pedestrians outside of the building.

21 ~~((3))~~4. The owner of each live-work unit must keep a copy of the current business
22 license associated with the business located in that unit on file.

23 * * *

1 Section 27. Section 23.47A.009 of the Seattle Municipal Code, last amended by
2 Ordinance 125361, is amended as follows:

3 **23.47A.009 Standards applicable to specific areas**

4 * * *

5 F. Ballard Hub Urban Village. The following provisions apply to development proposed
6 in NC zones within the Ballard Hub Urban Village.

7 1. Maximum lot coverage on lots 40,000 square feet in size or greater:

8 a. The maximum lot coverage permitted for principal and accessory
9 structures is 80 percent of the lot area.

10 b. Lot coverage exceptions. The following structures or portions of
11 structures are not counted in the lot coverage calculation:

12 1) Portions of a structure that are below grade or that do not extend
13 more than 4 feet above the existing or finished grade, whichever is lower.

14 2) The first 18 inches of overhead horizontal building projections
15 of an architectural or decorative character, such as cornices, eaves, sills, and gutters.

16 3) Ramps or other devices that provide access for the disabled and
17 elderly and that meet the standards of the Seattle Building Code.

18 4) The first 4 feet of unenclosed porches or steps for residential
19 units.

20 c. In the 20 percent of the lot that remains uncovered, as required by this
21 subsection 23.47A.009.F.1, not more than ten parking spaces may be provided, and applicants
22 are encouraged to provide elements at-grade that enhance the usability and livability of the lot

1 for residents and tenants such as pedestrian circulation areas, landscaping, lighting, weather
2 protection, art, or other similar features.

3 2. Facade modulation

4 a. Facade modulation requirements apply to all portions of a street-facing
5 facade of a structure up to a height of 45 feet located within 10 feet of a street lot line, according
6 to provisions of subsection 23.47A.009.F.2.c.

7 b. The maximum width of any unmodulated street-facing facade is 100
8 feet. Facades longer than 100 feet shall be modulated at no greater than 100-foot intervals by
9 stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum
10 width of 15 feet.

11 c. Facade modulation requirements do not apply to portions of a structure
12 that are below grade or that do not extend more than 2 feet above the existing or finished grade at
13 the street lot line, whichever is lower.

14 3. Maximum structure width

15 a. The maximum allowed structure width is 250 feet.

16 b. Structure width limits do not apply to portions of a structure that are
17 below grade or that do not extend more than 2 feet above the existing or finished grade at the
18 street lot line, whichever is lower.

19 4. Setback requirements

20 a. Street-level setbacks

21 1) In the area shown on Map D for 23.47A.009, portions of a
22 structure up to 10 feet above the abutting sidewalk grade facing 15th Avenue NW shall be set
23 back from the street lot line by a minimum depth of 6 feet up to a maximum depth of 10 feet.

1 2) The provisions of subsection 23.47A.009.F.2 do not apply to the
2 area described in subsection 23.47A.009.F.4.a.1.

3 b. Upper-level setbacks

4 1) A setback with an average depth of 10 feet from all abutting
5 street lot lines is required for portions of a structure above a height of 45 feet. The maximum
6 depth of a setback that can be used for calculating the average setback is 20 feet.

7 2) A setback with an average depth of 15 feet from all street lot
8 lines is required for portions of a structure above a height of 65 feet. The maximum depth of a
9 setback that can be used for calculating the average setback is 25 feet.

10 5. Structures permitted in required setback and separation areas according to this
11 subsection 23.47A.009.F are subject to subsection 23.47A.014.E.

12 * * *

13 Section 28. Section 23.47A.013 of the Seattle Municipal Code, last amended by
14 Ordinance 125267, is amended as follows:

15 **23.47A.013 Floor area ratio**

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

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

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

1 3. Except as provided in subsections ~~((23.47A.013.D.7))~~ 23.47A.013.D.2 and
2 ~~((23.47A.013.D.7))~~ 23.47A.013.D.5, parking that is within or covered by a structure or portion of
3 a structure and that is within a story that is not underground shall be included in gross floor area
4 calculations.

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

11 * * *

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

- 13 1. All underground stories or portions of stories;
- 14 2. All portions of a story that extend no more than 4 feet above existing or
15 finished grade, whichever is lower, excluding access;
- 16 3. Gross floor area of a transit station, including all floor area open to the general
17 public during normal hours of station operation but excluding retail or service establishments to
18 which public access is limited to customers or clients, even where such establishments are
19 primarily intended to serve transit riders;
- 20 4. Within First Hill, on lots zoned NC3 with a 160 foot height limit, all gross floor
21 area occupied by a residential use;
- 22 5. On a lot containing a peat settlement-prone environmentally critical area,
23 above-grade parking within or covered by a structure or portion of a structure, if the Director

1 finds that locating a story of parking below grade is infeasible due to physical site conditions
2 such as a high water table, if either:

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

7 b. All of the following conditions are met:

8 1) No above-grade parking is exempted by subsection
9 23.47A.013.D.5.a;

10 2) The parking is accessory to a residential use on the lot;

11 3) Total parking on the lot does not exceed one space for each
12 residential dwelling unit plus the number of spaces required for non-residential uses; and

13 4) The amount of gross floor area exempted by this subsection
14 23.47A.013.D.5.b does not exceed 25 percent of the area of the lot in zones with a height limit
15 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
16 greater; and

17 6. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.6
18 and 23.47A.012.C.7.

19 7. The floor area of required bicycle parking for small efficiency dwelling units or
20 congregate residence sleeping rooms, if the bicycle parking is located within the structure
21 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
22 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
23 limits.

* * *

H. Minimum FAR

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

a. ~~((a))~~ A pedestrian-designated zone in an urban center, urban village, or Station Area Overlay District; or

b. ~~((the))~~ The Northgate Overlay District and abutting a Major Pedestrian Street as shown on Map A for 23.71.004.

Table C for 23.47A.013						
Minimum 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

Footnote 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.

2. The minimum FAR requirement provided in subsection 23.47A.013.H.1 does not apply if:

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

b. The lot is larger than five acres;

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

d. Parks and open space is the principal use of the lot~~((:))~~; or

e. The lot is to be occupied by a nonprofit medical service use that provides a specialized service, such as kidney dialysis, that is not currently provided in the applicable urban village.

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.

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 for lots that contain a designated Landmark, or for lots within a Landmark
8 District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the
9 Director determines a waiver is necessary to preserve the integrity of a Landmark or meet
10 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 for lots within the Pike/Pine Conservation Overlay District pursuant to Chapter
13 23.32, if the Director determines that the proposed development promotes neighborhood
14 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:

- 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.

22 Section 29. Section 23.47A.014 of the Seattle Municipal Code, last amended by
23 Ordinance 125081, is amended as follows:

1 **23.47A.014 Setback requirements**

2 * * *

3 B. Setback requirements for lots abutting or across the alley from residential zones

4 1. A setback is required where a lot abuts the intersection of a side lot line and
5 front lot line of a lot in a residential zone or a lot that is zoned both commercial and residential if
6 the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of
7 the lot. The required setback forms a triangular area. Two sides of the triangle extend along the
8 street lot line and side lot line 15 feet from the intersection of the residentially zoned lot's front
9 lot line and the side lot line abutting the residentially zoned lot. The third side connects these two
10 sides with a diagonal line across the commercially-zoned lot (Exhibit A for 23.47A.014).

11 * * *

12 Section 30. Section 23.47A.016 of the Seattle Municipal Code, last amended by
13 Ordinance 125272, is amended as follows:

14 **23.47A.016 Landscaping and screening standards**

15 * * *

16 D. Screening and landscaping requirements for specific uses. When there is more than
17 one use that requires screening or landscaping, the requirement that results in the greater
18 amount applies.

19 1. Surface parking areas

20 a. Landscaping requirements for surface parking areas are established in
21 Table ((C)) A for 23.47A.016.

Table ((C)) <u>A</u> for 23.47A.016	
Landscaping requirements for surface parking areas	
Number of parking spaces	Required landscaped area
20 to 50	18 square feet, per parking space

**Table ((C)) A for 23.47A.016
 Landscaping requirements for surface parking areas**

Number of parking spaces	Required landscaped area
51 to 99	25 square feet, per parking space
100 or more	35 square feet, per parking space

1 1) Each landscaped area shall be no smaller than 100 square feet
 2 and must be protected by permanent curbs or structural barriers.

3 2) No part of a landscaped area shall be less than 4 feet in width
 4 or length except those parts of landscaped areas created by turning radii or angles of parking
 5 spaces.

6 3) No parking space shall be more than 60 feet from a required
 7 landscaped area.

* * *

8
 9 3. Other uses or circumstances. Screening and landscaping is required according
 10 to Table ((D)) B for 23.47A.016:

Table ((D)) B for 23.47A.016

Use or ((Circumstance)) <u>circumstance</u>	Minimum ((Requirement)) <u>requirement</u>
a. Drive-in businesses abutting or across an alley from a lot in a residential zone	6-foot-high screening along the abutting or alley lot lines; and A 5-foot-deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zone
b. Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zone	3-foot-high screening
c. Garbage cans in NC1, NC2, or NC3 zones, or associated with a structure containing a residential use in C1 or C2 zones	3-foot-high screening along areas where garbage cans are located
d. Garbage dumpsters in NC1, NC2, or NC3 zones, or associated with structures containing a residential use in C1 or C2 zones	6-foot-high screening

Table ((D)) B for 23.47A.016

Use or ((Circumstance)) circumstance	Minimum ((Requirement)) requirement
e. Gas stations in NC1, NC2 and NC3 zones or, in C1 and C2 zones, across the street from a lot in a residential zone	3-foot-high screening along street lot lines
f. Mobile home parks	6-foot-high screening along all lot lines that are not street lot lines; and Along all street lot lines, a 5-foot-deep landscaped area or a 5-foot-deep planting strip with street trees
g. Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zone	6-foot-high screening along the abutting or alley lot lines
h. Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zone	3-foot-high screening along the street lot line
i. Outdoor storage in a C1 zone; or Outdoor dry boat storage in NC2, NC3 or C1 zones in the Shoreline District	Screened from all lot lines by the facade of the structure or by 6-foot- high screening; and 5-foot-deep landscaped area between all street lot lines and the 6-foot-high screening (Exhibit C for 23.47A.016)
j. Outdoor storage in a C2 zone abutting a lot in a residential zone; or Outdoor dry boat storage in a C2 zone in the Shoreline District, abutting a lot in a residential zone	50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by 6-foot-high screening (Exhibit D for 23.47A.016)
k. Outdoor storage in a C2 zone across the street from a lot in a residential zone; or Outdoor dry boat storage, in a C2 zone in the Shoreline District, across the street from a lot in a residential zone	Screened from the street by the facade of a structure, or by 6-foot-high screening
l. Parking garage occupying any portion of the street-level street-facing facade between 5 and 8 feet above sidewalk grade	A 5-foot-deep landscaped area along the street lot line; or Screening by the exterior wall of the structure; or 6-foot-high screening between the structure and the landscaped area (Exhibit B for 23.47A.016)
m. Unenclosed parking garage on lots abutting a lot in a residential zone	A 5-foot-deep landscaped area and 6-foot-high screening along each shared lot line
n. Parking garage that is 8 feet or more above grade	3.5-foot screening along the perimeter of each floor of parking
o. Outdoor areas associated with pet daycare centers	Screened from all property lines by the facade of the structure or by 6-foot-high screening between the outdoor area and all property lines

* * *

Section 31. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.48.005 Uses

* * *

C. Conditional uses

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

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

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

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

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

3. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

a. The helistop or heliport is: for the takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional

1 transportation plan approved by the City Council and is not within 2,000 feet of a residential
2 zone.

3 b. The helistop or heliport is located so as to minimize adverse physical
4 environmental impacts on lots in the surrounding area, and particularly on residentially zoned
5 lots, public parks, and other areas where substantial public gatherings may be held.

6 c. The lot is of sufficient size that the operations of the helistop or heliport
7 and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

8 d. Open areas and landing pads shall be hard-surfaced.

9 e. The helistop or heliport meets all federal requirements including those
10 for safety, glide angles, and approach lanes.

11 D. Required street-level uses

12 1. One or more of the following uses listed in this subsection 23.48.005.D.1 are
13 required: (i) at street-level of the street-facing facade along streets designated as Class 1
14 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C;
15 (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;
16 and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2
17 streets shown on Map A for 23.48.740:

18 a. General sales and service uses;

19 b. Eating and drinking establishments;

20 c. Entertainment uses;

21 d. Public libraries;

22 e. Public parks;

23 f. Arts facilities;

1 g. Religious facilities; and

2 h. Light rail transit stations.

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

6 E. Public facilities in all SM zones

7 1. Uses in public facilities that are most similar to uses permitted outright or
8 permitted as a conditional use under this Chapter 23.48 are permitted outright or as a conditional
9 use, respectively, subject to the same use regulations, development standards and conditional use
10 criteria that govern the similar uses.

11 2. Permitted uses in public facilities requiring council approval. Unless
12 specifically prohibited in this Chapter 23.48, uses in public facilities that are not similar to uses
13 permitted outright or permitted as a conditional use under this Chapter 23.48 may be permitted
14 by the City Council.

15 3. In all SM zones, uses in public facilities not meeting development standards
16 may be permitted by the Council, and the Council may waive or grant departures from
17 development standards, if the following criteria are satisfied:

18 a. The project provides unique services that are not provided to the
19 community by the private sector, such as police and fire stations;

20 b. The proposed location is required to meet specific public service
21 delivery needs;

22 c. The waiver of or departure from the development standards is necessary
23 to meet specific public service delivery needs; and

1 d. The relationship of the project to the surrounding area has been
2 considered in the design, siting, landscaping and screening of the facility.

3 4. The City Council’s use approvals, and waivers of or grants of departures from
4 applicable development standards or conditional use criteria, contemplated by subsections
5 23.48.005.E.2 and 23.48.005.E.3, are governed by the provisions of Chapter 23.76, Subchapter
6 III.

7 5. Expansion of uses in public facilities

8 a. Major expansion. Major expansion of uses in public facilities allowed
9 pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 may be permitted
10 according to the criteria and process in those subsections 23.48.005.E.1, 23.48.005.E.2, and
11 23.48.005.E.3. A major expansion of a public facility use occurs when an expansion would not
12 meet development standards or the area of the expansion would exceed either 750 square feet or
13 ten percent of the existing area of the use, whichever is greater. For the purposes of this Section
14 23.48.005, area of use includes gross floor area and outdoor area devoted actively to that use,
15 other than as parking.

16 b. Minor expansion. An expansion of a use in a public facility that is not a
17 major expansion is a minor expansion. Minor expansions to uses in public facilities allowed
18 pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 above may be permitted
19 according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

20 6. Essential public facilities. Permitted essential public facilities will be reviewed
21 according to the provisions of Chapter 23.80.

22 Section 32. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
23 125432, is amended as follows:

1 **23.48.020 Floor area ratio (FAR)**

2 * * *

3 B. Floor area exempt from FAR calculations. The following floor area is exempt from
4 maximum FAR calculations:

- 5 1. All underground stories or portions of stories.
- 6 2. Portions of a story that extend no more than 4 feet above existing or finished
7 grade, whichever is lower, excluding access.
- 8 3. As an allowance for mechanical equipment, in any structure 65 feet in height or
9 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
10 calculations. Calculation of the allowance includes the remaining gross floor area after all
11 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
12 located on the roof of a structure, whether enclosed or not, is not included as part of the
13 calculation of total gross floor area.
- 14 4. All gross floor area for solar collectors and wind-driven power generators.
- 15 5. The floor area of required bicycle parking for small efficiency dwelling units or
16 congregate residence sleeping rooms, if the bicycle parking is located within the structure
17 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
18 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
19 limits.

20 * * *

21 Section 33. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance
22 125291, is amended as follows:

1 **23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center**

2 A. General provisions

3 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for
4 specified SM zones within the South Lake Union Urban Center are as shown in Table A for
5 23.48.220 and Table B for 23.48.220.

Table A for 23.48.220			
FAR limits for specified zones in South Lake Union Urban Center			
Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use¹
	Base FAR	Maximum FAR	
SM-SLU 100/65-145	4.5	6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5 ²	8	6
SM-SLU 85-280	0.5/3 ³	NA	6
SM-SLU 240/125-440	5 ²	8	10

Footnotes to Table A for 23.48.220
NA (not applicable) refers to zones where uses are not subject to an FAR limit.
¹All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.
²In the SM-SLU 175/85-280, and SM-SLU 240/125-440 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.3.
³The 3 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

6

Table B for 23.48.220		
FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones		
Zone	FAR limits for all uses	
	Base FAR	Maximum FAR
SM-SLU/R 65/95	Not applicable	Not applicable
SM-SLU 100/95	4.5	6.75
SM-SLU 145	5	9.5 ¹

Footnote to Table B for 23.48.220
¹The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

7 * * *

1 3. For the zones included on Table A for 23.48.220, an additional increment of up
2 to 0.5 FAR is permitted for non-residential uses above the base FAR of the zone if a lot meets
3 the conditions of either subsection 23.48.220.A.3.a or subsection 23.48.220.A.3.b.

4 a. The lot includes one or more qualifying Landmark structures, subject to
5 the following conditions:

6 1) The structure is rehabilitated to the extent necessary so that all
7 features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are
8 in good condition and consistent with the applicable ordinances and with any Certificates of
9 Approval issued by the Landmarks Preservation Board, all as determined by the Director of
10 Neighborhoods;

11 2) A notice is recorded with the King County Recorder's Office, in
12 a form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the
13 terms of this Chapter 23.48;

14 3) For purposes of this Section 23.48.220, a "qualifying
15 Landmark" is a structure that:

16 a) is subject, in whole or in part, to a designating ordinance
17 pursuant to Chapter 25.12; and

18 b) is on a lot on which no improvement, object, feature, or
19 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
20 designating ordinance.

21 4) A qualifying Landmark that allows for the additional increment
22 of FAR under this subsection 23.48.220.A.3 is not eligible as a Landmark transferable
23 development rights (TDR) or Landmark transferable development potential (TDP) sending site.

1 For so long as any of the chargeable floor area of the increment allowed above the base FAR of
2 the zone under this subsection 23.48.220.A.3 remains on the lot, each Landmark for which the
3 increment was granted shall remain designated as a Landmark under Chapter 25.12 and the
4 owner shall maintain the exterior and interior of each qualifying Landmark in good condition and
5 repair and in a manner that preserves the features and characteristics that are subject to
6 designation or controls by ordinance unless the Landmarks Preservation Board has issued a
7 Certificate of Approval for the modification or demolition of the Landmark; and

8 5) The amount of additional increment of FAR permitted above the
9 base FAR under this subsection 23.48.220.A.3 is not more than the square footage of floor area
10 in the Landmark structure(s).

11 b. The lot includes an open space that is a minimum of 10,000 square feet
12 in area and that has been improved as open space accessible to the public prior to November 8,
13 2015, subject to the following conditions:

14 1) The Director, in consultation with the Director of the Seattle
15 Parks and Recreation Department, determines that the design and location of the open space
16 provides a public benefit and is suitable for recreational use;

17 2) Declaration. The owner(s) of the lot where the open space is
18 located shall execute and record a declaration and voluntary agreement in a form acceptable to
19 the Director identifying the open space provided to qualify for the additional increment of FAR
20 above the base FAR; acknowledging that the right to develop and occupy a portion of the gross
21 floor area on the lot using the additional increment of floor area is based upon the long-term
22 provision and maintenance of the open space and that development is restricted in the open
23 space; and committing to provide and maintain the open space;

1 3) Duration; alteration. The owners of the lot granted the additional
2 increment of floor area above the base FAR as a result of having the open space on the lot shall
3 provide and maintain the open space for as long as the increment of additional floor area allowed
4 above the base FAR exists. The open space amenity allowing for the additional increment of
5 floor area above the base FAR may be altered or removed (~~((An))~~) only to the extent that an
6 amount of chargeable floor area equal to the increment of floor area allowed above the base FAR
7 under this subsection 23.48.220.A.3.b (~~((either or both of the following occur:))~~) is

8 a) (~~((Is removed))~~) Removed or converted to a use for which
9 extra non-residential floor area is not required under the provisions of the zone; and/or

10 b) (~~((Is subject))~~) Subject to provisions for gaining extra non-
11 residential floor area through alternative means consistent with the provisions of the zone and
12 provisions for allowing extra non-residential floor area in Chapter 23.58A. Alteration or removal
13 of the open space may be further restricted by the provisions of the zone and by conditions of
14 any applicable permit; and

15 4) The amount of extra FAR permitted above the base FAR is not
16 more than three times the square footage of open space provided to qualify for that increment of
17 FAR.

18 * * *

19 7. Within the area in the SM-SLU 175/85-280 zone meeting the standards for
20 location in subsection 23.48.230.B, structures designed for research and development laboratory
21 use and administrative office associated with research and development laboratories have a base
22 FAR of 5 and a maximum FAR of (~~((7))~~) 8, provided that the maximum number of floors allowed

1 above grade is eight measured from the floor with the lowest elevation above grade, but not
2 including rooftop projections.

3 * * *

4 Section 34. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance
5 125291, is amended as follows:

6 **23.48.225 Structure height in South Lake Union Urban Center**

7 * * *

8 f.(F.) All non-exempt floor area and residential floor area located above the base height is
9 considered extra floor area. Extra floor area may be obtained above the base height, up to the
10 maximum height, through the provision of public amenities meeting the standards of Section
11 23.48.021 and Chapter 23.58A.

