SEATTLE CITY COUNCIL

Legislative Summary

CB 119269

Record No.: CB 119269 **Type:** Ordinance (Ord) **Status:** Passed

Version: 3 **Ord. no:** Ord 125603 **In Control:** City Clerk

File Created: 05/30/2018

Final Action: 06/22/2018

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

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A – Central Area Neighborhood Design Guidelines, Ex B - Signed Ordinance 125429

Drafter: patrick.wigren@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	City Clerk	05/31/2018	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	06/01/2018	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	City Council	06/04/2018	referred	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was referred. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	Planning, Land Use, and Zoning Committee	06/06/2018	pass as amended				Pass
	Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).						
	Notes:						
	In Favor: 2 Chair Johnson, Vice Chair O'Brien						
	Opposed: 0						
1	City Council	06/18/2018	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 119269, by deleting Section 91, amending Section 92, and renumbering the remaining sections accordingly, as shown in Attachment 1 to the Minutes.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119269, by amending Section 44, Seattle Municipal Code Section 23.49.008, as shown in Attachment 2 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119269 as amended.

In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

3	City Clerk	06/20/2018	submitted for Mayor's signature	Mayor
3	Mayor	06/22/2018	Signed	
	Action Text:	The Council Bill (CB) was Signed.		
	Notes:			
3	Mayor	06/22/2018	returned	City Clerk
	Action Text:	The Council Bill (CB) was returned. to the City Clerk		
	Notes:			
3	City Clerk	06/22/2018	attested by City Clerk	
	Action Text:	The Ordinance (Ord) was attested by City Clerk.		
	Notes:			

CITY OF SEATTLE

ORDINANCE 125603

COUNCIL BILL 119269

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

22.206.130 Requirements

* * *

B. Number of exits

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

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

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

i. At ground level, or

ii. By way of an exterior stairway, or

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

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

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

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

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

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

* * *

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

23.22.059 Shoreline District

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

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

23.24.040 Criteria for approval

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.28.020 Application for approval of lot boundary adjustment ((.))

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

((~~1~~)) A. A plan showing the proposed change and containing standard survey data;

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

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

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

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

23.28.030 Criteria for approval

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. The lot boundary adjustment is consistent with applicable provisions of this Title 23 ((~~of the Seattle Municipal Code~~)) including, for lots in the Shoreline District, conformance with the applicable provisions of Section 23.60A.168.

* * *

Section 6. Section 23.30.020 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.30.020 Zone boundaries ((.))

Unless the location of zone boundary lines is expressly established by reference to established lines, points, or features on the Official Land Use Map, the zone boundary lines are the centerlines of streets, including freeways, expressways and parkways, public alleys, waterways, or railroad rights-of-way; ((,)) or in the case of navigable water, the pierhead or outer harbor lines; ((,)) or in the case of Lake Union, the "Seattle Construction Limit Line" as established by Section ((~~23.60.014~~)) 23.60A.016. Where the pierhead, outer harbor lines, or construction limit lines are not established, then the zone boundary lines shall be on the water side of the natural shoreline and ((~~five hundred feet (500')~~)) 500 feet, measured at right angles, from the shoreline. If the exact location of a zone boundary line cannot be determined otherwise, then its location shall be determined by measuring to scale on the Official Land Use Map.

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

23.41.004 Applicability

* * *

Table A for 23.41.004 **Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones**		
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.		
A.	**Category**	**Site Characteristic**
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	**Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.**	
	Amount of gross floor area of development	**Design review type[1]**
	B.1. Less than 8,000 square feet	No design review[2, 3]
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
	B.3. 35,000 square feet or greater	Full design review[4]
C.	**Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.**	
	Amount of gross floor area of development	**Design review type[1]**
	C.1. Less than 8,000 square feet	No design review[2, 3]
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review

Table A for 23.41.004 **Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones**		
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full ((~~Design Review~~)) design review[4]

Footnotes to Table A for 23.41.004

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

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

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

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

* * *

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

23.41.012 Development standard departures

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

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

1. Procedures;

2. Definitions;

3. Measurements;

4. Provisions of the Shoreline District, Chapter 23.60A;

5. Lot configuration standards in subsections 23.22.100.C.3, ((~~23.24.040.A.8~~)) 23.24.040.A.9, and 23.28.030.A.3;

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

* * *

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

23.42.040 Intermittent, temporary, and interim uses

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

* * *

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

* * *

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

23.42.048 Configuration of dwelling units

* * *

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

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

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

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

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

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

23.44.006 Principal uses permitted outright

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

* * *

F. Uses in existing or former public schools:

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

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

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

* * *

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

23.44.008 Development standards for uses permitted outright

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

* * *

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

* * *

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

23.44.010 Lot requirements

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Limitations

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

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

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

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

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

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

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

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

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

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

* * *

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

23.44.012 Height limits

* * *

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

* * *

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

23.44.014 Yards and separations

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

* * *

B. Rear Yards ((.))

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

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

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

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

* * *

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

* * *

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

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

* * *

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

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

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

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

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

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

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

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

* * *

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

23.44.016 Parking and garages

* * *

D. Parking and garages in required yards

* * *

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

* * *

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

23.44.022 Institutions

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

Community centers

Child care centers

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

Museums

Private clubs

Vocational schools

* * *

D. General provisions

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

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

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

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

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

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

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

* * *

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

23.44.041 Accessory dwelling units

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

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

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

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

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

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

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

Table A for 23.44.041 **Development ((~~Standards for All Accessory Dwelling Units~~)) <u>standards for all accessory dwelling units</u>**	
a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area.[1] Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
Footnotes to Table A for 23.44.041: [1]The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, except that a garage for the accessory dwelling unit may be located on a different level. [2]More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.	

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

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

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

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

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

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

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

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

Table B for 23.44.041 **Development standards for detached accessory dwelling units[1]**					
(1) Base structure height limit (feet)	12	14	15	16	16
(2) Height allowed for pitched roof above base structure height limit (feet)	3	7	7	6	7
(3) Height allowed for shed or butterfly roof above base structure height limit (feet); see Exhibit A for 23.44.041	3	4	4	4	4
l. Minimum separation from principal structure	5 feet				

Footnotes to Table B for 23.44.041

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

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

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

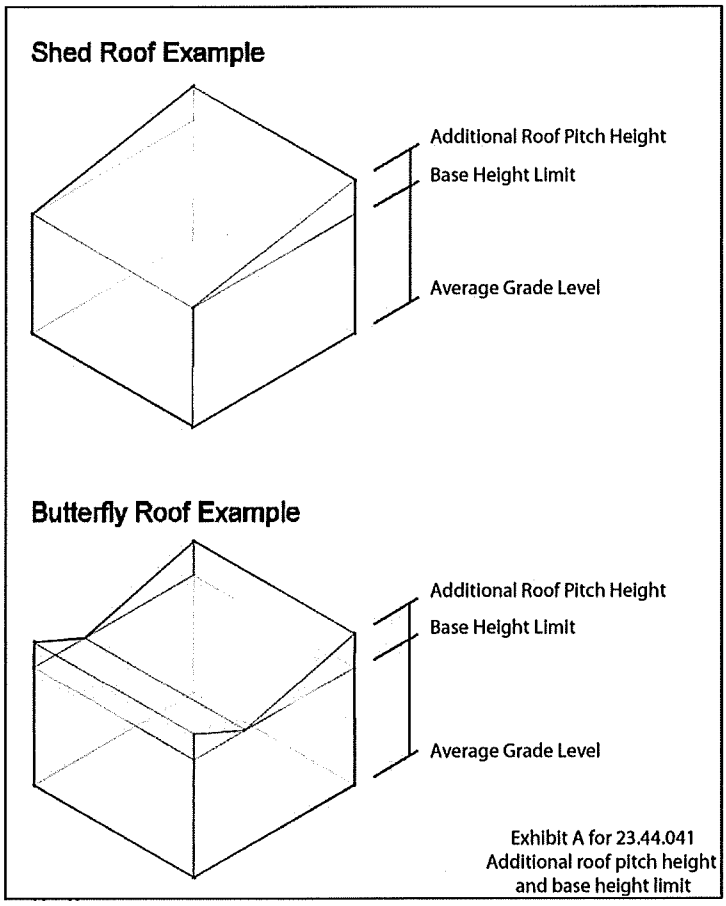
[4]On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

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

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

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

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



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

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

* * *

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

23.45.510 Floor area ratio (FAR) limits

* * *

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

* * *

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

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

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

* * *

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

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

23.45.514 Structure ((~~Height~~)) height

J. Rooftop features

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

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

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

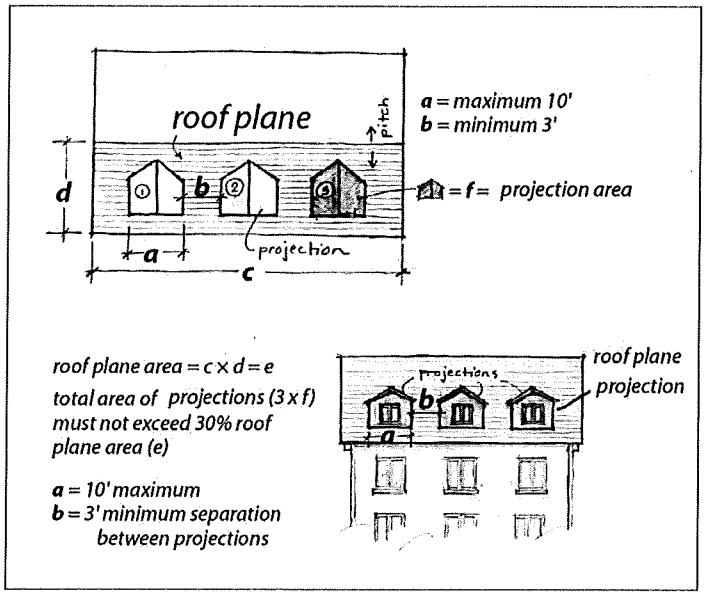
a. On pitched roofs, projections may extend to the height of the ridge of a pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions are met:

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

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

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

Exhibit D for 23.45.514: Permitted Projections on Pitched Roofs



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

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

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

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

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

b. Mechanical equipment;

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

d. Chimneys;

e. Wind-driven power generators; and

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

* * *

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

23.45.518 Setbacks and separations

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

Table A for 23.45.518 Required Setbacks in LR Zones Measured in Feet				
All LR zones	**Category of residential use**			
Setback[1]	**Cottage housing developments and single-family dwelling units**	**Rowhouse developments**	**Townhouse developments**	**Apartments**
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with alley; 7 if no alley	0 with alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side setback for facades 40 feet or less in length[1]	5	0 where abutting another rowhouse development[3], otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side setback for facades greater than 40 feet in length[2]	5 minimum	0 where abutting another rowhouse development[3], otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnotes to Table A for 23.45.518:

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

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

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

* * *

J. Structures in required setbacks or separations

* * *

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

* * *

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

23.45.536 Parking location, access, and screening

* * *

D. Screening of parking

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

a. The street facing facade of a structure;

b. Garage doors;

c. A fence or wall; or

d. Landscaped areas including bioretention facilities or landscaped berms.

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

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

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

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

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

* * *

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

23.45.545 Standards for certain accessory uses

* * *

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

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

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

* * *

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

1. One accessory dwelling unit is allowed for each rowhouse or townhouse unit that is a "principal unit". A "principal unit" is a dwelling unit that is not an accessory dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.45.570 Institutions

* * *

G. Parking

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.46.002 Scope of provisions

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

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

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

* * *

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

23.47A.008 Street-level development standards

* * *

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

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

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

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

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

* * *

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

23.47A.009 Standards applicable to specific areas

* * *

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

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

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

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

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

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

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

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

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

2. Facade modulation

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

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

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

3. Maximum structure width

a. The maximum allowed structure width is 250 feet.

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

4. Setback requirements

a. Street-level setbacks

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

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

b. Upper-level setbacks

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

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

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

* * *

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

23.47A.013 Floor area ratio

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

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

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

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

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

* * *

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

1. All underground stories or portions of stories;

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

3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;

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

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

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

b. All of the following conditions are met:

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

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

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

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

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

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

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

* * *

H. Minimum FAR

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

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

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

Table C for 23.47A.013
Minimum floor area ratio (FAR) [1]

Height limit in feet	**30**	**40**	**65**	**85**	**125**	**160**
Minimum FAR	1.5	1.5	2	2	2.5	2.5

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

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

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

b. The lot is larger than five acres;

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

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

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

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

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

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

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

a. Gross floor area below grade; and

b. Gross floor area containing parking.

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

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

23.47A.014 Setback requirements

* * *

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

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

* * *

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

23.47A.016 Landscaping and screening standards

* * *

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

1. Surface parking areas

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

Table ((C)) A for 23.47A.016 Landscaping requirements for surface parking areas	
Number of parking spaces	**Required landscaped area**
20 to 50	18 square feet, per parking space
51 to 99	25 square feet, per parking space
100 or more	35 square feet, per parking space

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

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

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

* * *

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

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

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

Table ((D)) B for 23.47A.016	
Use or ((~~Circumstance~~)) circumstance	**Minimum ((~~Requirement~~)) requirement**
m. Unenclosed parking garage on lots abutting a lot in a residential zone	A 5-foot-deep landscaped area and 6-foot-high screening along each shared lot line
n. Parking garage that is 8 feet or more above grade	3.5-foot screening along the perimeter of each floor of parking
o. Outdoor areas associated with pet daycare centers	Screened from all property lines by the facade of the structure or by 6-foot-high screening between the outdoor area and all property lines

* * *

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

23.48.005 Uses

* * *

C. Conditional uses

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

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

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

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

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

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

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

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

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

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

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

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

a. General sales and service uses;

b. Eating and drinking establishments;

c. Entertainment uses;

d. Public libraries;

e. Public parks;

f. Arts facilities;

g. Religious facilities; and

h. Light rail transit stations.

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

E. Public facilities in all SM zones

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

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

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

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

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

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

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

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

5. Expansion of uses in public facilities

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

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

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

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

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

23.48.020 Floor area ratio (FAR)

* * *

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

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.

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

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

5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

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

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

* * *

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

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

A. General provisions

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

Table A for 23.48.220
FAR limits for specified zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use[1]
	Base FAR	Maximum FAR	
SM-SLU 100/65-145	4.5	6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5[2]	8	6
SM-SLU 85-280	0.5/3[3]	NA	6
SM-SLU 240/125-440	5[2]	8	10

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

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

Zone	FAR limits for all uses	
	Base FAR	Maximum FAR
SM-SLU/R 65/95	Not applicable	Not applicable
SM-SLU 100/95	4.5	6.75
SM-SLU 145	5	9.5[1]
Footnote to Table B for 23.48.220 [1]The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.		

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

* * *

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

23.48.225 Structure height in South Lake Union Urban Center

* * *

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

* * *

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

23.48.231 Modification of development standards in certain SM-SLU zones

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

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

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

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

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

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

* * *

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

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

* * *

G. Required usable open space in the ((~~SM-SLU 85/65-125, SM-SLU160/85-240 and SM-SLU 240/125-400 zones~~)) SM-SLU 100/65-145, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones

1. Except as provided for in subsection 23.48.240.G.3 and 23.48.240.F, in the ((~~SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240 and SM-SLU 240/125-400~~)) SM-SLU 100/65-145, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones, on lots exceeding 30,000 square feet in area, proposed development containing extra floor area as provided for in Sections 23.48.021 and 23.48.221 shall provide usable open space as follows:

* * *

H. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.240.F.2 is required in the ((~~SM-SLU 85/65-125~~)) SM-SLU 100/65-145, SM-SLU 85-240, SM-SLU 85/65-160, ((~~SM-SLU160/85-240 and SM-SLU 240/125-400~~)) SM-SLU 175/85-280, and SM-SLU 240/125-440 zones for development described as follows:

* * *

Section 37. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

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

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

* * *

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

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

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

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

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

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

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

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

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

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

2) The lot includes an existing open space or a qualifying Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.020.A.3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

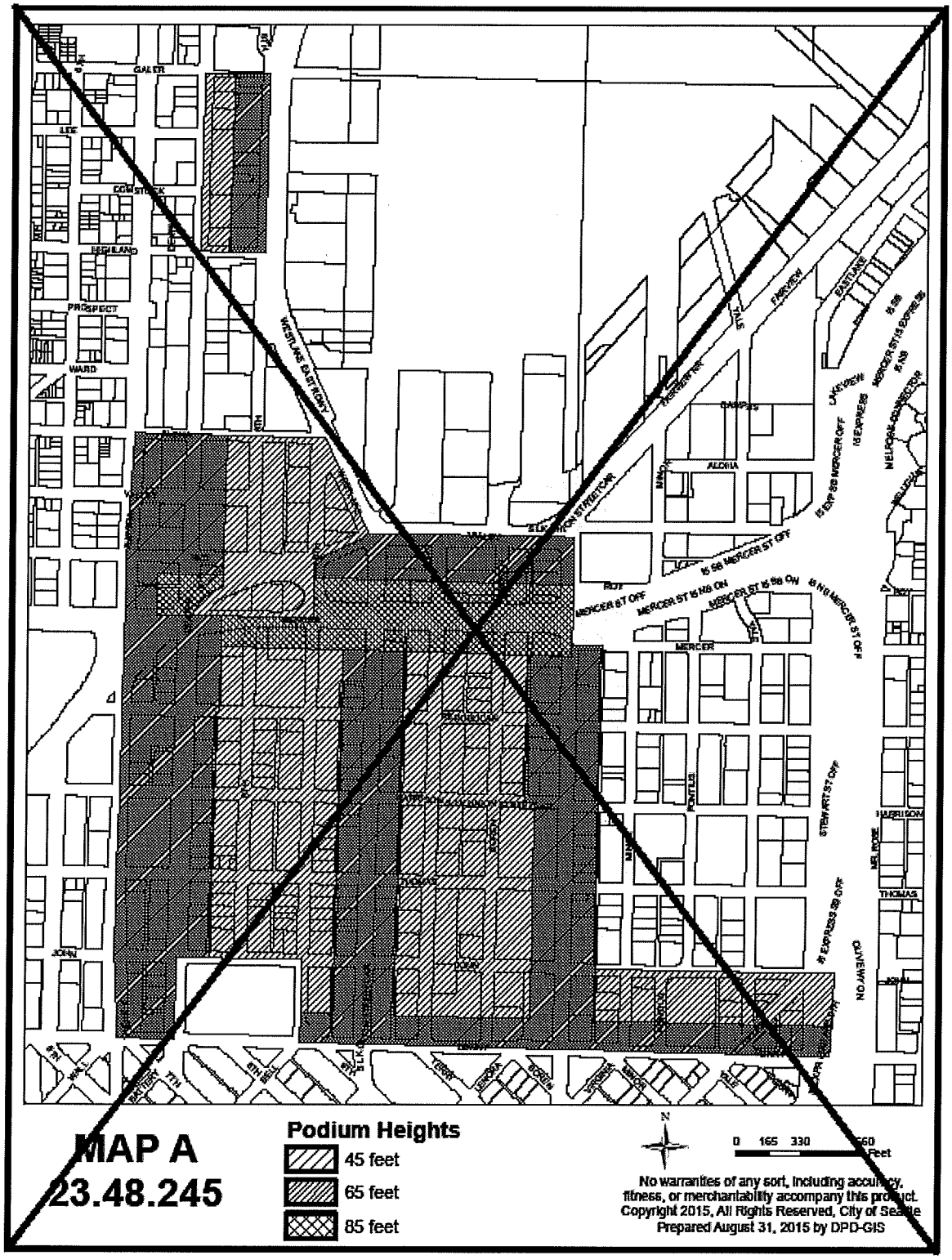
iii. The addition of stories to the structure, unless the proposed addition is no taller than the maximum height to which the structure was originally built, or the addition is approved through the design review process as compatible with the original character of the structure and is necessary for adapting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

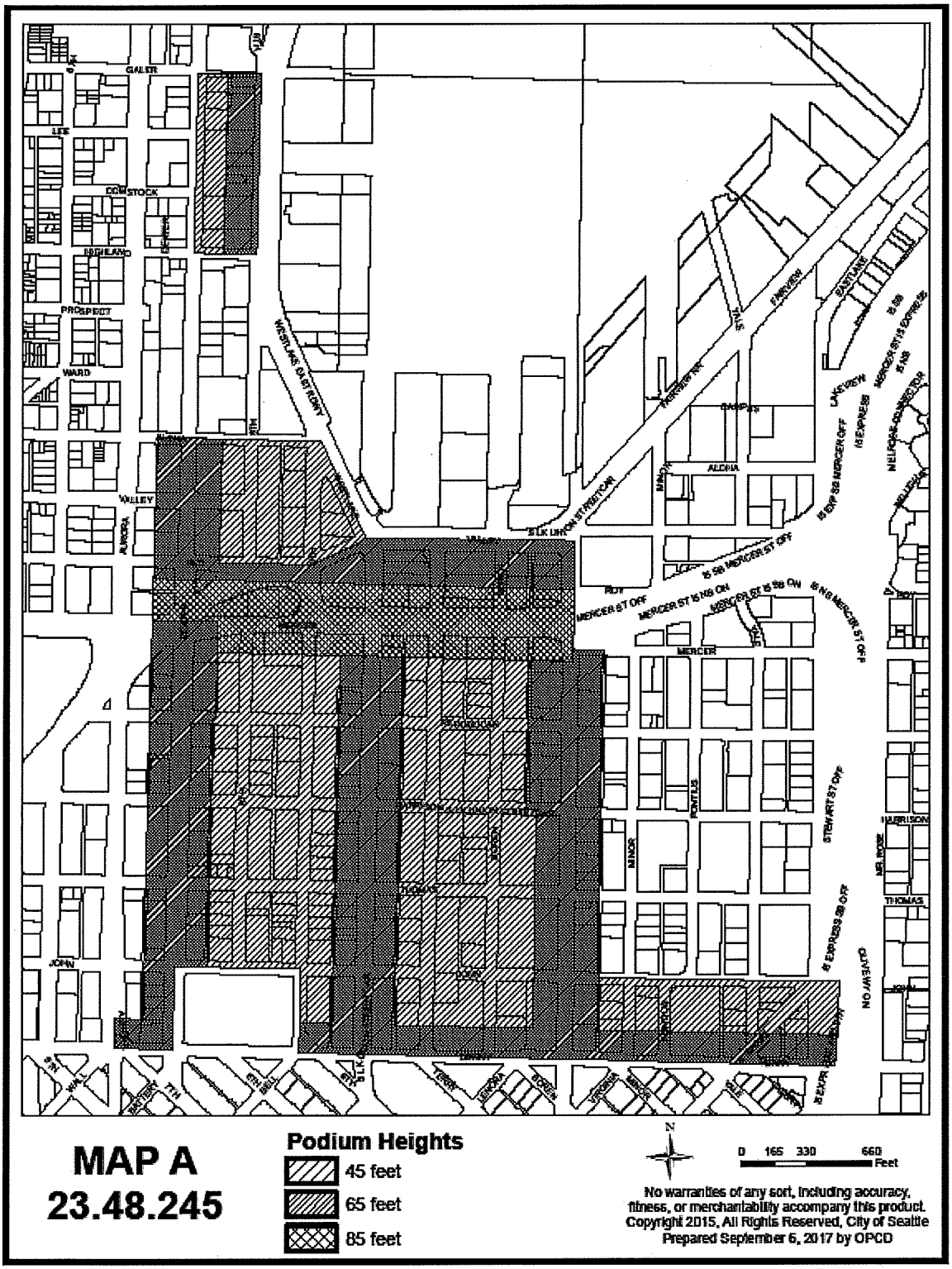
c) If the structure is removed from the lot, then any use of the portion of the lot previously occupied by the structure shall be limited to usable open space. The portion of the lot previously occupied by the structure shall be defined by a rectangle enclosing the exterior walls of the structure as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

d. Additional height for podiums abutting Class 1 Pedestrian Streets.

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

Map A for 23.48.245
Podium Heights




MAP A
23.48.245
Podium Heights
45 feet
65 feet
85 feet
N
0 165 330 660
Feet
No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
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Prepared September 6, 2017 by OPCD

* * *

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

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

* * *

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

1. On-site open space

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

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

2. Off-site public open space. Open space satisfying the requirement of this Section 23.48.250 may be on a site other than the project site, provided that it is within an SM-SLU zone and within 1/4 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.

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 23.48.250 shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this Section 23.48.250. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

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

* * *

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

23.48.620 Floor area ratio in SM-U zones

* * *

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

1. Unit number and size. 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

2. 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:

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

b. 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 continuous 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

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

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

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

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

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

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

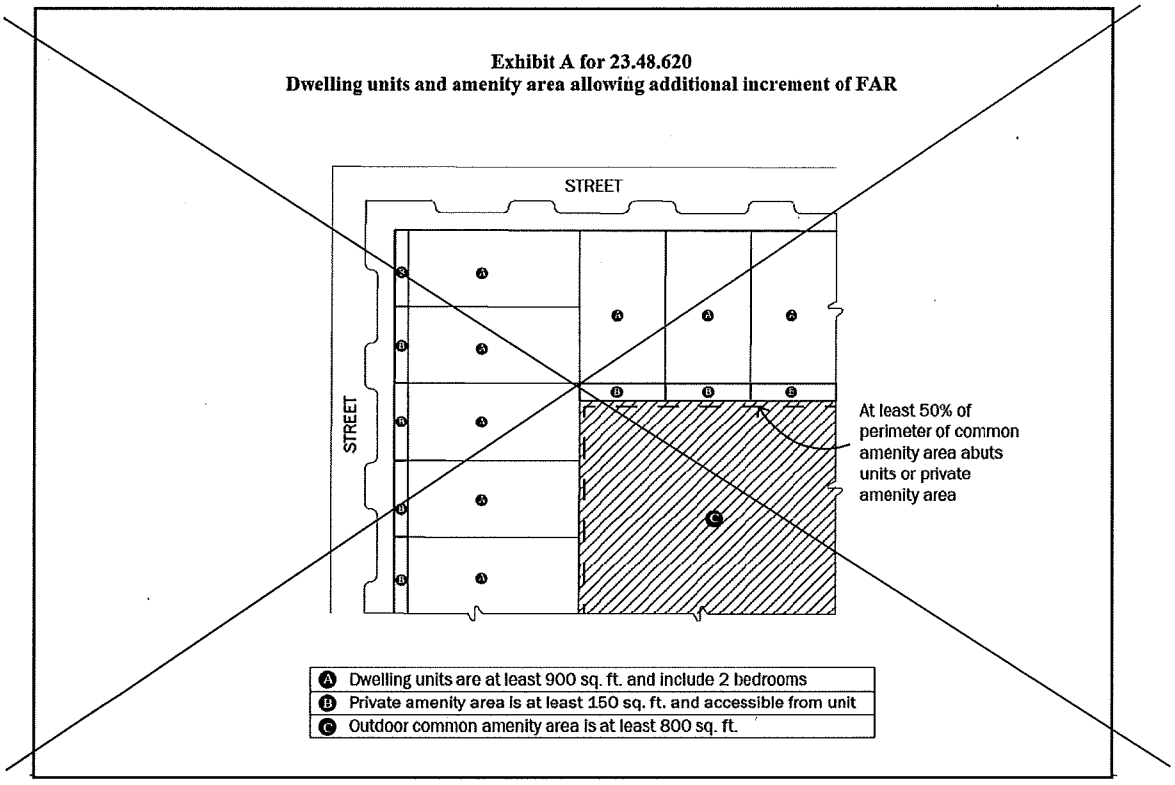
~~a. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.620.D.1 shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following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

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

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

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

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



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

23.48.640 Street-level development standards in SM-U zones

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

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

Table A for 23.48.640
Required ((~~street-level~~)) setbacks in the SM-U 85, SM-U 75-240, and SM-U 95-320 zones

Street requiring setback from abutting street lot line ((÷))	Required setback measured from street lot line
NE 42nd Street	3 feet average
NE 43rd Street	3 feet average
NE 45th Street	8 feet minimum
NE 50th Street	5 feet minimum

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.48.645 Upper-level development standards in SM-U zones

