

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.206.130, 23.24.040, 23.28.020, 23.28.030, 23.30.020, 23.41.004, 23.41.012, 23.42.040, 23.42.048, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.041, 23.45.510, 23.45.514, 23.45.518, 23.45.536, 23.45.545, 23.45.570, 23.46.002, 23.47A.008, 23.47A.009, 23.47A.013, 23.47A.014, 23.47A.016, 23.48.005, 23.48.020, 23.48.220, 23.48.225, 23.48.231, 23.48.240, 23.48.245, 23.48.250, 23.48.620, 23.48.640, 23.48.645, 23.48.722, 23.48.735, 23.49.008, 23.49.011, 23.49.015, 23.49.023, 23.49.032, 23.49.106, 23.49.108, 23.49.164, 23.50.014, 23.50.016, 23.50.030, 23.50.032, 23.51A.002, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.61.014, 23.66.030, 23.66.332, 23.72.004, 23.73.024, 23.75.085, 23.75.160, 23.76.004, 23.76.006, 23.76.012, 23.76.022, 23.76.028, 23.76.034, 23.84A.002, 23.84A.004, 23.84A.032, 23.84A.046, 23.86.002, 23.86.006, 23.86.007, 23.86.032, 25.05.030, 25.05.610, 25.05.800, 25.08.940, 25.09.090, 25.11.070, and 25.11.080 of the Seattle Municipal Code; adding a new Section 23.22.059 to the Seattle Municipal Code; repealing Section 23.50.029 of the Seattle Municipal Code; and amending Section 510 of the 2015 Seattle Building Code.

..body

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

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

**22.206.130 Requirements**

\* \* \*

**B. Number of exits**

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

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

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

6   i. At ground level, or

7   ii. By way of an exterior stairway, or

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

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

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

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

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

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

\* \* \*

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

**23.22.059 Shoreline District**

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

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

**23.24.040 Criteria for approval**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 \* \* \*

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

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

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

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

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

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

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

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

19 **23.28.030 Criteria for approval**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





1 Section 7. Section 23.41.004 of the Seattle Municipal Code, enacted by Ordinance  
 2 125429, is amended as follows:

3 **23.41.004 Applicability**

4 \* \* \*

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

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

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

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

|   |   |
|---|---|
| C.3. At least 15,000 but less than 35,000 square feet | Administrative design review  |
| C.4. 35,000 square feet or greater                    | Full ( <del>Design Review</del> ) <u>design review</u> <sup>4</sup> |

Footnotes to Table A for 23.41.004  
<sup>1</sup>Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.  
<sup>2</sup>The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.  
<sup>3</sup>The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.  
<sup>4</sup>Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote ((2)) 4 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

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

**23.41.012 Development standard departures**

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

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

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

8 23.24.040.A.9, and 23.28.030.A.3;

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

12 \* \* \*

13 Section 9. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance  
14 125558, is amended as follows:

15 **23.42.040 Intermittent, temporary, and interim uses**

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

19 \* \* \*

20 F. Light Rail Transit Facility Construction. A temporary structure or use that supports the  
21 construction of a light rail transit facility may be authorized by the Director pursuant to a Master  
22 Use Permit subject to the requirements of this subsection 23.42.040.F and subsection  
23 (~~23.60.023~~) 23.60A.209.E if the structure or use is within the Shoreline District.

\* \* \*

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

**23.42.048 Configuration of dwelling units**

\* \* \*

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

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

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

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

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

1 Section 11. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance  
2 124105, is amended as follows:

3 **23.44.006 Principal uses permitted outright**

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

5 \* \* \*

6 F. Uses in existing or former public schools:

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

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

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

18 \* \* \*

19 Section 12. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance  
20 124105, is amended as follows:

21 **23.44.008 Development standards for uses permitted outright**

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

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

\* \* \*

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

**23.44.010 Lot requirements**

\* \* \*

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

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

a. “The Seventy-Five/Eighty Rule.” The Seventy-Five/Eighty Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75

1 percent of the minimum required for the zone and also at least 80 percent of the mean area of the  
2 lots within the same block front, subject to the following provisions:

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

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

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

21                                   4) If property is to be subdivided or its lot lines are modified by a  
22 lot boundary adjustment that increases the number of lots that qualify for separate development,

1 the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall  
2 be excluded from the block front mean area calculation.

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

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

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

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

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

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



1 c. The lot would qualify as a legal building site under subsection  
2 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the  
3 amount by which the lot was so reduced was less than ~~((10))~~ ten percent of the former area of the  
4 lot. This exception does not apply to lots reduced to less than 2,500 square feet.

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

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

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

22 3) Lots that do not otherwise qualify for this exception cannot  
23 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act

1 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of  
2 removing from the principal structure minor features that do not contain enclosed interior space,  
3 including but not limited to eaves and unenclosed decks.

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

8 e. The lot is within a clustered housing planned development pursuant to  
9 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a  
10 development approved as an environmentally critical areas conditional use pursuant to Section  
11 25.09.260.

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

## 21 2. Limitations

22 a. Development may occur on a substandard lot containing a riparian  
23 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the

1 provisions of Chapter 25.09 (~~(, Regulations for environmentally critical areas))~~ or containing  
2 priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, if the  
3 following conditions apply:

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

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

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

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

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

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

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

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

5 \* \* \*

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

8 **23.44.012 Height limits**

9 \* \* \*

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

19 \* \* \*

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

1 **23.44.014 Yards and separations**

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

4 \* \* \*

5 B. Rear Yards ((-))

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

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

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

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

17 \* \* \*

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

20 \* \* \*

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

1 ~~more than 6 feet into required front or rear yards))~~ and has no horizontal distance greater than 6  
2 feet within the required yard. ((~~The width of porches and steps are to be calculated separately.~~))  
3 For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps  
4 are permitted in the required yards.

5 \* \* \*

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

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

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

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

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

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

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

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

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

12 \* \* \*

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

15 **23.44.016 Parking and garages**

16 \* \* \*

17 D. Parking and garages in required yards

18 \* \* \*

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

\* \* \*

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

**23.44.022 Institutions**

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

Community centers

Child care centers

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

Museums

Private clubs

Vocational schools

\* \* \*



1           D. General provisions

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

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

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

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

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

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

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

22   \* \* \*

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

3 **23.44.041 Accessory dwelling units**

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

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

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

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

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

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

| <b>Table A for 23.44.041</b>  |   |
|---|---|
| <b>Development ((Standards for All Accessory Dwelling Units)) <u>standards for all accessory dwelling units</u></b> |   |
| a. Maximum gross floor area   | Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. <sup>1</sup> Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007. |
| b. Entrances  | Only one entrance to the structure may be located on each street-facing facade of the dwelling unit. <sup>2</sup>   |

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

|                             |   |
|-----------------------------|---|
| a. Maximum gross floor area | Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. <sup>1</sup> Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007. |
|-----------------------------|---|

Footnotes to Table A for 23.44.041:

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

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

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

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

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

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

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

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

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

| <b>Table B for 23.44.041</b>   |   |                        |                   |                                |               |
|--|---|------------------------|-------------------|--------------------------------|---------------|
| <b>Development standards for detached accessory dwelling units<sup>1</sup></b> |   |                        |                   |                                |               |
| a. Minimum lot size  | 4,000 square feet   |                        |                   |                                |               |
| b. Minimum lot width   | 25 feet   |                        |                   |                                |               |
| c. Minimum lot depth   | 70 feet <sup>2</sup>  |                        |                   |                                |               |
| d. Maximum lot coverage  | The provisions of Section 23.44.010 apply.  |                        |                   |                                |               |
| e. Maximum rear yard coverage  | A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40 percent of the rear yard.   |                        |                   |                                |               |
| f. Maximum gross floor area  | 800 square feet including garage and storage area but excluding covered porches and covered decks that are less than 25 square feet in area, and underground areas measured as set forth in Section 23.86.007.  |                        |                   |                                |               |
| g. Front yard  | A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.   |                        |                   |                                |               |
| h. Minimum side yard   | The provisions of subsection 23.44.014.C apply. <sup>7</sup>  |                        |                   |                                |               |
| i. Minimum rear yard   | A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. <sup>3, 4, 7</sup> |                        |                   |                                |               |
| j. Location of entry   | Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.   |                        |                   |                                |               |
| k. Maximum height limits <sup>5</sup>  | Lot width (feet)  |                        |                   |                                |               |
|  | Less than 30  | 30 or greater up to 35 | Above 35 up to 40 | Above 40 up to 50 <sup>6</sup> | 50 or greater |

| <b>Table B for 23.44.041<br/>Development standards for detached accessory dwelling units<sup>1</sup></b>            |        |    |    |    |    |
|---|--------|----|----|----|----|
| (1) Base structure height limit (feet)  | 12     | 14 | 15 | 16 | 16 |
| (2) Height allowed for pitched roof above base structure height limit (feet)  | 3      | 7  | 7  | 6  | 7  |
| (3) Height allowed for shed or butterfly roof above base structure height limit (feet); see Exhibit A for 23.44.041 | 3      | 4  | 4  | 4  | 4  |
| 1. Minimum separation from principal structure  | 5 feet |    |    |    |    |

Footnotes to Table B for 23.44.041

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

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

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

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

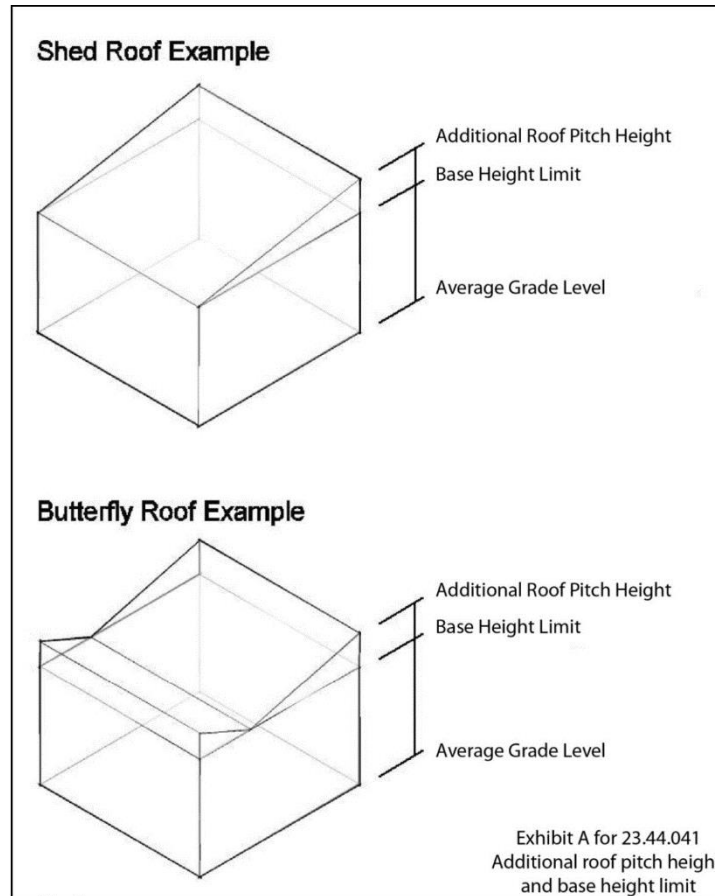
<sup>5</sup>Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

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

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

1  
2

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



3

((3)) 2. Conversion of accessory structures. An existing accessory structure that

4

is not located in a required front yard, or that is located in a front yard where Section 23.40.030

5

or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure

6

complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of

7

the Housing and Building Maintenance Code and with the Seattle Residential Code, if work

8

requiring a permit is performed on the structure or has previously been performed without a

9

permit. The Director may allow an exception to one or more of the development standards for

10

accessory dwelling units contained in subsection ((23.44.041.A.4)) 23.44.041.A.5 and

11

standards a through f, h, i, and j listed in Table B for 23.44.041, provided the conversion does

12

not increase the structure's nonconformity with the standard and the applicant can demonstrate

13

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

9 \* \* \*

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

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

13 \* \* \*

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

15 \* \* \*

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

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





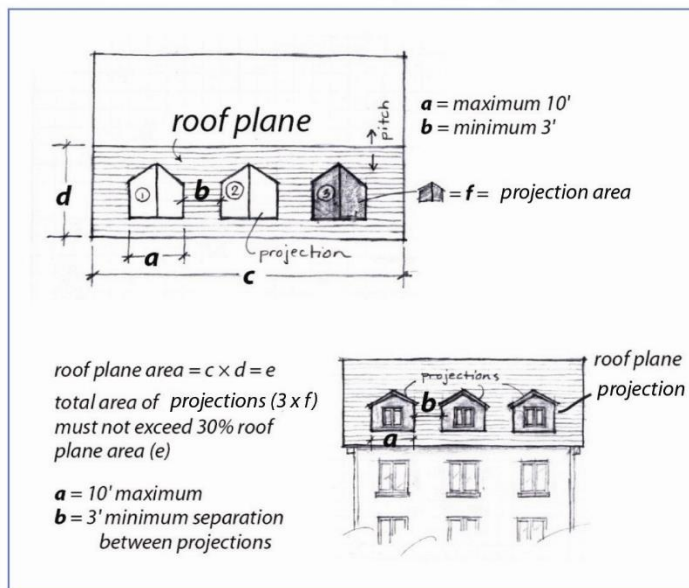
1 a. On pitched roofs, projections may extend to the height of the ridge of  
2 a pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions  
3 are met:

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

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

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

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



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

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

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

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

- 7                                        a. Stair penthouses, except as provided in subsection 23.45.514.J.6;  
8                                        b. Mechanical equipment;  
9                                        c. Play equipment and open-mesh fencing that encloses it, if the fencing is  
10 at least 5 feet from the roof edge;  
11                                        d. Chimneys;  
12                                        e. Wind-driven power generators; and  
13                                        f. Minor communication utilities and accessory communication devices,  
14 except that height is regulated according to the provisions of Section 23.57.011.

15                                        \* \* \*

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

18 **23.45.518 Setbacks and separations**

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

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

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

Footnotes to Table A for 23.45.518:

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

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

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

\* \* \*

1 J. Structures in required setbacks or separations

2 \* \* \*

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

8 \* \* \*

9 Section 22. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance  
10 125558, is amended as follows:

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

12 \* \* \*

13 D. Screening of parking

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

- 15 a. The street facing facade of a structure;
- 16 b. Garage doors;
- 17 c. A fence or wall; or
- 18 d. Landscaped areas including bioretention facilities or landscaped berms.

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

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

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

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

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

10 \* \* \*

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

13 **23.45.545 Standards for certain accessory uses**

14 \* \* \*

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

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

1                    2. Such collector(s) are located so as to minimize view blockage from  
2 surrounding properties and the shading of property to the north, while still providing adequate  
3 solar access for the solar collectors.

4    \* \* \*

5                    I. In LR zones, accessory dwelling units are allowed, in rowhouse and townhouse units,  
6 as follows:

7                    1. One accessory dwelling unit is allowed for each rowhouse or townhouse unit  
8 that is a “principal unit”. A “principal unit” is a dwelling unit that is not an accessory dwelling  
9 unit.

10                  2. The owner of a principal unit shall comply with the owner occupancy  
11 requirements of subsection 23.44.041.C.

12                  3. The maximum gross floor area of an accessory dwelling unit is 650 square feet,  
13 provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent  
14 of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of  
15 garages, storage sheds, and other non-habitable spaces.

16                  4. An accessory dwelling unit shall be located completely within the same  
17 structure as the principal unit or in an accessory structure located between the rowhouse or  
18 townhouse unit and the rear lot line.

19                  5. The entrance to an accessory dwelling unit provided within the same structure  
20 as the principal unit shall be provided through one of the following configurations:

21    a. Through the primary entry to the principal unit; or

22    b. Through a secondary entry on a different facade than the primary entry  
23 to the principal unit; or

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

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

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

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

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

18 \* \* \*

19 Section 24. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance  
20 125558, is amended as follows:

21 **23.45.570 Institutions**

22 \* \* \*

1           G. Parking

2                   1. Parking quantity. Parking and loading is required pursuant to Section  
3 23.54.015, except as modified by Section 23.54.020.

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

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

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

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

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

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

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



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

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

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

9   \* \* \*

10                Section 25. Section 23.46.002 of the Seattle Municipal Code, last amended by Ordinance  
11 125558, is amended as follows:

12 **23.46.002 Scope of provisions**

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

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

1 required as provided in Chapter 23.54 and as permitted by Section 23.45.504 and Section  
2 23.45.506.

3 \* \* \*

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

6 **23.47A.008 Street-level development standards**

7 \* \* \*

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

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

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

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

1                   ((3)) 4. The owner of each live-work unit must keep a copy of the current business  
2 license associated with the business located in that unit on file.

3   \* \* \*

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

6 **23.47A.009 Standards applicable to specific areas**

7   \* \* \*

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

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

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

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

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

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

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

21   4) The first 4 feet of unenclosed porches or steps for residential  
22 units.

1                   c. In the 20 percent of the lot that remains uncovered, as required by this  
2 subsection 23.47A.009.F.1, not more than ten parking spaces may be provided, and applicants  
3 are encouraged to provide elements at-grade that enhance the usability and livability of the lot  
4 for residents and tenants such as pedestrian circulation areas, landscaping, lighting, weather  
5 protection, art, or other similar features.