12 * * *

13 Section 35. Section 23.48.231 of the Seattle Municipal Code, adopted by Ordinance
14 125291, is amended as follows:

15 **23.48.231 Modification of development standards in certain SM-SLU zones**

16 A. In a SM-SLU 175/85-280 zone located in the South Lake Union Seaport Flight
17 Corridor as shown on Map A for 23.48.225, the following apply:

18 1. The following modifications shall occur if the height limit according to
19 subsection ((~~23.48.225.D~~)) 23.48.225.E would prevent a development from being able to achieve
20 the maximum height that would otherwise be allowed according to subsection 23.48.225.A:

21 a. The upper-level floor area limit according to subsection 23.48.245.A
22 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet

1 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50
2 percent to 67 percent;

3 b. The non-residential floor plate limits according to subsection
4 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

5 c. The residential floor plate limits according to subsection
6 23.48.245.B.2.a shall be increased from 12,500 to 13,500 square feet; and

7 d. The residential floor plate limits according to subsection
8 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

9 * * *

10 Section 36. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance
11 125291, is amended as follows:

12 **23.48.245 Upper-level development standards in South Lake Union Urban Center**

13 Lots in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280,
14 and SM-SLU 240/125-440 zones are subject to upper-level development standards that may
15 include upper-level floor area limits, gross floor area limits and podium heights, upper-level
16 setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block,
17 and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this
18 Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 100/65-
19 145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 175/85-280 and SM-SLU 85-280
20 zones, or 125 feet for the SM-SLU 240/125-440 zone.

21 * * *

1 B. Floor area limits and podium heights. The following provisions apply to development
2 in the SM-SLU 100/65-145, SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-280, and
3 SM-SLU 240/125-440 zones located within the South Lake Union Urban Center:

4 1. Floor area limit for structures or portions of structures occupied by non-
5 residential uses:

6 a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c,
7 there is no floor area limit for non-residential uses in a structure or portion of structure that does
8 not contain non-residential uses above 85 feet in height.

9 b. There is no floor area limit for a structure that includes research and
10 development uses and the uses are in a structure that does not exceed a height of 105 feet,
11 provided that the following conditions are met:

12 1) A minimum of two floors in the structure are occupied by
13 research and development uses and have a floor-to-floor height of at least 14 feet; and

14 2) The structure has no more than seven stories above existing or
15 finished grade, whichever is lower, as measured from the lowest story to the highest story of the
16 structure but not including rooftop features permitted under subsection 23.48.025.C. The lowest
17 story shall not include a story that is partially below grade and extends no higher than 4 feet
18 above existing or finished grade, whichever is lower.

19 c. Within locations in the SM-SLU 175/85-280 zone meeting the standards
20 in subsection 23.48.230.B for extra height in South Lake Union Urban Center, there is no floor
21 area limit for structures that do not exceed a height of 120 feet and that are designed for research
22 and development laboratory use and administrative office associated with research and
23 development laboratories.

1 d. For structures or portions of structures with non-residential uses that
2 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of
3 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the
4 structure above the specified podium height indicated for the lot on Map A for 23.48.245,
5 excluding rooftop features or stories with rooftop features that are otherwise permitted above the
6 height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor
7 area of 24,000 square feet per story, except that the average gross floor area for stories above the
8 specified podium height is 30,000 square feet for structures on a lot that meets the following
9 conditions:

- 10 1) The lot has a minimum area of 60,000 square feet; and
- 11 2) The lot includes an existing open space or a qualifying

12 Landmark structure and is permitted an additional increment of FAR above the base FAR, as
13 permitted in subsection 23.48.020.A.3.

14 2. Floor area limit for residential towers. For a structure with residential use that
15 exceeds the base height limit established for residential uses in the zone under subsection
16 23.48.225.A.1, the following maximum gross floor area limit applies:

17 a. For a structure that does not exceed a height of 160 feet, excluding
18 rooftop features or stories with rooftop features that are otherwise permitted above the height
19 limit under the provisions of subsection 23.48.025.C, the gross floor area for stories with
20 residential use that extend above the podium height indicated for the lot on Map A for 23.48.245
21 shall not exceed 12,500 square feet for each story, or the floor size established by the upper-level
22 floor area limit in subsection 23.48.245.A, whichever is less.

1 b. For a structure that exceeds a height of 160 feet, the following limits
2 apply:

3 1) The average gross floor area for all stories with residential use
4 that extend above the podium height indicated for the lot on Map A for 23.48.245, and extending
5 up to the maximum height limit, shall not exceed 10,500 square feet, or the floor size established
6 by the upper-level floor area limit in subsection 23.48.245.A, whichever is less, except as
7 allowed in subsection 23.48.245.A.

8 2) The gross floor area of any single residential story above the
9 podium height shall not exceed 11,500 square feet.

10 3. Floor area limit for mixed-use development. This subsection 23.48.245.B.3
11 applies to structures or portions of structures that include both residential and non-residential
12 uses, as provided for in subsection 23.48.220.A.2.

13 a. For a story that includes both residential and non-residential uses, the
14 gross floor area limit for all uses combined shall not exceed the floor area limit for non-
15 residential uses, provided that the floor area occupied by residential use shall not exceed the floor
16 area limit otherwise applicable to residential use.

17 b. For a mixed-use structure with residential uses located on separate
18 stories from non-residential uses, the floor area limits shall apply to each use at the applicable
19 height limit.

20 4. Podium standards. The standards for podiums apply only to structures or
21 portions of structures that include a tower that is subject to a floor area limit.

22 a. Height limit for podiums. The specific podium height for a lot is shown
23 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley

1 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to
2 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet
3 deep. The podium height is measured from the grade elevation at the street lot line. In the SM-
4 SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, 9th Avenue North,
5 and Fairview Avenue North, the line on Map A for 23.48.245 demarcating the different podium
6 heights within these blocks is located 120 feet north of the northerly line of Mercer Street.

7 b. Podium floor area limits. For the podiums of structures with residential
8 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1
9 and for structures with non-residential uses that exceed a height of 85 feet, the average floor area
10 coverage of required lot area, pursuant to subsection 23.48.245.A, for all the stories below the
11 podium height specified on Map A for 23.48.245, shall not exceed 75 percent of the lot area,
12 except that floor area is not limited for each story if the total number of stories below the podium
13 height is three or fewer stories, or if the conditions in subsection 23.48.245.B.4.c apply.

14 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does not
15 apply if a lot includes one of the following:

16 1) Usable open space that meets the provisions of subsection
17 23.48.240.F; or

18 2) A structure that has been in existence prior to 1965 and the
19 following conditions are met:

20 a) The structure is rehabilitated and maintained to comply
21 with applicable codes and shall have a minimum useful life of at least 50 years from the time that
22 it was included on the lot with the project allowed to waive the podium area limit;

1 b) The owner agrees that the structure shall not be
2 significantly altered for at least 50 years from the time that it was included on the lot with the
3 project allowed to waive the podium area limit. Significant alteration means the following:

4 i. Alteration of the exterior facades of the structure,
5 except alterations that restore the facades to their original condition;

6 ii. Alteration of the floor-to-ceiling height of the
7 street-level story, except alterations that restore the floor-to-ceiling height to its original
8 condition; or

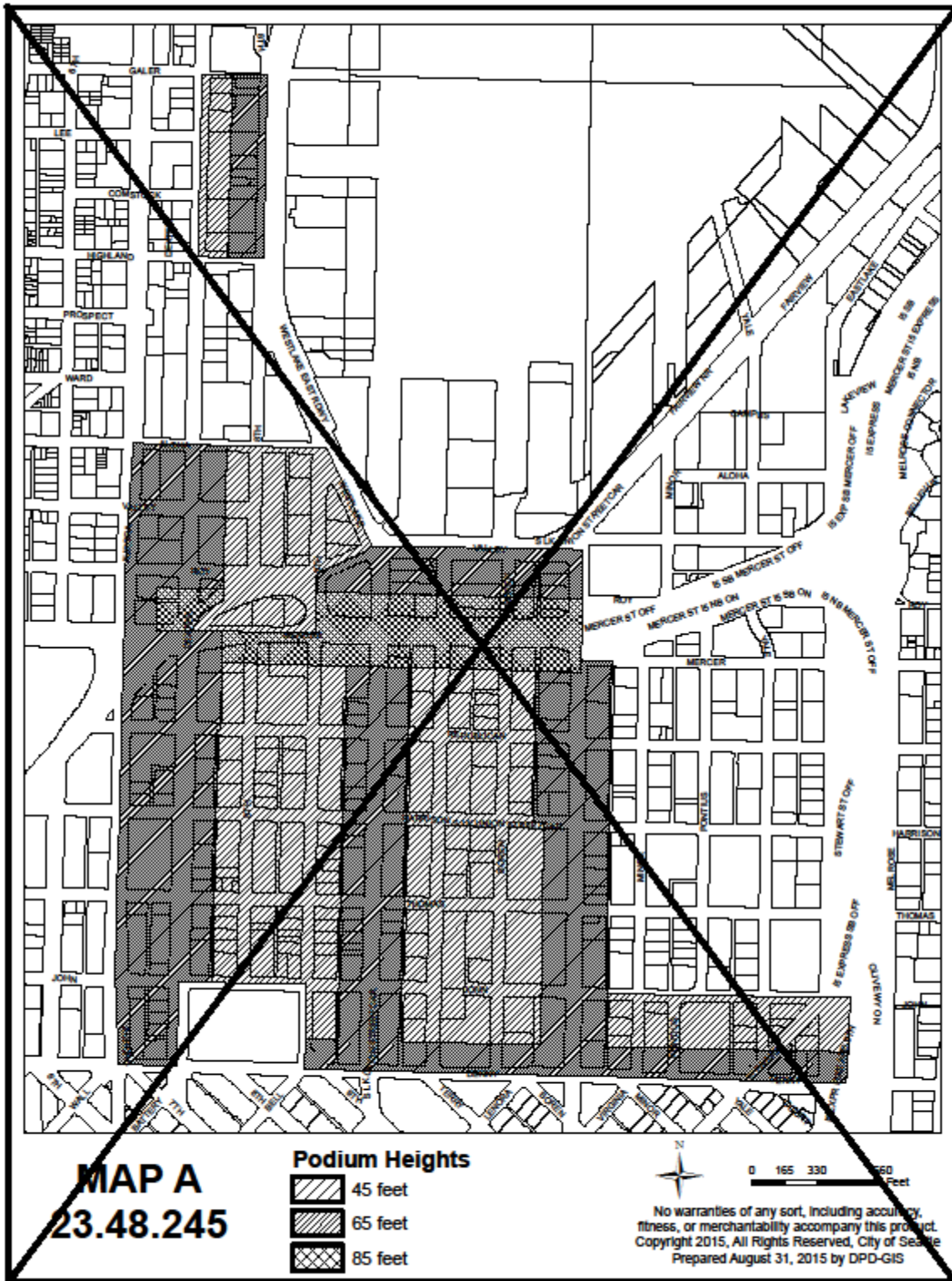
9 iii. The addition of stories to the structure, unless
10 the proposed addition is no taller than the maximum height to which the structure was originally
11 built, or the addition is approved through the design review process as compatible with the
12 original character of the structure and is necessary for adapting the structure to new uses; or

13 c) If the structure is removed from the lot, then any use of
14 the portion of the lot previously occupied by the structure shall be limited to usable open space.
15 The portion of the lot previously occupied by the structure shall be defined by a rectangle
16 enclosing the exterior walls of the structure as they existed at the time it was included on the lot
17 with the project allowed to waive the podium area limit, with the rectangle extended to the
18 nearest street frontage.

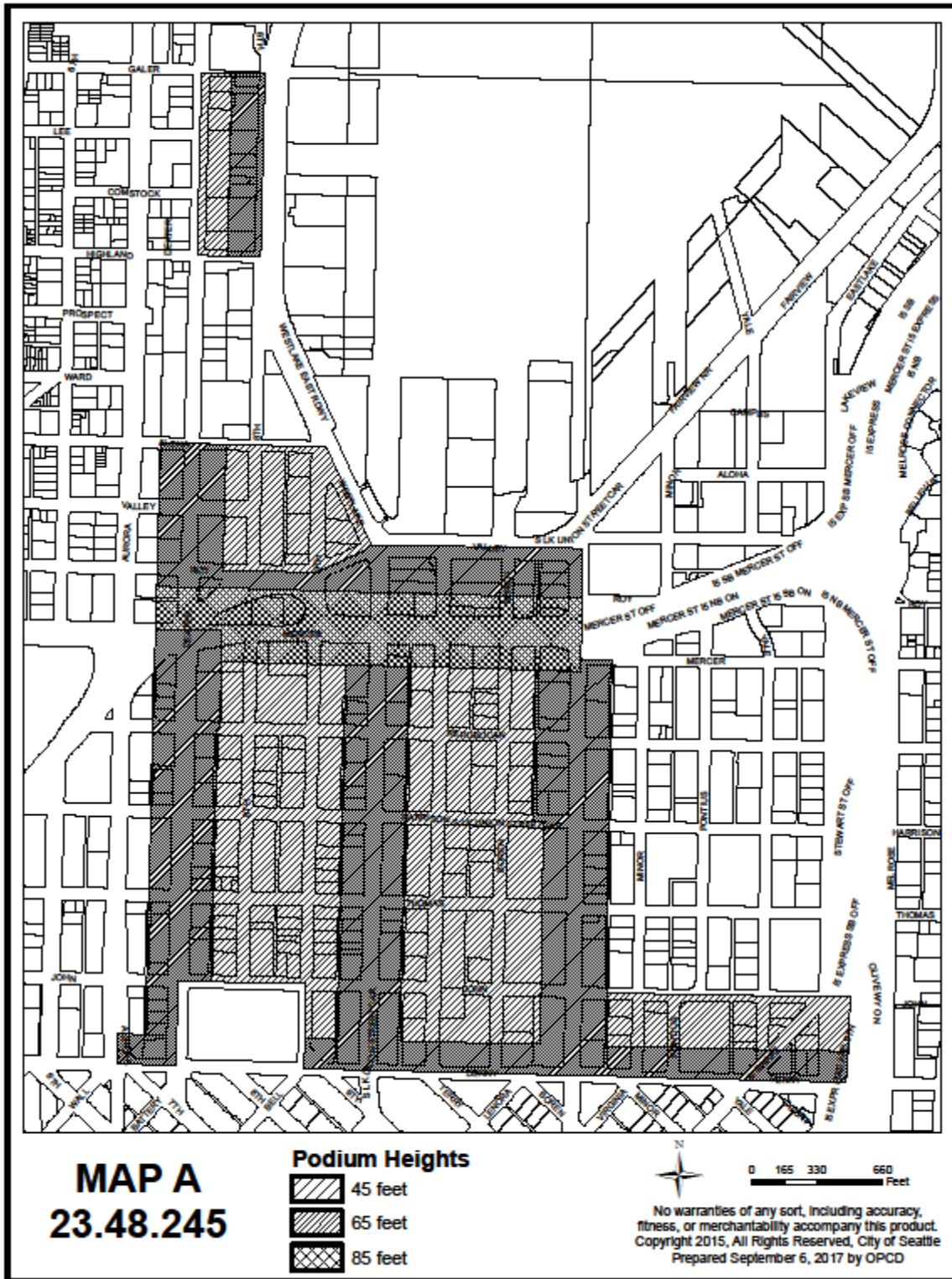
19 d. Additional height for podiums abutting Class 1 Pedestrian Streets.
20 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.240
21 may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided that floor-
22 to-ceiling clearance at the ground floor is at least 15 feet.

1
2

Map A for 23.48.245 Podium Heights



3



1

2

1 Section 37. Section 23.48.250 of the Seattle Municipal Code, amended by Ordinance
2 125291, is amended as follows:

3 **23.48.250 Open space requirement for office uses in South Lake Union Urban Center**

4 * * *

5 C. Standards for open space. Open space may be provided on-site or off-site, as follows:

6 1. On-site open space

7 a. Private open space. Private open space on the project site may satisfy
8 the requirement of this Section 23.48.250. Private open space shall be open to the sky and shall
9 be consistent with the general conditions related to landscaping, seating, and furnishings for
10 neighborhood open space in subsection ((~~23.58A.040.C.4.b.2~~)) 23.58A.040.C.5.b.2. Private open
11 space satisfying this requirement must be accessible to all tenants of the building and their
12 employees.

13 b. Open space provided for a project on site or on an adjacent lot directly
14 accessible from the project site to meet the open space requirements of subsection 23.48.240.F or
15 subsection 23.48.240.G may be used to satisfy the requirement of this Section 23.48.250.

16 2. Off-site public open space. Open space satisfying the requirement of this
17 Section 23.48.250 may be on a site other than the project site, provided that it is within an SM-
18 SLU zone and within 1/4 mile of the project site, open to the public without charge, and at least
19 3,000 square feet in contiguous area. The minimum size of off-site open space and maximum
20 distance from the project may be increased or decreased for a project if the Director determines
21 that such adjustments are reasonably necessary to provide for open space that will meet the
22 additional need for open space caused by the project and enhance public access.

1 3. Easement for off-site open space. The owner of any lot on which off-site open
2 space is provided to meet the requirements of this Section 23.48.250 shall execute and record an
3 easement in a form acceptable to the Director assuring compliance with the requirements of this
4 Section 23.48.250. The Director is authorized to accept such an easement, provided that the
5 terms do not impose any costs or obligations on the City.

6 4. Open space provided under this Section 23.48.250 shall qualify as the open
7 space required under subsections 23.48.240.F and 23.48.240.G, and this Section 23.48.250 if
8 within 1/4 mile of the project site.

9 * * *

10 Section 38. Subsection 23.48.620.D of the Seattle Municipal Code, which section was
11 enacted by Ordinance 125267, is amended as follows:

12 **23.48.620 Floor area ratio in SM-U zones**

13 * * *

14 D. Additional increment of chargeable floor area above the maximum FAR. For all SM-
15 U zones, an additional increment of 0.5 FAR (~~(chargeable floor area)~~) is permitted above the
16 maximum FAR of the zone for a lot that includes residential dwelling units that comply with all
17 of the following conditions(~~(, as illustrated in Exhibit A for 23.48.620)~~):

18 1. Unit number and size. The structure includes a minimum of ten dwelling units
19 that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

20 2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area
21 that is located on the same story as the dwelling unit and meets the following standards:

22 a. The amenity area has a minimum area of 1300 square feet and a
23 minimum horizontal dimension of 20 feet; and

1 b. The amenity area must be common amenity area, except that up to 40
2 percent of the amenity area may be private provided that the private and common amenity area
3 are continuous and are not separated by barriers more than 4 feet in height; and the private
4 amenity areas are directly accessible from units meeting these requirements; and

5 c. The common amenity area includes children’s play equipment; and

6 d. The common amenity area is located at or below a height of 85 feet.

