



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119597

Record No.: CB 119597

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125927

In Control: City Clerk

File Created: 07/08/2019

Final Action: 09/20/2019

**Title:** AN ORDINANCE relating to land use and zoning; amending Sections 23.41.012, 23.48.220, 23.48.225, and 23.48.245 of the Seattle Municipal Code, to revise existing regulatory incentives to preserve open space and allow departures from tower separation requirements when the project includes a Landmark that is subject to Landmark controls and incentives adopted by the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Pacheco

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 119597 v1

Drafter: valauri.stotler@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	07/23/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	07/23/2019	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	07/29/2019	sent for review	Planning, Land Use, and Zoning Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
1	City Council	08/05/2019	referred	Planning, Land Use, and Zoning Committee			

Legislative Summary Continued (CB 119597)

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- 1 Planning, Land Use, and Zoning Committee 09/04/2019 discussed  
Action Text: The Council Bill (CB) was discussed in Committee.
- 1 Planning, Land Use, and Zoning Committee 09/11/2019 pass Pass  
Action Text: The Committee recommends that City Council pass the Council Bill (CB).  
In Favor: 2 Chair Pacheco, Member Herbold  
Opposed: 0
- 1 City Council 09/16/2019 passed Pass  
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:  
In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco  
Opposed: 0  
Absent(NV): 1 Councilmember Sawant
- 1 City Clerk 09/18/2019 submitted for Mayor Mayor's signature
- 1 Mayor 09/20/2019 Signed  
Action Text: The Council Bill (CB) was Signed.
- 1 Mayor 09/20/2019 returned City Clerk  
Action Text: The Council Bill (CB) was returned. to the City Clerk
- 1 City Clerk 09/20/2019 attested by City Clerk  
Action Text: The Ordinance (Ord) was attested by City Clerk.
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**CITY OF SEATTLE**

**ORDINANCE** 125927

**COUNCIL BILL** 119597

AN ORDINANCE relating to land use and zoning; amending Sections 23.41.012, 23.48.220, 23.48.225, and 23.48.245 of the Seattle Municipal Code, to revise existing regulatory incentives to preserve open space and allow departures from tower separation requirements when the project includes a Landmark that is subject to Landmark controls and incentives adopted by the City Council.

WHEREAS, the South Lake Union Urban Center has experienced substantial growth and redevelopment over the last decade; and

WHEREAS, The City of Seattle and the South Lake Union Community Council collaborated on development of the South Lake Union Urban Design Framework, which established a vision for the physical development of South Lake Union; and

WHEREAS, the City Council in 2013 approved new zoning regulations in the South Lake Union Urban Center that implement the South Lake Union Urban Design Framework; and

WHEREAS, the South Lake Union Urban Design Framework prioritizes creating a network of open space opportunities throughout the neighborhood; and

WHEREAS, the zoning regulations adopted by the City Council in 2013 include incentives to create and preserve open space when new development projects are proposed; and

WHEREAS, incentives that were intended to encourage preservation of the open space known as the Seattle Times Park, at the southwest corner of Fairview Avenue N and E John Street, were part of the zoning regulation adopted in 2013; and

WHEREAS, subsequent modifications to the incentive zoning program adopted by the City Council as part of the Mandatory Housing Affordability program reduced the value of the incentive to preserve the Seattle Times Park; and

1 WHEREAS, strong community support exists to restore and increase the incentive to preserve  
2 the Seattle Times Park; NOW, THEREFORE,

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

4 Section 1. Section 23.41.012 of the Seattle Municipal Code, last amended by the  
5 ordinance introduced as Ordinance 125843, is amended as follows:

6 **23.41.012 Development standard departures**

7 \* \* \*

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

- 10 1. Procedures;
- 11 2. Definitions;
- 12 3. Measurements;
- 13 4. Provisions of the Shoreline District, Chapter 23.60A;
- 14 5. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and  
15 23.28.030.A.3;
- 16 6. Permitted, prohibited, or conditional use provisions, except that departures may  
17 be granted from development standards for required street-level uses, subject to the limitations of  
18 subsection 23.41.012.B.34;
- 19 7. Maximum size of use;
- 20 8. Residential density limits;
- 21 9. Noise and odor standards;
- 22 10. Floor area ratios (FAR), except that:

1 a. In the Pike/Pine Conservation Overlay District shown on Map A for  
2 23.73.004, departures from the development standards for floor area exemptions from FAR  
3 calculations in subsection 23.73.009.C and for retention of a character structure on a lot in  
4 Section 23.73.015 are allowed;

5 b. Departures of up to an additional 0.5 FAR may be granted if the  
6 applicant demonstrates that:

7 1) The departure is needed to protect a tree that is located on the lot  
8 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in  
9 diameter measured 4.5 feet above the ground; and

10 2) Avoiding development in the tree protection area will reduce the  
11 total development capacity of the site; ((-))

12 11. Structure height, except that:

13 a. Within the Roosevelt Commercial Core building height departures up to  
14 an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012,  
15 Roosevelt Commercial Core);

16 b. Within the Uptown Urban Center building height departures up to 3 feet  
17 of additional height may be granted if the top floor of the structure is set back at least 6 feet from  
18 all lot lines abutting streets;

19 c. Within the Queen Anne Residential Urban Village and Neighborhood  
20 Commercial zones as shown on Map B for 23.41.012, Upper Queen Anne Commercial Areas,  
21 building height departures up to 3 feet of additional height may be granted if the top floor of the  
22 structure is set back at least 6 feet from all lot lines abutting streets;

1 d. Within the PSM 85-120 zone in the area shown on Map A for  
2 23.49.180, departures may be granted from development standards that apply as conditions to  
3 additional height, except for floor area ratios and provisions for adding bonus floor area above  
4 the base FAR;

5 e. Within the Pike/Pine Conservation Overlay District shown on Map A  
6 for 23.73.004, departures may be granted from:

7 1) Development standards that apply as conditions to additional  
8 height in subsections 23.73.014.A and 23.73.014.B; and

9 2) The provision for receiving sites for transfer of development  
10 potential in subsection 23.73.024.B.5;

11 f. Departures of up to 10 feet of additional height may be granted if the  
12 applicant demonstrates that:

13 1) The departure is needed to protect a tree that is located on the lot  
14 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in  
15 diameter measured 4.5 feet above the ground; and

16 2) Avoiding development in the tree protection area will reduce the  
17 total development capacity of the site; ((-))

18 12. Provisions of Chapter 23.52;

19 13. Provisions of Chapter 23.53, except that departures may be granted from the  
20 access easement standards in Section 23.53.025;

21 14. Quantity of parking required, minimum and maximum parking limits, and  
22 minimum and maximum number of drive-in lanes;

1                   15. Standards for solid-waste and recyclable materials storage and access  
2 in Section 23.54.040;

3                   16. Provisions of Chapter 23.58A, except that departures may be granted from the  
4 requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4, and  
5 23.48.021.C.1.b.5;

6                   17. Provisions of Chapter 23.58B and Chapter 23.58C;

7                   18. In SM-SLU zones, floor area limits for all uses provided in subsections  
8 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up to a  
9 five percent increase in floor area limit for each story may be granted for structures with non-  
10 residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and  
11 23.48.245.B.1.d.2;

12                   19. In SM-SLU zones, provisions in Section 23.48.245 for upper-level setbacks;

13                   20. In SM-SLU zones, provisions in Section 23.48.245 limiting the number of  
14 towers permitted per block, except that departures may be granted from the condition contained  
15 in subsection 23.48.245.F.5.b that requires a minimum tower separation, up to the minimum  
16 amount of separation necessary to achieve the maximum floor area allowed by subsection  
17 23.48.245.B.1.d and only if the development proposal includes a site or improvement that is  
18 subject to Landmark controls and incentives imposed pursuant to Chapter 25.12;

19                   21. In Downtown zones, provisions in Chapter 23.49 for exceeding the base FAR  
20 or achieving bonus development;

21                   22. In Downtown zones, provisions in Section 23.49.036 for the minimum size for  
22 planned community developments;

1                   23. In Downtown zones, the average floor area limit for stories in residential use  
2 in Table B for 23.49.058;

3                   24. In Downtown zones, provisions in Section 23.49.041 for combined lot  
4 developments;

5                   25. In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor  
6 height for street-level uses required as a condition of the additional height allowed by subsection  
7 23.49.008.E;

8                   26. In Downtown zones, (~~Downtown~~) downtown view corridor requirements,  
9 except that departures may be granted to allow open railings on upper-level roof decks or on  
10 rooftop open space to project into the required view corridor, if the railings are determined to  
11 have a minimal impact on views;

12                   27. In Downtown zones, the quantity of open space required for major office  
13 projects as provided in subsection 23.49.016.B;

14                   28. In Downtown zones, standards for the location of access to parking;

15                   29. In Downtown Mixed Commercial zones, tower spacing requirements  
16 contained in subsection 23.49.058.D;

17                   30. Within the Pike/Pine Conservation Overlay District shown on Map A for  
18 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as  
19 a transferable development potential (TDP) receiving site in subsection 23.73.024.B, the  
20 exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR  
21 exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in  
22 subsections 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements



1 in subsection 23.73.012.B, or the exception for an additional 10 feet in height in subsection  
2 23.73.014.B.