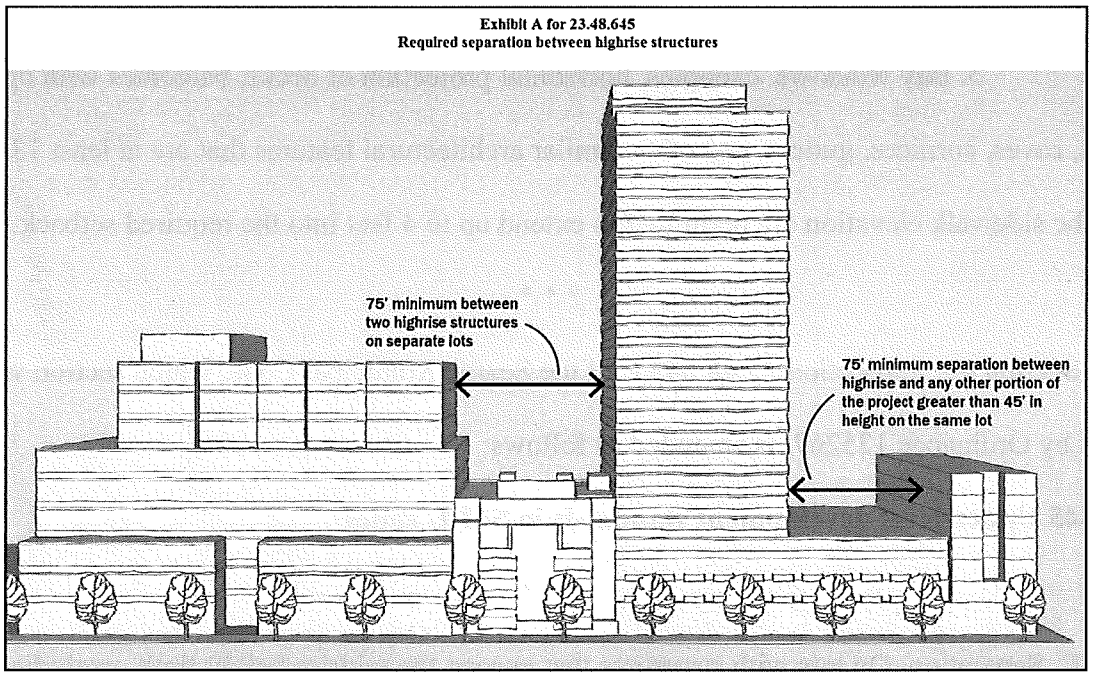
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E. Separation. On lots with structures that exceed the midrise height limit, excluding rooftop features otherwise allowed above the height limit by subsection 23.48.025.C, separation between structures or portions of the same structure is required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

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

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

Exhibit A for 23.48.645
Required separation between highrise structures



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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.48.722 Floor area in the SM-UP 160 zone

* * *

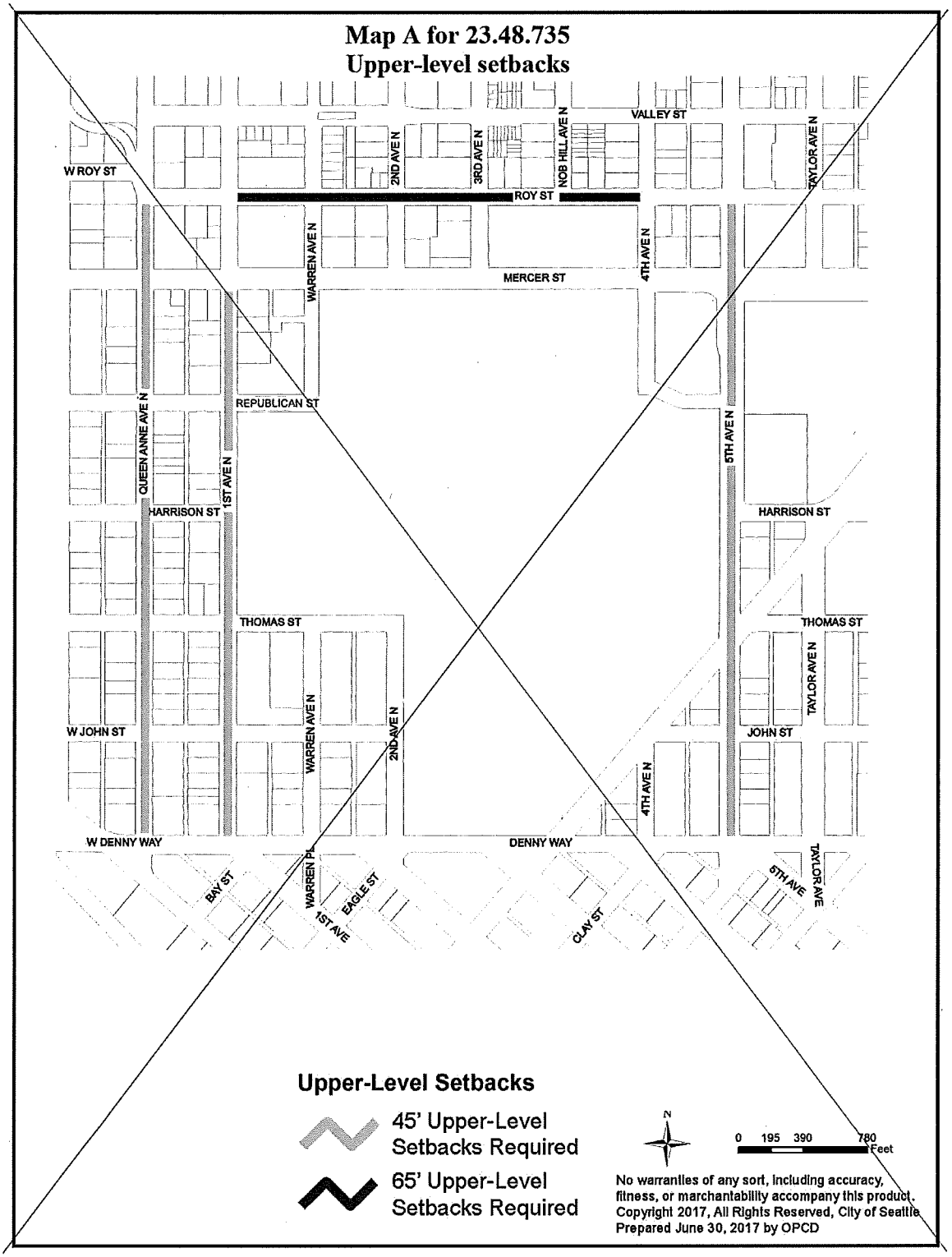
B. Minimum requirements. Development containing any extra floor area ((~~above 95 feet in height~~)) in the SM-UP 160 zone shall meet the minimum requirements for extra floor area in subsection 23.48.021.D.

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

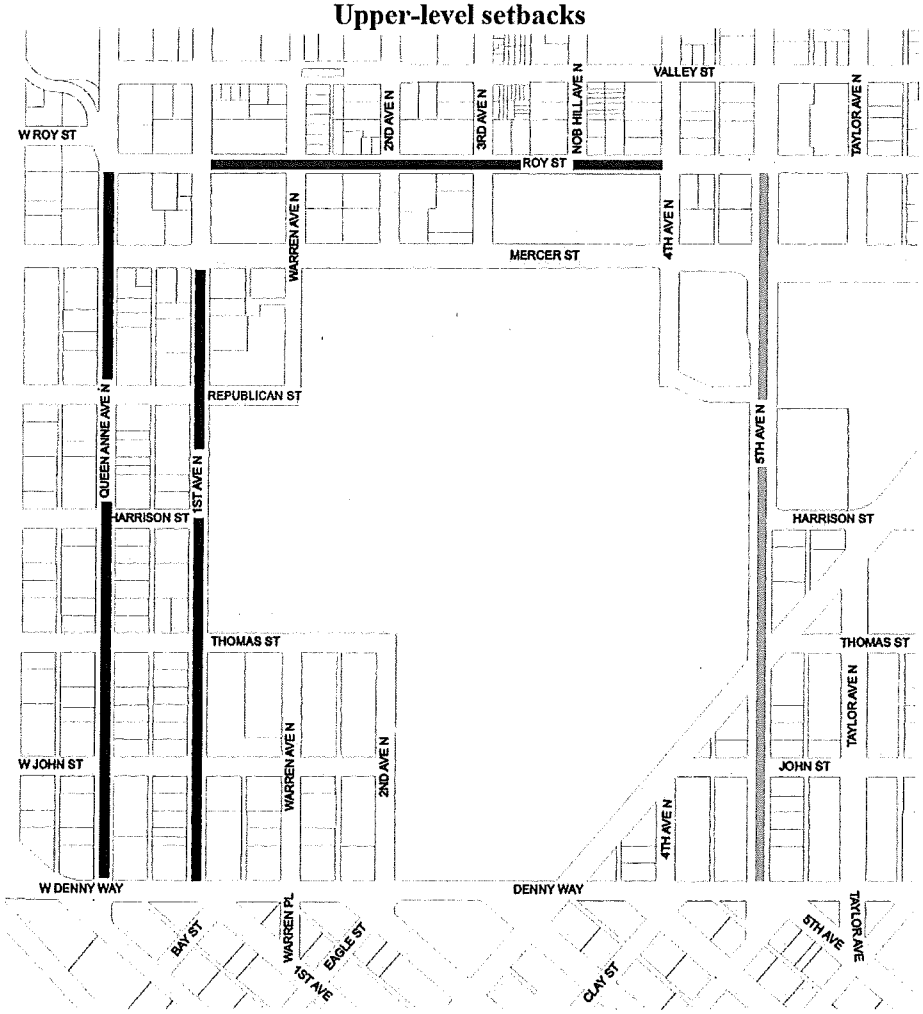
23.48.735 Upper-level setback requirements in SM-UP zones

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



Map A for 23.48.735
Upper-level setbacks



Upper-Level Setbacks

45' Upper-Level Setbacks Required

65' Upper-Level Setbacks Required

N

0 195 390 780 Feet

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* * *

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

23.49.008 Structure height

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

A. Base and maximum height limits

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

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

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

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

DOC1 Unlimited/450-unlimited

DOC2 500/300-550

DMC 340/290-440

DMC 240/290-440.

* * *

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

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

2. The lot with the structure either:

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

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

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

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

a. Are set back from the lot line closest to the lot with the existing tower by at least 15 feet, if the lot on which the structure is located is across an alley from the lot with the existing tower; or

b. Are set back from the lot line closest to the lot with the existing tower by at least 30 feet, if the lot on which the structure is located abuts the lot with the existing tower; or((~~.~~))

c. Are separated from all portions of the existing tower by at least 45 feet, except that the projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation. This subsection 23.49.008.H.4.c applies only if the lot on which the structure is located is across an alley from the lot with the existing tower.

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

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

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

23.49.011 Floor area ratio

* * *

B. Exemptions and deductions from FAR calculations

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

* * *

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

* * *

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

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

* * *

B. Voluntary agreements for housing

* * *

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

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

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

c. Either:

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

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

d. If the low-income housing or moderate-income housing is not owned by the applicant, then the applicant made a financial contribution to the low-income housing or moderate-income housing, or promised such contribution and has provided to the City an

irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing Director, in either case in an amount determined by the Housing Director to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the cost of providing units within the project using the bonus development, and the owner of the low-income housing or moderate-income housing has entered into a linkage agreement with the applicant pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this Section ((~~23.48.915~~)) 23.49.015 or any other bonus under this Title 23.

* * *

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

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

* * *

D. Transferable Development Potential (TDP)

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

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

E. Limits on TDP sending sites

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

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

* * *

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

23.49.032 Additions of chargeable floor area to lots with existing structures ((~~.~~))

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

* * *

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

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

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

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

Minimum and maximum facade heights

Setback limits

Facade transparency

Blank facade limits

Screening of parking

Street trees.

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

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

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

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

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

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

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

(((~~i~~)) 1) The maximum setback shall be ((~~ten (10)~~)) 10 feet.

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

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

(((~~i~~)) 4) The facade of the structure shall return to within ((~~two (2)~~)) 2 feet of the street property line between each setback area for a minimum of ((~~ten (10)~~)) 10 feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

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

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

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

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

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

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

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

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

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

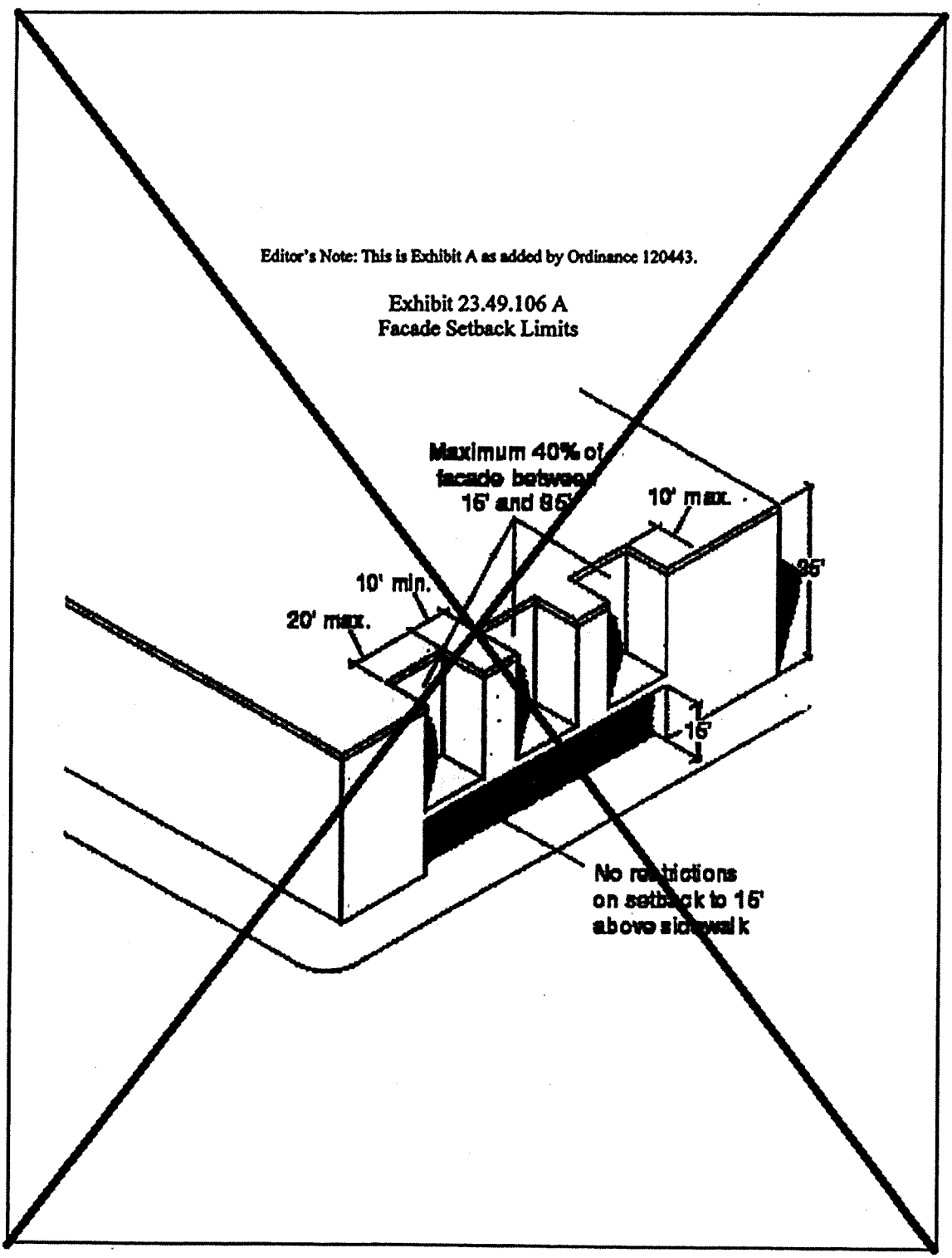
4. Any blank segments of the facade shall be separated by transparent areas at least ((~~two (2)~~)) 2 feet wide.

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

E. Reserved.

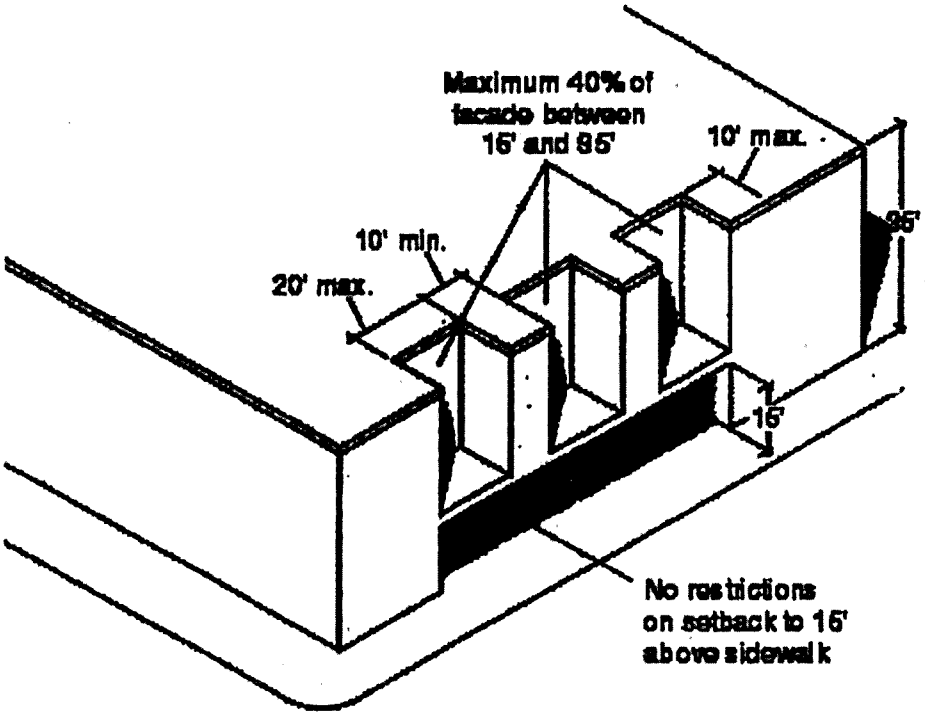
F. Street ((~~Tree Requirements~~)) tree requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according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

Exhibit A for 23.49.106
Facade Setback Limits



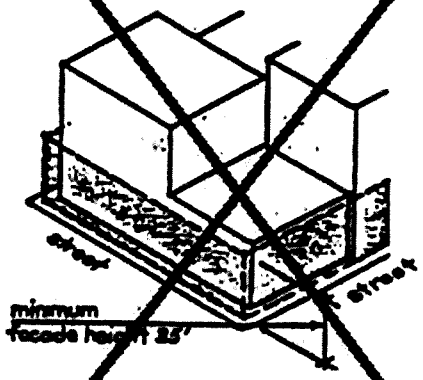
((~~Exhibit 23.49.106A~~))

Exhibit A for 23.49.106
Facade Setback Limits



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

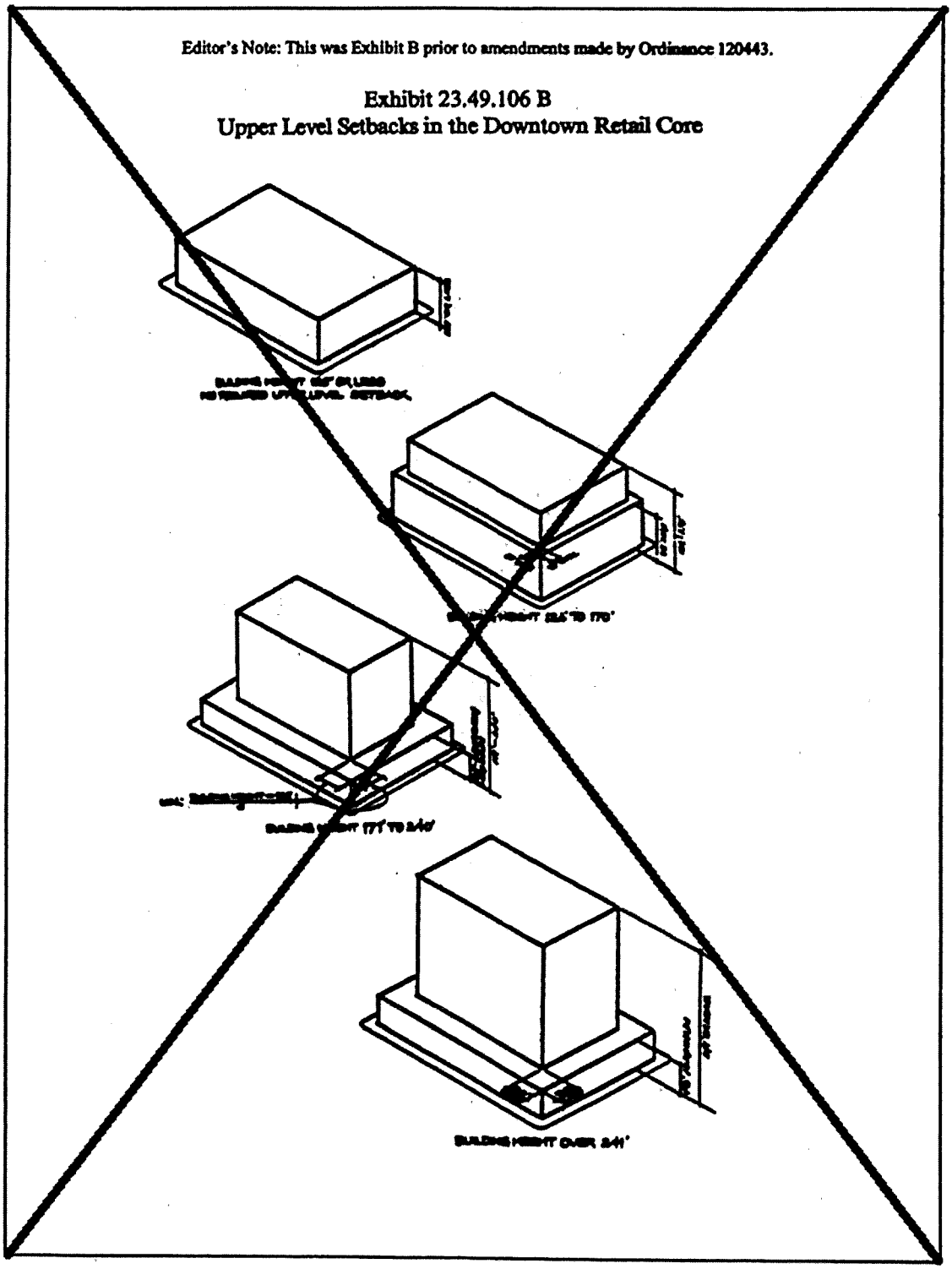
Exhibit 23.49.106 A (Old)
Minimum Façade Height



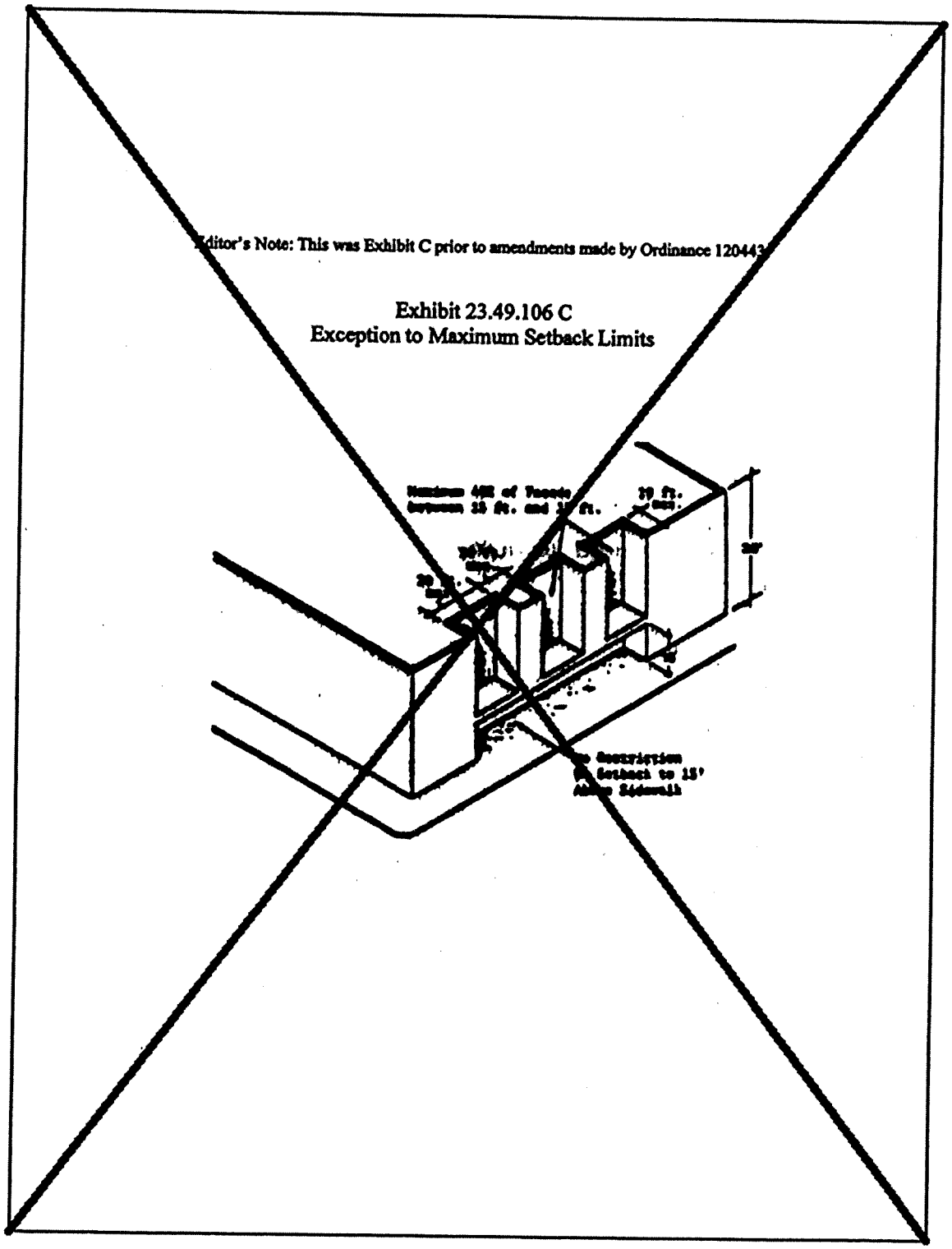
((~~*Exhibit 23.49.106A (Old)*~~))

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

Exhibit 23.49.106 B
Upper Level Setbacks in the Downtown Retail Core



((~~*Exhibit 23.49.106B*~~))



((~~*Exhibit 23.49.106C*~~))

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

23.49.108 Downtown Retail Core, upper-level development standards((.))

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

Exhibit A for 23.49.108
Upper Level Setbacks

Exhibit 23.49.108 A
Upper Level Setbacks

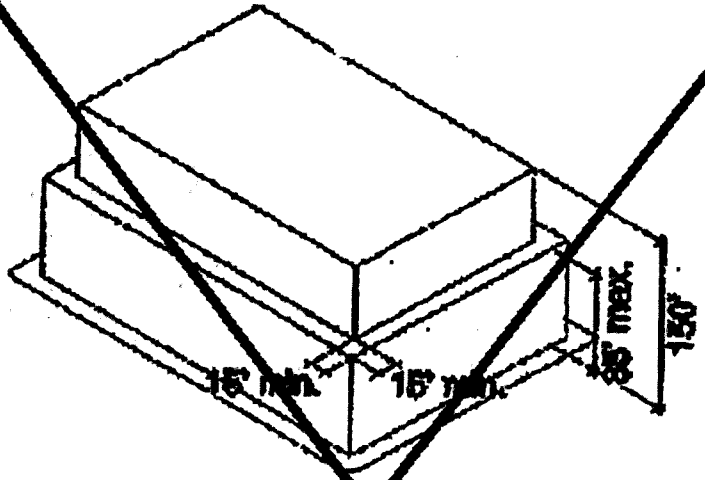


Exhibit 23.49.108 B
Special Setback Limits, 2nd Avenue Between
Pine and Union Streets

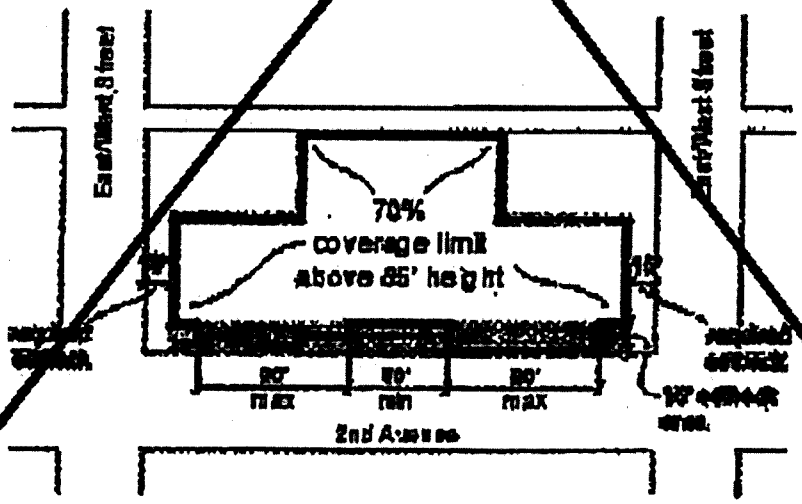
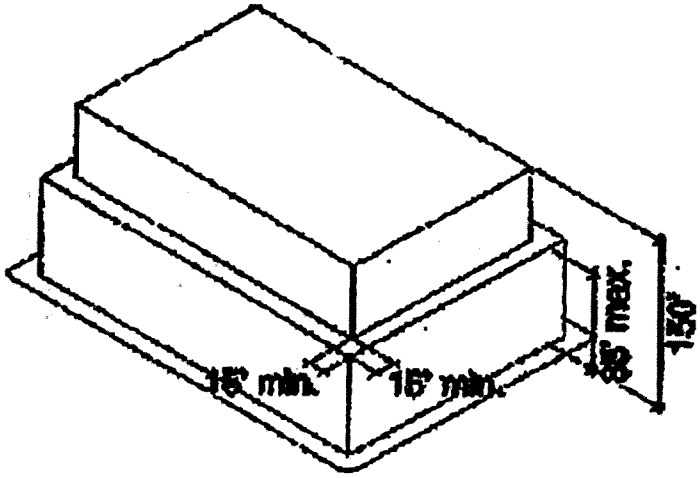


Exhibit A for 23.49.108
Upper Level Setbacks



((~~Exhibits 23.49.108A, 23.49.108B~~))

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

23.49.164 Downtown Mixed Residential, maximum width, depth, and separation requirements

A. Width and depth limits((.))

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

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

Table A for 23.49.164
Maximum width and depth by lot size

Height of portion of structure (in feet)	**0—19,000 square feet**	**Greater than 19,000 square feet**
Greater than 65 up to 145	90 feet on avenues 120 feet on east/west streets	120 feet
Greater than 145	Not applicable	100 feet

* * *

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

23.50.014 Conditional uses

* * *

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

* * *

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

a. Uses

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

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

b. Criteria

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

((6)) 2) A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the

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

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

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

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

23.50.016 Landscaping standards on designated streets

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

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

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

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

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

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

~~c.~~)) Continuity of landscaping on adjacent properties along the street front is desirable.