7 ~~((1. Unit number and size~~

8 ~~a. An increment of 0.5 FAR is permitted above the maximum FAR of the~~
9 ~~zone for projects that include a minimum of ten dwelling units that each have a minimum area of~~
10 ~~900 gross square feet and include two or more bedrooms and comply with all of the conditions of~~
11 ~~this subsection 23.48.620.D;~~

12 ~~b. An increment of 1 FAR is permitted above the maximum FAR of the~~
13 ~~zone for projects that include a minimum of twenty dwelling units that each have a minimum~~
14 ~~area of 900 gross square feet and include two or more bedrooms and comply with all of the~~
15 ~~conditions of this subsection 23.48.620.D, provided that in no case shall the total amount of~~
16 ~~additional chargeable floor area allowed above the maximum FAR exceed 1 FAR;~~

17 ~~2. Private amenity area. Each dwelling unit shall have direct access to a private~~
18 ~~amenity area, such as a private patio or roof deck, that is located either at ground level or on the~~
19 ~~roof of a story that is not above 45 feet in height and that has a minimum area of 150 square feet~~
20 ~~and a minimum horizontal dimension of 8 feet. Private amenity area that is provided to meet the~~
21 ~~conditions of this subsection 23.48.620.D.2 shall be allowed to count as residential amenity area~~
22 ~~required by Section 23.48.045; and~~

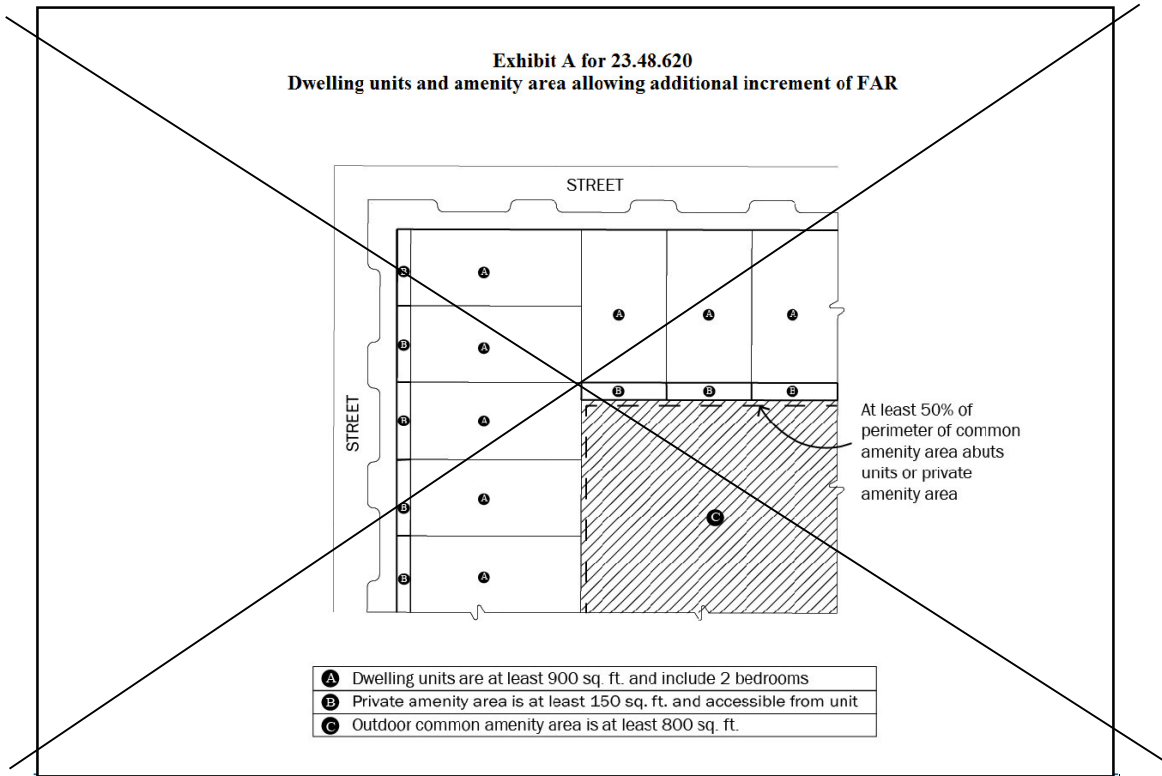
1 a. ~~Common amenity area. All units provided to meet the minimum number~~
2 ~~of units required in subsection 23.48.620.D.1 shall have access to an outdoor common amenity~~
3 ~~area that is located on the same story as the dwelling unit, is accessible only to the residents of~~
4 ~~the building, and meets the following standards:~~

5 1) ~~the common amenity area has a minimum area of 800 square~~
6 ~~feet and a minimum horizontal dimension of 10 feet;~~

7 2) ~~the common amenity area abuts and is visually or physically~~
8 ~~accessible from these dwelling units, or it abuts the private amenity area of these units, along at~~
9 ~~least 50 percent of its perimeter; and~~

10 3) ~~the common amenity area includes space for children's play~~
11 ~~equipment.))~~

12 **((Exhibit A for 23.48.620**
13 **Dwelling units and amenity area exempt from FAR))**



14

1 Section 39. Subsections 23.48.640.A and 23.48.640.B of the Seattle Municipal Code,
2 which section was enacted by Ordinance 125267, are amended as follows:

3 **23.48.640 Street-level development standards in SM-U zones**

4 A. Required (~~street-level~~) setbacks in SM-U zones

5 1. In the SM-U 85, SM-U 75-240, and SM-U 95-320 zones, a (~~street-level~~)
6 setback is required (~~at-grade~~) from specified street lot lines as shown on Table A for 23.48.640.
7 If the required setback allows for averaging the depth of the setback from the street lot line, any
8 setback area further than 10 feet from the street lot line shall not be included in the averaging
9 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
NE 45 th Street	8 feet minimum
NE 50 th Street	5 feet minimum

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

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

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

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

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

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

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

18 B. (~~(Facade)~~) Setback requirements for street-level residential units and live-work units.

19 In all SM-U zones, if a structure contains street-level, street-facing residential units or live-work
20 units, facades that contain those uses (~~(the street-facing facades of street-level residential units~~
21 ~~and live-work units)) shall set back an average of 7 feet from the street lot line, subject to the
22 following:~~

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

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

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

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

8 c. Unenclosed stoops, steps, decks, or porches related to the abutting
9 residential or live-work units that are no higher than ((~~four~~)) 4 feet above sidewalk grade,
10 excluding hand rails and guard rails.

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

14 * * *

15 Section 40. Subsection 23.48.645.E of the Seattle Municipal Code, which section was
16 enacted by Ordinance 125267, is amended as follows:

17 **23.48.645 Upper-level development standards in SM-U zones**

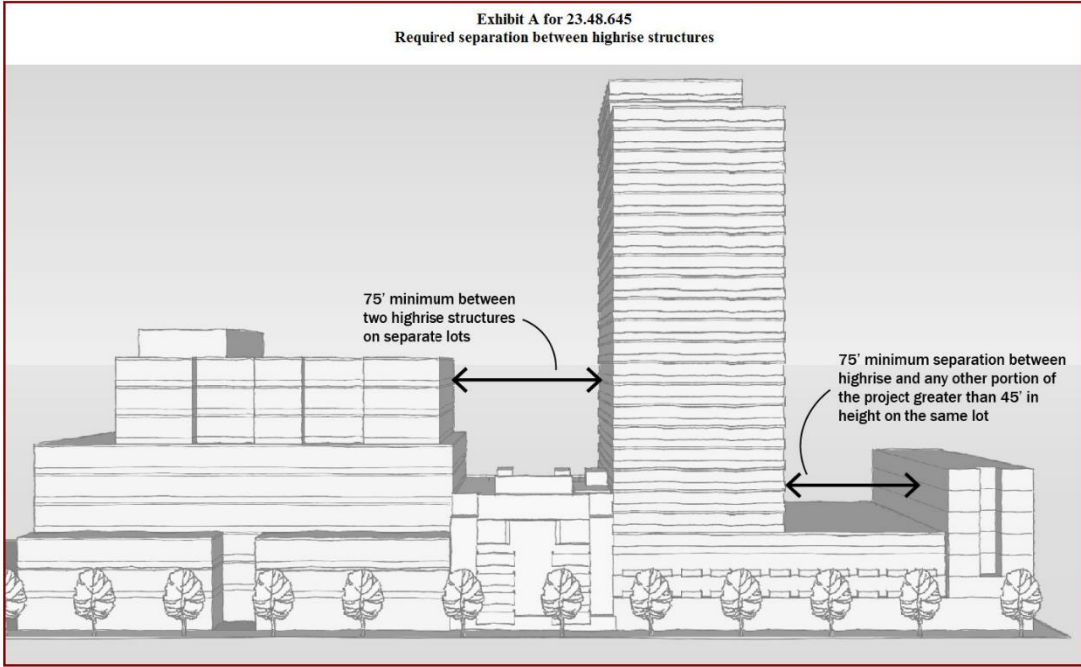
18 * * *

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

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

4 2. (~~(If more than one structure, or portions of the same structure, on a lot are~~
5 ~~highrise structures, a)) Within a lot. A minimum separation of 75 feet is required between any
6 highrise portion of a structure and all other portions of the same structure that exceed 45 feet in
7 height, or portions of other structures on the lot that exceed 45 feet in height, as shown on
8 Exhibit A for 23.48.645.~~

Exhibit A for 23.48.645 Required separation between highrise structures



11
12 3. For the purposes of this subsection 23.48.645.E, the separation requirements for
13 lots separated by an alley that are combined under the provisions of Section 23.48.627 shall be
14 applied according to subsection 23.48.645.E.1, as if the lots were separate lots on the same
15 block.

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

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

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

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

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

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

22 a. The highrise structure is physically present, except that a highrise
23 structure that is physically present is not considered “existing” if the owner of the lot where the

1 highrise structure is located has applied to the Director for a permit to demolish the highrise
2 structure and provided that no building permit for the proposed highrise structure is issued until
3 the demolition of the highrise structure that is physically present has been completed;

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

7 i. ~~((the))~~ The application has not been withdrawn or cancelled
8 without the highrise structure having been constructed; and

9 ii. ~~((if))~~ If a decision on that application has been published or a
10 permit on the application has been issued, the decision or permit has not expired, and has not
11 been withdrawn, cancelled, or invalidated, without the highrise structure having been
12 constructed.

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

22 * * *

1 Section 41. Section 23.48.722 of the Seattle Municipal Code, enacted by Ordinance
2 125432, is amended as follows:

3 **23.48.722 Floor area in the SM-UP 160 zone**

4 * * *

5 B. Minimum requirements. Development containing any extra floor area (~~above 95 feet~~
6 ~~in height~~) in the SM-UP 160 zone shall meet the minimum requirements for extra floor area in
7 subsection 23.48.021.D.

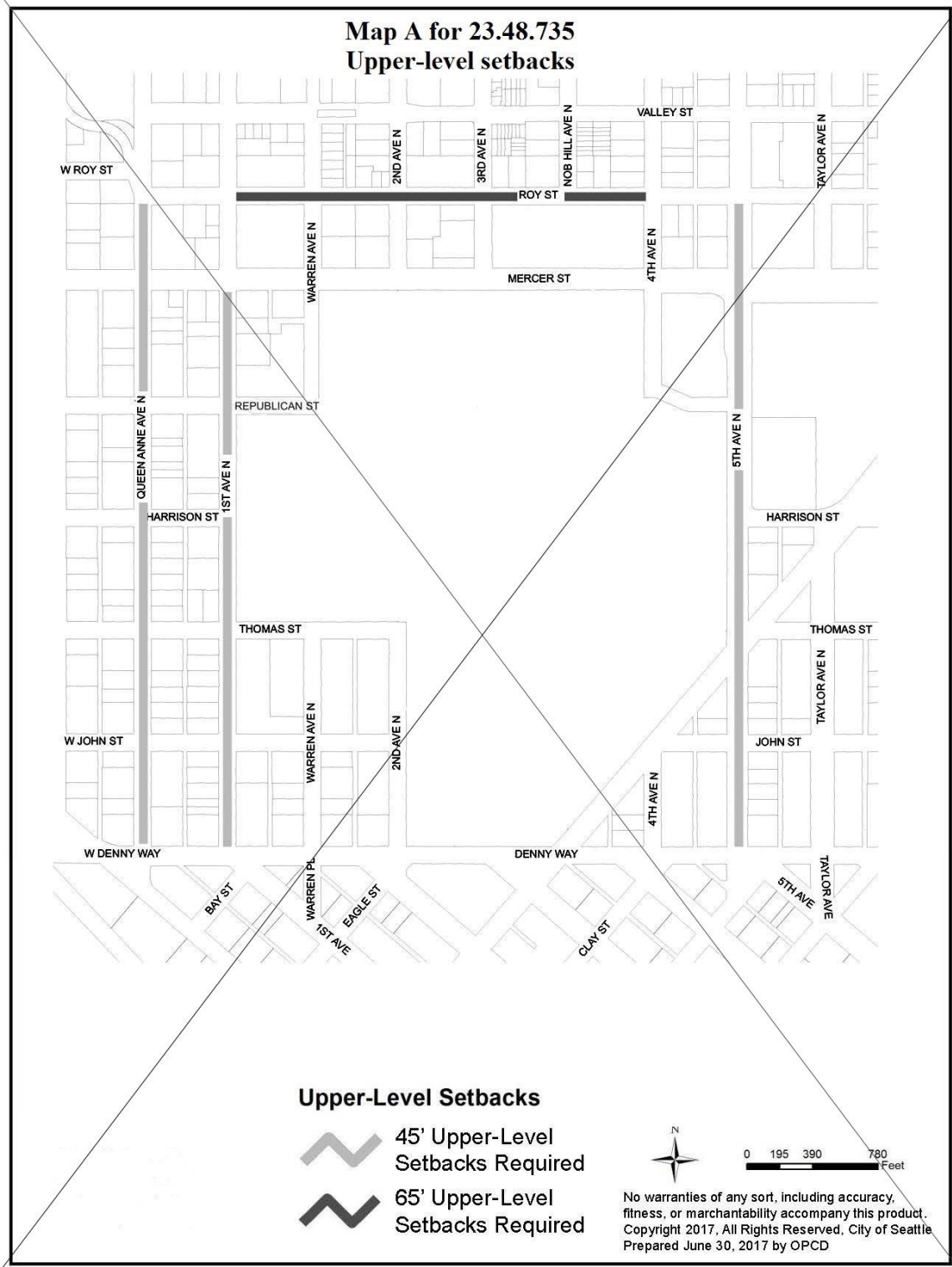
8 Section 42. Section 23.48.735 of the Seattle Municipal Code, enacted by Ordinance
9 125432, is amended as follows:

10 **23.48.735 Upper-level setback requirements in SM-UP zones**

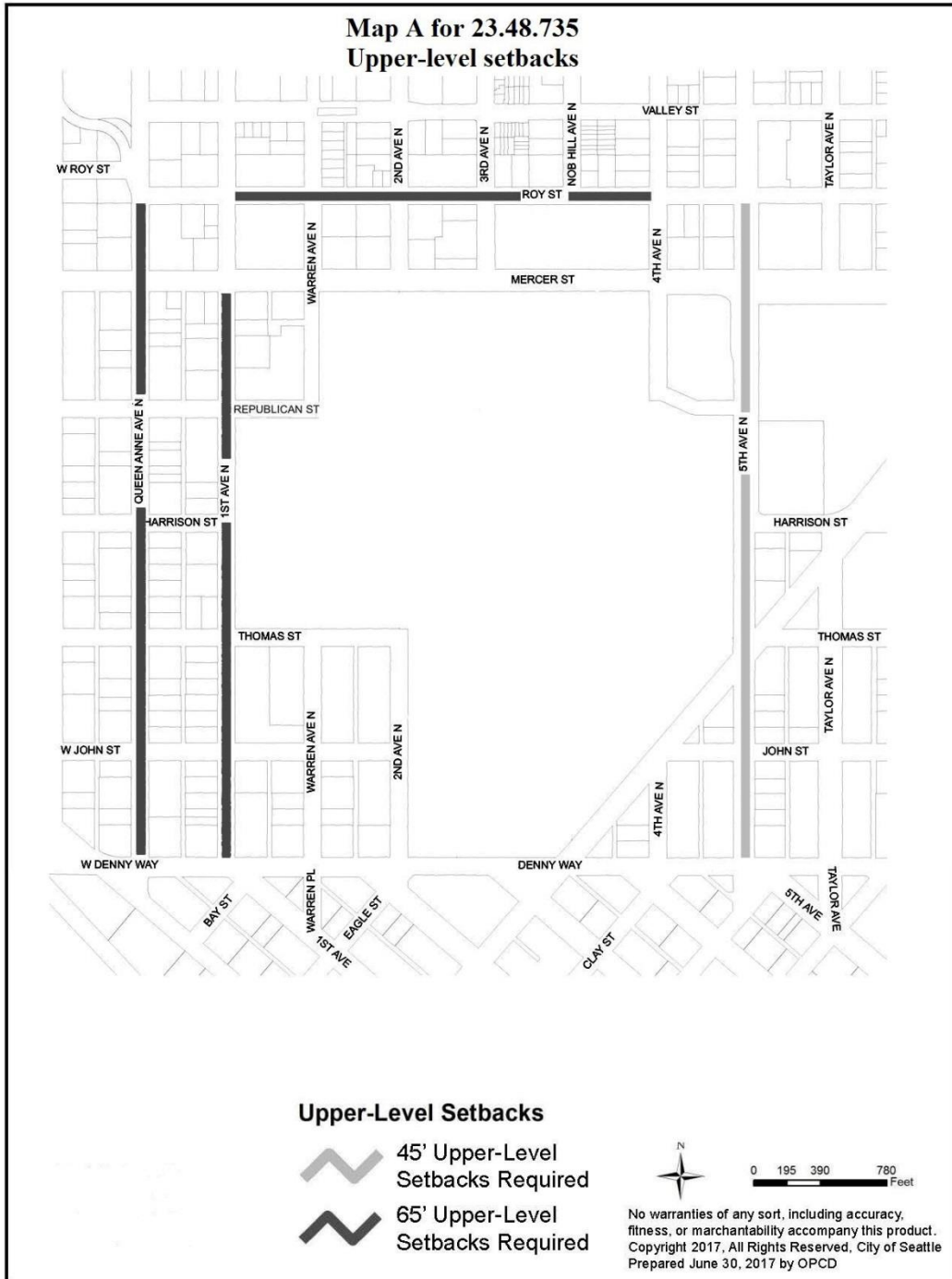
11 A. In all SM-UP zones, any portion of a structure greater than 45 feet in height or 65 feet
12 in height must be set back from a lot line that abuts a designated street shown on Map A for
13 23.48.735. A setback of an average of 10 feet from the lot line is required for any portion of a
14 structure exceeding the maximum height that is permitted without a setback.

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Map A for 23.48.735 Upper-level setbacks



3



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* * *

Section 43. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 125374, is amended as follows:

1 **23.49.008 Structure height**

2 The following provisions regulating structure height apply to all property in Downtown zones
3 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section
4 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

5 A. Base and maximum height limits

6 1. Except as otherwise provided in this Section 23.49.008, maximum structure
7 heights for Downtown zones are as designated on the Official Land Use Map. In certain zones,
8 as specified in this Section 23.49.008, the maximum structure height may be allowed only for
9 particular uses or only on specified conditions, or both. If height limits are specified for portions
10 of a structure that contain specified types of uses, the applicable height limit for the structure is
11 the highest applicable height limit for the types of uses in the structure, unless otherwise
12 specified.

13 2. Except in the PMM zone, the base height limit for a structure is the lowest of
14 the maximum structure height or the lowest other height limit, if any, that applies pursuant to this
15 Title 23 based upon the uses in the structure, before giving effect to any bonus for which the
16 structure qualifies under this Chapter 23.49 and to any special exceptions or departures
17 authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum
18 height permitted pursuant to urban renewal covenants.

19 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
20 limit for portions of a structure that contain non-residential and live-work uses is shown as the
21 first figure after the zone designation (except that there is no such limit in DOC1), and the base
22 height limit for portions of a structure in residential use is shown as the first figure following the
23 “/”. The third figure shown is the maximum residential height limit. Except as stated in

1 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
2 portions of a structure in residential use if the structure does not use the bonus available under
3 Section 23.49.015, and the maximum residential height limit is the height limit for portions of a
4 structure in residential use if the structure uses the bonus available under Section 23.49.015:

5 DOC1 Unlimited/450-unlimited

6 DOC2 (~~500~~)550/300-550

7 DMC 340/290-440

8 DMC 240/290-440.

9 * * *

10 (~~F.~~) H. In the DOC2 500/300-550 zone, as a Type I decision, the Director may increase
11 the maximum height for residential uses to 640 feet provided that:

12 1. The structure is located on a block with an existing tower that exceeds 160 feet
13 in height and that has at least 50 percent of gross floor area in residential use; and

14 2. The lot with the structure either:

15 a. (~~abuts~~) Abuts the lot with the existing tower or

16 b. (~~is~~) Is across an alley from the lot with the existing tower and has lot
17 area, which could be developed with a tower meeting the requirements of Section 23.49.058,
18 located within 22 lineal feet of any portion of the lot with the existing tower; and

19 3. The average residential gross floor area of the structure per story above a height
20 of 85 feet is not more than 11,200 square feet; and

21 4. All portions of the structure above a height of 85 feet are set back from the lot
22 line closest to the lot with the existing tower by:

1 a. ~~((at))~~ At least 15 feet, if the lot on which the structure is located is
2 across an alley from the lot with the existing tower; or

3 b. ~~((at))~~ At least 30 feet, if the lot on which the structure is located abuts
4 the lot with the existing tower.

5 5. For the purposes of this subsection (~~(23.49.008.F)~~) 23.49.008.H, any setback
6 from the lot line closest to the lot with the existing tower is measured from the lot line after any
7 dedication required by Section 23.53.030.

8 6. For the purposes of this subsection (~~(23.49.008.F)~~) 23.49.008.H, a tower is
9 "existing" if it meets the requirements of subsection 23.49.058.D.7.

10 Section 44. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance
11 125374, is amended as follows:

12 **23.49.011 Floor area ratio**

13 * * *

14 B. Exemptions and deductions from FAR calculations

15 1. The following are not included in chargeable floor area, except as specified
16 below in this Section 23.49.011:

17 * * *

18 y. The floor area of required bicycle parking for small efficiency dwelling
19 units or congregate residence sleeping rooms, if the bicycle parking is located within the
20 structure containing the small efficiency dwelling units or congregate residence sleeping rooms.
21 Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt
22 from FAR limits.

23 * * *

1 Section 45. Section 23.49.015 of the Seattle Municipal Code, last amended by Ordinance
2 125272, is amended as follows:

3 **23.49.015 Bonus residential floor area in DOC1, DOC2, and DMC zones outside South**
4 **Downtown for voluntary agreements for low-income housing and moderate-income**
5 **housing**

6 * * *

7 B. Voluntary agreements for housing

8 * * *

9 3. For purposes of this Section 23.49.015, housing may be considered to be
10 provided by the applicant seeking bonus development under the performance option if the
11 housing satisfies all of the following conditions:

12 a. It is committed to serve an eligible income group, and for a time period,
13 referred to in this Section 23.49.015 pursuant to an agreement between the housing owner and
14 the City.

15 b. The agreement required by subsection 23.49.015.B.3.a is executed and
16 recorded prior to the issuance of the Master Use Permit to establish the use for the project using
17 the bonus development, but except when subsection 23.49.015.B.3.c.2 below applies, no earlier
18 than one year prior to issuance of that Master Use Permit.

19 c. Either:

20 1) ~~((the))~~ The Certificate of Occupancy for the new low-income
21 housing or moderate income housing, or both, must be issued within three years of the date the
22 Certificate of Occupancy is issued for the project using the bonus development, unless the

1 Housing Director approves an extension based on delays that the applicant or housing developer
2 could not reasonably have avoided, or

3 2) ~~((only))~~ Only in the case of low-income housing on a lot
4 adjacent to the project using bonus development, which housing is subject to a regulatory
5 agreement related to long-term City financing of low-income housing and was developed under a
6 Master Use Permit issued pursuant to a decision that considered the housing together with a
7 project then proposed on that adjacent site, a final Certificate of Occupancy for the low-income
8 housing was issued within five years of the building permit issuance for the project proposed for
9 bonus development on the adjacent lot.

