



SEATTLE CITY COUNCIL

Legislative Summary

CB 119055

Record No.: CB 119055

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125432

In Control: City Clerk

File Created: 07/18/2017

Final Action: 10/11/2017

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 99, 98, and 100 of the Official Land Use Map to rezone land in the Uptown area; amending Sections 23.30.010, 23.45.517, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.040, 23.48.055, 23.48.085, 23.48.620, 23.58A.042, 23.58C.050, 23.84A.025, 23.84A.042, and 25.05.800 of the Seattle Municipal Code; and adding a new Subchapter VI to Chapter 23.48 of the Seattle Municipal Code, consisting of Sections 23.48.702, 23.48.705, 23.48.720, 23.48.721, 23.48.722, 23.48.723, 23.48.724, 23.48.730, 23.48.732, 23.48.735, 23.48.740, 23.48.745, 23.48.750, 23.48.755, 23.48.780, and 23.48.785, to rezone areas in the Uptown Urban Center.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 119055 v3, Att 1 - Uptown Rezone Map v2, Att 2 - Findings of Fact, Full Text: CB 119055 v2

Drafter: valauri.stotler@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	07/25/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	07/25/2017	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
Notes:							

- 1 Council President's Office 07/31/2017 sent for review Planning, Land Use, and Zoning Committee
- Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee
- Notes:
- 1 Full Council 08/14/2017 referred Planning, Land Use, and Zoning Committee
- 1 Planning, Land Use, and Zoning Committee 08/15/2017 discussed
- Action Text: The Council Bill (CB) was discussed.
- Notes:
- 1 Planning, Land Use, and Zoning Committee 09/08/2017 discussed
- Action Text: The Council Bill (CB) was discussed in Committee.
- Notes:
- 1 Planning, Land Use, and Zoning Committee 09/11/2017 discussed
- Action Text: The Council Bill (CB) was discussed in Committee.
- Notes:
- 1 Planning, Land Use, and Zoning Committee 09/19/2017 pass as amended Pass
- Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
- Notes:

In Favor: 4 Chair Johnson, Vice Chair O'Brien, Alternate González , Bagshaw

Opposed: 0

- 2 Full Council 10/02/2017 passed as amended Pass
- Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:
- Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119055, by substituting version 5 for version 4.

ACTION 2:

Motion was made and duly seconded to pass Council Bill 119055 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember González , Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

- 3 City Clerk 10/04/2017 submitted for Mayor's signature Mayor
- Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
- Notes:
- 3 Mayor 10/11/2017 Signed
- 3 Mayor 10/11/2017 returned City Clerk

3 City Clerk 10/11/2017 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125432

COUNCIL BILL 119055

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 98, 99, and 100 of the Official Land Use Map to rezone land in the Uptown area; amending Sections 23.30.010, 23.41.012, 23.45.517, 23.47A.017, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.040, 23.48.055, 23.48.085, 23.48.620, 23.58A.042, 23.58C.050, 23.84A.025, 23.84A.042, and 25.05.800 of the Seattle Municipal Code; and adding a new Subchapter VI to Chapter 23.48 of the Seattle Municipal Code, consisting of Sections 23.48.702, 23.48.705, 23.48.710, 23.48.720, 23.48.721, 23.48.722, 23.48.723, 23.48.724, 23.48.730, 23.48.732, 23.48.735, 23.48.740, 23.48.745, 23.48.750, 23.48.755, 23.48.780, and 23.48.785, to rezone areas in the Uptown Urban Center.

WHEREAS, from 2013 to 2017 City Staff worked with community members of the Uptown Urban Center to discuss the future of the neighborhood including zoning, street character, affordable housing, arts and cultural facilities and transportation; and

WHEREAS, in 2016 City staff and community members completed the Uptown Urban Design Framework establishing guiding principles and specific strategies for achieving neighborhood goals; and

WHEREAS, the Urban Design Framework recommend studying three different zoning scenarios in an Environmental Impact Statement; and

WHEREAS, on March 23, 2017 the Office of Planning and Community Development released the Uptown Rezone Final Environmental Impact Statement; and

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

WHEREAS, this ordinance would increase development capacity and implement the Affordable Housing Impact Mitigation Program for commercial development and mandatory

housing affordability for residential development in the Uptown Urban Center; and

WHEREAS, this ordinance provides increased residential development capacity in the form of an increase in the amount of height or floor area allowed by zoning in many areas of the Uptown Urban Center; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby makes the Findings of Fact in Attachment 2 to this ordinance.

Section 2. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone land located on pages 98, 99, and 100 of the Official Land Use Map, all as shown on Attachment 1 attached to this ordinance.

Section 3. Subsection 23.30.010.A of the Seattle Municipal Code, which section was last amended by Ordinance 125267, is amended as follows:

23.30.010 Classifications for the purpose of this Subtitle III

A. General zoning designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC₁" the classification shall include both "RC" and one additional multifamily zone designation in this subsection 23.30.010.A.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3

Zones	Abbreviated
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
((Seattle Mixed))	((SM))
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
Seattle Mixed-University District	SM-U
Seattle Mixed-Uptown	SM-UP
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

* * *

Section 4. Section 23.45.517 of the Seattle Municipal Code, last amended by Ordinance 125359, is amended as follows:

23.45.517 Multifamily zones with a mandatory housing affordability suffix

* * *

B. Floor area ratio (FAR)

1 1. FAR limits for LR1 ((and)), LR2, and LR3 zones with a mandatory housing
2 affordability suffix are shown in Table A for 23.45.517.

Table A for 23.45.517
FAR limits for LR1 ((and)) , LR2, and LR3 zones with mandatory housing affordability suffix

Zone	Location	Category of residential use			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
LR1	Either outside or inside	1.3	1.3	1.2	1.2
LR2	Either outside or inside	1.3	1.4	1.4	1.4
<u>LR3</u>	<u>Inside</u>	<u>1.3</u>	<u>1.6</u>	<u>2.2</u>	<u>2.3</u>
<u>LR3</u>	<u>Outside</u>	<u>1.3</u>	<u>1.6</u>	<u>1.5</u>	<u>1.8</u>

3
4 2. The base and maximum FAR limit for MR zones with a mandatory housing
5 affordability suffix is 4.5.

6 C. Density limit

7 1. The minimum lot area per dwelling unit for cottage housing developments,
8 rowhouse developments, townhouse developments, and apartments in LR1 ((and)) , LR2, and
9 LR3 zones with a mandatory housing affordability suffix is shown on Table B for 23.45.517.

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

Table B for 23.45.517
Density limits in LR1, ((and)) LR2, and LR3 zones with mandatory housing affordability suffix

Zone	Units allowed per square foot of lot area by category of residential use ^{1, 2}			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development	Apartment
LR1	No limit	No limit	1/1,600	No limit
LR2	No limit	No limit	No limit	No limit
LR3	No limit	No limit	No limit	No limit

Footnotes to Table B for 23.45.517

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

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

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

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

D. Structure height

1. The height limits for principle structures permitted in LR1 ((and)) , LR2, and LR3 zones with a mandatory housing suffix are as shown on Table C for 23.45.517, subject to the additions and exceptions allowed as set forth in subsection 23.45.514.C through subsection 23.45.514.J.

Table C for 23.45.517

Structure height in LR1 ((and)) , LR2, and LR3 zones with mandatory housing affordability suffix (in feet)

Housing type	LR1	LR2	<u>LR3</u> <u>Inside urban</u> <u>centers and</u> <u>villages</u>	<u>LR3</u> <u>Outside urban</u> <u>centers and</u> <u>villages</u>
Cottage housing developments	18	18	<u>18</u>	<u>18</u>
Rowhouse and townhouse developments	30	40	<u>50</u>	<u>40</u>
Apartments	30	40	<u>50</u>	<u>40</u>

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

* * *

Section 5. Section 23.47A.017 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

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

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

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

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

Table A for 23.47A.017 Maximum floor area ratio (FAR) for C or NC zones with a mandatory housing affordability suffix						
Height limit (in feet)	30	40	55	<u>65</u>	75	<u>85</u>
Maximum FAR for any single use on a lot	<u>2.5</u>	<u>3</u>	<u>3.75</u>	<u>4.25</u>	<u>5.5</u>	<u>4.5</u>
Maximum FAR ⁺ for all permitted uses on a lot	2.5	3	3.75	<u>4.75</u>	5.5	<u>6.0</u>
((Footnote to Table A for 23.47A.017 ⁺ -Total FAR permitted for all uses on a lot))						

C. Minimum FAR((:))

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

Table B for 23.47A.017 Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix						
Height limit (in feet)	30	40	55	<u>65</u>	75	<u>85</u>
Minimum FAR	1.5	1.5	1.5	<u>2</u>	2	<u>2</u>

2. In C zones with a mandatory housing affordability suffix there is no minimum required FAR.

Section 6. Subsection 23.48.002.A of the Seattle Municipal Code, which section was last amended by Ordinance 125267, is amended as follows:

23.48.002 Scope of provisions

A. This Chapter 23.48 identifies uses that are or may be permitted in all Seattle Mixed ~~((SM))~~ zones and establishes development standards. The ~~((SM))~~ Seattle Mixed zone boundaries are shown on the Official Land Use Map. ~~((SM))~~ Seattle Mixed zone designations for specific geographic areas are identified in Table A for 23.48.002. The SM-SLU designation with a height limit suffix may be applied to SM-SLU zoned land in the South Lake Union Urban

Center. The SM-D designation with a height limit range may be applied to SM-D zoned land in the West Dravus area. The SM-NR designation with a height limit suffix may be applied to SM-NR zoned land in the North Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned land in the University Community Urban Center. The SM-UP designation with a height limit suffix may be applied to SM-UP zoned land in the Uptown Urban Center.

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

* * *

Section 7. Subsection 23.48.005.D of the Seattle Municipal Code, which section was last amended by Ordinance 125267, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street level(~~along~~) of the street-facing facade (~~abutting~~) along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on

1 Map A for 23.48.640; and (iii) at street-level of the street-facing facades along streets designated
2 as Class 1 or Class 2 streets shown on Map A for 23.48.740:

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

11 2. Standards for required street-level uses. Required street-level uses shall meet
12 the development standards in subsection 23.48.040.C, and any additional standards for ((SM))
13 Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter
14 23.48.

15 Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
16 125272, is amended as follows:

17 **23.48.020 Floor area ratio (FAR)**

18 * * *

19 ~~((B. FAR limits. The FAR limits for SM zones, excluding zones designated SM-SLU,~~
20 ~~SM-D and SM-NR, are shown in Table A for 23.48.020.~~

Table A for 23.48.020
SM FAR limits

Zone	FAR limits for all uses	
	Base	Maximum ¹
SM 40	3	3.5
SM 65	3.5	5
SM 85 ²	4.5	6
SM 125	5	8
SM 160	5	9
SM 240	6	13

Footnotes to Table A for 23.48.020

—¹See subsection 23.48.020.C for requirements for achieving maximum FAR.

—²In the SM 85 zone within the area shown on Map A for 23.48.020, residential uses are exempt from FAR calculations.