3 a. However, departures from the development standards identified above  
4 may be granted under the following conditions:

5 1) The character structure is neither a designated Seattle Landmark  
6 nor identified in a rule promulgated by the Director according to Section 23.73.005; and

7 2) The proposed development entails the demolition of a wood-  
8 frame character structure originally built as a single-family residence or single-family accessory  
9 structure; or

10 3) The proposed development entails the demolition of a character  
11 structure that is determined to have insufficient value to warrant retention when the following  
12 applies:

13 a) The structure lacks a high degree of architectural  
14 integrity as evidenced by extensive irreversible exterior remodeling; or

15 b) The structure does not represent the Pike/Pine  
16 neighborhood's building typology that is characterized by the use of exterior materials and  
17 design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully  
18 glazed ground-floor storefront windows; and decorative details including cornices, emblems, and  
19 embossed building names; or

20 c) Demolishing the character structure would allow for  
21 more substantial retention of other, more significant character structures on the lot, such as a  
22 structure listed in a rule promulgated by the Director according to Section 23.73.005; or would  
23 allow for other key neighborhood development objectives to be achieved, such as improving

1 pedestrian circulation by providing through-block connections, developing arts and cultural  
2 facilities, or siting publicly accessible open space at key neighborhood locations.

3 b. In addition to the provisions of subsection 23.41.012.B.30.a, the  
4 following provisions apply:

5 1) At least one character structure shall be retained on the lot if any  
6 of the following are to be used by the development proposal:

7 a) Subsection 23.73.009.C.3 regarding the FAR exemption  
8 for residential uses;

9 b) Subsection 23.73.010.B.2 regarding increases in the  
10 floor area limits;

11 c) Subsection 23.73.012.B regarding the exception from  
12 width and depth measurements; or

13 d) Subsection 23.73.014.B regarding the exception  
14 allowing for an additional 10 feet in height.

15 2) A departure may allow removal of character structures if the  
16 requirement for retaining structures is limited to the following:

17 a) Subsection 23.73.009.B regarding the exception to allow  
18 additional FAR for non-residential uses;

19 b) Subsection 23.73.010.B.1 regarding increases in the  
20 floor area limits; or

21 c) Section 23.73.024 for the use of TDP on a lot that is an  
22 eligible TDP receiving site under the provisions of subsection 23.73.024.B;

1                   31. In the MPC-YT zone, affordable housing production requirements in Section  
2 23.75.085;

3                   32. In the MPC-YT zone, limits on floor area for uses in Sections 23.75.040,  
4 23.75.085, or 23.75.090;

5                   33. In the MPC-YT zone, limits on the number of highrise structures, distribution  
6 of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040  
7 or Section 23.75.120;

8                   34. In pedestrian-designated zones, provisions for residential uses at street level,  
9 as provided in subsection 23.47A.005.C.1, except that a departure may be granted to allow  
10 residential uses at street level to occupy, in the aggregate, no more than 50 percent of the street-  
11 level, street-facing facade;

12                   35. In pedestrian-designated zones, provisions for transparency requirements, as  
13 provided in subsection 23.47A.008.B, except that departures may be granted to reduce the  
14 required transparency from 60 percent to no less than 40 percent of the street-facing facade;

15                   36. In pedestrian-designated zones, provisions for height requirements for floor-  
16 to-floor height, as provided in subsection 23.47A.008.B, except that departures to allow a  
17 mezzanine with less than the minimum floor-to-floor height may be granted provided that the  
18 outer edge of the mezzanine floor is at least 15 feet from the exterior wall facing a principal  
19 pedestrian street;

20                   37. Area-specific development standards for Lake City, identified in subsection  
21 23.47A.009.E, except departures may be requested if the development provides at least one of  
22 the following features:

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a. A usable open space that:

- 1) Abuts the street;
- 2) Is no more than 4 feet above or 4 feet below the adjacent sidewalk grade;
- 3) Has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater; and
- 4) Has a minimum depth of 20 feet measured from the abutting street lot line.

b. An east-west through-block pedestrian passageway that:

- 1) Has a minimum width of 20 feet and provides direct and continuous passage between the north/south rights-of-way abutting the lot; and
- 2) Is designed to provide safe pedestrian use, including signage identifying the passageway; and

38. For lots 40,000 square feet or greater in size, area-specific development standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and 23.47A.009.F.4.b, except that departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

- 1) Abuts the street;
- 2) Is no more than 4 feet above or 4 feet below the adjacent sidewalk grade;
- 3) Has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater; and

1 4) Has a minimum depth of 20 feet measured from all street lot  
2 lines.

