

MEMORANDUM

To: Councilmember Rob Johnson, Chair
Councilmember Mike O'Brien
Councilmember Lisa Herbold, Members
Planning, Land Use and Zoning (PLUZ) Committee

From: Aly Pennucci and Lish Whitson, Council Central Staff

Date: February 2, 2017

Subject: U District Rezone Amendments for Consideration

On Thursday, January 19, the Planning, Land Use and Zoning (PLUZ) Committee began discussion of Council amendments to Council Bill (CB) [118862](#), which would change the zoning in the U District and implement the U District Urban Design Framework. Attachment 1 to this memo sets out potential amendments for Committee consideration based on discussion at that meeting and further Councilmember and public input. Attachments 2 through 24 include draft amendment language for the amendments discussed in Attachment 1. At the February 7 PLUZ Committee meeting, the Committee may vote on these proposed amendments.

Background

Council Bill 118862 would amend the Land Use Code to add a new Seattle Mixed-University District zone or SM-U. The SM-U zone would allow for significantly more development in and around the new light rail station under construction at Brooklyn Avenue NE and NE 43rd Street. The SM-U regulations would also respond to community concerns identified through an extensive planning process by providing incentives for the creation of publicly accessible open space; the preservation of landmarks and vulnerable masonry buildings; active street-level uses; and community facilities including childcare facilities, schools, and human services. The PLUZ Committee received five briefings on the proposed regulations and held one public hearing.

Potential Amendments

Attachment 1 contains a table of potential amendments to the Mayor's recommended bill and discusses a range of issues that have been raised by members of the public. Issues are grouped by the following categories:

- I. Technical amendments to the bill to maintain consistency with other legislation and to fix typos and other drafting errors.
- II. The Ave: changes to support commercial affordability or limit the potential displacement of small locally-owned businesses along University Way NE between NE 41st Street and NE 50th Street.
- III. Livability: measures to support a vibrant mixed-use community at the core of the U District.

- IV. Additional changes to proposed zoning: to support community institutions north of NE 50th Street and to respond to specific property owner requests.
- V. Light Rail Station Site: recommendations from the University of Washington to provide predictability for development above the light rail station.
- VI. Housing Affordability: changes to support affordable housing and family-sized units.

Based on discussion at the December 6 and January 19 PLUZ Committee meetings and requests from Committee members, we have drafted specific language for some of these amendments. These are found in attachments 2 through 24. In these documents, double underlines indicate proposed new language. ~~Double strikeouts~~ indicate language that would be removed from the Council Bill. A dashed underline indicates language proposed to be removed from the Seattle Municipal Code that would instead be retained.

Next Steps

A number of proposed amendments would require changes to the title of the bill and will require that a new bill be introduced. These amendments would make changes to sections of the Land Use Code that were not proposed to be amended in the Mayor's recommended bill, remove sections that would no longer be amended, or amend other Ordinances and will necessitate the introduction of a new version of the bill with a new title. If those amendments pass, we will need time to introduce a new Council Bill for vote at the Full Council. The earliest date for a Full Council vote would be February 21.

Resolution 31732

Resolution 31732 accompanies this Council Bill. This resolution recognizes the extensive work members of the U District community have put into the proposal and responds to community interest in additional work on key issues: childcare, support for small locally-owned businesses, parks and open space and schools. The Resolution incorporates changes proposed by Councilmembers at the February 19th PLUZ Committee meeting.

Resolution 31733

Emerging from the discussions on this Council Bill, this resolution requests that the Office of Planning and Community Development completes an evaluation of residential displacement as it relates to the proposal being developed to increase development capacity in certain areas. This analysis will provide the City Council information that could inform future policy decisions related to mitigating any loss of subsidized affordable units and naturally occurring affordable units resulting from an increase in development capacity.

Attachments:

1. Table of potential amendments for discussion
2. Technical Amendments (Amendment 1)
3. Remove proposed zoning changes along the Ave (2a)
4. Heights along The Ave (Amendment 2b)
5. Ave sending site for Transferable Development Rights (TDR) (Amendment 3)
6. Maximum building width (Amendment 4)
7. Limit uses exempt from floor area to small commercial spaces (Amendment 5)
8. Additional requirements for small locally-owned business spaces Midrise TDR (Amendments 6a and 6b)
9. Midrise Transfer of Development Rights (Amendment 7)
10. Clarify that bonus open space will be publicly accessible (Amendment 8)
11. Transportation Management Program requirements (Amendment 9)
12. Zoning on north side of NE 50th Street (Amendment 10a)
13. LR3 to MR north of NE 50th Street (Amendment 10b)
14. Zoning at Brooklyn Ave NE and NE Ravenna Boulevard (Amendment 11)
15. Remove proposed zoning changes on University Way NE between NE 56th St and NE Ravenna Blvd (Amendment 12)
16. Non-residential floorplates at light rail station (Amendment 13)
17. Transparency requirements (Amendment 14)
18. Loading requirements (Amendment 15)
19. Family size units (Amendment 16)
20. Mandatory Housing Affordability requirements – M2 in U District core (Amendment 17a)
21. MHA recital on application of M2 (Amendment 17b)
22. MHA requirements – MHA-C table (Amendment 17c)
23. MHA reporting requirements (Amendment 17d)
24. MHA payment recital (Amendment 17e)

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst

Attachment 1: Table of potential amendments

I. Technical Amendments to CB 118862: to maintain consistency between the U District Bill and other legislation and to fix typos and other drafting errors.	
SECTION/PAGE	1. POTENTIAL TECHNICAL AMENDMENTS (see Attachment #2)
Table B for 23.45.510 (p. 11 of CB 118862)	Correct reference to subsection with the MR zone FAR limits (change reference from 23.48.517.B.2 to 23.45.517.B.2)
Subsection 23.48.040.C (p. 57)	Add reference to 23.48.605.C (development standards for street-level uses in the SM-U zones)
Subsection n 23.48.055.B (p. 62)	Clarify language to specify that screening must be at least (not exactly) 3 feet high
Subsection 23.48.605.C.1 (p. 75)	Formatting correction: remove underlining (this is a new Section of the code, therefore underlining is not required)
Subsection 23.48.605.C.1.e (p. 76)	Remove erroneous “and”
Subsection 23.48.605.C.1.g-j (p. 76)	Formatting correction: remove underlining (this is a new Section of the code, therefore underlining is not required)
Section 23.48.615 (P.78)	Remove erroneous “.” after subsection title
Tables A-C for 23.48.620 (p. 78-80)	Formatting correction: correct table spacing
Subsection 23.48.620.B.5.c.3 (p. 85)	Formatting correction: add indent
Subsection 23.48.620.C.1-2 (p. 87)	Correct reference to 23.48.605.C (development standards for street-level uses in the SM-U zones rather than reference to the general standards for all SM zones)
Subsection 23.48.645.F (p. 109)	Correct reference to 23.48.645.F rather than 23.48.625.F
Map A for 23.58B.050 (p. 151)	Add map to reflect changes made in CB 118854 , adopted by Full Council on 12/16/16.
Section 30 – jingle (p. 158)	Correct reference to “section” rather than “subsection”
Section 23.58C.040 (p. 158)	Formatting correction: correct capitalization in title
P. 60, 81, 143 and 144	Correct reference to the Director of the Department of Neighborhoods (rather than the Director of Neighborhoods)

Attachment 1: Table of potential amendments

Potential Amendment	Options ¹	Discussion
<p><i>II. The Ave: changes to support commercial affordability or limit the potential displacement of small locally-owned businesses along University Way NE between NE 41st Street and NE 50th Street</i></p>		
<p>2. Modify or take a pause on the proposal to rezone University Way NE between NE 41st Street and NE 50th Street (the “Ave”)</p>	<p>2a. Do not rezone this section of the Ave at this time and request that Office of Planning and Community Development (OPCD) considers zoning changes in this area as part of the citywide upzone. Amend the bill to maintain the current zoning on the Ave. (Att 4) (<i>Johnson, O’Brien, Herbold</i>)</p>	<p>Delaying changes to the Ave would provide the time requested for Ave business owners to complete a study of potential impacts on small businesses and evaluate the amendments under consideration to support small locally-owned businesses.</p>
	<p>2b. Rezone this section of the Ave to Seattle Mixed-University District with a 75-foot height limit (SM-U 75) and remove incentive zoning requirements. (Att 3)</p>	<p>The Mayor’s proposal would rezone the Ave from Neighborhood Commercial 3 Pedestrian with a 65-foot height limit (NC3P-65) with the Light Rail Station Area Overlay to Seattle Mixed-University District with an 85-foot height limit (SM-U 85).</p> <p>Given the concerns about redevelopment of buildings on the Ave, modifying the proposal from SM-U 85 to SM-U 75, in combination with amendments described in rows 2-5, would better reflect the character of the Ave and promote the inclusion of small business spaces in new development.</p>
<p><i>If the Committee adopts amendment 2a, move to amendment #7. If the Committee adopts amendment 2b, amendments #3-6 should be considered.</i></p>		
<p>3. Modify the Transfer of Development Rights (TDRs) program related to the Ave</p>	<p>Make the Ave a “sending” area only, not allowing transfers of floor area from other parts of the U District (Att 5)</p>	<p>The Ave has several buildings including potential Landmarks and unreinforced masonry buildings that TDR or TDP programs can help to make economically viable to preserve. However, given concern about redevelopment of buildings on the Ave,</p>

¹ For specific amendment language, see the associated attachment referenced after each option (Att 3) refers to Attachment 3.

Attachment 1: Table of potential amendments

Potential Amendment	Options ¹	Discussion
		making the Ave a “sending” area for TDR and TDP to be transferred from other parts of the neighborhood to the Ave.
4. Maximum building width	Reduce maximum building width for buildings in the proposed SM-U 75 district to 160’ rather than 250’ (Att 6)	The proposed SM-U zone includes a new building width limit (250’) to discourage property assembly and reduce the bulk of buildings in the U District where very wide buildings have resulted in less vibrant streetscapes.
5. Uses exempt from floor area calculations along the Ave	Limit the number of uses exempt from floor area calculations to only commercial spaces that are 2,000 square feet or less (Att 7)	The Mayor’s proposal for the SM-U district exempts several different types of floor area and allows an additional increment of floor area above the base FAR limit for a number of different purposes. Limiting the number of uses exempt from floor area calculations along the Ave to small commercial spaces will incentivize the incorporation of smaller businesses into new development.
6. Additional requirements for small locally-owned business spaces	Limit the maximum façade width for all commercial spaces fronting the Ave to 40’ with an overall average of 30’ and require spaces for individual small businesses in all buildings that front the Ave. The number of small spaces required would vary based on the total commercial floor area at the street level (Att 8)	The Mayor’s proposal includes requirements for street-level retail uses occupying at least 75% of the street-level street-facing façade along the Ave. There are no minimum or maximum size limits for these uses. In addition to, or instead of, options 4-5 that would incentivize including small commercial spaces in new development, the Committee could establish maximum façade widths (option 6a) and/or require that a certain number of small commercial spaces are included in projects fronting the Ave (option 6b).
III. Livability: changes to support a vibrant mixed-use community at the core of the U District		
7. Midrise zone Transfer of Development Rights/Transfer of Development Potential	Allow TDR from landmark structures in the proposed MR zone south of NE 45th Street and west of 9th Avenue NE to preserve structures in that area (Att 9) (<i>Johnson, O’Brien, Herbold</i>)	This change would provide additional incentives to designate and preserve landmark-worthy structures in a residential area of the U District. <i>Note: this change would require amendments to sections of the Land Use Code that are not currently proposed to be amended. This change would require a new bill.</i>

Attachment 1: Table of potential amendments

Potential Amendment	Options ¹	Discussion
<p>8. Parks and Open Space</p>	<p>Amend Section 23.48.624 related to bonuses for open space to make it clear that open space amenities that receive a bonus are required to be publicly-accessible (Att 10) <i>(Herbold)</i></p>	<p>The proposal provides for the private development of open space in several ways. Members of the community have indicated concern that open space produced through the proposal won't be publicly-accessible. The proposed legislation will require open space provided through TDR and bonus programs to be publicly accessible, however those requirements are in sections of the Land Use Code that are not being amended and are therefore not visible to members of the public reading the proposed legislation. This change would clarify that bonus open space will be publicly-accessible.</p>
<p>9. Transportation and Parking</p>	<p>Require TMPs for non-residential buildings that could result in 50 or more single-occupant vehicle trips and for residential buildings that either result in 50 or more single-occupant vehicle trips during the PM peak hour, or that are projected to lead to demand for 25 vehicles parked on-street overnight, including subsidization of transit passes to reduce trips and car ownership (Att 11) <i>(Johnson, O'Brien)</i></p>	<p>Non-residential projects in the SM-U zones over the base FAR are required to prepare a Transportation Management Program (TMPs). Residential projects do not have similar requirements in the proposal.</p>
<p>IV. Additional changes to proposed zoning: to support community institutions north of NE 50th Street and to respond to specific property owner requests</p>		
<p>10. Area near the YMCA, north of NE 50th</p>	<p>10a. Increase the heights on the north side of NE 50th from 11th Ave NE to a half block east of Brooklyn Ave NE from NC3-55 (M1) to NC3-75 (M1) and extend NC3-75 (M1) a half block east to Brooklyn Avenue NE. (Att 12) <i>(Johnson)</i></p>	<p>Option 12a responds to a request from the YMCA and a property owner just north of 50th on the west side of Brooklyn Ave NE to increase the proposed heights, and will make the heights on the west side of the University Heights block consistent with the expected zoning on the east side of the University Heights block. This area was considered in the U District EIS for either NC zoning or MR zoning, which over a broader area would have been a larger increase in capacity.</p>

Attachment 1: Table of potential amendments

Potential Amendment	Options ¹	Discussion
	10b. Rezone the multifamily district between NE 50th Street and NE 52nd Street from LR3 to MR (Att 13) <i>(Johnson)</i>	The Mayor’s proposal did not recommend changing the zoning in this area, however, the area was considered in the U District EIS and was included in previous draft recommendations shared with the community.
11. Brooklyn Avenue NE and NE Ravenna Boulevard	Increase the heights on the properties on the southeast and southwest corners of this intersection to NC2P-40’ (M1) (Att 14) <i>(Johnson)</i>	This responds to a request from the property owner to provide more flexibility for the site of the Cowan Park Grocery, a long-standing business that is currently non-conforming to the zoning at this location.
12. University Way NE between NE 56th St and NE Ravenna Blvd	Do not rezone this section of the Ave at this time and request that OPCD considers zoning changes in this area as part of the citywide upzone (Att 15) <i>(Herbold)</i>	This amendment would provide additional time for OPCD to evaluate alternative options to rezone this area.
V. Light Rail Station Site: Recommendations from the University of Washington to provide predictability for development above the light rail station		
13. Commercial floorplates	Increase the average floorplate size to 24,000 square feet and the maximum floor plate size to 26,000 square feet at the light rail station site to provide more flexibility for development on that site (Att 16) <i>(Johnson)</i>	<p>The Mayor’s proposal would limit the floorplate size for floors above 45’ with non-residential uses in the SM-U 75-240 and 95-320 to 20,000 square feet on average and 24,000 square feet for any individual floor. Floors with residential uses would be limited to 12,000 square feet on average and 13,000 square feet maximum up to 160 feet, with smaller floorplates required above 160 feet.</p> <p>The Mayor has recommended commercial floorplates that reflect urban design goals and are consistent with the commercial floorplates in some new buildings.</p> <p>This amendment would allow for larger floorplates for office uses at the light rail station.</p>
14. Transparency	Exclude light rail station uses from transparency requirements (Att 17) <i>(Johnson)</i>	The Mayor’s proposal would require that 60% of facades at the street level be transparent. The proposed zoning in the core of the U District is likely to have similar conditions to denser parts of South Lake Union and Yesler Terrace, the Council may want