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

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

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

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

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

* * *

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

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

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

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

23.50.030 Industrial Buffer—Setback requirements ((~~.~~))

* * *

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

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

23.50.032 Industrial Commercial—Setback requirements ((~~.~~))

* * *

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

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

23.51A.002 Public facilities in single family zones

* * *

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

23.53.015 Improvement requirements for existing streets in residential and commercial zones

A. General requirements

* * *

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

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

* * *

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

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

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

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

* * *

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

23.53.030 Alley improvements in all zones

* * *

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

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

* * *

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

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

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

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

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

* * *

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

23.54.015 Required parking and maximum parking limits

* * *

Table B for 23.54.015 Required Parking for Residential Uses		
Use		**Minimum parking required**
I. General residential uses		
A.	Adult family homes	1 space for each dwelling unit

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

Table B for 23.54.015
Required Parking for Residential Uses

Footnotes to Table B for 23.54.015

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

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

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

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

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

* * *

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

23.54.030 Parking space standards

* * *

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

1. Residential uses

a. Number of curb cuts

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

* * *

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

* * *

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

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

* * *

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

23.61.014 Nonconforming uses

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

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

1. ((~~Henderson~~)) Rainier Beach;

2. Othello;

3. Columbia City; and

4. Mount Baker.

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

1. Automotive retail sales and services;

2. General manufacturing;

3. Heavy commercial services; and

4. Mini-warehouse and warehouse.

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

23.66.030 Certificates of approval – Application, review, and appeals

* * *

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

C. Application ((~~.~~))

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

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

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

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

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

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

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

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

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

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

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

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

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

((~~f~~)) 4) Construction details,

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

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

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

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

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

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

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

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

(((~~f~~)) 5) One (((~~1~~))) sample of proposed sign colors or awning material and color,

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

a. Solar collectors, excluding greenhouses;

b. ((~~Stair and elevator penthouses;~~

~~e.~~)) Mechanical equipment that is set back at least 15 feet from the roof edge;

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

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

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

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

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

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

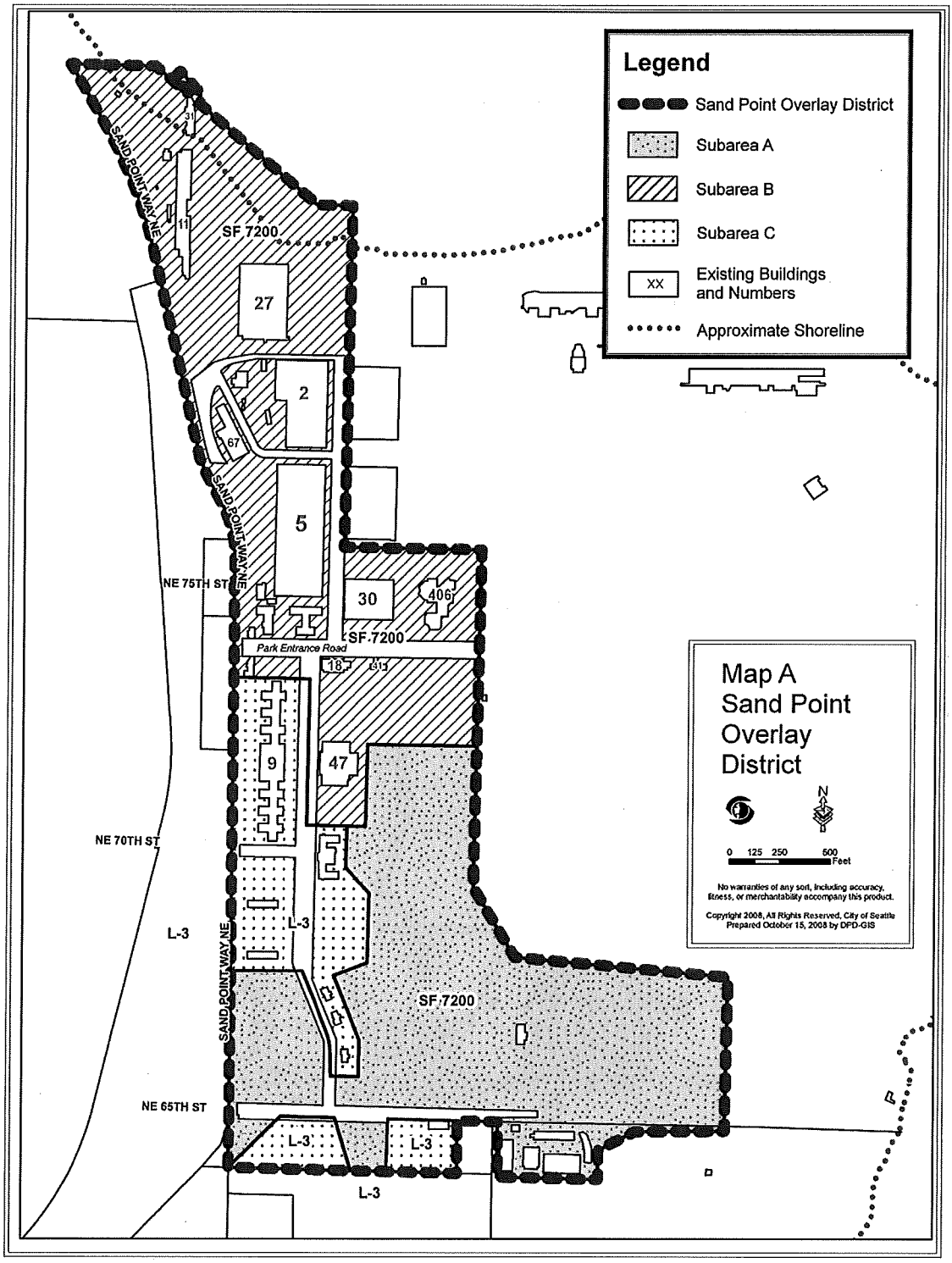
Section 65. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance 123543, is amended as follows:

23.72.004 Sand Point Overlay District established ((~~.~~))

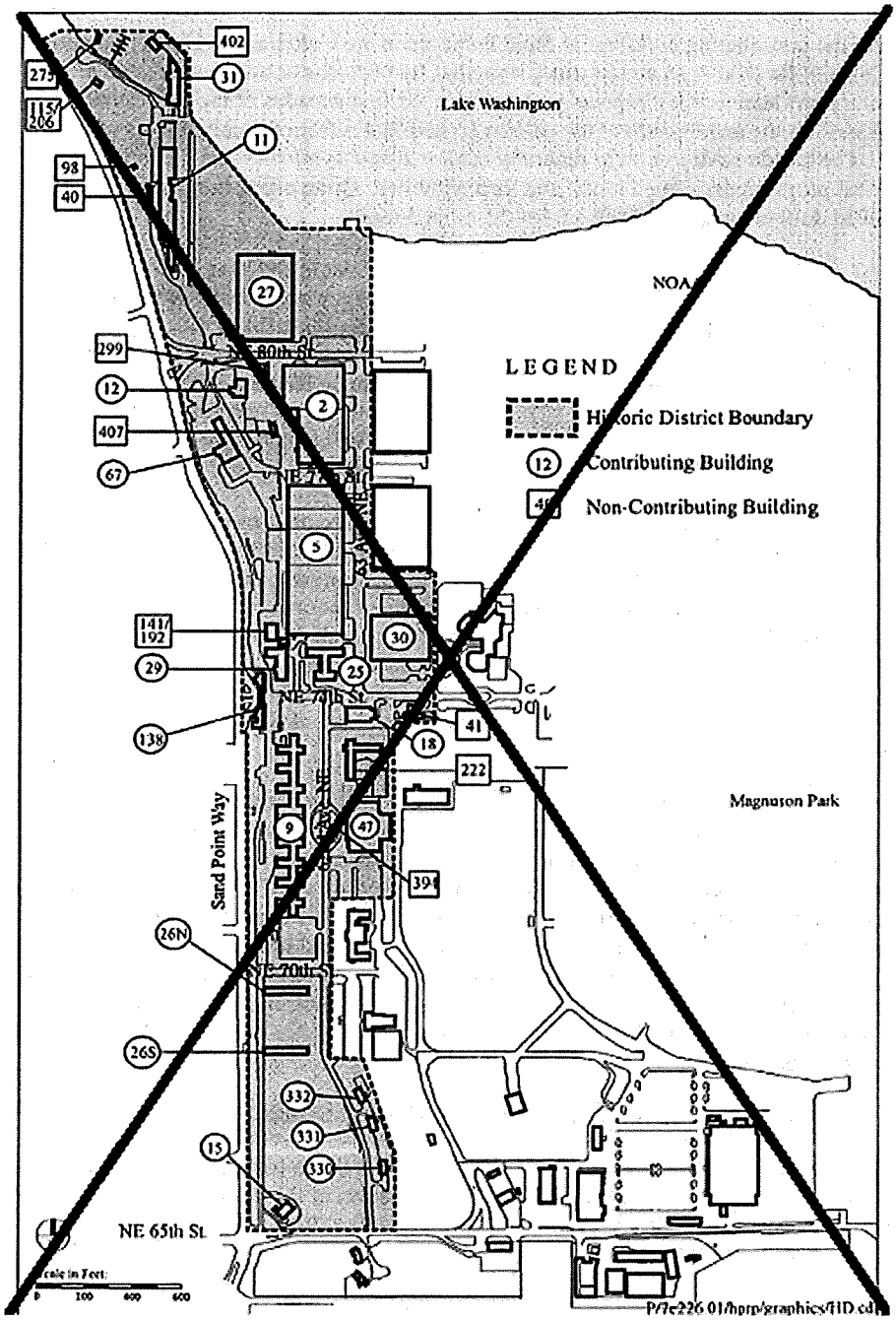
A. There is hereby established pursuant to Chapter 23.59 ((~~of the Seattle Municipal Code,~~)) the Sand Point Overlay District, including three subareas: A, B, and C. Subarea A includes one area zoned Single Family 7200 (SF 7200), Subarea B includes one area zoned SF 7200, and Subarea C includes three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

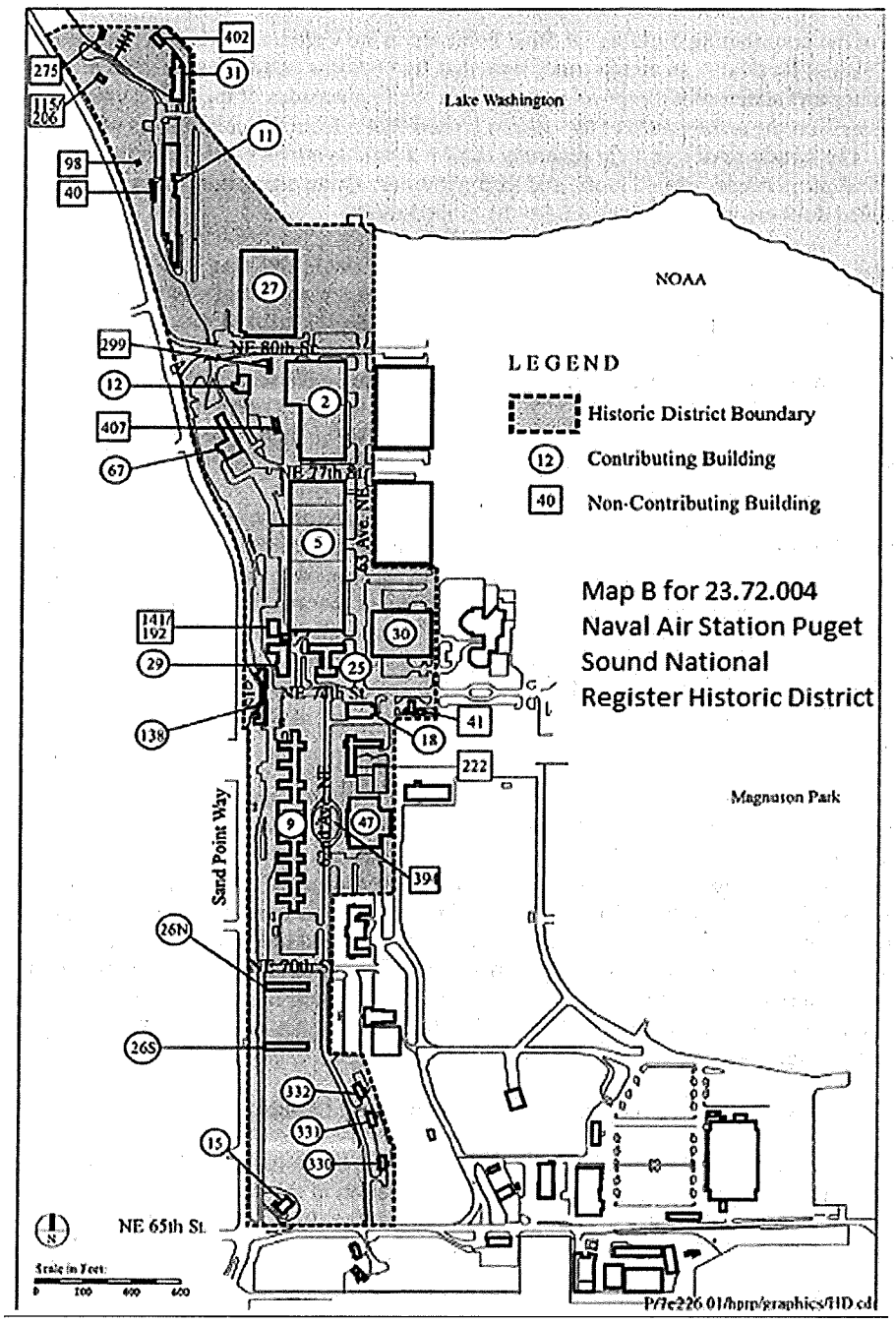
B. Additional regulations applicable to the Sand Point Overlay District are found in Chapter 25.30.

Map A for 23.72.004—Sand Point Overlay District



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




Lake Washington
NOAA
LEGEND
Historic District Boundary
Contributing Building
Non-Contributing Building
Map B for 23.72.004
Naval Air Station Puget Sound National Register Historic District
Magnuson Park
Sand Point Way
NE 80th St
NE 77th St
NE 70th St
NE 65th St
Scale in Feet:
0 100 400 600
P/7e226.01/hprn/graphics/HD.cdr

1

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

23.73.024 Transfer of development potential

* * *

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

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

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

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

* * *

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

23.75.085 Residential floor area limits; affordable housing incentive program

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

* * *

C. Residential floor area limits ((~~.~~))

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

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

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

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

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

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

Table A for 23.75.085
Maximum floor area limits for residential uses based on affordable housing production[1]

	Affordable housing production conditions for the Yesler Terrace redevelopment area (cumulative) to increase maximum floor area limit to the next tier	**Maximum residential floor area allowed in the MPC-YT zone**
Tier 1 (base)	• 187 replacement units • 80 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units.	1,400,000 square feet
Tier 2	• 374 replacement units • 160 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units.	2,750,000 square feet
Tier 3	• 561 Replacement units • 290 60% of MI units • A number of 80% of MI units equal to 4.5 percent of all housing units completed to date in the MPC-YT zone in accordance with 23.75.085.D, other than replacement units and 60% of MI units.	3,350,000 square feet
Tier 4	Not applicable	3,950,000 square feet

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

A. Landscaping requirements ((~~.~~))

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

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

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

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

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

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

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

1. ((~~improve~~)) Improve public safety;

2. ((~~promote~~)) Promote compatibility with existing street trees;

3. ((~~match~~)) Match trees to the available space in the planting strip;

4. ((~~maintain~~)) Maintain and expand the urban forest canopy;

5. ((~~encourage~~)) Encourage healthy growth through appropriate spacing;

6. ((~~protect~~)) Protect utilities; and

7. ((~~allow~~)) Allow access to the street, structures, and lot.

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

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

23.76.004 Land use decision framework

* * *

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

Table A for 23.76.004 LAND USE DECISION FRAMEWORK [1]
Footnotes for Table A for 23.76.004 [1]Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types. [2]Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020. [3]Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

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

23.76.006 Master Use Permits required

* * *

B. The following decisions are Type I:

* * *

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

* * *

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

23.76.012 Notice of application

* * *

B. Types of notice required

* * *

4. The Director shall provide mailed notice of:

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

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

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

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

* * *

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

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

* * *

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

* * *

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

23.76.028 Type I and II Master Use Permit issuance

* * *

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

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

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

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

* * *

Section 74. Section 23.76.034 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.034 Suspension and revocation of Master Use Permits

* * *

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

* * *

Section 75. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.84A.002 "A"

"Abut" means to border upon((.)), except that lots that touch only on a corner of another lot are not considered to abut.

* * *

"Amenity area" means space that provides opportunity for active or passive recreational activity for residents of a development or structure, including landscaped open spaces, decks and balconies, roof gardens, plazas, courtyards, play areas, swimming pools and sport courts.

* * *

Section 76. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.84A.004 "B"

* * *

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

* * *

Section 77. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.84A.032 "R"

* * *

"Residential use" means any one or more of the following:

* * *

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

a. ((~~each~~)) Each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. ((~~no~~)) No portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and

c. ((~~each~~)) Each dwelling unit is attached along at least one common wall to at least one other dwelling unit ((~~or live-work unit~~)), with habitable interior space on both sides of the common wall, or abuts another dwelling unit ((~~or live-work unit~~)) on a common lot line.

* * *

"Right-of-Way Improvements Manual", also referred to informally as "Streets Illustrated", ((~~means~~)) is a set of detailed standards and design guidance for street, alley, and easement construction, adopted by ((~~a joint~~)) Administrative Rule of the Seattle Department of Transportation ((~~and the Seattle Department of Construction and Inspections~~)).

* * *

Section 78. Section 23.84A.046 of the Seattle Municipal Code, last amended by Ordinance 124610, is amended as follows:

23.84A.046 "Y"

"Yard." See "Yard, front," "Yard, side" and "Yard, rear."

"Yard, front" means an area from the ground upward between the side lot lines of a lot, extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal depth of which is specified for each zone. The front yard includes all portions of the lot that are within the specified distance from the street along which the front lot line extends, even if separated from the street by an intervening lot. In the case of an irregularly-shaped lot, the front yard shall be a portion of the property as determined according to ((~~sub~~))Section 23.86.010((~~.B~~)).

* * *

Section 79. Section 23.86.002 of the Seattle Municipal Code, last amended by Ordinance 124803, is amended as follows:

23.86.002 General provisions

A. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient detail to allow verification upon inspection or examination by the Director.

B. Fractions ((~~.~~))

1. ((~~When~~)) Unless otherwise indicated, if any measurement technique for determining the number of items required or allowed, including but not limited to motor vehicle parking, ((~~or bicycle spaces,~~)) or required trees or shrubs, results in fractional requirements, any fraction up to and including 0.5 of the applicable unit of measurement shall be disregarded and fractions over 0.5 shall require the next higher full unit of measurement.

2. ((~~When~~)) If any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and including 0.5 of an inch shall be disregarded and fractions over 0.5 of an inch shall require the next higher unit.

3. Except within Lowrise multi-family zones, if density calculations result in a fraction of a unit, any fraction up to and including 0.5 constitutes zero additional units, and any fraction over 0.5 constitutes one additional unit. Within Lowrise multi-family zones, the effect of a density calculation that results in a fraction of a unit is as described in Table A for 23.45.512. This provision may not be applied to density calculations that result in a quotient less than one.

C. Where the location of a lot line varies depending on elevation, such as partial right-of-way vacations and dedications that include below-grade areas but exclude the area at ground level, development standards that rely on lot lines shall be based on the location of lot lines at grade.

Section 80. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.86.006 Structure height measurement

* * *

E. Height measurement techniques in downtown zones and in the South Lake Union Urban Center

1. Determine the major street lot line, which shall be the lot's longest street lot line. When the lot has two or more street lot lines of equal length, the applicant shall choose the major street lot line.

2. Determine the slope of the lot along the entire length of the major street lot line.

3. The maximum height shall be measured as follows:

a. When the slope of the major street lot line is less than or equal to 7.5 percent, the elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of the major street lot line. On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line as depicted in Exhibit B for 23.86.006.

b. When the slope of the major street lot line exceeds 7.5 percent, the major street lot line shall be divided into four or fewer equal segments no longer than 120 feet in length. The elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of each segment. On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot

line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line, as depicted in Exhibit C for 23.86.006.

c. For lots with more than one street frontage, where there is no street lot line that is essentially parallel to the major street lot line, when a measurement has been made for the portion of the block containing the major street lot line, the next measurement shall be taken from the ((~~longest~~)) remaining street lot line that is opposite and most distant from the major street lot line.

* * *

Section 81. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.86.007 Gross floor area and floor area ratio (FAR) measurement

B. Pursuant to subsections 23.45.510.E((~~,~~)) and 23.47A.013.D((~~,~~)) and ((~~23.48.009.D~~)) Section 23.48.020, for certain structures in multifamily, commercial, and Seattle Mixed zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. ((~~determine~~)) Determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 feet below the roof surface if there is no next floor above the partially below-grade story;

2. ((~~determine~~)) Determine the points along the exterior wall of the story where the elevation determined in subsection 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

3. ((~~draw~~)) Draw a straight line across the story connecting the two points on the exterior walls;

4. ((~~the~~)) The gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in subsection 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007).

* * *

D. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, except that if the sole difference between the zoning designations for portions of a lot is the base FAR, allowable floor area based on the calculations for the separate portions of the lot may be provided anywhere on the lot.

* * *

Section 82. Section 23.86.032 of the Seattle Municipal Code, enacted by Ordinance 112303, is amended as follows:

23.86.032 Gross floor area in residential, commercial, or other non-residential use ((~~,~~))

A. When a requirement is based on the percentage of a structure's gross floor area which is in residential use, residential area shall include the following:

((~~A~~)) 1. The gross floor area of all floors or portions of floors of a structure ((~~which~~)) that are devoted entirely to residential use, except as otherwise provided in this Section 23.86.032;

((~~B~~)) 2. For required amenity area and open space, accessory parking areas, storage areas, and mechanical rooms are excluded from the calculation of gross floor area in residential use;

3. The prorated portion share of a structure's common areas in the same proportion as the residential use to ((~~other~~)) commercial or other non-residential uses occupying the structure.

B. When a requirement is based on the percentage of a structure's gross floor area which is in commercial or other non-residential use, commercial or other non-residential use area shall include the prorated portion share of a structure's common areas in the same proportion as the non-residential or commercial use to residential uses occupying the structure.

Section 83. Section 25.05.030 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.030 Policy ((.))

A. The policies and goals set forth in SEPA are supplementary to existing agency authority.

B. Agencies shall to the fullest extent possible:

1. Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules;

2. Find ways to make the SEPA process more useful to ((~~decisionmakers~~)) decision makers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives;

* * *

Section 84. Section 25.05.610 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

25.05.610 Use of NEPA documents

A. An agency may adopt any environmental analysis prepared under the National Environmental Policy Act (NEPA) by following Sections 25.05.600 (((~~when to use existing environmental documents~~))) and ((~~Section~~)) 25.05.630 (((~~adoption procedures~~))).

B. A NEPA environmental assessment (EA) or documented categorical exclusion may be adopted to support a determination of nonsignificance instead of preparing an environmental checklist, if the requirements of Sections 25.05.340, 25.05.600, and 25.05.630 (and Sections 25.05.350, and 25.05.355 as applicable), are met and elements of the environment in Section 25.05.444 are adequately addressed.

C. An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

1. The requirements of Sections 25.05.360, 25.05.600, and 25.05.630 are met (in which case the procedures in Subchapters III, IV, and V of these rules for preparing an EIS shall not apply); and

2. The federal ((~~EA or~~)) EIS is not found inadequate:

a. By a court;

b. By the Council on Environmental Quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or

c. By the administrator of the United States Environmental Protection Agency under Section 309 of the Clean Air Act, 42 U.S.C. ((~~1857~~)) 7609.

* * *

Section 85. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 125432, 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.

* * *

B. Other minor new construction

1. The exemptions in this subsection 25.05.800.B apply to all licenses required to undertake the following types of proposals 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 subsection 25.05.800.H or subsection 25.05.800.I; or

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

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

3. The construction ((~~and/or~~)) or installation of commercial on-premises signs, and public signs and signals, including those for traffic control and wayfinding;

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

a. Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, or energy attenuators;

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

c. Temporary traffic controls and detours;

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

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

f. Channelization ((~~and~~)) , rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails, and barricade installation;

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

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

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

5. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B, as 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, converting public right-of-way, and other changes in motor vehicle access;

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:

Table A for Footnote (1) for 25.05.800.B.6 and ((~~25.05.800.B.6~~)) 25.05.800.B.7	
Zone	**Residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:**
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, and Industrial zones	4
LR2	6
LR3	8
MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and Downtown zones	20

Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7	
Zone	**Non-residential uses Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts referred to DON for landmark review:**
C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and Industrial zones	12,000
All other zones	4,000

* * *

X. Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes

installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation, or alteration that does not change the action from an exempt class:

1. All communications lines, including cable TV, but not including communication towers or relay stations;

2. All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines 12 inches or less in diameter;

3. All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electrical facilities, lines, equipment, or appurtenances;

4. All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups;

5. All developments within the confines of any existing electrical substation, reservoir, pump station, vault, pipe, or well. Additional appropriations of water are not exempted by this Section 25.05.800;

6. Periodic use of chemical or mechanical means to maintain a utility or transportation right-of-way in its design condition; provided, the chemicals used are approved by Washington State and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality ((~~in accordance with WAC 248-54-660~~));

7. All grants of rights-of-way by agencies to utilities for use for distribution (as opposed to transmission) purposes;

8. All grants of franchises by agencies to utilities;

9. All disposals of rights-of-way by utilities.

Y. Natural resources management. In addition to the other exemptions contained in this Section 25.05.800, the following natural resources management activities shall be exempt:

1. All Class I, II, and III forest practices as defined by RCW 76.09.050 or regulations thereunder;

2. Issuance of new grazing leases covering a section of land or less, and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years;

3. Licenses or approvals to remove firewood;

4. Issuance of agricultural leases covering 160 contiguous acres or less;

5. Issuance of leases for Christmas tree harvesting or brush picking;

6. Issuance of leases for school sites;

7. Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft;

8. Development of recreational sites not specifically designed for all-terrain vehicles and not including more than 12 campsites;

9. Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality; ((~~in accordance with WAC 248-54-660;~~))

10. Issuance of rights-of-way, easements, and use permits to use existing roads in non-residential areas;

11. Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW;

Z. Watershed restoration projects. Actions pertaining to watershed restoration projects as defined in RCW 89.08.460(2) are exempt; provided, they implement a watershed restoration plan that has been reviewed under SEPA (RCW 89.08.460(1)).

AA. Wireless service facilities

1. The siting of wireless service facilities are exempt if:

a. The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or

b. The siting project involves constructing a wireless service tower less than 60 feet in height that is located in a commercial or industrial zone.

2. For the purposes of this subsection 25.05.800.AA:

a. "Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

b. "Wireless service facilities" means facilities for the provision of wireless services.

c. "Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.

d. "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

e. "Substantially change the physical dimensions" means:

1) The mounting of equipment on a structure that would increase the height of the structure by more than 10 percent, or 20 feet, whichever is greater; or

2) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

3. This exemption does not apply to projects within an environmentally critical area designated under GMA (RCW 36.70A.060).

BB. State transportation project. The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

1. Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

2. The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

CC. Structurally deficient city, town, and county bridges. The repair, reconstruction, restoration, retrofitting, or replacement of a structurally deficient city, town or county bridge shall be exempt as long as the action:

1. Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

2. The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

"Structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and they require major rehabilitation or replacement to address the underlying deficiency.

Section 86. Section 25.08.940 of the Seattle Municipal Code, enacted by Ordinance 122614, is amended as follows:

25.08.940 Contested case hearing ((.))

A. Date and ((~~Notice~~)) notice. If a person requests a contested case hearing, the hearing shall be held within ((~~sixty (60)~~)) 60 days after the written response to the citation requesting ((~~such~~)) the hearing is received.

B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this ((~~section~~)) Section 25.08.940. The issues heard at the hearing shall be limited to those raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation ((~~which~~)) that the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of ((~~Citation~~)) citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

E. Evidence at ((~~Hearing~~)) hearing. The certified statement or declaration authorized by RCW 9A.72.085 submitted by a representative of the Administrator shall be prima facie evidence that a violation occurred and that the person cited is responsible. Any certifications or declarations authorized under RCW 9A.72.085 shall be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and shall impose the applicable penalty. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced within ((~~twenty-one (21)~~)) 21 days of issuance of the Hearing Examiner's decision ((~~in accordance with RCW 36.70C.040~~)).