10 d. If the low-income housing or moderate-income housing is not owned by
11 the applicant, then the applicant made a financial contribution to the low-income housing or
12 moderate-income housing, or promised such contribution and has provided to the City an
13 irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory
14 to the Housing Director, in either case in an amount determined by the Housing Director to be,
15 when reduced by the value of any expected benefits to be received for such contribution other
16 than the bonus development, approximately equal to the cost of providing units within the
17 project using the bonus development, and the owner of the low-income housing or moderate-
18 income housing has entered into a linkage agreement with the applicant pursuant to which only
19 the applicant has the right to claim such housing for purposes of bonus development under this
20 Section ~~((23.48.915))~~ 23.49.015 or any other bonus under this Title 23.

21 * * *

22 Section 46. Section 23.49.023 of the Seattle Municipal Code, last amended by Ordinance
23 125371, is amended as follows:

1 **23.49.023 Extra residential floor area and hotel floor area in South Downtown;**
2 **transferable development potential (TDP); limits on TDP sending sites**

3 * * *

4 D. Transferable Development Potential (TDP)

5 1. Open space TDP may be transferred from a lot in any zone in South
6 Downtown, subject to Section ((~~23.58A.040~~)) 23.58A.042, but only to a lot in South Downtown
7 that is eligible to use TDP.

8 2. South Downtown Historic TDP may be transferred from a lot in any zone
9 within the Pioneer Square Preservation District or the International Special Review District,
10 subject to Section ((~~23.58A.040~~)) 23.58A.042, but only to a lot in South Downtown that is
11 eligible to use TDP.

12 E. Limits on TDP sending sites

13 1. Development on any lot from which TDP is transferred is limited pursuant to
14 Section ((~~23.58A.040~~)) 23.58A.042, any other provision of this Title 23 notwithstanding.

15 2. Lot coverage on any lot from which open space TDP is transferred is limited
16 pursuant to Section ((~~23.58A.040~~)) 23.58A.042.

17 * * *

18 Section 47. Section 23.49.032 of the Seattle Municipal Code, last amended by Ordinance
19 122054, is amended as follows:

20 **23.49.032 Additions of chargeable floor area to lots with existing structures ((-))**

21 A. ((When)) If development is proposed on a lot that will retain existing structures
22 containing chargeable floor area in excess of the applicable base FAR, additional chargeable
23 floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses

1 or using TDR, or both, and by the use of ~~((rural))~~ regional development credits if permitted on
2 ~~((such))~~ the lot, subject to the general rules for FAR and use of bonuses, TDR, and ~~((rural))~~
3 regional development credits, ~~((SMC))~~ Sections 23.49.011 through 23.49.014. If the lot area of
4 an existing development is decreased, resulting in an increase of the amount of chargeable floor
5 area in excess of the applicable base FAR, the additional chargeable floor area shall be supported
6 by qualifying for bonuses or using TDR, or both, and by the use of regional development credits
7 if permitted on the lot, subject to the general rules for FAR and uses of bonuses, TDR and
8 regional development credits, Sections 23.49.011 through 23.49.014. Solely for the purpose of
9 determining the amounts and types of bonus and TDR, if any, that may be used to achieve the
10 proposed increase in chargeable floor area over the base FAR, the legally established continuing
11 chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

12 * * *

13 C. When subsection 23.49.032.A or 23.49.032.B applies, any existing public benefit
14 features for which increased floor area was granted under Title 24 shall, to the extent possible in
15 the opinion of the Director, satisfy the requirements of Section 23.49.034. ~~((Modification of~~
16 ~~plazas and other features bonused under Title 24.))~~

17 Section 48. Section 23.49.106 of the Seattle Municipal Code, last amended by Ordinance
18 122054, is amended as follows:

19 **23.49.106 Downtown Retail Core, street facade requirements((.))**

20 Standards for the street facades of structures are established for the following elements:

21 Minimum and maximum facade heights

22 Setback limits

23 Facade transparency

- 1 Blank facade limits
- 2 Screening of parking
- 3 Street trees.

4 These standards shall apply to each lot line of a lot that abuts a street.

5 A. Minimum ~~((Facade Height))~~ facade height. Minimum facade height shall be ~~((thirty-~~
6 ~~five-(35)))~~ 35 feet except that this requirement shall not apply when all portions of the structure
7 are lower than an elevation of ~~((thirty-five-(35)))~~ 35 feet.

8 B. Facade ~~((Setback Limits.))~~ setback limits

9 1. The facades of structures less than or equal to ~~((fifteen-(15)))~~ 15 feet in height
10 shall be located within ~~((two-(2)))~~ 2 feet of the street property line.

11 2. Structures greater than ~~((fifteen-(15)))~~ 15 feet in height shall be governed by the
12 following criteria:

13 a. No setback limits shall apply up to an elevation of ~~((fifteen-(15)))~~ 15
14 feet above sidewalk grade.

15 b. Between the elevations of ~~((fifteen-(15)))~~ 15 and ~~((thirty-five-(35)))~~ 35
16 feet above sidewalk grade, the facade shall be located within ~~((two-(2)))~~ 2 feet of the street
17 property line, except that setbacks between the elevations of ~~((fifteen-(15)))~~ 15 and ~~((thirty-five~~
18 ~~-(35)))~~ 35 feet above sidewalk grade at the property line shall be permitted according to the
19 following standards (see Exhibit A for 23.49.106 ~~((A))~~):

20 ~~((f))~~ 1) The maximum setback shall be ~~((ten-(10)))~~ 10 feet.

21 ~~((f))~~ 2) The total area of the portion of the facade between the
22 elevations of ~~((fifteen-(15)))~~ 15 feet and ~~((thirty-five-(35)))~~ 35 feet above sidewalk grade at the
23 street property line that is set back more than ~~((two-(2)))~~ 2 feet from the street property line shall

1 not exceed ~~((forty (40)))~~ 40 percent of the total facade area between the elevations of ~~((fifteen~~
2 ~~(15)))~~ 15 feet and ~~((thirty five (35)))~~ 35 feet.

3 ~~((€))~~ 3) No setback deeper than ~~((two (2)))~~ 2 feet shall be wider
4 than ~~((twenty (20)))~~ 20 feet, measured parallel to the street property line.

5 ~~((€))~~ 4) The facade of the structure shall return to within ~~((two (2)))~~
6 2 feet of the street property line between each setback area for a minimum of ~~((ten (10)))~~ 10 feet.

7 Balcony railings and other nonstructural features or walls shall not be considered the facade of
8 the structure.

9 3. When sidewalk widening is required by Section 23.49.022, setback standards
10 shall be measured to the line established by the new sidewalk width rather than the street
11 property line.

12 C. Facade ~~((Transparency Requirements.))~~ transparency requirements

13 1. Facade transparency requirements shall apply to the area of the facade between
14 ~~((two (2)))~~ 2 feet and ~~((eight (8)))~~ 8 feet above the sidewalk. Only clear or lightly tinted glass in
15 windows, doors and display windows shall be considered transparent. Transparent areas shall
16 allow views into the structure or into display windows from the outside.

17 2. When the transparency requirements of this subsection are inconsistent with the
18 glazing limits in the Energy Code, this subsection shall apply.

19 3. On all streets, a minimum of ~~((sixty (60)))~~ 60 percent of the street level facade
20 shall be transparent.

21 D. Blank ~~((Facade Limits.))~~ facade limits

22 1. Blank facade limits shall apply to the area of the facade between ~~((two (2)))~~ 2
23 feet and ~~((eight (8)))~~ 8 feet above the sidewalk.

1 2. Any portion of the facade which is not transparent shall be considered to be a
2 blank facade.

3 3. Blank facades shall be limited to segments (~~((fifteen-15))~~) 15 feet wide, except
4 for garage doors which may be wider than (~~((fifteen-15))~~) 15 feet. Blank facade width may be
5 increased to (~~((thirty-30))~~) 30 feet if the Director determines that the facade is enhanced by
6 architectural detailing, artwork, landscaping, or similar features that have visual interest. The
7 width of garage doors shall be limited to the width of the driveway plus (~~((five-5))~~) 5 feet.

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

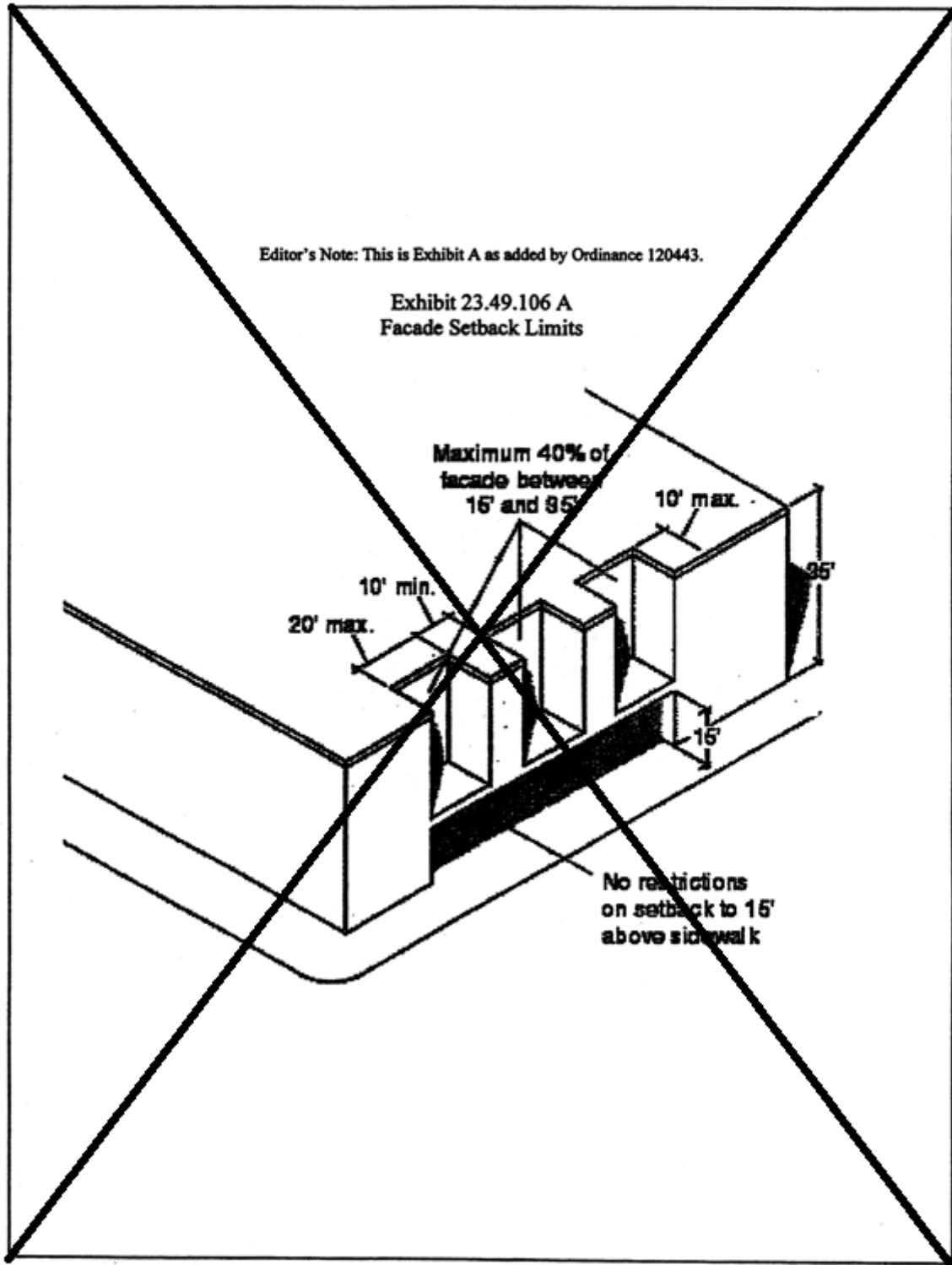
10 5. The total of all blank facade segments, including garage doors, shall not exceed
11 (~~((forty-40))~~) 40 percent of the street facade of the structure on each street frontage.

12 E. Reserved.

13 F. Street (~~((Tree Requirements))~~) tree requirements. Street trees shall be required on all
14 streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be
15 planted in below-grade containers with provisions for watering the trees. Street trees shall be
16 planted according to Seattle Department of Transportation Tree Planting Standards.

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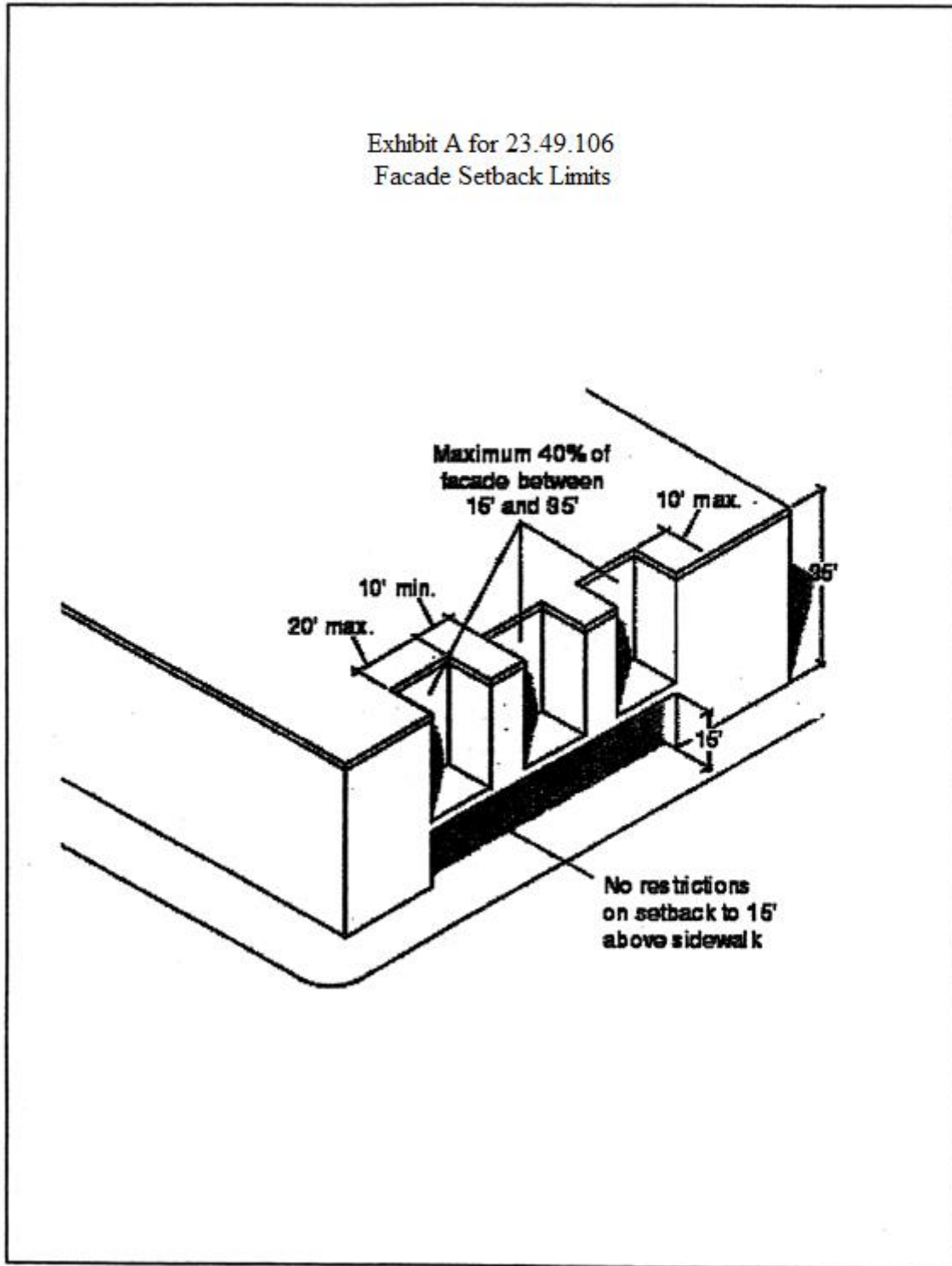
Exhibit A for 23.49.106
Facade Setback Limits



3

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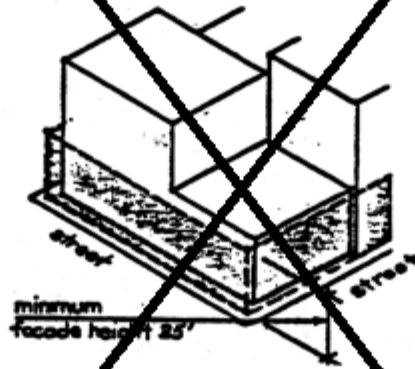
((Exhibit 23.49.106A))



2

Editor's Note: This was Exhibit A prior to amendments made by Ordinance 120443.

**Exhibit 23.49.106 A (Old)
Minimum Façade Height**

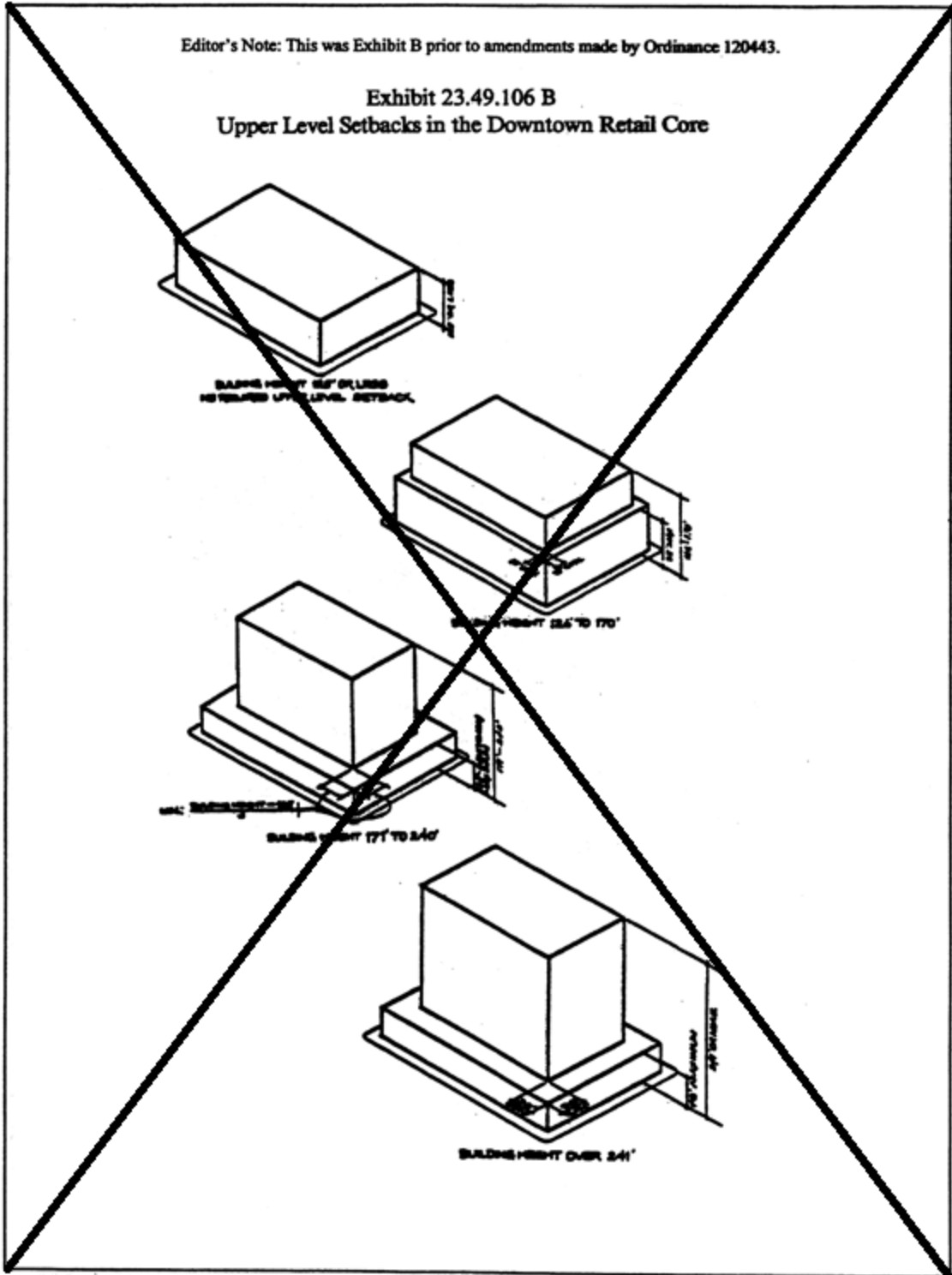


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((Exhibit 23.49.106A (Old))

Editor's Note: This was Exhibit B prior to amendments made by Ordinance 120443.

