

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 28 of the Official Land Use Map to rezone land in the Northgate Urban Center; amending Sections 23.30.010, 23.48.002, 23.48.040, 23.48.055, 23.48.085, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.71.004, 23.84A.025, 23.84A.038, 23.84A.048, and 25.05.800 of the Seattle Municipal Code; and adding a new Subchapter VII to Chapter 23.48 of the Seattle Municipal Code, consisting of Sections 23.48.802, 23.48.805, 23.48.820, 23.48.825, 23.48.827, 23.48.835, 23.48.840, 23.48.841, 23.48.845, 23.48.846, 23.48.847, 23.48.850, 23.48.852, 23.48.880, and 23.48.885.

..body

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, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

WHEREAS, the HALA Advisory Committee recommended upzoning of residential and commercial zones and, in connection with such upzones, implementation of a mandatory inclusionary housing requirement for new residential development and commercial linkage fees for new commercial development; and

WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary housing requirement offer developers the option of building affordable housing or making a cash contribution to fund preservation and production of affordable housing, and that the requirement be implemented upon approval of extensive upzoning of residential and commercial zones including the Northgate urban center; and

1 WHEREAS, RCW 36.70A.540 authorizes and encourages cities to enact or expand affordable
2 housing incentive programs providing for the development of low-income housing units
3 through development regulations, conditions on rezoning or permit decisions, or both;
4 and

5 WHEREAS, according to RCW 36.70A.540, jurisdictions may establish a minimum amount of
6 affordable housing that must be provided by all residential developments in areas where
7 increased residential development capacity has been provided; and

8 WHEREAS, a mandatory housing affordability requirement for residential development is one of
9 many actions the City intends to undertake to implement the Comprehensive Plan's goals
10 and policies for housing affordability; and

11 WHEREAS, the Countywide Planning Policies provide that jurisdictions may consider a full
12 range of programs, from optional to mandatory, that will assist in meeting the
13 jurisdiction's share of the countywide need for affordable housing; and

14 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
15 36.70A RCW, is to make adequate provision for the housing needs of all economic
16 segments of the City; and

17 WHEREAS, this ordinance would increase development capacity and implement Mandatory
18 Housing Affordability requirements in the Northgate urban center; and

19 WHEREAS, residential development capacity being increased in the Northgate urban center by
20 this ordinance will assist in achieving local growth management and housing policies;
21 and

22 WHEREAS, the Northgate area is designated as an urban center in the Seattle 2035
23 Comprehensive Plan, and the plan calls for a variety of uses and the highest densities of

1 both housing and employment in Seattle’s urban centers, consistent with their role in the
2 regional growth strategy; and

3 WHEREAS, the rezone area meets criteria for a Seattle Mixed zone in Section 23.34.128 of the
4 Seattle Municipal Code, regarding the area’s function, transportation and infrastructure
5 capacity, relationship to surrounding activity, and mix of uses; and

6 WHEREAS, The City of Seattle has determined that the increased residential development
7 capacity can be achieved within the identified area, subject to consideration of other
8 regulatory controls on development; and

9 WHEREAS, this ordinance was informed by public engagement on Mandatory Housing
10 Affordability in the Northgate area and is also consistent with the Northgate Transit
11 Oriented Development Urban Design Study that was based on community input and
12 released in March of 2012; and

13 WHEREAS, construction by Sound Transit of the Northgate Light Rail Station began in 2014
14 and light rail is expected to begin operating at Northgate in 2021; and

15 WHEREAS, in December of 2016, The City of Seattle and King County agreed to contribute
16 \$10 million each to construct at least 200 affordable units in the first phase of a transit-
17 oriented development project at the King County–owned Northgate Transit Center; and

18 WHEREAS, in November of 2017 King County issued a Request for Proposals (RFP) for
19 developers to submit proposals for mixed-use projects at its Northgate Transit Center that
20 would include a mix of affordable and market rate housing; and

21 WHEREAS, land that would be rezoned according to this ordinance would facilitate mixed use
22 transit-oriented development at the Northgate Transit Center site consistent with
23 development described in the November 2017 RFP; NOW, THEREFORE,

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

2 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
3 amended to rezone properties identified on page 28 of the Official Land Use Map as shown on
4 Attachment 1 attached to this ordinance.

5 Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by the
6 ordinance introduced as Council Bill 119444, is amended as follows:

7 **23.30.010 Classifications for the purpose of this Subtitle III**

8 A. General zoning designations. The zoning classification of land shall include one of the
9 designations in this subsection 23.30.010.A. Only in the case of land designated “RC,” the
10 classification shall include both “RC” and one additional multifamily zone designation in this
11 subsection 23.30.010.A.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community—Yesler Terrace	MPC-YT
Seattle Mixed—South Lake Union	SMU-SLU
Seattle Mixed—Dravus	SM-D
Seattle Mixed—North Rainier	SM-NR
Seattle Mixed – Rainier Beach	SM-RB

Zones	Abbreviated
Seattle Mixed—University District	SM-U
Seattle Mixed—Uptown	SM-UP
<u>Seattle Mixed—Northgate</u>	<u>SM-NG</u>
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

* * *

Section 3. Section 23.48.002 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 119444, is amended as follows:

23.48.002 Scope of provisions

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

1 NR designation with a height limit suffix may be applied to SM-NR zoned land in the North
2 Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned
3 land in the University Community Urban Center. The SM-UP designation with a height limit
4 suffix may be applied to SM-UP zoned land in the Uptown Urban Center. The SM-RB
5 designation with a height limit suffix may be applied to SM-RB zoned land in the Rainier Beach
6 Urban Village. The SM-NG designation with a height limit suffix may be applied to SM-NG
7 zoned land in the Northgate Urban Center.

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

8 * * *

9 Section 4. Section 23.48.040 of the Seattle Municipal Code, last amended by the
10 ordinance introduced as Council Bill 119444, is amended as follows:

11 **23.48.040 Street-level development standards**

12 A. Street-facing facade requirements. The following street-facing facade requirements
13 apply to facades facing ~~((a Class 1, Class 2, or Class 3 Pedestrian Street, Neighborhood Green~~
14 ~~Streets, and all other))~~ on streets ((;)) as shown on Map A for 23.48.240, Map A for 23.48.440,
15 ~~((or))~~ Map A for 23.48.740, Map A for 23.48.840, or Map A for 23.48.940:

16 1. Primary pedestrian entrance. In the SM-SLU, SM-NR, ~~((and))~~ SM-UP, and
17 SM-NG zones, each new structure facing a Class 1 Pedestrian Street, and in the SM-RB zone

1 each new structure facing a Class 2 Pedestrian Street, is required to provide a primary building
2 entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet
3 above or below the sidewalk grade.