6                   2. Facade modulation

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

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

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

17                   3. Maximum structure width

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

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

22                   4. Setback requirements

23                  a. Street-level setbacks

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

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

6 b. Upper-level setbacks

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

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

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

15 \* \* \*

16 Section 28. Section 23.47A.013 of the Seattle Municipal Code, last amended by  
17 Ordinance 125558, is amended as follows:

18 **23.47A.013 Floor area ratio**

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

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

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

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

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

14                                     \* \* \*

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

- 16                     1. All underground stories or portions of stories;
- 17                     2. All portions of a story that extend no more than 4 feet above existing or  
18 finished grade, whichever is lower, excluding access;
- 19                     3. Gross floor area of a transit station, including all floor area open to the general  
20 public during normal hours of station operation but excluding retail or service establishments to  
21 which public access is limited to customers or clients, even where such establishments are  
22 primarily intended to serve transit riders;

1                   4. Within First Hill, on lots zoned NC3 with a 160-foot height limit, all gross floor  
2 area occupied by a residential use;

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

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

11                           b. All of the following conditions are met:

12   1) No above-grade parking is exempted by subsection  
13 23.47A.013.D.5.a;

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

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

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

21                   6. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.6  
22 and 23.47A.012.C.7; and

23                   7. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

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

6                   \* \* \*

7                   H. Minimum FAR

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

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

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

| <b>Table C for 23.47A.013</b>                      |           |           |           |           |            |            |
|--|-----------|-----------|-----------|-----------|------------|------------|
| <b>Minimum floor area ratio (FAR) <sup>1</sup></b> |           |           |           |           |            |            |
| <b>Height limit in feet</b>                        | <b>30</b> | <b>40</b> | <b>65</b> | <b>85</b> | <b>125</b> | <b>160</b> |
| Minimum FAR  | 1.5       | 1.5       | 2         | 2         | 2.5        | 2.5        |

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

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

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

18                   b. The lot is larger than five acres;

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



- 1                                   d. Parks and open space is the principal use of the lot((-)); or  
2                                   e. The lot is to be occupied by a nonprofit medical service use that  
3 provides a specialized service, such as kidney dialysis, that is not currently provided in the  
4 applicable urban village.

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

9                                   4. The Director, in consultation with the Director of the Department of  
10 Neighborhoods, may waive the minimum FAR requirement provided in subsection  
11 23.47A.013.H.1 for lots that contain a designated Landmark, or for lots within a Landmark  
12 District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the  
13 Director determines a waiver is necessary to preserve the integrity of a Landmark or meet  
14 adopted District design and development guidelines.

15                                   5. The Director may waive the minimum FAR requirement provided in subsection  
16 23.47A.013.H.1 for lots within the Pike/Pine Conservation Overlay District pursuant to Chapter  
17 23.32, if the Director determines that the proposed development promotes neighborhood  
18 conservation objectives.

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

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

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

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

6 **23.47A.014 Setback requirements**

7                                   \* \* \*

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

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

16                                   \* \* \*

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

19 **23.47A.016 Landscaping and screening standards**

20                                   \* \* \*

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

1 1. Surface parking areas

2 a. Landscaping requirements for surface parking areas are established in

3 Table ((€)) A for 23.47A.016.

| <b>Table ((€)) <u>A</u> for 23.47A.016</b>                |                                   |
|---|-----------------------------------|
| <b>Landscaping requirements for surface parking areas</b> |                                   |
| <b>Number of parking spaces</b>                           | <b>Required landscaped area</b>   |
| 20 to 50  | 18 square feet, per parking space |
| 51 to 99  | 25 square feet, per parking space |
| 100 or more   | 35 square feet, per parking space |

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

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

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

11 \* \* \*

12 3. Other uses or circumstances. Screening and landscaping is required according  
13 to Table ((Ð)) B for 23.47A.016:

| <b>Table ((Ð)) <u>B</u> for 23.47A.016</b>  |  |
|---|--|
| <b>Use or ((Circumstance)) <u>circumstance</u></b>  | <b>Minimum ((Requirement)) <u>requirement</u></b>  |
| a. Drive-in businesses abutting or across an alley from a lot in a residential zone   | 6-foot-high screening along the abutting or alley lot lines; and<br>A 5-foot-deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zone |
| b. Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zone | 3-foot-high screening  |

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

| <b>Use or ((Circumstance)) circumstance</b>  | <b>Minimum ((Requirement)) requirement</b>   |
|--|--|
| c. Garbage cans in NC1, NC2, or NC3 zones, or associated with a structure containing a residential use in C1 or C2 zones   | 3-foot-high screening along areas where garbage cans are located   |
| d. Garbage dumpsters in NC1, NC2, or NC3 zones, or associated with structures containing a residential use in C1 or C2 zones   | 6-foot-high screening  |
| e. Gas stations in NC1, NC2 and NC3 zones or, in C1 and C2 zones, across the street from a lot in a residential zone   | 3-foot-high screening along street lot lines   |
| f. Mobile home parks   | 6-foot-high screening along all lot lines that are not street lot lines; and<br>Along all street lot lines, a 5-foot-deep landscaped area or a 5-foot-deep planting strip with street trees                          |
| g. Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zone   | 6-foot-high screening along the abutting or alley lot lines  |
| h. Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zone  | 3-foot-high screening along the street lot line  |
| i. Outdoor storage in a C1 zone; or<br>Outdoor dry boat storage in NC2, NC3 or C1 zones in the Shoreline District  | Screened from all lot lines by the facade of the structure or by 6-foot-high screening; and<br>5-foot-deep landscaped area between all street lot lines and the 6-foot-high screening (Exhibit C for 23.47A.016)     |
| j. Outdoor storage in a C2 zone abutting a lot in a residential zone; or<br>Outdoor dry boat storage in a C2 zone in the Shoreline District, abutting a lot in a residential zone                              | 50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by 6-foot-high screening (Exhibit D for 23.47A.016)                 |
| k. Outdoor storage in a C2 zone across the street from a lot in a residential zone; or<br>Outdoor dry boat storage, in a C2 zone in the Shoreline District, across the street from a lot in a residential zone | Screened from the street by the facade of a structure, or by 6-foot-high screening   |
| l. Parking garage occupying any portion of the street-level street-facing facade between 5 and 8 feet above sidewalk grade   | A 5-foot-deep landscaped area along the street lot line; or<br>Screening by the exterior wall of the structure; or<br>6-foot-high screening between the structure and the landscaped area (Exhibit B for 23.47A.016) |

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

| <b>Use or ((Circumstance)) circumstance</b>                               | <b>Minimum ((Requirement)) requirement</b>  |
|---|---|
| m. Unenclosed parking garage on lots abutting a lot in a residential zone | A 5-foot-deep landscaped area and 6-foot-high screening along each shared lot line  |
| n. Parking garage that is 8 feet or more above grade                      | 3.5-foot screening along the perimeter of each floor of parking   |
| o. Outdoor areas associated with pet daycare centers                      | Screened from all property lines by the facade of the structure or by 6-foot-high screening between the outdoor area and all property lines |

\* \* \*

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

**23.48.005 Uses**

\* \* \*

**C. Conditional uses**

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

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

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

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

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

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

3                   a. The helistop or heliport is: for the takeoff and landing of helicopters that  
4 serve a public safety, news gathering or emergency medical care function and, in the case of  
5 heliports, services provided for those helicopters; is part of a City and regional transportation  
6 plan approved by the City Council and is a public facility; or is part of a City and regional  
7 transportation plan approved by the City Council and is not within 2,000 feet of a residential  
8 zone.

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

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

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

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

17                   D. Required street-level uses

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

- 1 a. General sales and service uses;
- 2 b. Eating and drinking establishments;
- 3 c. Entertainment uses;
- 4 d. Public libraries;
- 5 e. Public parks;
- 6 f. Arts facilities;
- 7 g. Religious facilities; and
- 8 h. Light rail transit stations.

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

12 E. Public facilities in all SM zones

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

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

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

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

3                           b. The proposed location is required to meet specific public service  
4 delivery needs;

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

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

9                           4. The City Council’s use approvals, and waivers of or grants of departures from  
10 applicable development standards or conditional use criteria, contemplated by subsections  
11 23.48.005.E.2 and 23.48.005.E.3, are governed by the provisions of Chapter 23.76, Subchapter  
12 III.

13                           5. Expansion of uses in public facilities

14                           a. Major expansion. Major expansion of uses in public facilities allowed  
15 pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 may be permitted  
16 according to the criteria and process in those subsections 23.48.005.E.1, 23.48.005.E.2, and  
17 23.48.005.E.3. A major expansion of a public facility use occurs when an expansion would not  
18 meet development standards or the area of the expansion would exceed either 750 square feet or  
19 ten percent of the existing area of the use, whichever is greater. For the purposes of this Section  
20 23.48.005, area of use includes gross floor area and outdoor area devoted actively to that use,  
21 other than as parking.

22                           b. Minor expansion. An expansion of a use in a public facility that is not a  
23 major expansion is a minor expansion. Minor expansions to uses in public facilities allowed



1 pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 above may be permitted  
2 according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

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

5 Section 32. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance  
6 125558, is amended as follows:

7 **23.48.020 Floor area ratio (FAR)**

8 \* \* \*

9 B. Floor area exempt from FAR calculations. The following floor area is exempt from  
10 maximum FAR calculations:

- 11 1. All underground stories or portions of stories.
- 12 2. Portions of a story that extend no more than 4 feet above existing or finished  
13 grade, whichever is lower, excluding access.
- 14 3. As an allowance for mechanical equipment, in any structure 65 feet in height or  
15 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR  
16 calculations. Calculation of the allowance includes the remaining gross floor area after all  
17 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment  
18 located on the roof of a structure, whether enclosed or not, is not included as part of the  
19 calculation of total gross floor area.
- 20 4. All gross floor area for solar collectors and wind-driven power generators.
- 21 5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.
- 22 6. The floor area of required bicycle parking for small efficiency dwelling units or  
23 congregate residence sleeping rooms, if the bicycle parking is located within the structure

1 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area  
 2 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR  
 3 limits.

4 \* \* \*

5 Section 33. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance  
 6 125291, is amended as follows:

7 **23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center**

8 A. General provisions

9 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for  
 10 specified SM zones within the South Lake Union Urban Center are as shown in Table A for  
 11 23.48.220 and Table B for 23.48.220.

| <b>Table A for 23.48.220</b>   |  |                    |  |
|--|--|--------------------|--|
| <b>FAR limits for specified zones in South Lake Union Urban Center</b> |  |                    |  |
| <b>Zone</b>  | <b>FAR limits for non-residential uses</b> |                    | <b>Maximum FAR for structures that do not exceed the base height limit and include residential use<sup>1</sup></b> |
|  | <b>Base FAR</b>                            | <b>Maximum FAR</b> |  |
| SM-SLU 100/65-145  | 4.5  | 6.5                | 4.5  |
| SM-SLU 85/65-160   | 4.5  | 7                  | 4.5  |
| SM-SLU 175/85-280  | 4.5 <sup>2</sup>                           | 8                  | 6  |
| SM-SLU 85-280  | 0.5/3 <sup>3</sup>                         | NA                 | 6  |
| SM-SLU 240/125-440   | 5 <sup>2</sup>                             | 8                  | 10   |

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

| <b>Table B for 23.48.220</b>  |  |
|---|--|
| <b>FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones</b> |  |

| Zone           | FAR limits for all uses |                  |
|----------------|-------------------------|------------------|
|                | Base FAR                | Maximum FAR      |
| SM-SLU/R 65/95 | Not applicable          | Not applicable   |
| SM-SLU 100/95  | 4.5                     | 6.75             |
| SM-SLU 145     | 5                       | 9.5 <sup>1</sup> |

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

1 \* \* \*

2 3. For the zones included on Table A for 23.48.220, an additional increment of up

3 to 0.5 FAR is permitted for non-residential uses above the base FAR of the zone if a lot meets

4 the conditions of either subsection 23.48.220.A.3.a or subsection 23.48.220.A.3.b.

5 a. The lot includes one or more qualifying Landmark structures, subject to

6 the following conditions:

7 1) The structure is rehabilitated to the extent necessary so that all

8 features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are

9 in good condition and consistent with the applicable ordinances and with any Certificates of

10 Approval issued by the Landmarks Preservation Board, all as determined by the Director of

11 Neighborhoods;

12 2) A notice is recorded with the King County Recorder’s Office, in

13 a form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the

14 terms of this Chapter 23.48;

15 3) For purposes of this Section 23.48.220, a “qualifying

16 Landmark” is a structure that:

17 a) is subject, in whole or in part, to a designating ordinance

18 pursuant to Chapter 25.12; and

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

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

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

17 b. The lot includes an open space that is a minimum of 10,000 square feet  
18 in area and that has been improved as open space accessible to the public prior to November 8,  
19 2015, subject to the following conditions:

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

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

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

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

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

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

4                                   \* \* \*

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

11                                   \* \* \*

12                                   Section 34. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance  
13 125291, is amended as follows:

14 **23.48.225 Structure height in South Lake Union Urban Center**

15                                   \* \* \*

16                                   ((f)) F. All non-exempt floor area and residential floor area located above the base height  
17 is considered extra floor area. Extra floor area may be obtained above the base height, up to the  
18 maximum height, through the provision of public amenities meeting the standards of Section  
19 23.48.021 and Chapter 23.58A.

20                                   \* \* \*

21                                   Section 35. Section 23.48.231 of the Seattle Municipal Code, adopted by Ordinance  
22 125291, is amended as follows:

23 **23.48.231 Modification of development standards in certain SM-SLU zones**

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

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

6                             a. The upper-level floor area limit according to subsection 23.48.245.A  
7 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet  
8 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50  
9 percent to 67 percent;

10                            b. The non-residential floor plate limits according to subsection  
11 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

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

14                            d. The residential floor plate limits according to subsection  
15 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

16   \* \* \*

17           Section 36. Section 23.48.240 of the Seattle Municipal Code, last amended by Ordinance  
18 125267, is amended as follows:

19 **23.48.240 Street-level development standards in South Lake Union Urban Center**

20   \* \* \*

21           G. Required usable open space in the ((~~SM-SLU 85/65-125, SM-SLU 160/85-240 and~~  
22 ~~SM-SLU 240/125-400 zones~~)) SM-SLU 100/65-145, SM-SLU 175/85-280, and SM-SLU  
23 240/125-440 zones





\* \* \*

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

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

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

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

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

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

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

1 and development laboratory use and administrative office associated with research and  
2 development laboratories.

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

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

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

16 2. Floor area limit for residential towers. For a structure with residential use that  
17 exceeds the base height limit established for residential uses in the zone under subsection  
18 23.48.225.A.1, the following maximum gross floor area limit applies:

19 a. For a structure that does not exceed a height of 160 feet, excluding  
20 rooftop features or stories with rooftop features that are otherwise permitted above the height  
21 limit under the provisions of subsection 23.48.025.C, the gross floor area for stories with  
22 residential use that extend above the podium height indicated for the lot on Map A for 23.48.245

1 shall not exceed 12,500 square feet for each story, or the floor size established by the upper-level  
2 floor area limit in subsection 23.48.245.A, whichever is less.

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

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

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

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

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

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

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

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

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

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

18                                   1) Usable open space that meets the provisions of subsection  
19 23.48.240.F; or

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

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

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

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

9 ii. Alteration of the floor-to-ceiling height of the  
10 street-level story, except alterations that restore the floor-to-ceiling height to its original  
11 condition; or

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

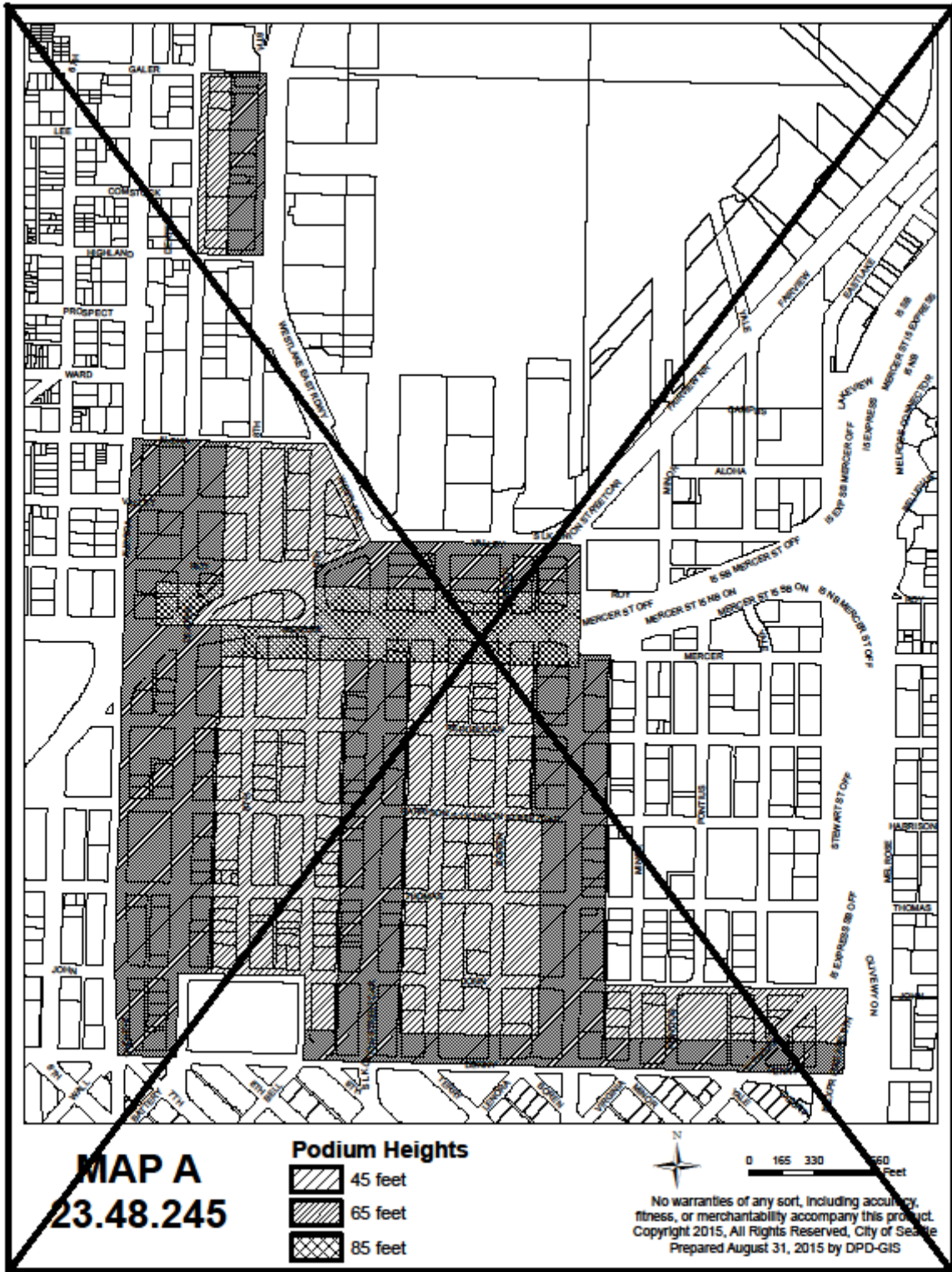
16 c) If the structure is removed from the lot, then any use of  
17 the portion of the lot previously occupied by the structure shall be limited to usable open space.