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

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

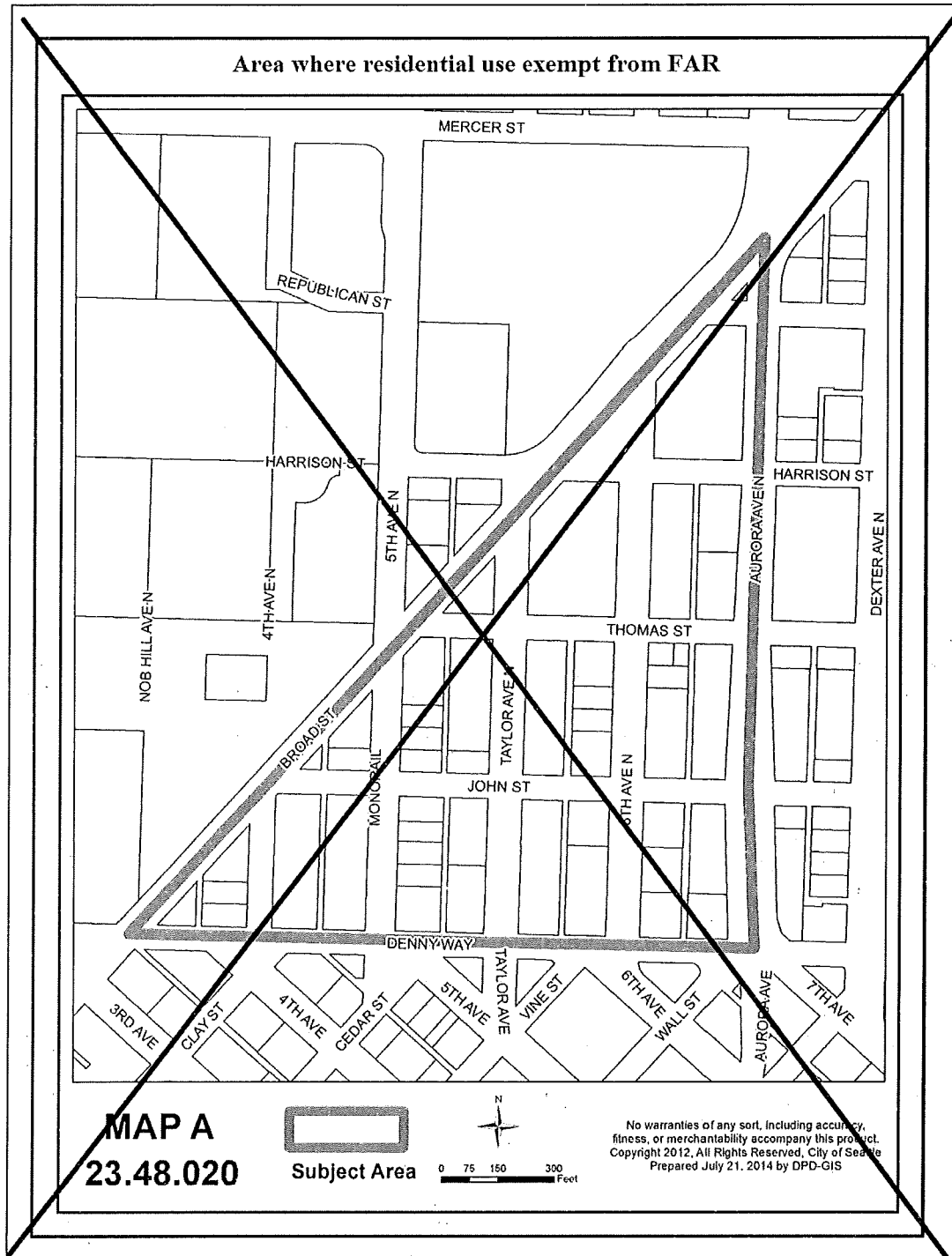
1. All underground stories or portions of stories.
2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

1 3. As an allowance for mechanical equipment, in any structure 65 feet in height or
2 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
3 calculations. Calculation of the allowance includes the remaining gross floor area after all
4 exempt space allowed in this subsection ((23.48.020.D)) 23.48.020.B has been deducted.
5 Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included
6 as part of the calculation of total gross floor area.

7 4. All gross floor area for solar collectors and wind-driven power generators.

((Map A for 23.48.020

Area where residential use exempt from FAR))



1 ((E)) C. Minimum FAR

2 1. A minimum FAR shown in Table ((B)) A for 23.48.020 is required whenever
3 more than 1,000 square feet of gross floor area is added to or removed from a lot located in a
4 Station Area Overlay District or on a lot abutting a Class 1 or Class 2 Pedestrian Street or a
5 Neighborhood Green Street, as shown on Map A for 23.48.240 for SM-SLU zones, Map A for
6 23.48.440 for SM-NR zones, ((and)) Map A for 23.48.640 for SM-U zones, and Map A for
7 23.48.740 for SM-UP zones.

Table ((B)) A for 23.48.020
Minimum FAR

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

8
9 2. The minimum FAR requirement provided in subsection ((23.48.020.E.1))
10 23.48.020.C.1 does not apply if:

- 11 a. Additional floor area is added to an existing structure on a lot that is
12 nonconforming with respect to the minimum FAR shown in Table ((B)) A for 23.48.020;
13 b. The lot is larger than ((five)) 5 acres;
14 c. All existing gross floor area is demolished to create a vacant lot; or
15 d. Parks and open space is the principal use of the lot.

16 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
17 as a buffer to one of these areas, as defined in Chapter 25.09, are not included when calculating
18 lot size for the purpose of determining the minimum FAR requirement provided in subsection
19 ((23.48.020.E.1)) 23.48.020.C.1.

20 4. The Director, in consultation with the Director of the Department of
21 Neighborhoods, may waive the minimum FAR requirement in subsection ((23.48.020.E.1))

1 23.48.020.C.1 for lots that contain a designated Landmark, or for lots within a Landmark District
2 pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director
3 determines a waiver is necessary to preserve the integrity of a Landmark or meet adopted District
4 design and development guidelines.

5 5. All gross floor area is counted toward the minimum FAR requirement provided
6 in subsection ((~~23.48.020.E.1~~)) 23.48.020.C.1, except the following:

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

9 b. Gross floor area containing parking.

10 Section 9. Section 23.48.021 of the Seattle Municipal Code, last amended by Ordinance
11 125267, is amended as follows:

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

13 A. General

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

21 2. Development achieving extra floor area in ((~~an SM zone designation for a~~
22 ~~specific geographic area~~)) Seattle Mixed zones shall meet the conditions of this Section

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

3. Definitions in Section 23.58A.004 apply in this Section 23.48.021 unless otherwise specified.

B. Calculation outside of specific areas

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

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

C. Calculation within an adopted Local Infrastructure Project Area

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

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

1 b. Achieve 40 percent of extra residential floor area by acquiring regional
2 development credits pursuant to Section 23.58A.044, except that a development that is located in
3 the area bounded by Thomas Street to the north, Denny Way to the south, Terry Avenue N to the
4 west, and Boren Avenue N to the east, on a lot that has slopes of ten percent or more, may
5 achieve 20 percent of extra residential floor area by acquiring regional development credits
6 pursuant to Section 23.58A.044 and 20 percent of extra residential floor area by providing public
7 amenities consisting of a mid-block corridor, a hillclimb assist, and a public viewpoint that meet
8 the following standards:

9 1) The mid-block corridor, hillclimb assist, and public viewpoint
10 may be used to achieve extra residential floor area according to a ratio of 20 square feet of extra
11 residential floor area per 1 square foot of qualifying mid-block corridor, hillclimb assist, and
12 public viewpoint area.

13 2) The amenities shall meet the general eligibility conditions for
14 amenity features in the Downtown Amenity Standards and the standards in subsections
15 23.58A.040.C.5.g, 23.58A.040.C.5.h, and 23.58A.040.C.5.i; provided that the mid-block
16 corridor, hillclimb assist, and public viewpoint shall be considered open space amenity features
17 for purposes of the general eligibility conditions for amenity features in the Downtown Amenity
18 Standards.

19 3) The mid-block corridor shall:

20 a) Be consistent with the size and coverage requirements,
21 and the landscaping and lighting guidelines, for mid-block corridors in the Downtown Amenity
22 Standards;

b) Provide a continuous direct route connecting Terry Avenue N and Boren Avenue N; and

c) Incorporate a mechanical conveyance, such as an elevator, for conveying pedestrians up the vertical distance between the elevations of Terry Avenue N and Boren Avenue N.

4) The hillclimb assist shall:

a) Be consistent with the eligibility conditions for hillclimb assists in the Downtown Amenity Standards, except that an elevator may qualify as the required mechanical conveyance.

b) Be consistent with the guideline requirements for hillclimb assists in the Downtown Amenity Standards except that at least 65 percent of the travel path must be open to the sky; and any covered portions of the corridor must have a minimum height of 13 feet between the ground and any overhead projection or overhanging structure.

5) The viewpoint shall provide public views of significant natural and human-made features, and shall meet the requirements for an additional open space area abutting the mid-block corridor specified in the Downtown Amenity Standards.

6) Only one lot may achieve 20 percent of extra residential floor area by providing public amenities consisting of a mid-block corridor and a public view point pursuant to this subsection 23.48.021.C.1.b.

2. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is ~~((85))~~ 100 feet or lower, the applicant shall use bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all

extra non-residential floor area on the lot. If the maximum height limit for non-residential use is greater than ((85)) 100 feet, the applicant shall:

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

b. Achieve 25 percent of extra non-residential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

* * *

Section 10. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.48.040 Street-level development standards

A. Street-facing facade requirements. ~~((For SM zones in the SM-SLU and SM-NR geographic areas, the))~~ The following street-facing facade requirements apply to facades facing a Class 1 ~~((and))~~ , Class 2, or Class 3 Pedestrian Street~~((s))~~, Neighborhood Green Streets, and all other streets, as shown on Map A for 23.48.240, ~~((and))~~ Map A for 23.48.440, or Map A for 23.48.740:

1. Primary pedestrian entrance. In the SM-SLU, SM-NR, and SM-UP zones, ~~((Each))~~ each new structure facing a Class 1 Pedestrian Street is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

2. Minimum facade height. In the SM-SLU and SM-NR zones, a ~~((A))~~ minimum facade height is required for the street-facing facades of new structures, unless all portions of the structure are lower than the required minimum facade height listed below.