3 b. A separation between structures that:

4 1) Has a minimum east-west dimension width of 20 feet;

5 2) Is no more than 4 feet above or below the adjacent sidewalk  
6 grades; and

7 3) Is either developed as:

8 a) A north-south, through-block pedestrian passageway;

9 b) A woonerf;

10 c) An amenity area that is available for public use and not  
11 counting towards the minimum requirement of Section 23.47A.024; or

12 d) A combination thereof.

13 \* \* \*

14 Section 2. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance  
15 125603, is amended as follows:

16 **23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center**

17 A. General provisions

18 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for  
19 specified SM zones within the South Lake Union Urban Center are as shown in Table A for  
20 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 use <sup>1</sup>
	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 <sup>2</sup>	8	6
SM-SLU 85-280	0.5/3 <sup>3</sup>	NA	6
SM-SLU 240/125-440	5 <sup>2</sup>	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.

<sup>1</sup> All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

<sup>2</sup> In 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.

<sup>3</sup> The 3 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

**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 <sup>1</sup>

Footnote to Table B for 23.48.220

<sup>1</sup> The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

- 1                    2. FAR for development including a mix of residential and non-residential uses
- 2                        a. For zones included on Table A for 23.48.220, development including a
- 3 mix of non-residential uses and residential uses that do not exceed the base height limit for
- 4 residential use shall:
- 5                        1) Obtain extra floor area for any chargeable non-residential floor
- 6 area above the base FAR for non-residential uses as prescribed in Table A for 23.48.220; and

1 2) Not exceed the lower of the maximum FAR for non-residential  
2 uses in Table A for 23.48.220 or the maximum FAR for structures that do not exceed the base  
3 height limit and include any residential use in Table A for 23.48.220.

4 b. In the SM-SLU 175/85-280 zone residential uses are allowed above the  
5 residential base height limit in structures or portions of structures with non-residential uses that  
6 exceed 85 feet in height, and in the SM-SLU 240/125-440 zone, residential uses are allowed  
7 above the residential base height limit in structures or portions of structures with non-residential  
8 uses that exceed 125 feet in height if the following conditions are met:

9 1) All uses are subject to the maximum FAR limit for non-  
10 residential uses in Table A for 23.48.220, and for the purposes of calculating FAR, floor area in  
11 residential use shall be included as chargeable floor area;

12 2) If residential and non-residential uses are combined on the same  
13 story, the floor area limits of subsection 23.48.245.B.3 apply;

14 3) Stories occupied only by residential uses may exceed the  
15 maximum height limit for non-residential uses, and all stories above the base height limit for  
16 residential use that are only occupied by residential uses are subject to the floor area limits of  
17 subsection 23.48.245.B.2 and the maximum facade width standards of subsection 23.48.245.E;

18 4) Extra non-residential floor area above the base FAR for non-  
19 residential uses shown on Table A for 23.48.220 shall be obtained as provided for in Section  
20 23.48.221; and

21 5) For the purposes of applying tower separation standards in  
22 subsection 23.48.245.G, the structure shall be considered to be a residential tower.

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

4                   a. ~~((The))~~ An additional increment of 0.5 FAR is permitted above the base  
5 FAR if the lot includes one or more ~~((qualifying Landmark))~~ sites or structures ~~((;))~~ that are  
6 subject to controls and incentives imposed pursuant to the City Landmarks Preservation  
7 Ordinance, Chapter 25.12, and subject to the following conditions:

8                               1) The site or structure is rehabilitated to the extent necessary so  
9 that all features and characteristics ~~((controlled or designated by ordinance pursuant to Chapter~~  
10 ~~25.12))~~ subject to those controls and incentives are in good condition and ~~((consistent))~~ comply  
11 with applicable ordinances and ~~((with any))~~ Certificates of Approval issued by the Landmarks  
12 Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

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

18                                       a) ~~((is))~~ Is subject, in whole or in part, to a designating  
19 ordinance pursuant to Chapter 25.12; and

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



1 4) A qualifying Landmark that allows for the additional increment  
2 of FAR under this subsection 23.48.220.A.3 is not eligible as a Landmark transferable  
3 development rights (TDR) or Landmark transferable development potential (TDP) sending site.  
4 For so long as any of the chargeable floor area of the increment allowed above the base FAR of  
5 the zone under this subsection 23.48.220.A.3 remains on the lot, each Landmark for which the  
6 increment was granted shall remain designated as a Landmark under Chapter 25.12 and the  
7 owner shall maintain the exterior and interior of each qualifying Landmark in good condition and  
8 repair and in a manner that preserves the features and characteristics that are subject to  
9 designation or controls by ordinance unless the Landmarks Preservation Board has issued a  
10 Certificate of Approval for the modification or demolition of the Landmark; and