18 The portion of the lot previously occupied by the structure shall be defined by a rectangle  
19 enclosing the exterior walls of the structure as they existed at the time it was included on the lot  
20 with the project allowed to waive the podium area limit, with the rectangle extended to the  
21 nearest street frontage.

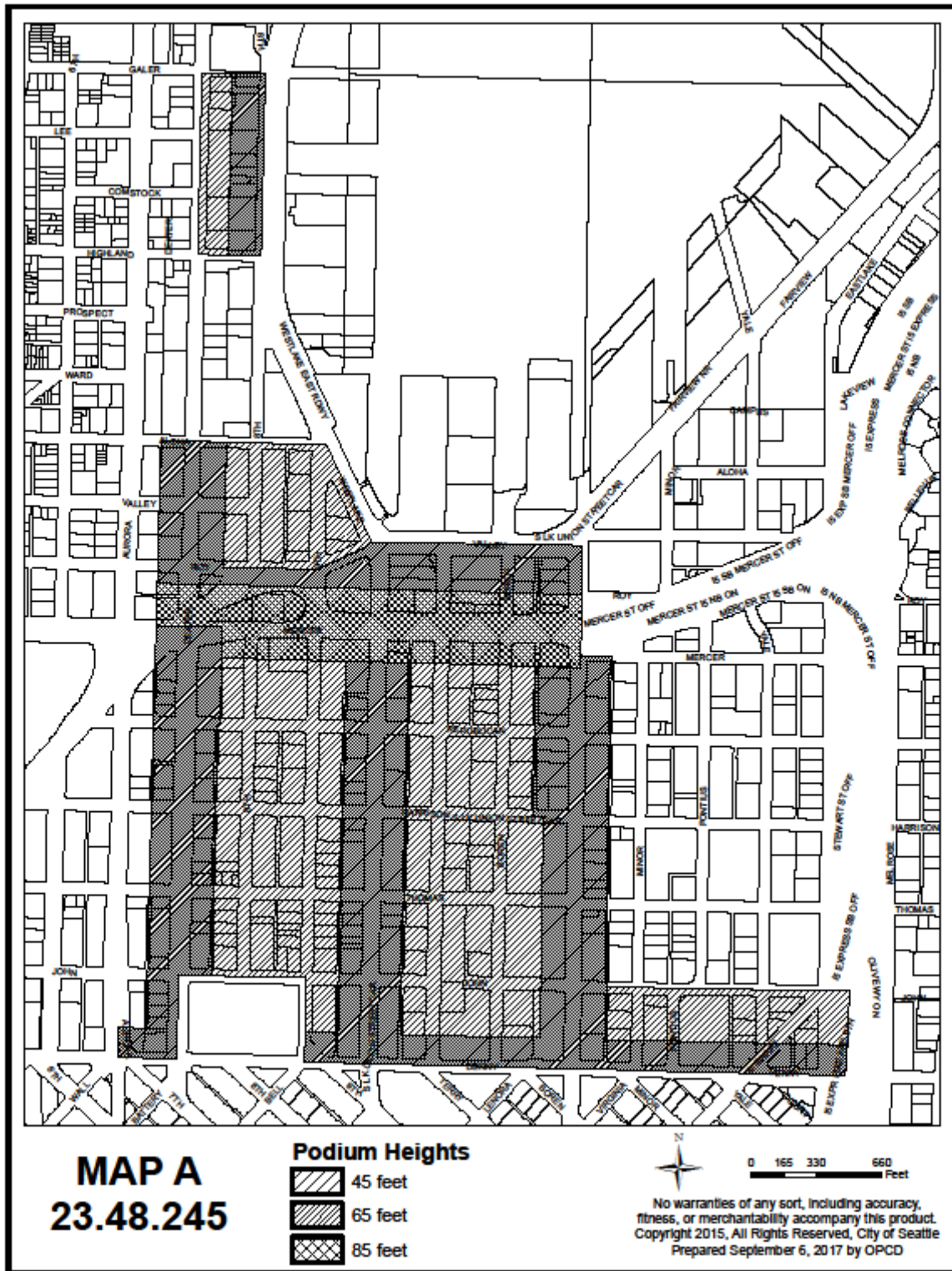
- 1 d. Additional height for podiums abutting Class 1 Pedestrian Streets.
- 2 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.240
- 3 may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided that floor-
- 4 to-ceiling clearance at the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

1  
2

### Map A for 23.48.245 Podium Heights



3



1  
2

\*\*\*



1 Section 38. Section 23.48.250 of the Seattle Municipal Code, amended by Ordinance  
2 125291, is amended as follows:

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

4 \* \* \*

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

6 1. On-site open space

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

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

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

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

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

9   \* \* \*

10                  Section 39. Subsection 23.48.620.D of the Seattle Municipal Code, which section was  
11 enacted by Ordinance 125267, is amended as follows:

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

13   \* \* \*

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

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

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

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

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

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

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

7                            ((1. Unit number and size

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

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

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

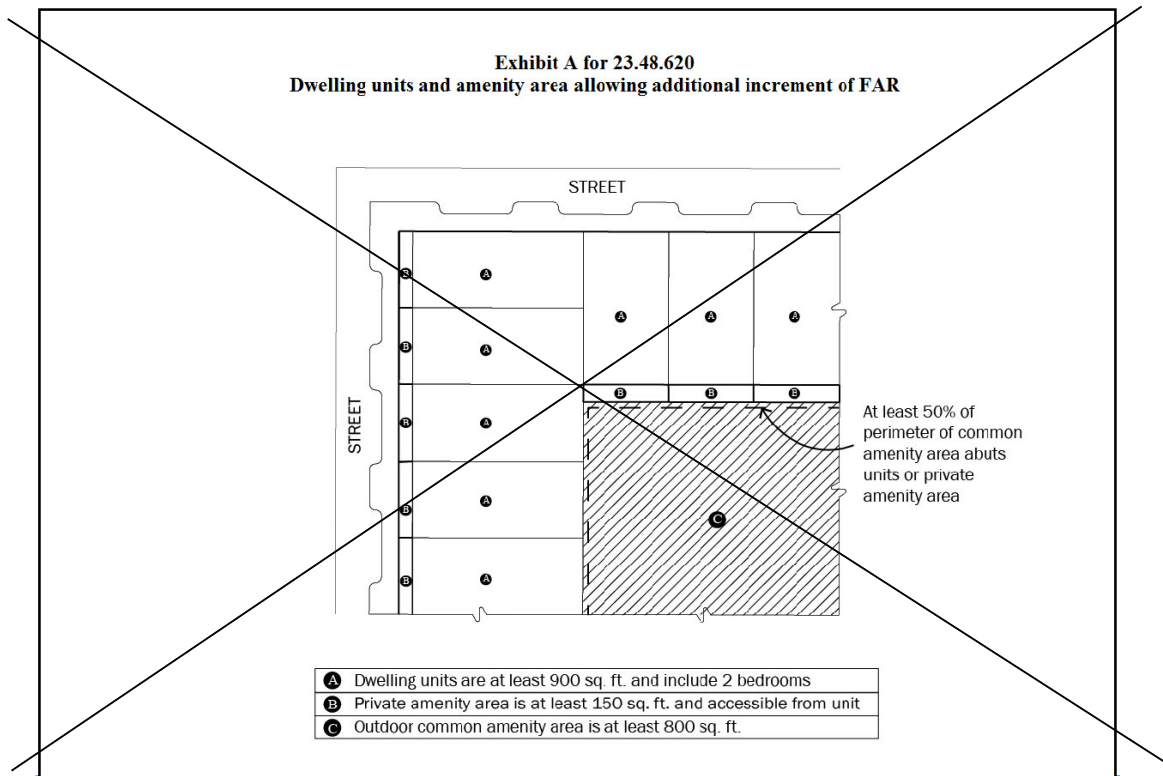
1 a. ~~Common amenity area. All units provided to meet the minimum number~~  
2 ~~of units required in subsection 23.48.620.D.1 shall have access to an outdoor common amenity~~  
3 ~~area that is located on the same story as the dwelling unit, is accessible only to the residents of~~  
4 ~~the building,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

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

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

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

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



14

1 Section 40. Subsections 23.48.640.A and 23.48.640.B of the Seattle Municipal Code,  
2 which section was enacted by Ordinance 125267, are amended as follows:

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

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

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

| <b>Table A for 23.48.640</b>  |   |
|---|---|
| <b>Required (<del>street-level</del>) setbacks in the SM-U 85, SM-U 75-240, and SM-U 95-320 zones</b> |   |
| <b>Street requiring setback from abutting street lot line ((:))</b>                                   | <b>Required setback measured from street lot line</b> |
| NE 42 <sup>nd</sup> Street  | 3 feet average  |
| NE 43 <sup>rd</sup> Street  | 3 feet average  |
| NE 45 <sup>th</sup> Street  | 8 feet minimum  |
| NE 50 <sup>th</sup> Street  | 5 feet minimum  |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14   \* \* \*

15                   Section 41. Subsection 23.48.645.E of the Seattle Municipal Code, which section was  
16 enacted by Ordinance 125267, is amended as follows:

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

18   \* \* \*

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





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

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

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

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

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

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

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

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

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

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

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

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

22 \* \* \*

1 Section 42. Section 23.48.722 of the Seattle Municipal Code, enacted by Ordinance  
2 125432, is amended as follows:

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

4 \* \* \*

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

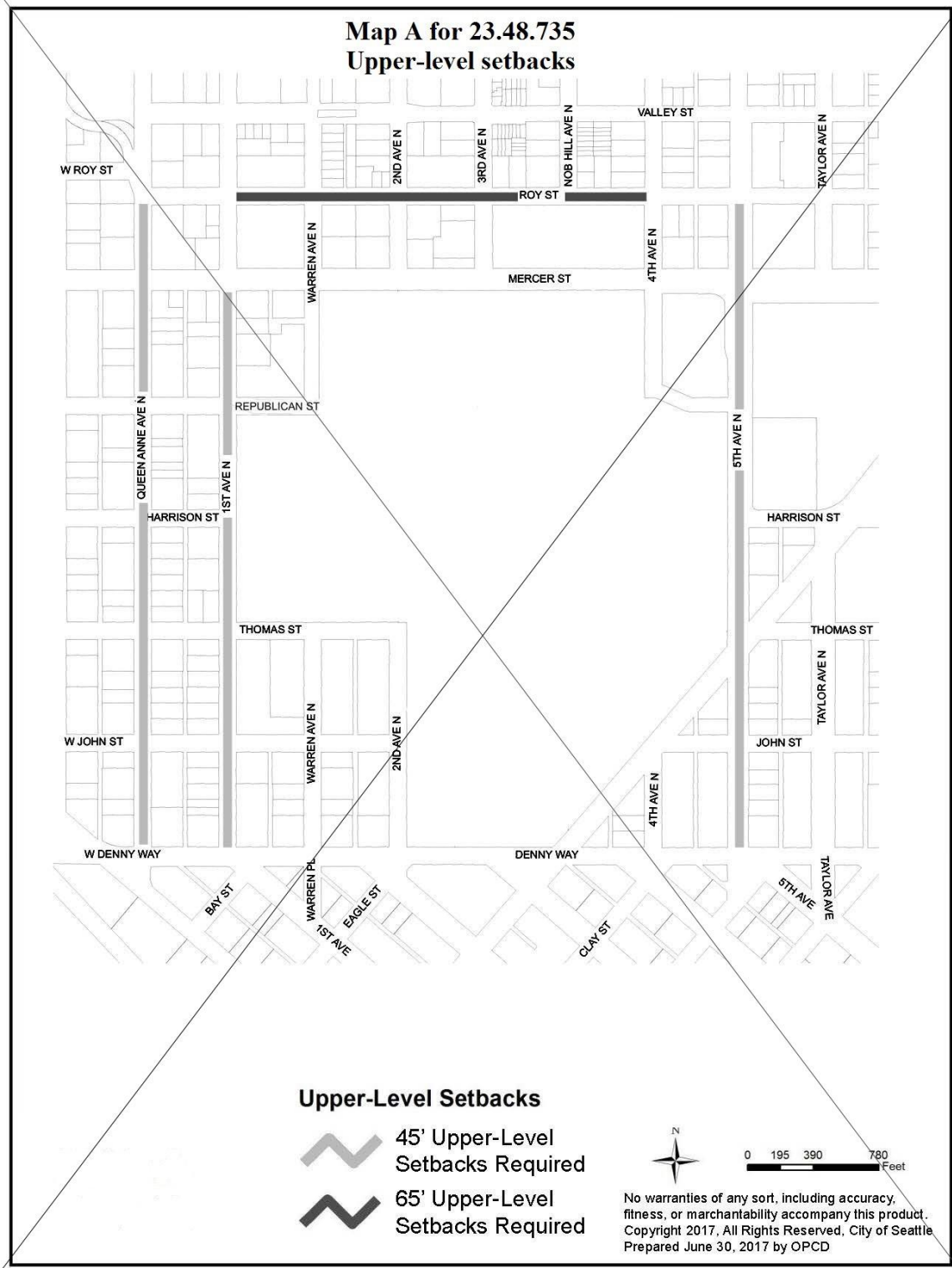
8 Section 43. Section 23.48.735 of the Seattle Municipal Code, enacted by Ordinance  
9 125432, is amended as follows:

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

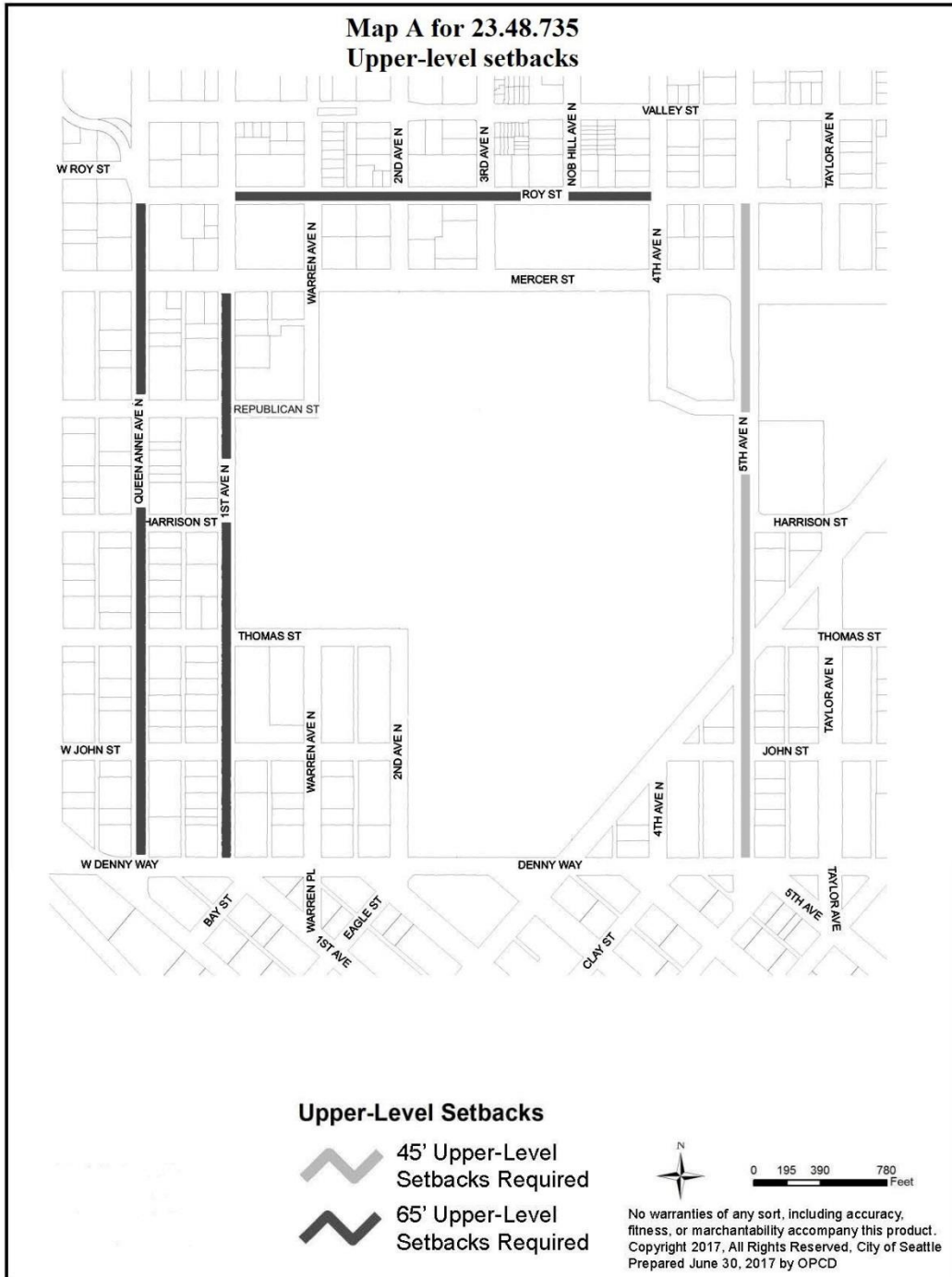
11 A. In all SM-UP zones, any portion of a structure greater than 45 feet in height or 65 feet  
12 in height must be set back from a lot line that abuts a designated street shown on Map A for  
13 23.48.735. A setback of an average of 10 feet from the lot line is required for any portion of a  
14 structure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

1  
2

### Map A for 23.48.735 Upper-level setbacks



3



1  
2

\* \* \*

1 Section 44. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance  
2 125374, is amended as follows:

3 **23.49.008 Structure height**

4 The following provisions regulating structure height apply to all property in Downtown zones  
5 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section  
6 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

7 A. Base and maximum height limits

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

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

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

1 height limit for portions of a structure in residential use is shown as the first figure following the  
2 “/”. The third figure shown is the maximum residential height limit. Except as stated in  
3 subsection 23.49.008.D, the base residential height limit is the applicable height limit for  
4 portions of a structure in residential use if the structure does not use the bonus available under  
5 Section 23.49.015, and the maximum residential height limit is the height limit for portions of a  
6 structure in residential use if the structure uses the bonus available under Section 23.49.015:

7 DOC1 Unlimited/450-unlimited

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

9 DMC 340/290-440

10 DMC 240/290-440.

11 \* \* \*

12 ~~((F.))~~ H. In the DOC2 500/300-550 zone, as a Type I decision, the Director may increase  
13 the maximum height for residential uses to 640 feet, allow up to 40,000 square feet of non-  
14 residential floor area to exceed the maximum height limit for non-residential uses up to 640 feet,  
15 or both, provided that:

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

18 2. The lot with the structure either:

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

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

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

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

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

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

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

12 6. For the purposes of this subsection (~~(23.49.008.F)~~) 23.49.008.H, a tower is  
13 “existing” if it meets the requirements of subsection 23.49.058.D.7.