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

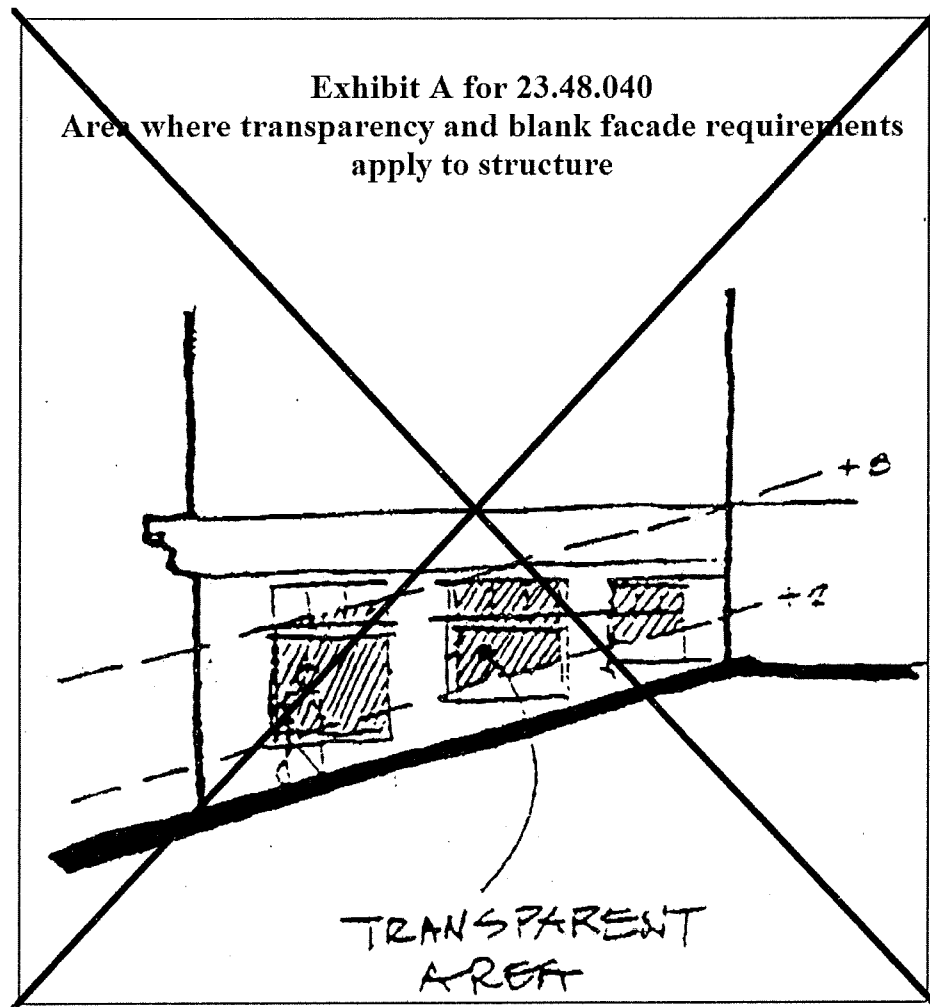
b. On Class 2 Pedestrian Streets and Neighborhood Green Streets the minimum height for street-facing facades is 25 feet.

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

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

((Exhibit A for 23.48.040

Area where transparency and blank facade requirements apply to structure))



1. Transparency requirements

a. In ((SM-zones in)) the SM-SLU, SM-NR, ((and)) SM-U ((geographic areas)), and SM-UP zones, on Class 1, ((and)) Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, a minimum of 60 percent of the street-facing facade must be transparent, except that if the slope of the street frontage ((of the facade)) abutting the lot exceeds 7.5 percent, the required amount of transparency ((shall be reduced to)) is 45 percent of the street-facing facade.

1 b. In ~~((all SM))~~ the SM-SLU, SM-D, SM-NR, SM-U, and SM-UP zones
2 ~~((either within or outside specific geographic areas))~~, for all other streets not specified in
3 subsection 23.48.040.B.1.a, a minimum of 30 percent of the street-facing facade must be
4 transparent, except that if the slope of the street frontage ~~((of the facade))~~ abutting the lot
5 exceeds 7.5 percent, the minimum amount of transparency required ~~((shall be reduced to))~~ is 22
6 percent of the street-facing facade.

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

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

16 a. In ~~((SM zones in))~~ the SM-SLU, SM-NR, ((and)) SM-U ((geographic
17 areas)), and SM-UP zones, for ~~((facades facing))~~ Class 1 ((and)), Class 2, and Class 3 Pedestrian
18 Streets and Neighborhood Green Streets, the following apply:

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

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

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

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

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

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

C. Development standards for required street-level uses. Street-level uses that are required by subsection 23.48.005.D or 23.48.605.C, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, ~~((or))~~ 23.48.620.B.2, or 23.48.720.B.2, whether required or not, shall meet the following development standards:

1. Where street-level uses are required, a minimum of 75 percent of the applicable street-level, street-facing facade ~~((of each street frontage requiring street-level uses))~~ shall be

1 occupied by uses listed in subsection 23.48.005.D.1. The remaining street-facing facade may
2 contain other permitted uses or pedestrian or vehicular entrances.

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

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

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

14 5. Street-level uses shall be located within 10 feet of the street lot line, except for
15 the following:

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

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

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

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

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

11 Section 11. Subsection 23.48.055.C of the Seattle Municipal Code, which section was
12 last amended by Ordinance 125267, is amended as follows:

13 **23.48.055 Landscaping and screening standards**

14 * * *

15 C. Screening for specific uses

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

18 2. Surface parking areas

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

22 b. Surface parking areas abutting alleys. Surface parking areas shall
23 provide 3-foot high screening along the lot lines abutting an alley. The Director may reduce or

1 waive the screening requirement for part or all of the lot line abutting the alley when required
2 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3 3. Parking in structures. Except as provided for by subsection 23.48.085.B,
4 parking located at or above street level in a garage shall be screened as follows:

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

10 b. On all other streets shown on Map A for 23.48.240 and Map A for
11 23.48.440, parking is permitted at street level if at least 30 percent of the street frontage of the
12 parking area, excluding that portion of the frontage occupied by garage doors, is separated from
13 the street by other uses. The facade of the separating uses shall be subject to the transparency and
14 blank facade standards in Section 23.48.040. The remaining parking shall be screened from view
15 at street level and the street facade shall be enhanced by architectural detailing, artwork,
16 landscaping, or similar visual interest features.

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

21 4. Fences or free-standing walls associated with utility services uses may obstruct
22 or allow views to the interior of a site. Where site dimensions and site conditions allow,
23 applicants are encouraged to provide both a landscaped setback between the fence or wall and

the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility service use shall provide either:

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

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

* * *

Section 12. Section 23.48.085 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.48.085 Parking and loading location, access, and curb cuts

* * *

C. Accessory surface parking is permitted under the following conditions, except as provided by Sections 23.48.285 ((and)) , 23.48.685, and 23.48.785:

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

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

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

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

4 2. If the lot does not abut an improved alley, or use of the alley for parking and
5 loading access would create a significant safety hazard as determined by the Director, parking
6 and loading access may be permitted from the street. If the lot abuts more than one street, the
7 location of access is determined by the Director, as a Type I decision, after consulting with the
8 Director of Transportation. ~~((For SM zone designations in the))~~ In SM-SLU, SM-NR, ((and))
9 SM-U ((geographical areas)) , and SM-UP zones abutting streets with a pedestrian or green street
10 ((classifications)) classification, unless the Director otherwise determines under subsection
11 23.48.085.D.3, access is allowed only from a right-of-way in the category preferred among the
12 categories of rights-of-way abutting the lot, according to the ranking set forth below, from most
13 to least preferred (a portion of a street that is included in more than one category is considered as
14 belonging only to the least preferred of the categories in which it is included):

- 15 a. An undesignated street;
- 16 b. Class 2 Pedestrian Street;
- 17 c. Class 1 Pedestrian Street;
- 18 d. Neighborhood Green Street.

19 3. The Director may allow or require access from a right-of-way other than one
20 indicated as the preferred category in this subsection 23.48.085.D if, after consulting with the
21 Director of Transportation, the Director finds that an exception to the access requirement is
22 warranted. The Director shall base the decision on granting an exception on any of the following:
23 whether and to what extent alternative locations of access would enhance pedestrian safety and

1 comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street
2 queuing of vehicles, enhance vehicular safety, or minimize hazards. Curb cut controls on
3 designated Neighborhood Green Streets shall be evaluated on a case-by-case basis, but generally
4 access from Neighborhood Green Streets is not allowed if access from any other right-of-way is
5 possible.

6 4. If a street or alley vacation is proposed, the Director shall consult with the
7 Seattle Design Commission on how the location and extent of the proposed curb cuts affects or
8 impacts the public realm and how those impacts have been reduced.

9 * * *

10 Section 13. Subsection 23.48.620.C of the Seattle Municipal Code, enacted by Ordinance
11 125267, is amended as follows:

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

13 * * *

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

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

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

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

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

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

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

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

6. Floor area in a vulnerable masonry structure included on a list of structures that meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that the structure is retained for a minimum of 50 years according to the provisions that apply to a qualifying ((¹))vulnerable masonry structure((¹)) TDR or TDP sending site in subsection 23.58A.042.F.3;

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

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

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

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

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

13 * * *

14 Section 14. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal
15 Code as follows:

16 **Subchapter VI Uptown**

17 **23.48.702 Scope of provisions for SM-UP zones**

18 The provisions in Sections 23.48.702 through 23.48.785 of the SM-UP zones are in addition to
19 and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts
20 between these Sections 23.48.005 through 23.48.095, the provisions in the SM-UP zones apply.

23.48.705 Uses in SM-UP zones

Principal use parking is prohibited in SM-UP zones.

23.48.710 Transportation management programs

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

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

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

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

residential trips made by SOV during the expected peak hour by the total number of residential person trips.

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

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

23.48.720 Floor area ratio (FAR) in SM-UP zones

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-U zones are as shown in Table A for 23.48.720.

Table A for 23.48.720

FAR limits for specified zones in the Uptown Urban Center

Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for non-residential uses
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
SM-UP 160	5	7 ¹	2 ²

Footnotes to Table A for 23.48.720

¹ All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.

Table A for 23.48.720

FAR limits for specified zones in the Uptown Urban Center

Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for non-residential uses
² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.			

B. Additional increment of floor area above the maximum FAR. On lots that include uses or features specified in this subsection 23.48.720.B, an additional amount of chargeable floor area is permitted above the maximum FAR as follows:

1. For all SM-UP zones an additional amount of 1 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

c. A Landmark structure that obtains additional FAR under this subsection 23.48.720.B.1 may not be a sending site for Landmark transferable development rights (TDR) or for transferable development rights (TDP);

d. If the increased amount of FAR allowed under this subsection
23.48.720.B.1 remains on the lot, the structure must remain designated as a Landmark; and

e. The owner shall maintain the exterior and interior of the Landmark
structure in good condition in a manner that preserves the Landmark features and characteristics
of the structure.

2. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or
not-for-profit operator, subject to the following conditions:

a. The amount of the additional increment of FAR shall not exceed floor
area of the arts facility.

b. The minimum floor area provided for a qualifying arts facility is 2,500
square feet.

c. The space shall be occupied by an arts facility for the life of the project
on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to
operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used
for other non-profit purposes such as a community and/or public area, under the following
conditions:

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

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

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

1 4) Availability of the space and contact person(s) shall be made
2 known to community and charitable groups through means such as newspaper articles, radio
3 announcements, and flyers.

4 d. No permit after the first building permit, no permit for any construction
5 activity other than excavation and shoring, and no permit for occupancy of existing floor area by
6 any use shall be issued for development that includes an arts facility to gain the increase in FAR
7 until the applicant has demonstrated to the satisfaction of the Director that a lease with a for-
8 profit or not-for-profit arts organization has been secured to occupy the space for a minimum of
9 one year.

10 3. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
11 the maximum FAR limit of the zone if a lot includes a preschool, an elementary school, or a
12 secondary school, subject to the following conditions:

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

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

19 c. Should the school use be discontinued and replaced by commercial use,
20 the commercial use shall be considered development to which Chapter 23.58B applies,
21 notwithstanding any contrary provision of Section 23.58B.020.B.