Exhibit 23.49.106 B
Upper Level Setbacks in the Downtown Retail Core

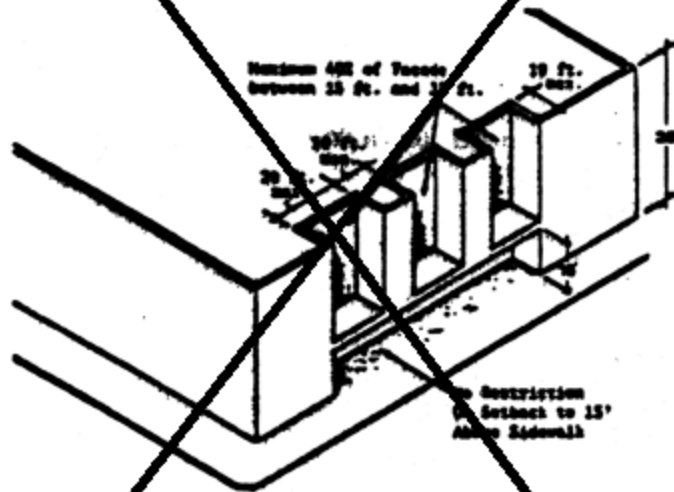


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((Exhibit 23.49.106B))

Editor's Note: This was Exhibit C prior to amendments made by Ordinance 120443

Exhibit 23.49.106 C
Exception to Maximum Setback Limits



1
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((Exhibit 23.49.106C))

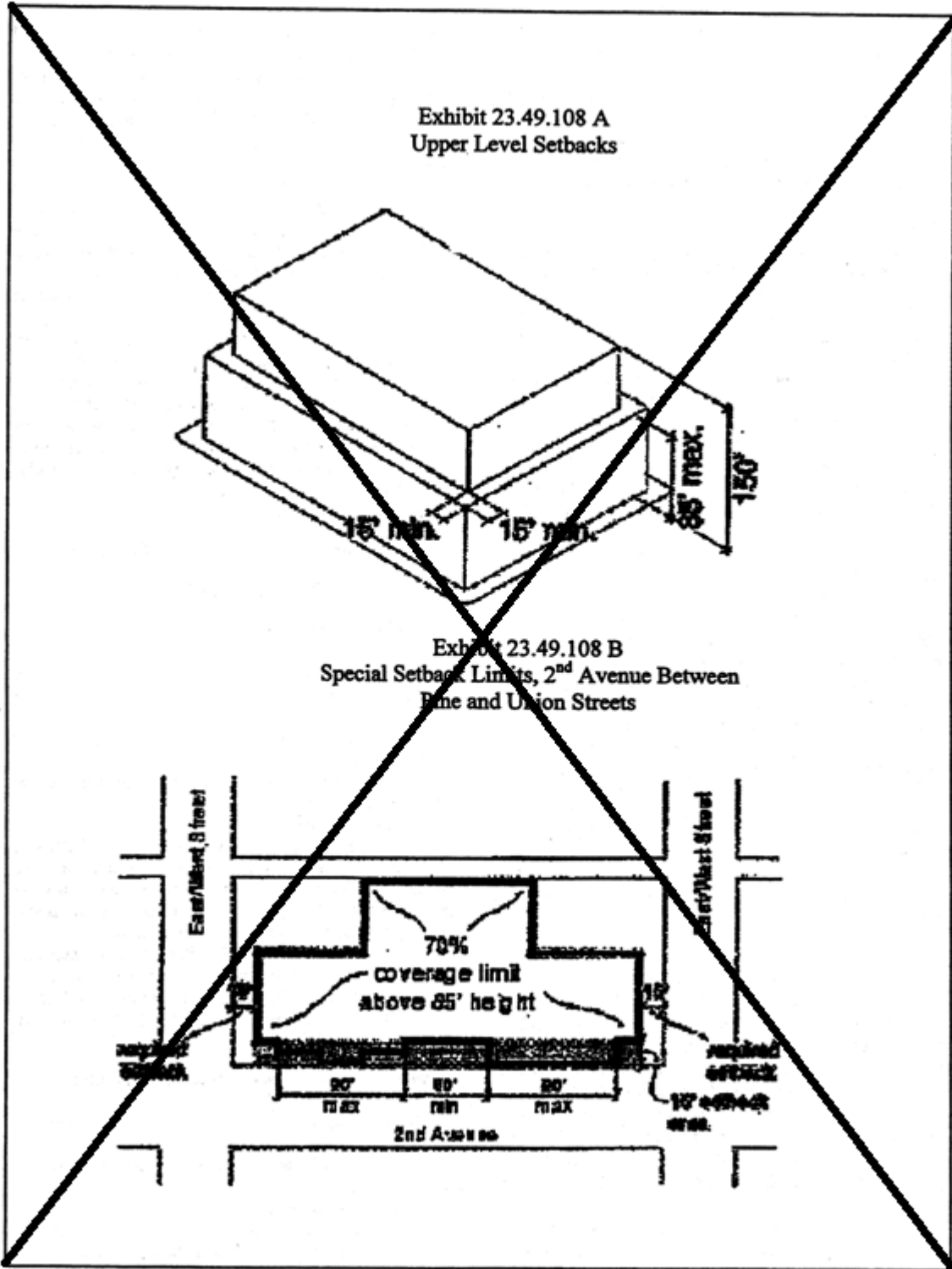
1 Section 49. Section 23.49.108 of the Seattle Municipal Code, last amended by Ordinance
2 122054, is amended as follows:

3 **23.49.108 Downtown Retail Core, upper-level development standards(~~(A)~~)**

4 ~~((A.))~~ Structure setbacks of ~~((fifteen-))~~15~~((+))~~ feet from the street property line are
5 required for all portions of a building at or above a height of ~~((eighty-five-))~~85~~((+))~~ feet above
6 the adjacent sidewalk. (See Exhibit A for 23.49.108~~((A))~~.)

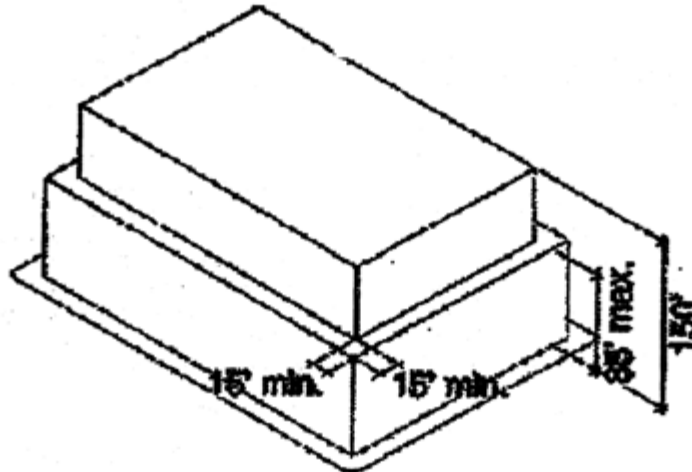
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Exhibit A for 23.49.108
Upper Level Setbacks



3

Exhibit A for 23.49.108
Upper Level Setbacks



1
2

((Exhibits 23.49.108A, 23.49.108B))

1 Section 50. Section 23.49.164 of the Seattle Municipal Code, last amended by Ordinance
2 125371, is amended as follows:

3 **23.49.164 Downtown Mixed Residential, maximum width, depth, and separation**
4 **requirements**

5 A. Width and depth limits((-))

6 1. Except as provided in subsections 23.49.164.B, 23.49.164.C, and 23.49.164.D,
7 a maximum width and depth for ~~((the))~~ any portion of a structure above 65 feet in height is
8 established in Table A for 23.49.164. ~~((, and this portion of the structure shall be separated~~
9 ~~horizontally from any other portion of a structure on the lot above 65 feet in height by at least 20~~
10 ~~feet at all points.))~~ The maximum applies to the width and depth of portions of structures as
11 measured parallel to any street lot line.

12 2. Any portion of a structure above 65 feet in height shall be separated
13 horizontally by at least 20 feet at all points from any other portion of a structure on the lot above
14 65 feet in height.

Table A for 23.49.164		
Maximum width and depth by lot size		
Height of portion of structure (in feet)	0—19,000 square feet	Greater than 19,000 square feet
Greater than 65 up to 145	90 feet on avenues 120 feet on east/west streets	120 feet
Greater than 145	Not applicable	100 feet

15 * * *

16 Section 51. Section 23.50.012 of the Seattle Municipal Code, last amended by Ordinance
17 124969, is amended as follows:

1 **23.50.012 Permitted and ((Prohibited Uses)) prohibited uses**

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

4 * * *

Table A for 23.50.012 Uses in Industrial zones						
Uses	Permitted and prohibited uses by zone					
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center	
* * *						
L. TRANSPORTATION FACILITIES						
L.1. Cargo terminals			P	P	P	P
L.2. Parking and moorage						
L.2.a. Boat moorage			P	P	P	P
L.2.b. Dry boat storage			P	P	P	P
L.2.c. Parking, principal use, except as listed below			P	P or X(17)	P	X(5) X(5)
L.2.c.i. Park and Pool lots			P(18)	P(18)	P(18)	CU CU
L.2.c.ii. Park and Ride ((L))lots			CU	CU	CU	CU CU
L.2.d. Towing services			P	P	P	P P
L.3. Passenger terminals			P	P	P	P P
L.4. Rail transit facilities			P	P	P	P P
L.5. Transportation facilities, air						
L.5.a. Airports (land-based)			X	CCU	CCU	CCU CCU
L.5.b. Airports (water-based)			X	CCU	CCU	CCU CCU
L.5.c. Heliports			X	CCU	CCU	CCU CCU
L.5.d. Helistops			CCU	CCU	CCU	CCU CCU
L.6. Vehicle storage and maintenance						
L.6.a. Bus bases			CU	CU	CU	CU CU
L.6.b. Railroad switchyards			P	P	P	P P
L.6.c. Railroad switchyards with a mechanized hump			X	X	CU	CU CU
L.6.d. Transportation services, personal			P	P	P	P P

* * *

Footnotes to Table A for 23.50.012

(1) In addition to the provisions in this Chapter 23.50, urban farms that entail major marijuana activity are regulated by Section 23.42.058.

(2) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:

(a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;

(b) 10,000 square feet in IB and IC zones; and

(c) 20,000 square feet in IG2 zones.

(3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead, or injured animals are permitted.

(4) Subject to subsection 23.50.012.E.

(5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one space per 650 square feet ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

(6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.

(7) The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses.

(8) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.

(9) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60A.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.

(10) A college or university offering a primarily vocational curriculum within the zone is permitted.

(11) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14.

(12) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street,

museums are allowed in new buildings or structures.

(13) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

(14) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

(15) The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.

(16) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.

(17) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.

(18) Park and pool lots are not permitted within 3,000 feet of the Downtown Urban Center.

(19) Subject to subsection 23.50.014.B.7.e.

1 Section 52. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance
2 124969, is amended as follows:

3 **23.50.014 Conditional uses**

4 * * *

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

8 * * *

9 10. The high-impact uses listed in subsection 23.50.014.B.10.a may be permitted
10 as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in
11 subsection 23.50.014.B.10.b.

12 a. Uses

13 ((f)) 1) The manufacture of Group A hazardous materials, except
14 Class A or B explosives; and

15 ((f)) 2) The manufacture of Group B hazardous materials, when the
16 hazardous materials are present in quantities greater than 2,500 pounds of solids, 275 gallons of
17 liquids, or 1,000 cubic feet of gas at any time.

1 b. Criteria

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

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

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

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

15 Section 53. Section 23.50.016 of the Seattle Municipal Code, last amended by Ordinance
16 123589, is amended as follows:

17 **23.50.016 Landscaping standards on designated streets**

18 Uses located on streets that have been designated on the Industrial Streets Landscaping Plan Map
19 (Map A for 23.50.016), shall provide landscaping as outlined in subsections 23.50.016.A and
20 23.50.016.B.

21 A. Street ~~((Trees))~~ trees. Street trees are required along designated street frontages. Street
22 trees shall be provided in the planting strip according to Seattle Department of Transportation
23 Tree Planting Standards.

1 B. Exceptions to ~~((Street Tree Requirements-))~~ street tree requirements

2 1. Street trees required by subsection ~~((A of this section))~~ 23.50.016.A may be
3 located on the lot ~~((at least two feet (2')))~~ within 5 feet but not less than 2 feet from the street lot
4 line instead of in the planting strip ~~((when))~~ if:

5 a. Existing trees and/or landscaping on the lot provide improvements
6 substantially equivalent to those required in this ~~((section))~~ Section 23.50.016.

7 b. ~~((It is not feasible to plant street trees according to City standards. A
8 five-foot (5') deep landscaped setback area shall be required along the street property lines and
9 trees shall be planted there. If an on-site landscaped area is already required, the trees shall be
10 planted there if they cannot be placed in the planting strip.~~

11 e-)) Continuity of landscaping on adjacent properties along the street front
12 is desirable.

13 c. Existing railroad tracks and/or a railroad easement are within 10 feet of
14 the paved portion of a street designated on the Industrial Streets Landscaping Plan Map.

15 2. If it is not feasible to plant street trees according to City standards, a 5-foot
16 deep landscaped setback area is required along the street property lines and trees shall be planted
17 there. If an on-site landscaped area is already required, the trees shall be planted there if they
18 cannot be placed in the planting strip.

19 3. Street trees shall not be required for an expansion of less than ~~((two thousand
20 five hundred (-))~~2,500~~((+))~~ square feet. Two ~~((2))~~ street trees shall be required for each
21 additional ~~((one thousand (-))~~1,000~~((+))~~ square feet of expansion. The maximum number of street
22 trees shall be controlled by Seattle Department of Transportation standards. Rounding, ~~((per
23 Section))~~ described in subsection 23.86.002.B, ((shall not be)) is not permitted.

1 ~~((3))~~ 4. Street trees ~~((shall not be required when))~~ are not required if a change of
2 use is the only permit requested.

3 ~~((4))~~ 5. Street trees ~~((shall not be))~~ are not required for an expansion of a surface
4 parking area of less than ~~((twenty percent (20%)))~~ 20 percent of parking area or number of
5 parking spaces.

6 * * *

7 Section 54. Section 23.50.029 of the Seattle Municipal Code, last amended by Ordinance
8 121476, is repealed:

9 ~~**((23.50.029 General Industrial 1 and 2—Setback requirements.**~~

10 ~~A setback may be required in order to meet the provisions of Section 23.53.020, Improvement~~
11 ~~requirements for existing streets in industrial zones, and Section 23.53.030, Alley improvements~~
12 ~~in all zones.))~~

13 Section 55. Section 23.50.030 of the Seattle Municipal Code, last amended by Ordinance
14 115326, is amended as follows:

15 **23.50.030 Industrial Buffer—Setback requirements ((:))**

16 * * *

17 ~~((H. A setback may be required in order to meet the provisions of Section 23.53.015,~~
18 ~~Improvement requirements for existing streets in residential and commercial zones, and Section~~
19 ~~23.53.030, Alley improvements in all zones.))~~

20 Section 56. Section 23.50.032 of the Seattle Municipal Code, last amended by Ordinance
21 121476, is amended as follows:

1 **23.50.032 Industrial Commercial—Setback requirements ((~~7~~))**

2 * * *

3 ~~((D. A setback may be required in order to meet the provisions of Section 23.53.015,~~
4 ~~Improvement requirements for existing streets in residential and commercial zones, and Section~~
5 ~~23.53.030, Alley improvements in all zones.))~~

6 Section 57. Section 23.51A.002 of the Seattle Municipal Code, last amended by
7 Ordinance 123209, is amended as follows:

8 **23.51A.002 Public facilities in single family zones**

9 * * *

10 D. Sewage ~~((Treatment Plants))~~ treatment plants. The expansion or reconfiguration
11 (which term shall include reconstruction, redevelopment, relocation on the site, or intensification
12 of treatment capacity) of existing sewage treatment plants in single-family zones may be
13 permitted if there is no feasible alternative location in a zone where the use is permitted and the
14 conditions imposed under subsections 23.51A.002.D.3 and 23.51A.002.D.4 are met.

15 1. Applicable ~~((Procedures))~~ procedures. The decision on an application for the
16 expansion or reconfiguration of a sewage treatment plant is a Type IV Council land use decision.
17 If an application for an early determination of feasibility is required to be filed pursuant to
18 subsection 23.51A.002.D.2 ~~((of this section 23.51A.002))~~, the early determination of feasibility
19 will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

20 2. Need for ~~((Feasible Alternative Determination))~~ feasible alternative
21 determination. The proponent shall demonstrate that there is no feasible alternative location in a
22 zone where establishment of the use is permitted.

1 a. The Council’s decision as to the feasibility of alternative location(s)
2 shall be based upon a full consideration of the environmental, social, and economic impacts on
3 the community, and the intent to preserve and to protect the physical character of single-family
4 areas, and to protect single-family areas from intrusions of non-single-family uses.

5 b. The determination of feasibility may be the subject of a separate
6 application for a Council land use decision prior to submission of an application for a project-
7 specific approval if the Director determines that the expansion or reconfiguration proposal is
8 complex, involves the phasing of programmatic and project-specific decisions or affects more
9 than one site in a single-family zone.

10 c. Application for an early determination of feasibility shall include:

11 1) The scope and intent of the proposed project in the single-family
12 zone and appropriate alternative(s) in zones where establishment of the use is permitted,
13 identified by the applicant or the Director;

14 2) The necessary environmental documentation as determined by
15 the Director, including an assessment of the impacts of the proposed project and of the
16 permitted-zone alternative(s), according to the state and local SEPA guidelines;

17 3) Information on the overall sewage treatment system that
18 outlines the interrelationship of facilities in single-family zones and in zones where
19 establishment of the use is permitted;

20 4) Schematic plans outlining dimensions, elevations, locations on
21 site, and similar specifications for the proposed project and for the alternative(s).

22 d. If a proposal or any portion of a proposal is also subject to a feasible
23 (~~or reasonable~~) alternative location determination under Section 23.60A.066, the Plan

1 Shoreline Permit application and the early determination application will be considered in one
2 determination process.

3 * * *

4 Section 58. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance
5 125272, is amended as follows:

6 **23.53.015 Improvement requirements for existing streets in residential and commercial**
7 **zones**

8 A. General requirements

9 * * *

10 6. Minimum right-of-way widths ((-))

11 a. Arterials. The minimum right-of-way widths for arterials as designated
12 ((on the Arterial street map, Section 11.18.010)) by the Seattle Department of Transportation,
13 are as specified in the Right-of-Way Improvements Manual.

14 * * *

15 B. Improvements to ~~((Arterial Streets))~~ arterial streets. Except as provided in Subsection
16 23.53.015.D, arterials shall be improved according to the following requirements:

17 1. If a street is designated as an arterial ~~((on the Arterial street map, Section~~
18 ~~11.18.010))~~ by the Seattle Department of Transportation, a paved roadway with a curb and
19 pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any
20 landscaping required by the zone in which the lot is located shall be provided in the portion of
21 the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

22 2. If necessary to accommodate the right-of-way and roadway widths specified in
23 the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing

1 arterial street has less than the minimum right-of-way width established in subsection
2 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the
3 current right-of-way width and the minimum right-of-way width established in subsection
4 23.53.015.A.6 is required.

5 * * *

6 Section 59. Section 23.53.030 of the Seattle Municipal Code, last amended by Ordinance
7 125272, is amended as follows:

8 **23.53.030 Alley improvements in all zones**

9 * * *

10 B. New ~~((Alleys.))~~ alleys

11 1. New alleys created through the platting process shall meet the requirements of
12 Subtitle ~~((HH))~~ II of this ~~((title, Platting Requirements))~~ Title 23.

13 * * *

14 F. Existing ~~((Alleys Which Do Not Meet the Minimum Width))~~ alleys that do not meet
15 minimum width

16 1. When an existing alley is used for access to parking spaces, open storage, or
17 loading berths on a lot, and the alley does not meet the minimum width established in subsection
18 23.53.030.D, except as provided in subsection 23.53.030.G, a dedication equal to half the
19 difference between the current alley right-of-way width and minimum right-of-way width
20 established in subsection 23.53.030.D shall be required; provided, however, that if right-of-way
21 has been dedicated since 1982, other lots on the block shall not be required to dedicate more than
22 that amount of right-of-way. Underground and overhead portions of structures that would not
23 interfere with the functioning of the alley may be allowed by the Director of the Seattle

1 Department of Construction and Inspections after consulting with the Director of Transportation.
2 When existing structures are located in the portion of the lot to be dedicated, that portion of the
3 lot shall be exempt from dedication requirements. The improvements required under subsection
4 23.53.030.E.1 shall then be installed, depending on the type of project.

5 2. When an existing alley is not used for access to parking spaces or loading
6 berths on an abutting lot, but the alley does not meet the minimum width established in
7 subsection 23.53.030.D, except as provided in subsection 23.53.030.G, the following
8 requirements shall be met:

9 a. A setback equal to half the distance between the current alley right-of-
10 way width and the minimum right-of-way width established in subsection 23.53.030.D shall be
11 required; provided, however, that if a setback has been provided under this provision, other lots
12 on the block shall provide the same setback. The area of the setback may be used to meet any
13 development standards, except that required parking and loading berths may not be located in the
14 setback. Underground and overhead structures which would not prevent the future widening and
15 improvement of the right-of-way may be permitted in the required setback by the Director of the
16 Seattle Department of Construction and Inspections after consulting with the Director of
17 Transportation.

18 * * *

19 Section 60. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance
20 125272, is amended as follows:

1 **23.54.030 Parking space standards**

2 * * *

3 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking
4 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is
5 located. If a curb cut is used for more than one use or for one or more live-work units, the
6 requirements for the use with the largest curb cut requirements shall apply.