14 Section 45. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance  
15 125374, is amended as follows:

16 **23.49.011 Floor area ratio**

17 \* \* \*

18 B. Exemptions and deductions from FAR calculations

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

21 \* \* \*

22 y. The floor area of required bicycle parking for small efficiency dwelling  
23 units or congregate residence sleeping rooms, if the bicycle parking is located within the



1 structure containing the small efficiency dwelling units or congregate residence sleeping rooms.

2 Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt  
3 from FAR limits.

4 \* \* \*

5 Section 46. Section 23.49.015 of the Seattle Municipal Code, last amended by Ordinance  
6 125272, is amended as follows:

7 **23.49.015 Bonus residential floor area in DOC1, DOC2, and DMC zones outside South**  
8 **Downtown for voluntary agreements for low-income housing and moderate-income**  
9 **housing**

10 \* \* \*

11 B. Voluntary agreements for housing

12 \* \* \*

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

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

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

1 c. Either:

2 1) ~~((the))~~ The Certificate of Occupancy for the new low-income  
3 housing or moderate income housing, or both, must be issued within three years of the date the  
4 Certificate of Occupancy is issued for the project using the bonus development, unless the  
5 Housing Director approves an extension based on delays that the applicant or housing developer  
6 could not reasonably have avoided, or

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

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

1 the applicant has the right to claim such housing for purposes of bonus development under this  
2 Section ((~~23.48.915~~)) 23.49.015 or any other bonus under this Title 23.

3 \* \* \*

4 Section 47. Section 23.49.023 of the Seattle Municipal Code, last amended by Ordinance  
5 125371, is amended as follows:

6 **23.49.023 Extra residential floor area and hotel floor area in South Downtown;**  
7 **transferable development potential (TDP); limits on TDP sending sites**

8 \* \* \*

9 D. Transferable Development Potential (TDP)

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

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

17 E. Limits on TDP sending sites

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

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

22 \* \* \*

1 Section 48. Section 23.49.032 of the Seattle Municipal Code, last amended by Ordinance  
2 122054, is amended as follows:

3 **23.49.032 Additions of chargeable floor area to lots with existing structures ((=))**

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

18 \* \* \*

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

1 Section 49. Section 23.49.106 of the Seattle Municipal Code, last amended by Ordinance  
2 122054, is amended as follows:

3 **23.49.106 Downtown Retail Core, street facade requirements(~~(-)~~)**

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

5 Minimum and maximum facade heights

6 Setback limits

7 Facade transparency

8 Blank facade limits

9 Screening of parking

10 Street trees.

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

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

15 B. Facade (~~((Setback Limits-))~~) setback limits

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

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

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

22 b. Between the elevations of (~~((fifteen-(15)))~~) 15 and (~~((thirty-five-(35)))~~) 35  
23 feet above sidewalk grade, the facade shall be located within (~~((two-(2)))~~) 2 feet of the street

1 property line, except that setbacks between the elevations of ~~((fifteen-15))~~ 15 and ~~((thirty-five~~  
2 ~~(35))~~) 35 feet above sidewalk grade at the property line shall be permitted according to the  
3 following standards (see Exhibit A for 23.49.106 ~~((A))~~):

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

5 ((f)) 2) The total area of the portion of the facade between the  
6 elevations of ~~((fifteen-15))~~ 15 feet and ~~((thirty-five-35))~~ 35 feet above sidewalk grade at the  
7 street property line that is set back more than ~~((two-2))~~ 2 feet from the street property line shall  
8 not exceed ~~((forty-40))~~ 40 percent of the total facade area between the elevations of ~~((fifteen~~  
9 ~~(15))~~) 15 feet and ~~((thirty-five-35))~~ 35 feet.

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

12 ((f)) 4) The facade of the structure shall return to within ~~((two-2))~~  
13 2 feet of the street property line between each setback area for a minimum of ~~((ten-10))~~ 10 feet.

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

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

19 C. Facade ~~((Transparency Requirements-))~~ transparency requirements

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

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

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

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

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

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

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

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

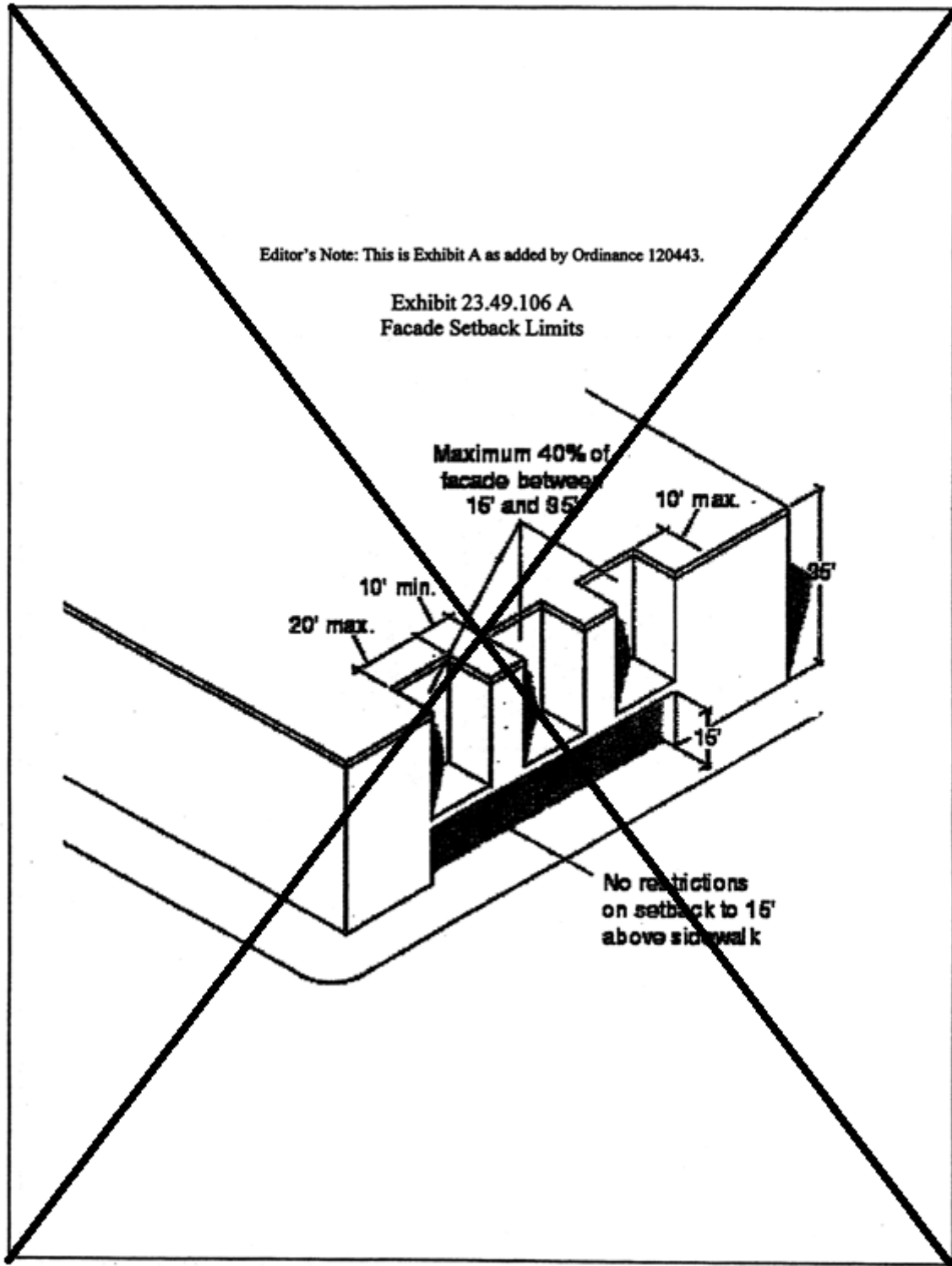
17                  5. The total of all blank facade segments, including garage doors, shall not exceed  
18 ~~((forty (40)))~~ 40 percent of the street facade of the structure on each street frontage.

19                   E. Reserved.

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

1  
2

**Exhibit A for 23.49.106**  
**Facade Setback Limits**

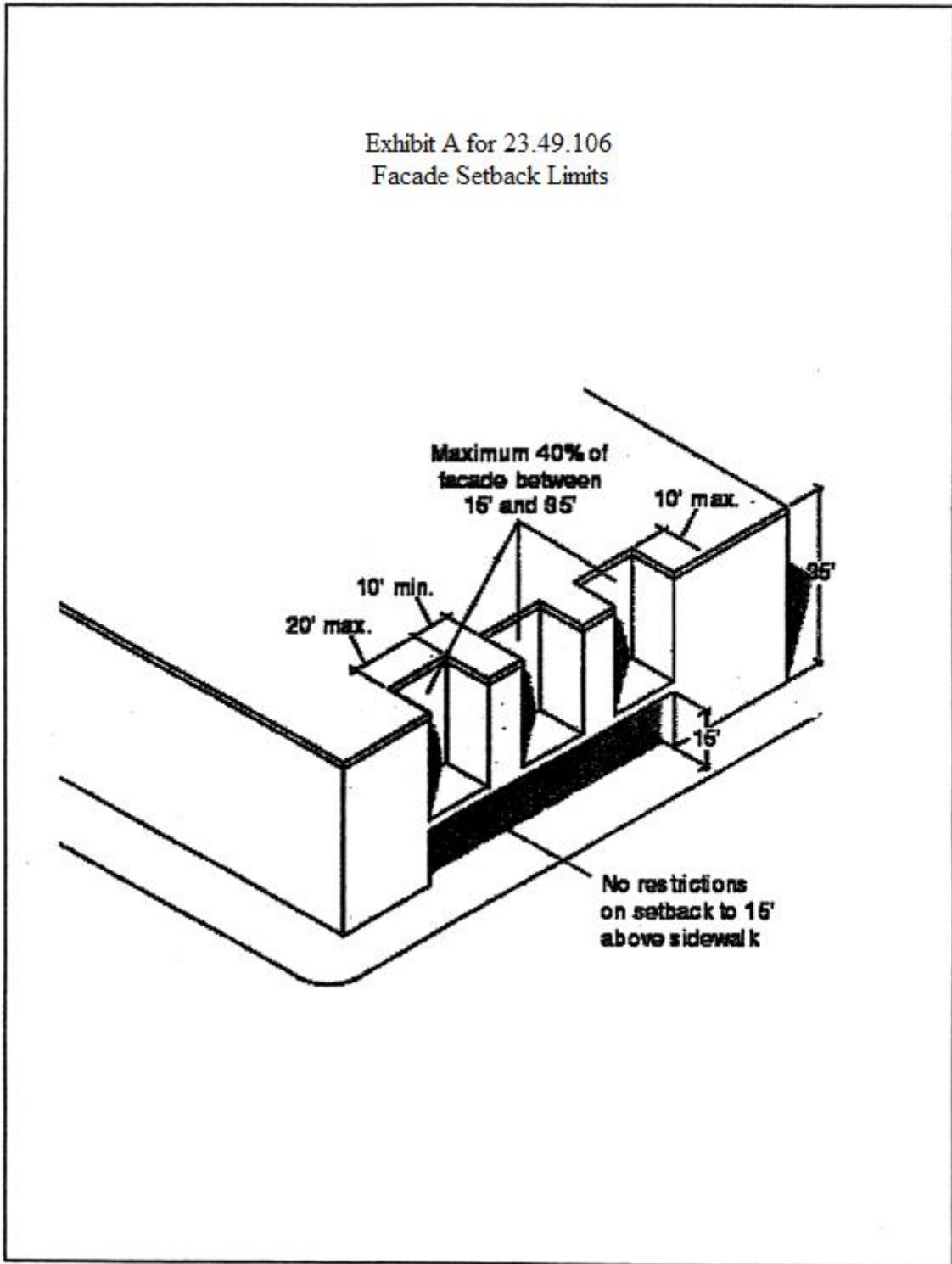


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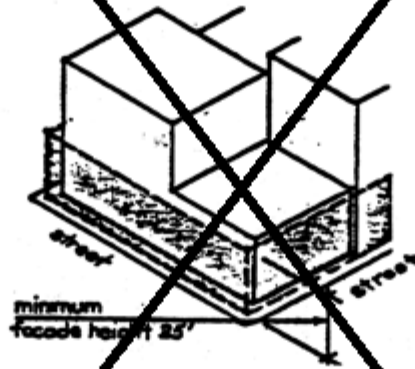
**((Exhibit 23.49.106A))**



2

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

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

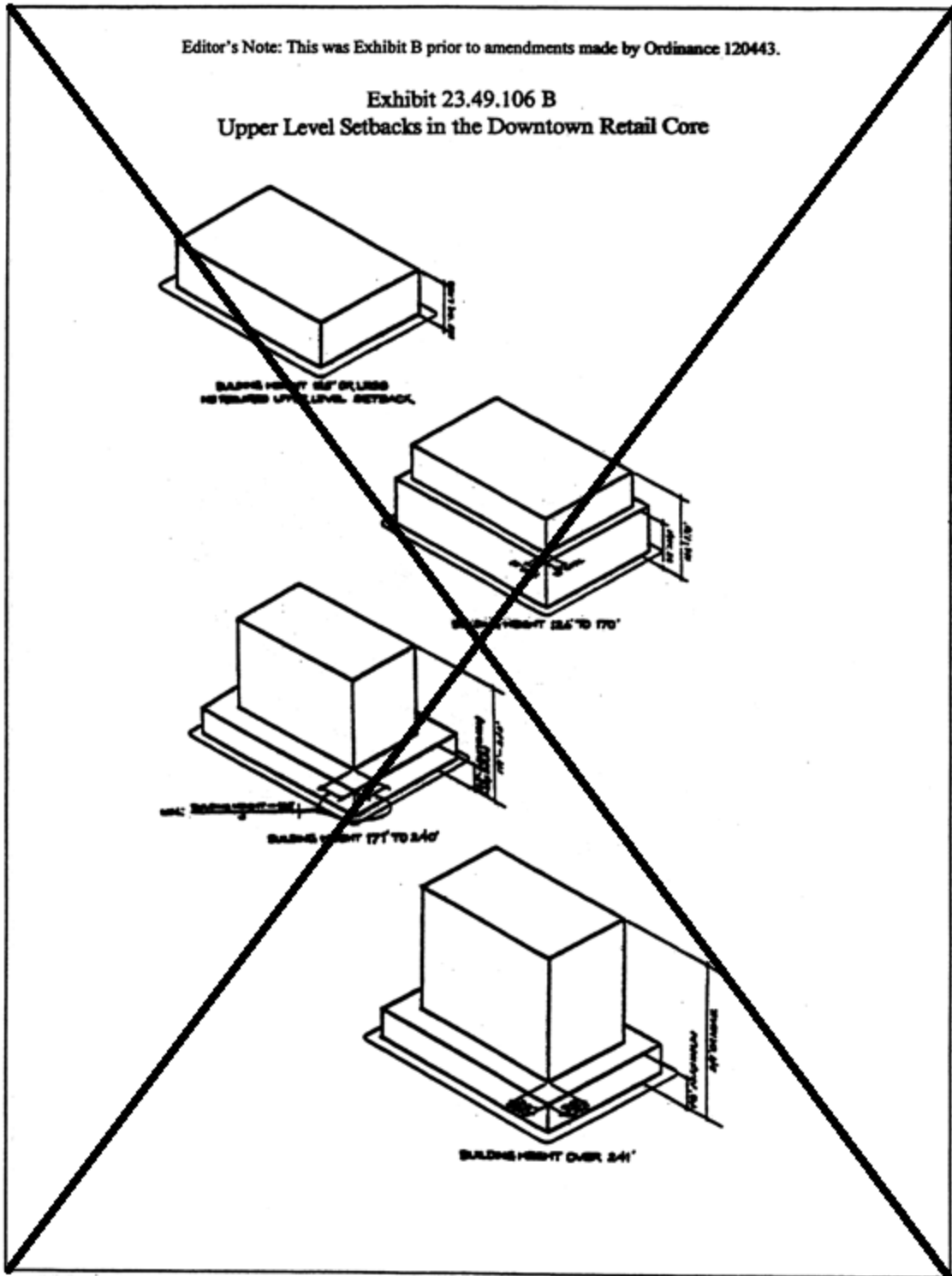


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*((Exhibit 23.49.106A (Old))*