4. For all SM-UP zones, an additional increment of up to .5 FAR is permitted above the maximum FAR of the zone for a lot that includes residential dwelling units that comply with all of the following conditions:

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

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

1) The amenity area has a minimum area of 1300 square feet and a minimum horizontal dimension of 20 feet; and

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

3) The common amenity area includes children's play equipment; and

4) The common amenity area is located at or below a height of 85 feet.

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1 1. The floor area contained in a Landmark structure if the owner of the Landmark
2 has executed and recorded an agreement acceptable in form and content to the Landmarks
3 Preservation Board providing for the rehabilitation of the structure. This exemption does not
4 apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A
5 and does not apply for purposes of determining TDR or TDP available for transfer under Chapter
6 23.58A;

7 2. Floor area for a preschool, an elementary school, or a secondary school;

8 3. Floor area used for theaters or arts facilities, which for the purposes of this
9 Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

10 4. Floor area of street-level uses identified in subsection 23.48.005.D that meet
11 the development standards of subsection 23.48.040.C; and

12 5. Floor area in a vulnerable masonry structure that is included on a list of
13 structures that meet specified criteria in a rule promulgated by the Director under Section
14 23.48.627, provided that the structure is retained for a minimum of 50 years according to the
15 provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in
16 subsection 23.58A.042.F.3.

17 **23.48.721 Mandatory housing affordability (MHA) in SM-UP zones**

18 The provisions of Chapters 23.58B and 23.58C apply in all SM-UP zones where there is a
19 mandatory housing affordability suffix.

20 **23.48.722 Floor area in the SM-UP 160 zone**

21 A. Means to achieve extra floor area above the base FAR

22 1. General. The proposed development project shall:

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

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

7 1) Acquiring open space, Landmark, or vulnerable masonry
8 structure TDR or TDP according to Sections 23.48.723 and 23.58A.042; or

9 2) Providing open space amenities according to Sections 23.48.724
10 and 23.58A.040.

11 2. Extra floor area in mixed-use projects. In a project that exceeds the base FAR,
12 or exceeds the increment of additional chargeable floor area allowed above the base FAR under
13 subsection 23.48.720.B, and that includes both residential and non-residential uses, the amount
14 of extra residential floor area and extra non-residential floor area to be obtained is calculated as
15 follows:

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

19 b. Determine the total amount of extra floor area in the project above the
20 base FAR, or above the increment of additional chargeable floor area allowed above the base
21 FAR under subsection 23.48.720.B, and, using the percentages derived in subsection
22 23.48.722.A.1, divide this total amount to determine the share of extra floor area that is to be

obtained as extra residential floor area and the share that is to be obtained as extra non-residential floor area according to the applicable provisions of the zone.

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

23.48.723 Transfer of development rights (TDR) and transfer of development potential (TDP) in the SM-UP 160 zone

A. General standards

1. The transfer of development rights (TDR) may be used to gain extra non-residential floor area on a receiving site, and the transfer of development potential (TDP) may be used to gain extra residential floor area in a project on a receiving site.

2. The following types of TDR and TDP may be transferred within the Uptown Urban Center, subject to the limits and conditions of this Chapter 23.48 and the standards for the use of TDR and TDP in Section 23.58A.042:

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

B. Sending sites. Only sites within the Uptown Urban Center in the MR, LR3, or SM-UP zones are eligible sending sites. These sites must meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A, and must comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

C. Receiving sites. Only sites in the SM-UP 160 zone are eligible receiving sites.

D. Except as provided in subsection 23.47A.009.E.2.b, the maximum amount of floor area transferred by TDR and TDP from an eligible sending site may not exceed the maximum FAR of the zone in which the sending site is located, minus the sum of any chargeable floor area on the lot and any TDR and TDP previously transferred from the sending site.

23.48.724 Extra floor area for open space amenities in SM-UP 160 zone

A. In the SM-UP 160 zone, extra floor area may be gained above the base FAR specified for the zone in Section 23.48.720 in projects that provide open space amenities in accordance with Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this Section 23.48.724.

B. Projects that include the following open space amenities are eligible for extra floor area as specified in Section 23.48.722:

1. Green street improvements on designated Neighborhood Green Streets shown on Map A for 23.48.740;
2. Green street setbacks on lots abutting a designated Neighborhood Green Street shown on Map A for 23.48.740; and
3. Mid-block corridor.

C. To be eligible for a floor area bonus, open space amenities shall comply with the applicable development standards and conditions specified in Section 23.58A.040, except that for a mid-block corridor the provisions of subsection 23.48.740.C.2 apply in addition to the conditions of Section 23.58A.040.

23.48.730 Adoption of vulnerable masonry structures rules

A. The Director shall promulgate a rule identifying structures that meet the following eligibility criteria as a vulnerable masonry structure TDR or TDP sending site under

subsection 23.58A.042.F and that, as a vulnerable masonry structure, are exempt from the calculations for chargeable FAR under subsection 23.48.720.C.5:

1. The structure has unreinforced masonry bearing walls and is included in the list of unreinforced masonry structures identified by the Department in April 2016, with a classification of Critical Risk (C), High Risk (H), or Medium Risk (M).

2. The structure has been seismically retrofitted to comply with rules and regulations applicable to seismic retrofitting of vulnerable masonry structures.

B. The Director shall periodically update the list to respond to changed conditions and remove or add structures to the list to maintain consistency with the criteria specified in subsection 23.48.730.A.

23.48.732 Maximum structure width and depth in SM-UP zones

A. The maximum width and depth of a structure is 250 feet, except as provided in this Section 23.48.732. The width and depth limits do not apply to below-grade or partially below-grade stories having street-facing facades that do not extend more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially below-grade story, other than locations of access to the building.

B. For the stories of a structure subject to width and depth limits, all portions of the same story that are horizontally contiguous, including any portions connected by doorways, ramps, bridges, elevated stairways, and similar connections, are included in the measurement of width and depth. The width and depth limits of stories in separate structures or structures on the same lot that abut but are not internally connected are measured separately. Designated Landmark structures and structures that qualify as vulnerable masonry buildings according to Section

23.48.730 are exempt from the width and depth limits, whether internally connected to a new structure or not.

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

1. Community clubs or community centers;
2. Religious facilities;
3. Arts facilities operated by a non-profit or for-profit organization or organizations;
4. Preschool, elementary, or secondary schools; or
5. Performing arts theaters.

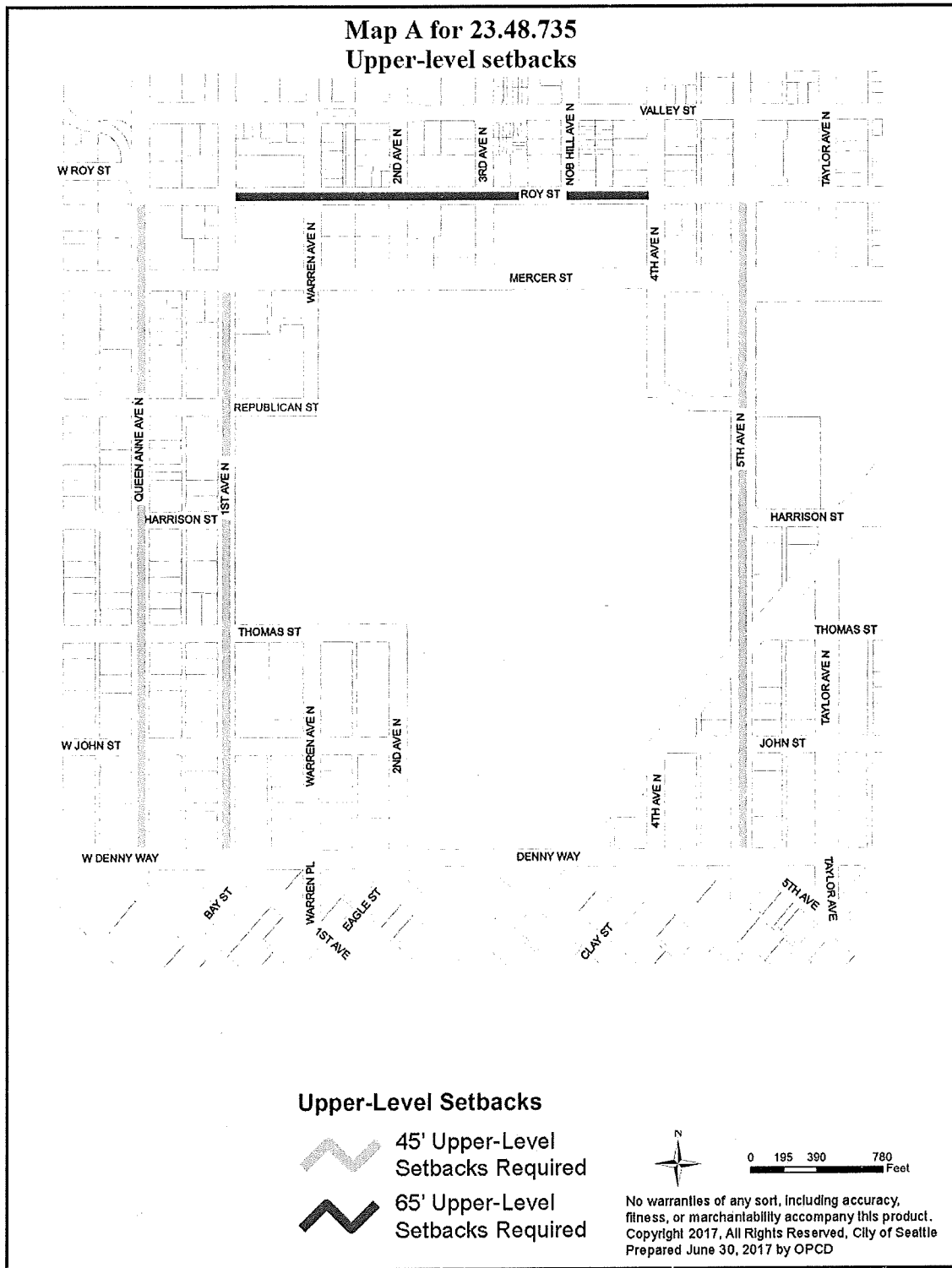
D. Width and depth limits do not apply to any portion of a structure that is 55 feet or less in height and located on a lot that includes a light rail transit station.