Section 87. Section 25.09.090 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.090 Development standards for steep slope erosion hazard areas

A. This Section 25.09.090 and Section 25.09.080 apply to parcels containing a steep slope erosion hazard area or steep slope erosion hazard area buffer.

B. Impacts on steep slope erosion hazard areas

1. Development is prohibited on steep slope erosion hazard areas, unless the applicant demonstrates that the provisions of subsections 25.09.070.C, 25.09.070.D, 25.09.090.B.2, 25.09.090.D, 25.09.090.E, or 25.09.090.F apply, or the slope is on a parcel in a Downtown zone or highrise zone.

2. Development is allowed on steep slope erosion hazard areas if the applicant demonstrates that all other provisions of this Chapter 25.09 and all applicable provisions of Title 23 and Chapters 22.800 through 22.808 are met, that no adverse impact on the stability or erosion potential of the steep slope erosion hazard areas will result, and that the development meets one of the following criteria and the criteria in subsection 25.09.090.B.3. In making this determination, the Director may require a geotechnical report to verify site conditions and to evaluate the impacts of the development in the steep slope erosion hazard area and shall require such a report for criteria in subsections 25.09.090.B.2.c and 25.09.090.B.2.d. The geotechnical report is subject to the provisions for third party review in subsection 25.09.080.C.

a. Development is located within the footprint of existing, lawfully constructed, structures or paved areas, not including landscaped areas or areas that have been graded;

b. Development is located on a steep slope erosion hazard area that has been created through previous legal grading activities, including but not limited to rockeries or retaining walls resulting from right-of-way improvements;

c. Development is located on a steep slope erosion hazard area that is less than 20 feet in vertical rise and that is 30 feet or more from other steep slope erosion hazard areas; or

d. Development is a necessary stabilization measure to mitigate an active landslide hazard on the applicant's lot or from an abutting lot, and such development meets the following requirements:

1) The applicant demonstrates that the stabilization is the minimum necessary to mitigate the landslide hazard; and

2) The applicant uses the least intrusive option available to mitigate the landslide hazard.

* * *

D. Small project waiver

1. The Director may approve new accessory structures or additions to existing principal structures in a steep slope erosion hazard area or buffer if no construction occurs over or in a water course, water body, or wetland and if the applicant demonstrates that the proposal meets the following criteria:

a. The new accessory structure or addition to an existing principal structure is on a lot that has been in existence as a legal building site prior to October 31, 1992;

b. The development does not exceed 750 square feet of total site disturbance, with no more than 300 square feet located in the steep slope erosion hazard area or buffer, calculated cumulatively from October 31, 1992. If the new accessory structure or addition to an existing principal structure is on a lot that is or has been held in common ownership with a contiguous lot and the lots are or have been used for a single principal use or for a principal use and accessory use, the limitation applies to the entire site;

c. It is not practicable to build the accessory structure or addition to an existing principal structure for the intended purpose outside of the steep slope erosion hazard area or buffer; and

d. The location of the accessory structure or addition to an existing principal structure minimizes the impact on the steep slope erosion hazard area and/or buffer;

e. In landslide-prone areas the Director may require a soils report prepared by a qualified geotechnical engineer or geologist licensed by the State of Washington demonstrates that it is safe to construct the new accessory structure or the addition to an existing structure.

Section 88. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

25.11.070 Tree protection on sites undergoing development in Lowrise zones

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional trees

1. If the Director determines that an exceptional tree is located on the lot of a proposed development, which is not a major institution use within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the development shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted FAR and height limits of the applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree protection area through the following:

a. Development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012.

b. An increase in the permitted height as follows under subsection 25.11.070.A.((2))3.

((2)) 3. In order to preserve an exceptional tree, the following code modifications are allowed:

a. Permitted height. For a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

b. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area.

((~~3~~)) 4. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

* * *

Section 89. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

25.11.080 Tree protection on sites undergoing development in Midrise and Commercial ((~~Zones~~)) zones

The provisions in this Section 25.11.080 apply in Midrise and Commercial zones.

A. Exceptional trees

1. If the Director determines that an exceptional tree is located on the lot of a proposed development, which is not a major institution use within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the project shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.

2. The Director may permit an exceptional tree to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012, the modifications allowed by this Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, or a reduction in the standards of Section 23.54.030.

((~~2~~)) 3. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

* * *

Section 90. Portions of the Central Area Neighborhood Design Guidelines shall be amended as shown in Exhibit A to this ordinance.

Section 91. Section 510 of the 2015 Seattle Building Code, last amended by the ordinance introduced as Council Bill 119248, is amended as follows:

SECTION 510

SPECIAL PROVISIONS

510.1 General. The provisions in Sections 510.2 through 510.10 shall permit the use of special conditions that are exempt from, or modify, the specific requirements of this chapter regarding the allowable *building heights* and *areas* of *buildings* based on the occupancy classification and type of construction, provided the special condition complies with the provisions specified in this section for such condition and other applicable requirements of this code. The provisions of sections 510.2 through 510.7 are to be considered independent and separate from each other.

Interpretation I510: Sections 510.2 through 510.7 are not permitted to be used in combination with each other. Sections 510.8 through 510.10 are permitted to be used in combination with Section 510.2.

* * *

510.10 Group R-2 buildings of Type IIIA construction. The height limitation for *buildings* of Type IIIA construction in Group R-2 shall be increased to six *stories* ((~~and 75 feet (22 860 mm)~~)) where all of the following conditions are met:

1. The first story of Type IIIA construction is separated from stories above with a *horizontal assembly* having a *fire-resistance rating* of not less than 2 hours.

2. All stories of Type IIIA construction greater than 6,000 gross square feet shall be subdivided into compartments, by 2-hour fire-resistance rated *fire walls,* with areas of not more than 12,000 gross square feet.

3. Each compartment shall have an enclosed *exit access stairway,* and a standpipe system in accordance with Section 905.

4. Unprotected vertical openings, including unenclosed *exit access stairways,* shall not penetrate floor/ceiling assemblies between stories of Type IIIA construction or between stories of Type IIIA and Type IA construction.

5. Mezzanines shall not be allowed in any story of the Type IIIA construction.

6. The maximum total design *dead load* shall be 50 psf for all roof areas above the sixth story of Type IIIA construction.

Note: The *dead load* shall be calculated as specified in Chapter 2 and Section 1607.12.3.1.

Note: The maximum total design *dead load* of 50 psf is permitted to be applied over the entire roof area above the sixth story of Type IIIA construction.

Section 92. Sections 7, 8, 69, 70, 71, 88, and 89 of this ordinance shall take effect and be in force on July 1, 2018.

Section 93. 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 18th day of June, 2018, and signed by me in open session in authentication of its passage this 18th day of June, 2018.

President _____ of the City Council

Approved by me this 22nd day of June, 2018.

Jenny A. Durkan, Mayor

Filed by me this 22nd day of June, 2018.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A – Central Area Neighborhood Design Guidelines
Exhibit B – Signed Ordinance 125429



Central Area

NEIGHBORHOOD DESIGN GUIDELINES

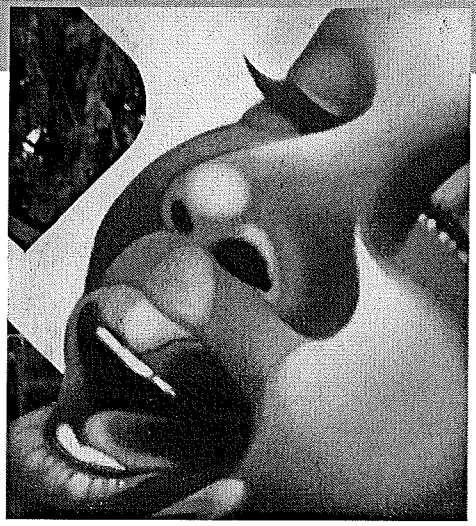


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Acknowledgments

The effort for this document began in December of 2015, by a passionate group of Central Area residents who have all been active in the community for many years, dedicating their time as members in five different Central Area Organizations:

- 23rd Ave Action Community Team
- Central Area Land Use Review Committee
- Historic Central Area Arts & Cultural District
- Central Area Collaborative
- African American Veterans Group of Washington

Together they formed the Central Area Design Guidelines Coalition (CADGC), and worked with Grace Kim and Margaret Knight of Schemata Workshop, and Donald King of Mimar Studio to build on the work that began in 1994, and develop a set of design guidelines for the Central Area.

The participation of the CADGC in this process was invaluable, and we are thankful for the many hours these community members and organizations have put into this effort.

We'd like to give a special thanks to CADGC members: Tyrone Brown, Amanda Bryan, Dennis Comer, Karen Estevenin, Jeff Floor, Preston Hampton, Sharon Khosla, Lois Martin, and Robert Stephens Jr. for their commitment to this process.

We would like to also acknowledge the dedicated and continued community support of several key Central Area groups and individuals, which set the stage by providing foundational documents from which this work sprung, including:

- Central Area Action Plan of 1994
- Central Area Neighborhood Plan of 1998
- Central Area Neighborhood Design Guidelines of 1998
- Historic Central Area Arts & Cultural District Plan of 2015
- 23rd Ave Action Plan and Urban Design Framework of 2016
- Central Area Commercial Revitalization Plan of 2016

Introduction

What are Neighborhood-Specific Design Guidelines?

Design guidelines are the primary tool used in the review of proposed projects by Seattle DCI staff for administrative design review, or the Design Review Boards. Guidelines define the qualities of architecture, urban design, and public space that make for successful projects and communities. There are two types of guidelines used in the Design Review Program:

- Citywide—applying to all areas of the city except for downtown; and
- Neighborhood-specific—applying to a specific geographically-defined area, usually within a residential urban village or center.

Once a set of neighborhood-specific guidelines is adopted by City Council, they are used in tandem with citywide guidelines for the review of all projects within that neighborhood. Not all neighborhoods within the city have neighborhood-specific guidelines, but for those that do, applicants and Board members are required to consult both sets of guidelines—citywide and neighborhood-specific—with the neighborhood guidelines taking precedence over the citywide in the event of a conflict between the two. Neighborhood-specific guidelines offer additional guidance on the features and character of a particular neighborhood, and are very helpful to all involved in the design review process.

Neighborhood-specific design guidelines reveal the character of the neighborhood as known to its residents and business owners. The guidelines help to reinforce existing character and protect the qualities that neighborhood residents value most in the face of change. Thus, a neighborhood's guidelines, in conjunction with the citywide Design Guidelines, can increase overall awareness of responsive design and involvement in the design review process.

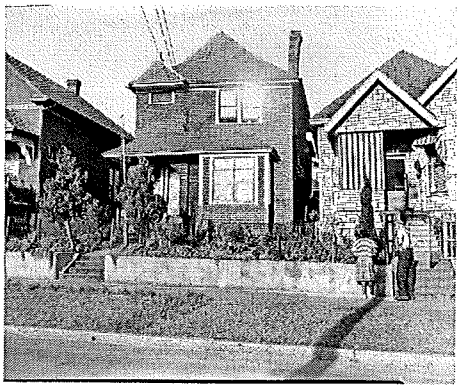
Reader's Guide

This document is organized around the themes and format of the city-wide Seattle Design Guidelines with additional topics and directives specific to the Central Area neighborhood. Guideline example photos and graphics are presented in addition to other text which explains intent or provides background information. The "Additional Guidance" section references locations specified on page 17 of this document, and provides another layer of information for defining character and culturally significant areas.

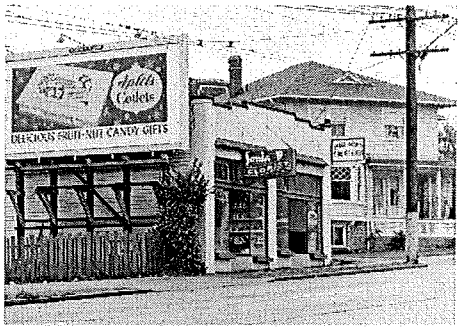
Context & Priority Issues: Central Area



MOHAI, Al Smith Collection



MOHAI, Al Smith Collection



MOHAI, Al Smith Collection

For much of its history, Seattle was a segregated city. As with many cities in America, people of color were excluded from most neighborhoods, schools, many stores, restaurants, hotels, and even hospitals. This historic pattern of discrimination established a structural foundation of inequity in our city, prioritizing homeownership and business opportunities for White residents. Because of this history, the City has made it a priority to evolve into a community of opportunity for all people, regardless of race or socio-economic status. This is noted in Seattle's Comprehensive Plan, Seattle 2035, with one of its core values being:

> **Race and Social Equity** - limited resources and opportunities must be shared; and the inclusion of under-represented communities in decision-making processes is necessary[1].

This value greatly informs the Central Area Design Guidelines. It is, however, important to note that the language within this document often speaks specifically to the preservation of the African and Black American community in the Central Area. To understand the importance of this emphasis, we must look to history.

One of the first settlers of what we now know as the Central Area, William Grose, was an African American who arrived in Seattle in 1861 and soon became a successful businessman. He owned and operated a restaurant and a hotel in Downtown Seattle, while building a home on his 12-acres of land between what is now East Olive Street and East Madison Street at 24th Avenue. The area attracted other African Americans and became one of the first Black settlements in Seattle, with a settlement of single, Black transient workers around Jackson Street, and middle-class Black families near East Madison eventually merging to form what we currently call the Central Area.

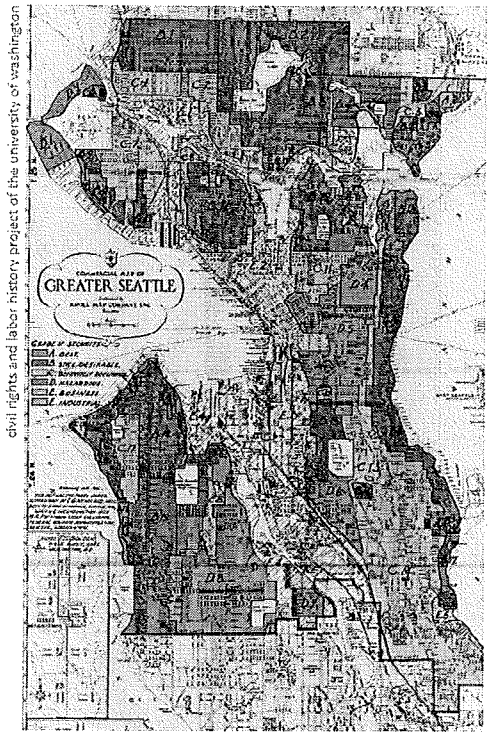
By the early 1900s, a thriving Black-owned and operated business district had flourished near East Madison, and many predominately

[1] Seattle Comprehensive Plan

"The parties hereto signing and executing this instrument, and the several like instruments relating to their several properties, hereby mutually covenant, promise and agree each with the others that no part of lands owned by them shall ever be used or occupied by, or sold, conveyed, leased, rented or given to Negroes or any person of Negro blood.

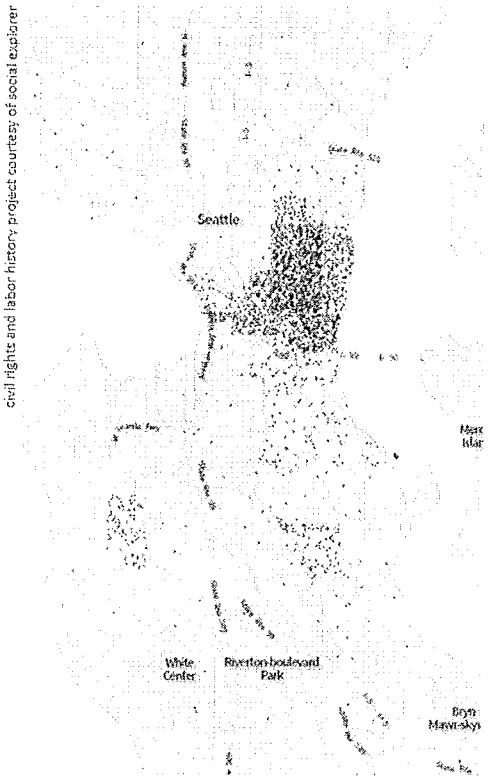
This covenant shall run with the land and bind the respective heirs and parties hereto for a period of 21 years."

Excerpt from a 1948 Capital Hill neighborhood agreement on a restrictive covenant. Intended expiration was 1969.



civil rights and labor history project of the university of washington

1936 redlining map with areas deemed "hazardous" in red.



civil rights and labor history project courtesy of social explorer

Map showing where Black Americans resided in 1960. One dot represents 25 individuals.

Black churches had been founded, some of which are still community anchors today.

Other ethnic groups also settled in the Central Area, creating a vibrant and diverse community. However, after World War II housing discrimination and restrictive real estate covenants[2] in other areas of the city forced Seattle's growing Black population into the Central Area. This, along with the movement of the Central Area's Jewish, European American, and Japanese American residents to other parts of the city made the Central Area a primarily Black neighborhood. While many of the buildings left behind were repurposed by the community, the neighborhood suffered from neglect in the form of discriminatory investment practices and "redlining[3]." These restrictions prevented most African Americans from buying, improving, and developing property for most of the nearly seventy years they remained majority occupants of the Central Area.

"As a consequence of redlining, neighborhoods that local banks deemed unfit for investment were left underdeveloped or in disrepair. Attempts to improve these neighborhoods with even relatively small-scale business ventures were commonly obstructed by financial institutions that continued to label the underwriting as too risky or simply rejected them outright. When existing businesses collapsed, new ones were not allowed to replace them, often leaving entire blocks empty and crumbling. Consequently, African Americans in those neighborhoods were frequently limited in their access to banking, healthcare, retail merchandise, and even groceries".[4]

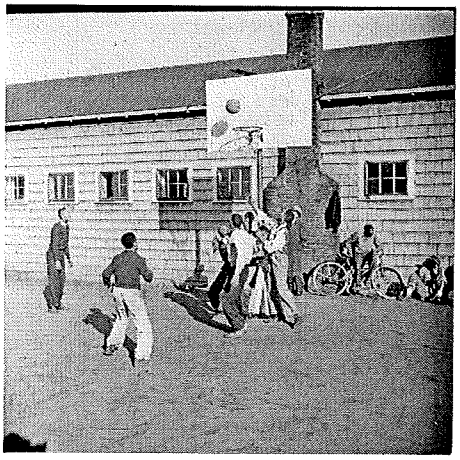
Since World War II, Seattle has hosted numerous military installations. Many Black soldiers made Central Area their home after being discharged from military services. However, currently there are few places that provide services, housing and gathering opportunities for Black Veterans.

The inequalities endured by Seattle's Black residents during these times makes preserving African American culture and community a high priority in the Central Area, wherein much of this history, culture, and community are contained. These guidelines are both in response

[2] Racial deed restrictions became common after 1926 when the U.S. Supreme Court validated their use. The restrictions were an enforceable contract and an owner who violated them risked forfeiting the property. Many neighborhoods prohibited the sale or rental of property by Asian Americans and Jews as well as Blacks. - Civil Rights and Labor History Project of the University of Washington

[3] The term "redlining" was coined in the late 1960s by John McKnight, a sociologist and community activist. It refers to the specific practice called "redlining", began with the National Housing Act of 1934 and the Federal Home Loan Bank Board practice of drawing a red line on a map to delineate an area where banks should not make loans; later the term was applied to discrimination against a particular group of people (usually on the basis of race or sex) irrespective of geography. - Wikipedia

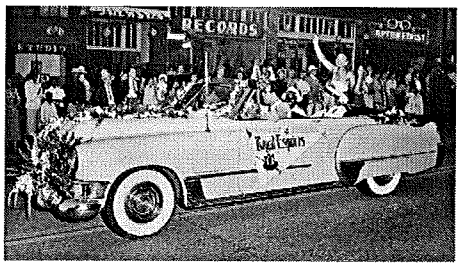
[4] https://en.wikipedia.org/wiki/Redlining#cite_note-19



MOHAI, Al Smith Collection



MOHAI, Al Smith Collection



MOHAI, Al Smith Collection

Architects and designers interested in designing a building that is reflective of the African-American community are required to reach out to community stakeholders and review the ideas, people, and resources available at *www.seattle.gov/opcd/cadg-documents*

to this historic inequity and aligned with other Seattle programs[5] which seek to facilitate public and private investments in neighborhoods that support those most in need.

The Central Area Neighborhood Design Guidelines recognize and encourage Seattle's goals of creating *Strong Communities and People*, as well as *Great Places with Equitable Access*. The document addresses this by applying one of Seattle's Equitable Development Framework's six Equity Drivers[6] to these Guidelines to achieve equity objectives.

> **Build on local cultural assets:** Respect local community character, cultural diversity, and values. Preserve and strengthen cultural communities and build the capacity of their leaders, organizations, and coalitions to have greater self-determination.

The Central Area Design Guidelines build upon this goal by focusing on the physical design features and future development of the Central Area, and append three additional goals:

Reflect the unique historical character of the Central Area.

Retain the rich characteristics valued by the community's long term residents as well as its new and future residents.

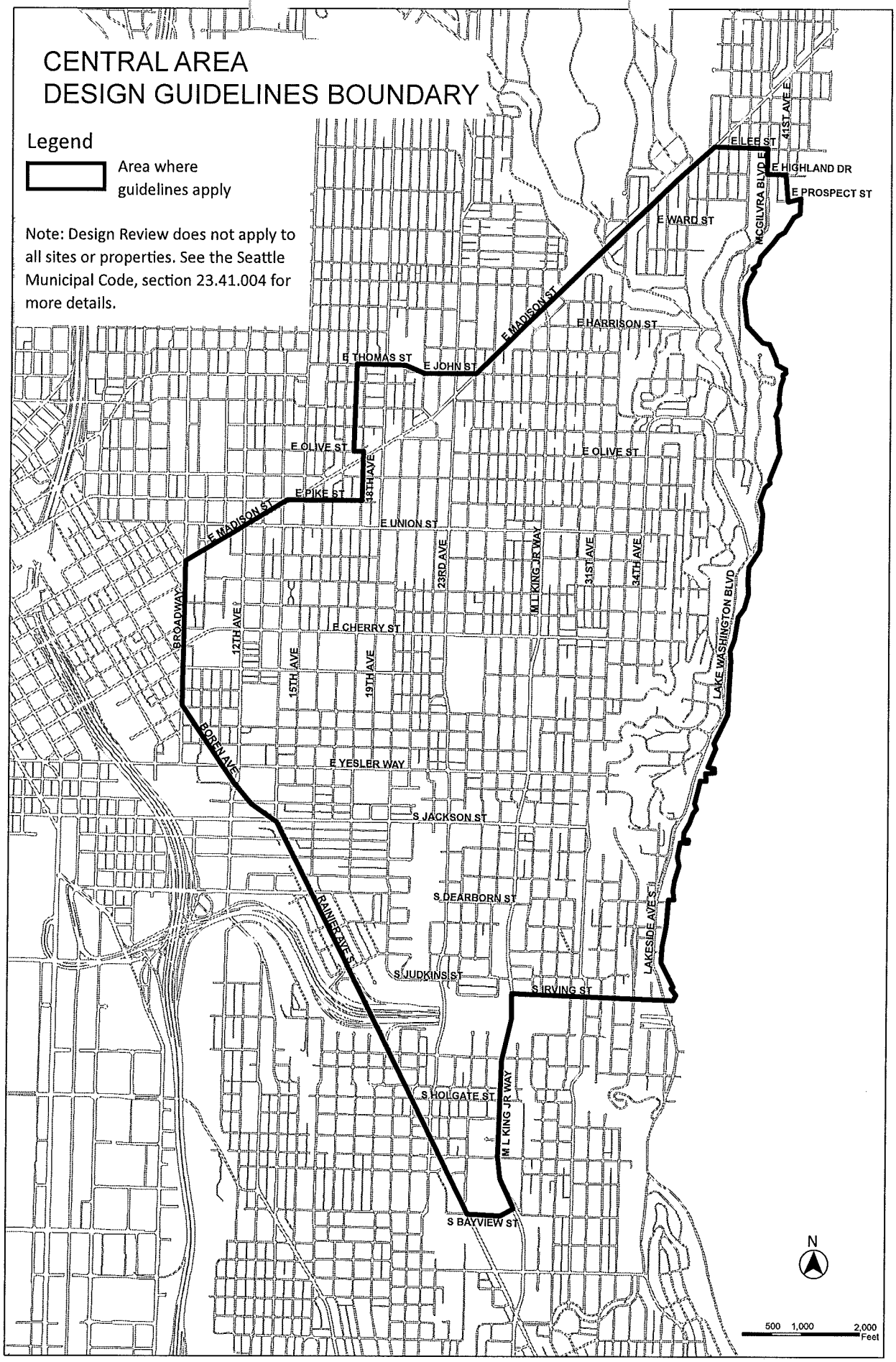
Facilitate inclusive and equitable growth and development.

Given the Central Area's history, it is the intent of this document to highlight guiding principles which support Seattle's Black community. Throughout the process of creating these guidelines, there was a struggle of how best to incorporate African American or Afrocentric design standards, acknowledging that there is no definitive source that comprehensively embodies Black design principles in a meaningful way.

Instead the document incorporates guidelines centered on community accessible open space, interactions between residents and shopkeepers with passersby, and transparency of street uses. While some of this guidance may feel universal, it is particularly important to the African American community, and was explicitly expressed by residents in the Central Area. These themes are at the heart of this document, and drive each of the guidelines outlined in the subsequent pages.

[5] https://www.seattle.gov/opcd/ongoing-initiatives/equitable-development-initiative

[6] As part of Seattle's Equitable Development Implementation Plan, the Equity Drivers and Equity Outcomes function as an analytical tool to guide implementation to reduce disparities and achieve equitable outcomes for marginalized populations. The Equity Drivers build on the Puget Sound Regional Equity Network's Principles of Equitable Development.


CENTRAL AREA
DESIGN GUIDELINES BOUNDARY
Legend
Area where guidelines apply
Note: Design Review does not apply to all sites or properties. See the Seattle Municipal Code, section 23.41.004 for more details.
E LEE ST
41ST AVE E
E HIGHLAND DR
E PROSPECT ST
MCGILVRA BLVD E
E WARD ST
E MADISON ST
E HARRISON ST
E THOMAS ST
E JOHN ST
E OLIVE ST
E OLIVE ST
E PIKE ST
E UNION ST
E MADISON ST
BROADWAY
12TH AVE
15TH AVE
19TH AVE
23RD AVE
M L KING JR WAY
31ST AVE
34TH AVE
LAKE WASHINGTON BLVD
E CHERRY ST
BOREN AVE
E YESLER WAY
S JACKSON ST
S DEARBORN ST
RAINIER AVE S
LAKESIDE AVE S
S JUDKINS ST
S IRVING ST
S HOLGATE ST
M L KING JR WAY
S BAYVIEW ST
N
500 1,000 2,000 Feet

Guidelines at a Glance

The Central Area Neighborhood Neighborhood Design Guidelines work together with the City Council adopted Seattle Design Guidelines (also called the Citywide Design Guidelines), which always remain applicable on all projects subject to Design Review. See SMC 23.41.004 for information on Design Review thresholds.

Below is a list of the Citywide Guidelines, and the column to the right indicates if these Neighborhood Design Guidelines provide supplemental guidance for that topic; a "yes" means both Citywide and Neighborhood Guidelines are applicable; a "no" means only Citywide Guidelines apply.

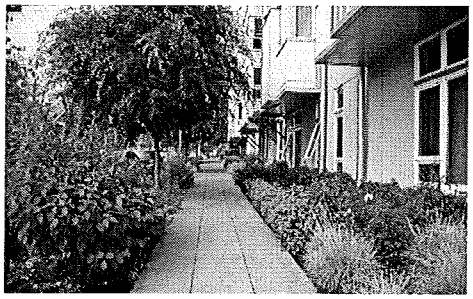
Citywide Design Guidelines		Neighborhood-specific Guidance
CONTEXT & SITE (CS)		
CS1	**Natural Systems and Site Features** Use natural systems and features of the site and its surroundings as a starting point for design	**YES**
CS2	**Urban Pattern and Form** Strengthen the most desirable forms, characteristics and patterns of the surrounding area	**YES**
CS3	**Architectural Context and Character** Contribute to the architectural character of the neighborhood	**YES**
PUBLIC LIFE (PL)		
PL1	**Connectivity** Complement, connect and contribute to the network of open spaces around the site	**YES**
PL2	**Walkability** Create a safe and comfortable walking environment, easy to navigate and well connected	**NO**
PL3	**Street-Level Interaction** Encourage human interaction and activity at the street-level, including entries and edges	**YES**
PL4	**Active Transportation** Incorporate features that facilitate active transport such as walking, bicycling and transit use	**NO**
DESIGN CONCEPT (DC)		
DC1	**Project Uses and Activities** Optimize the arrangement of uses and activities on site	**NO**
DC2	**Architectural Concept** Develop a unified, functional architectural concept that fits well on the site and its surroundings	**YES**
DC3	**Open Space Concept** Integrate building and open space design so that each complements the other	**YES**
DC4	**Exterior Elements and Finishes** Use appropriate and high-quality elements and finishes for the building and open spaces	**YES**

See the below link for a complete version of the Citywide Guidelines, and a complete list of all Neighborhood-specific Design Guidelines:

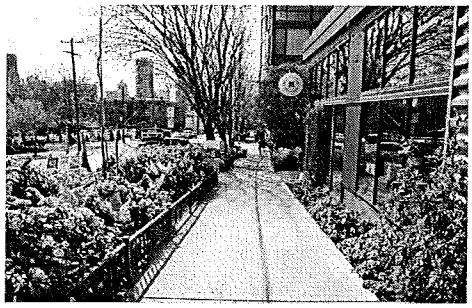
http://www.seattle.gov/dpd/aboutus/whoweare/designreview/designguidelines/default.htm

CS1
CONTEXT & SITE
Natural Systems & Site Features

Citywide Guideline:
Use natural systems and features of the site and its surroundings as a starting point for project design.