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

14 b. ~~((The lot includes an open space that is a minimum of 10,000 square  
15 feet in area and that has been improved as open space accessible to the public prior to November  
16 8, 2015, subject to the following conditions))~~ An additional increment of 1.2 FAR is permitted  
17 above the maximum FAR to preserve qualifying open space, subject to the following  
18 requirements:

19 1) ~~((The Director, in consultation with the Director of the Seattle  
20 Parks and Recreation Department, determines that the design and location of the open space  
21 provides a public benefit and is suitable for recreational use;))~~ The amount of additional square  
22 footage gained from the additional increment of FAR may not exceed 128,130 square feet.

1   2) The additional increment of FAR may be located on the same  
2 block as the open space or on blocks within 1,500 feet of the qualifying open space. “Qualifying  
3 open space” is open space that is a minimum of 10,000 square feet in area, that was improved as  
4 open space accessible to the public prior to November 8, 2015, and that meets the following  
5 requirements:

6   a) If the additional FAR is for non-residential uses, the  
7 amount of additional floor area may not exceed the maximum amount of floor area that could be  
8 developed on the area of the lot that contains qualifying open space under subsection  
9 23.48.220.A for a structure with non-residential uses. If the additional FAR is for residential  
10 uses, the additional floor area may not exceed the maximum amount of floor area that could be  
11 developed on the area of the lot that contains qualifying open space under subsection  
12 23.48.220.A for a structure that does not exceed the base height limit and that includes a  
13 residential use;

14   b) Floor area limits. Only 126,000 square feet of the  
15 additional floor area may be used toward achieving maximum floor area limits under subsection  
16 23.48.245.B. The remaining 2,130 square feet may be used for aerial connections that meet the  
17 standards of subsection 23.48.245.B.4.

18   3) Open space design. The applicant must provide a landscape plan  
19 to the Seattle Department of Construction and Inspections for the qualifying open space that  
20 protects all existing exceptional trees, as defined in Section 25.11.020, and existing water  
21 features. The exceptional trees and water features are deemed to be “existing” if they were  
22 present at the site of the qualifying open space on November 8, 2015. The additional FAR may

1 be obtained only if the landscape plan is approved by the Director, whose decision is a Type I  
2 Decision.

3 4) Hours open. The open space shall be open during daylight hours  
4 and accessible to the general public, without charge, for a minimum of ten hours per day, except  
5 that access may be temporarily limited as required for public safety, security, scheduled events,  
6 or maintenance. Members of the public may not be asked to leave for any reason other than  
7 conduct that unreasonably interferes with the enjoyment of the space by others, unless the space  
8 is closed to the general public consistent with this subsection 23.48.220.A.3.b.4. No parking,  
9 storage, or use other than open space may be established on or above the surface of the open  
10 space. Use of the open space by motor vehicles is prohibited except for vehicles responding to an  
11 emergency. The open space shall be clearly identified with signage placed at a visible location at  
12 each street entrance that provides access to the open space. The signage shall indicate, in letters  
13 legible to passersby, the nature of the open space, its availability for general public access, and  
14 directional information as needed.

15 ((2)) 5) Declaration. The owner(s) of the lot where the open space  
16 is located and the lot where the additional floor area provided under this subsection  
17 23.48.220.3.b is located shall execute and record a declaration and voluntary agreement in a form  
18 acceptable to the Director identifying the open space provided to qualify for the additional  
19 increment of FAR above the base FAR; acknowledging that the right to develop and occupy a  
20 portion of the gross floor area on the lot using the additional increment of floor area is based  
21 upon the long-term provision and maintenance of the open space and that development is  
22 restricted in the open space; and committing to provide and maintain the open space((;)) .

1 ((3)) 6) Duration; alteration. The owners of the lot granted the  
2 additional increment of floor area above the base FAR as a result of having the open space on the  
3 lot shall provide and maintain the open space for as long as the increment of additional floor area  
4 allowed above the base FAR exists. The open space amenity allowing for the additional  
5 increment of floor area above the base FAR may be altered or removed 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 is:

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

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

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 4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,  
19 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted  
20 above 85 feet in height and is subject to the same provisions as residential use exceeding the base  
21 height limit for residential use, provided that all development standards that apply to a residential  
22 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra  
23 residential floor area.