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

**Exhibit 23.49.106 B**  
**Upper Level Setbacks in the Downtown Retail Core**

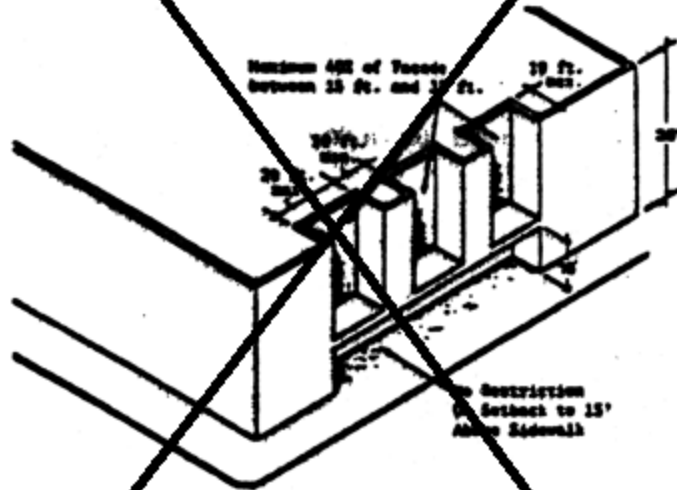


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*((Exhibit 23.49.106B))*

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

**Exhibit 23.49.106 C**  
**Exception to Maximum Setback Limits**



1  
2

**((Exhibit 23.49.106C))**

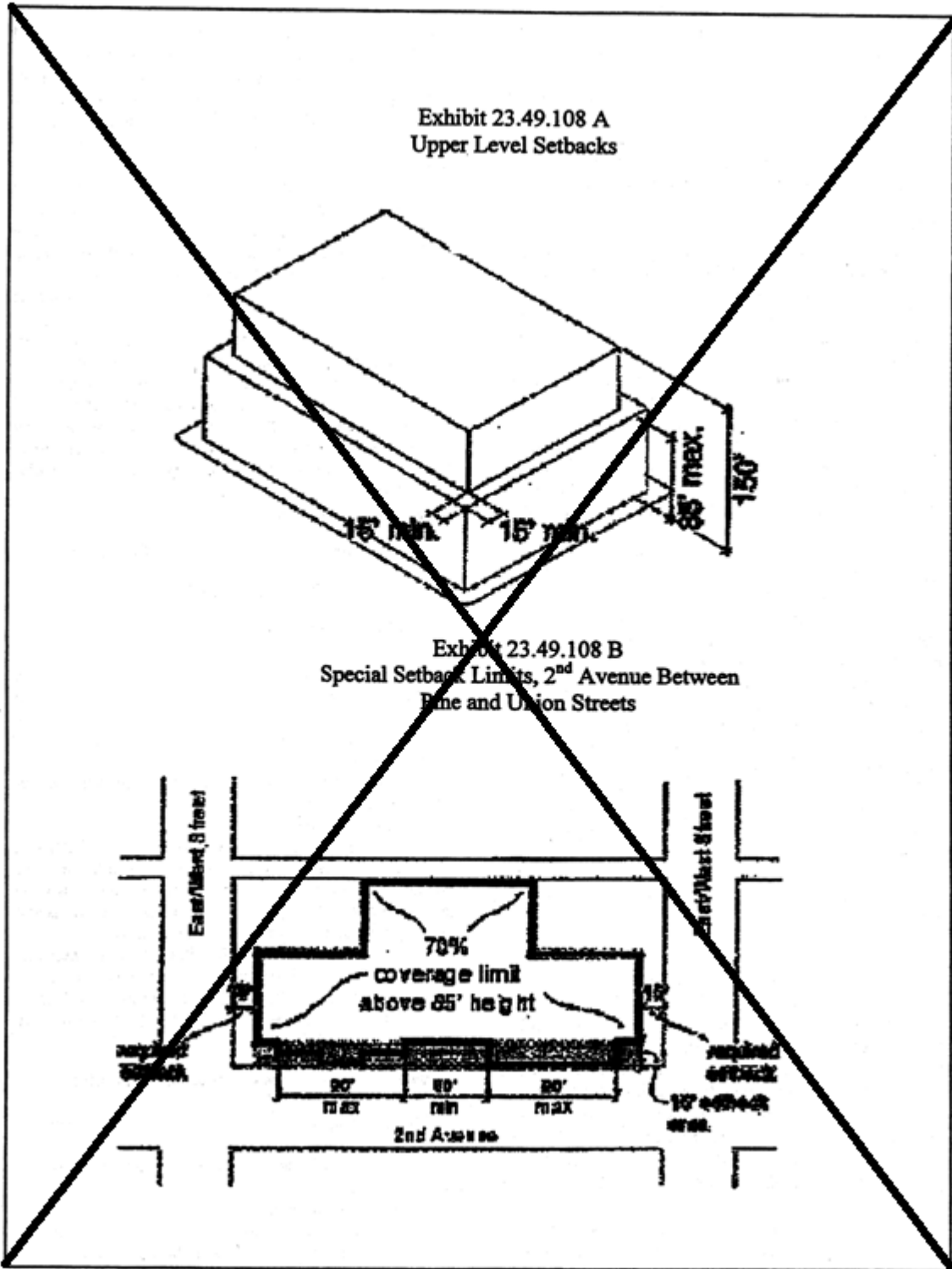
1           Section 50. Section 23.49.108 of the Seattle Municipal Code, last amended by Ordinance  
2 122054, is amended as follows:

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

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

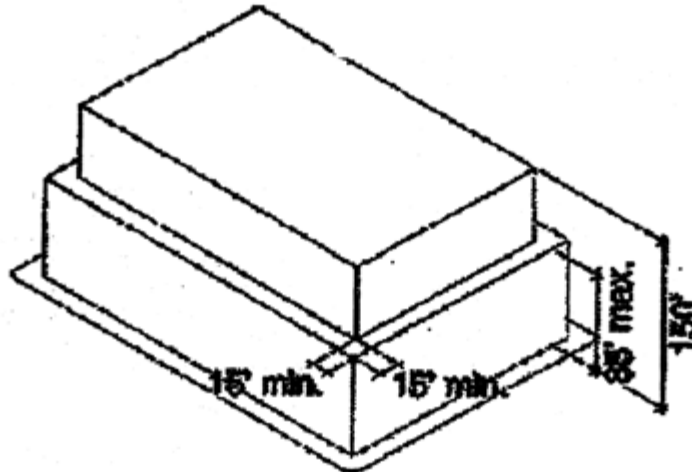
1  
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**Exhibit A for 23.49.108**  
**Upper Level Setbacks**



3

Exhibit A for 23.49.108  
Upper Level Setbacks



1  
2

((Exhibits 23.49.108A, 23.49.108B))

1 Section 51. Section 23.49.164 of the Seattle Municipal Code, last amended by Ordinance  
2 125371, is amended as follows:

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

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

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

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

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

15 \* \* \*



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

3   **23.50.014 Conditional uses**

4   \* \* \*

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

8   \* \* \*

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

12   a. Uses

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

18   b. Criteria

- 19   ((f)) 1) The lot is located so that large concentrations of people,  
20   particularly in residential and commercial areas, are not exposed to unreasonable adverse  
21   impacts;  
22   ((f)) 2) A management plan may be required. The Director may  
23   determine the level of detail to be disclosed in the plan based on the probable impacts and/or the

1 scale of the effects. Discussion of materials handling and storage, odor control, transportation,  
2 and other factors may be required;

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

6 ((~~4~~) 4) The nature of the materials produced and/or the scale of  
7 manufacturing operations may be limited in order to minimize the degree and severity of risks to  
8 public health and safety.

9 Section 53. Section 23.50.016 of the Seattle Municipal Code, last amended by Ordinance  
10 123589, is amended as follows:

11 **23.50.016 Landscaping standards on designated streets**

12 Uses located on streets that have been designated on the Industrial Streets Landscaping Plan Map  
13 (Map A for 23.50.016), shall provide landscaping as outlined in subsections 23.50.016.A and  
14 23.50.016.B.

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

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

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

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

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

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

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

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

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

18   ~~((3))~~ 4. Street trees ~~((shall not be required when))~~ are not required if a change of  
19 use is the only permit requested.

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

23   \* \* \*

1 Section 54. Section 23.50.029 of the Seattle Municipal Code, last amended by Ordinance  
2 121476, is repealed:

3 ~~((23.50.029 General Industrial 1 and 2—Setback requirements.~~

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

7 Section 55. Section 23.50.030 of the Seattle Municipal Code, last amended by Ordinance  
8 115326, is amended as follows:

9 **23.50.030 Industrial Buffer—Setback requirements ((=))**

10 \* \* \*

11 ~~((H. A setback may be required in order to meet the provisions of Section 23.53.015,~~  
12 ~~Improvement requirements for existing streets in residential and commercial zones, and Section~~  
13 ~~23.53.030, Alley improvements in all zones.))~~

14 Section 56. Section 23.50.032 of the Seattle Municipal Code, last amended by Ordinance  
15 121476, is amended as follows:

16 **23.50.032 Industrial Commercial—Setback requirements ((=))**

17 \* \* \*

18 ~~((D. A setback may be required in order to meet the provisions of Section 23.53.015,~~  
19 ~~Improvement requirements for existing streets in residential and commercial zones, and Section~~  
20 ~~23.53.030, Alley improvements in all zones.))~~

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

3 **23.51A.002 Public facilities in single family zones**

4 \* \* \*

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

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

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

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

22 b. The determination of feasibility may be the subject of a separate  
23 application for a Council land use decision prior to submission of an application for a project-

1 specific approval if the Director determines that the expansion or reconfiguration proposal is  
2 complex, involves the phasing of programmatic and project-specific decisions or affects more  
3 than one site in a single-family zone.

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

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

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

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

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

16 d. If a proposal or any portion of a proposal is also subject to a feasible  
17 ~~((or reasonable))~~ alternative location determination under Section 23.60A.066, the Plan  
18 Shoreline Permit application and the early determination application will be considered in one  
19 determination process.

20 \* \* \*

1 Section 58. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance  
2 125272, is amended as follows:

3 **23.53.015 Improvement requirements for existing streets in residential and commercial**  
4 **zones**

5 A. General requirements

6 \* \* \*

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

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

11 \* \* \*

12 B. Improvements to ~~((Arterial Streets))~~ arterial streets. Except as provided in Subsection  
13 23.53.015.D, arterials shall be improved according to the following requirements:

14 1. If a street is designated as an arterial ~~((on the Arterial street map, Section~~  
15 ~~11.18.010))~~ by the Seattle Department of Transportation, a paved roadway with a curb and  
16 pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any  
17 landscaping required by the zone in which the lot is located shall be provided in the portion of  
18 the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

19 2. If necessary to accommodate the right-of-way and roadway widths specified in  
20 the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing  
21 arterial street has less than the minimum right-of-way width established in subsection  
22 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the

1 current right-of-way width and the minimum right-of-way width established in subsection  
2 23.53.015.A.6 is required.

3 \* \* \*

4 Section 59. Section 23.53.030 of the Seattle Municipal Code, last amended by Ordinance  
5 125272, is amended as follows:

6 **23.53.030 Alley improvements in all zones**

7 \* \* \*

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

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

11 \* \* \*

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

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



1 lot shall be exempt from dedication requirements. The improvements required under subsection  
2 23.53.030.E.1 shall then be installed, depending on the type of project.

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

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

16 \* \* \*

17 Section 60. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance  
18 125558, is amended as follows:

19 **23.54.015 Required parking and maximum parking limits**

20 \* \* \*

| <b>Table B for 23.54.015<br/>Required Parking for Residential Uses</b> |                                 |
|--|---------------------------------|
| <b>Use</b>   | <b>Minimum parking required</b> |
| <b>I. General residential uses</b>                                     |                                 |
| A. Adult family homes  | 1 space for each dwelling unit  |

| <b>Table B for 23.54.015<br/>Required Parking for Residential Uses</b>             |  |  |
|--|--|--|
| B.   | Artist's studio/dwellings  | 1 space for each dwelling unit   |
| C.   | Assisted living facilities   | 1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space                                       |
| D.   | Caretaker's quarters   | 1 space for each dwelling unit   |
| E.   | Congregate residences  | 1 space for each 4 sleeping rooms  |
| F.   | Cottage housing developments   | 1 space for each dwelling unit   |
| G.   | Floating homes   | 1 space for each dwelling unit   |
| H.   | Mobile home parks  | 1 space for each mobile home lot as defined in Chapter 22.904  |
| I.   | Multifamily residential uses, except as otherwise provided in this Table B for 23.54.015 <sup>1</sup>  | 1 space for each dwelling unit, or 1 space for each 2 small efficiency dwelling units  |
| J.   | Nursing homes <sup>2</sup>   | 1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds   |
| K.   | Single-family dwelling units   | 1 space for each dwelling unit <sup>3</sup>  |
| <b>II. Residential use requirements for specific areas</b>                         |  |  |
| L.   | All residential uses within urban centers or within the Station Area Overlay District <sup>1</sup>   | No minimum requirement   |
| M.   | All residential uses in commercial and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within a frequent transit service area <sup>1, 4</sup> | No minimum requirement   |
| N.   | Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 <sup>1</sup>   | 1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus 0.25 spaces per bedroom for dwelling units with 3 or more bedrooms |
| O.   | Multifamily dwelling units, within the Alki area shown on Map B for 23.54.015 <sup>1</sup>   | 1.5 spaces for each dwelling unit  |
| <b>III. Multifamily residential use requirements with rent and income criteria</b> |  |  |
| P.   | For each dwelling unit rent and income-restricted at or below 80 percent of the median income <sup>1, 5</sup>  | No minimum requirement   |

**Table B for 23.54.015**  
**Required Parking for Residential Uses**

Footnotes to Table B for 23.54.015

<sup>1</sup>The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply if a use, structure, or development qualifies for a greater or a lesser amount of minimum parking, including no parking, under any other provision of this Section 23.54.015. If more than one such provision may apply, the provision requiring the least amount of minimum parking applies, except that if ~~((an applicable minimum parking requirement in Part II of Table B for 23.54.015 requires more parking than Part I, it shall be applicable and other minimum parking requirements in Part I of Table B shall not apply))~~ item O in Part II of this table applies, it shall supersede any other applicable requirement in Part I or Part II of this table. The minimum amount of parking prescribed by Part III of Table B for 23.54.015 applies to individual units within a use, structure, or development instead of any requirements in Parts I or II of Table B for 23.54.015.

<sup>2</sup>For development within single-family zones the Director may waive some or all of the minimum parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the minimum parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions are effective only as long as the conditions that justify the waiver are present. When the conditions are no longer present, the development shall provide the amount of minimum parking that otherwise is required.

<sup>3</sup>No parking is required for single-family residential uses on lots in any residential zone that are less than 3,000 square feet in size or less than 30 feet in width where access to parking is permitted through a required yard or setback abutting a street according to the standards of subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.

<sup>4</sup>Except as provided in Part III of Table B for 23.45.015, the minimum amounts of parking prescribed by Part 1 of Table B for 23.45.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.

<sup>5</sup>Dwelling units qualifying for parking reductions according to Part III of Table B for 23.54.015 shall be subject to a recorded restrictive housing covenant or recorded regulatory agreement that includes rent and income restrictions at or below 80 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions qualifying the development for parking reductions according to Part III of Table B for 23.54.015 shall be for a term of at least 15 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

1 Section 61. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance  
2 125272, is amended as follows:

3 **23.54.030 Parking space standards**

4 \* \* \*

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

9 1. Residential uses

10 a. Number of curb cuts

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

14 \* \* \*

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

18 \* \* \*

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

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

\* \* \*

Section 62. Section 23.61.014 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

**23.61.014 Nonconforming uses**

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

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

1. ((Henderson)) Rainier Beach;
2. Othello;
3. Columbia City; and
4. Mount Baker.

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

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

1 Section 63. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance  
2 124919, is amended as follows:

3 **23.66.030 Certificates of approval – Application, review, and appeals**

4 \* \* \*

5 B. Fees. The fees for certificates of approval shall be established in accordance with the  
6 requirements of ((SMC Chapter 22.901F)) Section 22.900G.010.