4 2. Minimum facade height. In the SM-SLU, SM-NR, SM-NG, and SM-RB zones,
5 a minimum facade height is required for the street-facing facades of new structures, unless all
6 portions of the structure are lower than the required minimum facade height listed below.

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

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

11 c. On all other streets, the minimum height for street-facing facades is
12 15 feet.

13 B. Transparency and blank facade requirements. In the SM-SLU, SM-NR, SM-U, ~~((and~~
14 ~~the))~~ SM-UP, ~~((and))~~ SM-RB, and SM-NG zones, the provisions of this subsection 23.48.040.B
15 apply to the area of a street-facing facade between 2 feet and 8 feet above a sidewalk, but do not
16 apply to portions of a structure in residential use or, within the SM-U ~~((District))~~ and SM-NG
17 districts, to portions of a structure in use as a light rail station.

18 1. Transparency requirements

19 a. In the SM-SLU, SM-NR, SM-U, SM-UP, ~~((and))~~ SM-RB, and SM-NG
20 zones, on Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, a
21 minimum of 60 percent of the street-facing facade must be transparent, except that if the slope of
22 the street frontage abutting the lot exceeds 7.5 percent, the required amount of transparency is 45
23 percent of the street-facing facade.

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

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

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

15 a. In the SM-SLU, SM-NR, SM-U, SM-UP, ~~((and))~~ SM-RB, and SM-NG
16 zones, for Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, the
17 following apply:

18 1) Blank facades are limited to segments 15 feet wide. Blank
19 facade width may be increased to 30 feet if the Director determines as a Type I decision that the
20 facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that
21 have visual interest.

22 2) The total width of all blank facade segments shall not exceed 40
23 percent of the width of the street-facing facade of the structure on each street frontage, or

1 55 percent of the width of the street-facing facade if the slope of the street frontage abutting that
2 lot exceeds 7.5 percent.

3 b. All other streets not specified in subsection 23.48.040.B.2.a are subject
4 to the following:

5 1) Blank facades are limited to segments 30 feet wide. Blank
6 facade width may be increased to 60 feet if the Director determines as a Type I decision that the
7 facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that
8 have visual interest.

9 2) The total width of all blank facade segments shall not exceed 70
10 percent of the width of the street-facing facade of the structure on each street frontage; or 78
11 percent if the slope of the street frontage abutting that lot exceeds 7.5 percent.

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

14 C. Development standards for required street-level uses. Street-level uses that are
15 required by subsection 23.48.005.D, ~~((or))~~ 23.48.605.C, or 23.48.805.B, and street-level uses
16 exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2,
17 ~~((or))~~ 23.48.720.B.2, or 23.48.820.B, whether required or not, shall meet the following
18 development standards, ~~((:))~~ In the SM-NG zone, where street-level use requirements apply to a
19 mid-block corridor, these standards shall be applied as if the mid-block corridor were a street.

20 1. Where street-level uses are required, a minimum of 75 percent of the applicable
21 street-level, street-facing facade shall be occupied by uses listed in subsection 23.48.005.D.1.
22 The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular
23 entrances.

1 2. There is no minimum frontage requirement for street-level uses provided at
2 locations where they are not required but are exempt from FAR calculations under the provisions
3 of ~~((subsection))~~ subsections 23.48.220.B.2, ~~((or))~~ 23.48.620.B.2, or 23.48.820.B.

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

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

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

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

19 b. If a street-level setback is required from the street lot line by the
20 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance shall be measured from
21 the line established by the required setback; and

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

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

9 * * *

10 Section 5. Subsection 23.48.055.C of the Seattle Municipal Code, which section was last
11 amended by the ordinance introduced as Council Bill 119444, is amended as follows:

12 **23.48.055 Landscaping and screening standards**

13 * * *

14 C. Screening for specific uses

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

17 2. Surface parking areas

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

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

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

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

5 a. On Class 1 and Class 2 Pedestrian Streets and Neighborhood Green
6 Streets shown on Map A for 23.48.240, Map A for 23.48.440, Map A for 23.48.840, and Map A
7 for 23.48.940, and on all streets in SM-U and SM-UP zones, parking is not permitted at street
8 level unless separated from the street by other uses, provided that garage doors need not be
9 separated. The facade of the separating uses shall be subject to the transparency and blank facade
10 standards in Section 23.48.040.

11 b. On all other streets in Seattle Mixed zones shown on Map A for
12 23.48.240, ~~((and))~~ Map A for 23.48.440, and Map A for 23.48.840, parking is permitted at street
13 level if at least 30 percent of the street frontage of the parking area, excluding that portion of the
14 frontage occupied by garage doors, is separated from the street by other uses. The facade of the
15 separating uses shall be subject to the transparency and blank facade standards in Section
16 23.48.040. The remaining parking shall be screened from view at street level and the street-
17 facing facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual
18 interest features.

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

1 4. Fences or free-standing walls associated with utility services uses may obstruct
2 or allow views to the interior of a site. Where site dimensions and site conditions allow,
3 applicants are encouraged to provide both a landscaped setback between the fence or wall and
4 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,
5 through the height, design, or construction of the fence or wall, including the use of materials,
6 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any
7 fence or free-standing wall for a utility service shall provide either:

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

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

12 * * *

13 Section 6. Section 23.48.085 of the Seattle Municipal Code, last amended by Ordinance
14 125558, is amended as follows:

15 **23.48.085 Parking and loading location, access, and curb cuts**

16 * * *

17 C. Accessory surface parking is permitted under the following conditions, except as
18 provided by Sections 23.48.285, 23.48.685, ~~((and))~~ 23.48.785, and 23.48.885:

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

21 2. The amount of lot area allocated to accessory surface parking shall be limited
22 to 30 percent of the total lot area, and in the SM-NG zone shall not exceed 24,000 square feet.

1 For parking that is accessory to a use on another site, this requirement is applied to the lot on
2 which the parking is located.