23.48.735 Upper-level setback requirements in SM-UP zones

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

Map A for 23.48.735

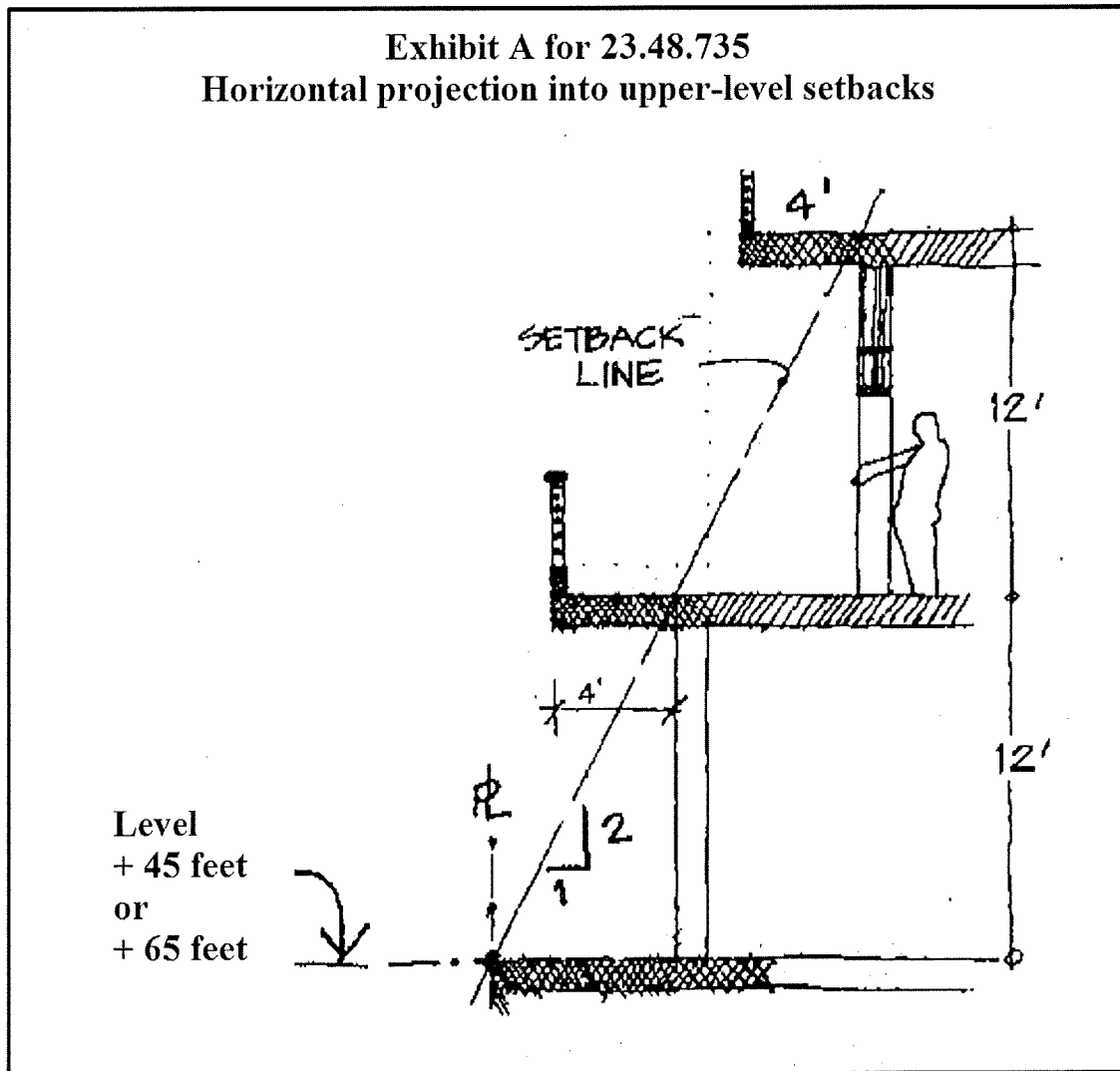
Upper-level setbacks



B. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet into required setbacks as shown in Exhibit A for 23.48.735.

Exhibit A for 23.48.735

Horizontal projection into upper-level setbacks



23.48.740 Street-level development standards in SM-UP zones

Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP zones.

In addition, the following requirements apply:

A. Street-level facade requirements; setbacks from street lot lines

Street-facing facades of a structure are must be built to the lot line except as follows:

1. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.740, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, other required open space, or usable open space provided in accordance with subsections 23.48.740.B and 23.48.740.C is excluded from the total amount of frontage required to be built to the street lot line.

2. If a building in the Uptown Urban Center faces both a Class 1 Pedestrian Street and a Class 2 Pedestrian Street a new structure is only required to provide a primary building entrance on the Class 1 Pedestrian Street.

Map A for 23.48.740

Pedestrian street classifications in Uptown

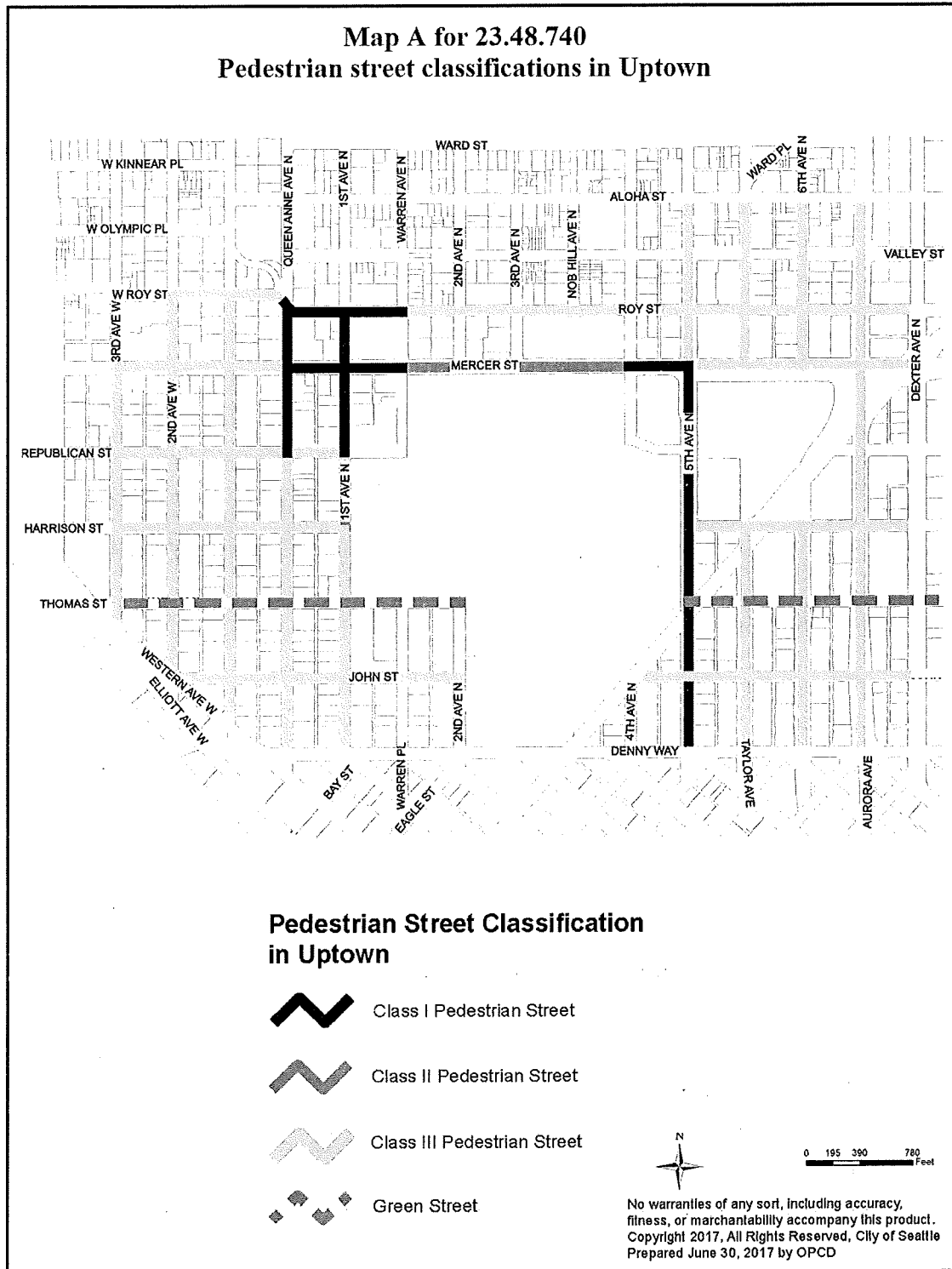
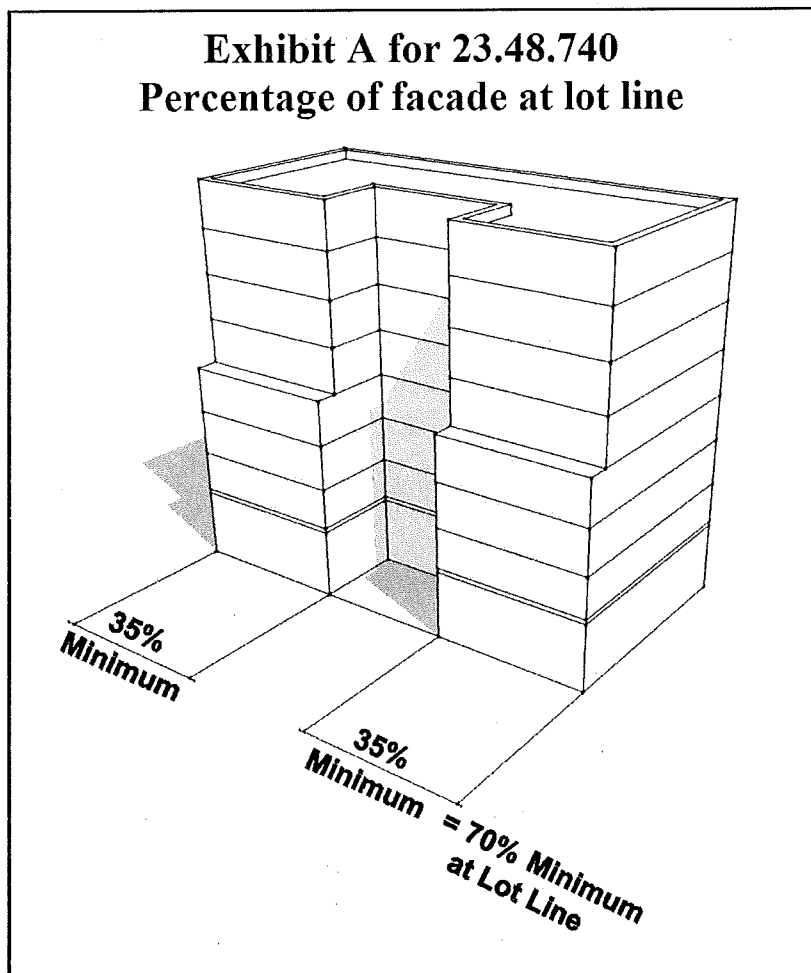


Exhibit A for 23.48.740

Percentage of facade at lot line



3. For streets designated as Class II and Class III Pedestrian Streets and Green Streets as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following (as shown on Exhibit B for 23.48.740):