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Potential Amendment	Options ¹	Discussion
		to allow for waivers of off-street loading requirements in this area consistent with how those areas are treated.
15. Loading	Allow waivers of loading space requirements for the SM-U district if findings included in 23.54.035.B.2 are met (Att 18) <i>(Johnson)</i>	<p>The Mayor’s recommendation does not change loading standards for projects in the rezone area. The proposed zoning in the core of the U District is likely to have similar conditions to denser parts of South Lake Union and Yesler Terrace, the Council may want to allow for waivers of off-street loading requirements in this area consistent with how those areas are treated.</p> <p><i>Note: this amendment would amend sections of the code that were not originally part of the legislation and will require a new version of the bill.</i></p>
VI. Housing Affordability: changes to support affordable housing and family-size units		
16. Family size units	Increase the maximum FAR limit if 10 (or more) family size units are included with accessible outdoor space (Att 19) <i>(Johnson, O’Brien, Herbold)</i>	In the SM-U zone, up to 0.5 FAR above the base FAR limit would be permitted for projects that include 10 family-size dwelling units with accessible outdoor space. Depending on lot size and configuration, increasing the maximum FAR may be a greater incentive to provide family sized units.
17. Mandatory Housing Affordability requirements	17a. Increase the mandatory housing affordability requirements for the core area from M1 (9% of units in the structure or \$20/SF for residential units) to M2 (10% of units in the structure or \$22.25/SF for residential units) (Att 20) <i>(O’Brien, Herbold)</i>	<p>The Mayor’s proposal includes new requirements to implement the mandatory housing affordability program. Applying the M2 requirements to the areas proposed for high-rise development would increase the MHA contributions estimated from new development in those areas.</p> <p>Increased development costs resulting from such changes may influence the feasibility of high-rise projects in the U District and may result in increased rents for market rate units. It is difficult to determine the extent this modification would have on future development given the range of factors that contribute to the feasibility of any given development project.</p>

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Potential Amendment	Options ¹	Discussion
	<p>17b. Add a recital related to applying the MHA program’s M2 requirements in the core area of the U-District (Att 21) <i>(O’Brien, Herbold)</i></p>	<p>The proposed recital highlights that this change is consistent with Council’s intent to apply higher MHA requirements when there is a greater increase in development capacity, as expressed in the MHA framework legislation.</p> <p>If amendment 18a does not pass, this amendment would not be considered.</p>
	<p>17c. Amend to include performance and payment amounts for the Mandatory Housing Affordability Commercial program for all levels of MHA and all areas (Att 22) <i>(Johnson)</i></p>	<p>Adding the MHA-C numbers to the code will provide more clarity going into the discussion of broader citywide zoning changes and for projects that seek a contract rezone and will be required to comply with the Mandatory Housing Affordability program.</p>
	<p>17d. Amend the MHA reporting requirements outlined in ORD 125108 and ORD 125233 to make the reporting requirements annual and to include in the report information on any modifications granted to MHA fee and performant amounts (Att 23) <i>(Herbold)</i></p>	<p>OH and SDCl are directed to submit a report during the first six months of 2018 and every two years after July 1, 2018 that includes the amount of payments collected under the payment option, the number of affordable units produced and preserved, and an assessment of past and anticipated program performance.</p>
	<p>17e. Add a recital highlighting that the MHA-C and MHA-R framework legislation includes “locating near developments that generate cash contributions” as a factor the City will use when determining the location for use of funds generated from the MHA programs (Att 24) <i>(Herbold, O’Brien)</i></p>	<p>The MHA framework legislation includes language about use of cash contributions; “locating near developments that generate cash contributions” is one of the factors OH will use to determine the location for use of cash contributions. Adding this recital further emphasizes this.</p>

Attachment 2: Technical Amendments

Amendment 1.

Technical Amendments to [CB 118862](#): to maintain consistency between the U District Bill and other legislation and to fix typos and other drafting errors.

This amendment would make corrections to the following sections or pages of CB 118862:

- Table B for 23.45.510 (p. 11 of CB 118862)
- Subsection 23.48.040.C (p. 57)
- Subsection 23.48.055.B (p. 62)
- Subsection 23.48.605.C.1 (p. 75)
- Subsection 23.48.605.C.1.e (p. 76)
- Subsection 23.48.605.C.1.g-j (p. 76)
- Section 23.48.615 (P.78)
- Tables A-C for 23.48.620 (p. 78-80)
- Subsection 23.48.620.B.5.c.3 (p. 85)
- Subsection 23.48.620.C.1-2 (p. 87)
- Subsection 23.48.645.F (p. 109)
- Map A for 23.58B.050 (p. 151)
- Section 30 – jingle (p. 158)
- Section 23.58C.040 (p. 158)
- P. 60, 81, 143 and 144

23.45.510 Floor area ratio (FAR) limits

* * *

Table B for 23.45.510 Floor ((Area Ratios)) <u>area ratios (FAR)</u> in MR and HR zones¹		
	MR	HR
Base FAR	3.2	8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240 feet or less in height; 14 for structures over 240 feet
Footnotes to Table B for 23.45.510		
¹ The maximum FAR limit for MR zones with a mandatory housing affordability suffix is shown in subsection 23.48.517.B.2 23.45.517.B.2 .		

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23.48.040 Street-level development standards

* * *

C. Development standards for required street-level uses. Street-level uses that are required by subsection 23.48.005.D or 23.48.605.C, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2 or 23.48.620.B.2, whether required or not, shall meet the following development standards:

* * *

23.48.045 Amenity area for residential uses

* * *

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

* * *

((7)) 8. For a development that maintains a designated Seattle Landmark on the lot, the Director may, as Type I decision and in consultation with the Director of [the Department of Neighborhoods](#), waive or modify the amenity area requirement if it is determined that maintaining the Landmark structure significantly limits the ability to accommodate the required amenity area on the site.

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

A. Landscaping requirements

* * *

B. ((~~Where~~) If screening ((~~or landscaping~~)) is required for specific uses in subsection 23.48.055.C, ((~~or when landscaping is required in setbacks as specified by development standards, the following types of screening and landscaping shall be provided~~)) 3-foot high screening that is at least 3 feet tall shall be provided on the lot lines specified in subsection

23.48.055.C. Except as specified for parking located above street-level in subsection 23.48.055.C.3.c, the required screening may be provided as

* * *

23.48.605 Uses in SM-U zones [*in this section – text highlighted in yellow, remove underlining; text in green, remove text*]

* * *

C. Required street-level uses

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

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

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

* * *

23.48.615 Structure height in SM-U zones.

A. Maximum height limits

* * *

23.48.620 Floor area ratio in SM-U zones

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

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

Table B for 23.48.620 FAR limits for SM-U/R 75-240 zone			
FAR limit for non-residential uses	FAR limits for residential uses and mixed use¹		
	Base FAR	Maximum FAR for lots with structures that do not exceed the midrise height limit²	Maximum FAR for lots with a highrise structure
0.5	4.75	6	10

Footnotes to Table B for 23.48.620

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

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

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

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

a. The structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of [the Department of](#) Neighborhoods; and

* * *

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

* * *

c. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.620.B.5.a shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following standards:

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

2) the common amenity area abuts and is visually or physically accessible from the dwelling units that meet the standards of subsection 23.48.629.B.5.a, or the private amenity area of these units, along at least 50 percent of its perimeter; and

3) the common amenity area includes space for children’s play equipment.

* * *

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

* * *

2. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.0605.DC, whether required or not, that meet the development standards of subsection 23.48.040.C;

3. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.005605.CD that abut and have access onto a mid-block corridor meeting the standards of subsection 23.48.640.F and the applicable standards in Section 23.58A.040;

* * *

23.48.645 Upper-level development standards in SM-U zones

* * *

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

* * *

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

* * *

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

* * *

((J)) K. TDP or TDR deeds and agreements

* * *

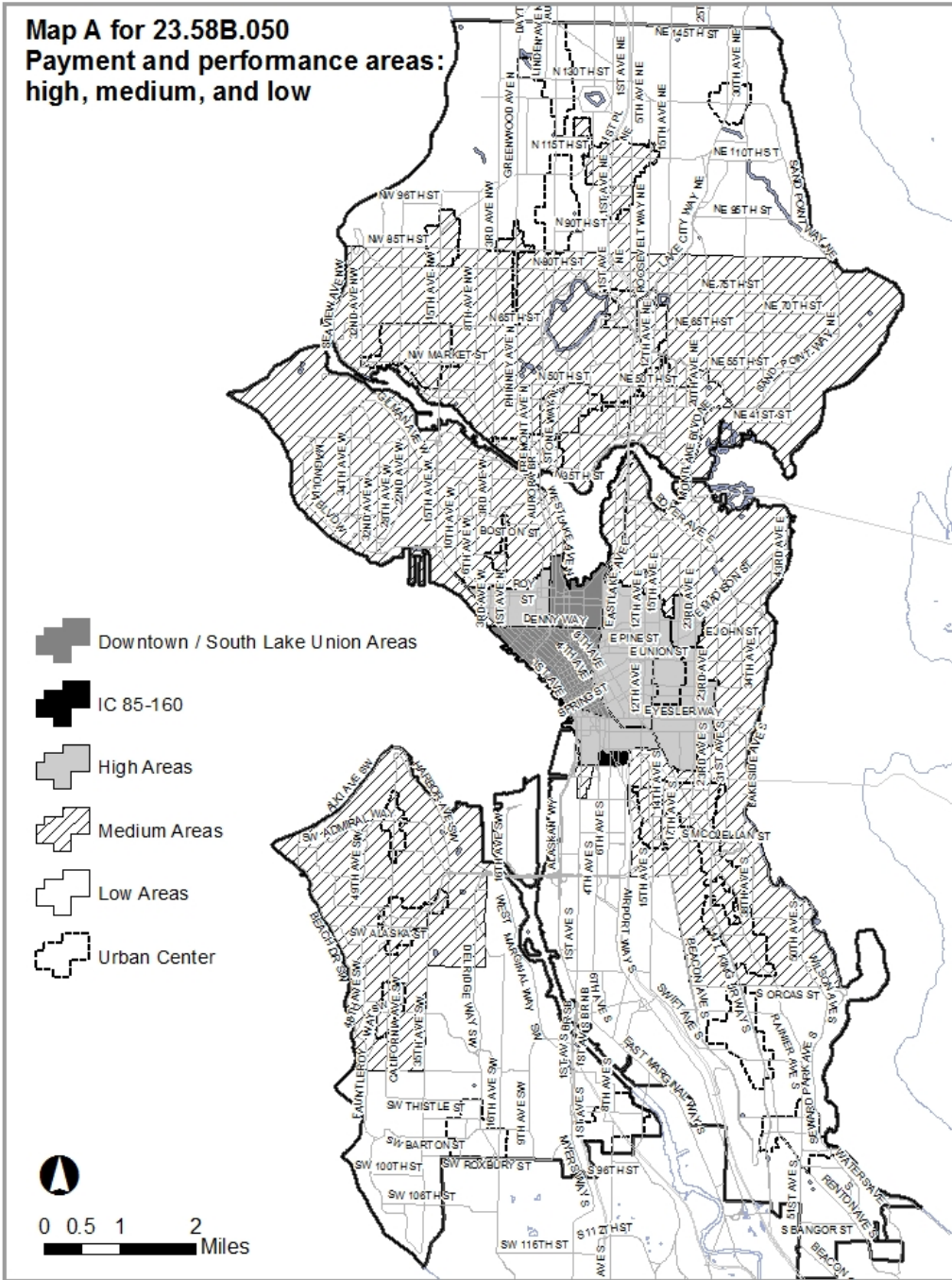
3. As a condition to the effective transfer of Landmark TDP or TDR or South Downtown Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot shall execute and record an agreement running with the land, in form and content acceptable to, and accepted in writing by, the Director of [the Department of](#) Neighborhoods, providing for the rehabilitation and maintenance of the historically significant or other relevant features of the structure or structures on the lot and acknowledging the restrictions on future development resulting from the transfer. The Director may require evidence that each holder of a lien has effectively subordinated the lien to the terms of the agreement, and that any holders of interests in the property have agreed to its terms. To the extent that a Landmark structure on the sending lot, or a contributing structure on a sending lot in a special review district requires restoration or rehabilitation for the long-term preservation of the structure or its historically or architecturally significant features, the Director of [the Department of](#) Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the owner of the sending site apply for and obtain a certificate of approval from the Landmarks Preservation Board, or from the Director

of [the Department of](#) Neighborhoods after review by the Pioneer Square Preservation Board or International Special Review District Board, as applicable, for the necessary work, or post security satisfactory to the Director of [the Department of](#) Neighborhoods for the completion of the restoration or rehabilitation, or both.

* * *

**Map A for 23.58B.050
Payment and performance areas: high, medium, and low**

Map A for 23.58B.050
Payment and performance areas:
high, medium, and low



Section 30. ~~Subsection~~Section 23.58C.040~~=A~~ of the Seattle Municipal Code, ~~which~~
~~section was~~ enacted by Ordinance 125108, is amended as follows:

23.58C.040 Affordable housing – Payment ~~payment~~ option

Attachment 3: Remove proposed rezone along the Ave

Amendment 2a

Amendment to remove the proposal to rezone the Ave (University Way NE) between NE 41st Street and NE 50th Street from Neighborhood Commercial 3 with a Pedestrian designation and 65 foot height limit (NC3P-65) to Seattle Mixed-University District with an 85 foot height limit (SM-U 85) and retain the U District Station Area Overlay District.

This amendment would amend:

- *the Official Land Use Map on Page 60, 78, and 79 to maintain the current zoning of properties fronting on University Way NE between NE 41st Street and NE 50th Street.*
- *subsections 23.48.645.C – 23.48.645.F to remove references to the SM-U 85 zone along University Way NE.*
- *the title of Council Bill 118862, Section 1 of Council Bill 118862, Sections 23.47A.012, and 23.47A.013, and Exhibit A2 to Council Bill 118862 to retain the U District Station Area Overlay District. This would require the introduction of a new Council Bill.*

Note: In this document, double underlines indicate proposed new language. ~~Double strikeouts~~ indicate language that would be removed from the Council Bill. A dashed underline indicates language previously proposed to be removed from the Seattle Municipal Code that would instead be retained if this amendment is passed.

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

* * *

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to ~~remove the University District Station Area Overlay District and~~ rezone land located on pages 60, 61, 78, and 79 of the Official Land Use Map, ~~all~~ as shown on Exhibit A1 ~~and A2,~~ ~~respectively,~~ ~~both~~ attached to this ordinance.