7 C. Application ((-))

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

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

- 16 a. Building name and building address;
- 17 b. Name of the business(es) located at the site of the proposed work;
- 18 c. Applicant’s name and address;
- 19 d. Building owner’s name and address;
- 20 e. Applicant’s telephone number;
- 21 f. The building owner’s signature on the application, or a signed letter  
22 from the owner designating the applicant as the owner’s representative, if the applicant is not the  
23 owner;

1 g. Confirmation that the fee required by ~~((SMC Chapter 22.901T of the~~  
2 ~~Permit Fee Subtitle))~~ Section 22.900G.010 has been paid;

3 h. A detailed description of the proposed work, including:

4 ((f)) 1) Any changes that will be made to the building or the site,

5 ((f))2) Any effect that the work would have on the public right-of-  
6 way or other public spaces,

7 ((f))3) Any new construction,

8 ((f))4) Any proposed use, change of use, or expansion of use;

9 i. Four ~~((4))~~ sets of scale drawings, with all dimensions shown, of:

10 ((f)) 1) A site plan of existing conditions, showing adjacent streets  
11 and buildings, and, if the proposal includes any work in the public right-of-way, the existing  
12 street uses, such as street trees and sidewalk displays, and another site plan showing proposed  
13 changes to the existing conditions,

14 ((f)) 2) A floor plan showing the existing features and a floor plan  
15 showing the proposed new features,

16 ((f)) 3) Elevations and sections of both the proposed new features  
17 and the existing features,

18 ((f)) 4) Construction details,

19 ((f)) 5) A landscape plan showing existing features and plantings,  
20 and another landscape plan showing proposed site features and plantings;

21 j. Photographs of any existing features that would be altered and  
22 photographs showing the context of those features, such as the building facade where they are  
23 located;

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

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

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

8 ((~~6~~) 2) Four ((~~4~~)) sets of a plan, photograph, or elevation drawing  
9 showing the location of the proposed awning, sign, or lighting,

10 ((~~6~~) 3) Four ((~~4~~)) copies of details showing the proposed method  
11 of attaching the new awning, sign, or lighting,

12 ((~~6~~) 4) The wattage and specifications of the proposed lighting,  
13 and a drawing or picture of the lighting fixture,

14 ((~~6~~) 5) One ((~~4~~)) sample of proposed sign colors or awning  
15 material and color,

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

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

20 ((~~6~~) 1) A statement of the reason(s) for demolition,

21 ((~~6~~) 2) A description of the replacement structure or object and the  
22 replacement use;



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

4 \* \* \*

5 Section 64. Section 23.66.332 of the Seattle Municipal Code, last amended by Ordinance  
6 123589, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9                   Section 65. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance  
10 123543, is amended as follows:

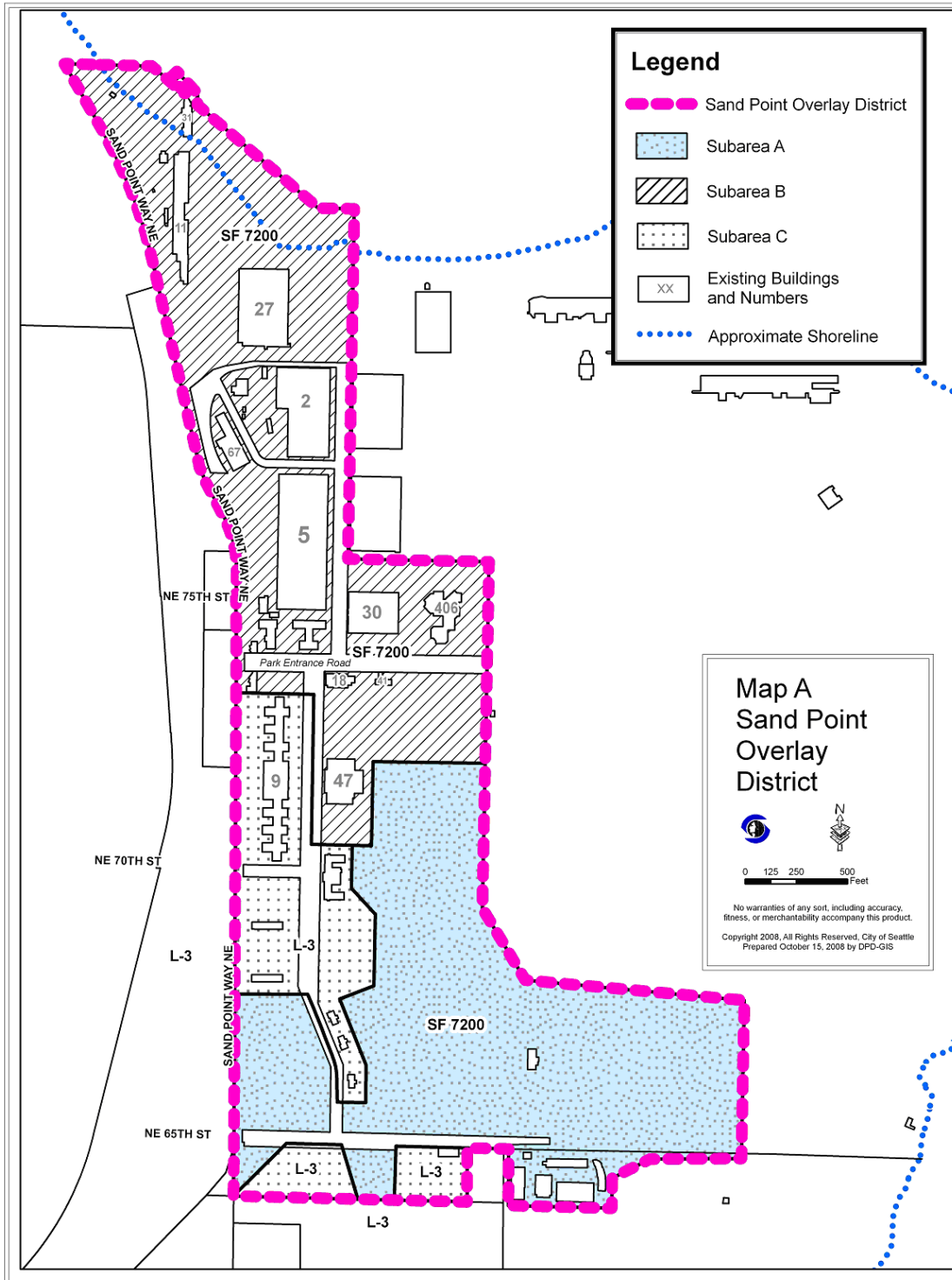
11 **23.72.004 Sand Point Overlay District established ((=))**

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

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

1

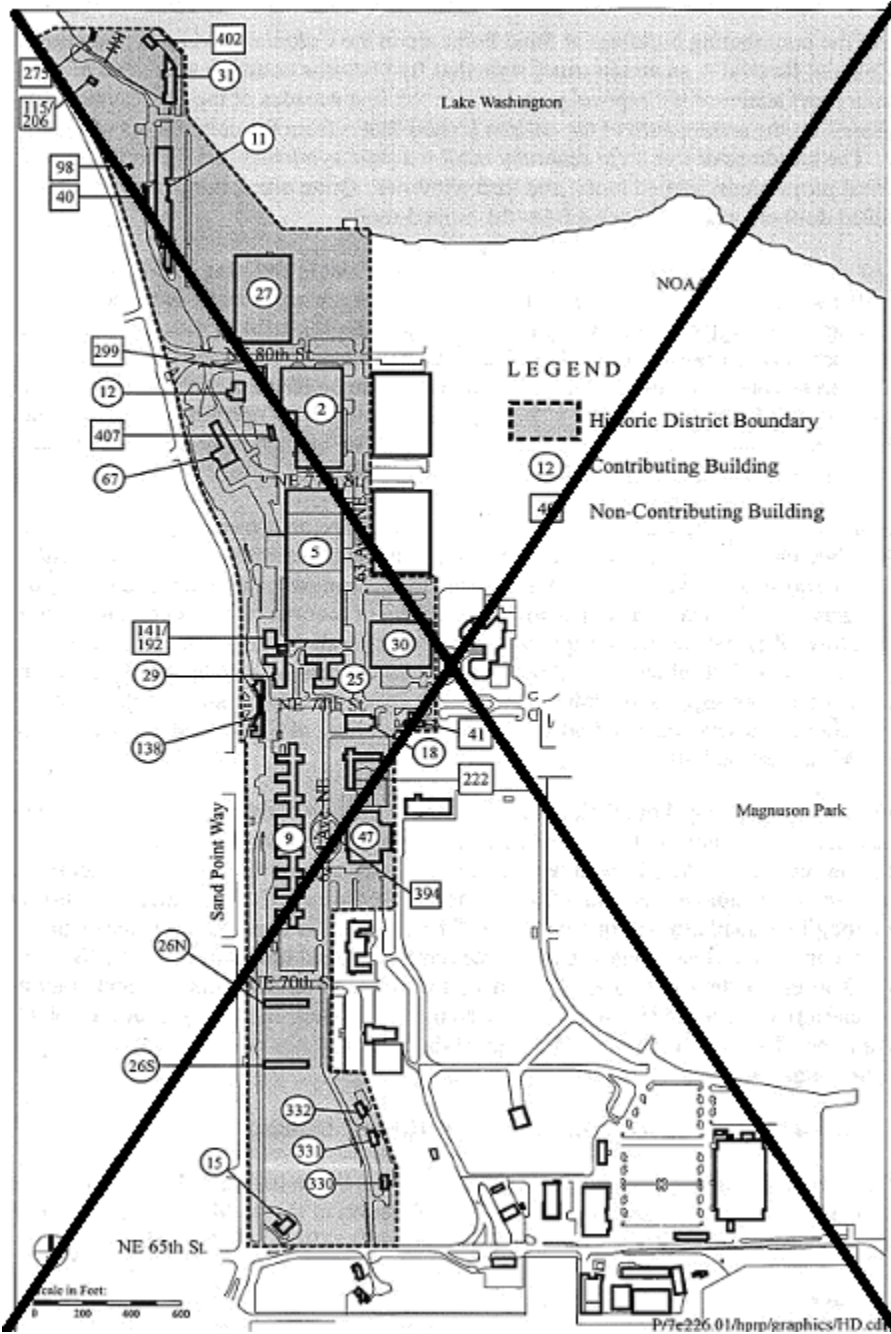
### Map A for 23.72.004—Sand Point Overlay District



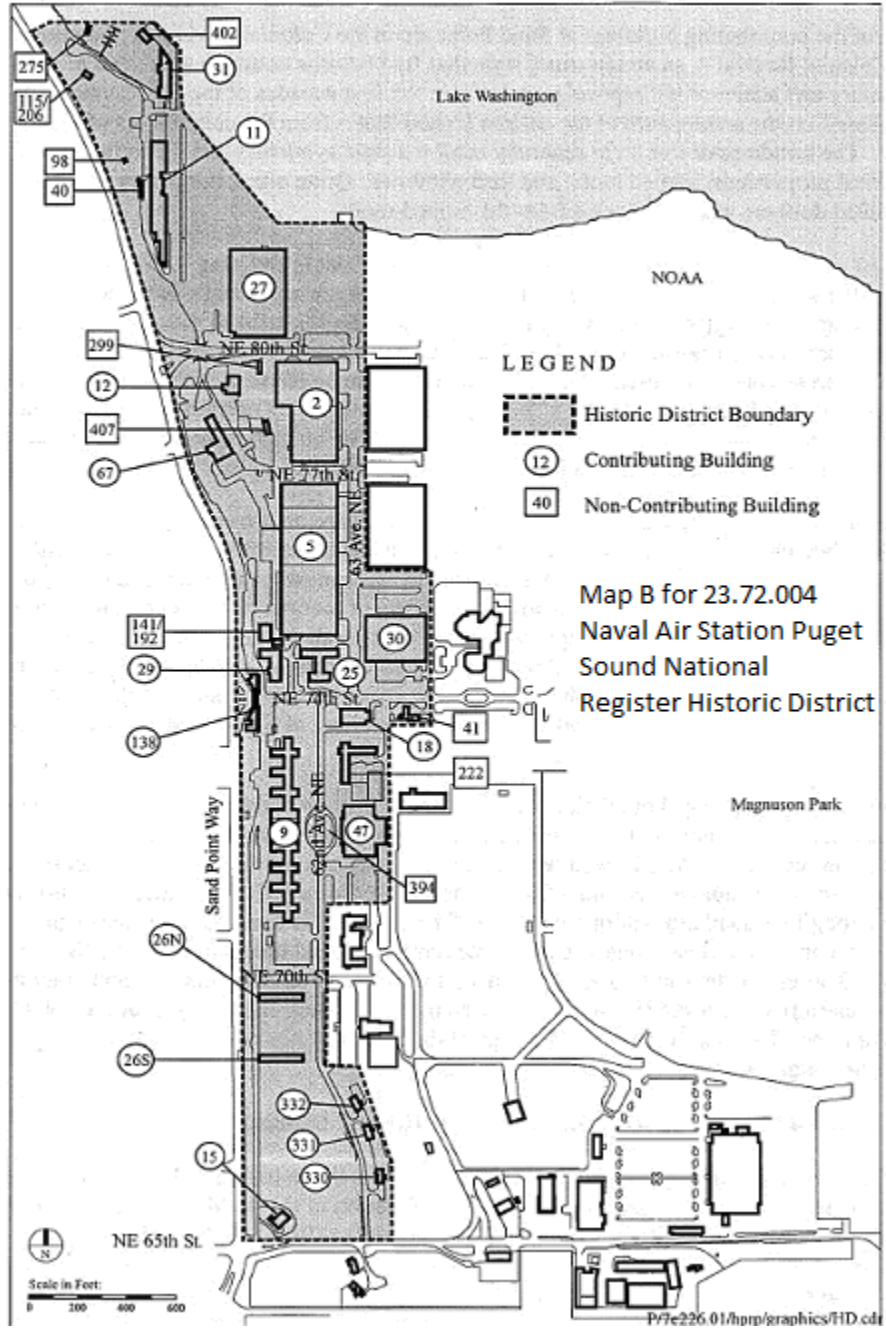
2

1  
2

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



3



1

1 Section 66. Section 23.73.024 of the Seattle Municipal Code, last amended by Ordinance  
2 124503, is amended as follows:

3 **23.73.024 Transfer of development potential**

4 \* \* \*

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

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

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

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

20 \* \* \*

1 Section 67. Section 23.75.085 of the Seattle Municipal Code, enacted by Ordinance  
2 123963, is amended as follows:

3 **23.75.085 Residential floor area limits; affordable housing incentive program**

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

6 \* \* \*

7 C. Residential floor area limits ((-))

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

11 a. The aggregate residential floor area limit is increased in stages, referred  
12 to as “tiers,” when affordable housing is provided in accordance with the terms of this Section  
13 23.75.085 in amounts sufficient to satisfy the conditions for the next tier according to Table A  
14 for 23.75.085.

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

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

22 d. After the maximum residential floor area allowed has been increased to  
23 Tier 4, no Master Use Permit for a development including residential floor area shall be issued



1 unless the development application includes a number of 80 percent of MI units equal to 4.5  
2 percent of the total number of dwelling units in the application that are not either replacement  
3 units or 60 percent of MI units.

4 **Table A for 23.75.085**  
5 **Maximum floor area limits for residential**  
6 **uses based on affordable housing production<sup>1</sup>**

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

Footnote to Table A for 23.75.085

<sup>1</sup>Housing existing as of January 1, 2012 does not count toward the affordable housing production conditions or the maximum residential floor area allowed.

7 2. In order to count toward the conditions to a higher tier under Table A for  
8 23.75.085, affordable housing shall be committed under recorded covenants or instruments,  
9 acceptable to the Director of Housing, to satisfy the following requirements:

10 a. Term. The affordable housing shall serve only income eligible  
11 households for replacement units, 60 percent of MI units, or 80 percent of MI units, as defined in

1 Section 23.75.020, for a minimum of ~~((fifty))~~ 50 years from the date when the affordable housing  
2 becomes available for occupancy as determined by the Director of Housing.

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

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

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

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

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

1 Housing is authorized to adopt, by rule, the method of determining affordability, including  
2 estimated monthly housing costs and requirements relating to down payment amount and  
3 homebuyer contributions.

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

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

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

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

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

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

1 d. Location. Affordable housing must be located within the Yesler Terrace  
2 redevelopment area. No more than ((140)) 190 of the replacement units shall be located east of  
3 Boren Avenue. A minimum of 50 replacement units shall be located in at least five of the eight  
4 blocks west of Boren Avenue. When provided within a development permitted under a single  
5 master use permit that includes dwelling units other than affordable housing, the affordable  
6 housing shall generally be distributed throughout the development.

7 \* \* \*

8 Section 68. Section 23.75.160 of the Seattle Municipal Code, enacted by Ordinance  
9 123963, is amended as follows:

10 **23.75.160 Landscaping, ((and)) street trees, and tree protection**

11 A. Landscaping requirements ((-))

12 1. Standards. All landscaping provided to meet requirements under this Section  
13 23.75.160 is required to meet standards promulgated by the Director to provide for the long-term  
14 health, viability, and coverage of plantings.

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

- 18 a. ((more)) More than four dwelling units built after January 1, 2012;  
19 b. ((more)) More than 4,000 square feet of nonresidential uses built after  
20 January 1, 2012; or  
21 c. ((more)) More than 20 automobile parking spaces built after January 1,  
22 2012.

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

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

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

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

18                   Section 69. Table A for 23.76.004 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 125558, is amended as follows:

20 **23.76.004 Land use decision framework**

21                   \* \* \*

| <b>Table A for 23.76.004<br/>LAND USE DECISION FRAMEWORK <sup>1</sup></b>  |  |
|--|--|
| <b>Director's and Hearing Examiner's Decisions Requiring Master Use Permits<br/>TYPE I<br/>Director's Decision</b> |  |
| (Administrative review through land use interpretation as allowed by Section 23.88.020 <sup>2</sup> )              |  |
| *  | Application of development standards for decisions not otherwise designated Type II, III, IV, or V   |
| *  | Uses permitted outright  |
| *  | Temporary uses, four weeks or less   |
| *  | Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments   |
| *  | Intermittent uses  |
| *  | Uses on vacant or underused lots pursuant to Section 23.42.038   |
| *  | Transitional encampment interim use  |
| *  | Certain street uses  |
| *  | Lot boundary adjustments   |
| *  | Modifications of features bonused under Title 24   |
| *  | Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation   |
| *  | Temporary uses for relocation of police and fire stations  |
| *  | Exemptions from right-of-way improvement requirements  |
| *  | Special accommodation  |
| *  | Reasonable accommodation   |
| *  | Minor amendment to a Major Phased Development permit   |
| *  | Determination of whether an amendment to a property use and development agreement is major or minor  |
| *  | Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested |
| *  | Shoreline special use approvals that are not part of a shoreline substantial development permit  |
| *  | Adjustments to major institution boundaries pursuant to subsection 23.69.023.B   |
| *  | Determination that a project is consistent with a planned action ordinance   |
| *  | Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance  |
| *  | Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection (( <del>23.49.008.F</del> ) 23.49.008.H  |
| *  | Minor revisions to an issued an unexpired MUP that was subject to design review  |
| *  | Building height increase for minor communication utilities in downtown zones   |
| *  | Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n  |
| *  | Other Type I decisions that are identified as such in the Land Use Code  |
| * * *  |  |

**Table A for 23.76.004**  
**LAND USE DECISION FRAMEWORK <sup>1</sup>**

Footnotes for Table A for 23.76.004

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

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

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

1 Section 70. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance  
2 125558, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 \* \* \*

5 B. The following decisions are Type I:

6 \* \* \*

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

9 \* \* \*

10 Section 71. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance  
11 125429, is amended as follows:

12 **23.76.012 Notice of application**

13 \* \* \*

14 B. Types of notice required

15 \* \* \*

1                   4. The Director shall provide mailed notice of:

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

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

12                   D. Comment period. The Director shall provide a 14 day public comment period prior to  
13 making a threshold determination of nonsignificance (DNS) or publishing a decision on the  
14 project; provided that the comment period shall be extended by 14 days if a written request for  
15 extension is submitted within the initial 14 day comment period; provided further that the  
16 comment period shall be 30 days for applications requiring shoreline decisions except that for  
17 limited utility extensions and bulkheads subject to Section ((~~23.60.065~~)) 23.60A.064, the  
18 comment period shall be 20 days as specified in Section ((~~23.60.065~~)) 23.60A.064. The comment  
19 period shall begin on the date notice is published in the Land Use Information Bulletin.  
20 Comments shall be filed with the Director by 5 p.m. of the last day of the comment period. If the  
21 last day of the comment period is a Saturday, Sunday, or federal or City holiday, the comment  
22 period shall run until 5 p.m. the next day that is not a Saturday, Sunday, or federal or City



1 holiday. Any comments received after the end of the official comment period may be considered  
2 if the comment is material to review yet to be conducted.