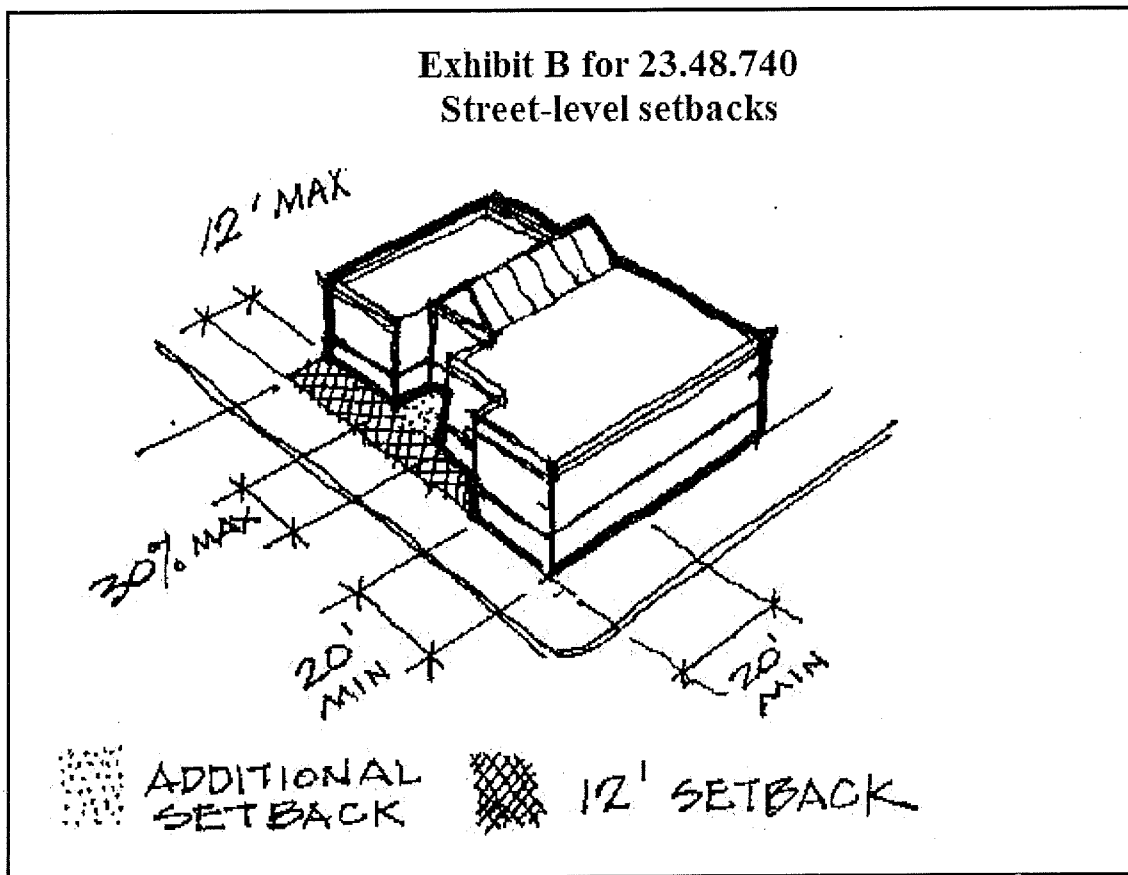
a. The setback area shall be landscaped according to the provisions of subsection 23.48.055.A.2;

b. Additional setbacks are permitted for up to 30 percent of the length of portions of the street-facing facade that are set back from the street lot line, provided that the additional setback is located 20 feet or more from any street corner; and

c. Any required outdoor amenity area, other required open space, or usable open space provided in accordance with subsection 23.48.740.B is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsection 23.48.740.B.

Exhibit B for 23.48.740

Street-level setbacks



B. Required usable open space in the SM-UP 65, SM-UP 85, and SM-UP 160 zones

1 1. In the SM-UP 65, SM-UP 85, and SM-UP 160 zones, on lots exceeding 30,000
2 square feet in area, proposed development shall provide usable open space as follows:

3 a. The minimum amount of required usable open space shall be equal to
4 15 percent of the lot area and shall generally be accessible at street level, with variations in
5 elevation allowed to accommodate changes in topography;

6 b. The average horizontal dimension for any area qualifying as required
7 usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there
8 is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is
9 provided according to subsection 23.48.740.B.1.c;

10 c. A minimum of 45 percent of the required usable open space shall be
11 exterior space open to the sky and shall abut a street along at least one street frontage and
12 provide both visual and physical access from the street lot line to pedestrians, including persons
13 with disabilities;

14 d. Up to a maximum of 20 percent of the required usable open space may
15 be covered, if the open space abuts a street lot line and is open and accessible to pedestrians
16 along the sidewalk;

17 e. Up to a maximum of 35 percent of the required usable open space may
18 be provided as enclosed space, such as atrium, a shopping atrium, wintergarden, or covered
19 portion of a through-block pedestrian connection, if the enclosed open space meets all of the
20 following requirements:

21 1) Direct access is provided to pedestrians, including persons with
22 disabilities, from the street, or from an outdoor, usable open space abutting the street;

2) The space is provided as one continuous area that is a minimum of 2,000 square feet in size. Space, such as lobby area, that is used solely to provide access between the structure's principal street entrance and elevators, does not qualify as required usable open space;

3) The minimum floor-to-ceiling height is 15 feet;

4) The space is accessible to the public during normal business hours; and

f. Up to a maximum of ten percent of the required usable open space may be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or accommodates landscaping or extensions of right-of-way green factor treatment. Minor changes between the sidewalk elevation and the elevation of the abutting sidewalk area are permitted to accommodate changes in topography, or to provide for features such as ramps that improve access for persons with disabilities.

2. Usable open space provided under this subsection 23.48.740.B is eligible to qualify as either amenity area for residential uses under Section 23.48.045 or open space required for office use under Section 23.48.750, or both, provided the applicable standards of Sections 23.48.045 and 23.48.750 are met.

C. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.740.C.2 is required in the SM-UP 65, SM-UP 85, and SM-UP 160 zones for development described as follows:

a. The development is located on a lot having a minimum lot area of 40,000 square feet; and

b. The lot abuts the two north/south avenues for a minimum linear distance of 120 feet along each avenue.

2. The required through-block pedestrian connection shall meet the following development standards:

a. A continuous pedestrian passageway shall extend across the lot to connect either two streets or avenues whichever the development abuts. If the development site abuts two avenues and two streets, the passageway shall connect the rights of way that have the greater length. The alignment of the passageway and the point at which it intersects each avenue shall be no closer than 100 feet to a street intersection, and the connection of the passageway to abutting sidewalks shall be accessible at the grade level of the sidewalk.

b. The required pedestrian connection shall have an average width of 25 feet and a minimum width of 15 feet. Any segment of the pedestrian passage that is covered by an overhead covering from side to side shall have a minimum width of 20 feet.

c. The pedestrian passageway shall be open to the sky, except that up to 35 percent of the length of the passageway may be covered and enclosed, provided the minimum height of covered portions is 13 feet. Unenclosed area of the passageway may be counted as required open space; and

d. If the passageway crosses an alley, the alley right-of-way shall be improved to ensure pedestrian safety and to reinforce the relationship between portions of the passageway on either side of the alley.

3. The Director may allow modifications or waiver from the standards for through-block pedestrian connections as a Type I decision, if the Director determines that alternative

designs will better serve the development by enhancing pedestrian comfort and promoting greater use of the connection.

23.48.745 Upper-level development standards in SM-UP 160 zones

Structures in the SM-UP 160 zone that exceed a height of 125 feet are subject to the upper-level development standards in this Section 23.48.745.

A. Upper-level floor area limit. For towers, the average gross floor area of all stories above the podium height shall not exceed 50 percent of the lot area.

B. Floor area limits. For structures that exceed 125 feet in height, the maximum floor area is 12,500 square feet for each floor located above 45 feet.

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

1. The height limit for podiums is 45 feet.

2. Podium floor area limits. The average gross floor area of all the stories below the podium height specified in subsection 23.48.745.C.1 shall not exceed 75 percent of the lot area used for upper-level development standards for a tower, except that the podium floor area is not limited if the total number of stories below the podium height is three or fewer stories.

D. Facade modulation. For all structures exceeding 95 feet in height, facade modulation is required for the street-facing facade of a structure located within 15 feet of a street lot line and exceeding the podium height specified for the lot in subsection 23.48.745.C. No modulation is required for portions of a facade set back 15 feet or more from a street lot line or below the podium height.

1. The maximum length of a facade without modulation is shown in Table A for 23.48.745. This maximum length shall be measured parallel to each street lot line and shall apply

to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table A for 23.48.745
Facade modulation

Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line
For stories above the podium height of 45 feet up to 125 feet	150 feet
For stories above 125 feet	120 feet

2. If a portion of a facade that is within 15 feet of the street lot line is the maximum length permitted for an unmodulated facade, the facade must be modulated at a minimum depth of 15 feet measured from the street lot line for a minimum length of 40 feet. If the required setback is provided, additional portions of the facade may be located within 15 feet of the street lot line.

E. Limit on the number of tower structures per block

1. Only one tower structure is permitted on a single block, which limit includes any existing tower structure.

2. For purposes of this subsection 23.48.745.E an existing tower is either:

a. A tower that is physically present; or

b. A proposed tower for which notice of a Master Use Permit decision has been published, unless and until either:

1) The Master Use Permit issued pursuant to such a decision expires or is cancelled, without the tower having been constructed; or

2) A decision is made by a hearing examiner or court reversing or vacating the Master Use Permit and the decision is final and no longer subject to judicial review.

23.48.750 Open space requirement for office uses in the SM-UP zone

A. Quantity of open space. Open space in the amount of 20 square feet for each 1,000 square feet of gross floor area in office use is required for the following projects:

1. The project is on a lot located in an SM-UP zone that has a height limit that exceeds 95 feet; and

2. The project includes 85,000 or more square feet of gross floor area in office use.

B. Standards for open space. Open space may be provided on-site or on an adjacent lot, as follows:

1. On-site open space and open space on an adjacent lot

a. Open space on site or on an adjacent lot directly accessible from the project site shall satisfy the requirement of this Section 23.48.750 if it meets the standards of subsection 23.48.740.B and the open space is accessible to all occupants of the building.

b. Open space provided on-site under this requirement is eligible for amenity feature bonuses, where allowed in Section 23.48.021 when the following standards are met:

- 1) The space has a minimum horizontal dimension of 20 feet; and
- 2) The space is directly accessible to pedestrians, including persons with disabilities, from the street, or from an outdoor usable open space abutting the street; and
- 3) The space is available for use during normal business hours; and
- 4) Enclosed areas providing the connection between the structure's primary pedestrian access to the street and elevator cores, such as lobby space, do not qualify as required open space.

2. Off-site public open space

a. Open space satisfying the requirement of this Section 23.48.750 may be on a site other than the project site, provided that it is within an SM-UP zone, within one-quarter mile of the project site, open to the public without charge, and at least 3,000 square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access to the open space.

b. Open space that is open to the public and provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.49.013.

3. Easement for off-site open space. The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.48.750 shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this Section 23.48.750.

4. Open space provided under this Section 23.48.750 shall qualify as the open space required under subsection 23.48.740.B and Section 23.48.750 if it is located within 1/4 mile of the project site.

C. Limitations. Open space satisfying the requirement of this Section 23.48.750 for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this Section 23.48.750 for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop

where required open space is located, the transmitting antenna is subject to the development standards of Section 23.57.013.

23.48.755 Screening

A. Parking in structures. Except as provided for by subsection 23.48.085.B, parking located above street level in a garage shall be screened on Class 1, Class 2, and Class 3 Pedestrian Streets, as shown on Map A for 23.48.740.

B. Parking is not permitted at street level unless it is screened from the street by other uses.

23.48.780 Required parking in Uptown Urban Center

A. Parking at street level within structures. Parking in the Uptown Urban Center is permitted in a story that is partially above street level and partially below street level if the structure is permitted in a setback area under the provisions of subsection 23.48.740.B.2.b.