* * *

23.47A.012 Structure height

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

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

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

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

1) Either:

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

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

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

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

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

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

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

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

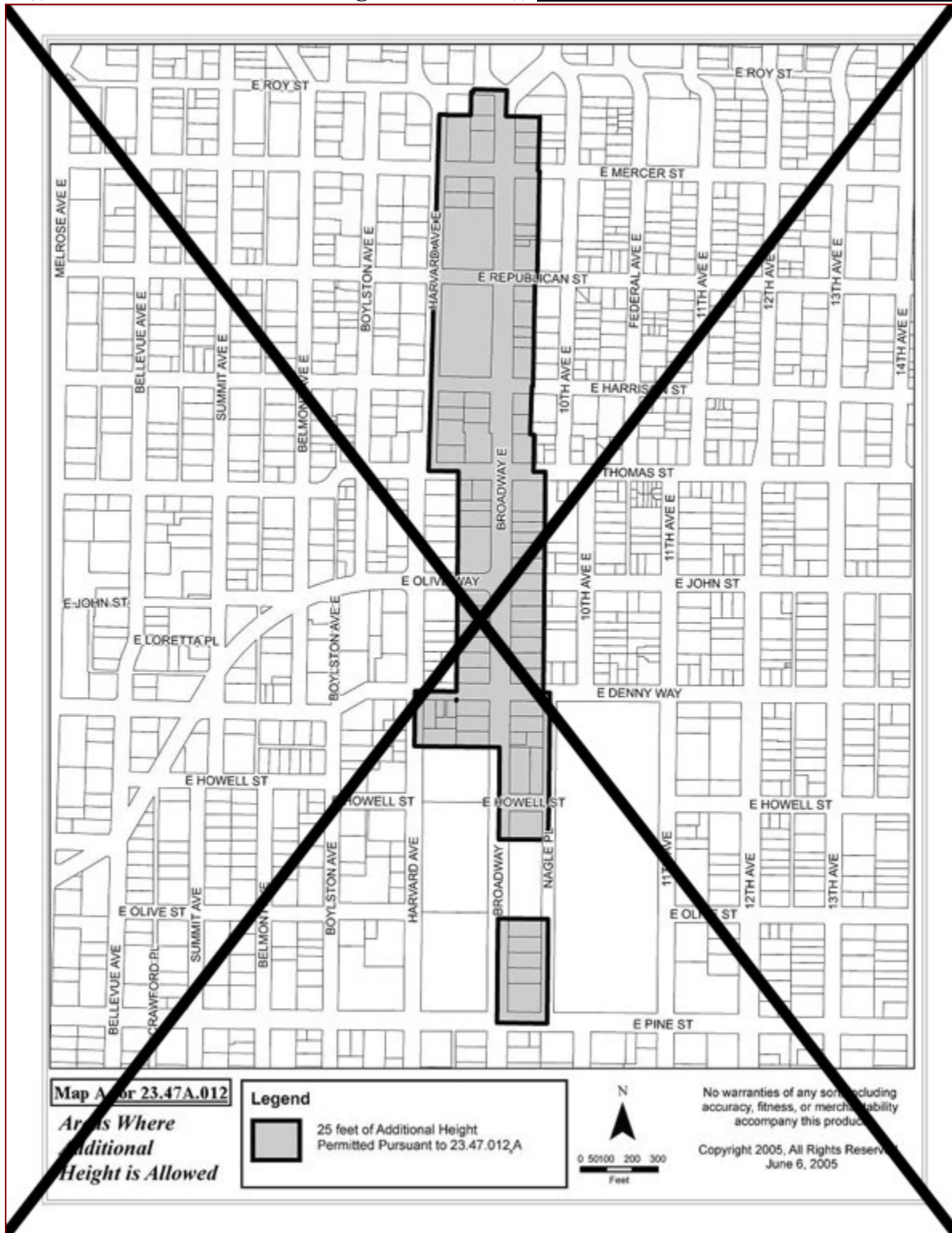
5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

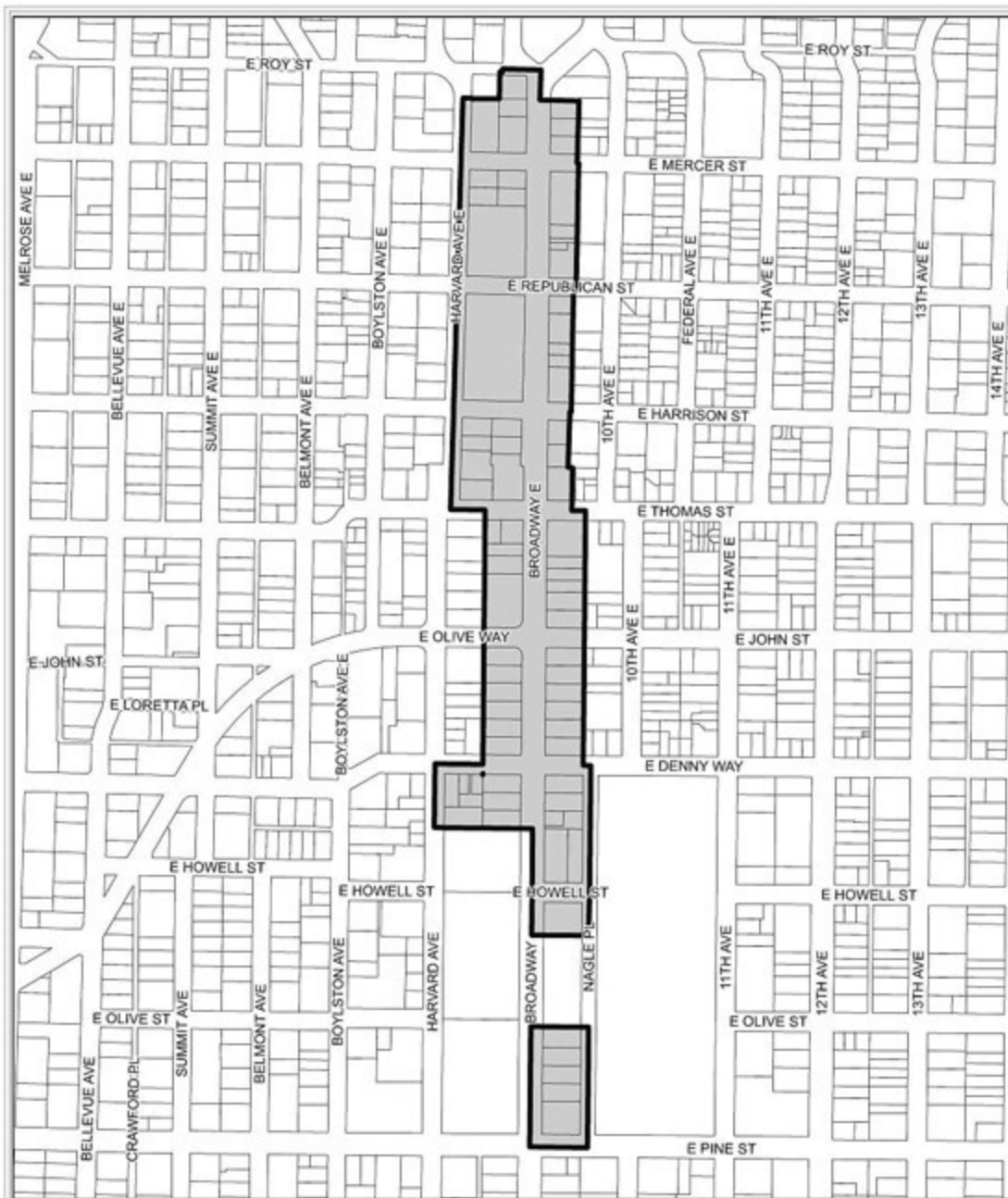
c. The Director shall reduce or deny the additional structure height allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline,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

2. For any lot within the designated areas shown on Map A for 23.47A.012, the height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone, according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain only residential uses, and provided that no additional height is allowed under subsection 23.47A.012.A.1.

Map A for 23.47A.012


((Areas Where Additional Height Is Allowed)) Areas where additional height is allowed





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

Legend

 25 feet of Additional Height Permitted Pursuant to 23.47.012A



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

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

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

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

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

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

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

23.47A.013 Floor area ratio

* * *

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

Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

Table A for 23.47A.013 Maximum ((Floor Area Ratio)) <u>floor area ratio</u> (FAR) outside of the Station Area Overlay District¹						
	Height limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
1. Total FAR permitted on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7
n/a = not applicable						
Footnotes to Table A for 23.47A.013						
¹ Maximum FAR limits for zones with a mandatory housing affordability suffix are shown on Table A for 23.47A.017.						

* * *

~~((E. Within the Station Area Overlay District within the University Community Urban Center, for office structures permitted prior to 1971, the area of the lot for purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over 500,000 square feet of area in office use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this subsection 23.47A.013.E, and the maximum permitted FAR is 8.))~~

~~((F)) E.~~ Within the West Seattle Junction Hub Urban Village, on lots zoned NC3 85(4.75), the total permitted FAR for all uses within a mixed-use structure containing residential and non-residential uses is 5.5.

~~((G)) F.~~ Within the portion of the Greenwood Residential Urban Village, on lots zoned NC2 40 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW, the total permitted FAR within a mixed-use structure containing residential and non-residential uses is 4.

~~((H)) G.~~ 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 pedestrian-designated zone in an ~~((Urban Center, Urban Village))~~ urban center, urban village, or Station Area Overlay District; or
- b. 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)) <u>floor area ratio</u> (FAR)¹						
Height limit (in feet)	30	40	65	85	125	160
Minimum FAR	1.5	1.5	2	2	2.5	2.5
Footnotes to Table C for 23.47A.013						
¹ Minimum 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))~~ 23.47A.013.G.1 does not apply if:

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

- b. ~~((the))~~ The lot is larger than five acres;
- c. ~~((all))~~ All existing gross floor area is demolished to create a vacant lot;

or

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

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

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

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

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

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

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

23.48.645 Upper-level development standards in SM-U zones

* * *

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

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

Table B for 23.48.645 Required upper-level setbacks in the SM-U/R 75-240 zone	
Lot line from which required setback is measured:	Minimum setback required for portions of a structure at or above specified heights
Rear lot line that abuts an alley	Portions of a structure 45 feet or less in height: None required Portions of a structure greater than 45 feet in height: 10 feet minimum
Lot line that abuts neither a street nor an alley	For structures 75 feet in height or less: 7 feet average; 5 feet minimum ¹ For structures that exceed 75 feet in height, portions of a structure 45 feet or less in height: 7 feet average; 5 feet minimum ¹ and Portions of a structure greater than 45 feet in height: 15 feet minimum

Table B for 23.48.645 Required upper-level setbacks in the SM-U/R 75-240 zone	
Lot line from which required setback is measured:	Minimum setback required for portions of a structure at or above specified heights
Footnotes to Table B for 23.48.645 ¹ No setback is required along lot lines where an existing structure is built to the abutting lot line.	

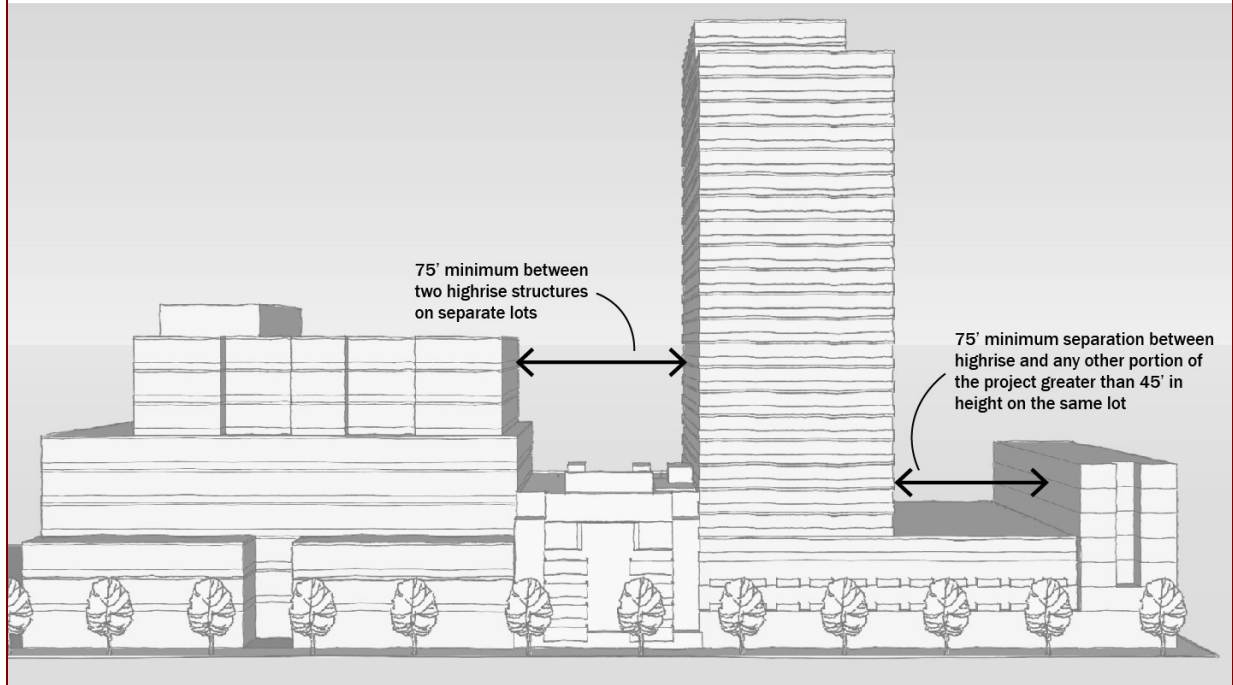
D. Side lot line setbacks. In the SM-U 75-240 and SM-U 95-320 zones, a minimum setback of 15 feet is required from any side lot line that is not a street or alley lot line for all portions of a highrise structure exceeding the midrise height limit of the zone.

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

1. A minimum separation of 75 feet is required between highrise portions of structures on a lot and any existing highrise structures located on a separate lot in the same block, as shown on Exhibit A for 23.48.645; and
2. If more than one structure, or portions of the same structure, on a lot are highrise structures, a minimum separation of 75 feet is required between any highrise portion of a structure and all portions of other structures on the lot that exceed 45 feet in height, as shown on Exhibit A for 23.48.645.