7 1. Residential uses

8 a. Number of curb cuts

9 1) For lots not located on a principal arterial as designated (~~on the~~
10 ~~Arterial street map, Section 11.18.010~~) by the Seattle Department of Transportation, curb cuts
11 are permitted according to Table A for 23.54.030:

12 * * *

13 2) For lots on principal arterials as designated (~~on the Arterial~~
14 ~~street map, Section 11.18.010~~) by the Seattle Department of Transportation, curb cuts are
15 permitted according to Table B for 23.54.030:

16 * * *

17 b. Curb cut width. Curb cuts shall not exceed a maximum width of 10 feet
18 except that:

19 1) For lots on principal arterials as designated (~~on the Arterial~~
20 ~~street map, Section 11.18.010~~) by the Seattle Department of Transportation, the maximum curb
21 cut width is 23 feet;

22 * * *

1 Section 61. Section 23.61.014 of the Seattle Municipal Code, last amended by Ordinance
2 125267, is amended as follows:

3 **23.61.014 Nonconforming uses**

4 Within the station area overlay districts shown in subsection 23.61.014.A, uses listed in
5 subsection 23.61.014.B may be expanded or extended by an amount of gross floor area not to
6 exceed 20 percent of the existing gross floor area of the use, provided that this exception may be
7 applied only once on a lot.

8 A. The provisions of this Section 23.61.014 apply to the following station area overlay
9 districts:

- 10 1. (~~Henderson~~) Rainier Beach;
- 11 2. Othello;
- 12 3. Columbia City; and
- 13 4. Mount Baker.

14 B. The provisions of this Section 23.61.014 apply to the following nonconforming uses:

- 15 1. Automotive retail sales and services;
- 16 2. General manufacturing;
- 17 3. Heavy commercial services; and
- 18 4. Mini-warehouse and warehouse.

19 Section 62. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance
20 124919, is amended as follows:

1 **23.66.030 Certificates of approval – Application, review, and appeals**

2 * * *

3 B. Fees. The fees for certificates of approval shall be established in accordance with the
4 requirements of ~~((SMC Chapter 22.901T))~~ Section 22.900G.010.

5 C. Application ((-))

6 1. An application for a certificate of approval shall be filed with the Director of
7 the Department of Neighborhoods. When a permit application is filed with the Director or with
8 the Director of Transportation for work requiring a certificate of approval, the permit application
9 shall not be determined to be complete until the applicant has submitted a complete application
10 for a certificate of approval to the Department of Neighborhoods.

11 2. The following information must be provided in order for the application to be
12 complete, unless the Director of the Department of Neighborhoods indicates in writing that
13 specific information is not necessary for a particular application:

- 14 a. Building name and building address;
- 15 b. Name of the business(es) located at the site of the proposed work;
- 16 c. Applicant's name and address;
- 17 d. Building owner's name and address;
- 18 e. Applicant's telephone number;
- 19 f. The building owner's signature on the application, or a signed letter
20 from the owner designating the applicant as the owner's representative, if the applicant is not the
21 owner;
- 22 g. Confirmation that the fee required by ~~((SMC Chapter 22.901T of the~~
23 ~~Permit Fee Subtitle))~~ Section 22.900G.010 has been paid;

- 1 h. A detailed description of the proposed work, including:
- 2 ((f)) 1) Any changes that will be made to the building or the site,
- 3 ((f))2) Any effect that the work would have on the public right-of-
- 4 way or other public spaces,
- 5 ((f))3) Any new construction,
- 6 ((f))4) Any proposed use, change of use, or expansion of use;
- 7 i. Four ((4)) sets of scale drawings, with all dimensions shown, of:
- 8 ((f)) 1) A site plan of existing conditions, showing adjacent streets
- 9 and buildings, and, if the proposal includes any work in the public right-of-way, the existing
- 10 street uses, such as street trees and sidewalk displays, and another site plan showing proposed
- 11 changes to the existing conditions,
- 12 ((f)) 2) A floor plan showing the existing features and a floor plan
- 13 showing the proposed new features,
- 14 ((f)) 3) Elevations and sections of both the proposed new features
- 15 and the existing features,
- 16 ((f)) 4) Construction details,
- 17 ((f)) 5) A landscape plan showing existing features and plantings,
- 18 and another landscape plan showing proposed site features and plantings;
- 19 j. Photographs of any existing features that would be altered and
- 20 photographs showing the context of those features, such as the building facade where they are
- 21 located;

1 k. One ((4)) sample of proposed colors, if the proposal includes new
2 finishes or paint, and an elevation drawing or a photograph showing the location of proposed
3 new finishes or paint;

4 l. If the proposal includes new signage, awnings, or exterior lighting:

5 ((f)) 1) Four ((4)) sets of scale drawings of proposed signage or
6 awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and
7 colors,

8 (2) Four ((4)) sets of a plan, photograph, or elevation drawing
9 showing the location of the proposed awning, sign, or lighting,

10 ((f)) 3) Four ((4)) copies of details showing the proposed method
11 of attaching the new awning, sign, or lighting,

12 ((f)) 4) The wattage and specifications of the proposed lighting,
13 and a drawing or picture of the lighting fixture,

14 ((f)) 5) One ((4)) sample of proposed sign colors or awning
15 material and color,

16 ((f)) 6) For new signage or awnings in the International Special
17 Review District, the dimensions of the street frontage on the side where the sign or awning
18 would be located;

19 m. If the proposal includes demolition of a structure or object:

20 ((f)) 1) A statement of the reason(s) for demolition,

21 ((f)) 2) A description of the replacement structure or object and the
22 replacement use;

1 n. If the proposal includes replacement, removal, or demolition of existing
2 features, a survey of the existing conditions of the features that would be replaced, removed, or
3 demolished.

4 * * *

5 Section 63. Section 23.66.332 of the Seattle Municipal Code, last amended by Ordinance
6 123589, is amended as follows:

7 **23.66.332 Height and ((~~Rooftop Features~~)) rooftop features**

8 A. Maximum structure height is as designated on the Official Land Use Map, Chapter
9 23.32, except as provided in this Section 23.66.332.

10 B. Rooftop ((~~Features~~)) features

11 1. The Special Review Board and the Director of Neighborhoods shall review
12 rooftop features to preserve views from Kobe Terrace Park.

13 2. Religious symbols for religious institutions, smokestacks and flagpoles are
14 exempt from height controls, except as regulated in Chapter 23.64, provided they are at least 10
15 feet from all lot lines.

16 3. Open railings, planters, clerestories, skylights, play equipment, parapets and
17 firewalls may extend up to 4 feet above the maximum height limit and may have unlimited
18 rooftop coverage.

19 4. Solar collectors excluding greenhouses may extend up to 7 feet above the
20 maximum height limit and may have unlimited rooftop coverage.

21 5. The following rooftop features may extend up to 15 feet above the maximum
22 height limit provided that the combined coverage of all features listed below does not exceed 15
23 percent of the roof area:

1 a. Solar collectors, excluding greenhouses;
2 b. ~~((Stair and elevator penthouses;~~
3 e.)) Mechanical equipment that is set back at least 15 feet from the roof
4 edge;

5 ~~((d.))~~ c. Minor communication utilities and accessory communication
6 devices, except that height is regulated according to Section 23.57.014.

7 6. Stair and elevator penthouses may extend above the applicable height limit up
8 to 15 feet provided that the combined rooftop coverage of stair and elevator penthouses and all
9 features listed in subsection 23.66.332.B.5 does not exceed 15 percent of the roof area. When
10 additional height is needed to accommodate energy-efficient elevators in zones with height limits
11 of 125 feet or greater, elevator penthouses may extend the minimum amount necessary to
12 accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-
13 efficient elevators shall be defined by Director’s Rule. When additional height is allowed for an
14 energy-efficient elevator, stair penthouses may be granted the same additional height if they are
15 co-located with the elevator penthouse.

16 Additional combined coverage of these rooftop features, not to exceed 25 percent of the roof
17 area, may be permitted subject to review by the Special Review Board and approval by the
18 Director of Neighborhoods.

19 ~~((6))~~ 7. Structures existing prior to June 1, 1989 may add new or replace existing
20 mechanical equipment up to 15 feet above the existing roof elevation of the structure as long as it
21 is set back at least 15 feet from the roof edge subject to review by the Special Review Board and
22 approval by the Director of Neighborhoods.

1 ((7)) 8. Screening of ~~((Rooftop Features))~~ rooftop features. Measures may be
2 taken to screen rooftop features from public view subject to review by the Special Review Board
3 and approval by the Director of Neighborhoods. The amount of roof area enclosed by rooftop
4 screening may exceed the maximum percentage of the combined coverage of rooftop features
5 listed in subsection 23.66.332.B.5. In no circumstances shall the height of rooftop screening
6 exceed 15 feet above the maximum height limit.

7 ((8)) 9. For height exceptions for communication utilities and devices, see Section
8 23.57.014.

9 Section 64. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance
10 123543, is amended as follows:

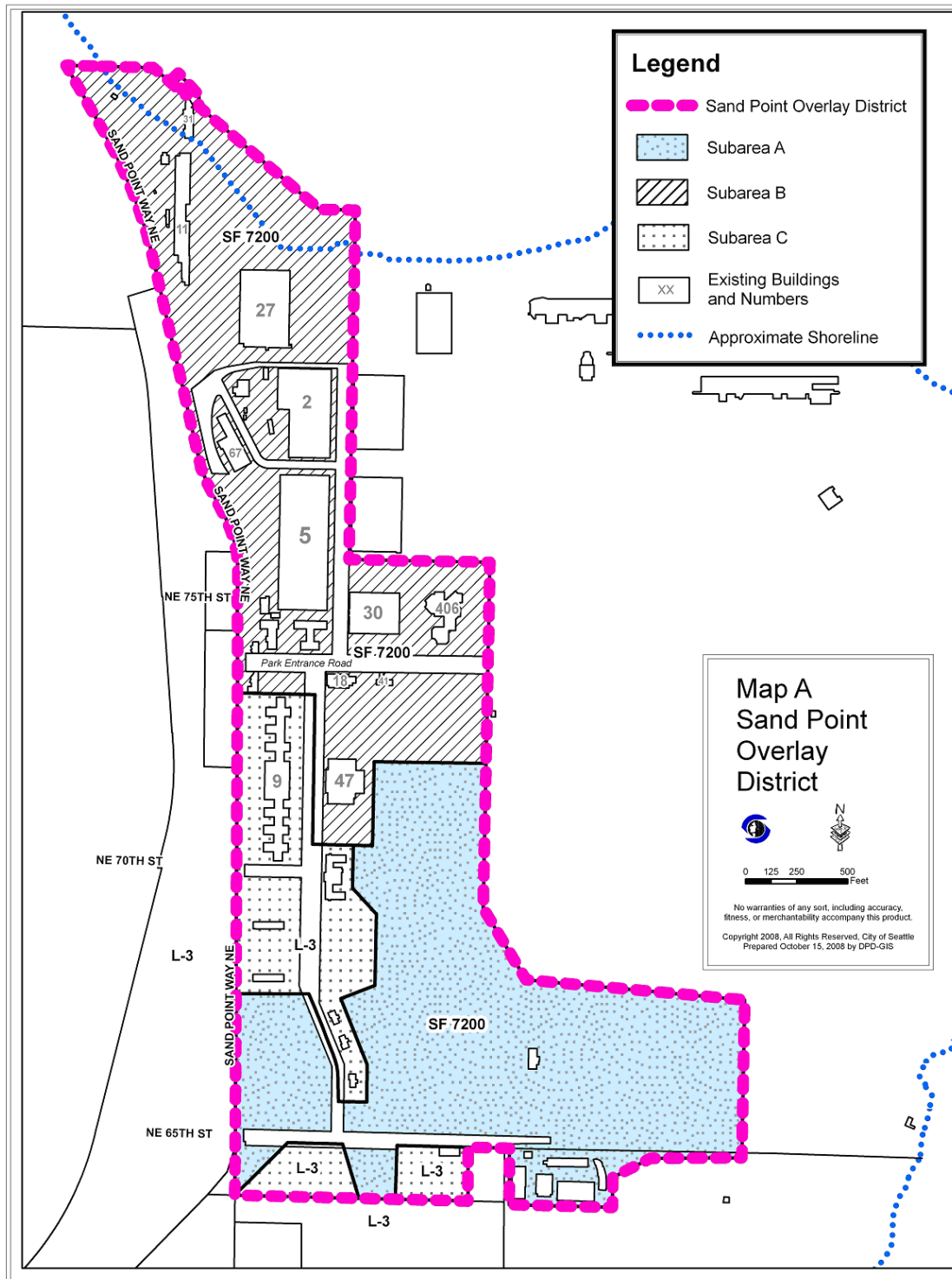
11 **23.72.004 Sand Point Overlay District established ((~~7~~))**

12 A. There is hereby established pursuant to Chapter 23.59 ~~((of the Seattle Municipal~~
13 ~~Code,))~~ the Sand Point Overlay District, including three subareas: A, B, and C. Subarea A
14 includes one area zoned Single Family 7200 (SF 7200), Subarea B includes one area zoned SF
15 7200, and Subarea C includes three areas zoned ~~((LR-3))~~ LR3, as shown on the City's Official
16 Land Use Map, Chapter 23.32, and Map A for 23.72.004. The Sand Point Overlay District
17 includes the Naval Air Station Puget Sound Sand Point National Register Historic District,
18 shown on Map B for 23.72.004 ~~((which is eligible to be listed on the National Register of~~
19 ~~Historic Places))~~.

20 B. Additional regulations applicable to the Sand Point Overlay District are found in
21 Chapter 25.30.

1

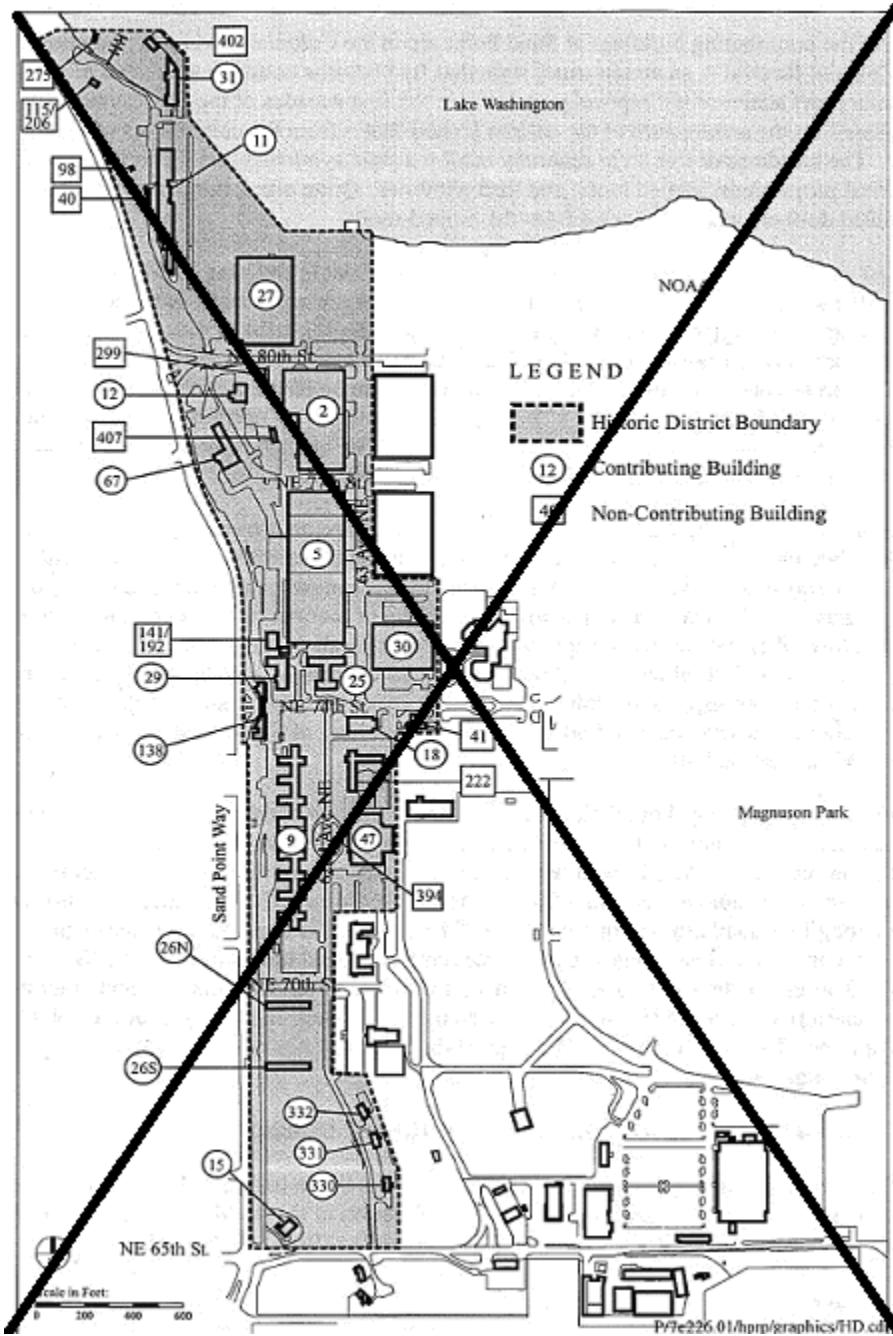
Map A for 23.72.004 — Sand Point Overlay District



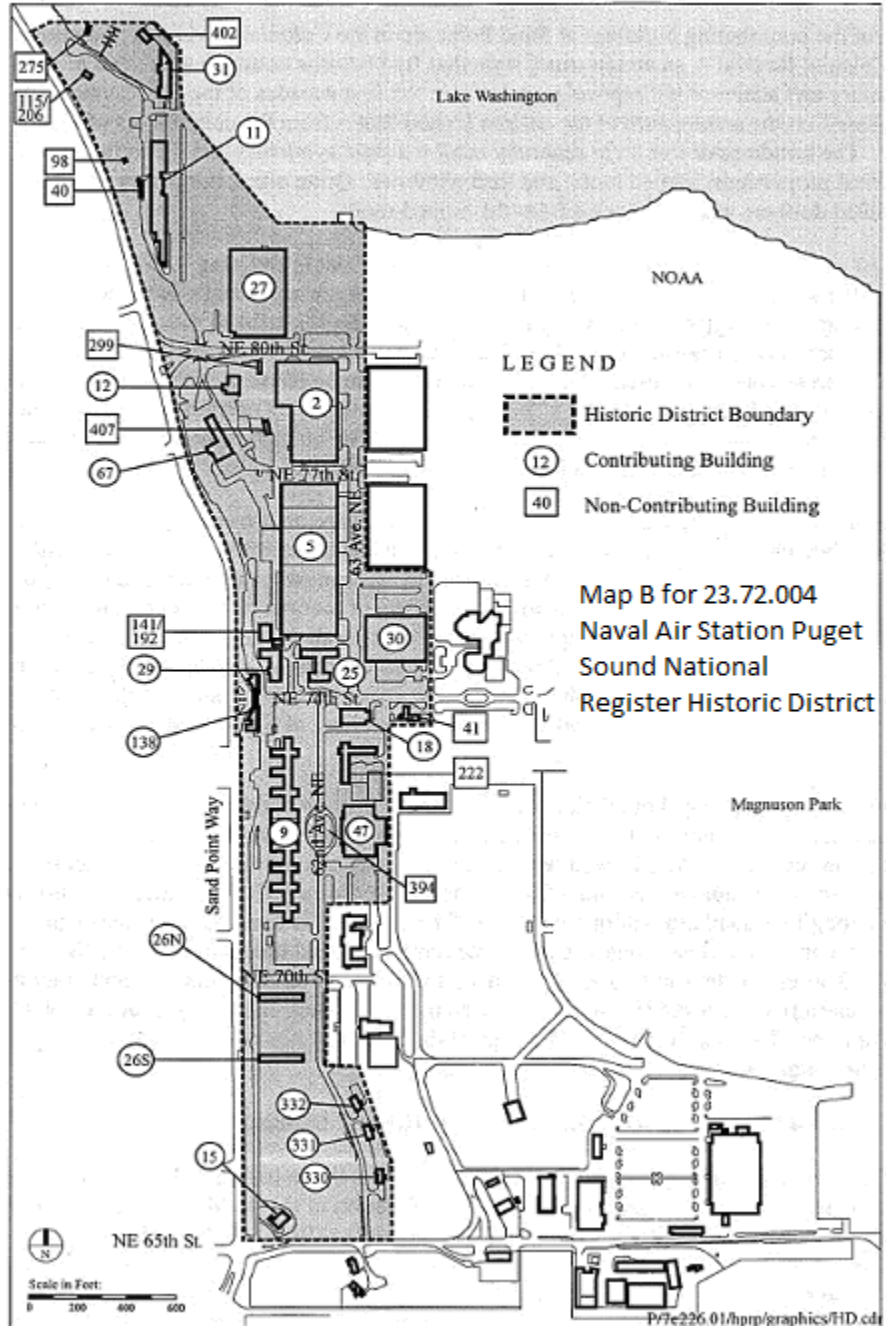
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Map B for 23.72.004 — Naval Air Station Puget Sound Sand Point National Register Historic District



3



1

2 Section 65. Section 23.73.024 of the Seattle Municipal Code, last amended by Ordinance

3 124503, is amended as follows:

1 **23.73.024 Transfer of development potential**

2 * * *

3 C. Standards for sending sites. A lot must meet the following conditions in order to be
4 eligible as a sending site to transfer extra residential floor area through TDP to a lot that is an
5 eligible receiving site according to subsection 23.73.024.B:

6 1. TDP sending sites shall be located in an NC3P zone within the Pike/Pine
7 Conservation Overlay District, excluding NC3P zones with an MIO-105 overlay, and shall
8 contain one of the following structures:

9 a. One or more structures designated wholly or in part as a landmark under
10 Chapter 25.12 or its predecessor ordinance; or

11 b. Any character structure, provided that character structures on the
12 proposed TDP sending site have not been demolished or significantly altered since January 18,
13 2012, unless a departure is approved through the design review process to allow the removal of a
14 character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B.33. For
15 the purposes of this subsection 23.73.024.C.1.b, a significant alteration results in conditions that
16 would preclude the character structure from complying with the minimum requirements for
17 retaining the character structure in subsection 23.73.024.C.4.