B. Maximum parking limit for office uses. Parking for office uses is limited to one parking space per every 1,000 square feet of gross floor area in office use.

23.48.785 Parking location, access, and curb cuts

A. Parking above the street level of a structure. The following provisions of this Section 23.48.785 apply to development in the SM-UP 65, SM-UP 85, SM-UP 95, and SM-UP 160 zones. Except as provided in Section 23.48.780 for parking partially above street level and partially below street level, parking within structures is permitted above the street level under the following conditions:

1. No more than 50 percent of all parking may be located above grade; and
2. For parking located on a story above the first story of a structure, a minimum of 30 percent of the length of the parking area measured along each street frontage shall be screened

1 from the street by another use. On lots located at street intersections, the screening of parking
2 area by another use shall be provided at the corner portion(s) of the structure; and

3 3. The parking area on a story above the first story of the structure that is not
4 screened from the street by another use shall be enclosed by facades along all street frontages.
5 Facades shall be designed to minimize the impacts of glare from vehicle headlights and interior
6 garage lighting on pedestrian views from the street.

7 B. In the SM-UP 65, SM-UP 85, and the SM-UP 160 zones in the Uptown Urban Center,
8 accessory surface parking is prohibited unless separated from all street lot lines by another use
9 within a structure.

10 Section 15. Subsection 23.58A.042.F of the Seattle Municipal Code, which section was
11 last amended by Ordinance 125267, is amended as follows:

12 **23.58A.042 Transferable development potential (TDP) and rights (TDR)**

13 * * *

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

18 1. The sending lot is located in the University Community Urban Center west
19 of 15th Avenue NE and is in an SM-U ((~~zone or an~~)) , NC3, or NC3P zone with a mapped
20 height limit of 55 feet or greater, or is located in the Uptown Urban Center and is in an SM-
21 UP, MR, LR3, or C2 zone;

22 2. The lot includes a structure that contributes to the historic architectural
23 context of the neighborhood(~~(, as indicated by being included))~~ and is identified as such in the

Department of Neighborhoods' (DON) Historic Resource Survey, and is ~~((structurally at risk, as indicated by being included))~~ also identified on a list of structures meeting specific criteria in a rule promulgated by the Director according to Section 23.48.627; and

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

a. The structure ~~((shall be))~~ is rehabilitated and maintained to comply with all ~~((applicable))~~ codes applicable to seismic retrofitting of vulnerable masonry structures;

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

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

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

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

4. If development rights from a lot certified by the Department as a vulnerable masonry structure sending site have not been sold within three years of certification, the lot

1 must be recertified by the Director to determine ((that)) if the structure continues to qualify as
2 an eligible sending site; and

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

9 ((6)) 5. For transfers of vulnerable masonry structure TDR and TDP, the owner of
10 the sending lot shall execute and record an agreement with the City, with the written consent of
11 all holders of encumbrances on the sending lot, unless such consent is waived by the Director
12 for good cause, ((to)) that provides for the maintenance of the required structure on the sending
13 lot for a minimum of 50 years. Such agreement shall commit to limits on additions and
14 modifications to the structure consistent with the provisions of this subsection 23.58A.042.F
15 and ((acceptable to)) that are approved by the Director.

16 * * *

17 Section 16. Section 23.58C.050 of the Seattle Municipal Code, last amended by
18 Ordinance 125371, is amended as follows:

19 **23.58C.050 Affordable housing—performance option**

20 A. Performance amount

21 1. An applicant complying with this Chapter 23.58C through the performance
22 option shall provide, as part of the units to be developed in each structure, a number of units
23 that meet the requirements according to subsection 23.58C.050.C calculated by multiplying

the percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050, as applicable, by the total number of units to be developed in each structure.

2. If the number of units that meet the requirements according to subsection 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the applicant shall:

a. Round up to two units; or
b. Provide one dwelling unit that meets the requirements according to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of Housing.

3. If the number of units that meet the requirements according to subsection 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and includes a fraction of a unit, the applicant shall:

a. Round up to the nearest whole unit; or
b. Round down to the nearest whole unit and pay a cash contribution for the fraction of a unit not otherwise provided, calculated by multiplying the ~~((performance))~~ payment calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and dividing the resulting number by the total number of units required to be provided based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

1 4. When the applicant elects to comply with this Chapter 23.58C through the
2 performance option for a development that contains multiple structures and the calculation
3 according to subsection 23.58C.050.A.1 results in fractions of units in more than one
4 structure, the Director may, as a Type I decision in consultation with the Director of
5 Housing, allow such fractions of units to be combined, provided:

6 a. If the sum of the combined fractions of units calculated according to
7 this subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

- 8 1) Round up to two units; or
9 2) Provide one dwelling unit that meets the requirements
10 according to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the
11 Director of Housing;

12 b. If the sum of the combined fractions of units calculated according to
13 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
14 applicant shall:

- 15 1) Round up to the nearest whole unit; or
16 2) Round down to the nearest whole unit and pay a cash
17 contribution for the fraction of a unit not otherwise provided, calculated according to
18 subsection 23.58C.050.A.3.b; and

19 c. The construction of the structure(s) containing the units that meet
20 the requirements according to subsection 23.58C.050.C shall be completed at the same time
21 or at an earlier time than completion of construction of other structures in the development
22 containing units.

23 * * *

Section 17. Section 23.84A.025 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.84A.025 "M"

* * *

"Mid-block corridor" means an amenity feature that provides open space and publicly accessible connections across extremely long blocks to mitigate transportation impacts of new development by improving pedestrian circulation in high density areas, including but not limited to the South Lake Union Urban Center, the University Community Urban Center west of 15th Avenue NE, the Uptown Urban Center, and the Downtown Urban Center east of Interstate 5.

* * *

Section 18. Section 23.84A.042 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.84A.042 "V"

* * *

"Vulnerable masonry structure" means a structure in specified zones within the University Community Urban Center west of 15th Avenue NE or within the Uptown Urban Center that is identified in a Director's rule because it meets criteria for being included on the list of unreinforced masonry structures (URM) identified by Seattle DCI and is also ~~((classified))~~ identified in the Department of Neighborhoods' Historic Resource Survey as a structure likely to qualify for nomination as a Seattle Landmark.

Section 19. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinances 125287 and 125248, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this Section 25.05.800 are categorically exempt from threshold determination and environmental impact statement requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction; flexible thresholds

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or
- d. Requires a land use decision that is not exempt under subsection 25.05.800.F.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water:

a. The construction or location of residential or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800;

Table A for 25.05.800			
Exemptions for residential uses			
Zone	Residential uses		
	Number of exempt dwelling units		
	Outside of urban centers	Within urban centers where growth estimates have not been exceeded	Within urban centers where growth estimates have been exceeded
SF((;)) and RSL	4	4	4
LR1	4	200 ¹	20
LR2	6	200 ¹	20
LR3	8	200 ¹	20
NC1, NC2, NC3, C1, and C2	4	200 ¹	20
MR, HR, ((SM;)) SM-SLU, SM-D, SM-U, SM-NR, and SM-UP	20	200 ¹	20
MPC-YT	NA	30 ¹	20
Downtown zones	NA	250 ¹	20
Industrial zones	4	4	4
Footnotes to Table A for 25.05.800((;)) NA = not applicable Urban centers are identified in the Seattle Comprehensive Plan ¹ Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.			

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or the property owner's agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service, or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800 below:

Table B for 25.05.800

Exemptions for non-residential uses

Zone	Non-residential uses		
	Exempt area of use (square feet of gross floor area)		
	Outside of urban centers	Within urban centers where growth estimates have not been exceeded	Within urban centers where growth estimates have been exceeded
SF, RSL((;)) and LR1	4,000	4,000	4,000
LR2((;)) and LR3	4,000	12,000 ¹ or 30,000	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000	12,000
C1, C2, ((SM;)) SM-SLU, SM-D, SM-U, SM-NR, and SM-UP	12,000	12,000 ¹ or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	12,000 ¹ or 30,000	12,000

Footnotes to Table B for 25.05.800((;))

NA = not applicable

Urban centers are identified in the Seattle Comprehensive Plan

¹ New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA). Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

e. Any fill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any excavation, fill or grading necessary for an exempt

1 project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d
2 shall be exempt.

3 f. Mixed-use construction, including but not limited to projects combining
4 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
5 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in
6 combination may have a probable significant adverse environmental impact in the judgment of
7 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

8 g. In zones not specifically identified in this subsection 25.05.800.A, the
9 standards for the most similar zone addressed by this subsection 25.05.800.A apply;

10 h. For the purposes of this subsection 25.05.800.A, "mixed-use
11 development" means development having two or more principal uses, one of which is a
12 residential use comprising 50 percent or more of the gross floor area;

13 i. To implement the requirements of Table A for 25.05.800 and Table B
14 for 25.05.800, the Director shall establish exemption limits by rule for each urban center and
15 each urban village containing a SAOD to assure that proposed development that could cause
16 growth targets in Appendix A of the Comprehensive Plan's Urban Village Element to be
17 exceeded is subject to SEPA review. The exemption limits shall contain a "cushion" to assure
18 that development does not exceed growth targets without SEPA review, provided that the
19 cushion shall be at least ten percent of the residential or employment growth targets established
20 in the Comprehensive Plan; and

21 j. The Director shall monitor residential and employment growth and
22 periodically publish a determination of growth for each urban center. Residential growth shall
23 include, but need not be limited to, net new units that have been built and net new units in

1 projects that have received a building permit but have not received a certificate of occupancy.

2 Per implementation guidance established by rule, if the Director determines that exemption

3 limits have been reached for an urban center subsequent development will be subject to the lower

4 thresholds as set forth in Table A for 25.05.800 and Table B for 25.05.800.

5 B. Other minor new construction

6 1. The exemptions in this subsection 25.05.800.B apply to all licenses required to
7 undertake the following types of proposals except when the project:

8 a. Is undertaken wholly or partly on lands covered by water;

9 b. Requires a license governing discharges to water that is not exempt
10 under RCW 43.21C.0383;

11 c. Requires a license governing emissions to air that is not exempt under
12 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

13 d. Requires a land use decision that is not exempt under subsection
14 25.05.800.F.