1 5. In the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-  
2 SLU 85-280, and SM-SLU 240/125-440 zones within South Lake Union Urban Center, for  
3 residential tower structures that have only non-residential uses up to or above the base height  
4 limit for residential uses, the FAR limits for all non-residential uses in the structure are the same  
5 as the FAR limits specified for non-residential uses in Table A for 23.48.220.

6 6. In all SM-SLU zones, except SM-SLU/R 65/95, SM-SLU 100/95, and SM-  
7 SLU 145 zones, a development that includes a residential structure or a portion of a structure as a  
8 residential tower is exempt from FAR requirements as to that structure or portion of a structure,  
9 and the FAR limits for permitted non-residential uses in that structure or portion of a structure  
10 shall be applied based on the lot area required for the residential tower development, to meet the  
11 upper-level floor area limit of subsection 23.48.245.A. The FAR limits for the remainder of the  
12 development shall be applied based on an assumed lot area of the total lot area minus the lot area  
13 required for the portion of the development that is a residential tower.

14 7. Within the area in the SM-SLU 175/85-280 zone meeting the standards for  
15 location in subsection 23.48.230.B, structures designed for research and development laboratory  
16 use and administrative office associated with research and development laboratories have a base  
17 FAR of 5 and a maximum FAR of 8, provided that the maximum number of floors allowed  
18 above grade is eight, measured from the floor with the lowest elevation above grade, but not  
19 including rooftop projections.

20 \* \* \*

1 Section 3. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance  
2 125603, is amended as follows:

3 **23.48.225 Structure height in South Lake Union Urban Center**

4 \* \* \*

5 C. Additional height permitted in the SM-SLU 175/85-280 and SM-SLU 85-280 zones

6 1. Increases in the maximum height limit in the SM-SLU 175/85-280 and SM-  
7 SLU 85-280 zones. In the SM-SLU 175/85-280 and SM-SLU 85-280 zones a structure is  
8 allowed additional height of up to 30 percent above the maximum height limit for residential  
9 uses and, in the SM-SLU 175/85-280 zone, up to 20 percent above the height limit for non-  
10 residential uses, if all of the following conditions are met:

11 a. The project includes an elementary school or a kindergarten through  
12 eighth grade school, which may include minimum space requirements for associated uses but not  
13 limited to academic core functions, child care, administrative offices, a library, maintenance  
14 facilities, food service, and specialty instruction space;

15 b. Prior to issuance of a Master Use Permit, the applicant shall submit a  
16 letter to the Director from the school indicating that, based on the Master Use Permit plans, the  
17 school district has determined that the development could meet the operator's specifications;

18 c. Prior to issuance of a building permit, the applicant shall submit a  
19 written certification by the operator to the Director that the operator's specifications have been  
20 met;

21 d. The amount of floor area allowed to exceed the applicable height limit  
22 is equivalent to the amount of enclosed floor area on the lot in school use;

1 e. The floor area added through the increase in height is subject to the  
2 development standards in Sections 23.48.235 and 23.48.240 that apply to structures that exceed  
3 the base height for residential use or the applicable podium height for non-residential uses;

4 f. The floor area allowed to exceed the maximum residential height limit is  
5 not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should  
6 the school use be discontinued, floor area gained through the provisions of this Section  
7 23.48.225 shall be subject to the provisions of Chapter 23.58A; and

8 g. The allowances for rooftop features in subsection 23.48.025.B shall  
9 apply to the above structure height permitted under this subsection 23.48.225.C.

10 2. Additional height above the applicable height limit for portions of a structure  
11 that contain non-residential and live-work uses is permitted in the SM-SLU 175/85-280 zone at  
12 locations and under the conditions specified in Section 23.48.230.

13 3. Extra residential floor area above the base height limit for residential use may  
14 be obtained as provided in Section 23.48.221.

15 4. In the SM-SLU 175/85-280 zone, additional height above the applicable height  
16 limit, as described below, for up to two non-residential towers on one block is permitted if the  
17 tower or towers meet the following requirements.

18 a. If two non-residential towers are developed, the tower closer to the  
19 eastern block front may be up to 190 feet in height and the tower closer to the western block  
20 front may be up to 208 feet in height.

21 b. If two residential towers are developed, one residential tower on the  
22 northwest quadrant of the block may be up to 360 feet and the other on the southeast quadrant of  
23 the block may be up to 320 feet.

1 c. Rooftop features comply with subsection 23.48.025.C, which applies to  
2 the additional structure height permitted under this subsection 23.48.225.C.4.

3 d. The additional height is to accommodate an additional increment of  
4 floor area provided in subsection 23.48.220.A.3.b.