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

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

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

- 20 a. An undesignated street;
- 21 b. Class 2 Pedestrian Street;
- 22 c. Class 1 Pedestrian Street;
- 23 d. Neighborhood Green Street.

1 3. The Director may allow or require access from a right-of-way other than one
2 indicated as the preferred category in this subsection 23.48.085.D if, after consulting with the
3 Director of Transportation, the Director finds that an exception to the access requirement is
4 warranted. The Director shall base the decision on granting an exception on any of the following:
5 whether and to what extent alternative locations of access would enhance pedestrian safety and
6 comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street
7 queuing of vehicles, enhance vehicular safety, or minimize hazards. Curb cut controls on
8 designated Neighborhood Green Streets shall be evaluated on a case-by-case basis, but generally
9 access from Neighborhood Green Streets is not allowed if access from any other right-of-way is
10 possible.

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

14 * * *

15 Section 7. A new Subchapter VII, which includes new Sections 23.48.802, 23.48.805,
16 23.48.820, 23.48.825, 23.48.827, 23.48.835, 23.48.840, 23.48.841, 23.48.845, 23.48.846,
17 23.48.847, 23.48.850, 23.48.852, 23.48.880, and 23.48.885, is added to Chapter 23.48 of the
18 Seattle Municipal Code as follows:

19 **Subchapter VII Northgate**

20 **23.48.802 Scope of provisions for SM-NG zones**

21 The provisions in this Subchapter VII establish regulations for SM-NG zones. The SM-NG zone
22 designation refers to all zones in the SM category in the Northgate Urban Center. The provisions
23 in this Subchapter VII supplement the provisions of Subchapter I of Chapter 23.48. In cases of

1 conflicts between the provisions in Subchapter I of Chapter 23.48 and this Subchapter VII, the
2 provisions in this Subchapter VII apply.

3 **23.48.805 Uses in SM-NG zones**

4 A. Prohibited uses

- 5 1. Sales and service, automotive;
- 6 2. Sales and service, heavy;
- 7 3. Sales and service, marine;
- 8 4. Drive-in business;
- 9 5. Dry boat storage;
- 10 6. Warehouse;
- 11 7. Mini-warehouse;
- 12 8. Towing services;
- 13 9. Salvage yard;
- 14 10. Principal use parking except for park and ride lots per subsection 23.48.805.B;

15 and

- 16 11. Any single general sales and service use greater than 50,000 gross square feet.

17 B. Exceptions to prohibited uses

18 1. Park and ride lots may be provided as a permitted use within a parking garage
19 that contains accessory parking for other uses if the park-and-ride facility is subject to a joint use
20 parking agreement with a transit agency.

21 2. Park-and-ride lots may be provided as an administrative conditional use in a
22 stand-alone parking garage.

1 C. Required street-level uses

2 1. One or more of the following uses are required at street level along the street-
3 facing facades and facades facing the mid-block corridor that are shown on Map A for

4 23.48.805:

5 a. General sales and service uses;

6 b. Eating and drinking establishments;

7 c. Entertainment uses;

8 d. Public libraries;

9 e. Public parks;

10 f. Arts facilities;

11 g. Religious facilities;

12 h. Human services uses;

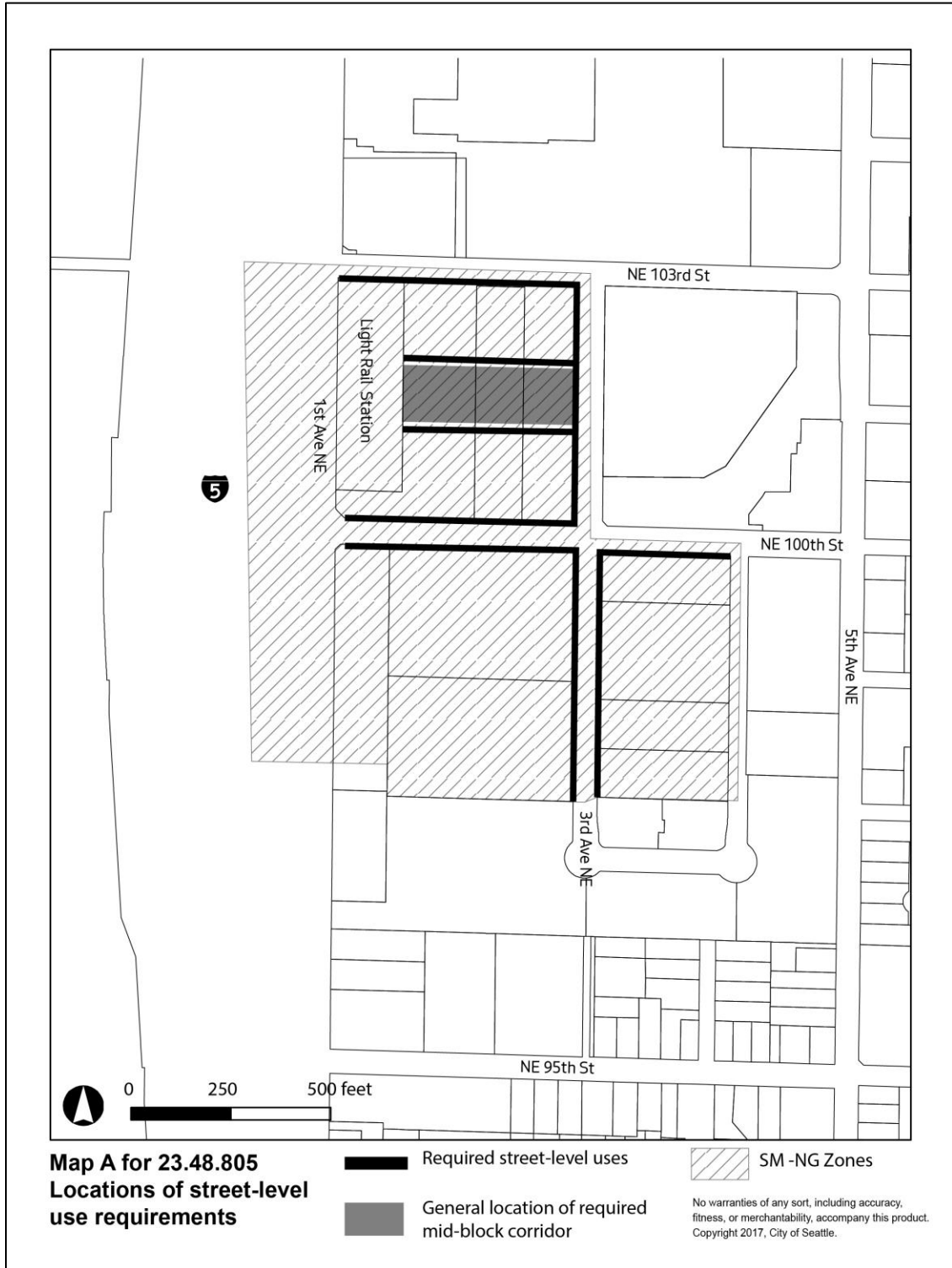
13 i. Child care facilities;