18 * * *

19 Section 66. Section 23.75.085 of the Seattle Municipal Code, enacted by Ordinance
20 123963, is amended as follows:

21 **23.75.085 Residential floor area limits; affordable housing incentive program**

22 A. Purpose. The provisions of this Section 23.75.085 are intended to implement an
23 affordable housing incentive program as authorized by RCW 36.70A.540.

* * *

C. Residential floor area limits ((-))

1. The aggregate residential floor area limit for built and permitted development on all lots within the MPC-YT zone is established in Table A for 23.75.085 and subject to the following conditions:

a. The aggregate residential floor area limit is increased in stages, referred to as “tiers,” when affordable housing is provided in accordance with the terms of this Section 23.75.085 in amounts sufficient to satisfy the conditions for the next tier according to Table A for 23.75.085.

b. The Tier 1 limit is the base, so no affordable housing needs to be provided in order for aggregate residential floor area to reach the Tier 1 limit.

c. If the total amount of constructed or permitted floor area reaches the applicable tier limit, but affordable housing production conditions have not been satisfied, no further building permits for residential floor area may be issued except for replacement units, 60 percent of MI units, or 80 percent of MI units. In counting total permitted residential floor area, projects with expired or cancelled permits shall not be included.

d. After the maximum residential floor area allowed has been increased to Tier 4, no Master Use Permit for a development including residential floor area shall be issued unless the development application includes a number of 80 percent of MI units equal to 4.5 percent of the total number of dwelling units in the application that are not either replacement units or 60 percent of MI units.

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 3

**Table A for 23.75.085
 Maximum floor area limits for residential
 uses based on affordable housing production¹**

	Affordable housing production conditions for the Yesler Terrace redevelopment area (cumulative) to increase maximum floor area limit to the next tier	Maximum residential floor area allowed in the MPC-YT zone
Tier 1 (base)	<ul style="list-style-type: none"> • 187 replacement units • 80 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units. 	1,400,000 square feet
Tier 2	<ul style="list-style-type: none"> • 374 replacement units • 160 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units. 	2,750,000 square feet
Tier 3	<ul style="list-style-type: none"> • 561 Replacement units • 290 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units. 	3,350,000 square feet
Tier 4	Not applicable	3,950,000 square feet

Footnote to Table A for 23.75.085
¹Housing existing as of January 1, 2012 does not count toward the affordable housing production conditions or the maximum residential floor area allowed.

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2. In order to count toward the conditions to a higher tier under Table A for 23.75.085, affordable housing shall be committed under recorded covenants or instruments, acceptable to the Director of Housing, to satisfy the following requirements:

a. Term. The affordable housing shall serve only income eligible households for replacement units, 60 percent of MI units, or 80 percent of MI units, as defined in Section 23.75.020, for a minimum of fifty years from the date when the affordable housing becomes available for occupancy as determined by the Director of Housing.

b. Affordability. Units must be committed to affordability as follows:

1) Except as permitted in subsection 23.75.085.C.2.b.5, for replacement units, monthly rent, including basic utilities, shall be as allowed under the 1937 U.S. Housing Act, as amended, and agreements between the Seattle Housing Authority and the U.S. Department of Housing & Urban Development (HUD) and, for City-funded replacement units, agreements between the Seattle Housing Authority and the City of Seattle. Rent may increase in proportion to household income for qualifying tenants provided that rent shall not exceed 30 percent of 80 percent of median income. For purposes of this ~~((§))~~Section 23.75.085, Yesler Terrace residents who are eligible to return pursuant to a relocation plan adopted by the Seattle Housing Authority shall be deemed to have met initial occupancy requirements.

2) Except as permitted in subsection 23.75.085.C.2.b.5, for 60 percent of MI units, monthly rent, including basic utilities, shall not exceed 30 percent of 60 percent of median income.

3) For 80 percent of MI units that are rental housing, monthly rent, including basic utilities, shall not exceed 30 percent of 80 percent of median income.

4) For 80 percent of MI units that are offered for sale, the initial sale price shall not exceed an amount determined by the Director of Housing to be affordable to a household with an income, at the time of initial occupancy by the household, no higher than 80 percent of median income. The unit shall be subject to recorded covenants or instruments satisfactory to the Director of Housing providing for sales prices on any resales consistent with affordability requirements on the same basis for at least ~~((fifty))~~ 50 years. The Director of Housing is authorized to adopt, by rule, the method of determining affordability, including

1 estimated monthly housing costs and requirements relating to down payment amount and
2 homebuyer contributions.

3 5) The Director of Housing is authorized to amend covenants to
4 adjust affordability and income limits up to a maximum of 30 percent of 80 percent of median
5 income if the Director of Housing determines that:

6 a) ~~((in))~~ In the case of replacement units, a reduction in
7 federal operating subsidies has made such funding insufficient to maintain the replacement units
8 for households with incomes at or below 30 percent of median income;

9 b) ~~((in))~~ In the case of 60 percent of MI units, after 40 years
10 from initial occupancy of a building, rent levels are insufficient to operate and maintain the units
11 or to meet any required debt coverage ratios as required by financing;

12 c) ~~((the))~~ The number of units with adjusted affordability
13 has been minimized to the extent practical, and

14 d) ~~((one))~~ One or more agreements are entered into
15 between the housing owner and the Director of Housing committing the housing owner(s) to new
16 affordability and occupancy requirements effective when replacement units and/or 60 percent of
17 MI units are vacated and available for occupancy by new tenants.

18 c. Size. If provided in a development permitted under a single master use
19 permit that includes dwelling units other than affordable housing, the average net floor area of
20 the affordable housing units shall be no smaller than the average net floor area per unit of the
21 development as a whole.

22 d. Location. Affordable housing must be located within the Yesler Terrace
23 redevelopment area. No more than ~~((140))~~ 190 of the replacement units shall be located east of

1 Boren Avenue. A minimum of 50 replacement units shall be located in at least five of the eight
2 blocks west of Boren Avenue. When provided within a development permitted under a single
3 master use permit that includes dwelling units other than affordable housing, the affordable
4 housing shall generally be distributed throughout the development.

5 * * *

6 Section 67. Section 23.75.160 of the Seattle Municipal Code, enacted by Ordinance
7 123963, is amended as follows:

8 **23.75.160 Landscaping, ~~((and))~~ street trees, and tree protection**

9 A. Landscaping requirements ~~((:-))~~

10 1. Standards. All landscaping provided to meet requirements under this Section
11 23.75.160 is required to meet standards promulgated by the Director to provide for the long-term
12 health, viability, and coverage of plantings.

13 2. Green Factor requirement. A minimum Green Factor score of 0.30, computed
14 pursuant to Section 23.86.019 except as otherwise provided in this Section 23.75.160, is required
15 for any lot with development containing:

16 a. ~~((more))~~ More than four dwelling units built after January 1, 2012;

17 b. ~~((more))~~ More than 4,000 square feet of nonresidential uses built after
18 January 1, 2012; or

19 c. ~~((more))~~ More than 20 automobile parking spaces built after January 1,
20 2012.

21 3. Landscape elements provided within pedestrian pathways, access drives, or
22 parks may not be counted toward meeting the minimum requirement in subsection
23 23.75.160.A.2.

1 B. Street tree requirements. Street trees are required when a proposed development is on
2 a lot that abuts a street. Existing street trees shall be retained unless removal is approved by the
3 Director of Transportation. The Director, in consultation with the Director of Transportation,
4 shall determine the number, type, and placement of street trees to be provided in order to:

- 5 1. ((~~improve~~)) Improve public safety;
- 6 2. ((~~promote~~)) Promote compatibility with existing street trees;
- 7 3. ((~~match~~)) Match trees to the available space in the planting strip;
- 8 4. ((~~maintain~~)) Maintain and expand the urban forest canopy;
- 9 5. ((~~encourage~~)) Encourage healthy growth through appropriate spacing;
- 10 6. ((~~protect~~)) Protect utilities; and
- 11 7. ((~~allow~~)) Allow access to the street, structures, and lot.

12 C. Except for any proposal that meets the planned action ordinance within the MPC zone,
13 Chapter 25.11 shall apply to proposed development. All proposed development shall comply
14 with the requirements of Sections 25.11.050, 25.11.070, and 25.11.080.

15 Section 68. Table A for 23.76.004 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 125429, is amended as follows:

17 **23.76.004 Land use decision framework**

18 * * *

Table A for 23.76.004	
LAND USE DECISION FRAMEWORK ¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits	
TYPE I	
Director's Decision	
(Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less

**Table A for 23.76.004
LAND USE DECISION FRAMEWORK ¹**

*Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*Intermittent uses
*Interim use parking authorized under subsection 23.42.040.G
*Uses on vacant or underused lots pursuant to Section 23.42.038
*Transitional encampment interim use
*Certain street uses
*Lot boundary adjustments
*Modifications of features bonused under Title 24
*Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*Temporary uses for relocation of police and fire stations
*Exemptions from right-of-way improvement requirements
*Special accommodation
*Reasonable accommodation
*Minor amendment to a Major Phased Development permit
*Determination of whether an amendment to a property use and development agreement is major or minor
*Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*Shoreline special use approvals that are not part of a shoreline substantial development permit
*Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*Determination that a project is consistent with a planned action ordinance
*Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection ((23.49.008.F) <u>23.49.008.H</u>)
*Minor revisions to an issued an unexpired MUP that was subject to design review
*Building height increase for minor communication utilities in downtown zones
*Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*Other Type I decisions that are identified as such in the Land Use Code

* * *

Footnotes for Table A for 23.76.004

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

1 Section 69. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
2 125429, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 * * *

5 B. The following decisions are Type I:

6 * * *

7 17. Decision to increase the maximum height of a structure in the DOC2 500/300-
8 550 zone according to subsection (~~(23.49.008.F)~~) 23.49.008.H;

9 * * *Section 70. Section 23.76.012 of the Seattle Municipal Code, last amended by
10 Ordinance 125429, is amended as follows:

11 **23.76.012 Notice of application**

12 * * *

13 B. Types of notice required

14 * * *

15 4. The Director shall provide mailed notice of:

16 a. Applications for variances, administrative conditional uses, special
17 exceptions, temporary uses for more than four weeks, shoreline variances, shoreline conditional
18 uses, short plats that do not exclusively create unit lots, early design guidance process for
19 administrative design review and streamlined administrative design review, subdivisions, Type
20 IV Council land use decisions, amendments to property use and development agreements, Major
21 Institution designations and revocation of Major Institution designations, concept approvals for
22 the location or expansion of City facilities requiring Council land use approval, and waivers or
23 modification of development standards for City facilities; and

1 b. The first early design guidance meeting for a project subject to design
2 review pursuant to Section 23.76.014.

3 D. Comment period. The Director shall provide a 14 day public comment period prior to
4 making a threshold determination of nonsignificance (DNS) or publishing a decision on the
5 project; provided that the comment period shall be extended by 14 days if a written request for
6 extension is submitted within the initial 14 day comment period; provided further that the
7 comment period shall be 30 days for applications requiring shoreline decisions except that for
8 limited utility extensions and bulkheads subject to Section ((~~23.60.065~~)) 23.60A.064, the
9 comment period shall be 20 days as specified in Section ((~~23.60.065~~)) 23.60A.064. The comment
10 period shall begin on the date notice is published in the Land Use Information Bulletin.

11 Comments shall be filed with the Director by 5 p.m. of the last day of the comment period. If the
12 last day of the comment period is a Saturday, Sunday, or federal or City holiday, the comment
13 period shall run until 5 p.m. the next day that is not a Saturday, Sunday, or federal or City
14 holiday. Any comments received after the end of the official comment period may be considered
15 if the comment is material to review yet to be conducted.

16 * * *

17 Section 71. Section 23.76.022 of the Seattle Municipal Code, last amended by Ordinance
18 125387, is amended as follows:

19 **23.76.022 Administrative reviews and appeals for Type I and Type II Master Use Permits**

20 * * *

21 B. Shoreline Appeal Procedures. An appeal of the Director's decision to issue, condition,
22 or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional
23 use as a part of a Master Use Permit shall be filed by the appellant with the Shorelines Hearings

1 Board in accordance with the provisions of the Shoreline Management Act of 1971, (~~RCW~~
2 ~~Chapter~~) chapter 90.58 RCW, and the rules established under its authority, (~~WAC~~) chapter
3 173-27 WAC. An appeal of related environmental actions, including a Determination of
4 Nonsignificance (DNS), determination that an EIS is adequate, and the decision to grant,
5 condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to Section
6 25.05.660, shall be consolidated in the appeal to the Shorelines Hearings Board. An appeal of a
7 decision for limited utility extensions and bulkheads subject to Section (~~23.60.065~~) 23.60A.064
8 shall be finally determined within 30 days as specified in that (~~section~~) Section 23.60A.064.

9 * * *

10 Section 72. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance
11 123913, is amended as follows:

12 **23.76.028 Type I and II Master Use Permit issuance**

13 * * *

14 C. Type II Master Use Permits(~~(-)~~)

15 1. Except as provided in subsections 23.76.028.C.2 and 23.76.028.C.3, a Type II
16 Master Use Permit is approved for issuance on the day following expiration of the applicable
17 City of Seattle administrative appeal period or, if appealed, on the fourth day following a final
18 City of Seattle administrative appeal decision (~~(to grant or conditionally grant the permit)~~) or the
19 day after an appeal is dismissed.

20 2. A Type II Master Use Permit containing a shoreline component as defined in
21 subsection 23.76.006.C.2.g is approved for issuance pursuant to Section 23.60A.072, except that
22 a shoreline decision on limited utility extensions and bulkheads subject to Section (~~23.60.065~~)

1 23.60A.064 is approved for issuance within 21 days of the last day of the comment period as
2 specified in that ~~((§))~~Section 23.60A.064.

3 3. For a Type II Master Use Permit that requires a Council land use decision, the
4 Master Use Permit is approved for issuance only after the Council land use decision is made.

5 * * *

6 Section 73. Section 23.76.034 of the Seattle Municipal Code, last amended by Ordinance
7 123913, is amended as follows:

8 **23.76.034 Suspension and revocation of Master Use Permits**

9 * * *

10 B. If the Director determines upon inspection of the site that there are grounds for
11 suspending or revoking a permit, the Director may order the work stopped; provided that any
12 shoreline component of a Master Use Permit shall not be revoked until a public hearing has been
13 held pursuant to the procedures set forth in Section 23.60A.078. A written stop work order shall
14 be served on the person(s) doing or causing the work to be done. All work shall then be stopped
15 until the Director finds that the violations and deficiencies have been rectified. The Director shall
16 provide written notice of the stop work order to all persons who have expressed a complaint
17 leading to the stop work order and provided an address for notice.

18 * * *

19 Section 74. Section 23.84A.002 of the Seattle Municipal Code, last amended by
20 Ordinance 124843, is amended as follows:

21 **23.84A.002 “A”**

22 “Abut” means to border upon~~((-))~~, except that lots that touch only on a corner of another
23 lot are not considered to abut.

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* * *

Section 75. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.84A.004 “B”

* * *

“Block.” In areas outside downtown and Seattle Mixed (SM) zones, a block consists of two facing block fronts bounded on two sides by alleys, ~~((€))~~ rear lot lines, or another lot’s side lot line and on two sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit A for 23.84A.004.

* * *

Section 76. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.84A.032 “R”

* * *

“Residential use” means any one or more of the following:

* * *

22. “Townhouse development” means a multifamily residential use that is not a rowhouse development, and in which:

a. ~~((each))~~ Each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. ~~((no))~~ No portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and

1 c. ~~((each))~~ Each dwelling unit is attached along at least one common wall to at
2 least one other dwelling unit ~~((or live-work unit))~~, with habitable interior space on both sides of
3 the common wall, or abuts another dwelling unit ~~((or live-work unit))~~ on a common lot line.

4 * * *

5 “Right-of-Way Improvements Manual”, also referred to informally as “Streets
6 Illustrated”, ~~((means))~~ is a set of detailed standards and design guidance for street, alley, and
7 easement construction, adopted by ~~((a joint))~~ Administrative Rule of the Seattle Department of
8 Transportation ~~((and the Seattle Department of Construction and Inspections))~~.

9 * * *

10 Section 77. Section 23.84A.046 of the Seattle Municipal Code, last amended by
11 Ordinance 124610, is amended as follows:

12 **23.84A.046 “Y”**

13 “Yard.” See “Yard, front,” “Yard, side” and “Yard, rear.”

14 “Yard, front” means an area from the ground upward between the side lot lines of a lot,
15 extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal
16 depth of which is specified for each zone. The front yard includes all portions of the lot that are
17 within the specified distance from the street along which the front lot line extends, even if
18 separated from the street by an intervening lot. In the case of an irregularly-shaped lot, the front
19 yard shall be a portion of the property as determined according to ~~((sub))~~ Section 23.86.010~~((B))~~.

20 * * *

21 Section 78. Section 23.86.002 of the Seattle Municipal Code, last amended by Ordinance
22 124803, is amended as follows:

1 **23.86.002 General provisions**

2 A. For all calculations, the applicant shall be responsible for supplying drawings
3 illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient
4 detail to allow verification upon inspection or examination by the Director.

5 B. Fractions ((-))

6 1. ((When)) If any measurement technique for determining the number of items
7 required or allowed, including but not limited to parking or bicycle spaces, or required trees or
8 shrubs, results in fractional requirements, any fraction up to and including 0.5 of the applicable
9 unit of measurement shall be disregarded and fractions over 0.5 shall require the next higher full
10 unit of measurement.

11 2. ((When)) any measurement technique for determining required minimum or
12 allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage,
13 open space, building depth, parking space size or curb cut width, results in fractional
14 requirements, the dimension shall be measured to the nearest inch. Any fraction up to and
15 including 0.5 of an inch shall be disregarded and fractions over 0.5 of an inch shall require the
16 next higher unit.

17 3. Except within Lowrise multi-family zones, if density calculations result in a
18 fraction of a unit, any fraction up to and including 0.5 constitutes zero additional units, and any
19 fraction over 0.5 constitutes one additional unit. Within Lowrise multi-family zones, the effect of
20 a density calculation that results in a fraction of a unit is as described in Table A for 23.45.512.
21 This provision may not be applied to density calculations that result in a quotient less than one.

22 C. Where the location of a lot line varies depending on elevation, such as partial right-of-
23 way vacations and dedications that include below-grade areas but exclude the area at ground

1 level, development standards that rely on lot lines shall be based on the location of lot lines at
2 grade.

3 Section 79. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance
4 125272, is amended as follows:

5 **23.86.006 Structure height measurement**

6 * * *

7 E. Height measurement techniques in downtown zones and in the South Lake Union
8 Urban Center

9 1. Determine the major street lot line, which shall be the lot's longest street lot
10 line. When the lot has two or more street lot lines of equal length, the applicant shall choose the
11 major street lot line.

12 2. Determine the slope of the lot along the entire length of the major street lot line.

13 3. The maximum height shall be measured as follows:

14 a. When the slope of the major street lot line is less than or equal to 7.5
15 percent, the elevation of maximum height shall be determined by adding the maximum permitted
16 height to the existing grade elevation at the midpoint of the major street lot line. On a through-
17 lot, the elevation of maximum height shall apply only to the half of the lot nearest the major
18 street lot line. On the other half of a through-lot, the elevation of maximum height shall be
19 determined by the above method using the street lot line opposite and parallel to the major street
20 lot line as depicted in Exhibit B for 23.86.006.

21 b. When the slope of the major street lot line exceeds 7.5 percent, the
22 major street lot line shall be divided into four or fewer equal segments no longer than 120 feet in
23 length. The elevation of maximum height shall be determined by adding the maximum permitted

1 height to the existing grade elevation at the midpoint of each segment. On a through-lot, the
2 elevation of maximum height shall apply only to the half of the lot nearest the major street lot
3 line. On the other half of a through-lot, the elevation of maximum height shall be determined by
4 the above method using the street lot line opposite and parallel to the major street lot line, as
5 depicted in Exhibit C for 23.86.006.

6 c. For lots with more than one street frontage, where there is no street lot
7 line that is essentially parallel to the major street lot line, when a measurement has been made for
8 the portion of the block containing the major street lot line, the next measurement shall be taken
9 from the ~~((longest))~~ remaining street lot line that is opposite and most distant from the major
10 street lot line.

11 * * *

12 Section 80. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance
13 125272, is amended as follows:

14 **23.86.007 Gross floor area and floor area ratio (FAR) measurement**

15 B. Pursuant to subsections 23.45.510.E((;)) and 23.47A.013.D((;)) and ~~((23.48.009.D))~~
16 Section 23.48.020, for certain structures in multifamily, commercial, and Seattle Mixed zones,
17 portions of a story that extend no more than 4 feet above existing or finished grade, whichever is
18 lower, are exempt from calculation of gross floor area. The exempt gross floor area of such
19 partially below-grade stories is measured as follows:

20 1. ~~((determine))~~ Determine the elevation 4 feet below the ceiling of the partially
21 below-grade story, or 4 feet below the roof surface if there is no next floor above the partially
22 below-grade story;

1 ((B)) 2. For required amenity area and open space, accessory parking areas,
2 storage areas, and mechanical rooms are excluded from the calculation of gross floor area in
3 residential use;

4 3. The prorated portion share of a structure’s common areas in the same
5 proportion as the residential use to ((other)) commercial or other non-residential uses occupying
6 the structure.