5 \* \* \*

6 F. All non-exempt floor area and residential floor area located above the base height is  
7 considered extra floor area. Extra floor area may be obtained above the base height, up to the  
8 maximum height, through the provision of public amenities meeting the standards of Section  
9 23.48.021 and Chapter 23.58A, except that floor area allowed through subsection  
10 23.48.220.A.3.b is exempt from requirements to acquire regional development credits under  
11 23.48.021.C.1.b and 23.48.021.C.2.b. In addition to the requirement to provide public amenities  
12 pursuant to Section 23.48.021 and Chapter 23.58A, the extra floor area may be obtained only if  
13 the project provides affordable housing and child care pursuant to subsection 23.48.021.C.1.a  
14 and 23.48.021.C.2.a.

15 \* \* \*

16 Section 4. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance  
17 125603, is amended as follows:

18 **23.48.245 Upper-level development standards in South Lake Union Urban Center**

19 \* \* \*

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



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

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

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

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

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

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

21                   d. For structures or portions of structures with non-residential uses that  
22 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of  
23 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the

1 structure above the specified podium height indicated for the lot on Map A for 23.48.245,  
2 excluding rooftop features or stories with rooftop features that are otherwise permitted above the  
3 height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor  
4 area of 24,000 square feet per story, except that the average gross floor area for stories above the  
5 specified podium height is 30,000 square feet for structures on a lot that meets the following  
6 conditions:

7 1) The lot has a minimum area of 60,000 square feet; and

8 2) The lot includes an existing open space or a qualifying

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

11 2. Floor area limit for residential towers. For a structure with residential use that  
12 exceeds the base height limit established for residential uses in the zone under subsection  
13 23.48.225.A.1, the following maximum gross floor area limit applies:

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

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

22 1) The average gross floor area for all stories with residential use  
23 that extend above the podium height indicated for the lot on Map A for 23.48.245, and extending

1 up to the maximum height limit, shall not exceed 10,500 square feet, or the floor size established  
2 by the upper-level floor area limit in subsection 23.48.245.A, whichever is less, except as  
3 allowed in subsection 23.48.245.A.

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

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

9                                   a. For a story that includes both residential and non-residential uses, the  
10 gross floor area limit for all uses combined shall not exceed the floor area limit for non-  
11 residential uses, provided that the floor area occupied by residential use shall not exceed the floor  
12 area limit otherwise applicable to residential use.

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

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

18                                   a. Height limit for podiums. The specific podium height for a lot is shown  
19 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley  
20 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to  
21 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet  
22 deep. The podium height is measured from the grade elevation at the street lot line. In the SM-  
23 SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, 9th Avenue North,

1 and Fairview Avenue North, the line on Map A for 23.48.245 demarcating the different podium  
2 heights within these blocks is located 120 feet north of the northerly line of Mercer Street.

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

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

12                                   1) Usable open space that meets the provisions of subsection  
13 23.48.240.F; or

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

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

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

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

1 ii. Alteration of the floor-to-ceiling height of the  
2 street-level story, except alterations that restore the floor-to-ceiling height to its original  
3 condition; or