**Exhibit A for 23.48.645
Required separation between highrise structures**

Exhibit A for 23.48.645
Required separation between highrise structures



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

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

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

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

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

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

5. For purposes of this subsection ~~23.48.645.F~~ [23.48.645.E](#), a highrise structure is considered to be “existing” and must be taken into consideration when other highrise structures are proposed, under any of the following circumstances:

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

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

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

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

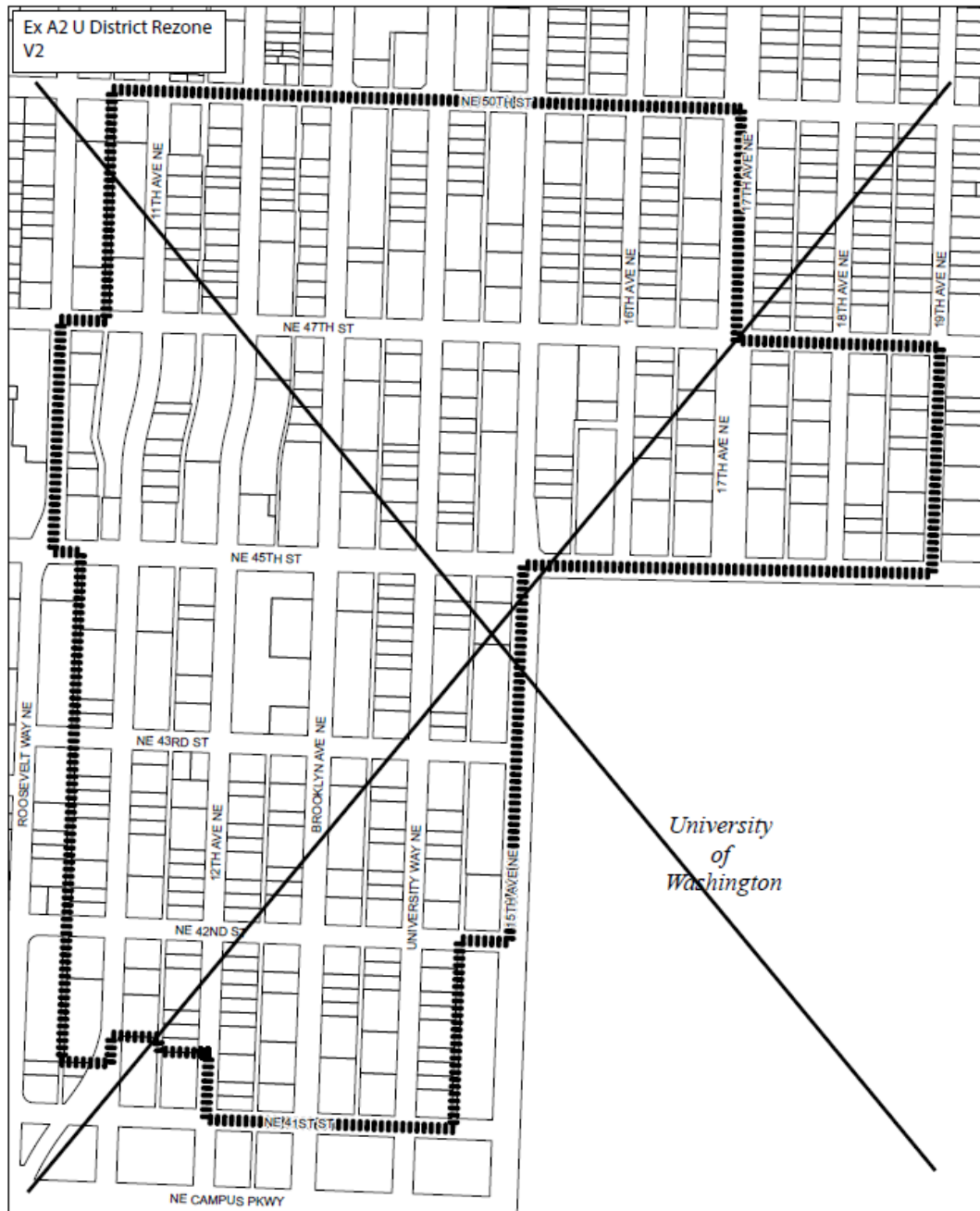
c. The highrise structure is a proposed highrise structure for which a complete application for early design guidance has been filed and a complete application for a Master Use Permit or building permit has not been submitted, provided that the early design guidance application will not qualify a proposed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

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

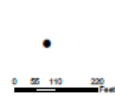
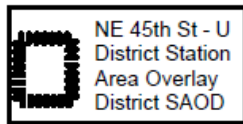
Exhibits:

Exhibit A1 – U District Rezone Map

~~Exhibit A2 – U District Station Area Overlay District (to be Removed)~~



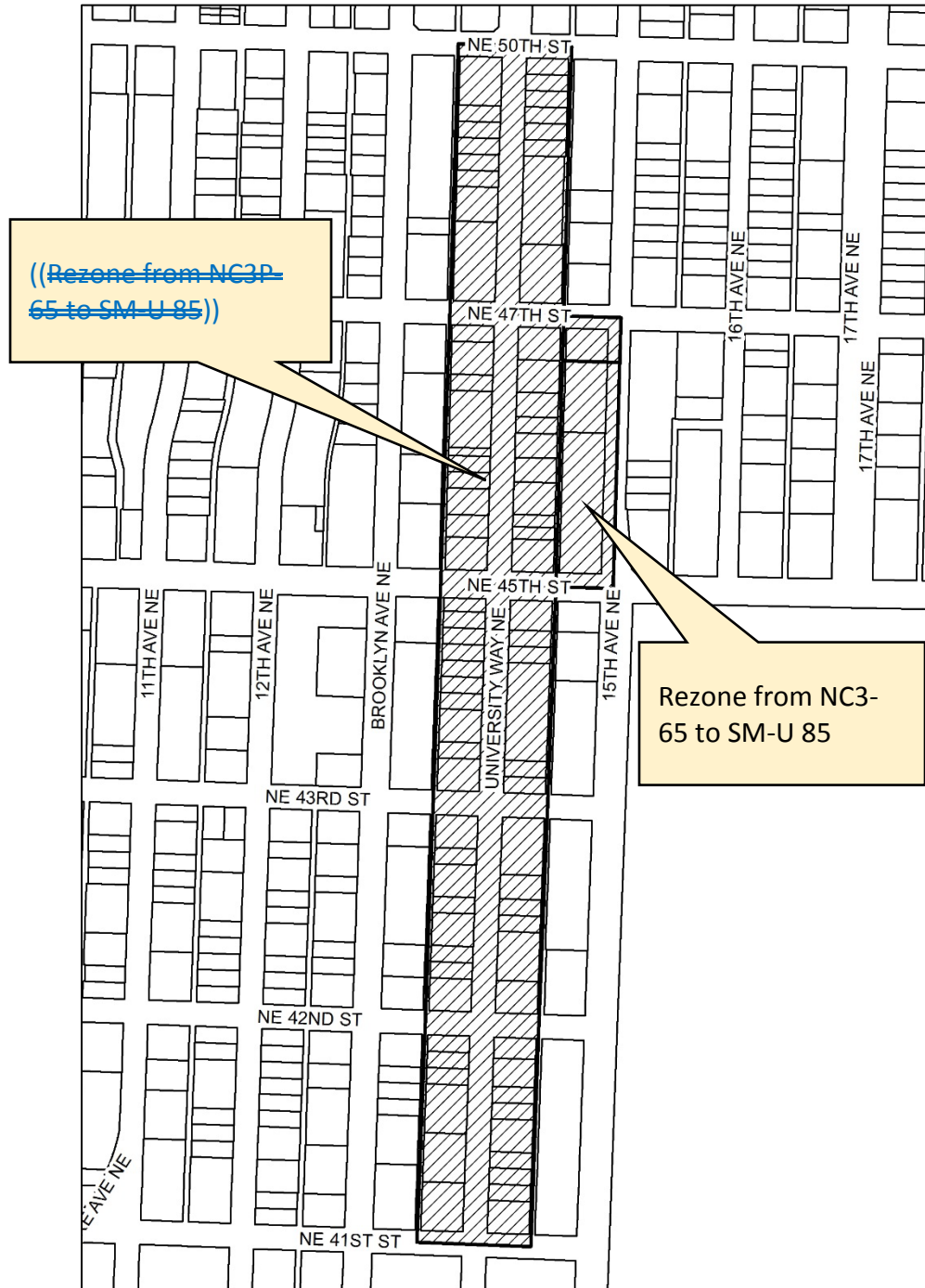
U District Station Area
Overlay District (to be
removed)



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Prepared September 12, 2016 by DPD-GIS

MAP OF PROPOSED AVE REZONE



Attachment 4: Heights along The Ave

Amendment 2b

Amendment to rezone the Ave (University Way NE) and one adjacent half-block to Seattle Mixed-University District with a 75 foot height limit (SM-U 75) from Neighborhood Commercial 3 with a Pedestrian designation and 65 foot height limit (NC3P-65), removing the base FAR limit and the associated incentive zoning requirements.

This amendment would amend:

- the Official Land Use Map on Page 60, 78, and 79 to reflect the new zone (see map at end of this attachment)
- subsection 23.48.620.A to incorporate FAR requirements for the SM-U 75 zone (page 78 of [Council Bill \(CB\) 118862](#))
- subsection 23.48.620.B to remove the incentive zoning requirements in the SM-U 75 zone (page 80 of CB 118862)

Note: other sections of the Council Bill would also need to be amended to change references from “SM-U 85” to “SM-U 75”.

23.48.620 Floor area ratio in SM-U zones

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

Table A for 23.48.620 FAR limits for SM-U 85 <u>75</u> zone	
Base FAR	Maximum FAR
4.75 <u>4.75</u>	6.0

B. Additional increment of chargeable floor area above the base FAR. On lots [in the SM-U/R 75-240, SM-U 75-240, or SM-U 95-320 zones](#) that include uses or features specified in this subsection 23.48.620.B, an additional increment of chargeable floor area is permitted above the base FAR as follows:

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

a. The structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

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

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

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

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

d. A qualifying Landmark that allows for the additional increment of FAR under this subsection 23.48.620.B.1 is not eligible as a Landmark transferable development rights (TDR) or transferable development rights (TDP) sending site. For so long as any of the chargeable floor area of the increment allowed above the base FAR of the zone under this subsection 23.48.620.B.1 remains on the lot, each Landmark for which the increment was

granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying Landmark in good condition and repair and in a manner that preserves the features and characteristics that are subject to designation or controls by ordinance unless the Landmarks Preservation Board has issued a certificate of approval for the modification or demolition of the Landmark.

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

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

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

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

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

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

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

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

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

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

5) Availability of the space and the contact person(s) shall be made known to community and charitable groups through means such as newspaper articles, radio announcements, flyers to organizations, and contacts with umbrella organizations such as the University District Conversation on Homelessness.

e. The property owner shall maintain all elements of the human service space, including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-maintained condition, and the following shall apply:

1) Any additional improvements beyond the minimum requirements needed for specific service activities may be provided either by the applicant or the agency. The specifics shall be included in the lease agreement. Depending on the terms of the agreement, the tenant may be required to pay for utilities, insurance, taxes, and maintenance expenses. In addition, the tenant may be required to pay for development costs specifically required to meet the needs of the lessee.

2) Rent shall not be charged for use of the space.

f. No permit after the first building permit, no permit for any construction activity other than excavation and shoring, and no permit for occupancy of existing floor area by any use shall be issued for development that includes a human service use to gain the increase in base FAR until the applicant has demonstrated to the satisfaction of the Director that a lease with

a qualified human service agency has been secured to occupy the space for a minimum of five years.

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

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

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

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

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

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

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

b. Private amenity area. Each dwelling unit provided to meet the minimum number of units required in subsection 23.48.620.B.5.a shall have direct access to a private amenity area, such as a private patio or roof deck, that is located either at ground-level or on the roof of a story that is not above 45 feet in height and that has a minimum area of 150 square feet and a minimum horizontal dimension of 8 feet. Private amenity area that is provided to meet the conditions of this subsection 23.48.620.B.5.b shall be allowed to count as residential amenity area required by Section 23.48.045; and

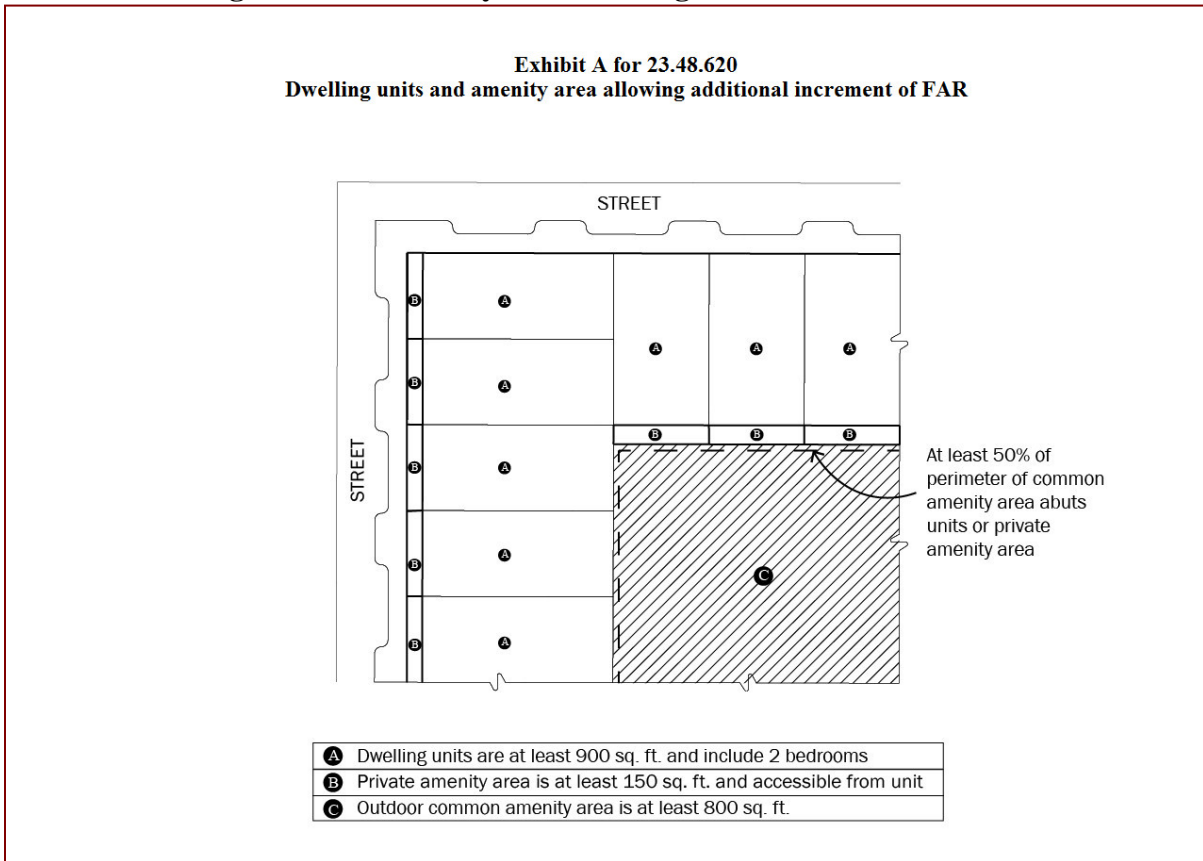
c. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.620.B.5.a shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following standards:

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

2) the common amenity area abuts and is visually or physically accessible from the dwelling units that meet the standards of subsection 23.48.629.B.5.a, or the private amenity area of these units, along at least 50 percent of its perimeter; and

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

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

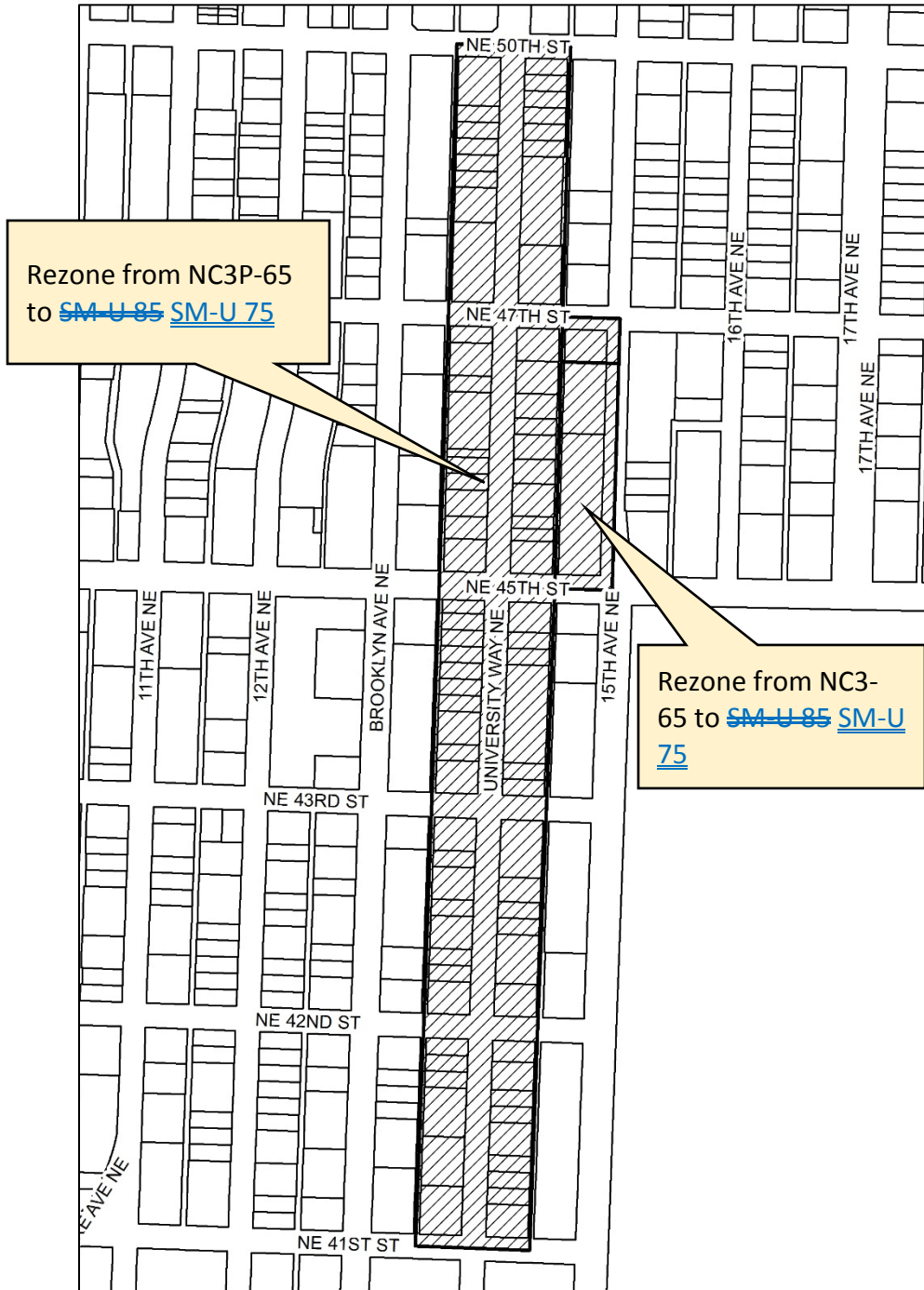


~~5.~~ 5. The additional chargeable floor area allowed as an increment above the base FAR for individual uses and features specified in this subsection 23.48.620.B may be combined, provided that in no case shall the total amount of additional chargeable floor area allowed above the base FAR exceed 1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

~~7.~~ 6. Extra floor area achieved as provided for in Section 23.48.622 shall be chargeable floor area added above the increment of FAR allowed under the provisions of this subsection 23.48.620.B.