14 j. Light rail transit stations; and

15 k. Residential uses provided each unit on the facade abutting the street or
16 mid-block crossing has an individual entry.

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

1 **Map A for 23.48.805**
2 **Locations of street-level use requirements**



3

1 **23.48.820 Floor area ratio in SM-NG zones**

2 A. Floor area ratio (FAR) limits. The FAR limit is 7 in SM-NG 240 and SM-NG 145
3 zones.

4 B. Floor area exempt from FAR limits. In addition to the exempt floor area identified in
5 subsection 23.48.020.B, the following gross floor area is exempt from FAR limits:

6 1. Light rail transit station and related passenger amenities

7 2. School, elementary or secondary

8 3. School, vocational or fine arts

9 4. Human service use

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

12 6. Floor area used for a performing arts theater, lecture and meeting hall, or arts
13 facility, any of which for the purposes of this Section 23.48.820 may be operated either by for-
14 profit or not-for-profit organizations.

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

19 a. The above-grade parking extends no more than 6 feet above existing or
20 finished grade and no more than 3 feet above the highest existing or finished grade along the
21 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
22 pursuant to subsection 23.48.815.C; or

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b. All of the following conditions are met:

1) No above-grade parking is exempted by subsection

23.48.820.B.7.a;

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

3) The amount of gross floor area exempted by this subsection

23.48.820.B.7 does not exceed 50 percent of the area of the lot.

C. Minimum FAR. The minimum FAR provisions of subsection 23.48.020.C do not apply in SM-NG zones.

23.48.825 Structure height in SM-NG zones

A. Height limits

1. The height limits in SM-NG zones are as designated on the Official Land Use Map, Chapter 23.32, shown as the number following the zone designation.

2. A minimum lot size of 15,000 square feet is required for a structure to exceed 85 feet in height except for stair or elevator penthouses and enclosed mechanical equipment.

B. Provisions for rooftop features allowed above the height limit are in subsection 23.48.025.C.

23.48.827 Combined lot development in SM-NG zones

A. Lots located on the same block in the SM-NG 240 zone may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one or more such lots under this Chapter 23.48 to be used on one or more other lots, according to the provisions of this Section 23.48.827.

1 B. Within the combined lot, the permitted chargeable floor area from one lot, referred to
2 in this Section 23.48.827 as the “reduced lot,” may be allowed on one or more other lots on the
3 same block, referred to in this Section 23.48.827 as the “increased lot(s).”

4 1. The maximum total floor area within the combined lot(s) is calculated by
5 multiplying the allowed FAR limit by the total area of all lots in the combined lot.

6 2. Total chargeable floor area developed within the combined lot on the reduced
7 lot(s) and increased lots(s) together, shall not exceed the total allowed floor area of the combined
8 lot.

9 C. The fee owners of each lot within the combined lot shall execute an agreement or
10 instrument, which shall include the legal descriptions of each lot and shall be recorded in the
11 King County Recorder’s Office. In the agreement or instrument, the owners shall acknowledge
12 the extent to which development capacity on the reduced lot shall be reduced by the use of
13 chargeable floor area on the increased lot. The agreement or instrument shall also provide that
14 such standards and conditions in this Section 23.48.827 shall covenant and run with the land and
15 shall be specifically enforceable by the parties and by The City of Seattle.

16 D. Development on any lot in a combined lot development shall not exceed or deviate
17 from any other development standard as applied to the individual lots.

18 **23.48.835 Maximum width and depth limits in SM-NG zones**

19 A. The maximum width and depth of a structure or portion of a structure for which a
20 separate calculation is required under subsection 23.48.835.B is 250 feet, except as
21 otherwise provided in subsection 23.48.835.B.

22 B. For purposes of this Section 23.48.835, the width and depth limits shall be
23 calculated separately for a portion of a structure if:

1 1. There are no connections allowing direct access, such as hallways, bridges,
2 or elevated stairways, between that portion of a structure and other portions of a structure; or

3 2. The only connections between that portion of a structure and other portions
4 of a structure are in stories, or portions of a story, that are underground or extend no more
5 than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the
6 floor above the partially below-grade story, excluding access.

7 **23.48.840 Setbacks and street-level development standards in SM-NG zones**

8 A. Required setbacks in SM-NG zones. In all SM-NG zones, a setback is required from
9 specified street lot lines as shown on Table A for 23.48.840, subject to the following:

10 1. Any setback area further than 15 feet from the street lot line shall not be
11 included in the averaging calculation.

12 2. The setback area shall either be part of open space, sidewalk area, or
13 landscaped according to standards in subsection 23.48.055.A.3.

14 3. Underground structures are permitted in all required setback areas.

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

Table A for 23.48.840 Required minimum setbacks in SM-NG zones	
Street requiring setback from abutting street lot line	Required setback measured from street lot line (in feet)
NE 100th Street	5 minimum, 7 average
3rd Avenue NE, north of NE 100th Street	3 minimum, 5 average
4th Avenue NE	3 minimum, 5 average
NE 103rd Street	3 minimum, 5 average

1 B. Facade requirements for street-level residential units and live-work units. In addition
2 to the requirements of subsection 23.48.840.A, the street-facing facades of street-level residential
3 uses and live-work units are subject to the following requirements in all SM-NG zones:

- 4 1. There shall be a minimum setback of 5 feet from the street lot line.
- 5 2. One or more of the following shall be located in the required setback area:
 - 6 a. Landscaped area;
 - 7 b. Private or common open space or amenity area; and
 - 8 c. Unenclosed stoops, steps, decks, or porches related to the abutting

9 residential or live-work units.