Lush planter strip shelters the sidewalk and ground floor residential units from car traffic along the street.



Vegetated buffer softens the retail edge while maintaining the streetscape's urban feel.

Central Area Neighborhood Supplemental Guidance

1. Local Topography

a. Respond to local topography with terraces, stoops, stepping facades, or similar approaches. Use appropriately scaled rockeries, stairs, and landscaping to transition between the sidewalk, building façade, and entrances in keeping with local topographic conditions, and existing neighboring approaches.

b. If fencing or screening is included in the design, it should step along with the topography.

2. Connection to Nature

a. Be sensitive to the project's impact on solar access to adjacent streets, sidewalks, and buildings. Where possible, consider setting taller buildings back at their upper floors, or pushing buildings back from the street and providing wider sidewalks so sunlight can reach pedestrian level spaces and neighboring properties. Ensure sunlight reaches building entrances whenever possible.

b. Provide vegetated spaces throughout the project. Vertical green walls are encouraged in addition to landscape beds.

c. Incorporate edible gardens and urban farming opportunities within the design, both at grade, and on the roof for larger buildings.

d. Unify streets through street trees and landscaping.

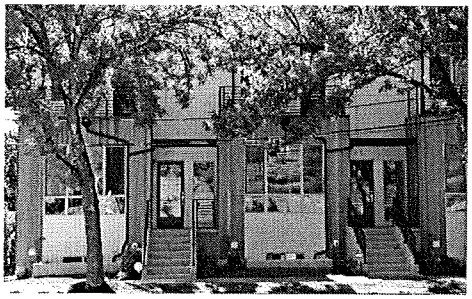
   1. Consider tree species as a unifying feature to provide identifiable character to a street or project.

   2. Incorporate an irrigation plan for the trees and other landscaping proposed to ensure maintainability of the plants, or include low-maintenance, drought-resistant species.

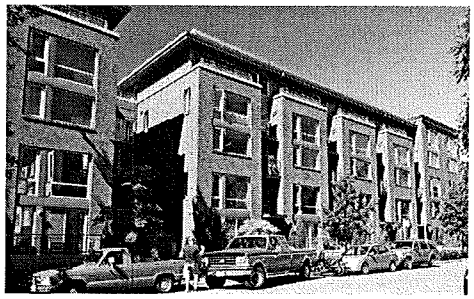
e. Create protected sidewalks by utilizing planter strips with lush landscaping, to help create a "room" between the street and the building.

CS2
CONTEXT & SITE
Urban Pattern & Form

Citywide Guideline:
Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.



Street fronting entrances with residential scaled detailing help transition to nearby single family homes.



Vertically articulated bays break down the facade scale.



Articulated building massing both horizontally and vertically breaks down the building's scale.

Central Area Neighborhood Supplemental Guidance

1. Transition and Delineation of Zones

a. Where denser zones transition to lower density residential zones, provide privacy layering and scale for ground related entrances, porches, and stoops on façades facing the less dense residential zone.

b. In addition to building height, use building massing and articulation to transition to single-family scaled fabric. Other acceptable methods include setbacks, building footprint size and placement on the site, building width, façade modulation, and roof line articulation.

c. The use of appropriately scaled residential elements, such as bay windows and balconies, on larger buildings next to single-family zones are encouraged to better relate to the human scale. This is especially important for buildings four stories and lower.

d. Along with smaller building massing, the use of breezeways, portals, and through-block connections help to lessen the mass of the overall building, and add to the existing network of pedestrian pathways.

CS3
CONTEXT & SITE
Architectural Context & Character

Citywide Guideline:
Contribute to the architectural character of the neighborhood.



Smaller scaled row house bungalow with character defining front porch and detailing.

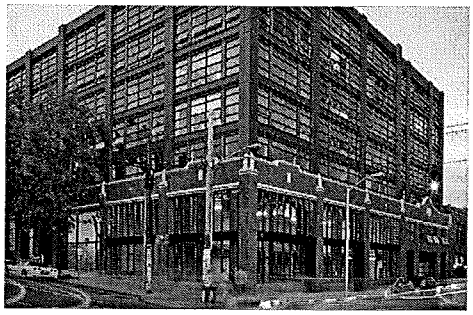


Photo credit: Weber Thompson Architects

Contrasting character of the new architectural addition provides a backdrop for the preserved building facade.



Preservation of the ground floor facade, with a compatible addition above retains a portion of the neighborhood's history.

Central Area Neighborhood Supplemental Guidance

1. Neighborhood Context

a. Retain and encourage the extension of existing positive attributes of the surrounding neighborhood character.

b. Where appropriate, encourage the preservation, rehabilitation, adaptive reuse, and/or addition to existing structures as a way to continue the existing neighborhood fabric.

c. Include high ceilings in ground floor spaces of new structures consistent with older character structures in the vicinity. Floor to ceiling heights of at least 15 feet with clerestory windows are encouraged for commercial ground floors.



Ground floor retail space with high ceilings and clerestory windows.

PL1
PUBLIC LIFE
Connectivity

Citywide Guideline:
Complement and contribute to the network of open spaces around the site and the connections among them.

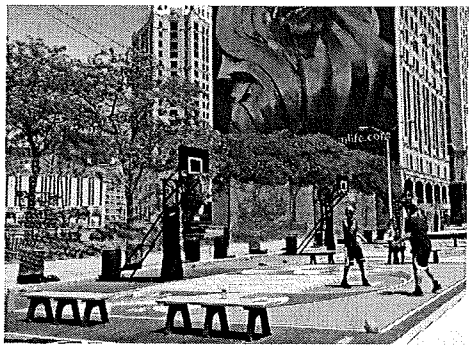


Activated through-block connection provides safe and usable common spaces.



20 minutes magazine

Covered gathering space that can be used throughout the year.



Open space for social activities that can accommodate a variety of uses.

Central Area Neighborhood Supplemental Guidance

1. Accessible Open Space

a. Provide safe and well connected open spaces. Utilize walkways and linkages to visually and physically connect pedestrian paths with neighboring projects, shared space and public spaces such as streets. Use linkages to create and contribute to an active and well-connected open space network.

b. Larger projects around important neighborhood nodes should create generous recessed entries, corner plazas, and more usable open space adjoining the streets. Projects along dense business corridors should maintain a continuous street wall definition contributing to the area's urban feel (see Cultural Placemaker map on page 17 for node locations).

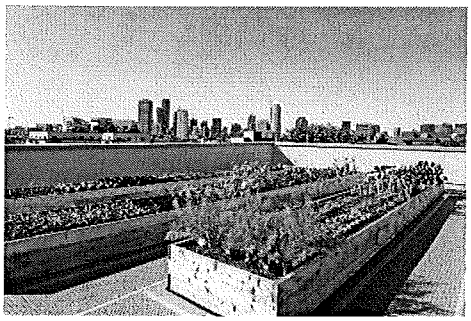
c. Incorporate transparent and open indoor community meeting spaces at the ground level of larger projects. Avoid having any window coverings or window film that permanently obscure views into or out of the space.

2. Connection Back to the Community

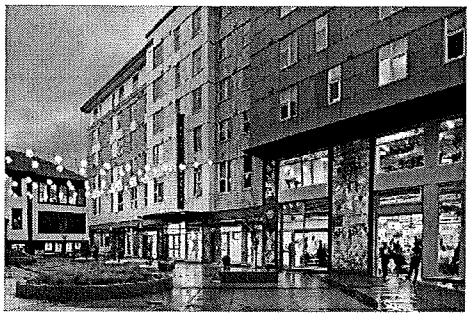
a. Provide cultural and place-specific open spaces that can be used for a variety of uses including social gathering, festivals, and other larger celebrations.

b. When providing open gathering spaces for the community, include weather protection to ensure the space can remain active all year long.

c. Enhance gathering places with lighting, art and features, so that the scale of the art and special features are commensurate with the scale of the new development.

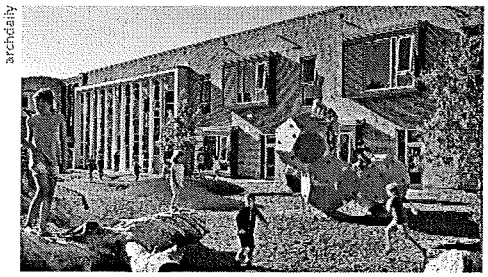


Urban rooftop used for agriculture to which residents and local establishments have access.



architect magazine

Activated courtyard space that is both visually and physically open.



archdaily

Safe play areas adjacent to residential units where families can congregate.

d. Ensure exclusive rooftop, private, or gated open spaces are not the only form of open space provided for the project. Prioritize common, accessible, ground level open space at the building street fronts and/or with courtyards that are not restricted or hidden from street views.

e. Not all open spaces need to be landscaped; hardscapes are encouraged when sized and designed to encourage active usage. At these locations, building edges should be inviting while creating well defined open spaces for common use. These spaces are especially important close to prominent intersections, streets, and Cultural Placemaker locations (shown on page 17). In areas where it is not feasible to be open to physical pedestrian access, visual openness should be provided.

f. When providing vegetation at the roof level, consider urban agriculture instead of a passive green roof to provide residents access to fresh produce.

3. Livability for Families and Elderly

a. Provide safe areas for children to play where they can be seen. Incorporate seating areas nearby for parents, guardians, and other community members to congregate.

b. Consider utilizing building rooftops as an opportunity for family gathering and gardening.

c. Where applicable, preserve alleys for pedestrian access and service use. Provide adequate lighting, transparency and entrances to ensure active usage.

d. Provide multi-generational community gathering spaces for young and old to recreate and converse together.

PL3

PUBLIC LIFE

Street-Level Interaction

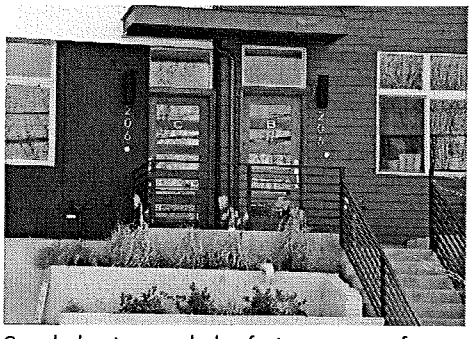
Citywide Guideline:
Encourage human interaction and activity at the street-level with clear connections to building entries and edges.



Open and transparent restaurant frontage that engages with public realm.



Color and material variation in storefront design.



Coupled entrances helps foster a sense of community among residents.

Central Area Neighborhood Supplemental Guidance

1. Frontages

a. Encourage color, material, and signage variation in storefront design.

b. Design ground floor frontages in commercial and mixed-use areas that emulate or improve upon the surrounding pedestrian-oriented context, while acknowledging the pedestrian patterns that exist.

c. Promote transparency and "eyes on the street." No reflective or obscure glass should be used. Discourage retailers from putting display cases or window film up against windows to maintain transparency into commercial spaces.

d. Avoid grade separations at retail. Storefronts should step along with the grade (ex: 30' max length of any floor level on a sloping frontage) with a focus on accessibility.

e. In pedestrian-oriented commercial areas, provide frequent entrances and expressed breaks along storefronts through columns or pilasters at regular intervals of 25 to 30 feet, to accommodate and encourage smaller retailers and community-oriented businesses.

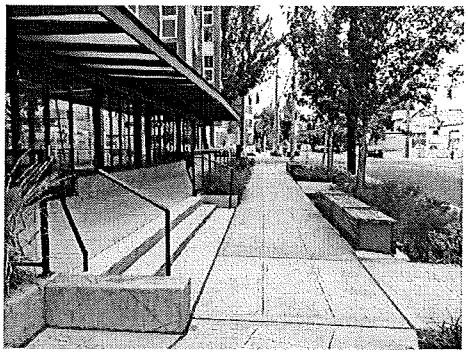
f. Live/work spaces should be designed to activate street frontage, maintain transparent windows, and arrange the interior to place work space at the streetwindows.

g. At residential projects, provide coupled entries where possible to foster a sense of community and visual interest in building entryways. Provide generous porches at these entries to encourage sitting and watching the street.

h. Provide exterior access to ground floor residential units. This interior/exterior connection should occur frequently with entrances placed at a regular interval.



Restaurant storefront that engages with the public sidewalk and street.



Pedestrian furniture and protected open space that is inviting for public use while also providing an outdoor area for businesses to utilize.



Planter zone that incorporates community gardening opportunities.

2. Streetscape Treatment

a. Emphasize the relationship between buildings and their entrances to the street, pedestrians, and neighboring buildings both adjacent and across the street. Provide special treatment through paving or building materials to highlight each business's presence along the street.

b. Provide recessed business entries to encourage a slower pedestrian pace where people have sheltered space to stop and gather.

c. To protect pedestrians along the sidewalk, provide awnings or overhead weather protection at all non-residential frontages, neighborhood nodes, and on west-facing facades with a minimum depth of 6'. Larger commercial projects should have deeper coverage, with a minimum depth of 8' at all street frontages, especially street corners.

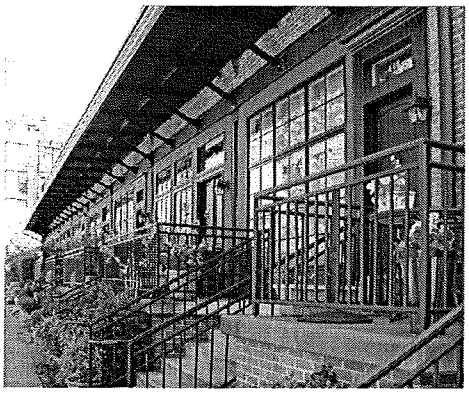
d. Encourage a quality pedestrian environment that provides safe, comfortable routes for pedestrians that reflect the existing character of the building fabric.

e. Encourage activation of the planter zone to include community gardens, as well as street trees and pedestrian furniture (with SDOT concurrence).

f. Limit the placement of solid barriers or blank walls next to the sidewalk. Consider using landscape buffers instead.

g. Provide voluntary space abutting the sidewalk right-of-way for businesses to utilize (ex: cafes, produce markets, street markets, fish vendors, buskers, pop-up shops, etc.).

h. Encourage a safe, comfortable environment for pedestrians with components of complete streets (ex: wide planter zones, wide sidewalks, and/or building setbacks to allow for usable porches, stoops, and outdoor seating).



Raised entries that create a private stoop at residential entrances, with high transparency railings that facilitate street interaction.

i. Porches and stoops are the life of the street. Encourage human activity by providing opportunities for neighbors to connect, walk, and talk together on the sidewalk.

j. To facilitate usable stoops and patios, and to encourage pedestrian-to-resident interaction, buffer private outdoor spaces from the public sidewalk with low walls, planters and landscape layering that defines the private space yet allows for face to face conversations. Tall 'privacy walls' or fences are not acceptable.

k. If floor levels and site grading allows, the private stoop at residential units should be raised above sidewalk grade, using 30" as an average height, with universal access to the unit included elsewhere.

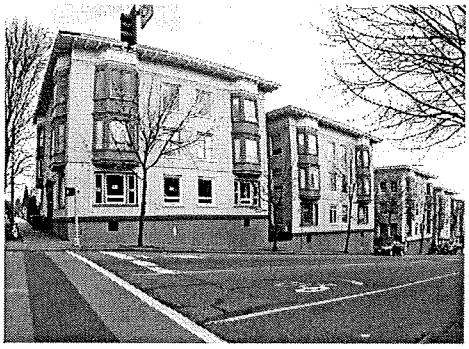
l. Residential patio levels recessed more than 18" below the adjacent sidewalk grades are discouraged and should be used discerningly, as they can hinder interaction, and may create safety and maintenance issues.



Frequent stoops accompanying ground floor entrances to residential units provide a place for social interactions.

DC2
DESIGN CONCEPT
Architectural Concept

Citywide Guideline:
Develop a unified, functional architectural concept that fits well on the site and its surroundings.



Regular breaks in the building lessen the perceived bulk from the street.



urban land institute

Upper floor setback creates a usable outdoor "community porch" space.



Broken-up building massing avoids a monolithic form.

Central Area Neighborhood Supplemental Guidance

1. Building Layout and Massing

a. Project concepts should be intelligible and clear. Clarity makes knowledge of the design accessible, thus a larger portion of the community will be able to participate in the planning and design process.

b. Building design should relate to the earth, using building forms and massing that engage the ground plane, rather than 'float above'. Ground level transparency should still occur on major pedestrian and commercial streets.

c. Smaller and varied building forms are encouraged. Larger building forms should divide their mass up so that it does not appear as one, monolithic building. These breaks in massing and differentiation should take cues from the surrounding fabric. Vertical and horizontal datums and patterns can help provide a guide for how to articulate and break down the overall massing. Modulated façades for large buildings keep the building inviting and consistent with the finer-grain fabric found in the Central Area neighborhood. As such, projects should use 50' – 75' massing widths as a guide for modulation.

d. Appropriately scale buildings so that they relate to the scale and form of the adjacent public realm (i.e. the width of the streets and/or affronting open spaces and adjacent smaller scale zones).

e. Consider all sides of the building and the impacts each façade has on its immediate neighboring context. If building on a slope, consider the project's roofscape as well.

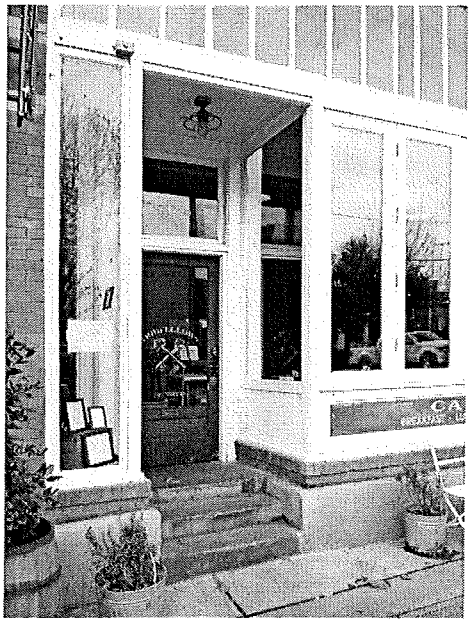
f. Consider how each façade may respond to climate conditions such as solar shading and prevailing winds.



Open space adjacent to ground related apartment units provides space for resident interaction.



Smaller scaled commercial façades and footprints are conducive to local businesses.



Smaller façades with transparent storefronts and detailed recessed entries create a slower paced pedestrian environment.

g. Consider upper floor setbacks along secondary retail zones. In these less dense areas, tall does not always mean urban. Walkable urban places can be achieved at a smaller scale with buildings that have visual texture through their retail frontage, pedestrian scaled signage, tile details, and accented knee walls, as demonstrated by the businesses along Union St, west of 23rd Avenue.

h. Where compatible with the surrounding streetscape, family sized, ground related apartment units (2 and 3 bedrooms) with usable adjacent open spaces are encouraged.

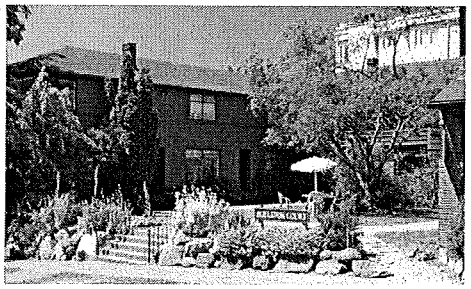
i. Encourage clusters of small and local businesses together.

   1. Reduce the scale of commercial façades so that they are conducive to small business tenants.
   2. Include commercial spaces with smaller footprints to promote and accommodate local establishments at street level.
   3. Set the maximum length of street frontage for individual businesses to be consistent with the existing business character of the area.
   4. Where there is not a strong existing character for the area, follow guidance provided in frontage section (PL3-I).

DC3
DESIGN CONCEPT
Open Space Concept

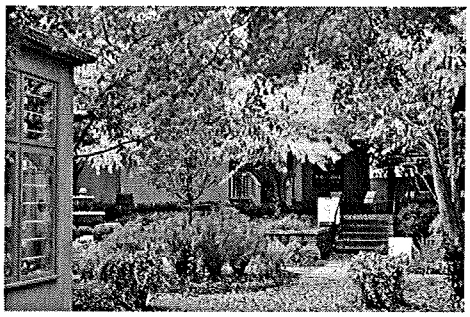
Citywide Guideline:
Integrate building and open space design so that each complements the other.

capitol hill seattle blog

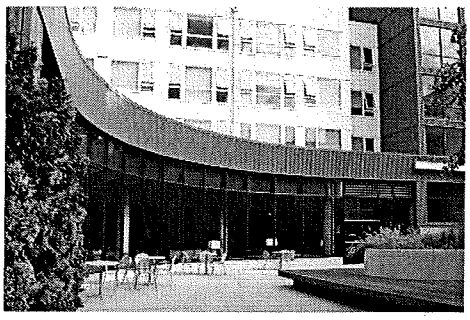


Shared residential courtyard

wikimedia commons



Retail courtyard in Madison Valley



Common courtyard in mixed-use building

Central Area Neighborhood Supplemental Guidance

1. Common Open Spaces

a. Where possible, provide common courtyards and yards that are publicly visible and accessible. These spaces should be activated and layered, so that there is a graduation from private outdoor space, to the fully shared realm.

b. Encourage courtyard housing and bungalow courts which use landscaping as the delineation between shared and private spaces, instead of fencing.

c. Provide generous common, open space, including shared courtyards and plazas that serve as extensions of the adjacent public realm.



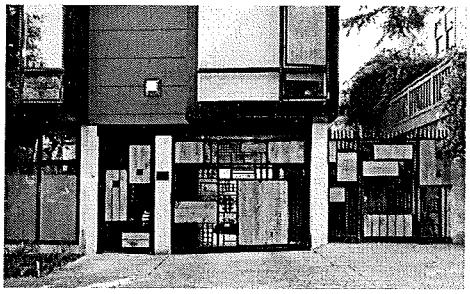
Residential units provided with individual, private outdoor spaces, a shared walk with seating, and landscape buffer next to the public sidewalk (shown at right).

DC4
DESIGN CONCEPT
Exterior Elements & Finishes

Citywide Guideline:
Use appropriate and high-quality elements and finishes for the building and open spaces.



Awnings, façade rhythm, modern bay windows, and a finer grain material texture provide human scale detailing.



Varied use of materials and shapes create an artful screening solution.

Central Area Neighborhood Supplemental Guidance

1. Screening

a. When screening or fencing is used, it should be designed as an artistic opportunity.

b. Design screening height, porosity, and materials to allow for views in and out of the site, and visual interaction with the public realm.

2. Building Materials

a. Consider vibrant and bold uses of color, materials, texture, and light to reinforce local cultural references.

b. Encourage variation in building materials and employ high quality materials.

c. Salvage building materials from the site when possible. If reusable materials, such as brick, are removed from demolished buildings, use them in the new development as visible building components.

3. Building Details and Elements

a. Provide operable windows in a way that promotes natural ventilation.

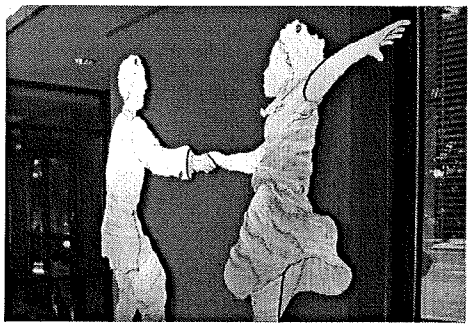
b. Incorporate building materials and details that reflect human scale and the craftsmanship of the building process (ex: use of brick or wood for exterior cladding).

c. Incorporate elements such as bay windows, columns, and deep awnings which add human scale and façade texture.

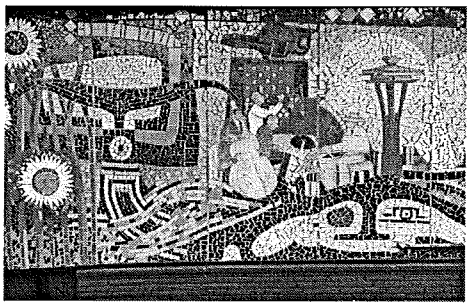
d. Façades should exhibit a rhythm of fenestration, and transparency of the inside program out to the public realm.

A.1
ADDITIONAL GUIDANCE
Character Areas

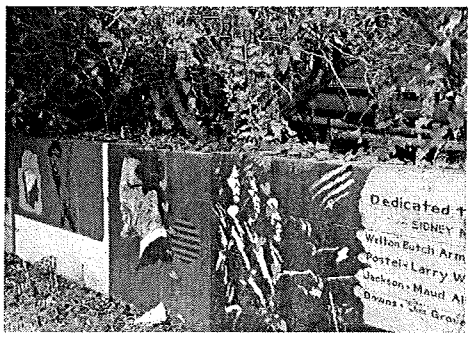
Citywide Guideline CS3.B:
Contribute to architectural and placemaking character with local history and cultural references.



Jazz and swing dancing tribute



Mural mosaic at 25th and Cherry



squire park community council

The People's Wall marking the Black Panther Community Center

Central Area Neighborhood Supplemental Guidance: Character Areas

The following additional guidance is for projects within the Influence Area and Character Areas as indicated on page 17.

1. History and Heritage

a. Provide design features to express the African and Black American presence within the neighborhood. Create 'pockets of culture' to represent both the Black American identity within the Central Area, as well as other heritages that have had a large impact on the Central Area's past.

b. Consider including visual arts as an integral part of the design concept along main street building façades, within highly trafficked pedestrian areas, and within open spaces.

c. Use any resulting blank walls and surfaces for the visible expression of art that references the history, heritage, and culture of the community.

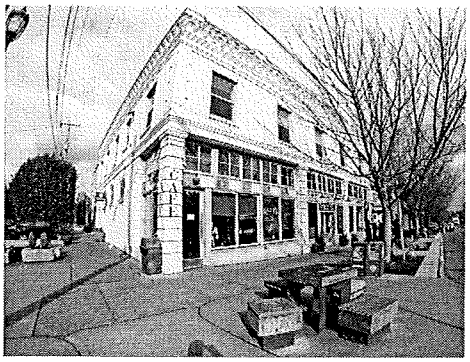
d. Include interpretive opportunities (through visual art, signage, markers, etc.) that tell the story of the neighborhood's history in engaging ways.

e. Encourage the building design to reflect the racial, economical, and multi-generational character of the community.

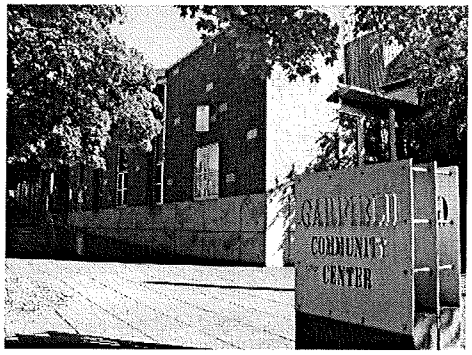
f. Developments are encouraged to provide housing and/or amenities for the Black Veteran community.

g. Provide amenities appropriate to the activities and interests of the local community, such as basketball hoops, chess boards, tot lots and other family oriented activities.

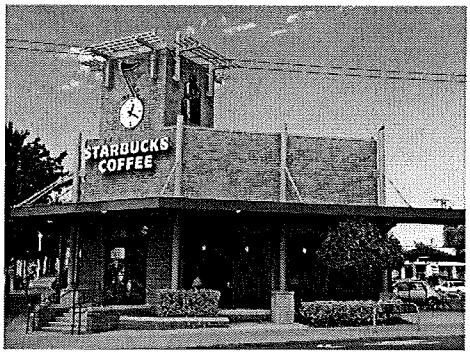
h. Bicycle use and parking should be encouraged to promote a healthy and active neighborhood and to support local businesses. Bicycle racks should be plentiful, and either be from the Seattle Department of Transportation's bike parking program or be an approved rack of similar "inverted U" or "staple" style. The bicycle racks may also be an opportunity for placemaking, such as having a uniform color for bike racks within the Central District or having distinctive place-names designed into the racks.



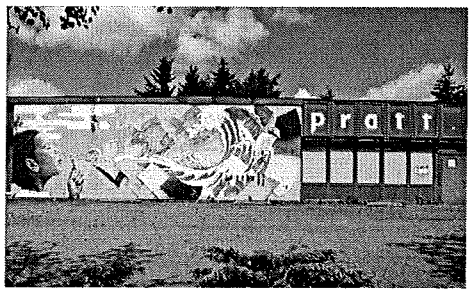
Katy's Cafe



Garfield Community Center



Starbucks at 23rd and Jackson



Pratt Fine Arts Center

2. For 23rd and Union Character Area

a. Community characteristics that are unique to this area include:

1. A cohesive neighborhood grain with historic character that establishes the area as a destination for the surrounding community.
2. An established, pedestrian-scaled neighborhood-commerical area, with a mix of both commercial and residential uses, grounded by locally-owned businesses and institutions.
3. Hub of the African and Black American community.
4. Diverse range of shops, restaurants, entertainment, and places of worship. Specific buildings to note are:

- Central Cinema (1411 21st Ave)
- Katy's Cafe (2000 E Union St)

b. In this area it is especially important to provide additional accessible open space and community gathering opportunities, for example plazas adjacent to the public sidewalks.