* * *

MAP OF PROPOSED AVE REZONE



Attachment 5: Transfer of Development Rights (TDRs) program related to the Ave.

Amendment 3

Amendment to limit University Way to being a sending site for TDR and TDP, but not a receiving site.

This amendment would amend section 23.48.623 (page 90 of [Council Bill 118862](#)) to make the SM-U 75 zoning district a sending site for TDR only.

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

A. General standards

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

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

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and
- c. Vulnerable masonry structure TDR and TDP.

Table A for 23.48.623 Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
SM-U 85 , SM-U 75-240 7 and SM-U 95-320	S, R	S, R	S, R
<u>SM-U 75</u>	<u>S</u>	<u>S</u>	<u>S</u>
SM-U/R 75-240	S, R ¹	S, R ¹	S, R ¹
NC3-55 ² , NC3-65 ²	S	S	S
S = Eligible sending lot location R = Eligible receiving lot location Footnotes to Table A for 23.48.623 ¹ Only TDP can be used on receiving lots			

Table A for 23.48.623			
Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
² Only lots located within the University Community Urban Center west of 15 th Avenue NE.			

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

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

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

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

Attachment 6: Maximum building width

Amendment 4

Amendment to reduce the maximum building width for buildings in the SM-U 75 district, including those fronting on the Ave, to 160' rather than 250'.

This amendment would amend section 23.48.635 (page 95 of [Council Bill \(CB\) 118862](#)) to add a separate width requirement for the SM-U 75 district.

23.48.635 Maximum width and depth limits in SM-U zones

A. [In the SM-U/R 75-240, SM-U 75-240, and SM-U 95-320 zones,](#) ~~the~~ the maximum width and depth limit of a structure is 250 feet, except as otherwise provided in this Section 23.48.635.

[B. In the SM-U 75 zone, the maximum width and depth limit of a structure is 160 feet, except as otherwise provided in this Section 23.48.635.](#)

[C.](#) The width and depth limits [in subsection 23.48.635.A](#) do not apply to below-grade or partially below-grade stories with street-facing facades that do not extend more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially below-grade story, excluding access.

~~B~~ [D.](#) For the stories of a structure subject to width and depth limits, all portions of the same story that are horizontally contiguous, including any portions connected by doorways, ramps, bridges, elevated stairways, and other such devices, shall be included in the measurement of width and depth. The width and depth limit of stories in separate structures or structures on the same lot that abut but are not internally connected shall be measured separately, except that designated Landmark structures and structures that qualify as vulnerable masonry structures according to Section 23.48.630 that are retained on the lot are excluded from the width and depth measurement, whether internally connected to a new structure or not.

[E.](#) Width and depth limits do not apply to stories of a structure with more than 50 percent of the total gross floor area occupied by any of the following uses:

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

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

Attachment 7: Limit uses exempt from floor area to small commercial spaces

Amendment 5

Amendment to subsection 23.48.620 C (page 86 of [Council Bill 118862](#)) and new subsection 23.48.620 D to reduce the floor area exemptions available to property in the SM-U 75 district along the Ave to only include individual commercial spaces that are 2,000 square feet or less in size.

23.48.620 Floor area ratio in SM-U zones

* * *

C. Floor area exempt from FAR [in the SM-U/R 75-240, SM-U 75-240, or SM-U 95-320 zones](#). In addition to the exempt floor area identified in subsection 23.48.020.D, the following floor area is exempt from FAR limits [on lots in the SM-U/R 75-240, SM-U 75-240, or SM-U 95-320 zones](#):

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

2. Except in the SM-U/R 75-240 zone, uses identified in subsection [23.48.605.C](#), whether required or not, that meet the development standards of subsection 23.48.040.C;

3. Except in the SM-U/R 75-240 zone, uses identified in subsection [23.48.605.C](#), that abut and have access onto a mid-block corridor meeting the standards of subsection 23.48.640.F and the applicable standards in Section 23.58A.040;

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

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

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

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

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

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

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

9. Floor area in enclosed portions of a mid-block corridor or other enclosed open space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where

the feature is located. The exemption applies regardless of whether a floor area bonus is obtained;

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

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

D. Floor area exempt from FAR in the SM-U 75 zone. In the SM-U 75 zone, floor area for individual commercial uses identified in subsection 23.48.605.C that are 2,000 square feet or less in size and that are located at street level along the street-facing facades abutting streets shown on Map A for 23.48.605 is exempt from FAR limits are exempt from FAR in the SM-U 75 zone.

Attachment 8: Required space for small commercial uses

Amendment creating a new subsection 23.48.640.E to:

- limit the maximum façade width of street level commercial uses in the SM-U 75 district along the Ave
- require a minimum number of commercial spaces for individual business establishments averaging 2,000 square feet or less in size. If amendment 6a is not approved, this section will be renumbered accordingly.

23.48.640 Street-level development standards in SM-U zones

* * *

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

E. Space for small commercial uses at street level in the SM-U 75 zone.

1. Within new structures that front University Way NE in the SM-U 75 zone, the maximum length of street frontage permitted at street level for an individual business is limited to 40 feet, provided that the overall average length of street frontage permitted at street level for all individual business within the structure does not exceed of 30 feet. Any business that is separated from the street by another business or by a different use that provides separate pedestrian access to the street are not limited in width.

2. All new structures that abut University Way NE in the SM-U 75 zone that include more than 5,000 square feet of commercial uses at street level shall include commercial spaces at street level for small, individual business establishments that average 2,000 square feet or less in size, according to Table A for 23.48.640.

<u>Table A for 23.48.640</u> <u>Commercial Space for Small Business Establishments</u>	
<u>Total amount of square feet in commercial use at street level as calculated in subsection 23.48.640.E</u>	<u>Number of required commercial spaces for individual business establishments averaging 2,000 square feet or less in size</u>

<u>Up to 5,000 square feet</u>	<u>0</u>
<u>More than 5,000 square feet, up to 8,000 square feet</u>	<u>1</u>
<u>More than 8,000 square feet, up to 12,000 square feet</u>	<u>2</u>
<u>More than 12,000 square feet, up to 16,000 square feet</u>	<u>3</u>
<u>More than 16,000 square feet</u>	<u>4, plus 1 additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of 8</u>

3. The commercial space requirement of subsection 23.48.640.E.1 applies to the total size of a business establishment, except that if a business establishment includes more than one principal use, each principal use within the business establishment may qualify as a small business establishment.

Attachment 9: Midrise TDR

Amendment 7

Amendment to allow Landmark TDR and Landmark TDP from the Midrise zone in the U District Urban Center.

This amendment would amend:

- The title of Council Bill 118862 to add a new section 23.45.509. *This would require the introduction of a new Council Bill.*
- Chapter 23.45 “Multi-family,” adding a new section 23.45.509 related to TDR and TDP from sites in Midrise zones in the U District.
- Subsection 23.48.623 A (page 90 of [Council Bill \(CB\) 118862](#)) to allow the MR zone to send TDR to sites in the SM-U zone (see also the amendments in Attachment 5 which also amend this subsection).

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.085, 23.48.240, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.61.008, 23.61.014, 23.84A.004, 23.84A.025, 23.84A.028, 23.84A.038, 23.84A.042, and 23.84A.048 of the Seattle Municipal Code (SMC), adding new Sections [23.45.509](#), 23.45.517, 23.47A.017, 23.48.602, 23.48.605, 23.48.615, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690 to the SMC; and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

* * *

[Section XX. A new Section 23.45.509 is added to the Seattle Municipal Code as follows:](#)

[23.45.509 Standards applicable to specific areas](#)

[A. Resolution of standards conflicts. To the extent there is a conflict between this Section 23.45.509 and other sections of Title 23, the provisions of this Section 23.45.509 apply.](#)

[B. University Community Urban Center. The following provisions apply to development in the MR \(M1\) zone.](#)

[1. Lots located in MR \(M1\) zones are eligible as Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.](#)

2. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot in a Midrise zone with a mandatory housing affordability suffix as listed in subsection 23.45.517.B.2, multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

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

* * *

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

A. General standards

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

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

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and
- c. Vulnerable masonry structure TDR and TDP.

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

Table A for 23.48.623 Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
SM-U/R 75-240	S, R ¹	S, R ¹	S, R ¹
NC3-55 ² , NC3-65 ²	S	S	S
<u>MR²</u>	<u>S</u>	<u>X</u>	<u>X</u>
S = Eligible sending lot location R = Eligible receiving lot location <u>X = Not eligible as either a sending lot or receiving lot location</u> Footnotes to Table A for 23.48.623 ¹ Only TDP can be used on receiving lots ² Only lots located within the University Community Urban Center west of 15 th Avenue NE.			

B. Sending sites. Eligible sending site locations are shown on Table A for 23.48.623. Eligible TDR and TDP sending sites shall meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A and comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

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

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

Attachment 10: Clarify that bonus open space will be publicly accessible

Amendment 8

Amendment to clarify that open space created through floor area bonuses would be required to be publicly-accessible. This amendment would add words “publicly accessible” in two locations in Section 23.48.624 (page 92 of [Council Bill 118862](#)).

23.48.624 Bonus floor area for publicly accessible open space amenities in SM-U zones

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

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

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

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

Attachment 11: Transportation Management Program requirements

Amendment 9

Amendment to require Transportation Management Programs (TMPs) for development in the SM-U district. TMPs are guided by SDOT and SDCI Joint Directors' Rule [27-2015](#), which requires developers to develop programs that mitigate transportation impacts. Requiring TMPs for both residential and non-residential development will provide occupants of new buildings in the U District with tools to reduce SOV trips such as subsidized transit passes and bicycle storage, along with information about other transportation options and other measures to limit single-occupant vehicle use. This section is based on comparable requirements in the Northgate Overlay but adds requirements for TMPs when a residential development would create demand for overnight parking in the district.

This amendment would amend the title of Council Bill (CB) 118862, amend the introductory section of Section 23 of CB 118862 (page 74 of [CB 118862](#)) and add a new section 23.48.610 in the Seattle Mixed-University District zone to require TMPs. This would require the introduction of a new Council Bill.

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.085, 23.48.240, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.61.008, 23.61.014, 23.84A.004, 23.84A.025, 23.84A.028, 23.84A.038, 23.84A.042, and 23.84A.048 of the Seattle Municipal Code (SMC), adding new Sections 23.45.517, 23.47A.017, 23.48.602, 23.48.605, [23.48.610](#), 23.48.615, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690 to the SMC; and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

* * *

Section 23. A new Subchapter V, which includes new Sections 23.48.602, 23.48.605, 23.48.615, [23.48.610](#), 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690, is added to Chapter 23.48 of the Seattle Municipal Code as follows:

* * *

[Section XX. A new Section 23.48.610 is added to the Seattle Municipal Code as follows:](#)

[23.48.610 Transportation management programs](#)

A. When a development is proposed that is expected to generate 50 or more employee or student single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.

1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.

2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the University Community Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.

Attachment 12: Zoning on north side of NE 50th Street

Amendment 10a

Amendment to increase the heights on the north side of NE 50th from 11th Ave NE to a half block east of Brooklyn Ave NE from NC3-55 (M1) to NC3-75 (M1) and extend NC3-75 (M1) a half a block east to Brooklyn Avenue NE. (Johnson)

This amendment will require changes to:

- *the Official Land Use Map on Page 60 to reflect the new zone,*
- *Sections 23.47A.017.B and 23.47A.017.C (page 36 of [Council Bill 118862](#)), to incorporate the height and FAR requirements for the NC3-75 zone, and*
- *Table A of Section 23.48.623 (page 91 of Council Bill 118862) to identify the NC3-75 district as an eligible Transfer of Development Rights sending area in the University District Urban Center.*

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

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

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

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

Table A for 23.47A.017			
Maximum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix			
Height limit (in feet)	30	55	75
Maximum FAR ¹	2.5	3.75	5.5
Footnote to Table A for 23.47A.017			
¹ Total FAR permitted for all uses on a lot			

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

Table B for 23.47A.017
Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix

Height limit (in feet)	30	55	75
Minimum FAR	1.5	1.5	2

* * *

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

A. General standards

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

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

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and
- c. Vulnerable masonry structure TDR and TDP.