10 3. If residential units or live-work units have individual unit entries, the floor level
11 of individual unit entries must be between 18 inches and 48 inches above finished grade.

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

15 C. Overhead weather protection

16 1. Continuous overhead weather protection, provided by such features as
17 canopies, awnings, marquees, and arcades, is required along at least 60 percent of the street
18 frontage of a structure, and along at least 75 percent of a structure fronting onto the required mid-
19 block corridor identified in Section 23.48.841, except that any portions of the frontage occupied
20 by residential dwelling units with individual entries shall not be subject to this requirement.

21 2. The covered area shall extend a minimum of 6 feet from the structure, unless
22 otherwise provided in this subsection 23.48.840.C, and unless there is a conflict with existing or

1 proposed street trees or utility poles, in which case the Director may adjust the width to
2 accommodate such features as provided for in subsection 23.48.840.C.6.

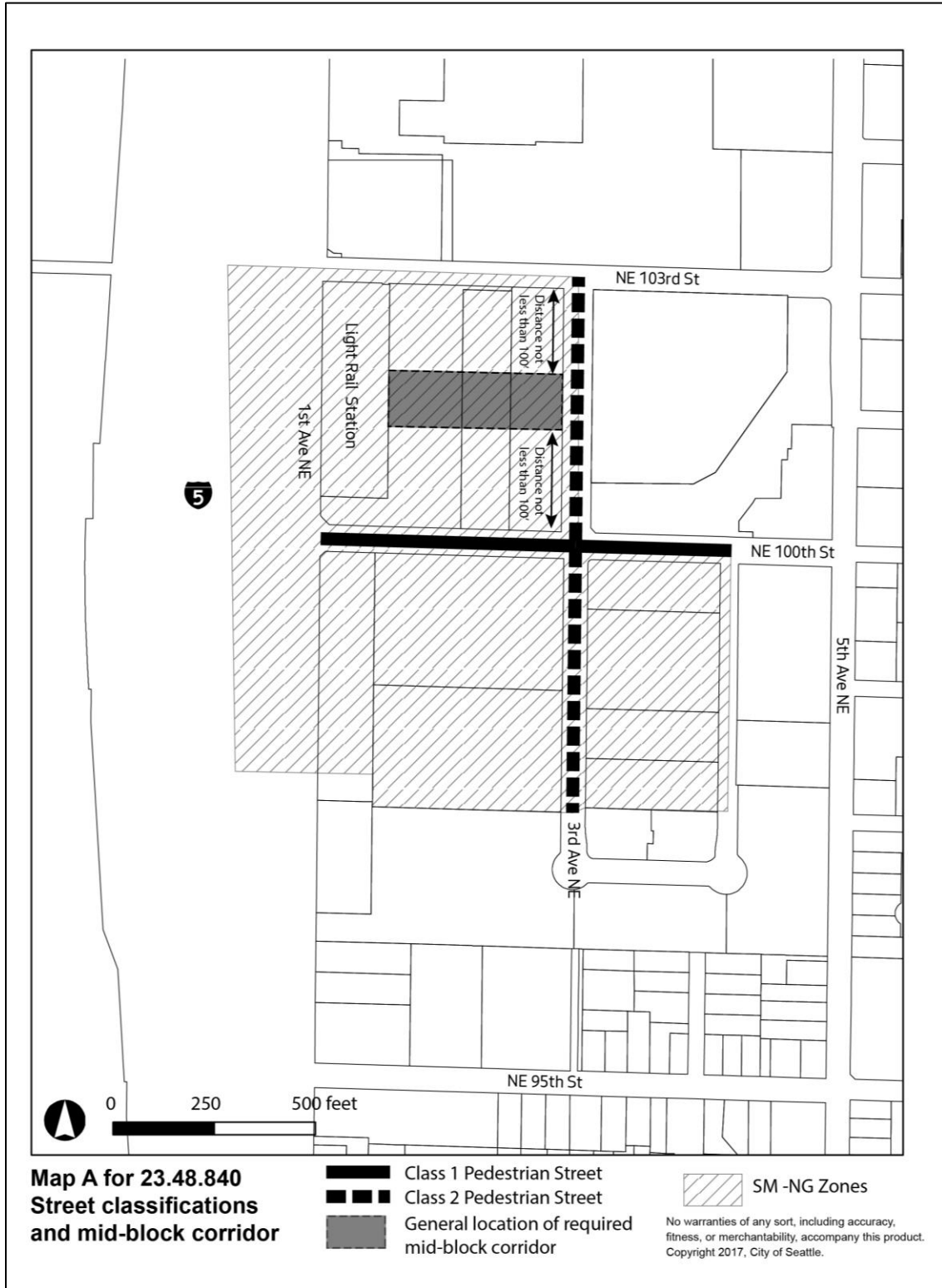
3 3. The overhead weather protection must be provided over the sidewalk, or over a
4 walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the
5 sidewalk, the covered walking area must be within 18 inches of sidewalk grade and meet
6 Washington State requirements for barrier-free access.

7 4. For overhead weather protection extending 6 feet or less from the structure, the
8 lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of
9 13 feet above the sidewalk or covered walking area. For weather protection extending more than
10 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet
11 and a maximum of 18 feet above the sidewalk or covered walking area.

12 5. Lighting for pedestrians shall be provided. The lighting may be located on the
13 facade of the building or on the overhead weather protection.

14 6. Where the standards listed in this subsection 23.48.840.C conflict with the
15 vertical and horizontal clearance requirements in the street right-of-way, the standards may be
16 modified by the Director as a Type I decision in consultation with the Director of Transportation.

1 **Map A for 23.48.840**
2 **Street classifications and mid-block corridor**



3

1 **23.48.841 Required mid-block corridor**

2 A. A mid-block corridor meeting the standards of this Section 23.48.841 shall be
3 provided as a part of any development including one or more structures containing more than a
4 total of 10,000 square feet of gross floor area on any lot in the SM-NG 240 zone that is more
5 than 100 feet to the south of the NE 103rd Street right-of-way and more than 100 feet north of
6 the NE 100th Street right-of-way, as indicated on Map A for 23.48.840.