3. For 23rd and Cherry Character Area

a. Community characteristics that are unique to this area include:

1. Smaller-scaled fabric with many culturally specific restaurants, as well as community and youth-centered resources.
2. Specific places to note are;

- Garfield High School (400 23rd Ave)
- Garfield Community Center (2323 E Cherry St)
- Quincy Jones Performing Arts Center (400 23rd Ave)
- Medgar Evers Pool (500 23rd Ave)
- Eritrean Community Center (2402 E Spruce St)

4. For 23rd and Jackson Character Area

a. Community characteristics that are unique to this area include:

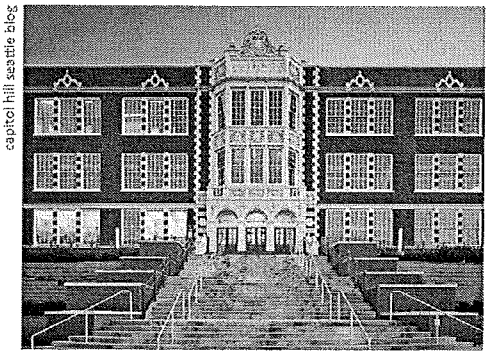
1. Larger-scale, mixed-use commercial district with opportunities for startups, and both large and small scaled businesses.
2. Both a local and regional destination due to its commercial developments, social services, community assets, and shops for daily household needs.
3. Specific places to note are;

- Pratt Fine Arts Center (1902 S Main St)
- Wood Technology Center (2310 S Lane St)
- Seattle Vocational Institute (2120 S Jackson St)
- Langston Hughes Performing Arts Institute (104 17th Ave S)
- Douglass Truth Library (2300 E Yesler Way)

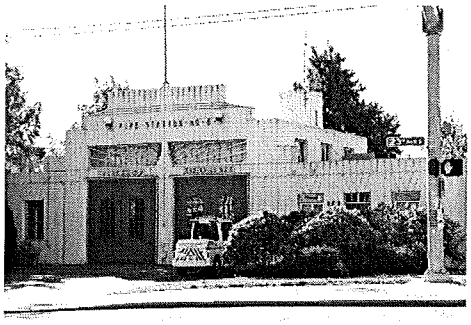
A.2
ADDITIONAL GUIDANCE
Cultural Placemakers

Citywide Guideline CS3.B:
Contribute to architectural and placemaking character with local history and cultural references.

capitol hill seattle blog

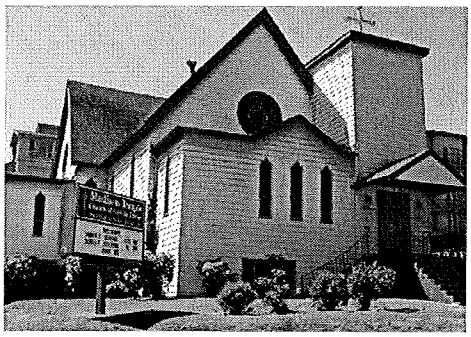


Garfield High School at 23rd Ave and Jefferson St



Fire Station 6, a historic landmark at 23rd Ave and Yesler Way

soul of america



Madison Temple at 23rd Ave and Madison St

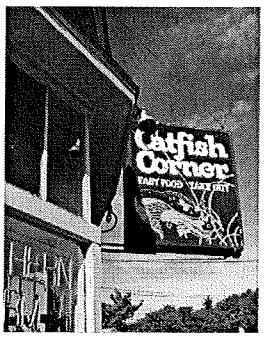
Central Area Neighborhood Supplemental Guidance: Cultural Placemakers

The following additional guidance applies to all projects with street frontage within 200 feet of the street corner, in any direction, at the designated Cultural Placemaker locations as identified on page 17.

1. Cultural Placemakers

a. Emphasize Cultural Placemakers within the community. The Cultural Placemaker map identifies several key intersections in the Central Area that serve as cultural anchors for their surrounding areas. Projects at these corner locations should stimulate activities and create visual interest to enhance the Central Area's identity and a sense of arrival, such as:

1. Providing street furniture, public art, landscape elements, pedestrian lighting, mosaics, varied paving patterns, etc.
2. Creating façade enhancements at prominent building corners.
3. Creating a building layout and setbacks that provide opportunities for open space that expand the usable space beyond the width of the sidewalks.
4. Providing larger landscape buffers at placemakers along heavier trafficked streets.



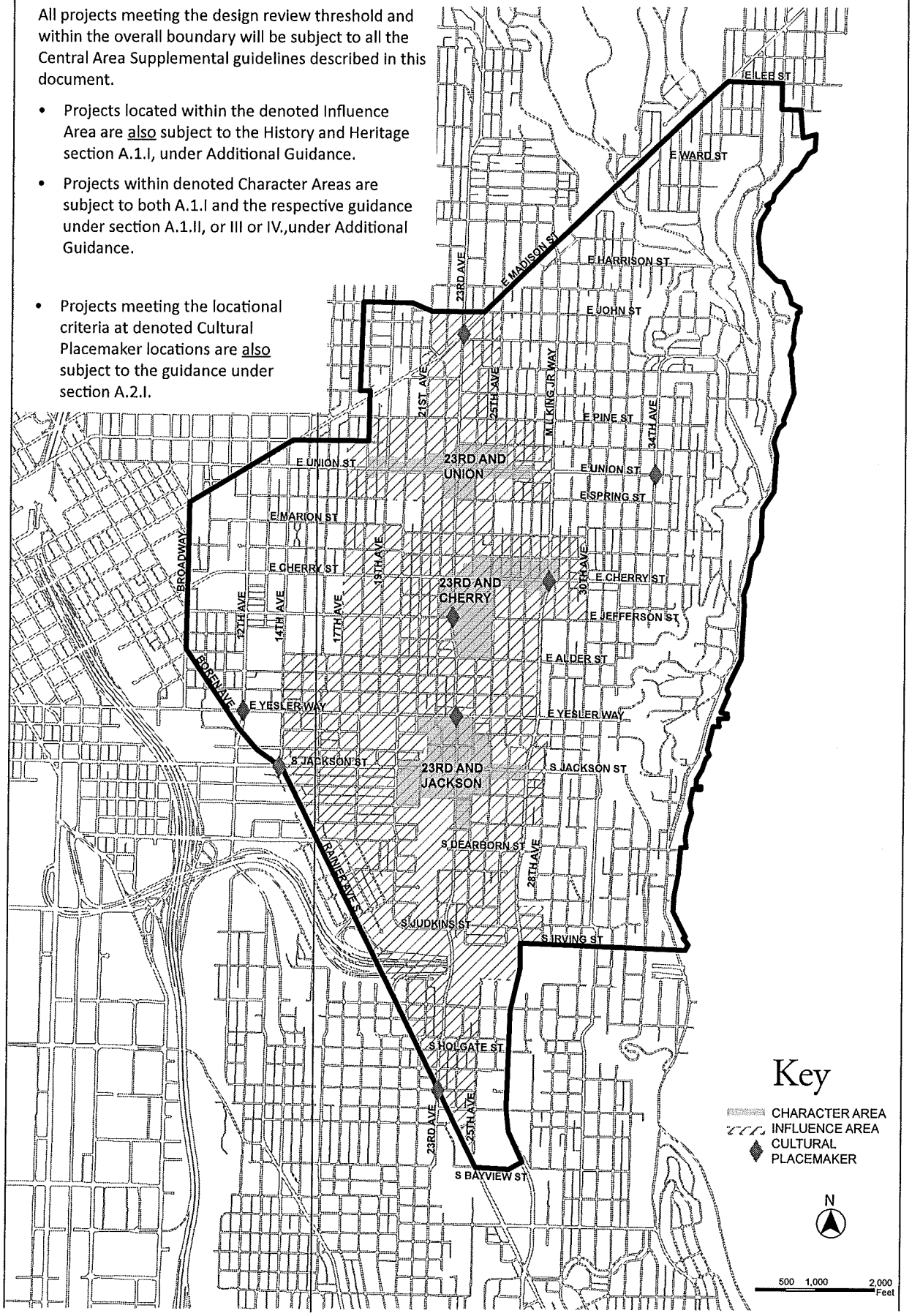


Present day intersection at Cherry St and Martin Luther King Jr Way (right photo), where community anchor Catfish Corner was once located (left photo).

Central Area Character & Cultural Placemaker Map

All projects meeting the design review threshold and within the overall boundary will be subject to all the Central Area Supplemental guidelines described in this document.

- Projects located within the denoted Influence Area are <u>also</u> subject to the History and Heritage section A.1.I, under Additional Guidance.
- Projects within denoted Character Areas are subject to both A.1.I and the respective guidance under section A.1.II, or III or IV.,under Additional Guidance.
- Projects meeting the locational criteria at denoted Cultural Placemaker locations are <u>also</u> subject to the guidance under section A.2.I.



Christina Ghan/Aly Pennucci

CITY OF SEATTLE

ORDINANCE 125429

COUNCIL BILL 119057

AN ORDINANCE relating to land use and zoning; modifying the Design Review program; repealing and replacing Section 23.41.004 of the Seattle Municipal Code (SMC); amending Sections 3.51.030, 23.41.002, 23.41.008, 23.41.010, 23.41.012, 23.41.014, 23.41.016, 23.41.020, 23.57.013, 23.66.020, 23.66.030, 23.66.035, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.015, 23.73.024, 23.76.004, 23.76.006, 23.76.008, 23.76.011, 23.76.012, 23.76.026, 23.76.040, 25.11.070, 25.11.080, 25.12.320, 25.12.680, 25.12.690 and 25.12.730 of the SMC; adding new Sections 23.41.015 and 23.41.022 to the SMC; repealing Section 23.41.018 of the SMC; making technical corrections; and adding new Sections 23.66.050 and 25.12.735 to modify the duties of Special Review District Boards and Landmark Preservation Boards by authorizing these Board to make recommendations to SDCI on design review development standard departures.

WHEREAS, in 2013, the City Council requested that the Seattle Department of Construction and Inspections (SDCI), previously known as the Department of Planning and Development, and the Office of Economic Development, work with the Seattle Metropolitan Chamber of Commerce (Chamber) and members of the planning and development community to identify options to improve the permit review process; and

WHEREAS, in 2014, the Seattle Metropolitan Chamber of Commerce submitted recommendations to SDCI on improving the design review process; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, in 2015, following recommendations identified by the Chamber's work, the City Council provided consultant resources for SDCI to conduct additional outreach with

community stakeholders and to develop recommendations to improve the design review process and present a proposal for implementing those changes; and

WHEREAS, in 2015, SDCI convened a 16-member stakeholder advisory group comprised of project applicants, design professionals and community members to recommend changes to the design review process and conducted additional community outreach about design review; and

WHEREAS, the design review stakeholder advisory group prepared recommendations to cultivate the program's purpose of encouraging better design, improve the level of consistency, efficiency, and predictability in how the City administers the program, set clear expectations for the program, and support communication and dialogue in design review; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015, including strategies to create efficiencies in housing production; and

WHEREAS, the HALA Advisory Committee found that while the design review process may provide benefits such as better collaboration between developers and community members and improved design outcomes, it may also increase the timeline, cost, and unpredictability of obtaining land use permits, which may then raise the cost of building housing; and

WHEREAS, the HALA Advisory Committee recommended reforms to the design review process to improve predictability and consistency, including procedural changes to improve two-way dialogue at meetings, training to board members and staff to allow

them to consider the impacts of their decisions on housing costs, and limitations on the extent of packet materials and number of meetings; and

WHEREAS, in March 2016, SDCI released a recommendation report to update the design review program that was informed by the Design Review Advisory Group's recommendations and the HALA Advisory Committee's recommendations and other outreach efforts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.51.030 of the Seattle Municipal Code, last amended by Ordinance 121568, is amended as follows:

3.51.030 Selection process and program assessment ((.))

In addition to the regular members, one designated young adult position may, by ordinance, be added to City boards and commissions, except that the Design Review Board may have more than one young adult position. To fill the designated young adult positions, young adults shall be nominated by the Mayor and shall be subject to confirmation by the City Council by majority vote. The young adults selected as part of this program are full voting members of the boards and commissions on which they serve, unless specified otherwise for a particular board or commission. Nothing in this program precludes appointment of a young adult to other regular positions on any board or commission.

Each young adult selected shall be matched with a mentor who serves on the same board or commission, and shall attend support groups and training tailored toward their duties as a board or commission member. Program participants shall periodically help assess the effectiveness of the program, and adjustments will be made based on this feedback. Written materials shall be developed for use by the program participants and by other jurisdictions who

may want to establish or participate in a similar program. Participants in the Get Engaged program shall provide feedback to assist the Get Engaged partners (Mayor's Office Boards and Commissions, City Council, and YMCA Metrocenter Branch) in developing a plan to sustain effective young adult involvement within City government.

Section 2. The designation "Part I – Design Review" in Chapter 23.41 of the Seattle Municipal Code is repealed:

((~~**Part I – Design Review**~~))

Section 3. Section 23.41.002 of the Seattle Municipal Code, last amended by Ordinance 124389, is amended as follows:

23.41.002 Purpose

The purpose of Design Review is to:

A. Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity; and

B. Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood; and

C. ((~~Improve~~)) Promote and support communication and mutual understanding among ((~~developers~~)) applicants, neighborhoods, and the City early and throughout the development review process.

Section 4. Section 23.41.004, last amended by Ordinance 125272, is repealed:

((~~**23.41.004 Applicability**~~

~~A. Design review required~~

~~1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:~~

~~Table A for 23.41.004~~
~~Thresholds for Design Review~~

	~~Zone~~	~~Threshold~~
~~a.~~	~~Lowrise 2 (LR2) and Lowrise 3 (LR3)~~	~~8 dwelling units or 4,000 square feet of non-residential gross floor area~~
~~b.~~	~~Midrise (MR)~~	~~20 dwelling units or 4,000 square feet of non-residential gross floor area~~
~~c.~~	~~Highrise (HR)~~	~~20 dwelling units or 4,000 square feet of non-residential gross floor area~~
~~d.~~	~~Neighborhood Commercial (NC1, NC2, NC3)~~	~~4 dwelling units or 4,000 square feet of non-residential gross floor area~~
~~e.~~	~~Commercial (C1, C2)~~	~~4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington~~
~~f.~~	~~Seattle Mixed (SM)~~	~~20 dwelling units or 12,000 square feet of non-residential gross floor area~~
~~g.~~	~~Industrial Commercial (IC) zone within all designated urban villages and urban centers~~	~~12,000 square feet of non-residential gross floor area~~
~~h.~~	~~Master Planned Community (MPC)[2]~~	~~20 dwelling units or 12,000 square feet of non-residential gross floor area~~
~~i.~~	~~All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units[3]~~	~~Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.~~

Table A for 23.41.004 Thresholds for Design Review
Footnotes to Table A for 23.41.004 [1] Urban centers and urban villages are identified in the Seattle Comprehensive Plan. [2] If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014. [3] When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the Downtown zones listed in Table B for 23.41.004 that exceed any of the following thresholds in Table B for 23.41.004:

Table B for 23.41.004 Thresholds for Downtown Design Review	
DOC1, DOC2, or DMC zones	
Use	**Threshold**
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District	
Use	**Threshold**
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet

~~of nonresidential gross floor area and electing to add extra floor area above the base FAR that are located in an IC 85-160 zone.~~

~~5. Streamlined administrative design review (SDR) to protect trees. As provided in Sections 25.11.070 and 25.11.080, SDR pursuant to Section 23.41.018 is required for any new development proposals in LR, MR, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.~~

~~6. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this Section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.~~

~~7. SDR pursuant to Section 23.41.018 is required for all new developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.~~

~~8. Design review pursuant to Section 23.41.014 is required for any project seeking to participate in the Living Building Pilot Program, including a development proposal for an existing structure.~~

~~B. Design review – optional~~

~~1. Full design review is optional to any applicant for a new multifamily, commercial, or Major Institution development proposal not otherwise subject to this Chapter 23.41, if the new development proposal not otherwise subject to this Chapter 23.41 is in the Stadium Transition Area Overlay District or if the new development proposal is in any multifamily, commercial, or downtown zone.~~

~~2. Administrative design review is optional for any applicant for new multifamily or commercial development proposals if the new multifamily or commercial development proposal does not exceed the thresholds provided in Table A for 23.41.004 and is not otherwise subject to this Chapter 23.41 if the proposal is in the Stadium Transition Area Overlay District, or is in any multifamily, commercial, or downtown zone, according to the process described in Section 23.41.016. Projects that are not otherwise subject to this Chapter 23.41 and are in any multifamily zone not listed in Table A for 23.41.004 are eligible only for optional full design review under subsection 23.41.004.B.1 if the number of dwelling units exceeds 20. If the project contains 20 dwelling units or fewer, then the project applicant may pursue either full or administrative design review.~~

~~3. Streamlined administrative design review is an option for:~~

~~a. An applicant for a multifamily residential use in an LR zone for which design review is not otherwise required by subsection 23.41.004.A; and~~

~~b. An applicant for a new multifamily and commercial development proposals in a Lowrise, Midrise, and Commercial zone to protect a tree over 2 feet in diameter measured 4.5 feet above the ground, if design review would not otherwise be required by subsection 23.41.004.A.5.~~

~~C. Exemptions. The following structures are exempt from design review:~~

~~1. New structures located in special review districts, regulated by Chapter 23.66; design review is not available for an applicant applying for additional building height under the provisions of Section 23.49.180;~~

~~2. New structures in Landmark districts regulated by Title 25, Environmental Protection and Historic Preservation;~~

~~3. New structures that are within the historic character area of the Downtown Harborfront 1 zone, or that are otherwise required to undergo shoreline design review pursuant to Chapter 23.60A; and~~

~~4. New light rail transit facilities that have been subject to review by the Seattle Design Commission.~~))

Section 5. A new Section 23.41.004 is added to the Seattle Municipal Code as follows:

23.41.004 Applicability

A. Design review required

1. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

a. Multifamily;

b. Commercial;

c. Seattle Mixed;

d. Downtown; and

e. Stadium Transition Area Overlay District as shown in Map A for 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

2. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when commercial or institution development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

a. Industrial Buffer; and

b. Industrial Commercial.

3. The gross floor area of the following uses is not included in the total gross floor area of a development for purposes of determining if a threshold is exceeded:

a. Religious facilities;

b. Elementary and secondary schools;

c. Uses associated with a Major Institution Master Plan (MIMP); or

d. Development of a major institution use within a Major Institution Overlay (MIO) district.

4. Any development proposal participating in the Living Building Pilot Program according to Section 23.40.060, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014.

5. Any development proposal, regardless of size or site characteristics, is subject to the administrative design review process according to Section 23.41.016 if it receives public funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.

6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014. If a development proposal in a Master

Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020.

7. Subject to the exemptions in subsection 23.41.004.B, design review is required for additions to existing structures when the size of the proposed addition or expansion exceeds a threshold in Table A or Table B for 23.41.004. Administrative design review, as described in Section 23.41.016, is required for certain other additions to existing structures according to rules promulgated by the Director.

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

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

A.	**Category**	**Site Characteristic**
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	**Design review type[1]**
	B.1. Less than 8,000 square feet	No design review[2, 3]
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
	B.3. 35,000 square feet or greater	Full design review[4]

Table A for 23.41.004 Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones		
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	**Design review type[1]**
	C.1. Less than 8,000 square feet	No design review[2,3]
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full Design Review

Footnotes to Table A for 23.41.004

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

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

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

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

1

Table B for 23.41.004 Design review thresholds by size of development in downtown and industrial zones		
Zone	**Amount of gross floor area of development**	**Design review type**
A. All DOC1, DOC2, or DMC zones	50,000 square feet or greater	Full design review
B. All DRC, DMR, DH1, DH2, PMM zones outside the Pike Place Market Historical District, IB, or IC zones	20,000 square feet or greater	Full design review

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;

2. Development in Landmark districts established by Title 25, Environmental Protection and Historic Preservation;

3. Development within the historic character area of the Downtown Harborfront 1 zone,

4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; and

5. New light rail transit facilities that are subject to review by the Seattle Design Commission.

6. City facilities that are subject to review by the Seattle Design Commission.

7. Development within single-family or residential small lot zones.

C. Optional design review

1. Design review. Development proposals that are not subject to design review may elect to be reviewed pursuant to the full, administrative, or streamlined design review process if:

a. The development proposal is in any zone or area identified in subsection 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except development that is within a Master Planned Community zone is not eligible for optional design review; and

b. The development proposal does not include the uses listed in subsection 23.41.004.A.3.

2. Administrative design review. According to the applicable process described in Section 23.41.016, administrative design review is optional for a development proposal that is not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as defined in Section 25.11.020, when the ability to depart from development standards may result in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.41.008 Design Review ((~~Board~~)) general provisions

A. Role of the Design Review Board. The Design Review Board shall be convened ((~~for the purpose of reviewing all development subject to design review, except development subject to administrative or streamlined design review~~)) to review development proposals that are subject to full design review, or Master Planned Community-highrise design review pursuant to this Chapter 23.41((~~, Design Review~~)). To accomplish this purpose, the Design Review Board shall perform the following, as applicable:

1. For developments subject to full design review or Master Planned Community-highrise design review, ((~~Synthesize~~)) synthesize community input on design concerns, identify

guideline priorities, and provide early design guidance to the ((~~development team and community~~)) applicant;

2. Determine whether a proposed design submitted by an applicant does or does not comply with the guideline priorities;

3. For development subject to full design review, recommend to the Director whether to approve, condition, or deny any requested departures from development standards;

((~~2.~~)) 4. Recommend to the Director specific conditions of approval ((~~which~~)) that are consistent with the ((~~design guidelines applicable to the development~~)) guideline priorities; and

((~~3.~~)) 5. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Design Review Board membership criteria

1. Members shall reside in Seattle; ((~~and~~))

2. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; ((~~and~~))

3. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

4. Consistent with ((~~the City's Code of Ethics,~~)) Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a ((~~member of his or her~~)) person in the member's immediate family, in a project under review by the Design Review Board on which that member sits.

* * *

E. Meetings of the Design Review Board ((~~,~~))

1. ((~~Project-specific early design guidance public meetings shall be held as required in Section 23.41.014 B.~~)) Notice of ((~~meetings of the~~)) Design Review Board meetings shall be ((~~provided~~)) given as described in subsection 23.76.015.C ((~~Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions~~)).

2. All meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the same design review district as the proposed project. Board meetings are open to the general public. The actions of the Board are not quasi-judicial in nature.

3. Design Review Board meetings are limited to the maximum number described in Table A for 23.41.008.

Table B for 23.41.008
Maximum number of Design Review Board meetings for certain projects

Type of design review	Early design guidance meetings	Recommendation meeting
Full design review	2[1,2]	1[1,2]

Footnotes to Table B for 23.41.008
[1] There is no limit to the number of Board meetings when:
The project lot is abutting or across the street from a lot in a single-family zone;
The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or
Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.
[2] The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.

4. The Director may require additional Design Review Board meetings above the maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review Board needs additional time for deliberation and evaluation of a project due to the size and complexity of the site or proposed development, the amount and content of public comment, an

applicant's insufficient response to previous Board direction, or at the applicant's request. If the Design Review Board cannot complete a recommendation, it shall identify reasons why another recommendation meeting is necessary.

F. Design Review Board recommendation

1. The Design Review Board shall determine whether the proposed design submitted by the applicant complies with the guideline priorities. The Board shall recommend to the Director whether to approve or conditionally approve the proposed project based on compliance with the guideline priorities, and whether to approve, condition, or deny any requested departures from development standards.

2. The Director shall consider the recommendations of the Design Review Board when deciding whether to approve an application for a Master Use Permit.

3. If four or more members of the Design Review Board agree in their recommendation to the Director, and if the Director otherwise approves a Master Use Permit application, the Director shall make compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of the Design Review Board:

a. Reflects inconsistent application of the design review guidelines;

b. Exceeds the authority of the Design Review Board;

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or

d. Conflicts with requirements of local, state, or federal law.

G. Revisions to an issued and unexpired MUP

1. Minor revisions to an issued and unexpired MUP that was subject to design review may be approved by the Director as a Type I decision. A minor revision is defined as any proposed change to an issued and unexpired MUP that has little or no effect on the overall appearance of the design or environmental impact of the issued MUP.

2. Major revisions to an issued and unexpired MUP that was subject to design review may be approved by the Director as a Type II decision. A Major Revision is defined as any proposed change to an issued MUP that is not a Minor Revision that is consistent with the building massing, site plan, and guidance received at Early Design Guidance (EDG), where the current context of the project (e.g. adjacent structures or uses) is comparable to the context at the time of the EDG. In instances when citywide or neighborhood guidelines have been adopted, amended, or updated since the EDG, the Board or SDCI staff may identify additional guideline priorities as part of the major revision process.

3. The Director shall establish, by rule, what constitutes a major and minor revision and the review process for major and minor revisions.

Section 7. Section 23.41.007 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.41.008 Design Review ((~~Board~~)) general provisions

* * *

C. Design Review Board composition

1. The Design Review Board shall be composed as follows:

Table A for 23.41.008 Design Review Board ((~~Composition~~)) composition					
Representation	**Development interests**	**Design professions**	**((~~General community interests~~)) Get Engaged**	**Local residential/ community interests**	**((~~Local~~)) General business interests or landscape professions**
Number	7	7	((~~7~~)) 1 or more	((~~7~~)) 14 (((~~1/district~~))) (2/district)	7 (((~~1/district~~)))
Selection process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	((~~3 appointed by Mayor, 4 by Council,~~)) 1 or more pursuant to Chapter 3.51[1]	((~~Nominated by community and business organizations, respectively;~~)) 3 appointed by Mayor, 4 appointed by Council, 7 jointly appointed by Mayor and Council	Jointly appointed by Mayor and Council
((~~Confirmation process~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	
Confirmation process	All appointments made solely by the Mayor are subject to confirmation by Council				
Footnotes to Table A for 23.41.008((~~:~~)) [1] One or more designated young adult positions ((~~is~~)) are added to the Design Review Board pursuant to the Get Engaged Program, Chapter 3.51. The selection process and term of service related to ((~~this~~)) these young adult positions are set forth in Chapter 3.51.					

2. Term. ((~~Upon appointment to the Design Review Board, a member shall serve for a period of two years~~)) Members of the Design Review Board shall be appointed to two-year terms. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection 23.41.008.C.1. The Director may extend the existing term of a serving member by up to one year in order to avoid more than two vacancies at any time. This

subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by Chapter 3.51.

3. Members may be removed by the Director for cause, including but not limited to:

a. Failing to attend the Design Review orientation session offered by SDCI and an onboarding session offered by the City; and

b. Failing to attend at least 90 percent of all regularly scheduled meetings that have occurred in the term.

4. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been appointed by the City Council or confirmed by the City Council.

D. Design Review Board ((~~A~~))assignment ((~~,~~))

1. Each design review district shall be assigned a Design Review Board consisting of ((~~five (5)~~)) members ((~~,~~)) as follows:

a. One (((~~1~~))) member representing development-related interests;

b. ((~~One (1) member representing general community interests;~~))

((~~e.~~)) One (((~~1~~))) member representing the design professions;

((~~d.~~)) c. ((~~One (1)~~))) Two members representing local residential/community interests; ~~and~~

((~~e.~~)) d. One (((~~1~~))) member representing ((~~local~~)) general business interests or landscape professions((~~,~~)) ; and

e. No more than one young adult member from the Get Engaged program.

2. Three (((~~3~~))) Design Review Board members shall be a quorum of each District Design Review Board.

3. The ((~~five (5)~~)) Design Review Board members assigned to each project as described in subsection 23.41.008.D.1 ((~~of this section~~)) shall be known collectively as the District Design Review Board. All members of the District Design Review Board shall be voting members.

4. Substitutions ((~~:~~))

a. In the event that more projects are undergoing simultaneous design review than a District Design Review Board can review in a timely manner, the Director may assign such projects to a geographically unassigned Substitute Design Review Board, whose five (((~~5~~))) members the Director may select from the Substitute Design Review Board membership described in subsection 23.41.008.D.5, so long as the five (((~~5~~))) members represent each of the five interests required by subsection 23.41.008.D.1.

b. If an individual District Design Review Board member is unable to serve, the Director may either appoint an individual from another District Design Review Board or may appoint a Substitute Design Review Board member from the Substitute Design Review Board membership described in ((~~Subsection~~)) subsection 23.41.008.D.5 to serve in ((~~his or her~~)) the member's absence ((~~, provided that each interest group is represented by one (1) member~~)).

c. The Director may assign a Design Review Board to review a project outside of its designated district in order to expedite review, provided that the local residential/community representatives ((~~and local business representative~~)) shall review development only within their district. In such a case, the Director shall appoint the local residential/community representatives ((~~and the local business representative~~)) from the District

Board from which the project originated, or ((~~a~~)) the local residential/community representative ((~~and a local business representative~~)) from the Substitute Design Review Board provided in subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local residential/community representatives ((~~and the local business representative~~)) appointed are from the same geographic district as the project to be reviewed.