Table A for 23.48.623
Permitted use of TDR and TDP

Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
SM-U 85, SM-U 75-240, and SM-U 95-320	S, R	S, R	S, R
SM-U/R 75-240	S, R ¹	S, R ¹	S, R ¹
NC3-55 ² , NC3-65 ² , NC3-75²	S	S	S

S = Eligible sending lot location
R = Eligible receiving lot location
Footnotes to Table A for 23.48.623

¹ Only TDP can be used on receiving lots

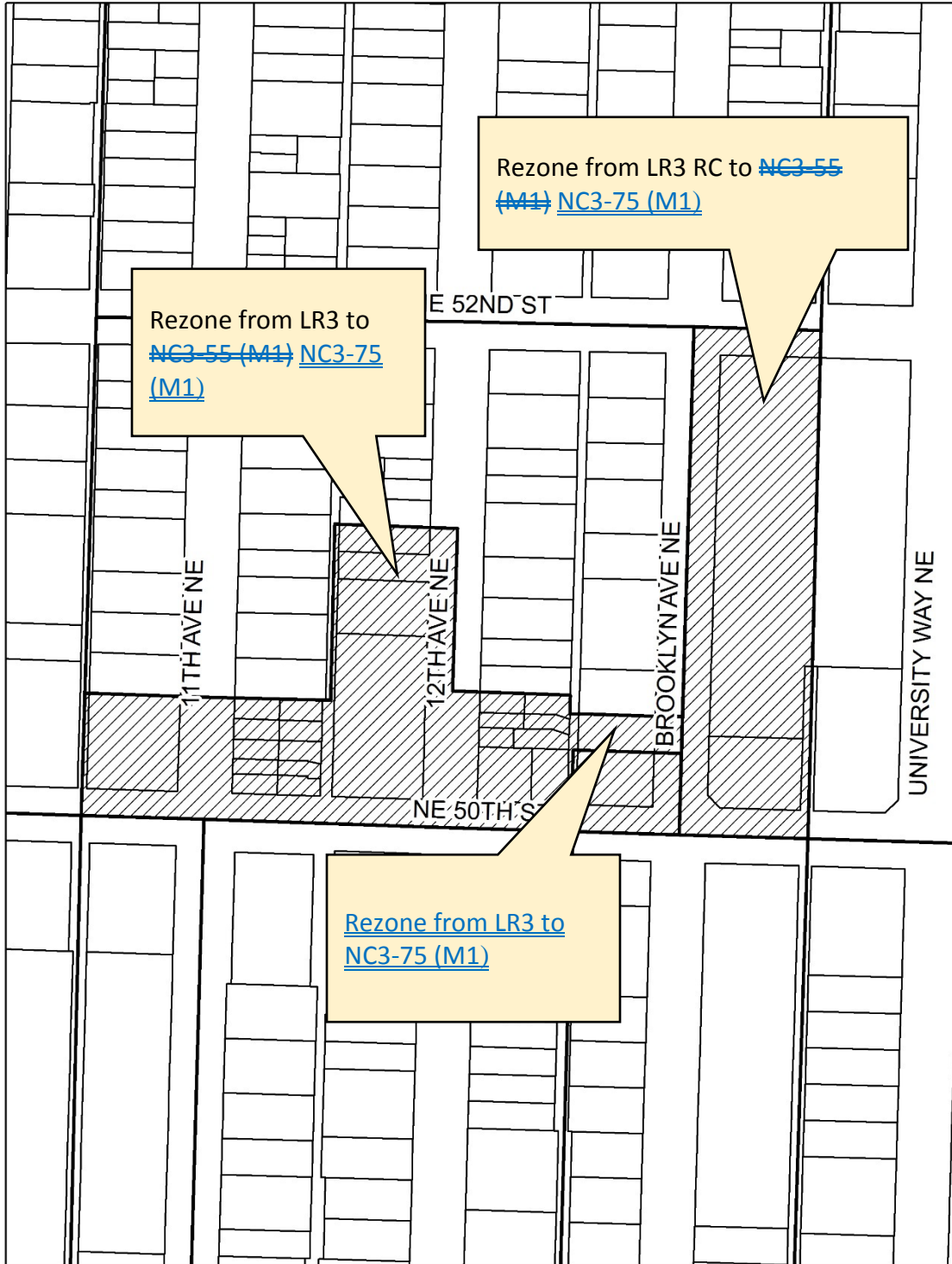
² Only lots located within the University Community Urban Center west of 15th Avenue NE.

B. Sending sites. Eligible sending site locations are shown on Table A for 23.48.623. Eligible TDR and TDP sending sites shall meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A and comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

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

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

MAP OF PROPOSED NE 50TH STREET REZONE



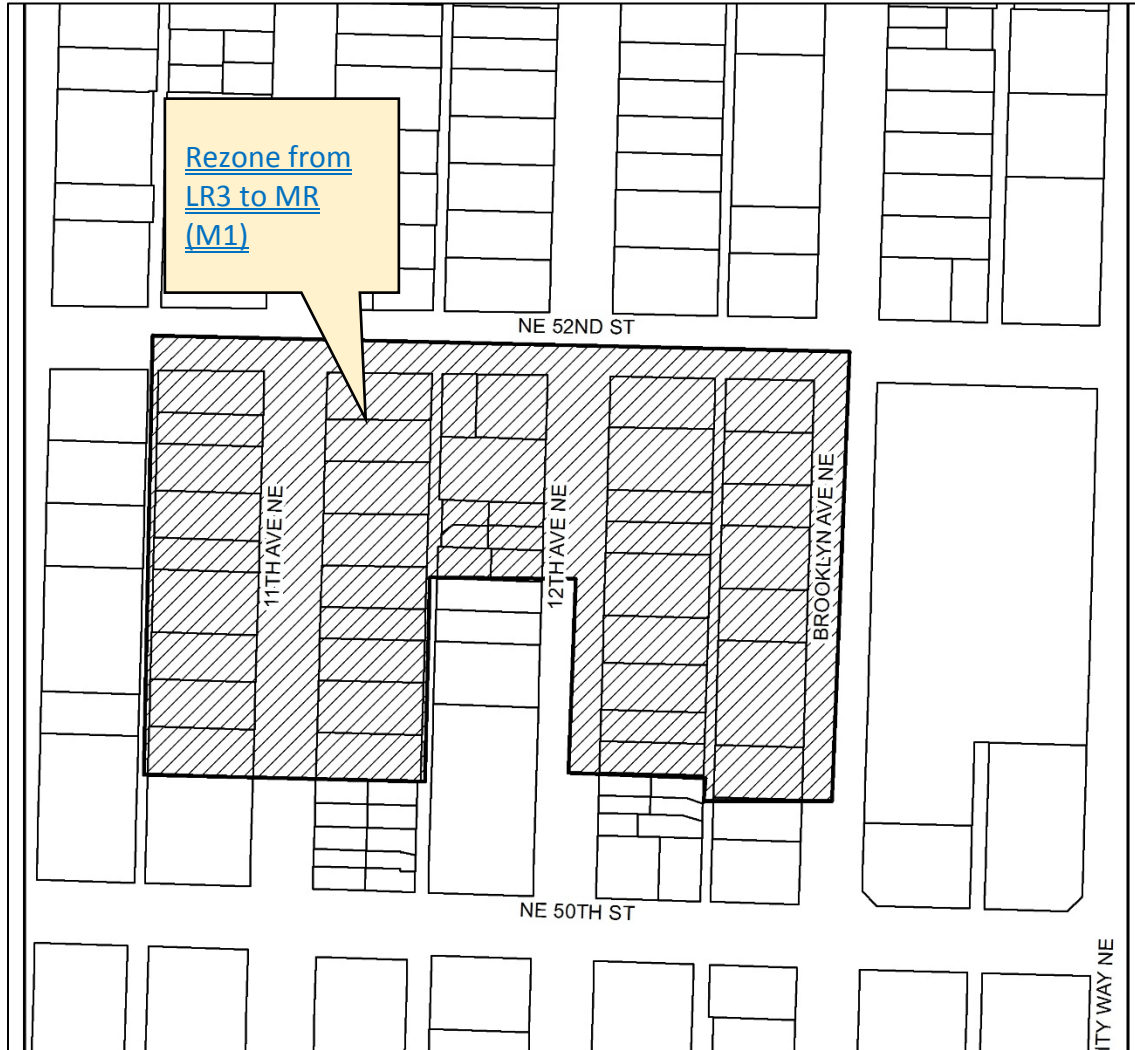
Attachment 13: LR3 to MR north of NE 50th Street

Amendment 10b

Amendment to rezone the multifamily district between NE 50th Street and NE 52nd Street from LR3 to MR.

This amendment will change the Official Land Use Map on Page 60.

MAP OF PROPOSED NORTH OF NE 50TH STREET REZONE



Attachment 14: Zoning at Brooklyn Ave NE and NE Ravenna Boulevard

Amendment 11

Amendment to increase the heights on two properties at the south side of Ravenna Boulevard at Brooklyn Ave NE from 30' to 40'

This amendment will require changes to the Official Land Use Map on Page 60 and changes to Section 23.47A.017 (page 36 of [Council Bill \(CB\) 118862](#)) to reflect FAR requirements for an NC zone with a mandatory housing affordability suffix. Note also the amendment in Attachment 13, which would also require changes to Section 23.47A.017.

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

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

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

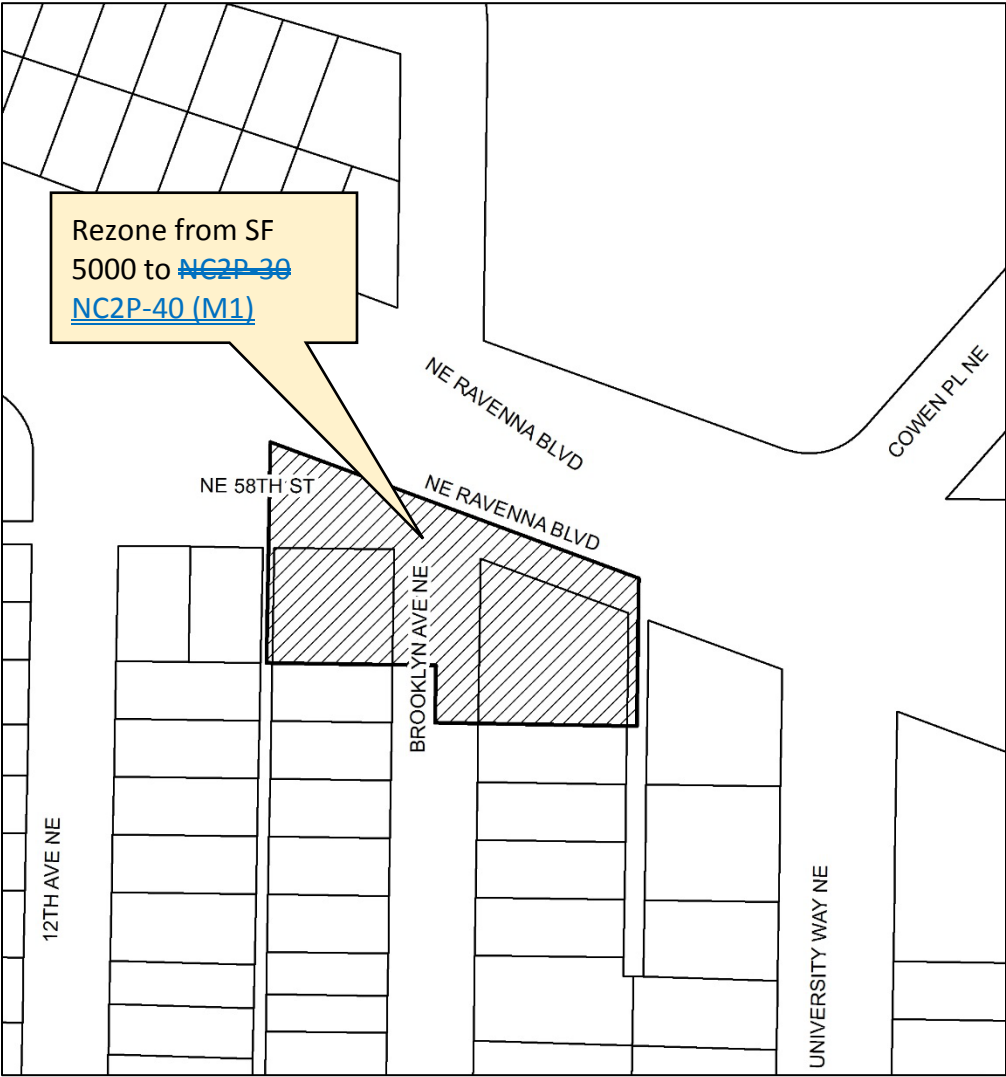
B. Floor area ratio (FAR). The maximum FAR allowed in NC zones with a mandatory housing affordability suffix is shown on Table A for 23.47A.017.

Table A for 23.47A.017 Maximum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix			
Height limit (in feet)	30	<u>40</u>	55
Maximum FAR ¹	2.5	<u>3</u>	3.75
Footnote to Table A for 23.47A.017 ¹ Total FAR permitted for all uses on a lot			

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

Table B for 23.47A.017 Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix			
Height limit (in feet)	30	<u>40</u>	55
Minimum FAR	1.5	<u>1.5</u>	1.5

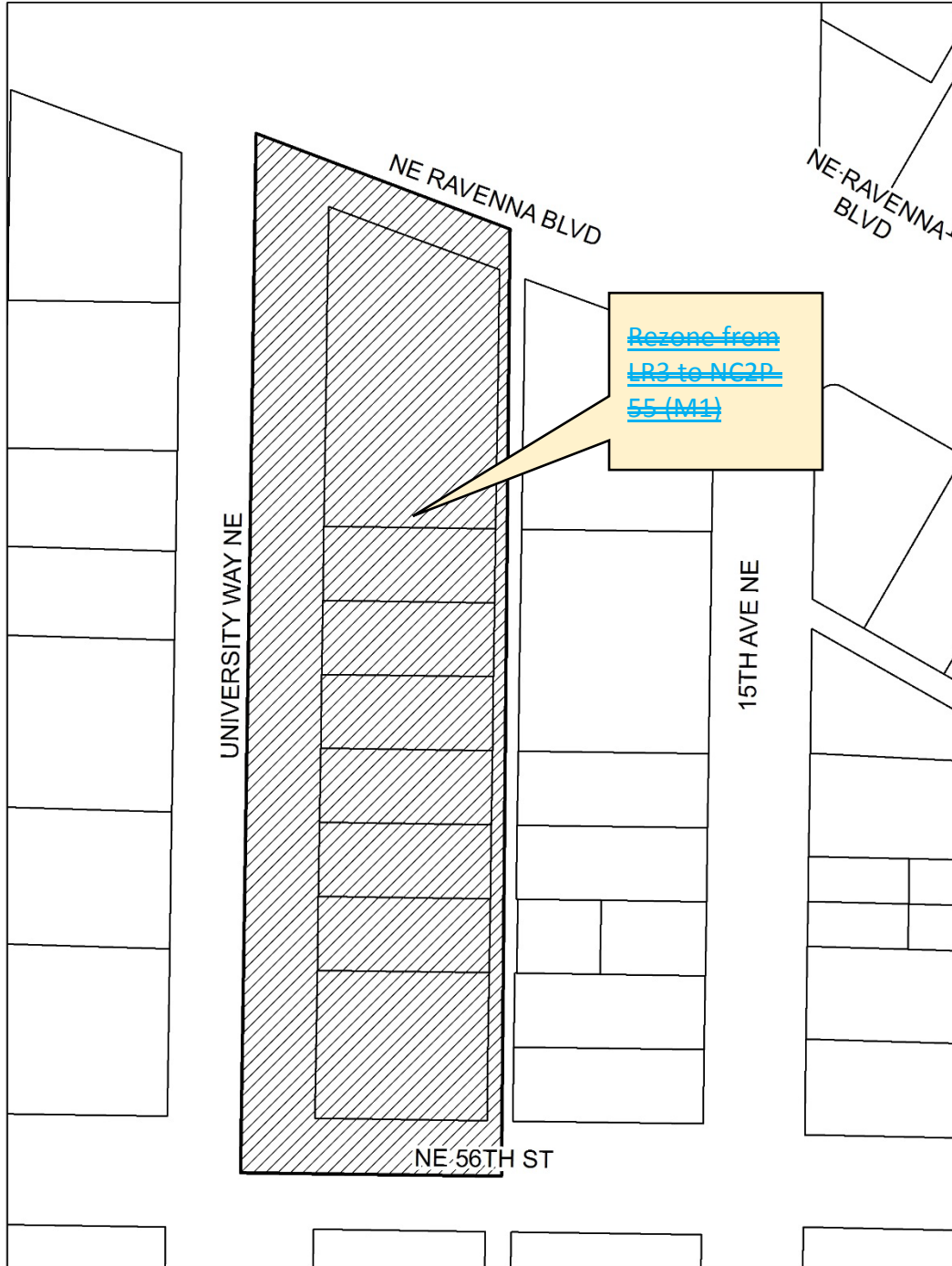
MAP OF PROPOSED REZONE AT BROOKLYN AVE NE AND NE RAVENNA BLVD



Attachment 15: Zoning at University Way NE between NE 56th St and NE Ravenna Blvd

Amendment 12

Amendment to remove the proposal to rezone the east side of the block on University Way NE between NE 56th St and NE Ravenna Blvd from LR3 to NC2P-55.