7 B. The alignment of the mid-block corridor shall be no closer than 100 feet to Northeast
8 103rd Street or Northeast 100th Street.

9 C. Prior to any development or modification of lot boundaries in the area that is more
10 than 100 feet to the south of the NE 103rd Street right-of-way and more than 100 feet to the
11 north of the NE 100th Street right-of-way, the area for the mid-block corridor shall be identified
12 in an agreement recorded by the King County Recorder's Office and the applicant for the
13 development or modification shall demonstrate that the development or modification would not
14 preclude completion of a continuous mid-block corridor.

15 D. Development on any site abutting the mid-block corridor shall provide improvements
16 to create the mid-block corridor that meet the following standards, for the extent of the east to
17 west dimension of the development site:

18 1. The mid-block corridor shall provide for a continuous corridor that extends
19 from 3rd Avenue Northeast to the Northgate Light Rail Station and all segments of the corridor
20 shall be physically and visually connected.

21 2. The minimum width of the mid-block corridor is 40 feet.

1 3. The mid-block corridor shall contain a continuous, unobstructed pedestrian
2 pathway that is a minimum of 10 feet wide and provides access for persons with disabilities
3 throughout the entire corridor.

4 4. If development is proposed on a site adjacent to a completed portion of the
5 mid-block corridor, the development shall configure and align its portion of the mid-block
6 corridor to form a contiguous corridor and pedestrian pathway.

7 5. The end of the mid-block corridor at 3rd Avenue Northeast shall be accessible
8 to pedestrians at grade level from the sidewalk.

9 6. The mid-block corridor shall be open to the sky, except that overhead weather
10 protection may be allowed on up to 40 percent of the area of the mid-block corridor including
11 required overhead weather protection.

12 7. If the mid-block corridor crosses an alley or a public or private street, the alley
13 or public or private street right-of-way shall be improved to provide pedestrian safety and
14 reinforce the connection between portions of the mid-block corridor on either side of the alley or
15 public or private street.

16 8. The mid-block corridor shall be improved with a surface and necessary
17 drainage so as to be suitable for pedestrian use in all seasons.

18 9. The mid-block corridor shall include lighting for pedestrian safety during
19 nighttime hours when the corridor is available for public access pursuant to subsection
20 23.48.841.E.

21 10. Design of the mid-block corridor shall include various features such as
22 seating, landscaping, and artistic elements that will enhance public use of the corridor and

1 increase activity and user comfort. The design of the corridor shall maintain the overall open
2 character of a public outdoor space while being well integrated with the surrounding structures.

3 E. Public access

4 1. The required mid-block corridor shall be open to the public during all hours
5 that light rail transit is operating at the Northgate light rail station.

6 2. For any property within the corridor, property owners, tenants, and their agents
7 shall allow individuals to engage in activities allowed in public places of a similar nature. Free
8 speech activities such as hand billing, signature gathering and holding signs, all without
9 obstructing access to the corridor, or adjacent buildings or features, and without unreasonably
10 interfering with the enjoyment of the space by others, shall be allowed.

11 3. Plaque requirement. A plaque indicating the nature of the corridor and its
12 availability for general public access must be placed in a visible location at the entrances to the
13 corridor.

14 4. The mid-block corridor must be subject to a recorded document acceptable to
15 the Director that ensures general public access and the preservation and maintenance of the
16 corridor.

17 F. The Director may allow modifications from the standards for the mid-block corridor in
18 subsection 23.48.841.D as a Type I decision if the applicant demonstrates that alternative
19 treatments will better serve the public by enhancing pedestrian comfort, integrating the feature as
20 part of the surrounding pedestrian network, and/or promoting greater use of the connection.

21 G. The mid-block corridor provided under this Section 23.48.841 is eligible to qualify as
22 amenity area for residential uses under Section 23.48.045, and required usable open space under

1 Section 23.48.852, as long as the applicable standards of Section 23.48.045 and Section
2 23.48.852 are met.

3 **23.48.845 Upper-level development standards for tower structures in SM-NG zones**

4 The following standards apply to structures in which any portion of the structure exceeds a
5 height of 85 feet, not including stair or elevator penthouses and enclosed mechanical
6 equipment.

7 A. Podiums. The height limit for podiums is 45 feet as measured from the elevation at
8 the street lot line.

9 B. Towers. A tower is any portion of the structure that exceeds the podium height limit
10 and extends vertically to exceed a height of 85 feet not including stair or elevator penthouses
11 and enclosed mechanical equipment. Portions of the structure that exceed the podium height
12 limit and are not attached to a portion of the structure that extends vertically above a height of 85
13 feet are not towers. More than one tower may be located on a single podium in the same
14 structure provided separation requirements and tower floor area limits are met.

15 C. Tower floor area limits. In SM-NG zones towers are subject to the floor area limits
16 shown in Table A for 23.48.845. The floor area limit applies to contiguous floors within each
17 tower above the podium height limit, excluding stair and elevator penthouses and enclosed
18 mechanical equipment.

**Table A for 23.48.845
Tower floor area limits in SM-NG zones**

Height of tower¹ (in feet)	Average gross floor area for stories within a tower above the podium² (in square feet)	Maximum gross floor area of any single story within a tower above the podium² (in square feet)
160 or less	20,000 for stories in non-residential use; or 12,000 for stories in residential use ²	24,000 for stories in non-residential use; or 13,000 for stories in residential use ²

**Table A for 23.48.845
Tower floor area limits in SM-NG zones**

Height of tower¹ (in feet)	Average gross floor area for stories within a tower above the podium² (in square feet)	Maximum gross floor area of any single story within a tower above the podium² (in square feet)
Greater than 160	10,500	11,500

Footnotes to Table A for 23.48.845

¹ Height of the tower does not include stair or elevator penthouses and enclosed mechanical equipment.

² For stories that include a mix of non-residential and residential uses, the applicable floor area limit shall be the limit that applies to the use that accounts for more than 50 percent of the total floor area of the story, or the greater of the two floor area limits if the story includes equal amounts of residential and non-residential uses.

D. Upper-level setbacks. The following upper-level setbacks are required.

1. An upper-level setback of 15 feet is required for towers above the podium height limit from all street lot lines and a required mid-block corridor.
2. An average upper-level setback of 10 feet is required from all street lot lines for any portion of a structure that exceeds 65 feet in height. The maximum depth of a setback that can be used for calculating the average is 15 feet.
3. An average upper-level setback of 10 feet is required from a required mid-block corridor for any portion of a structure that exceeds 45 feet in height. The maximum depth of a setback that can be used for calculating the average is 20 feet.