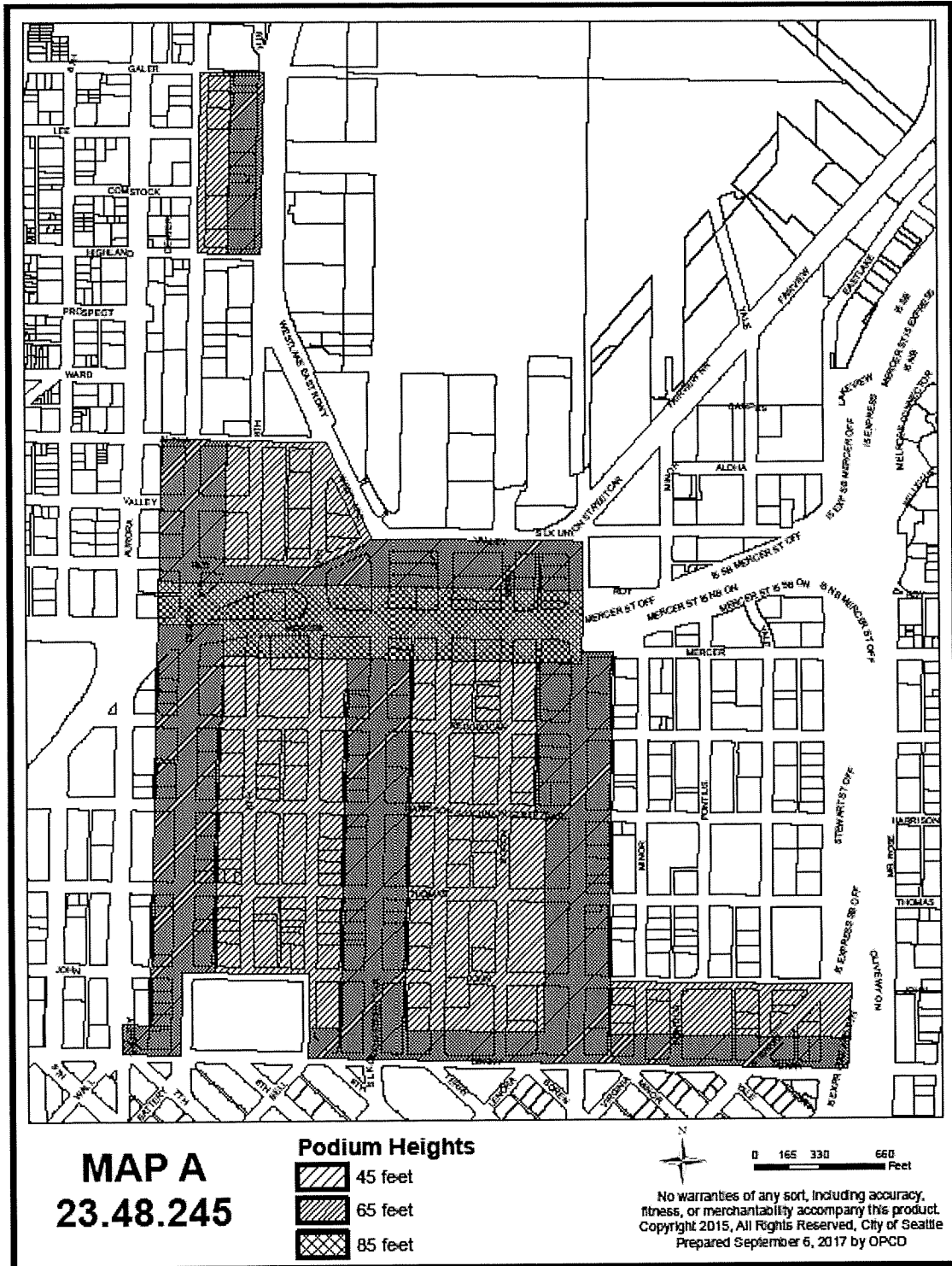
4 iii. The addition of stories to the structure, unless  
5 the proposed addition is no taller than the maximum height to which the structure was originally  
6 built, or the addition is approved through the design review process as compatible with the  
7 original character of the structure and is necessary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

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

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

1                    5. Aerial connections. Structures that use an additional increment of floor area  
2 provided in subsection 23.48.220.B.3.b may be connected by up to three aerial connections. The  
3 combined floor area in all aerial connections may not exceed 2,130 square feet and no one aerial  
4 connection may exceed 805 square feet. The floor area of aerial connections does not count  
5 toward the floor area limits of subsections 23.48.245.B.1 or 23.48.245.B.2. For purposes of this  
6 subsection 23.48.245.B.5, “aerial connections” are enclosed connections between structures that  
7 are located on the same block and that do not cross above public right-of-way.

1 **Map A for 23.48.245**  
2 **Podium Heights**

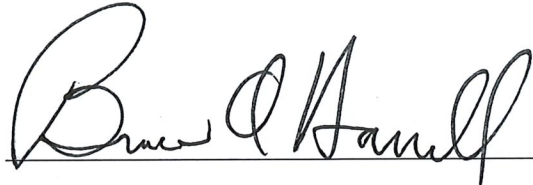


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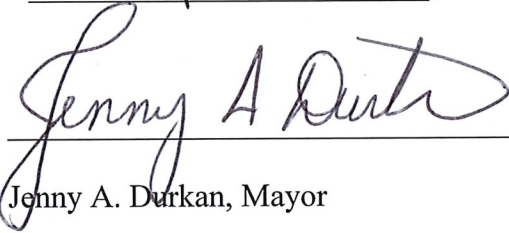
1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 16<sup>th</sup> day of September, 2019,  
5 and signed by me in open session in authentication of its passage this 16<sup>th</sup> day of  
6 September, 2019.


7 

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

9 Approved by me this 20<sup>th</sup> day of September, 2019.

10   
11 Jenny A. Durkan, Mayor

12 Filed by me this 20<sup>th</sup> day of September, 2019.

13   
14 for Monica Martinez Simmons, City Clerk

15 (Seal)