Attachment 16: Non-residential floorplates at the light rail station

Amendment 13

Amendment to allow for larger floorplates for non-residential development above the light rail station. This amendment would amend Section 23.48.645 to allow larger floorplates for non-residential development above 45 feet and below 160 feet in the SM-U zone on a lot that includes a light rail station. See also the alternative proposal in Attachment 17, which allows larger floorplates throughout the SM-U district.

23.48.645 Upper-level development standards in SM-U zones

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

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

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

Attachment 17: Non-residential floorplates at the light rail station

Table A for 23.48.645 Highrise floor area limits in the SM-U 75-240 and SM-U 95-320 zones		
Height of structure	Average gross floor area for all stories above 45 feet¹	Maximum gross floor area of any single story above 45 feet¹
Greater than the first height limit of the height suffix, excluding rooftop features, but not exceeding 160 feet in height	20,000 square feet for stories in non-residential use, except as provided in subsection 23.48.645.A.4; or 12,000 square feet for stories in residential use ²	24,000 square feet for stories in non-residential use; or 13,000 square feet for stories in residential use ²
Greater than 160 feet but not exceeding 240 feet in height	10,500 square feet	11,500 square feet
Greater than 240 feet in height	9,500 square feet	10,500 square feet
<p>Footnotes to Table A for 23.48.645</p> <p>¹ On a lot that includes a light rail transit station, the limit on the floor area of stories applies to stories above 55 feet in height.</p> <p>² For stories that include a mix of non-residential and residential uses, the applicable floor area limit shall be the limit that applies to the use that accounts for more than 50 percent of the total floor area of the story, or the greater of the two floor area limits if the story includes equal amounts of residential and non-residential uses.</p>		

Attachment 17: Non-residential floorplates at the light rail station

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

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

a. Research and development laboratory uses

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

2) ~~is~~ The minimum floor-to-floor height of each story subject to a floor area limit up to 160 feet in height is 14 feet.

b. Station sites. The project containing the stories subject to a floor area limit is located on a lot that includes a light rail station.

* * *

Attachment 19: Transparency requirements

Amendment 14

Amendment to exempt light rail transit stations from transparency requirements. This amendment would amend Section 23.48.040 (page 52 of [Council Bill \(CB\) 118862](#)) to exempt light rail transit stations in the Seattle Mixed-University district from the street-level transparency requirements.

23.48.040 Street-level development standards

* * *

B. Transparency and blank facade requirements. The provisions of this subsection 23.48.040.B apply to the area of a street-facing facade between 2 feet and 8 feet above a sidewalk, as shown on ~~(())~~ Exhibit A for 23.48.040 ~~(() pursuant to subsection 23.48.040.B.1))~~, but do not apply to portions of a structure in residential use or, within the SM-U district, to portions of a structure in use as a light rail transit station.

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

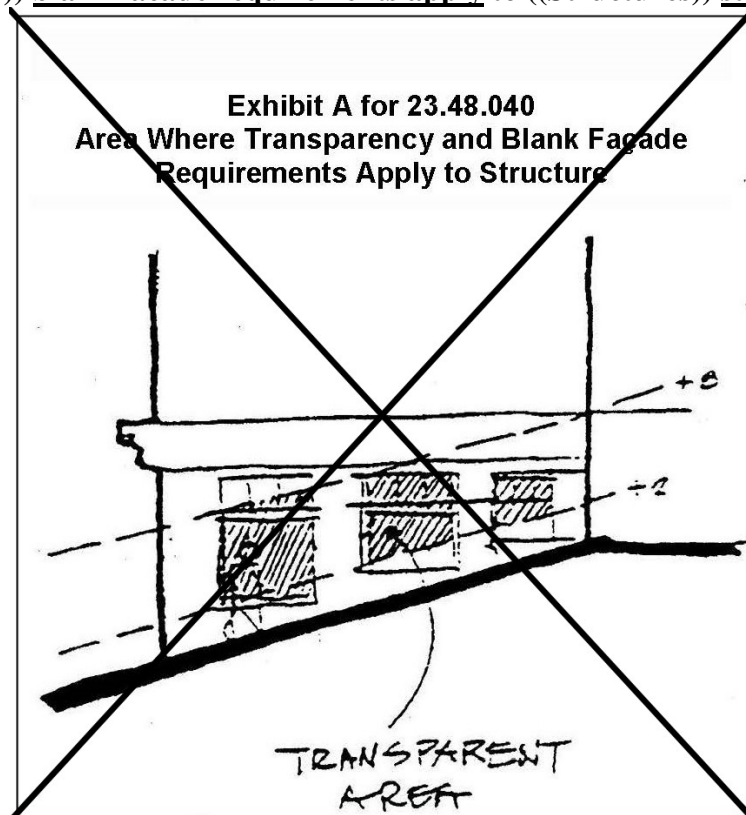
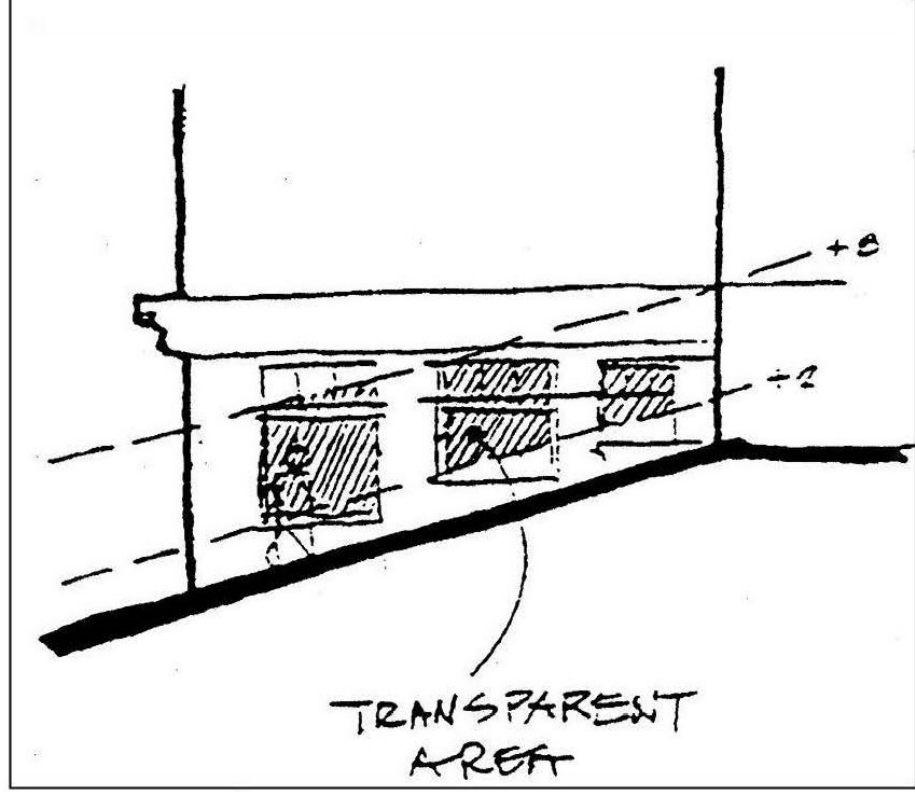


Exhibit A for 23.48.040
Area where transparency and blank facade requirements
apply to structure



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Transparency requirements

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

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

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

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

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

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

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

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

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

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

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

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

* * *

Attachment 18: Loading requirements

Amendment 15

Amendment to allow waivers of loading berth requirements when: loading will occur on-site or can take place in the right-of-way without disrupting pedestrian circulation or vehicle traffic, or loading can take place in a central location without disrupting pedestrian circulation or vehicular traffic.

This amendment would amend:

- *The title to Council Bill 118862, adding section 23.54.035 to the list of sections proposed to be amended by the bill. Changing the title of the bill will require the introduction of a new Council Bill.*
- *Subsection 23.54.035 B2 to include the SM-U zone along with the Downtown and South Lake Union Urban Centers and the MPC-YT zone as an area where exceptions to loading berth requirements can be considered.*

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.085, 23.48.240, [23.54.035](#), 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.61.008, 23.61.014, 23.84A.004, 23.84A.025, 23.84A.028, 23.84A.038, 23.84A.042, and 23.84A.048 of the Seattle Municipal Code (SMC), adding new Sections 23.45.517, 23.47A.017, 23.48.602, 23.48.605, 23.48.615, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690 to the SMC; and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

* * *

Section XX. Section 23.54.035 of the Seattle Municipal Code, last amended by

Ordinance 124680, is amended as follows:

23.54.035 Loading berth requirements and space standards

A. Quantity of Loading Spaces.

1. The minimum number of off-street loading berths required for specific uses shall be set forth in Table A. (See Table A for Section 23.54.035.)

2. For uses not listed on Table A the Director shall determine the loading berth requirements. Loading demand and loading requirements for similar uses shall be considered in determining such requirements.

3. Existing deficits in the number of required loading berths shall be allowed to continue if a change of use occurs.

4. Uses shall be considered low-demand uses, medium-demand uses and high-demand uses, as follows. (See Table for 23.54.035 A.)

5. When a lot contains more than one (1) business establishment within the same category of low-, medium- or high-demand use, the square footage of the business establishments within the same category shall be added together in order to determine the number of required loading berths.

B. Exception to loading requirements

1. For uses with less than 16,000 square feet of gross floor area that provide a loading space on a street or alley, the loading berth requirements may be waived by the Director if, after review, the Director of Transportation finds that the street or alley berth is adequate.

2. Within the Downtown and South Lake Union Urban Centers and within the MPC-YT [and SM-U zones](#), loading berth requirements may be waived or modified if the Director finds, after consultation with and approval by the Director of Transportation, that the number of loading berths in Table A for 23.54.035 is not required and that the modified number will be sufficient. The applicant shall submit specific information addressing the following criteria, upon which the Director's determination shall be based:

- a. All loading is proposed to occur on-site; or
- b. Loading that is proposed to occur in a public right-of-way can take place without disrupting pedestrian circulation or vehicular traffic;
- c. Additional evidence relating to the size, character and operation of the building and likely tenancy; and

d. Where loading occurs at a central loading facility, goods can be distributed to other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

* * *

Attachment 19: Incentive family-size units by increasing the maximum floor area ratio (FAR)

Amendment 16

Amendment to incentive family-size units by increasing the maximum FAR limit if family size units are included with accessible outdoor space. (page 78-88 of [Council Bill 118862](#)).

23.48.620 Floor area ratio in SM-U zones

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

Table A for 23.48.620 FAR limits for SM-U 85 zone	
Base FAR	Maximum FAR¹
4.75	6.0
Footnotes to Table A for 23.48.620 ¹ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.	

Table B for 23.48.620 FAR limits for SM-U/R 75-240 zone			
FAR limit for non-residential uses	FAR limits for residential uses and mixed use¹		
	Base FAR	Maximum FAR for lots with structures that do not exceed the midrise height limit^{2,3}	Maximum FAR for lots with a highrise structure³
0.5	4.75	6	10
Footnotes to Table B for 23.48.620 ¹ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses. ² Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C. ³ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.			

Table C for 23.48.620			
FAR limits for SM-U 75-240 and SM-U 95-320 zones			
Zone	FAR limits for lots with structures that do not exceed the midrise height limit¹		
	Base FAR	Maximum FAR¹	
SM-U 75-240 SM-U 95-320	4.75	6	
Zone	FAR limits for lots with a highrise structure		
	Base FAR for all uses	Maximum FAR for non-residential uses²	Maximum FAR for residential uses and for all uses in a mixed-use development^{2,3}
SM-U 75-240	4.75	7	10
SM-U 95-320	4.75	7	12

Footnotes to Table C for 23.48.620

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

² [An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.](#)

³ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

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

* * *

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

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

~~b. Private amenity area. Each dwelling unit provided to meet the minimum number of units required in subsection 23.48.620.B.5.a shall have direct access to a private amenity area, such as a private patio or roof deck, that is located either at ground level or on the roof of a story that is not above 45 feet in height and that has a minimum area of 150 square feet and a minimum horizontal dimension of 8 feet. Private amenity area that is provided to meet the conditions of this subsection 23.48.620.B.5.b shall be allowed to count as residential amenity area required by Section 23.48.045; and~~

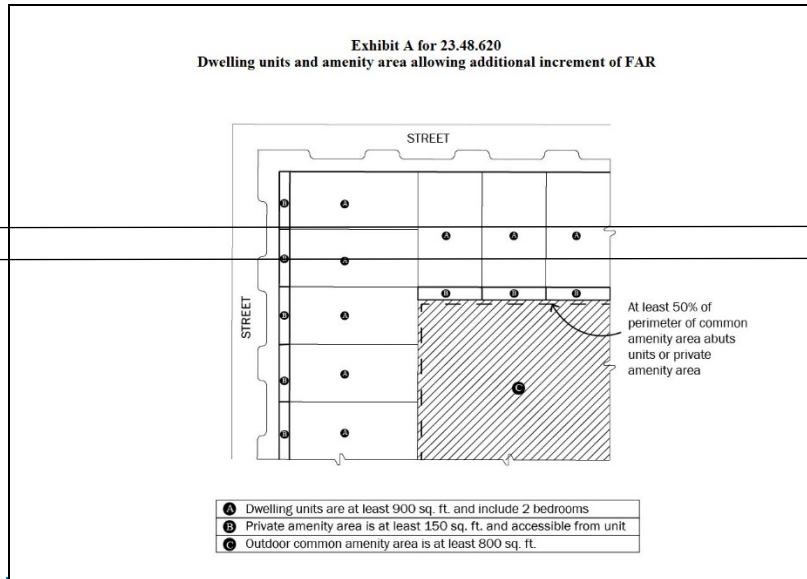
~~e. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.620.B.5.a shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following standards:~~

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

~~2) the common amenity area abuts and is visually or physically accessible from the dwelling units that meet the standards of subsection 23.48.620.B.5.a, or the private amenity area of these units, along at least 50 percent of its perimeter; and~~

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

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



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

[76](#). Extra floor area achieved as provided for in Section 23.48.622 shall be chargeable floor area added above the increment of FAR allowed under the provisions of this subsection 23.48.620.B.