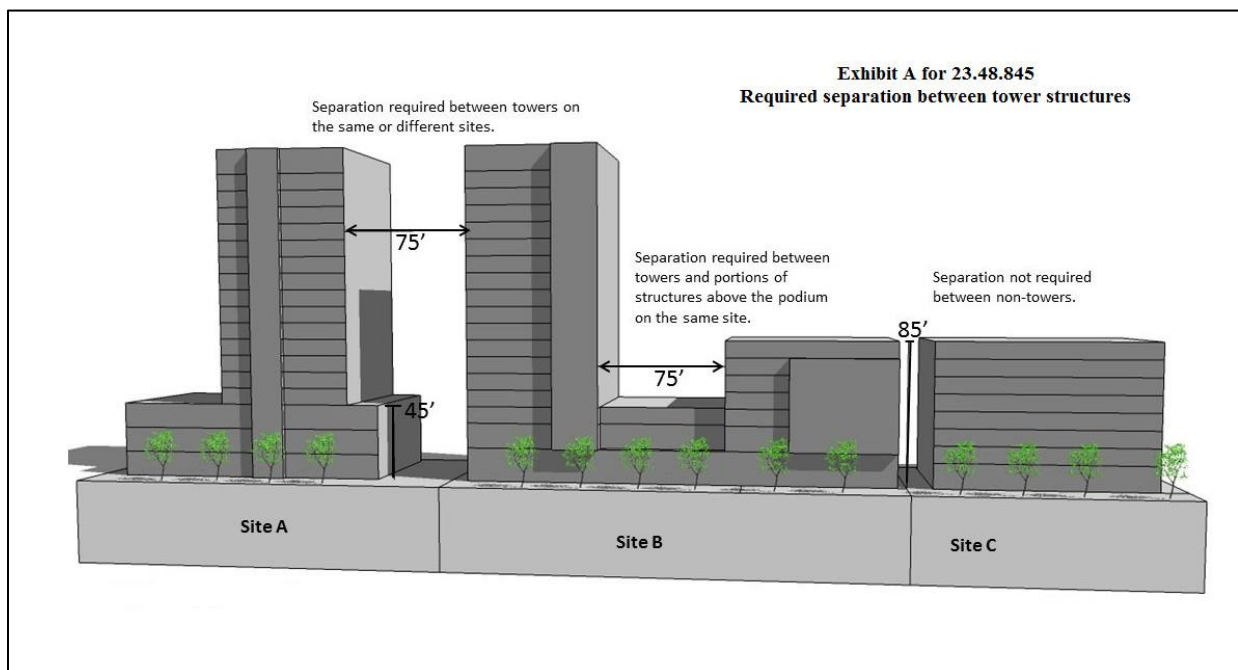
E. Separation. Separation between structures or portions of the same structure is required as follows:

1. A minimum horizontal separation of 75 feet is required between proposed towers or between proposed and existing towers, regardless of whether they are on the same lot or on separate lots, as shown on Exhibit A for 23.48.845. For these purposes, a proposed tower is any tower in a development proposal for which an Early Design Guidance (EDG) meeting has

1 been completed, and an existing tower is any tower in any development for which a certificate of
2 occupancy has been issued; and

3 2. Within a lot. A minimum horizontal separation of 75 feet is required between
4 towers and all other portions of the same structure or portions of other structures on the same lot
5 that exceed 45 feet in height, as shown on Exhibit A for 23.48.845.

6 **Exhibit A for 23.48.845**
7 **Required separation between tower structures**



8
9 F. Projections. The first 4 feet of horizontal projection of decks, balconies with open
10 railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-
11 level setbacks required in subsection 23.48.845.D and in the separation area required in
12 subsection 23.48.845.E.

13 **23.48.846 Upper-level setbacks for non-tower structures in SM-NG zones**

14 The following standards apply to structures in which all portions of the structure are 85 feet or
15 less in height not including stair or elevator penthouses and enclosed mechanical equipment.

1 A. Upper-level setbacks. The following upper-level setbacks are required.

2 1. An average upper-level setback of 10 feet is required from all street lot lines for
3 any portion of a structure that exceeds 65 feet in height. The maximum depth of a setback that
4 can be used for calculating the average is 15 feet.

5 2. An average upper-level setback of 10 feet is required from a required mid-
6 block corridor for any portion of a structure that exceeds 45 feet in height. The maximum depth
7 of a setback that can be used for calculating the average is 20 feet.

8 B. Separation. Separation between structures is required as follows:

9 1. A minimum horizontal separation of 75 feet is required between portions of a
10 structure over 45 feet in height not including stair or elevator penthouses or enclosed
11 mechanical equipment and existing towers, regardless of whether they are on the same lot or
12 on separate lots.

13 C. Projections. The first 4 feet of horizontal projection of decks, balconies with open
14 railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-
15 level setbacks required in subsection 23.48.846.A and in the separation area required in
16 subsection 23.48.846.B.

17 **23.48.847 Facade modulation in SM-NG zones**

18 A. For structures with a width of more than 250 feet, at least one portion of the structure
19 30 feet or greater in width must be set back a minimum of 15 feet from the front property line.
20 For structures with a width of more than 500 feet, at least two portions of the structure 30 feet or
21 greater in width and separated by at least 100 feet must be set back a minimum of 15 feet from
22 the front property line.

1 B. Modulation is not required:

2 1. For portions of the street-facing facade of a story that is less than 4 feet above
3 sidewalk grade, as measured to the top of the floor above the partially below-grade story;

4 2. For structures that do not exceed 45 feet in height; or

5 3. For stories above street level that include parking that is separated from the
6 street lot line by other uses along all street frontages.

7 C. The following projections are allowed within the setback specified in subsection
8 23.48.846.A:

9 1. Roof eaves, including gutters and roof cornices and other similar architectural
10 features, that may extend a maximum of 18 inches into the setback area; and

11 2. Overhead weather protection, whether required by subsection 23.48.840.C or
12 not.