7 B. When a requirement is based on the percentage of a structure’s gross floor area which
8 is in commercial or other non-residential use, commercial or other non-residential use area shall
9 include the prorated portion share of a structure’s common areas in the same proportion as the
10 non-residential or commercial use to residential uses occupying the structure.

11 Section 82. Section 25.05.030 of the Seattle Municipal Code, last amended by Ordinance
12 114057, is amended as follows:

13 **25.05.030 Policy ((-))**

14 A. The policies and goals set forth in SEPA are supplementary to existing agency
15 authority.

16 B. Agencies shall to the fullest extent possible:

17 1. Interpret and administer the policies, regulations, and laws of the state of
18 Washington in accordance with the policies set forth in SEPA and these rules;

19 2. Find ways to make the SEPA process more useful to ((decisionmakers))
20 decision makers and the public; promote certainty regarding the requirements of the act; reduce
21 paperwork and the accumulation of extraneous background data; and emphasize important
22 environmental impacts and alternatives;

23 * * *

1 Section 83. Section 25.05.610 of the Seattle Municipal Code, last amended by Ordinance
2 124843, is amended as follows:

3 **25.05.610 Use of NEPA documents**

4 A. An agency may adopt any environmental analysis prepared under the National
5 Environmental Policy Act (NEPA) by following Sections 25.05.600 ~~((when to use existing
6 environmental documents))~~ and ~~((Section))~~ 25.05.630 ~~((adoption procedures))~~.

7 B. A NEPA environmental assessment (EA) or documented categorical exclusion may be
8 adopted to support a determination of nonsignificance instead of preparing an environmental
9 checklist, if the requirements of Sections 25.05.340, 25.05.600, and 25.05.630 (and Sections
10 25.05.350, and 25.05.355 as applicable), are met and elements of the environment in Section
11 25.05.444 are adequately addressed.

12 C. An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

13 1. The requirements of Sections 25.05.360, 25.05.600, and 25.05.630 are met (in
14 which case the procedures in Subchapters III, IV, and V of these rules for preparing an EIS shall
15 not apply); and

16 2. The federal ~~((EA or))~~ EIS is not found inadequate:

17 a. By a court;

18 b. By the Council on Environmental Quality (CEQ) (or is at issue in a
19 predecision referral to CEQ) under the NEPA regulations; or

20 c. By the administrator of the United States Environmental Protection
21 Agency under Section 309 of the Clean Air Act, 42 U.S.C. ~~((1857))~~ 7609.

22 * * *

1 Section 84. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance
2 125432, is amended as follows:

3 **25.05.800 Categorical exemptions**

4 The proposed actions contained in this Section 25.05.800 are categorically exempt from
5 threshold determination and environmental impact statement requirements, subject to the rules
6 and limitations on categorical exemptions contained in Section 25.05.305.

7 * * *

8 B. Other minor new construction

9 1. The exemptions in this subsection 25.05.800.B apply to all licenses required to
10 undertake the following types of proposals except when the project:

11 a. Is undertaken wholly or partly on lands covered by water;

12 b. Requires a license governing discharges to water that is not exempt
13 under RCW 43.21C.0383;

14 c. Requires a license governing emissions to air that is not exempt under
15 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

16 d. Requires a land use decision that is not exempt under subsection
17 25.05.800.F.

18 2. The construction or designation of bus stops, loading zones, shelters, access
19 facilities, ~~((and))~~ pull-out lanes for taxicabs, transit, and school vehicles, and designation of
20 transit only lanes;

21 3. The construction ~~((and/or))~~ or installation of commercial on-premises signs,
22 and public signs and signals, including those for traffic control and wayfinding;

1 4. The construction or installation of minor road and street improvements by any
2 agency or private party that include the following:

3 a. Safety structures and equipment: Such as pavement marking, adding or
4 removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle
5 traffic or volume, freeway surveillance and control systems, railroad protective devices (not
6 including grade-separated crossings), grooving, glare screen, safety barriers, or energy
7 attenuators;

8 b. Transportation corridor landscaping (including the application of state
9 of Washington approved herbicides by licensed personnel for right-of-way weed control as long
10 as this is not within watersheds controlled for the purpose of drinking water quality (~~in~~
11 ~~accordance with WAC 248-54-660~~));

12 c. Temporary traffic controls and detours;

13 d. Correction of substandard curves and intersections within existing
14 rights-of-way or widening of a highway by less than a single lane width where capacity is not
15 significantly increased and no new right-of-way is required;

16 e. Adding auxiliary lanes for localized purposes (e.g. weaving, climbing,
17 and speed change), where capacity is not significantly increased and no new right-of-way is
18 required;

19 f. Channelization (~~and~~), rechannelization, elimination of sight
20 restrictions at intersections, street lighting, guard rails, and barricade installation;

21 g. Installation of catchbasins and culverts for the purposes of road and
22 street improvements;

1 h. Reconstruction of existing roadbed (existing curb-to-curb in urban
2 locations), including adding or widening of shoulders where capacity is not increased and no
3 new right-of-way is required;

4 i. Addition of bicycle lanes, paths and facilities, and pedestrian walks and
5 paths including sidewalk extensions, but not including additional automobile lanes;

6 5. Grading, excavating, filling, septic tank installations, and landscaping
7 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B, as
8 well as fencing and the construction of small structures and minor accessory facilities;

9 6. Additions or modifications to or replacement of any building or facility
10 exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or
11 replacement will not change the character of the building or facility in a way that would remove
12 it from an exempt class¹;

13 7. The demolition of any structure or facility, the construction of which would be
14 exempted by subsections 25.05.800.A and 25.05.800.B, except for structures or facilities with
15 recognized historical significance such as listing in a historic register¹;

16 8. The installation or removal of impervious underground or above-ground tanks,
17 having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On
18 agricultural and industrial lands, the installation or removal of impervious underground or above-
19 ground tanks, having a total capacity of 60,000 gallons or less;

20 9. The vacation of streets or roads, converting public right-of-way, and other
21 changes in motor vehicle access;

22 10. The installation of hydrological measuring devices, regardless of whether or
23 not on lands covered by water;

1 11. The installation of any property, boundary, or survey marker, other than
 2 fences, regardless of whether or not on lands covered by water;

3 12. The installation of accessory solar energy generation equipment on or attached
 4 to existing structures and facilities whereby the existing footprint and size of the building is not
 5 increased.

6 ¹Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve
 7 structures that exceed the following thresholds and that appear to meet criteria set forth in
 8 Chapter 25.12 for Landmark designation are subject to referral to the Department of
 9 Neighborhoods pursuant to Section 25.12.370:

Table A for Footnote (1) for 25.05.800.B.6 and ((25.05.800.B.6) 25.05.800.B.7	
Zone	Residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, and Industrial zones	4
LR2	6
LR3	8
MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and Downtown zones	20

Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7	
Zone	Non-residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts referred to DON for landmark review:
C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and Industrial zones	12,000
All other zones	4,000

11 * * *

12 X. Utilities. The utility-related actions listed below shall be exempt, except for
 13 installation, construction, or alteration on lands covered by water. The exemption includes

1 installation and construction, relocation when required by other governmental bodies, repair,
2 replacement, maintenance, operation, or alteration that does not change the action from an
3 exempt class:

4 1. All communications lines, including cable TV, but not including
5 communication towers or relay stations;

6 2. All stormwater, water and sewer facilities, lines, equipment, hookups or
7 appurtenances including, utilizing or related to lines 12 inches or less in diameter;

8 3. All electric facilities, lines, equipment or appurtenances, not including
9 substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing
10 distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the
11 undergrounding of all electrical facilities, lines, equipment, or appurtenances;

12 4. All natural gas distribution (as opposed to transmission) lines and necessary
13 appurtenant facilities and hookups;

14 5. All developments within the confines of any existing electrical substation,
15 reservoir, pump station, vault, pipe, or well. Additional appropriations of water are not exempted
16 by this Section 25.05.800;

17 6. Periodic use of chemical or mechanical means to maintain a utility or
18 transportation right-of-way in its design condition; provided, the chemicals used are approved by
19 Washington State and applied by licensed personnel. This exemption shall not apply to the use of
20 chemicals within watersheds that are controlled for the purpose of drinking water quality (~~in~~
21 ~~accordance with WAC 248-54-660~~));

22 7. All grants of rights-of-way by agencies to utilities for use for distribution (as
23 opposed to transmission) purposes;

1 8. All grants of franchises by agencies to utilities;

2 9. All disposals of rights-of-way by utilities.

3 Y. Natural resources management. In addition to the other exemptions contained in this
4 Section 25.05.800, the following natural resources management activities shall be exempt:

5 1. All Class I, II, and III forest practices as defined by RCW 76.09.050 or
6 regulations thereunder;

7 2. Issuance of new grazing leases covering a section of land or less, and issuance
8 of all grazing leases for land that has been subject to a grazing lease within the previous ten
9 years;

10 3. Licenses or approvals to remove firewood;

11 4. Issuance of agricultural leases covering 160 contiguous acres or less;

12 5. Issuance of leases for Christmas tree harvesting or brush picking;

13 6. Issuance of leases for school sites;

14 7. Issuance of leases for, and placement of, mooring buoys designed to serve
15 pleasure craft;

16 8. Development of recreational sites not specifically designed for all-terrain
17 vehicles and not including more than 12 campsites;

18 9. Periodic use of chemical or mechanical means to maintain public park and
19 recreational land; provided, that chemicals used are approved by the Washington State
20 Department of Agriculture and applied by licensed personnel. This exemption shall not apply to
21 the use of chemicals within watersheds that are controlled for the purpose of drinking water
22 quality ((in accordance with WAC 248-54-660));

1 10. Issuance of rights-of-way, easements, and use permits to use existing roads in
2 non-residential areas;

3 11. Establishment of natural area preserves to be used for scientific research and
4 education and for the protection of rare flora and fauna, under the procedures of chapter 79.70
5 RCW;

6 Z. Watershed restoration projects. Actions pertaining to watershed restoration projects as
7 defined in RCW 89.08.460(2) are exempt; provided, they implement a watershed restoration plan
8 that has been reviewed under SEPA (RCW 89.08.460(1)).

9 AA. Wireless service facilities

10 1. The siting of wireless service facilities are exempt if:

11 a. The collocation of new equipment, removal of equipment, or
12 replacement of existing equipment on existing or replacement structures that does not
13 substantially change the physical dimensions of such structures; or

14 b. The siting project involves constructing a wireless service tower less
15 than 60 feet in height that is located in a commercial or industrial zone.

16 2. For the purposes of this subsection 25.05.800.AA:

17 a. “Wireless services” means wireless data and telecommunications
18 services, including commercial mobile services, commercial mobile data services, unlicensed
19 wireless services, and common carrier wireless exchange access services, as defined by federal
20 laws and regulations.

21 b. “Wireless service facilities” means facilities for the provision of
22 wireless services.

1 c. “Collocation” means the mounting or installation of equipment on an
2 existing tower, building, structure for the purposes of either transmitting or receiving, or both,
3 radio frequency signals for communication purposes.

4 d. “Existing structure” means any existing tower, pole, building, or other
5 structure capable of supporting wireless service facilities.

6 e. “Substantially change the physical dimensions” means:

7 1) The mounting of equipment on a structure that would increase
8 the height of the structure by more than 10 percent, or 20 feet, whichever is greater; or

9 2) The mounting of equipment that would involve adding an
10 appurtenance to the body of the structure that would protrude from the edge of the structure more
11 than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is
12 greater.

13 3. This exemption does not apply to projects within an environmentally critical
14 area designated under GMA (RCW 36.70A.060).

15 BB. State transportation project. The following Washington department of transportation
16 projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or
17 replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus
18 transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and
19 bike lanes), that is in operation, as long as the action:

20 1. Occurs within the existing right-of-way and in a manner that substantially
21 conforms to the preexisting design, function, and location as the original except to meet current
22 engineering standards or environmental permit requirements; and

1 2. The action does not result in addition of automobile lanes, a change in capacity,
2 or a change in functional use of the facility.

3 CC. Structurally deficient city, town, and county bridges. The repair, reconstruction,
4 restoration, retrofitting, or replacement of a structurally deficient city, town or county bridge
5 shall be exempt as long as the action:

6 1. Occurs within the existing right-of-way and in a manner that substantially
7 conforms to the preexisting design, function, and location as the original except to meet current
8 engineering standards or environmental permit requirements; and

9 2. The action does not result in addition of automobile lanes, a change in capacity,
10 or a change in functional use of the facility.

11 “Structurally deficient” means a bridge that is classified as in poor condition under the
12 state bridge condition rating system and is reported by the state to the national bridge inventory
13 as having a deck, superstructure, or substructure rating of four or below. Structurally deficient
14 bridges are characterized by deteriorated conditions of significant bridge elements and
15 potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically
16 require significant maintenance and repair to remain in service, and they require major
17 rehabilitation or replacement to address the underlying deficiency.

18 Section 85. Section 25.08.940 of the Seattle Municipal Code, enacted by Ordinance
19 122614, is amended as follows:

20 **25.08.940 Contested case hearing ((+))**

21 A. Date and ((Notice)) notice. If a person requests a contested case hearing, the hearing
22 shall be held within ((sixty (-))60((+)) days after the written response to the citation requesting
23 ((such)) the hearing is received.

1 B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for
2 hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing
3 Examiner for hearing contested cases, except as modified by this ~~((section))~~ Section 25.08.940.
4 The issues heard at the hearing shall be limited to those raised in writing in the response to the
5 citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may
6 issue subpoenas for the attendance of witnesses and the production of documents.

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

11 D. Amendment of ~~((Citation))~~ citation. A citation may be amended prior to the
12 conclusion of the hearing to conform to the evidence presented if substantial rights of the person
13 cited are not thereby prejudiced.

14 E. Evidence at ~~((Hearing))~~ hearing. The certified statement or declaration authorized by
15 RCW 9A.72.085 submitted by a representative of the Administrator shall be prima facie
16 evidence that a violation occurred and that the person cited is responsible. Any certifications or
17 declarations authorized under RCW 9A.72.085 shall be admissible without further evidentiary
18 foundation. The person cited may rebut the evidence and establish that the cited violation(s) did
19 not occur or that the person contesting the citation is not responsible for the violation.

20 F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter
21 an order finding that the person cited committed the violation and shall impose the applicable
22 penalty. If the Hearing Examiner determines that the violation did not occur, the Hearing
23 Examiner shall enter an order dismissing the citation.

1 G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any
2 judicial review must be commenced within ~~((twenty one (21)))~~ 21((21)) days of issuance of the
3 Hearing Examiner's decision ~~((in accordance with RCW 36.70C.040))~~.

4 Section 86. Section 25.09.090 of the Seattle Municipal Code, last amended by Ordinance
5 125292, is amended as follows:

6 **25.09.090 Development standards for steep slope erosion hazard areas**

7 A. This Section 25.09.090 and Section 25.09.080 apply to parcels containing a steep
8 slope erosion hazard area or steep slope erosion hazard area buffer.

9 B. Impacts on steep slope erosion hazard areas

10 1. Development is prohibited on steep slope erosion hazard areas, unless the
11 applicant demonstrates that the provisions of subsections 25.09.070.C, 25.09.070.D,
12 25.09.090.B.2, 25.09.090.D, 25.09.090.E, or 25.09.090.F apply, or the slope is on a parcel in a
13 Downtown zone or highrise zone.

14 2. Development is allowed on steep slope erosion hazard areas if the applicant
15 demonstrates that all other provisions of this Chapter 25.09 and all applicable provisions of Title
16 23 and Chapters 22.800 through 22.808 are met, that no adverse impact on the stability or
17 erosion potential of the steep slope erosion hazard areas will result, and that the development
18 meets one of the following criteria and the criteria in subsection 25.09.090.B.3. In making this
19 determination, the Director may require a geotechnical report to verify site conditions and to
20 evaluate the impacts of the development in the steep slope erosion hazard area and shall require
21 such a report for criteria in subsections 25.09.090.B.2.c and 25.09.090.B.2.d. The geotechnical
22 report is subject to the provisions for third party review in subsection 25.09.080.C.

1 a. Development is located within the footprint of existing, lawfully
2 constructed, structures or paved areas, not including landscaped areas or areas that have been
3 graded;

4 b. Development is located on a steep slope erosion hazard area that has
5 been created through previous legal grading activities, including but not limited to rockeries or
6 retaining walls resulting from right-of-way improvements;

7 c. Development is located on a steep slope erosion hazard area that is less
8 than 20 feet in vertical rise and that is 30 feet or more from other steep slope erosion hazard
9 areas; or

10 d. Development is a necessary stabilization measure to mitigate an active
11 landslide hazard on the applicant's lot or from an abutting lot, and such development meets the
12 following requirements:

13 1) The applicant demonstrates that the stabilization is the minimum
14 necessary to mitigate the landslide hazard; and

15 2) The applicant uses the least intrusive option available to
16 mitigate the landslide hazard.

17 * * *

18 Section 87. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance
19 125429, is amended as follows:

20 **25.11.070 Tree protection on sites undergoing development in Lowrise zones**

21 The provisions in this Section 25.11.070 apply in Lowrise zones.

1 A. Exceptional trees

2 1. If the Director determines that an exceptional tree is located on the lot of a
3 proposed development, which is not a major institution use within a Major Institution Overlay
4 zone, and the tree is not proposed to be preserved, the development shall go through streamlined
5 design review as provided in Section 23.41.018 if the project falls below the thresholds for
6 design review established in Section 23.41.004.

7 2. The Director may permit the exceptional tree to be removed only if the total
8 floor area that could be achieved within the maximum permitted FAR and height limits of the
9 applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree
10 protection area through the following:

11 a. Development standard adjustments permitted in Section 23.41.018 or
12 the departures permitted in Section 23.41.012.

13 b. An increase in the permitted height as follows under subsection
14 25.11.070.A.~~((2))~~3.

15 ~~((2))~~ 3. In order to preserve an exceptional tree, the following code modifications
16 are allowed:

17 a. Permitted height. For a principal structure with a base height limit of 40
18 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may
19 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50
20 feet if the increase is needed to accommodate, on an additional story, the amount of floor area
21 lost by avoiding development within the tree protection area and the amount of floor area on the
22 additional story is limited to the amount of floor area lost by avoiding development within the
23 tree protection area.

1 b. Parking reduction. A reduction in the parking quantity required by
2 Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an
3 exceptional tree if the reduction would result in a project that would avoid the tree protection
4 area.

5 ((~~3~~) 4. If the Director determines that an exceptional tree is located within a Major
6 Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow
7 removal of an exceptional tree only if:

8 a. The proposed development is for a major institution use identified in an
9 adopted Major Institution Master Plan; and

10 b. The location of an exceptional tree is such that planned future physical
11 development identified in an adopted Major Institution Master Plan cannot be sited while
12 avoiding the tree protection area; and

13 c. Mitigation for exceptional trees and trees over 2 feet in diameter,
14 measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are
15 removed in association with development.

16 * * *

17 Section 88. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance
18 125429, is amended as follows:

19 **25.11.080 Tree protection on sites undergoing development in Midrise and Commercial**
20 **((Zones)) zones**

21 The provisions in this Section 25.11.080 apply in Midrise and Commercial zones.

1 A. Exceptional trees

2 1. If the Director determines that an exceptional tree is located on the lot of a
3 proposed development, which is not a major institution use within a Major Institution Overlay
4 zone, and the tree is not proposed to be preserved, the project shall go through streamlined
5 design review as provided in Section 23.41.018 if the project falls below the thresholds for
6 design review established in Section 23.41.004.

7 2. The Director may permit an exceptional tree to be removed only if the
8 applicant demonstrates that protecting the tree by avoiding development in the tree protection
9 area could not be achieved through the development standard adjustments permitted in Section
10 23.41.018 or the departures permitted in Section 23.41.012, the modifications allowed by this
11 Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, or a reduction
12 in the standards of Section 23.54.030.

13 ((2)) 3. If the Director determines that an exceptional tree is located within a
14 Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may
15 allow removal of an exceptional tree only if:

16 a. The proposed development is for a major institution use identified in an
17 adopted Major Institution Master Plan; and

18 b. The location of an exceptional tree is such that planned future physical
19 development identified in an adopted Major Institution Master Plan cannot be sited while
20 avoiding the tree protection area; and

21 c. Mitigation for exceptional trees and trees over 2 feet in diameter,
22 measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are
23 removed in association with development.

* * *

Section 89.

A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended as follows: all areas designated on Attachment A as DOC2 500/300-550 are rezoned to DOC2 550/300-550.

B. Attachment A to this ordinance, which is incorporated by reference, shows the areas being rezoned as described in this section.

C. Except for the DOC2 500/300-550 classification, all other designations and classifications of the property rezoned by this section remain in effect.

D. This ordinance is not intended to release or modify either the terms of any agreement previously made in connection with the rezoning of any property, or any conditions or restrictions included in any rezone decision or ordinance. As to each lot being rezoned in this ordinance from a zoning designation previously established by a map amendment conditioned upon a recorded agreement, all conditions and restrictions stated in the applicable prior rezone decision, ordinance, or agreement, whether or not referring to a specific zoning designation or rezone action, continue as conditions and restrictions under the zoning designation established by this ordinance. The City Council finds that the restrictions in each such agreement are necessary in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezones effected by this ordinance.

Section 90. Sections 7, 8, 68, 69, 70, 87, and 88 of this ordinance shall take effect and be in force on July 1, 2018.

1 Section 91. 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 _____, 2018,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2018.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2018.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2018.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16
17
18
19 Attachments:
20 Exhibit A – Downtown DOC2 Rezone Map