5. Substitute Design Review Board ((~~M~~))membership ((~~:~~))

a. Membership criteria:

(((~~1~~))) 1) A person must have been a member of the Design Review Board whose term has expired;

(((~~2~~))) 2) A person must indicate a willingness to continue participation on the Board; and

(((~~3~~))) 3) A person must have, in the opinion of the Director, demonstrated a commitment to Design Review through exemplary attendance and Board participation.

b. The term of service for Substitute Design Review Board members is indefinite.

* * *

Section 8. Subsection 23.41.010.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118980, is amended as follows:

23.41.010 Design review guidelines

A. The "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown Development, 1999" are approved. The "Seattle Design Guidelines, 2013", the neighborhood design guidelines identified in subsection 23.41.010.B, and Master Planned Community design

guidelines identified in subsection 23.41.010.C provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown zones, where the "Guidelines for Downtown Development, 1999" apply. Neighborhood design guidelines and Master Planned Community design guidelines are intended to augment and make more specific the "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown Development, 1999." To the extent there are conflicts between neighborhood design guidelines or Master Planned Community design guidelines and the "Seattle Design Guidelines, 2013" or "Guidelines for Downtown Development, 1999," the neighborhood design guidelines or Master Planned Community design guidelines supersede.

* * *

Section 9. Subsections 23.41.012.A, 23.41.012.B, and 23.41.012.C of the Seattle Municipal Code, which section was last amended by Ordinance 125291, are amended as follows:

23.41.012 Development standard departures

A. ((~~Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of a design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements~~)) The Director may waive or modify application of a development standard to a development proposal if the Director decides that waiver or modification would result in a development that better meets the intent of adopted design guidelines.

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

1. Procedures;

2. ((~~Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses~~)) Definitions;

3. ((~~Residential density limits~~)) Measurements;

4. ((~~In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49, Downtown Zoning~~)) Provisions of the Shoreline District, Chapter 23.60A;

5. ((~~In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036~~)) Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3;

6. ((~~In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058~~)) Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses;

7. ((~~In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041~~)) Maximum size of use;

8. ((~~In Downtown Mixed Commercial zones, tower spacing requirements as provided in subsection 23.49.058.D~~)) Residential density limits;

9. ((~~In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for street-level uses required as a condition of the additional height allowed by subsection 23.49.008.D~~)) Noise and odor standards;

10. ((~~Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper-level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code~~)) Floor area ratios (FAR), except that:

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

b. Departures of up to an additional 0.5 FAR may be granted if the applicant demonstrates that (1) the departure is needed to protect a tree that is located on the lot that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in diameter measured 4.5 feet above the ground, and (2) avoiding development in the tree protection area will reduce the total development capacity of the site.

11. ((~~In SM-SLU zones, floor area limits for all uses provided in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2 and 23.48.245.B.3, except that departures of up to a five percent increase in floor area limit for each story may be granted for structures with nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and 23.48.245.B.1.d.2~~)) Structure height, except that:

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

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

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

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

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

f. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures may be granted from 1) development standards that apply as conditions to additional height in subsections 23.73.014.A and 23.73.014.B, and 2) the provision for receiving sites for transfer of development potential in subsection 23.73.024.B.5;

g. Departures of up to 10 feet of additional height may be granted if the applicant demonstrates that (1) the departure is needed to protect a tree that is located on the lot that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in diameter measured 4.5 feet above the ground, and (2) avoiding development in the tree protection area will reduce the total development capacity of the site.

12. ((~~The provisions of Chapter 23.58A, except that departures may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4 and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to~~

~~Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that amenity feature.~~)) Provisions of Chapter 23.52;

13. ((~~In SM-SLU zones, provisions limiting the number of towers permitted per block provided for in Section 23.48.245~~)) Provisions of Chapter 23.53, except that departures may be granted from the access easement standards in Section 23.53.025;

14. ((~~In SM-SLU zones, provisions for upper-level setbacks provided for in Section 23.48.245~~)) Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area departures may be granted from the minimum parking requirement up to a 30 percent maximum reduction for ground-level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013";

15. ((~~Floor area ratios (FAR); except that in the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures from the development standards for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a character structure on a lot in Section 23.73.015 are not considered departures from FAR limits~~)) Standards for solid-waste and recyclable materials storage and access in Section 23.54.040;

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

17. ((~~Structure height, except that:~~

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

~~b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;~~

~~c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in subsection 23.57.013.B;~~

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

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

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

~~g. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures may be granted from development standards that apply as conditions to additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving sites for transfer of development potential in subsection 23.73.024.B.5~~)) Provisions of Chapter 23.58B and Chapter 23.58C;

18. ((~~Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area departures may be granted from the minimum parking requirement up to a 30 percent maximum reduction for ground-level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013"~~)) In SM-SLU zones, floor area limits for all uses provided in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up to a five percent increase in floor area limit for each story may be granted for structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and 23.48.245.B.1.d.2;

19. ((~~Provisions of the Shoreline District, Chapter 23.60A~~)) In SM-SLU zones, provisions in Section 23.48.245 for upper-level setbacks;

20. ((~~Standards for storage of solid waste containers~~)) In SM-SLU zones, provisions in Section 23.48.245 limiting the number of towers permitted per block;

21. ((~~The quantity of open space required for major office projects in Downtown zones as provided in subsection 23.49.016.B~~)) In Downtown zones, provisions in Chapter 23.49 for exceeding the base FAR or achieving bonus development;

22. ((~~Noise and odor standards~~)) In Downtown zones, provisions in Section 23.49.036 for the minimum size for planned community developments;

23. ((~~Standards for the location of access to parking in Downtown zones~~)) In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058;

24. ((~~Provisions of Chapter 23.52, Transportation Concurrency and Transportation Impact Mitigation~~)) In Downtown zones, provisions in Section 23.49.041 for combined lot developments;

25. ((~~Provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements, except that departures may be granted from the access easement standards in Section 23.53.025~~)) In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for street-level uses required as a condition of the additional height allowed by subsection 23.49.008.E;

26. ((~~Affordable housing production conditions within the MPC-YT zone, pursuant to Section 23.75.085~~)) In Downtown zones, Downtown view corridor requirements, except that departures may be granted to allow open railings on upper level roof decks or on rooftop open space to project into the required view corridor, if the railings are determined to have a minimal impact on views;

27. ((~~Limits on floor area for uses within the MPC-YT zone, as provided in Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040~~)) In Downtown zones, the quantity of open space required for major office projects as provided in subsection 23.49.016.B;

28. ((~~Limits on number, distribution, and gross floor area per story for highrise structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under Section 23.75.040~~)) In Downtown zones, standards for the location of access to parking;

29. ((~~Definitions~~)) In Downtown Mixed Commercial zones, tower spacing requirements contained in subsection 23.49.058.D;

30. ((~~Measurements~~)) Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or the exception for an additional 10 feet in height in subsection 23.73.014.B.

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

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

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

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

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

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

c) Demolishing the character structure would allow for more substantial retention of other, more significant character structures on the lot, such as a structure listed in a rule promulgated by the Director according to Section 23.73.005; or would allow for other key neighborhood development objectives to be achieved, such as improving pedestrian circulation by providing through-block connections, developing arts and cultural facilities, or siting publicly-accessible open space at key neighborhood locations.

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

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

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

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

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

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

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

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

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

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

31. ((~~Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3, which may be modified as authorized in those provisions~~)) In the MPC-YT zone, affordable housing production requirements in Section 23.75.085;

32. ((~~Standards for structural building overhangs in Section 23.53.035 and structural encroachments permitted in setbacks provided in lieu of dedication of right-of-way under subsection 23.53.015.D.1.b~~)) In the MPC-YT zone, limits on floor area for uses in Sections 23.75.040, 23.75.085, or 23.75.090;

33. ((~~Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~

~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

~~a. Departures may, however, be granted under the following circumstances:~~

~~1) The character structure is neither a designated Seattle landmark nor listed in a rule promulgated by the Director according to Section 23.73.005; and~~

~~2) The departure is for demolishing a wood-frame character structure originally built as a single-family residence or single-family accessory structure; or~~

~~3) The departure is for demolishing a character structure that is determined to have insufficient value to warrant retention when the following applies:~~

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

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

~~c) Demolishing the character structure would allow for more substantial retention of other, more significant character structures on the lot, such as a structure listed in a rule promulgated by the Director according to Section 23.73.005; or would allow for other key neighborhood development objectives to be achieved, such as improving pedestrian circulation by providing through-block connections, developing arts and cultural facilities, or siting publicly accessible open space at key neighborhood locations.~~

~~b. In addition to the provisions of subsection 23.41.012.B.33.a, the following provisions apply:~~

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

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

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

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

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

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

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

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

~~c) Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B~~)) In the MPC-YT zone, limits on the number of highrise structures, distribution of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040 or Section 23.75.120;

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

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

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

((~~37. The provisions of Chapter 23.58B and Chapter 23.58C.~~))

((~~38.~~)) 37. Area-specific development standards for Lake City, identified in subsection 23.47A.009.E, except departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

1) abuts the street ((~~,~~)) ;

2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ((~~,~~)) ;

3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ((~~,~~)) ; and

4) has a minimum depth of 20 feet measured from the abutting street lot line.

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

1) has a minimum width of 20 feet and provides direct and continuous passage between the north/south rights-of-way abutting the lot; and

2) is designed to provide safe pedestrian use, including signage identifying the passageway; and

((~~39.~~)) 38. For lots 40,000 square feet or greater in size, area-specific development standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and 23.47A.009.F.4.b, except that departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

1) abuts the street ((~~,~~)) ;

2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ((~~,~~)) ;

3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ((~~,~~)) ; and

4) has a minimum depth of 20 feet measured from all street lot lines.

b. A separation between structures that:

1) has a minimum east-west dimension width of 20 feet ((~~,~~)) ;

2) is no more than 4 feet above or below the adjacent sidewalk grades ((~~,~~)) ; and

3) is either developed as:

a) a north-south through block pedestrian passageway;

b) a woonerf;

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

d) a combination thereof.

C. ((~~Limitations upon departures through the design review process established in subsections 23.41.012.B and 23.41.012.D~~)) Departures authorized by this Section 23.41.012 do not limit ((~~departures~~)) the approval of waivers or modifications of development standards ((~~expressly~~)) permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.

* * *

Section 10. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.41.014 ((~~Design~~)) Full design review process

A. A preapplication conference is required for all projects subject to or for which an applicant has elected full design review. ((~~, unless waived by the Director, as described at Section 23.76.008.~~))

B. Community outreach

1. Applicants shall prepare a community outreach planThe outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

((~~B~~)) C. Early ((~~D~~))design ((~~G~~))guidance ((~~P~~))public ((~~M~~))meeting ((~~,~~))

1. Following a preapplication conference, ((~~and site visits by Design Review Board members assigned to review a proposed project, an~~)) an applicant may apply to begin the early design guidance process and a public meeting with the Design Review Board shall be held.

2. ((~~Notice of application shall be provided pursuant to Chapter 23.76.~~))

((~~3.~~)) The purpose of the early design guidance public meeting ((~~shall be~~)) is to identify concerns about the site and the proposed project, receive comments from the public, review the design guidelines applicable to the site, ((~~determine neighborhood priorities among~~

~~the design guidelines~~)) identify guideline priorities, and explore conceptual design ((~~concepts and/or options~~)) or siting alternatives.

3. The Director may establish, by rule, the information that the applicant shall present ((~~At~~)) at the early design guidance public meeting. ((~~, the project proponents shall present the following information:~~

~~a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and~~

~~b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated); and~~

~~c. Photos showing the facades of adjacent development, trees on the site, general streetscape character and territorial or other views from the site, if any; and~~

~~d. A zoning envelope study that includes a perspective drawing; and~~

~~e. A description of the proponent's objectives with regard to site development.~~

~~f. In the Pike/Pine Conservation Overlay District established in Section 23.73.004, if a character structure is located on the same lot as a proposed project, the applicant shall:~~

~~1) Analyze the features that define the developed context of the structures located on the block front where the project is proposed, and on all block fronts facing the project;~~

~~2) Evaluate the relationship of the character structure's key architectural and structural elements to the developed context, and how the new project will respond to this relationship; and~~

~~3) Evaluate the character structure's key architectural and structural elements and how the new project will maintain those elements by retaining the character structure or reflecting those elements in the new structure, or both.~~

~~4. Except as provided in this subsection 23.41.014.B.4, the proponent is encouraged, but not required, to bring one or more development concepts or alternatives to indicate possible design options for the site. In the Pike/Pine Conservation Overlay District established in Section 23.73.004, if a character structure is located on the same lot as a proposed project, the applicant shall provide at least one alternative development concept that maintains the character structure's key architectural and structural elements and the integrity of the character structure.~~)) .

((~~C~~)) D. Guideline((s)) priorities

1. ((~~Based on the concerns expressed at the early design guidance public meeting or in writing to the Design Review Board,~~)) The Board shall identify the applicable guidelines of highest priority to the ((~~neighborhood~~)) Board, referred to as the "guideline priorities" ((~~shall be identified~~)). The Board shall ((~~incorporate~~)) summarize and consider any community consensus regarding design resulting from community outreach, or as expressed at the meeting or in written comments received ((~~into its guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development~~)).

2. The Director shall ((~~distribute a copy of~~)) make the guideline priorities ((~~applicable to the development~~)) available to all those who attended the early design guidance

public meeting, to those who sent in comments or otherwise requested notification, and to the ((~~project proponent~~)) applicant.

3. The ((~~project proponent~~)) applicant is encouraged to meet with the Board and the public for early resolution of design issues, and may hold additional optional meetings with the public or the Board. The Director may require the ((~~project proponent~~)) applicant to meet with the Board, in accordance with subsection 23.41.008.E.4, if the Director believes that such a meeting may help to resolve design issues.

((~~D~~)) E. Application for Master Use Permit ((~~.~~))

1. ((~~Following the early design guidance public meeting, distribution of the guideline priorities, and any additional optional meetings that the project proponent chooses to hold with the public and the Design Review Board,~~)) Once the guideline priorities are made available by the Director, the ((~~project proponent~~)) applicant may apply for a Master Use Permit (MUP).

2. ((~~The Master Use Permit (MUP) application submittal shall include a supporting site analysis and an explanation of how the proposal addresses the applicable design guidelines, in~~)) In addition to submitting information required in a standard MUP application, as prescribed ((~~standard MUP submittal requirements as provided~~)) in Chapter 23.76, ((~~Procedures for Master Use Permits and Council Land Use Decisions~~)) the applicant shall include in the MUP application such additional information related to design review as the Director may require.

((~~3. Notice of application for a development subject to design review shall be provided according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions~~)).

((~~E~~)) F. Design Review Board ((~~Recommendation.~~)) recommendation

1. During a regularly scheduled evening meeting of the Design Review Board, ((~~other than the early design guidance public meetings,~~)) the Board shall review the ((~~record~~)) summary of public comments on the project's design, the project's ((~~conformance to~~)) consistency with the guideline priorities ((~~applicable to the proposed project~~)), and the ((~~staff's~~)) Director's review of the project's design and ((~~its application of~~)) consistency with the ((~~design guidelines~~)) guideline priorities, and make a recommendation pursuant to subsection 23.41.008.F.1.

((~~2. At the meeting of the Design Review Board, a determination shall be made by the Design Review Board that the proposed design submitted by the project proponent does or does not comply with applicable design guidelines. The Design Review Board shall recommend to the Director whether to approve or conditionally approve the proposed project based on the design guidelines, and whether to approve, condition or deny any requested departures from development standards.~~))

2. The Director shall make the recommendation available to all those who attended Design Review Board public meetings, to those who sent in comments or otherwise requested notification, and to the applicant.

((~~F~~)) G. Director's decision

1. A decision on an application for a permit subject to design review shall be made by the Director. The Director may condition a proposed project to achieve compliance with design guidelines and to achieve the purpose and intent of this Chapter 23.41. For applications accepted into the Living Building Pilot Program established under Section 23.40.060, the

Director may also condition a proposed project to achieve the purpose and intent of the Living Building Pilot Program.

2. The Director's design review decision shall be made as part of the overall ((~~Master Use Permit~~)) MUP decision for the project. The Director's decision shall consider the recommendation of the Design Review Board, pursuant to subsection 23.41.008.F. ((~~Except for projects accepted in the Living Building Pilot Program established in Section 23.40.060, if four or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of the Design Review Board:~~

~~a. Reflects inconsistent application of the design review guidelines; or~~

~~b. Exceeds the authority of the Design Review Board; or~~

~~c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~

~~d. Conflicts with the requirements of state or federal law.~~

~~G~~)) H. Notice of Decision. Notice of the Director's decision shall be as provided in Chapter 23.76((~~, Procedures for Master Use Permits and Council Land Use Decisions~~)).

((~~H~~)) I. Appeals. Appeal procedures for design review decisions are as described in Chapter 23.76((~~, Procedures for Master Use Permits and Council Land Use Decisions~~)).

Section 11. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 120410, is amended as follows:

23.41.016 Administrative design review process ((~~,~~))

A. A preapplication conference is required for all projects ((~~electing~~)) subject to or for which an applicant has elected administrative design review. ((~~, unless waived by the Director, as described at Section 23.76.008.~~

~~B. Early Design Guidance Process.~~

~~1. Following a preapplication conference, a proponent may apply to begin the early design guidance process. Application for the early design guidance process shall include the following:~~

~~a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and~~

~~b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six (6) inches or greater in diameter measured four and one-half (4½) feet above the ground, with species indicated) if any; and~~

~~c. Photos showing the facades of adjacent development, general streetscape character and territorial or other views from the site, if any; and~~

~~d. A zoning envelope study which includes a perspective drawing; and~~

~~e. A description of the proponent's objectives with regard to site development, including any preliminary design concepts or options.~~

~~2. Notice of application shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.~~

~~3. The purpose of the early design guidance process shall be to identify concerns about the site and development program, receive comments from the public, identify those citywide design guidelines of highest priority to the site, and/or explore conceptual design or~~

~~siting alternatives. As a result of this process, the Director shall identify and prepare a written summary of any guidelines which may not be applicable to the project and site and identify those guidelines of highest priority to the neighborhood. The Director shall incorporate any community consensus regarding the design, as expressed in written comments received, into the guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development.~~

~~4. The Director shall distribute a copy of the priority guidelines summary to all who sent in comments or otherwise requested notification and to the project proponent.~~))

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the

development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

C. Early design guidance process

1. Following a preapplication conference, an applicant may apply to begin the early design guidance process.

2. The purpose of the early design guidance process is to identify concerns about the site and proposed development, receive written comments from the public, review the design guidelines applicable to the site, identify guideline priorities, and explore conceptual design or siting alternatives.

3. The Director may establish, by rule, the information that the applicant shall present at the early design guidance meeting.

D. Guideline priorities

1. ((~~Based on the concerns expressed during community outreach or in writing,~~)) The Director shall identify the guidelines of highest priority, referred to as the "guideline priorities". The Director shall summarize and consider any community consensus regarding design resulting from community outreach, or resulting from community outreach, or as expressed in written comments received.

2. The Director shall make the guideline priorities available to those who sent in comments or otherwise requested notification, and to the applicant.

((~~C.~~)) E. Application for Master Use Permit((~~.~~))

1. ((~~Upon completion of the early design guidance process~~)) Once the guideline priorities are made available by the Director, the ((~~proponent~~)) applicant may apply for a Master Use Permit (MUP).

2. ((~~The MUP application shall include a supporting site analysis and an explanation of how the proposal addresses the applicable design guidelines, in~~)) In addition to ((~~standard MUP submittal requirements as provided~~)) submitting information required in a standard MUP application, as prescribed in Chapter 23.76, ((~~Procedures for Master Use Permits and Council Land Use Decisions~~)) the applicant shall include in the MUP application such additional information related to design review as the Director may require.

((~~3. Notice of application for a development subject to design review shall be provided according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions~~)).

F. Design review recommendation phase

1. The Director shall review the summary of public comments on the project's design, the project's consistency with the guideline priorities, and make a recommendation pursuant to subsection 23.41.008.F.1.

2. The Director shall make the recommendation available to those who sent in comments or otherwise requested notification, and to the applicant.

((~~D~~)) G. Director's ((~~D~~))decision((~~.~~))

1. A decision on an application for a permit subject to administrative design review shall be made by the Director ((~~as part of the overall Master Use Permit decision for the project~~)).

2. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall be based on the extent to which the proposed project meets ((~~applicable design guidelines~~)) the guideline priorities and in consideration of public comments on the proposed project.

((~~3. Projects subject to administrative design review must meet all codes and regulatory requirements applicable to the subject site, except as provided for in Section 23.41.012.~~))

((~~E~~)) H. Notice of ((~~Decision~~)) decision. Notice of the Director's decision shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

((~~F~~)) I. Appeals. Appeal procedures for design review decisions are described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

A. A ((~~presubmittal~~)) preapplication conference is required for all projects subject to or for which an applicant has elected this Section 23.41.018 ((~~unless waived by the Director, pursuant to Section 23.76.008~~)).

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the

early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

~~2~~3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

C. Early design guidance process

1. Following a ((~~presubmittal~~)) preapplication conference, ((~~a proponent~~)) an applicant may apply to begin the ((~~SDR~~)) early design guidance process.

((~~1. The application for SDR guidance shall include the following:~~

~~a. An initial site analysis addressing site opportunities and constraints, adjacent buildings, and the zoning of the site and adjacent properties;~~

~~b. A drawing of existing site conditions, indicating topography of the site and location of structures and prominent landscape elements on the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated) if any;~~

~~c. A preliminary site plan including structures, open spaces, vehicular and pedestrian access, and landscaping;~~

~~d. A brief description of how the proposal meets the intent of the applicable citywide and neighborhood design review guidelines; and~~

~~e. One or more color renderings adequate to depict the overall massing of structures and the design concept.~~

~~2. Notice of application for SDR Guidance shall be provided pursuant to Chapter 23.76.~~

~~3~~))2. The purpose of ((~~SDR Guidance~~)) the early design guidance process is to receive written comments from the public, identify concerns about the site and ((~~design concept~~)) proposed development, review the design guidelines applicable to the site, identify guideline priorities ((~~applicable citywide and neighborhood design guidelines of highest priority to the site~~)), explore conceptual design ((~~and~~)) or siting alternatives, and identify and document proposed development standard adjustments, which may be approved as a Type I decision pursuant to ((~~Section~~)) subsection 23.41.018.D, or departures, which may be approved as a Type II decision pursuant to Section 23.41.016. ((~~The intent of SDR Guidance is not to reduce the general development capacity of the lot.~~))

3. The Director may establish, by rule, the information that the applicant shall include for the early design guidance process.

D. SDR Guidance report

1. ((~~4. As a result of the SDR Guidance process,~~)) The Director shall identify the guidelines of highest priority, referred to as the "guideline priorities". The Director shall

summarize and consider any community consensus regarding design resulting from community outreach, or as expressed in written comments received.

2. ((~~the~~)) The Director shall prepare a report that identifies ((~~those guidelines of highest priority and applicability~~)) guideline priorities, documents any design changes needed to achieve consistency with the design guidelines, and identifies any ((~~desired~~)) requested or required development standard adjustments and/or departures.

3. If the criteria listed in subsection 23.41.018.F.3 are met, the Director may consider adjustments to the following development standards to the extent listed for each standard:

a. Setbacks and separation requirements may be reduced by a maximum of 50 percent;

b. Amenity areas may be reduced by a maximum of ten percent;

c. Landscaping and screening may be reduced by a maximum of 25 percent; and

d. Structure width, structure depth, and facade length may be increased by a maximum of ten percent.

((~~5~~))4. The Director shall ((~~distribute a copy of~~)) make the Guidance report available to those who sent in comments or otherwise requested notification, and to the applicant((~~, place it on file in the Department, and provide access to the report on the Department website~~)).

((~~C~~)) E. Application for ((~~Type I or Type II Master Use~~)) Building Permit((~~.~~))

1. ((~~After issuance of~~)) Once the SDR Guidance report is made available by the Director, the ((~~proponent~~)) applicant may apply for a ((~~Type I or Type II Master Use~~)) Building Permit.

2. In addition to submitting information required in a standard Building Permit application, ((~~The Master Use~~)) the applicant shall include in the Building Permit application ((~~shall include a brief explanation of how the proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal information required by Section 23.76.010~~)) such additional information related to design review as the Director may require.

3. Adjustments to ((~~certain~~)) development standards listed in subsection 23.41.018.D.3 ((~~pursuant to subsection 23.41.018.D~~)) may be approved as a Type I decision. If ((~~the need for~~)) requested development standard departures, authorized under Section 23.41.012 ((~~and beyond~~)) exceed the adjustments allowed under subsection 23.41.018.D.3, ((~~is identified,~~)) the applicant may either revise the application to eliminate the need for ((~~the further~~)) departures((~~,~~)) and proceed under this Section 23.41.018, or else apply for a Type II Master Use Permit for administrative design review pursuant to Section 23.41.016.

((~~3. Notice of application for a permit for a project subject to SDR shall be provided according to Chapter 23.76.~~

~~D. SDR decision~~))

F. Director's Type I decision

1. A decision on an application for a permit subject to streamline design review shall be made by the Director.

((~~1.~~)) 2. The Director's design review decision shall be made as part of the overall Building Permit decision for the project. The ((~~Director shall consider public comments on the proposed project, and the~~)) Director's decision shall be based on the extent to which the ((~~application~~)) proposed project meets ((~~applicable design guidelines~~)) guideline priorities and

responds to the SDR ((~~guidance~~)) Guidance report, and in consideration of public comments on the proposed project.

((~~2. The Director's decision pursuant to the SDR process shall not reduce the number of units allowed per square foot of lot area when such a density limit is set in Table A for Section 23.45.512.~~))

3. The Director may ((~~allow~~)) approve the adjustments listed in subsection ((~~23.41.018.D.4~~)) 23.41.018.D.3, if the adjustments are consistent with the SDR ((~~design guidance~~)) Guidance report and the adjustments would result in a development that:

a. Better meets the intent of the adopted design guidelines and/or

b. Provides a better response to environmental and/or site conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.

((~~4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:~~

~~a. Setbacks and separation requirements may be reduced by a maximum of 50 percent;~~

~~b. Amenity areas may be reduced by a maximum of 10 percent;~~

~~c. Landscaping and screening may be reduced by a maximum of 25 percent;~~

~~d. Structure width, structure depth, and façade length may be increased by a maximum of 10 percent; and~~

~~e. Screening of parking may be reduced by a maximum of 25 percent.~~

~~5~~)) E. Limitations on adjustments through the SDR process established in this ((~~subsection 23.41.018.D~~)) Section 23.41.018 do not limit ((~~adjustments~~)) modifications to

standards expressly permitted by other provisions of ((~~this Title 23 or other titles of~~)) the Seattle Municipal Code.

Section 13. Section 23.41.020 of the Seattle Municipal Code, enacted by Ordinance 123963, is amended as follows:

23.41.020 Master Planned Community design review process

A. Scope. This Section 23.41.020 applies only to development proposals in Master Planned Community zones that do not include a request for departures. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, "highrise structure" and "non-highrise structure" are as defined in Section 23.75.020.

B. A preapplication conference is required for any application subject to this Section 23.41.020 ((~~unless waived by the Director, pursuant to Section 23.76.008~~)).

C. Early design guidance ((~~.~~))

1. An early design guidance process is required only if a proposal includes a highrise structure.

2. Following a pre-application conference((~~, if required,~~)) and site visits by Design Review Board members assigned to review a proposed project, an early design guidance public meeting with the Design Review Board shall be held for each proposal that includes a highrise structure.

3. The purpose of the early design guidance public meeting is to identify concerns about the site and the proposed project, receive comments from the public, review the design guidelines applicable to the site, ((~~determine neighborhood priorities among the design~~

guidelines)) identify guideline priorities, and explore conceptual design ((concepts and/or options)) or siting alternatives.

4. ((At)) The Director may establish, by rule, the information that the applicant shall present at the early design guidance public meeting. ((, the project proponents shall present the following information:

a. An initial site analysis addressing site opportunities and constraints, the uses of all adjacent buildings, and the zoning of the site and adjacent properties;

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees 6 inches or greater in diameter measured 4½ feet above the ground, with species indicated);

c. Photos showing the facades of adjacent development, trees on the site, general streetscape character and territorial or other views from the site, if any;

d. A zoning envelope study that includes a perspective drawing;

e. A description of the proponent's objectives with regard to site development; and

f. A development proposal, which may include possible design options if so elected by the applicant.))

5. Guideline priorities. ((Based on the concerns expressed at the early design guidance public meeting or in writing to the Design Review Board, the)) The Board shall identify ((any guidelines that may not be applicable to the site and identify)) those guidelines of highest priority to the ((neighborhood)) Board, referred to as "guideline priorities". The Board shall make preliminary design recommendations, ((incorporating)) summarizing and considering

any community consensus regarding design expressed at the meeting ((~~, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development~~)).

6. The Director shall ((~~distribute~~)) make available a summary of the public comments and the Board's preliminary design recommendations from the early design guidance meeting to the applicant and to all persons who provided an address for notice at the meeting, submitted written comments, or made a written request for notice.