15 2. The construction or designation of bus stops, loading zones, shelters, access
16 facilities, and pull-out lanes for taxicabs, transit, and school vehicles;

17 3. The construction and/or installation of commercial on-premises signs, and
18 public signs and signals;

19 4. The construction or installation of minor road and street improvements by any
20 agency or private party that include the following:

21 a. Safety structures and equipment: Such as pavement marking, freeway
22 surveillance and control systems, railroad protective devices (not including grade-separated
23 crossings), grooving, glare screen, safety barriers, or energy attenuators;

1 b. Transportation corridor landscaping (including the application of state
2 of Washington approved herbicides by licensed personnel for right-of-way weed control as long
3 as this is not within watersheds controlled for the purpose of drinking water quality in
4 accordance with WAC 248-54-660);

5 c. Temporary traffic controls and detours;

6 d. Correction of substandard curves and intersections within existing
7 rights-of-way or widening of a highway by less than a single lane width where capacity is not
8 significantly increased and no new right-of-way is required;

9 e. Adding auxiliary lanes for localized purposes (e.g. weaving, climbing,
10 and speed change), where capacity is not significantly increased and no new right-of-way is
11 required;

12 f. Channelization and elimination of sight restrictions at intersections,
13 street lighting, guard rails, and barricade installation;

14 g. Installation of catchbasins and culverts for the purposes of road and
15 street improvements;

16 h. Reconstruction of existing roadbed (existing curb-to-curb in urban
17 locations), including adding or widening of shoulders where capacity is not increased and no
18 new right-of-way is required;

19 i. Addition of bicycle lanes, paths and facilities, and pedestrian walks and
20 paths, but not including additional automobile lanes;

21 5. Grading, excavating, filling, septic tank installations, and landscaping
22 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B, as
23 well as fencing and the construction of small structures and minor accessory facilities;

6. Additions or modifications to or replacement of any building or facility exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or replacement will not change the character of the building or facility in a way that would remove it from an exempt class ¹;

7. The demolition of any structure or facility, the construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B, except for structures or facilities with recognized historical significance such as listing in a historic register ¹;

8. The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less;

9. The vacation of streets or roads;

10. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

11. The installation of any property, boundary, or survey marker, other than fences, regardless of whether or not on lands covered by water;

12. The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

¹ Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve structures that exceed the following thresholds and that appear to meet criteria set forth in Chapter 25.12 for Landmark designation are subject to referral to the Department of Neighborhoods pursuant to Section 25.12.370:

Section 20. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 2nd day of October, 2017,
and signed by me in open session in authentication of its passage this 2nd day of
October, 2017.

IZOB JOHNSON
President Pro Tem of the City Council

Approved by me this 11th day of October, 2017.

Tim Burgess
Tim Burgess, Mayor

Filed by me this 11th day of OCTOBER, 2017.

Monica Martinez Simmons
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 – Uptown Rezone Map
Attachment 2 – Findings of Fact

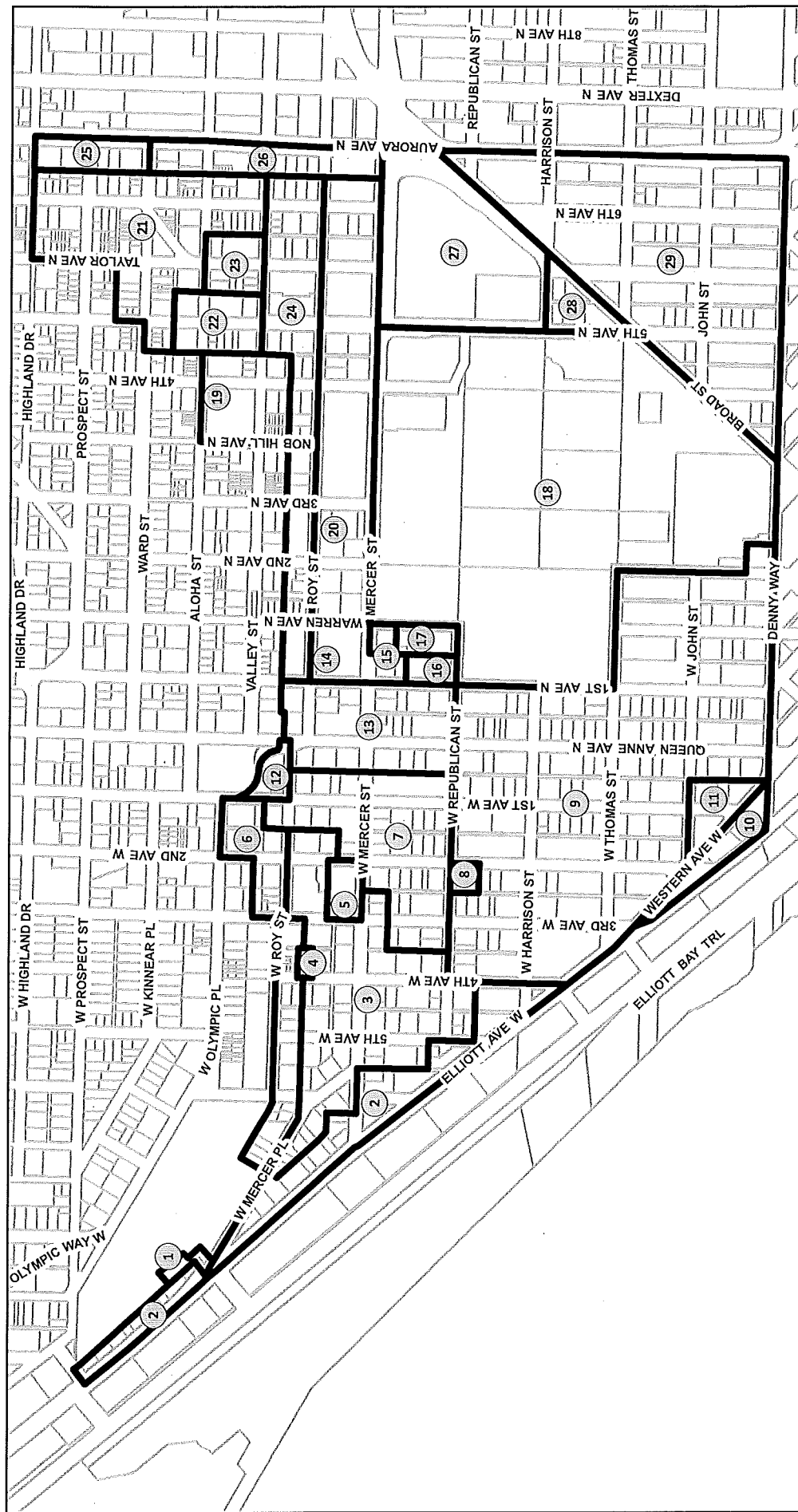
**Table A for Footnote (1) for
 25.05.800.B.6 and 25.05.800.B.6**

Zone	Residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, <u>and</u> Industrial zones	4
LR2	6
LR3	8
MR, HR, ((SM,)) SM-SLU, SM-D, SM-NR, <u>SM-U</u> , <u>SM-</u> <u>UP</u> , <u>and</u> Downtown zones	20

**Table B for Footnote (1) for
 25.05.800.B.6 and 25.05.800.B.7**

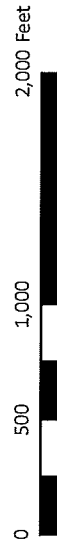
Zone	Non-residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, ((SM,)) SM-SLU, SM-D, SM-NR, <u>SM-U</u> , <u>SM-UP</u> , <u>and</u> Industrial zones	12,000
All other zones	4,000

* * *



Uptown Rezone Map

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Prepared Tuesday, September 19, 2017
by Seattle City Council Central Staff



Label	Rezone	Label	Rezone	Label	Rezone	Label	Rezone
1	LR3 TO LR3 (M)	9	NC3-65 TO SM-UP 85 (M)	17	NC3-65 TO SM-UP 65	25	LR3 RC TO LR3 RC (M)
2	C2-40 TO C2-55 (M)	10	C2-40 TO C2-55 (M)	18	NC3-85 TO SM-UP 95 (M)	26	C1-65 TO SM-UP 85 (M)
3	MR TO MR (M)	11	C2-40 TO SM-UP 85 (M1)	19	LR3 TO LR3 (M)	27	NC3-85 TO SM-UP 95 (M)
4	MR TO MR (M)	12	NC3P-40 TO SM-UP 65 (M1)	20	NC3-40 TO SM-UP 85 (M1)	28	NC3-85 TO SM-UP 160 (M)
5	NC3-65 TO SM-UP 65	13	NC3P-40 TO SM-UP 85 (M1)	21	LR3 TO LR3 (M)	29	SM-85 TO SM-UP 160 (M)
6	LR3 TO LR3 (M)	14	NC3P-40 TO SM-UP 85 (M1)	22	NC2-40 TO SM-UP 65 (M1)		
7	NC3-40 TO SM-UP 85 (M1)	15	NC3-40 TO SM-UP 85 (M1)	23	LR3 RC TO LR3 RC (M)		
8	NC3-85 TO SM-UP 85	16	NC3P-65 TO SM-UP 65	24	NC3-40 TO SM-UP 65 (M)		

FINDINGS OF FACT

1. In November, 2015, by Ordinance 124895, the Council adopted SMC Chapter 23.58B.
2. In August, 2016, by Ordinance 125108, the Council adopted SMC Chapter 23.58C.
3. Through this ordinance, the Council is rezoning areas in the Uptown Urban Center and is implementing Chapter 23.58B and Chapter 23.58C in the areas being rezoned (the "Rezone Area").
4. The findings of fact adopted by Section 1 of Ordinance 124895 and by Section 1 of Ordinance 125108 are incorporated herein by reference.
5. In addition to the findings referenced in paragraph 4, the Council makes the following findings of fact related to the implementation of Chapter 23.58C, also known as Mandatory Housing Affordability for Residential Development (MHA-R), in the Rezone Area.
6. In addition to the reports referenced in the findings referenced in paragraph 4, the City commissioned various additional reports, including:
 - a. Seattle Residential Affordable Housing Impact and Mitigation Study, David Paul Rosen & Associates, December 16, 2016.
 - b. Community Attributes, Inc., Technical Memorandum Re: Economic Analysis of MHA, November 29, 2016; Community Attributes, Inc., Supplemental Economic Analysis of MHA, July 14, 2017.
7. By applying MHA-R in the Rezone Area pursuant to this ordinance, the Council is implementing an affordable housing incentive program under RCW 36.70A.540.
8. The Rezone Area is an area where increased residential development will assist in achieving local growth management and housing policies. There is a need for increased residential development in the Rezone Area. The City's comprehensive planning efforts identify the Uptown Urban Center as a top priority area for job and housing growth. Increased residential development is essential to enhancing a vibrant urban center, to increasing housing choices and housing affordability, and to creating transit-oriented development – all as called for by the City's planning policies. Moreover, the City's Comprehensive Plan strongly supports addressing the compelling and increasing need for affordable housing in Uptown through a program under RCW 36.70A.540.
9. This ordinance provides substantially increased residential development capacity in the Rezone Area.
10. The increased residential development capacity provided within the Rezone Area can be achieved, subject to consideration of other regulatory controls on development.
11. RCW 36.70A.540 provides that affordable housing incentive programs may allow a payment of money or property in lieu of low-income housing units if the jurisdiction determines that the payment achieves a result equal to or better than providing the

affordable housing on-site, as long as the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Based on a comprehensive analysis performed by staff, the Council determines that the foregoing standards are met by this ordinance. The staff analysis, contained in Appendix E to the Director's Report, is hereby incorporated by reference.

12. New market-rate housing is generally not affordable to lower-income households. At the same time, new market-rate housing creates an increased need for affordable housing to house lower-income workers who provide the goods and services purchased by residents of new market-rate housing. MHA-R requirements imposed on residential developments in the Rezone Area mitigate impacts of those developments in creating a need for affordable housing.
13. Implementation of MHA-R in the Rezone Area is reasonably related to the public harms identified in the findings adopted by Section 1 of Ordinance 125108 and to the City's legitimate public goals to fulfill its planning obligations under State law and to ensure access to affordable housing for all communities and households in Seattle, utilizing the tool of RCW 36.70A.540 provided by the Washington State Legislature.