* * *

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

[1. Unit number and size](#)

[a. An increment of 0.5 FAR is permitted above the maximum FAR of the zone for projects that include a minimum of ten dwelling units that each have a minimum area of](#)

900 gross square feet and include two or more bedrooms and comply with all of the conditions of this subsection 23.48.620.D;

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

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

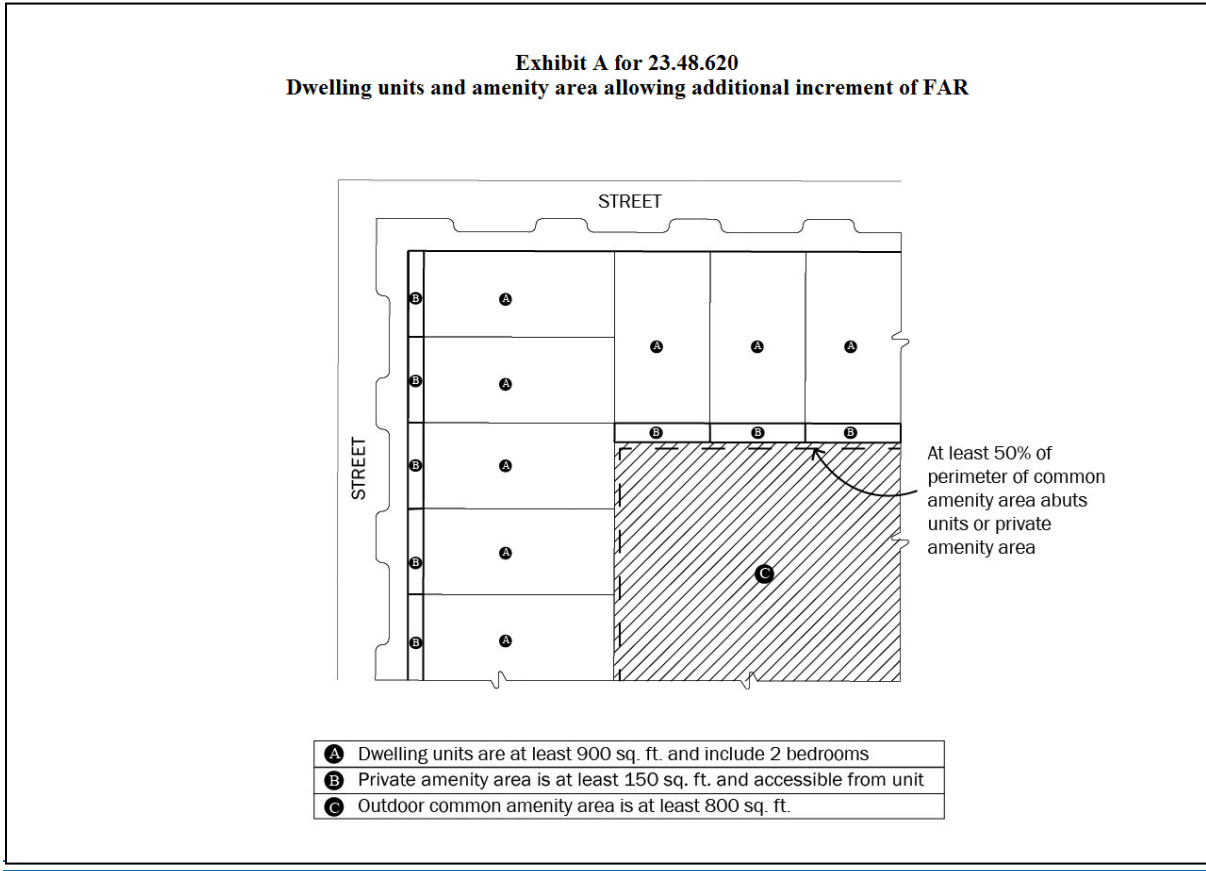
c. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.620.D.1 shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following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

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

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

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

Exhibit A for 23.48.620
Dwelling units and amenity area exempt from FAR



Attachment 20: Mandatory Housing Affordability requirements – M2 in the U District core

Amendment 17a

Amendment to increase the requirements for the core area from M1 (9% of units in the structure or \$20/SF for residential units) to M2 (10% of units in the structure or \$22.25/SF for residential units). This changes reflects Council’s intent to consider higher performance and payment amounts, subject to statutory limits, in areas where the increment of increased development capacity is greater than the standard MHA-implementing zone change, as expressed in the MHA framework legislation (Ordinance 125233 and Ordinance 125108).

This amendment would amend tables in sections 23.58B.040, 23.58B.050, 23.58C.040 and 23.58C.050 (pages 146, 150, 160 and 163 of [Council Bill \(CB\) 118862](#)) to increase payment and performance calculations for SM-U districts. If Amendment 2a is not adopted, do not amend “SM-U 85” to “SM-U 75”.

23.58B.040 Mitigation of impacts - payment option

* * *

Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, ((and)) SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
* * *	
SM-U 85 75	\$7.00
SM-U/R 75-240	\$20.00 22.25
SM-U 75-240	\$20.00 22.25
SM-U 95-320	\$20.00 22.25

* * *

23.58B.050 Affordable housing impact mitigation - performance option

* * *

Table A for 23.58B.050	
Performance calculation amounts:	
In Downtown, ((and)) SM-SLU, and SM-U zones	
Zone	Performance calculation amount per square foot
* * *	

Table A for 23.58B.050	
Performance calculation amounts:	
In Downtown, ((and)) SM-SLU, and SM-U zones	
Zone	Performance calculation amount per square foot
SM-U 8575	5.0%
SM-U/R 75-240	9.0 10.0%
SM-U 75-240	9.0 10.0%
SM-U 95-320	9.0 10.0%

* * *

Section 31. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was enacted by Ordinance 125108, is amended as follows:

23.58C.040 Affordable housing – ~~((Payment))~~ payment option

* * *

Table A for 23.58C.040	
Payment calculation amounts:	
((inside)) In Downtown, ((and)) SM-SLU, and SM-U zones	
Zone ((category))	((Dollars per square foot of gross floor area according to subsection 23.58C.040.A.1)) <u>Payment calculation amount per square foot</u>
((RESERVED)) SM-U 8575	((RESERVED)) \$13.25
SM-U/R 75-240	\$20.00 22.25
SM-U 75-240	\$20.00 22.25
SM-U 95-320	\$20.00 22.25

* * *

Section 32. Section 23.58C.050 of the Seattle Municipal Code, enacted by Ordinance 125108, is amended as follows:

23.58C.050 Affordable housing – ~~((Performance))~~ performance option

* * *

Table A for 23.58C.050 ((Affordable housing to be provided (performance option))) <u>Performance calculation amounts:</u> ((inside)) <u>In Downtown, ((and)) SM-SLU, and SM-U zones</u>	
Zone ((category))	Percentage <u>set-aside per ((of)) total number of units to be developed in each structure</u>
((RESERVED)) <u>SM-U 8575</u>	((Reserved)) <u>6.0%</u>
<u>SM-U/R 75-240</u>	9.0 <u>10.0%</u>
<u>SM-U 75-240</u>	9.0 <u>10.0%</u>
<u>SM-U 95-320</u>	9.0 <u>10.0%</u>

Attachment 21: Recital regarding the application of M2 requirements

Amendment 17b

Amendment to add a recital to express Council's intent to apply the MHA program's M2 requirements when the proposal is to rezone an area from a zone with height limits of 85' or less to a highrise zone.

WHEREAS, applying higher MHA performance and payment amounts in the core of the U

District where the additional development capacity results in a zoning change from

midrise zones with height limits of 65-85 feet to highrise zones with height limits of 240-

320 is consistent with Ordinance 125233 and Ordinance 125108 that expressed Council's

intent to consider higher performance and payment amounts, subject to statutory limits, in

areas where the increment of increased development capacity is greater than the standard

MHA-implementing zone change; and

Attachment 22: Mandatory Housing Affordability requirements: MHA-C tables

Amendment 17c

Amendment to add Mandatory Housing Affordability payment and performance calculation amounts for commercial development in areas outside of Downtown, Seattle Mixed-South Lake Union and Seattle Mixed-University District zones.

This amendment would amend tables in sections 23.58B.040 and 23.58B.050 (pages 146 and 151 of [Council Bill \(CB\) 118862](#)) to incorporate these performance and payment amounts and remove footnotes that would no longer be required because a map showing the low, medium and high MHA districts was adopted in Ordinance 125233.

Table B for 23.58B.040			
Payment calculation amounts:			
Outside Downtown, ((and)) SM-SLU, and SM-U zones			
Zone	Payment calculation amount per square foot[±]		
	Low	Medium	High
All ((industrial buffer)) <u>Industrial Buffer</u> zones (IB)	Not applicable	Not applicable	Not applicable
All ((industrial general)) <u>Industrial General</u> zones (IG)	Not applicable	Not applicable	Not applicable
All ((master planned communities)) <u>Master Planned Communities</u> – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-160	\$10.00	\$10.00	\$10.00
<u>Zones with an (M) suffix</u>	<u>\$5.00</u> RESERVED	<u>\$7.00</u> RESERVED	<u>\$8.00</u> RESERVED
<u>Zones with an (M1) suffix</u>	<u>\$8.00</u> RESERVED	\$11.25	<u>\$12.75</u> RESERVED
<u>Zones with an (M2) suffix</u>	<u>\$9.00</u> RESERVED	<u>\$12.50</u> RESERVED	<u>\$14.50</u> RESERVED
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00
<u>Footnotes to Table B for 23.58B.040</u>			
<u>± Area within the University Community Urban Center is medium.</u>			

Table B for 23.58B.050

Performance calculation amounts:

Outside Downtown, ~~((and)) SM-SLU, and SM-U zones~~

Zone	Performance calculation amount per square foot [±]		
	<u>Low</u>	<u>Medium</u>	<u>High</u>
All ((industrial buffer)) <u>Industrial Buffer zones (IB)</u>	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>
All ((industrial general)) <u>Industrial General zones (IG)</u>	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>
All ((master planned communities)) <u>Master Planned Communities – Yesler Terrace zones (MPC-YT)</u>	Not applicable	<u>Not applicable</u>	<u>Not applicable</u>
IC 85-160	6.1%	<u>6.1%</u>	<u>6.1%</u>
<u>Zones with an (M) suffix</u>	<u>5.0%</u> [RESERVED]	<u>5.0%</u> [RESERVED]	<u>5.0%</u> [RESERVED]
<u>Zones with an (M1) suffix</u>	<u>8.0%</u> [RESERVED]	<u>8.0%</u>	<u>8.0%</u> [RESERVED]
<u>Zones with an (M2) suffix</u>	<u>9.0%</u> [RESERVED]	<u>9.0%</u> [RESERVED]	<u>9.0%</u> [RESERVED]
Other zones where provisions refer to Chapter 23.58B	5.0%	<u>5.0%</u>	<u>5.0%</u>

~~Footnotes to Table B for 23.58B.050~~

~~± Area within the University Community Urban Center is medium.~~

Attachment 23: MHA reporting requirements

Amendment 17d

Amendment to Ordinances 125108 and 125233 to make the ongoing review and reporting requirements on the MHA-R and MHA-C programs consistent and to include in the report information on any modifications granted to the payment or performance amounts by project. Amending these Ordinances will require a change to the title of the bill.

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.085, 23.48.240, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.61.008, 23.61.014, 23.84A.004, 23.84A.025, 23.84A.028, 23.84A.038, 23.84A.042, and 23.84A.048 of the Seattle Municipal Code (SMC), adding new Sections 23.45.517, 23.47A.017, 23.48.602, 23.48.605, 23.48.615, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.48.680, 23.48.685, and 23.48.690 to the SMC; [amending Ordinances 125108 and 125233](#); and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

Section ##. Section 1 of Ordinance 125108 is amended as follows:

* * *

B. Amendment of payment and performance amounts

1. Ongoing review. The Council directs that, during the first six months of 2018 and annually after July 1, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) and Director of Housing shall report on the performance of the mandatory affordable housing program provided in Chapter 23.58C, including the amount of payments collected under the payment option, the number of units produced with such payments, , ~~and~~ the number of units constructed through the performance option, [and a list of projects granted modifications to the payment or performance amounts, including the specific modification made and the conditions under which the modification was granted](#). The July 1, 2018 report shall compare changes in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-1984 = 100), with changes in multifamily residential rents and

Attachment 23: MHA reporting requirements

other housing market variables used to determine initial payment amounts since passage of the Ordinance introduced as Council Bill 118736. If the Consumer Price Index has lagged or exceeded rents or other housing market variables, the Director of Housing shall propose an alternative measure or index upon which to base changes in program requirements. The July 1, 2019 report should include an assessment of past and anticipated program performance, including an assessment of whether a developer building outside of the Downtown and South Lake Union Urban Centers would be economically indifferent between performance and payment given market conditions at that time. If the Council determines that developers of projects, other than smaller projects and projects inside of the Downtown and South Lake Union Urban Centers, favor the payment option, the Council will consider raising payment amounts to avoid a bias towards payment, consistent with statutory authority. Units produced under the mandatory housing affordability program provided in Chapter 23.58C shall be measured as net new units. Existing rent- and income-restricted affordable units demolished for development subject to the program are subtracted from the target production.

* * *

Section ##. Section 1 of Ordinance 125233 is amended as follows:

* * *

B. Amendment of payment and performance amounts

* * *

2. Ongoing review. The Council directs that, during the first six months of 2018 and ~~every two years after~~ annually after July 1, 2018, the Director of the Seattle Department of Construction and Inspections (SDCI) and the Director of Housing shall report on the performance of the mandatory inclusionary housing program described in the July 13, 2015

Attachment 23: MHA reporting requirements

Statement of Intent for Basic Framework for Mandatory Inclusionary Housing and Commercial Linkage Fee, and the impact mitigation program provided in Chapter 23.58B, including the amount of payments collected under the payment option, the number of affordable units produced and preserved with such payments, ~~and~~ the number of affordable units constructed under the performance option, and a list of projects granted modifications to the payment or performance amounts, including the specific modification made and the conditions under which the modification was granted. The July 1, 2018 report shall compare changes in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-1984 = 100), with changes in multifamily residential rents and other housing market variables used to determine initial payment amounts since passage of Ordinance 124895. If the Consumer Price Index has lagged or exceeded rents or other housing market variables, the Director of Housing shall propose an alternative measure or index upon which to base changes in program requirements. The July 1, 2019 report should include an assessment of past and anticipated program performance, including an assessment of whether a developer building outside of the Downtown and South Lake Union Urban Centers would be economically indifferent between performance and payment given market conditions at that time. If the Council determines that developers of projects, other than smaller projects and projects inside of the Downtown and South Lake Union Urban Centers, favor the payment option, the Council will consider raising payment amounts to avoid a bias towards payment, consistent with statutory authority. Units produced under the mandatory inclusionary housing program described in the July 13, 2015 *Statement of Intent for Basic Framework for Mandatory Inclusionary Housing and Commercial Linkage Fee*, and the impact mitigation program provided in Chapter 23.58B, shall be measured

Attachment 23: MHA reporting requirements

as net new units. Existing rent and income restricted units demolished for development subject to the programs shall be subtracted from the target production.

* * *

Attachment 24: Recital on use of cash contributions

Amendment 17e

Amendment to include a recital highlighting that the MHA-C and MHA-R framework legislation included “locating near developments that generate cash contributions” as a factor the City will use when determining the location for use of funds generated from the MHA programs.

* * *

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

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

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

WHEREAS, in December 2016, Council adopted and the Mayor signed Ordinance 125233 to make organizational and technical amendments to the regulatory framework for the mandatory housing affordability program for commercial development; and

WHEREAS, Ordinance 125233 and Ordinance 125108 established factors the City will consider for purposes of determining the location for use of cash contributions made pursuant to the MHA-C or MHA-R programs, including locating near developments that generate cash contributions; and

WHEREAS, this ordinance was informed by public feedback gathered at an open house conducted on May 31, 2016, and hundreds of presentations and conversations with the U

Attachment 24: Recital on use of cash contributions

District Partnership, the Roosevelt Neighbors Alliance, University Heights Community Club, U District Community Council, Northeast District Council, University of Washington, the Seattle Planning Commission, the Seattle Design Commission, as well as letters, emails, and other correspondence from individuals and groups; and

* * *