D. Application for Master Use Permit ((~~,~~))

1. Timing ((~~,~~))

a. If a proposal does not include a highrise structure, then following the pre-application conference ((~~or the Director's waiver of a pre-application conference pursuant to Section 23.76.008~~)), the applicant may apply for a Master Use Permit.

b. If a proposal includes a highrise structure, then following the early design guidance public meeting, distribution of the meeting summary, and any additional optional meetings that the applicant chooses to hold with the public and the Design Review Board, the applicant may apply for a Master Use Permit.

2. ((~~The Master Use Permit application shall include a supporting site analysis and an explanation of how the proposal addresses the applicable design guidelines, in~~)) In addition to ((~~standard MUP submittal requirements as provided~~)) submitting information required in a standard MUP application, as prescribed in Chapter 23.76, ((~~and in the case of a highrise structure, the application shall also include a response to the Board's preliminary design recommendations from the early design guidance meeting~~)) the applicant shall include in the

MUP application such additional information related to design review as the Director may require.

E. Design review process and decision ((.))

1. Director's decision for non-highrise proposals. For a development proposal that does not include a highrise structure, the Director shall make a Type I design review decision. The Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines, with consideration of public comments on the proposed project. The Director may condition a proposed project to achieve greater consistency with design guidelines and to achieve the purpose and intent of this Chapter 23.41.

2. Design Review Board recommendation for highrise development proposals ((.))

a. If the proposal includes a highrise structure, then during a recommendation meeting, the Board shall review the ((~~record~~)) summary of public comments on the project's design, the project's ((~~conformance to~~)) consistency with the guideline priorities, ((~~applicable to the proposed project,~~)) and the ((~~staff's~~)) Director's review of the project's design and its ((~~application of~~)) consistency with the ((~~design guidelines~~)) guideline priorities.

b. At a recommendation meeting for a development proposal that includes a highrise structure, the Design Review Board shall determine whether the proposed design submitted by the applicant is consistent with ((~~applicable design guidelines~~)) the guideline priorities. The ((~~Design Review~~)) Board may recommend to the Director whether to approve or conditionally approve the proposed project based on the ((~~design guidelines~~)) guideline priorities. The Design Review Board shall hold no more than two recommendation meetings on the proposed project, following the required early design guidance meeting and any optional

meetings that the ((~~project proponent~~)) applicant may hold with the public or the Design Review Board. If the Design Review Board does not issue a recommendation that a proposed project be approved, conditionally approved, or denied by the end of the second recommendation meeting, the remaining design review process shall proceed through design review pursuant to subsection 23.41.020.E.1.

((~~3. Director's decision for development proposals including a highrise structure.~~

~~a~~)) c. For a development proposal including a highrise structure, the Director shall make a Type I design review decision. The Director may condition approval of a development proposal to achieve greater consistency with design guidelines and to achieve the purpose and intent of this Chapter 23.41.

((~~b~~)) d. The Director shall consider public comments on the proposed project and the recommendations of the Design Review Board, pursuant to subsection 23.41.008.F. ((~~If four or more members of the Design Review Board agree in their recommendation to the Director, the Director shall issue a decision consistent with the recommendation of the Design Review Board, unless the Director concludes that the recommendation of the Design Review Board:~~

~~1) Reflects inconsistent application of the design review guidelines; or~~

~~2) Exceeds the authority of the Design Review Board; or~~

~~3) Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~

~~4) Conflicts with the requirements of state or federal law.~~))

Section 14. Section 23.57.013 of the Seattle Municipal Code, last amended by Ordinance 123668, is amended as follows:

23.57.013 Downtown zones

A. Permitted ((~~Uses~~)) uses. Minor communication utilities and accessory communication devices are permitted outright when meeting development standards of the zone in which the site is located, except for height limits, and subsection 23.57.013.B.

B. Development ((~~Standards.~~)) standards

1. Access to transmitting minor communication utilities and accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. Height ((~~,~~))

a. Except for special review, historic, and landmark districts (see Section 23.57.014), minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, as follows:

1) Those utilities and devices located on a rooftop of a building nonconforming as to height may extend up to 15 feet above the height of the building existing as of November 1, 2002;

2) Those utilities and devices located on a rooftop may extend up to 15 feet above the applicable height limit or above the highest portion of the building, whichever is less.

The additional height permitted in ((~~23.57.013.B.2.a.(1) and (2)~~)) subsections 23.57.013.B.2.a.1 and 23.57.013.B.2.a.2 is permitted if the combined total of communication utilities and accessory communication devices in addition to the roof area occupied by rooftop features listed in ((~~Section~~)) subsection 23.49.008.D.2, does not exceed 35 percent of the total rooftop area.

b. The height of minor communications utilities and accompanying screening may be further increased ((~~through the design review process~~)) as a Type I decision, not to exceed 10 percent of the applicable height limit for the structure. ((~~For new buildings this increase in height may be granted through the design review process provided for in Section 23.41.014. For minor communication utilities on existing buildings this increase in height may be granted through administrative design review provided for in Section 23.41.016.~~))

* * *

Section 15. Section 23.66.020 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.66.020 Special review boards

* * *

D. The special review board shall review applications for certificates of approval, including departures from land use code requirements, and all petitions or applications for amendments to the Official Land Use Map, conditional uses, special exceptions, variances, and planned unit developments or planned community developments and shall make a recommendation on any such application or petition to the Department of Neighborhoods Director.

E. The special review board may, in its discretion, make recommendations to the Mayor, the Council, and any public or private agency concerning land use and development in the district.

* * *

Section 16. A new Section 23.66.050 is added to the Seattle Municipal Code as follows:

23.66.050 Departure from Land Use Code requirements

A. An applicant seeking a certificate of approval for new multifamily, commercial or major institution development, that is not otherwise subject to design review pursuant to Section 23.41.004, may also seek land use code departures from the Special Review Board. A Special Review Board may recommend granting a departure where an applicant demonstrates that departure would result in a development that better meets the requirements of this Chapter 23.66, the district use and development standards, and the purpose for creating the district.

B. Departures may be requested from any Land Use Code standard or requirement, except for the standards or requirements set forth in subsection 23.41.012.B and provisions in this Chapter 23.66.

C. A Special Review Board shall recommend, in writing, to the Director of the Seattle Department of Construction and Inspections whether to approve, or deny, any departure.

D. Departures authorized by this Section 23.66.050 do not limit the approval of waivers or modifications of development standards permitted by other provisions of the Seattle Municipal Code.

E. The Director of the Department of Neighborhoods, in coordination with the Director of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for

a Special Review Board to review and prepare a recommendation whether to approve or deny any requested departure.

Section 17. Subsections 23.73.009.B and 23.73.009.C of the Seattle Municipal Code, which section was last amended by Ordinance 125272, are amended as follows:

23.73.009 Floor Area Ratio

* * *

B. Non-residential uses are limited to a maximum of 2 FAR, except that for development on a lot that meets one of the following conditions, the FAR limits for non-residential uses in Section 23.47A.013 for the underlying zone applies:

1. A character structure has not existed on the lot since January 18, 2012; or

2. For lots that include a character structure, all character structures on the lot are retained according to Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.33~~)) 23.41.012.B. If the lot includes a character structure that has been occupied by residential uses since January 18, 2012, the same amount of floor area in residential uses shall be retained in that structure, unless a departure is approved through the design review process to allow the removal of the character structure based on the provisions of subsection ((~~23.41.012.B.33~~)) 23.41.012.B. The owner of the lot shall execute and record in the King County real property records an agreement to provide for the maintenance of the required residential uses for the life of the project.

C. In addition to the floor area exempt under the provisions of the underlying zone, the following floor area is exempt from the calculation of gross floor area subject to an FAR limit:

1. The following street-level uses complying with the standards of Section 23.47A.008 and subsection 23.73.008.B:

a. General sales and services;

b. Major durables retail sales;

c. Eating and drinking establishments;

d. Museums;

e. Religious facilities;

f. Libraries; and

g. Automotive retail sales and service uses located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015.

2. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.73.009 only, may be operated either by for-profit or not-for-profit organizations.

3. All floor area in residential use in a development that retains all character structures on the lot as provided in Section 23.73.015, or that uses the transfer of development potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.33~~)) 23.41.012.B.

4. In areas where the underlying zoning is NC3P-65, all floor area in any use if the lot that is to be developed is 8,000 square feet or less in area and has been either vacant or in parking use since February 27, 1995.

5. Floor area in non-residential use within a character structure that meets the minimum requirements for retaining a character structure in 23.73.024.C.4, provided that the

non-residential use does not displace a residential use existing in the structure since January 18, 2012.

Section 18. Subsection 23.73.010.B of the Seattle Municipal Code, which section was last amended by Ordinance 124503, is amended as follows:

23.73.010 Floor area limits outside the Conservation Core

* * *

B. Exceptions to floor area limit

1. A 15 percent increase in the floor area limit is permitted for projects that meet the following conditions:

a. The project retains all the character structures existing on the lot, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B; and

b. The project includes uses that contribute to the area's recognized character as an arts district, including performing arts space or artist-studio dwellings that typically have design requirements such as nonstandard floor-to-ceiling heights that reduce the total amount of usable floor area in a structure; or

c. A minimum of 50 percent of the total gross floor area of the project is housing that is affordable to and occupied by "income-eligible households," as defined in Section 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the housing remains available to these households for a minimum of 50 years; or

d. Through the design review process a determination is made that including one or more of the following features offsets the increase in the bulk of the project and

allows for a design treatment that achieves the intent of the neighborhood design guidelines better than adhering to the floor area limit that would apply without the exception:

1) A landscaped courtyard that is visible from the sidewalk and located primarily at street level on a street that is not a principal pedestrian street;

2) A through-block pedestrian corridor that connects parallel streets bounding the project, consistent with the neighborhood design guidelines; or

3) Open space at locations that support the gateway and open space concepts promoted in the neighborhood design guidelines.

2. Retaining character structures on a lot. A 25 percent increase in the floor area limit established in subsection 23.73.010.A is permitted for a project that retains all the character structures on the same lot according to the provisions in Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B. Any increase in floor area permitted according to this subsection 23.73.010.B.2 shall not be combined with any other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.3.

3. A 25 percent increase in the floor area limit is permitted on a lot that qualifies as a receiving site for a project that adds floor area through the use of TDP as permitted by Section 23.73.024, provided that the amount of floor area added through the use of TDP is equivalent to at least 0.25 FAR, as calculated for the receiving site. Any increase in floor area permitted according to this subsection 23.73.010.B.3 shall not be combined with any other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.2.

* * *

Section 19. Subsection 23.73.012.B of the Seattle Municipal Code, which section was last amended by Ordinance 124503, is amended as follows:

23.73.012 Structure width and depth limits

* * *

B. Structure width and depth limits inside the Conservation Core. The structure width and depth limits in this subsection 23.73.012.B apply to lots that are located inside the Conservation Core identified on Map A for 23.73.010, except that there are no limits on width and depth for lots that did not contain a character structure on January 18, 2012.

1. 128 feet shall be the width and the depth limit for portions of new structures on lots that contained a character structure on January 18, 2012. The width limit is measured as the combined width of all portions of new structures located on the lot and the depth limit is measured as the combined depth of all portions of new structures located on the lot, except as provided in subsection 23.73.012.B.2 and subsection 23.73.012.B.3.

2. Portions of a new structure that are separated from the street lot line by a character structure that is retained according to Section 23.73.015 are excluded from structure width and depth measurements, provided that:

a. All character structures on the lot are retained according to the provisions of Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B; and

b. This exclusion from width and depth measurement in subsection 23.73.012.B.2 is only allowed for one retained character structure on the lot.

3. For the narrow block bounded by Broadway, East Union Street, Broadway Court, and East Madison Street, the depth limit does not apply to structures on through lots extending from Broadway to Broadway Court, and the width limit only applies to frontages on Broadway and Broadway Court.

Section 20. Subsection 23.73.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.73.014 Height exceptions

* * *

B. Height exception for lots that include a character structure. In zones with a 65-foot mapped height limit, or with a 40-foot mapped height limit with provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A, 10 feet of additional height is allowed above the 65-foot height limit if the following requirements are met:

1. The lot includes a character structure and all character structures on the lot are retained according to the provisions of Section 23.73.015, unless a departure is approved through the design review process to allow removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B ((.)) ;

2. The additional floor area above the 65-foot height limit is occupied solely by residential use, except as otherwise permitted by subsection 23.73.014.B.3;

3. A project that is permitted the FAR of the underlying zone for non-residential uses under subsection 23.73.009.B may be allowed to occupy the floor area permitted above the 65-foot height limit under this subsection 23.73.014.B if a departure is approved through the design review process, provided that there is no additional increase in the FAR for non-residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a

departure shall be based on a determination that the additional height will result in a better design treatment and accommodate features that promote the development objectives of the Pike/Pine Conservation Overlay District by:

a. Maintaining greater portions of existing character structures on the lot through design treatments that exceed the minimum standards of subsection 23.73.015.A, retaining an entire character structure, or retaining a large number of character structures if the number and siting of the structures pose severe limitations on the amount of floor area that can be achieved in the new project within the applicable height limit; or

b. Providing space for features that enhance pedestrian circulation and walkability in the area, such as though-block pedestrian corridors, or open spaces at locations that support the gateway and open space concepts promoted in the neighborhood design guidelines; or

c. Accommodating uses, such as theater space or arts facilities that support the area's arts and culture function but that may have special spatial needs that require additional design flexibility to incorporate them into the project, provided the uses are maintained for the life of the project as provided for in a recorded covenant approved by the Director.

* * *

Section 21. Subsection 23.73.015.G of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.73.015 Retention and demolition of character structures

* * *

G. Demolition of character structures. If a project is required to retain all the character structures on a lot under the provisions of this Chapter 23.73, a character structure may

nevertheless be demolished through a departure approved by the design review process according to the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B.

Section 22. Subsection 23.73.024.B of the Seattle Municipal Code, which section was last amended by Ordinance 124503, is amended as follows:

23.73.024 Transfer of development potential

* * *

B. Standards for character structure TDP receiving sites. A lot must meet the following conditions in order to be eligible to achieve extra residential floor area through TDP:

1. TDP receiving sites shall be located in an NC3P-65 zone within the Pike/Pine Conservation Overlay District, provided that:

a. Development of the receiving site shall not result in the demolition of a structure designated as a landmark according to Chapter 25.12 or its alteration in a manner that is inconsistent with Chapter 25.12 or an ordinance imposing controls on the landmark structure.

b. Development on the lot that is the receiving site shall not result in the demolition or significant alteration of a character structure that is not a designated landmark and that has existed on the site since January 18, 2012, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B. For the purposes of this subsection 23.73.024.B.1.b, significant alterations to a character structure would result in conditions that would preclude compliance with the minimum requirements of subsection 23.73.024.C.4.

2. An additional 10 feet in height above the height limit of the zone is permitted on a lot that is an eligible TDP receiving site.

3. Any residential and live-work floor area that is exempt from the FAR limit as allowed by subsection 23.73.009.C.3, or any floor area that exceeds the maximum floor area limit as allowed under subsection 23.73.010.B.3, or that is located above 65 feet in height shall be achieved through the use of TDP.

4. Floor area gained through the use of TDP shall be for residential and live-work unit use only.

5. For a structure that achieves an increase in height through the use of TDP, the minimum street level floor-to-ceiling height is 13 feet.

6. TDP required before construction. No permit after the first building permit, and in any event no permit for construction activity other than excavating or shoring, and no permit for occupying existing floor area by any use based on TDP; will be issued for development that includes TDP until the applicant has demonstrated possession of TDP to the Director's satisfaction.

* * *

Section 23. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 125387, is amended as follows:

23.76.004 Land use decision framework

* * *

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

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.F

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II **Director's Decision** (Appealable to Hearing Examiner or Shorelines Hearing Board[3])	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit[3]
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and minor revisions to an approved MUP that was subject to design review, building height increases for minor communication utilities in downtown zones, and ((~~except for~~)) design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	Major revisions to an issued and unexpired MUP that was subject to design review

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
*	Other Type II decisions that are identified as such in the Land Use Code
* * *	

Section 24. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 125374, is amended as follows:

23.76.006 Master Use Permits required

***

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments;

3. The following street use approvals:

a. Curb cut for access to parking whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas;

b. Shopping plazas;

c. Arcades;

d. Shopping arcades;

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

13. Shoreline special use approvals that are not part of a shoreline substantial development permit;

14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

16. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a and 23.58C.030.A.2.b;

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

18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n; ((~~and~~))

19. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013; and

((~~17~~)) 21. Other Type I decisions.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading, and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

a. Determination of Non-significance (DNS), including mitigated DNS;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances, provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and <u>minor revisions to an issued and unexpired MUP that was subject to design review, building height increases for minor communication utilities in downtown zones,</u>

and ((~~except for~~)) design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions; provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Decision to waive or modify development standards relating to structure width or setbacks for a youth service center pursuant to subsection 23.51A.004.B.6;

n. Determination of requirements according to subsections 23.58B.025.A.4 and 23.58C.030.A.3; ((~~and~~))

o. Except for projects determined to be consistent with a planned action ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a ((~~,~~)) through 23.76.006.C.2.m; provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036; ((~~and~~))

p. Determination of public benefit for combined lot development; and ((~~,~~))

q. Major revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G.

* * *

Section 25. Section 23.76.008 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.008 Preapplication conferences for Type II and Type III decisions

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in Subtitle IX of Title 22.

B. Design Review. A preapplication conference between Department representative(s) and an applicant for a structure subject to design review, as provided in Chapter 23.41, ((~~shall be~~)) is required. ((~~The Director may waive this preapplication conference requirement if an applicant demonstrates, to the Director's satisfaction, experience with Seattle's design review process which would render a preapplication conference unnecessary.~~))

Section 26. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.76.011 Notice of design guidance and planned community development process

A. The Director shall provide the following notice for the required early design guidance process or streamlined administrative design review (SDR) guidance process for design review projects subject to ((~~any of~~)) Sections 23.41.014, 23.41.016, ((~~and~~)) or 23.41.018, and for the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information Bulletin; and

2. Mailed notice.((~~; and~~)).

B. The applicant shall post one land use sign visible to the public at each street frontage abutting the site, except that if there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location, and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting.

Section 27. Subsection 23.76.012.B of the Seattle Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of notice required

1. For projects subject to a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section 23.41.004, the Department shall direct the installation of a large notice sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed by the applicant at the direction of the Department after final City action on the application is completed.

a. In the case of submerged land, the large notice sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or that are subject to a Type II environmental determination pursuant to Section 23.76.006 only because of location over water or location in an environmentally critical area, are exempt from the large notice sign requirement.

c. If use of a large notice sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Department shall post ten placards within 300 feet of the site.

d. The Director may require both a large notice sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may require that more than one large notice sign be posted, if necessary to assure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the Director shall post one land use sign visible to the public at each street frontage abutting the site except that if there is no street frontage or the site abuts an unimproved street, the Director shall post more than one sign and/or use an alternative posting location so that notice is clearly visible to the public. The land use sign shall be removed by the applicant after final action on the application is completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or subject to design review pursuant to Section 23.41.014, notice in the Land Use Information Bulletin shall be published after installation of the large notice sign required in subsection 23.76.012.B.1.

4. The Director shall provide mailed notice of:

a. ((~~applications~~)) Applications for variances, administrative conditional uses, special exceptions, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, early design guidance process for administrative design review and streamlined administrative design review, subdivisions, Type IV Council land use decisions, amendments to property use and development agreements, Major Institution designations and revocation of Major Institution designations, concept approvals for the location or expansion of City facilities requiring Council land use approval, and waivers or modification of development standards for City facilities; and

b. ((~~the~~)) The first early design guidance meeting for a project subject to design review pursuant to Section 23.76.014.

5. For a project subject to design review, except streamlined design review pursuant to Section 23.41.018 for which no development standard departure pursuant to Section 23.41.012 is requested, notice of application shall be provided to all persons who provided an address for notice and either attended an early design guidance public meeting for the project or wrote to the Department about the proposed project before the date that the notice of application is distributed in the Land Use Information Bulletin.

6. For a project that is subject to both Type I decisions and Master Planned Community design review under Section 23.41.020, notice shall be provided as follows:

a. The Director shall provide notice of application in the Land Use Information Bulletin.

b. The Director shall post one land use sign visible to the public at each street frontage abutting the site, except that if there is no street frontage or the site abuts an unimproved street, the Director shall post more than one sign and/or use an alternative posting location so that notice is clearly visible to the public. The land use sign(s) shall be posted prior to publication of notice of application in the Land Use Information Bulletin, and shall be removed by the applicant after final action on the Master Use Permit application is completed.

c. For a project that includes a highrise structure as defined in Section 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the site. The land use placards shall be posted prior to publication of notice of application in the Land Use Information Bulletin, and shall be removed by the applicant after final action on the Master Use Permit application is completed.

d. Mailed notice shall be provided consistent with subsection 23.76.012.B.5.

7. No notice is required of a Type I determination whether a project is consistent with a planned action ordinance, except that if that determination has been made when notice of application is otherwise required for the project, then the notice shall include notice of the planned action consistency determination.

* * *

Section 28. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.76.026 Vesting

A. Master Use Permit components other than subdivisions and short subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for Master Use Permit components other than subdivisions and short subdivisions shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date:

1. That notice of the Director's decision on the application is published, if the decision is appealable to the Hearing Examiner;

2. Of the Director's decision, if the decision is not appealable to the Hearing Examiner; or

3. A valid and fully complete building permit application is filed, as determined under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, if it is filed prior to the date established in subsections 23.76.026.A.1 or 23.76.026.A.2.

* * *

C. Design review component of Master Use Permits

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, design review is not required.

2. ((~~A~~)) Except as otherwise provided by law, a complete application for a Master Use Permit that includes a design review component other than an application described in subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use control ordinances in effect on:

a. The ((~~the~~)) date a complete application for the early design guidance process or streamlined design review guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 90 days of the date of the early design guidance public meeting if an early design guidance public meeting is required, or within 90 days of the date the Director provided guidance if no early design guidance public meeting is required. If more than one early design guidance public meeting is held, then a complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 150 days of the first meeting. If a complete application for a Master Use Permit that includes a design review component is filed more than 150 days after the first early design guidance public meeting, then such Master Use Permit application shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the early design guidance public meeting that occurred most recently before the date on which a complete Master Use Permit application was filed, provided that such Master Use Permit application is filed within 90 days of the most recent meeting((,)); or

b. A date elected by the applicant that is later than the date established in subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1 through 23.76.026.A.3.

3. A complete application for a Master Use Permit that includes a Master Planned Community design review component, but that pursuant to subsection 23.41.020.C does not include an early design guidance process, shall be considered under the Land Use Code and other land use control ordinances in effect on the date the complete application is submitted.

* * *

E. ((~~{RESERVED}~~)) If an applicant elects a date for consideration of an application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after notice of the application required by Section 23.76.012 has been given, notice of the application and an opportunity to comment shall be repeated according to Section 23.76.012.

* * *

G. Notwithstanding any other provision of this ((~~section~~)) Section 23.76.026 or this ((~~chapter~~)) Chapter 23.76, an applicant may elect, at such time and in such manner as the Director may permit, that specific Land Use Code provisions that became effective after the applicant's application vested ((~~,~~)) may nonetheless be applied to the application, pursuant to authorization for such election set forth elsewhere in this Title 23.

Section 29. Section 23.76.040 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.040 Applications and requests for Council land use decisions

* * *

G. Notice to the City Clerk ((~~,~~))

1. For Type IV Council land use decisions that do not include a design review component and are not notices of intent to prepare Major Institution master plans, and for applications for quasi-judicial Council land use decisions that are not Type IV decisions, the Director shall provide notice of the application to the City Clerk promptly after the application is submitted.

2. For Type IV Council land use decisions that include a design review component, the Director shall provide notice of the application to the City Clerk promptly after the applicant submits a complete application to begin the early design guidance ((~~or the streamlined design review design guidance~~)) process.

3. For notices of intent to prepare Major Institution master plans, the Director shall provide the notice of intent to prepare a master plan to the City Clerk promptly after the notice of intent is received.

4. For Type V Council land use decisions, the Director shall provide notice of the application or request to the City Clerk promptly after the application or request is submitted.

* * *

Section 30. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

25.11.070 Tree protection on sites undergoing development in Lowrise zones

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional trees

1. If the Director determines that ((~~there is~~)) an exceptional tree is located on the lot of a proposed development, which is not a major institution use within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the ((~~development shall go through~~

~~streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.~~

~~2. The~~)) Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted FAR and height limits of the applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree protection area through the following:

a. Development standard ((~~adjustments permitted in Section 23.41.018 or the~~)) departures permitted in Section 23.41.012.

b. An increase in the permitted height or reduction in required parking as follows under subsection ((~~25.11.070.A.3~~)) 25.11.070.A.2.

((~~3~~)) 2. In order to preserve an exceptional tree, the following code modifications ((~~exceptions~~)) are allowed:

a. Permitted height. For a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

b. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area.

3. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

B. Trees over 2 feet in diameter ((.))

1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over 2 feet in diameter, an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.070.A.

Section 31. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

25.11.080 Tree protection on sites undergoing development in Midrise and Commercial Zones

The ((~~standards~~)) provisions in this Section 25.11.080 apply in Midrise and Commercial zones.

A. Exceptional trees ((.))

1. If the Director determines that ((~~there is~~)) an exceptional tree is located on the lot of a proposed ((~~project~~)) development, which is not a major institution use within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the ((~~project shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.~~

~~2. The~~)) Director may permit an exceptional tree to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the ((~~development standard adjustments permitted in Section 23.41.018 or the~~)) departures permitted in Section 23.41.012, the modifications allowed by this Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, ((~~and/or~~)) or a reduction in the standards of Section 23.54.030.

2. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that a planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

B. Trees over 2 feet in diameter measured ((.))

1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over 2 feet in diameter, an applicant may request and the Director may ((~~permit~~)) allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.080.A ((~~, above~~)).

Section 32. A new Section 25.12.735 is added to the Seattle Municipal Code as follows:

25.12.735 Development standards departures

A. An applicant seeking a certificate of approval for new multifamily, commercial or major institution development, that is not otherwise subject to design review pursuant to Section 23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission. A Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, may recommend granting a departure where an applicant demonstrates the departure would result in a development that better meets the requirements of Chapter 25.12, the use and development standards for the district, and the purpose for creating the district.

B. Departures may be granted from any Land Use Code standard or requirement, except for the standards or requirements described in subsection 23.41.012.B.

C. The Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, shall recommend, in writing, to the Director of the Seattle Department of Construction and Inspections whether to approve, or deny any departure.

D. Departures authorized by this Section 25.12.735 do not limit the approval of waivers or modifications of development standards permitted by other provisions of the Seattle Municipal Code.

E. The Director of the Department of Neighborhoods, in coordination with the Director of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for a Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, to review and prepare a recommendation on whether to approve or deny any requested departure.

Section 33. Sections 3 through 6, Sections 8 through 15, and Sections 17 through 31 of this ordinance shall take effect and be in force 60 days after the effective date of this ordinance on July 1, 2018, to ensure there is adequate time for rule-making and any adjustments in business practices.

Section 34. Section 7, Section 16, and Section 32 of this ordinance shall take effect and be in force on January 1, 2018.

Section 35. 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.

Rob Johnson

President Pro Tem of the City Council

Approved by me this 5th day of October, 2017.

Tim Burgess, Mayor

Filed by me this 5th day of OCTOBER, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

363936 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125601-125604 TITLE

was published on

07/13/18

The amount of the fee charged for the foregoing publication is the sum of $149.08 which amount has been paid in full.

Subscribed and sworn to before me on

07/13/2018

Notary public for the State of Washington,
residing in Seattle

JENNIFER A BARNES NOTARY PUBLIC STATE OF WASHINGTON

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on June 18, 2018, and published below by title only, will be mailed upon request, or can be accessed at http://seattle.legistar.com. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Ordinance 125601

Council Bill 119275

AN ORDINANCE amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); changing appropriations to various departments and budget control levels; and creating positions in the Human Services Department.

Ordinance 125602

Council Bill 119277

AN ORDINANCE relating to noise control; establishing an alternative enforcement 75-foot standard for determining excessive vehicle noise; and amending Section 25.08.430 of the Seattle Municipal Code.

Ordinance 125603

Council Bill 119269

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

Ordinance 125604

Council Bill 119258

AN ORDINANCE relating to regular property taxes; providing for the submission to the qualified electors of the City at an election to be held on November 6, 2018, a proposition to lift the limit on regular property taxes under chapter 84.55 RCW and authorize the City to levy additional taxes for up to seven years for the purpose of providing education services designed to improve access to early learning and high-quality preschool, K-12 school and community-based investments, K-12 school health, and post-secondary and job readiness opportunities for Seattle students; implementing exemptions for low income seniors, disabled veterans, and other people who are disabled as defined in RCW 84.36.381; authorizing a creation of a designated fund; directing the application of levy proceeds; establishing eligibility requirements for partners; establishing accountability and reporting structures; providing for the facilitation of communication between the City and stakeholders; providing for partnership agreements with Seattle School District and Seattle Colleges District; requiring a forthcoming Implementation and Evaluation Plan; proposing a ballot title; and authorizing the implementation of agreements for this levy lid lift which will be commonly known as the Families, Education, Preschool, and Promise Levy.

Date of publication in the Seattle Daily Journal of Commerce, July 13, 2018.

7/13(363936)