3 \* \* \*

4 Section 72. Section 23.76.022 of the Seattle Municipal Code, last amended by Ordinance  
5 125387, is amended as follows:

6 **23.76.022 Administrative reviews and appeals for Type I and Type II Master Use Permits**

7 \* \* \*

8 B. Shoreline Appeal Procedures. An appeal of the Director's decision to issue, condition,  
9 or deny a shoreline substantial development permit, shoreline variance, or shoreline conditional  
10 use as a part of a Master Use Permit shall be filed by the appellant with the Shorelines Hearings  
11 Board in accordance with the provisions of the Shoreline Management Act of 1971, (~~RCW~~  
12 ~~Chapter~~) chapter 90.58 RCW, and the rules established under its authority, (~~WAC~~) chapter  
13 173-27 WAC. An appeal of related environmental actions, including a Determination of  
14 Nonsignificance (DNS), determination that an EIS is adequate, and the decision to grant,  
15 condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to Section  
16 25.05.660, shall be consolidated in the appeal to the Shorelines Hearings Board. An appeal of a  
17 decision for limited utility extensions and bulkheads subject to Section (~~23.60.065~~) 23.60A.064  
18 shall be finally determined within 30 days as specified in that (~~section~~) Section 23.60A.064.

19 \* \* \*

1 Section 73. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance  
2 123913, is amended as follows:

3 **23.76.028 Type I and II Master Use Permit issuance**

4 \* \* \*

5 C. Type II Master Use Permits ((-))

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

11 2. A Type II Master Use Permit containing a shoreline component as defined in  
12 subsection 23.76.006.C.2.g is approved for issuance pursuant to Section 23.60A.072, except that  
13 a shoreline decision on limited utility extensions and bulkheads subject to Section ~~((23.60.065))~~  
14 23.60A.064 is approved for issuance within 21 days of the last day of the comment period as  
15 specified in that ~~((s))~~Section 23.60A.064.

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

18 \* \* \*

19 Section 74. Section 23.76.034 of the Seattle Municipal Code, last amended by Ordinance  
20 123913, is amended as follows:

21 **23.76.034 Suspension and revocation of Master Use Permits**

22 \* \* \*



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

5 \* \* \*

6 Section 77. Section 23.84A.032 of the Seattle Municipal Code, last amended by  
7 Ordinance 125272, is amended as follows:

8 **23.84A.032 “R”**

9 \* \* \*

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

11 \* \* \*

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

14 a. ~~((each))~~ Each dwelling unit occupies space from the ground to the roof of the  
15 structure in which it is located;

16 b. ~~((no))~~ No portion of a dwelling unit occupies space above or below another  
17 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units  
18 constructed over a shared parking garage; and

19 c. ~~((each))~~ Each dwelling unit is attached along at least one common wall to at  
20 least one other dwelling unit ~~((or live-work unit))~~, with habitable interior space on both sides of  
21 the common wall, or abuts another dwelling unit ~~((or live-work unit))~~ on a common lot line.

22 \* \* \*

1 “Right-of-Way Improvements Manual”, also referred to informally as “Streets  
2 Illustrated”, ((means)) is a set of detailed standards and design guidance for street, alley, and  
3 easement construction, adopted by ((a joint)) Administrative Rule of the Seattle Department of  
4 Transportation ((and the Seattle Department of Construction and Inspections)).

5 \* \* \*

6 Section 78. Section 23.84A.046 of the Seattle Municipal Code, last amended by  
7 Ordinance 124610, is amended as follows:

8 **23.84A.046 “Y”**

9 “Yard.” See “Yard, front,” “Yard, side” and “Yard, rear.”

10 “Yard, front” means an area from the ground upward between the side lot lines of a lot,  
11 extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal  
12 depth of which is specified for each zone. The front yard includes all portions of the lot that are  
13 within the specified distance from the street along which the front lot line extends, even if  
14 separated from the street by an intervening lot. In the case of an irregularly-shaped lot, the front  
15 yard shall be a portion of the property as determined according to ~~((sub))~~Section 23.86.010~~((B))~~.

16 \* \* \*

17 Section 79. Section 23.86.002 of the Seattle Municipal Code, last amended by Ordinance  
18 124803, is amended as follows:

19 **23.86.002 General provisions**

20 A. For all calculations, the applicant shall be responsible for supplying drawings  
21 illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient  
22 detail to allow verification upon inspection or examination by the Director.

1           B. Fractions ((:))

2                   1. ((When)) Unless otherwise indicated, if any measurement technique for  
3 determining the number of items required or allowed, including but not limited to motor vehicle  
4 parking, ((or bicycle spaces,)) or required trees or shrubs, results in fractional requirements, any  
5 fraction up to and including 0.5 of the applicable unit of measurement shall be disregarded and  
6 fractions over 0.5 shall require the next higher full unit of measurement.

7                   2. ((When)) If any measurement technique for determining required minimum or  
8 allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage,  
9 open space, building depth, parking space size or curb cut width, results in fractional  
10 requirements, the dimension shall be measured to the nearest inch. Any fraction up to and  
11 including 0.5 of an inch shall be disregarded and fractions over 0.5 of an inch shall require the  
12 next higher unit.

13                   3. Except within Lowrise multi-family zones, if density calculations result in a  
14 fraction of a unit, any fraction up to and including 0.5 constitutes zero additional units, and any  
15 fraction over 0.5 constitutes one additional unit. Within Lowrise multi-family zones, the effect of  
16 a density calculation that results in a fraction of a unit is as described in Table A for 23.45.512.  
17 This provision may not be applied to density calculations that result in a quotient less than one.

18           C. Where the location of a lot line varies depending on elevation, such as partial right-of-  
19 way vacations and dedications that include below-grade areas but exclude the area at ground  
20 level, development standards that rely on lot lines shall be based on the location of lot lines at  
21 grade.

1 Section 80. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance  
2 125272, is amended as follows:

3 **23.86.006 Structure height measurement**

4 \* \* \*

5 E. Height measurement techniques in downtown zones and in the South Lake Union  
6 Urban Center

7 1. Determine the major street lot line, which shall be the lot's longest street lot  
8 line. When the lot has two or more street lot lines of equal length, the applicant shall choose the  
9 major street lot line.

10 2. Determine the slope of the lot along the entire length of the major street lot line.

11 3. The maximum height shall be measured as follows:

12 a. When the slope of the major street lot line is less than or equal to 7.5  
13 percent, the elevation of maximum height shall be determined by adding the maximum permitted  
14 height to the existing grade elevation at the midpoint of the major street lot line. On a through-  
15 lot, the elevation of maximum height shall apply only to the half of the lot nearest the major  
16 street lot line. On the other half of a through-lot, the elevation of maximum height shall be  
17 determined by the above method using the street lot line opposite and parallel to the major street  
18 lot line as depicted in Exhibit B for 23.86.006.

19 b. When the slope of the major street lot line exceeds 7.5 percent, the  
20 major street lot line shall be divided into four or fewer equal segments no longer than 120 feet in  
21 length. The elevation of maximum height shall be determined by adding the maximum permitted  
22 height to the existing grade elevation at the midpoint of each segment. On a through-lot, the  
23 elevation of maximum height shall apply only to the half of the lot nearest the major street lot

1 line. On the other half of a through-lot, the elevation of maximum height shall be determined by  
2 the above method using the street lot line opposite and parallel to the major street lot line, as  
3 depicted in Exhibit C for 23.86.006.

4 c. For lots with more than one street frontage, where there is no street lot  
5 line that is essentially parallel to the major street lot line, when a measurement has been made for  
6 the portion of the block containing the major street lot line, the next measurement shall be taken  
7 from the ~~((longest))~~ remaining street lot line that is opposite and most distant from the major  
8 street lot line.

9 \* \* \*

10 Section 81. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance  
11 125272, is amended as follows:

12 **23.86.007 Gross floor area and floor area ratio (FAR) measurement**

13 B. Pursuant to subsections 23.45.510.E((;)) and 23.47A.013.D((;)) and ~~((23.48.009.D))~~  
14 Section 23.48.020, for certain structures in multifamily, commercial, and Seattle Mixed zones,  
15 portions of a story that extend no more than 4 feet above existing or finished grade, whichever is  
16 lower, are exempt from calculation of gross floor area. The exempt gross floor area of such  
17 partially below-grade stories is measured as follows:

18 1. ~~((determine))~~ Determine the elevation 4 feet below the ceiling of the partially  
19 below-grade story, or 4 feet below the roof surface if there is no next floor above the partially  
20 below-grade story;

21 2. ~~((determine))~~ Determine the points along the exterior wall of the story where  
22 the elevation determined in subsection 23.86.007.B.1 above intersects the abutting corresponding  
23 existing or finished grade elevation, whichever is lower;



1 3. ~~((draw))~~ Draw a straight line across the story connecting the two points on the  
2 exterior walls;

3 4. ~~((the))~~ The gross floor area of the partially below-grade story or portion of a  
4 partially below-grade story is the area of the story that is at or below the straight line drawn in  
5 subsection 23.86.007.B.3 above, excluding openings required by the Building Code for egress.  
6 (See Exhibit B for 23.86.007).

7 \* \* \*

8 D. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of  
9 the lot located in that zone, except that if the sole difference between the zoning designations for  
10 portions of a lot is the base FAR, allowable floor area based on the calculations for the separate  
11 portions of the lot may be provided anywhere on the lot.

12 \* \* \*

13 Section 82. Section 23.86.032 of the Seattle Municipal Code, enacted by Ordinance  
14 112303, is amended as follows:

15 **23.86.032 Gross floor area in residential, commercial, or other non-residential use ((-))**

16 A. When a requirement is based on the percentage of a structure's gross floor area which  
17 is in residential use, residential area shall include the following:

18 ~~((A))~~ 1. The gross floor area of all floors or portions of floors of a structure  
19 ~~((which))~~ that are devoted entirely to residential use, except as otherwise provided in this Section  
20 23.86.032;

21 ~~((B))~~ 2. For required amenity area and open space, accessory parking areas,  
22 storage areas, and mechanical rooms are excluded from the calculation of gross floor area in  
23 residential use;

1                   3. The prorated portion share of a structure’s common areas in the same  
2 proportion as the residential use to ~~((other))~~ commercial or other non-residential uses occupying  
3 the structure.

4                   B. When a requirement is based on the percentage of a structure’s gross floor area which  
5 is in commercial or other non-residential use, commercial or other non-residential use area shall  
6 include the prorated portion share of a structure’s common areas in the same proportion as the  
7 non-residential or commercial use to residential uses occupying the structure.

8                   Section 83. Section 25.05.030 of the Seattle Municipal Code, last amended by Ordinance  
9 114057, is amended as follows:

10 **25.05.030 Policy ((-))**

11                   A. The policies and goals set forth in SEPA are supplementary to existing agency  
12 authority.

13                   B. Agencies shall to the fullest extent possible:

14                   1. Interpret and administer the policies, regulations, and laws of the state of  
15 Washington in accordance with the policies set forth in SEPA and these rules;

16                   2. Find ways to make the SEPA process more useful to ~~((decisionmakers))~~  
17 decision makers and the public; promote certainty regarding the requirements of the act; reduce  
18 paperwork and the accumulation of extraneous background data; and emphasize important  
19 environmental impacts and alternatives;

20                   \* \* \*

1 Section 84. Section 25.05.610 of the Seattle Municipal Code, last amended by Ordinance  
2 124843, is amended as follows:

3 **25.05.610 Use of NEPA documents**

4 A. An agency may adopt any environmental analysis prepared under the National  
5 Environmental Policy Act (NEPA) by following Sections 25.05.600 ~~((when to use existing  
6 environmental documents))~~ and ~~((Section))~~ 25.05.630 ~~((adoption procedures))~~.

7 B. A NEPA environmental assessment (EA) or documented categorical exclusion may be  
8 adopted to support a determination of nonsignificance instead of preparing an environmental  
9 checklist, if the requirements of Sections 25.05.340, 25.05.600, and 25.05.630 (and Sections  
10 25.05.350, and 25.05.355 as applicable), are met and elements of the environment in Section  
11 25.05.444 are adequately addressed.

12 C. An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

13 1. The requirements of Sections 25.05.360, 25.05.600, and 25.05.630 are met (in  
14 which case the procedures in Subchapters III, IV, and V of these rules for preparing an EIS shall  
15 not apply); and

16 2. The federal ~~((EA or))~~ EIS is not found inadequate:

17 a. By a court;

18 b. By the Council on Environmental Quality (CEQ) (or is at issue in a  
19 predecision referral to CEQ) under the NEPA regulations; or

20 c. By the administrator of the United States Environmental Protection  
21 Agency under Section 309 of the Clean Air Act, 42 U.S.C. ~~((1857))~~ 7609.

22 \* \* \*

1 Section 85. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance  
2 125432, is amended as follows:

3 **25.05.800 Categorical exemptions**

4 The proposed actions contained in this Section 25.05.800 are categorically exempt from  
5 threshold determination and environmental impact statement requirements, subject to the rules  
6 and limitations on categorical exemptions contained in Section 25.05.305.

7 \* \* \*

8 B. Other minor new construction

9 1. The exemptions in this subsection 25.05.800.B apply to all licenses required to  
10 undertake the following types of proposals except when the project:

11 a. Is undertaken wholly or partly on lands covered by water;

12 b. Requires a license governing discharges to water that is not exempt  
13 under RCW 43.21C.0383;

14 c. Requires a license governing emissions to air that is not exempt under  
15 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

16 d. Requires a land use decision that is not exempt under subsection  
17 25.05.800.F.

18 2. The construction or designation of bus stops, loading zones, shelters, access  
19 facilities, ~~((and))~~ pull-out lanes for taxicabs, transit, and school vehicles, and designation of  
20 transit only lanes;

21 3. The construction ~~((and/or))~~ or installation of commercial on-premises signs,  
22 and public signs and signals, including those for traffic control and wayfinding;

1                   4. The construction or installation of minor road and street improvements by any  
2 agency or private party that include the following:

3                   a. Safety structures and equipment: Such as pavement marking, adding or  
4 removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle  
5 traffic or volume, freeway surveillance and control systems, railroad protective devices (not  
6 including grade-separated crossings), grooving, glare screen, safety barriers, or energy  
7 attenuators;

8                   b. Transportation corridor landscaping (including the application of state  
9 of Washington approved herbicides by licensed personnel for right-of-way weed control as long  
10 as this is not within watersheds controlled for the purpose of drinking water quality (~~in~~  
11 ~~accordance with WAC 248-54-660~~));

12                   c. Temporary traffic controls and detours;

13                   d. Correction of substandard curves and intersections within existing  
14 rights-of-way or widening of a highway by less than a single lane width where capacity is not  
15 significantly increased and no new right-of-way is required;

16                   e. Adding auxiliary lanes for localized purposes (e.g. weaving, climbing,  
17 and speed change), where capacity is not significantly increased and no new right-of-way is  
18 required;

19                   f. Channelization (~~and~~) , rechannelization, elimination of sight  
20 restrictions at intersections, street lighting, guard rails, and barricade installation;

21                   g. Installation of catchbasins and culverts for the purposes of road and  
22 street improvements;

1                           h. Reconstruction of existing roadbed (existing curb-to-curb in urban  
2 locations), including adding or widening of shoulders where capacity is not increased and no  
3 new right-of-way is required;

4                           i. Addition of bicycle lanes, paths and facilities, and pedestrian walks and  
5 paths including sidewalk extensions, but not including additional automobile lanes;

6                           5. Grading, excavating, filling, septic tank installations, and landscaping  
7 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B, as  
8 well as fencing and the construction of small structures and minor accessory facilities;

9                           6. Additions or modifications to or replacement of any building or facility  
10 exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or  
11 replacement will not change the character of the building or facility in a way that would remove  
12 it from an exempt class<sup>1</sup>;

13                          7. The demolition of any structure or facility, the construction of which would be  
14 exempted by subsections 25.05.800.A and 25.05.800.B, except for structures or facilities with  
15 recognized historical significance such as listing in a historic register<sup>1</sup>;

16                          8. The installation or removal of impervious underground or above-ground tanks,  
17 having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On  
18 agricultural and industrial lands, the installation or removal of impervious underground or above-  
19 ground tanks, having a total capacity of 60,000 gallons or less;

20                          9. The vacation of streets or roads, converting public right-of-way, and other  
21 changes in motor vehicle access;

22                          10. The installation of hydrological measuring devices, regardless of whether or  
23 not on lands covered by water;

1 11. The installation of any property, boundary, or survey marker, other than  
 2 fences, regardless of whether or not on lands covered by water;

3 12. The installation of accessory solar energy generation equipment on or attached  
 4 to existing structures and facilities whereby the existing footprint and size of the building is not  
 5 increased.

6 <sup>1</sup>Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve  
 7 structures that exceed the following thresholds and that appear to meet criteria set forth in  
 8 Chapter 25.12 for Landmark designation are subject to referral to the Department of  
 9 Neighborhoods pursuant to Section 25.12.370:

| <b>Table A for Footnote (1) for<br/>25.05.800.B.6 and ((<del>25.05.800.B.6</del>) 25.05.800.B.7</b> |   |
|---|---|
| <b>Zone</b>   | <b>Residential uses<br/>Permit applications for additions, modifications, demolition, or<br/>replacement of structures with more than the following number<br/>of dwelling units are referred to DON for landmark review:</b> |
| SF, RSL, LR1, NC1, NC2,<br>NC3, C1, C2, and<br>Industrial zones                                     | 4   |
| LR2   | 6   |
| LR3   | 8   |
| MR, HR, SM-SLU, SM-D,<br>SM-NR, SM-U, SM-UP,<br>and Downtown zones                                  | 20  |

| <b>Table B for Footnote (1) for<br/>25.05.800.B.6 and 25.05.800.B.7</b> |   |
|---|---|
| <b>Zone</b>   | <b>Non-residential uses<br/>Permit applications for additions, modifications, demolition, or<br/>replacement of structures with more than the following square<br/>footage amounts referred to DON for landmark review:</b> |
| C1, C2, SM-SLU, SM-D,<br>SM-NR, SM-U, SM-UP,<br>and Industrial zones    | 12,000  |
| All other zones   | 4,000   |

11 \* \* \*

12 X. Utilities. The utility-related actions listed below shall be exempt, except for  
 13 installation, construction, or alteration on lands covered by water. The exemption includes

1 installation and construction, relocation when required by other governmental bodies, repair,  
2 replacement, maintenance, operation, or alteration that does not change the action from an  
3 exempt class:

4 1. All communications lines, including cable TV, but not including  
5 communication towers or relay stations;

6 2. All stormwater, water and sewer facilities, lines, equipment, hookups or  
7 appurtenances including, utilizing or related to lines 12 inches or less in diameter;

8 3. All electric facilities, lines, equipment or appurtenances, not including  
9 substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing  
10 distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the  
11 undergrounding of all electrical facilities, lines, equipment, or appurtenances;

12 4. All natural gas distribution (as opposed to transmission) lines and necessary  
13 appurtenant facilities and hookups;

14 5. All developments within the confines of any existing electrical substation,  
15 reservoir, pump station, vault, pipe, or well. Additional appropriations of water are not exempted  
16 by this Section 25.05.800;

17 6. Periodic use of chemical or mechanical means to maintain a utility or  
18 transportation right-of-way in its design condition; provided, the chemicals used are approved by  
19 Washington State and applied by licensed personnel. This exemption shall not apply to the use of  
20 chemicals within watersheds that are controlled for the purpose of drinking water quality (~~in~~  
21 ~~accordance with WAC 248-54-660~~);

22 7. All grants of rights-of-way by agencies to utilities for use for distribution (as  
23 opposed to transmission) purposes;



1                   8. All grants of franchises by agencies to utilities;

2                   9. All disposals of rights-of-way by utilities.

3                   Y. Natural resources management. In addition to the other exemptions contained in this  
4 Section 25.05.800, the following natural resources management activities shall be exempt:

5                   1. All Class I, II, and III forest practices as defined by RCW 76.09.050 or  
6 regulations thereunder;

7                   2. Issuance of new grazing leases covering a section of land or less, and issuance  
8 of all grazing leases for land that has been subject to a grazing lease within the previous ten  
9 years;

10                  3. Licenses or approvals to remove firewood;

11                  4. Issuance of agricultural leases covering 160 contiguous acres or less;

12                  5. Issuance of leases for Christmas tree harvesting or brush picking;

13                  6. Issuance of leases for school sites;

14                  7. Issuance of leases for, and placement of, mooring buoys designed to serve  
15 pleasure craft;

16                  8. Development of recreational sites not specifically designed for all-terrain  
17 vehicles and not including more than 12 campsites;

18                  9. Periodic use of chemical or mechanical means to maintain public park and  
19 recreational land; provided, that chemicals used are approved by the Washington State  
20 Department of Agriculture and applied by licensed personnel. This exemption shall not apply to  
21 the use of chemicals within watersheds that are controlled for the purpose of drinking water  
22 quality; ~~((in accordance with WAC 248-54-660;))~~

1                   10. Issuance of rights-of-way, easements, and use permits to use existing roads in  
2 non-residential areas;

3                   11. Establishment of natural area preserves to be used for scientific research and  
4 education and for the protection of rare flora and fauna, under the procedures of chapter 79.70  
5 RCW;

6                   Z. Watershed restoration projects. Actions pertaining to watershed restoration projects as  
7 defined in RCW 89.08.460(2) are exempt; provided, they implement a watershed restoration plan  
8 that has been reviewed under SEPA (RCW 89.08.460(1)).

9                   AA. Wireless service facilities

10                   1. The siting of wireless service facilities are exempt if:

11                           a. The collocation of new equipment, removal of equipment, or  
12 replacement of existing equipment on existing or replacement structures that does not  
13 substantially change the physical dimensions of such structures; or

14                           b. The siting project involves constructing a wireless service tower less  
15 than 60 feet in height that is located in a commercial or industrial zone.

16                   2. For the purposes of this subsection 25.05.800.AA:

17                           a. “Wireless services” means wireless data and telecommunications  
18 services, including commercial mobile services, commercial mobile data services, unlicensed  
19 wireless services, and common carrier wireless exchange access services, as defined by federal  
20 laws and regulations.

21                           b. “Wireless service facilities” means facilities for the provision of  
22 wireless services.

1 c. “Collocation” means the mounting or installation of equipment on an  
2 existing tower, building, structure for the purposes of either transmitting or receiving, or both,  
3 radio frequency signals for communication purposes.

4 d. “Existing structure” means any existing tower, pole, building, or other  
5 structure capable of supporting wireless service facilities.

6 e. “Substantially change the physical dimensions” means:

7 1) The mounting of equipment on a structure that would increase  
8 the height of the structure by more than 10 percent, or 20 feet, whichever is greater; or

9 2) The mounting of equipment that would involve adding an  
10 appurtenance to the body of the structure that would protrude from the edge of the structure more  
11 than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is  
12 greater.

13 3. This exemption does not apply to projects within an environmentally critical  
14 area designated under GMA (RCW 36.70A.060).

15 BB. State transportation project. The following Washington department of transportation  
16 projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or  
17 replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus  
18 transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and  
19 bike lanes), that is in operation, as long as the action:

20 1. Occurs within the existing right-of-way and in a manner that substantially  
21 conforms to the preexisting design, function, and location as the original except to meet current  
22 engineering standards or environmental permit requirements; and

1                   2. The action does not result in addition of automobile lanes, a change in capacity,  
2 or a change in functional use of the facility.

3                   CC. Structurally deficient city, town, and county bridges. The repair, reconstruction,  
4 restoration, retrofitting, or replacement of a structurally deficient city, town or county bridge  
5 shall be exempt as long as the action:

6                   1. Occurs within the existing right-of-way and in a manner that substantially  
7 conforms to the preexisting design, function, and location as the original except to meet current  
8 engineering standards or environmental permit requirements; and

9                   2. The action does not result in addition of automobile lanes, a change in capacity,  
10 or a change in functional use of the facility.

11                   “Structurally deficient” means a bridge that is classified as in poor condition under the  
12 state bridge condition rating system and is reported by the state to the national bridge inventory  
13 as having a deck, superstructure, or substructure rating of four or below. Structurally deficient  
14 bridges are characterized by deteriorated conditions of significant bridge elements and  
15 potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically  
16 require significant maintenance and repair to remain in service, and they require major  
17 rehabilitation or replacement to address the underlying deficiency.

18                   Section 86. Section 25.08.940 of the Seattle Municipal Code, enacted by Ordinance  
19 122614, is amended as follows:

20 **25.08.940 Contested case hearing ((-))**

21                   A. Date and ((Notice)) notice. If a person requests a contested case hearing, the hearing  
22 shall be held within ((sixty (60))) 60 days after the written response to the citation requesting  
23 ((such)) the hearing is received.

1           B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for  
2 hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing  
3 Examiner for hearing contested cases, except as modified by this ((~~section~~)) Section 25.08.940.  
4 The issues heard at the hearing shall be limited to those raised in writing in the response to the  
5 citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may  
6 issue subpoenas for the attendance of witnesses and the production of documents.

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

11           D. Amendment of ((~~Citation~~)) citation. A citation may be amended prior to the  
12 conclusion of the hearing to conform to the evidence presented if substantial rights of the person  
13 cited are not thereby prejudiced.

14           E. Evidence at ((~~Hearing~~)) hearing. The certified statement or declaration authorized by  
15 RCW 9A.72.085 submitted by a representative of the Administrator shall be prima facie  
16 evidence that a violation occurred and that the person cited is responsible. Any certifications or  
17 declarations authorized under RCW 9A.72.085 shall be admissible without further evidentiary  
18 foundation. The person cited may rebut the evidence and establish that the cited violation(s) did  
19 not occur or that the person contesting the citation is not responsible for the violation.

20           F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter  
21 an order finding that the person cited committed the violation and shall impose the applicable  
22 penalty. If the Hearing Examiner determines that the violation did not occur, the Hearing  
23 Examiner shall enter an order dismissing the citation.

1           G. Appeal. The Hearing Examiner’s decision is the final decision of the City. Any  
2 judicial review must be commenced within ~~((twenty one (21)))~~ 21 days of issuance of the  
3 Hearing Examiner’s decision ~~((in accordance with RCW 36.70C.040))~~.

4           Section 87. Section 25.09.090 of the Seattle Municipal Code, last amended by Ordinance  
5 125292, is amended as follows:

6 **25.09.090 Development standards for steep slope erosion hazard areas**

7           A. This Section 25.09.090 and Section 25.09.080 apply to parcels containing a steep  
8 slope erosion hazard area or steep slope erosion hazard area buffer.

9           B. Impacts on steep slope erosion hazard areas

10                   1. Development is prohibited on steep slope erosion hazard areas, unless the  
11 applicant demonstrates that the provisions of subsections 25.09.070.C, 25.09.070.D,  
12 25.09.090.B.2, 25.09.090.D, 25.09.090.E, or 25.09.090.F apply, or the slope is on a parcel in a  
13 Downtown zone or highrise zone.

14                   2. Development is allowed on steep slope erosion hazard areas if the applicant  
15 demonstrates that all other provisions of this Chapter 25.09 and all applicable provisions of Title  
16 23 and Chapters 22.800 through 22.808 are met, that no adverse impact on the stability or  
17 erosion potential of the steep slope erosion hazard areas will result, and that the development  
18 meets one of the following criteria and the criteria in subsection 25.09.090.B.3. In making this  
19 determination, the Director may require a geotechnical report to verify site conditions and to  
20 evaluate the impacts of the development in the steep slope erosion hazard area and shall require  
21 such a report for criteria in subsections 25.09.090.B.2.c and 25.09.090.B.2.d. The geotechnical  
22 report is subject to the provisions for third party review in subsection 25.09.080.C.

1 a. Development is located within the footprint of existing, lawfully  
2 constructed, structures or paved areas, not including landscaped areas or areas that have been  
3 graded;

4 b. Development is located on a steep slope erosion hazard area that has  
5 been created through previous legal grading activities, including but not limited to rockeries or  
6 retaining walls resulting from right-of-way improvements;

7 c. Development is located on a steep slope erosion hazard area that is less  
8 than 20 feet in vertical rise and that is 30 feet or more from other steep slope erosion hazard  
9 areas; or

10 d. Development is a necessary stabilization measure to mitigate an active  
11 landslide hazard on the applicant's lot or from an abutting lot, and such development meets the  
12 following requirements:

13 1) The applicant demonstrates that the stabilization is the minimum  
14 necessary to mitigate the landslide hazard; and

15 2) The applicant uses the least intrusive option available to  
16 mitigate the landslide hazard.

17 \* \* \*

18 D. Small project waiver

19 1. The Director may approve new accessory structures or additions to existing  
20 principal structures in a steep slope erosion hazard area or buffer if no construction occurs over  
21 or in a water course, water body, or wetland and if the applicant demonstrates that the proposal  
22 meets the following criteria:

1 a. The new accessory structure or addition to an existing principal  
2 structure is on a lot that has been in existence as a legal building site prior to October 31, 1992;

3 b. The development does not exceed 750 square feet of total site  
4 disturbance, with no more than 300 square feet located in the steep slope erosion hazard area or  
5 buffer, calculated cumulatively from October 31, 1992. If the new accessory structure or addition  
6 to an existing principal structure is on a lot that is or has been held in common ownership with a  
7 contiguous lot and the lots are or have been used for a single principal use or for a principal use  
8 and accessory use, the limitation applies to the entire site;

9 c. It is not practicable to build the accessory structure or addition to an  
10 existing principal structure for the intended purpose outside of the steep slope erosion hazard  
11 area or buffer; and

12 d. The location of the accessory structure or addition to an existing  
13 principal structure minimizes the impact on the steep slope erosion hazard area and/or buffer;

14 e. In landslide-prone areas the Director may require a soils report prepared  
15 by a qualified geotechnical engineer or geologist licensed by the State of Washington  
16 demonstrates that it is safe to construct the new accessory structure or the addition to an existing  
17 structure.

18 Section 88. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance  
19 125429, is amended as follows:

20 **25.11.070 Tree protection on sites undergoing development in Lowrise zones**

21 The provisions in this Section 25.11.070 apply in Lowrise zones.



1           A. Exceptional trees

2                   1. If the Director determines that an exceptional tree is located on the lot of a  
3 proposed development, which is not a major institution use within a Major Institution Overlay  
4 zone, and the tree is not proposed to be preserved, the development shall go through streamlined  
5 design review as provided in Section 23.41.018 if the project falls below the thresholds for  
6 design review established in Section 23.41.004.

7                   2. The Director may permit the exceptional tree to be removed only if the total  
8 floor area that could be achieved within the maximum permitted FAR and height limits of the  
9 applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree  
10 protection area through the following:

11                           a. Development standard adjustments permitted in Section 23.41.018 or  
12 the departures permitted in Section 23.41.012.

13                           b. An increase in the permitted height as follows under subsection  
14 25.11.070.A.~~((2))~~3.

15                           ~~((2))~~ 3. In order to preserve an exceptional tree, the following code modifications  
16 are allowed:

17                                   a. Permitted height. For a principal structure with a base height limit of 40  
18 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may  
19 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50  
20 feet if the increase is needed to accommodate, on an additional story, the amount of floor area  
21 lost by avoiding development within the tree protection area and the amount of floor area on the  
22 additional story is limited to the amount of floor area lost by avoiding development within the  
23 tree protection area.



1           A. Exceptional trees

2                   1. If the Director determines that an exceptional tree is located on the lot of a  
3 proposed development, which is not a major institution use within a Major Institution Overlay  
4 zone, and the tree is not proposed to be preserved, the project shall go through streamlined  
5 design review as provided in Section 23.41.018 if the project falls below the thresholds for  
6 design review established in Section 23.41.004.

7                   2. The Director may permit an exceptional tree to be removed only if the  
8 applicant demonstrates that protecting the tree by avoiding development in the tree protection  
9 area could not be achieved through the development standard adjustments permitted in Section  
10 23.41.018 or the departures permitted in Section 23.41.012, the modifications allowed by this  
11 Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, or a reduction  
12 in the standards of Section 23.54.030.

13                   ((2)) 3. If the Director determines that an exceptional tree is located within a  
14 Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may  
15 allow removal of an exceptional tree only if:

16                           a. The proposed development is for a major institution use identified in an  
17 adopted Major Institution Master Plan; and

18                           b. The location of an exceptional tree is such that planned future physical  
19 development identified in an adopted Major Institution Master Plan cannot be sited while  
20 avoiding the tree protection area; and

21                           c. Mitigation for exceptional trees and trees over 2 feet in diameter,  
22 measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are  
23 removed in association with development.

\* \* \*

Section 90. Portions of the Central Area Neighborhood Design Guidelines shall be amended as shown in Exhibit A to this ordinance.

Section 91. Section 33 of Ordinance 125429, as last amended by Ordinance 125520, which is attached to this ordinance as Exhibit B, is amended as follows:

Section 33. Sections 3 through 6, Sections 8 through 15, Sections 17 through 27, and Sections 29 through 31 of this ordinance shall take effect and be in force on (~~July 1, 2018~~) October 1, 2018, to ensure there is adequate time for rule making and any adjustments in business practices. Section 28 of this ordinance shall take effect and be in force on March 1, 2018.

Section 92. Section 510 of the 2015 Seattle Building Code, last amended by the ordinance introduced as Council Bill 119248, is amended as follows:

## SECTION 510

### SPECIAL PROVISIONS

**510.1 General.** The provisions in Sections 510.2 through 510.10 shall permit the use of special conditions that are exempt from, or modify, the specific requirements of this chapter regarding the allowable *building heights* and *areas of buildings* based on the occupancy classification and type of construction, provided the special condition complies with the provisions specified in this section for such condition and other applicable requirements of this code. The provisions of sections 510.2 through 510.7 are to be considered independent and separate from each other.

**Interpretation I510:** Sections 510.2 through 510.7 are not permitted to be used in combination with each other. Sections 510.8 through 510.10 are permitted to be used in combination with Section 510.2.

\* \* \*

**510.10 Group R-2 buildings of Type IIIA construction.** The height limitation for *buildings* of Type IIIA construction in Group R-2 shall be increased to six *stories* ((~~and 75 feet~~ (~~22 860 mm~~))) where all of the following conditions are met:

1. The first story of Type IIIA construction is separated from stories above with a *horizontal assembly* having a *fire-resistance rating* of not less than 2 hours.

2. All stories of Type IIIA construction greater than 6,000 gross square feet shall be subdivided into compartments, by 2-hour fire-resistance rated *fire walls*, with areas of not more than 12,000 gross square feet.

3. Each compartment shall have an enclosed *exit access stairway*, and a standpipe system in accordance with Section 905.

4. Unprotected vertical openings, including unenclosed *exit access stairways*, shall not penetrate floor/ceiling assemblies between stories of Type IIIA construction or between stories of Type IIIA and Type IA construction.

5. Mezzanines shall not be allowed in any story of the Type IIIA construction.

6. The maximum total design *dead load* shall be 50 psf for all roof areas above the sixth story of Type IIIA construction.

**Note:** The *dead load* shall be calculated as specified in Chapter 2 and Section 1607.12.3.1.

**Note:** The maximum total design *dead load* of 50 psf is permitted to be applied over the entire roof area above the sixth story of Type IIIA construction.

1           Section 93. Sections 7, 8, 69, 70, 71, 88, and 89 of this ordinance shall take effect and be  
2 in force on October 1, 2018.