13 **23.48.850 Mandatory housing affordability (MHA) in SM-NG zones**

14 Development proposed in all SM-NG zones is subject to MHA under the provisions of Chapters
15 23.58B and 23.58C.

16 **23.48.852 Required usable open space in SM-NG zones**

17 A. Usable open space meeting the standards of this Section 23.48.852 is required in all
18 SM-NG zones for development including one or more structures containing more than a total of
19 10,000 square feet of gross floor area.

20 B. Usable open space required by subsection 23.48.852.A shall meet the following
21 standards:

22 1. The minimum amount of required usable open space shall be equal to 2 square
23 feet for every 100 square feet of chargeable gross floor area.

1 2. Area qualifying as required usable open space may include both unenclosed
2 and enclosed areas as provided for in this subsection 23.48.852.B. No more than 25 percent of
3 the required usable open space may be enclosed usable open space.

4 3. The required usable open space shall be accessible from street level, with
5 variations in elevation allowed to accommodate changes in topography or to provide for features
6 such as ramps that improve access for persons with disabilities.

7 4. The required usable open space may be provided in more than one location on
8 the lot if the required amount exceeds 4,500 square feet, and as long as no separate required
9 usable open space area is less than 2,000 square feet.

10 5. If the lot abuts a required mid-block corridor pursuant to Section 23.48.841, at
11 least 50 percent of the required usable open space shall be located adjacent to or within the mid-
12 block corridor.

13 6. Area qualifying as unenclosed usable open space shall meet the following
14 requirements:

15 a. The average horizontal dimension shall be at least 30 feet and not less
16 than 15 feet at any point;

17 b. It shall abut a public street frontage or required mid-block corridor; and

18 c. It shall be open to the sky with the exception of required overhead
19 weather protection.

20 7. Enclosed open space such as an atrium or winter garden shall meet the
21 following requirements:

1 a. The space shall have direct access for pedestrians, including persons
2 with disabilities, from the street, an outdoor usable open space abutting the street, or a required
3 mid-block corridor;

4 b. The space shall be provided as one continuous area that is a minimum
5 of 2,000 square feet in size with an average horizontal dimension of 30 feet and a minimum
6 horizontal dimension of 15 feet;

7 c. The minimum clearance from ground level to the ceiling, roof, or other
8 enclosing structure is 15 feet; and

9 d. Lobby areas and corridors used solely to provide access between the
10 structure's principal street entrance and elevators, does not qualify as enclosed interior open
11 space for the purposes of this subsection 23.48.852.B.7.

12 8. Woonerfs consistent with the definition in Section 23.84A.044 can meet the
13 requirement for usable open space.

14 9. All areas provided as usable open space under this Section 23.48.852 shall be
15 accessible to persons with disabilities.

16 10. Features provided under this subsection 23.48.852.B are eligible to qualify as
17 amenity area for residential uses required by Section 23.48.045, provided the standards of that
18 Section 23.48.045 are met.

19 11. Space provided for a required mid-block corridor pursuant to Section
20 23.48.841 may count towards the requirement for usable open space in this Section 23.48.852.

21 12. Design of usable open space shall include various features such as seating,
22 landscaping, and artistic elements that will enhance public use of the usable open space and

1 increase activity and user comfort. The design of the usable open space shall be well integrated
2 with the surrounding structures.

3 C. Public access

4 1. The required usable open space shall be open to the general public without
5 charge for reasonable and predictable hours for a minimum of 10 hours each day of every week.

6 2. Within the usable open space, property owners, tenants, and their agents shall
7 allow individuals to engage in activities allowed in public places of a similar nature. Free speech
8 activities such as hand billing, signature gathering and holding signs, all without obstructing
9 access to the adjacent buildings or features, and without unreasonably interfering with the
10 enjoyment of the space by others, shall be allowed.

11 D. Offsite open space

12 1. Usable open space required by Section 23.48.852 may be provided off site on
13 another lot within a SM-NG zone with the same height limit.

14 2. The owner of any lot on which off-site open space is provided to meet the
15 requirements of this Section 23.48.852 shall execute and record an easement in a form acceptable
16 to the Director assuring compliance with the requirements of this Section 23.48.852.

17 3. Any executed and recorded easement shall be in place prior to issuance of
18 building permit for any development in which open space required by this Section 23.48.852 is
19 to be provided off-site.

20 4. Development on any lot on which there is an easement to provide off-site open
21 space required by this Section 23.48.852 shall provide the off-site open space prior to issuance of
22 certificate of occupancy.

1 **23.48.880 Parking quantity in SM-NG zones**

2 A. Off-street parking spaces and bicycle parking are required according to Section
3 23.54.015.

4 B. Maximum parking limit for non-residential uses

5 1. Accessory parking for non-residential uses is limited to one parking space per
6 every 1,000 square feet of gross floor area in non-residential use excluding gross floor area
7 dedicated to accessory parking.

8 2. If on or before September 1, 2012, a lot is providing legal off-site parking for
9 another lot, by means such as a recorded parking easement or off-site accessory parking
10 covenant on the subject lot, then the number of such off-site parking spaces is allowed in
11 addition to one space per 1,000 square feet for non-residential uses on the subject lot.

12 3. Parking provided for transit system operations, such as off-street layover spaces
13 for transit system maintenance and service vehicles, are not subject to the limits of subsection
14 23.48.880.B.1.

15 4. Park and ride lots. For any type of parking provided for park-and-ride purposes,
16 there is no maximum parking limit.

17 C. Maximum parking limit for residential uses. Parking for residential uses is limited to a
18 maximum of 0.75 parking spaces per dwelling unit, except that parking spaces used exclusively
19 by car-sharing services shall not be counted against the maximum.

20 D. Off-site parking is allowed according to Section 23.54.025.

1 **23.48.885 Parking location in SM-NG zones**

2 A. Parking location within structures

3 1. Except as provided in subsection 23.48.885.A.2, no more than two stories of
4 parking above the street-level story may be provided.

5 2. The Director may permit more than two stories of parking above the street-
6 level story of the structure, or waive the amount of parking required to be located below grade
7 when parking is provided above the street-level story, or permit other exceptions to this
8 subsection 23.48.885.A.2, as a Type I decision, if the Director finds that locating parking below
9 grade is infeasible due to physical site conditions such as a high-water table, presence of peat soil
10 hazards, or proximity to a tunnel or culvert. In such cases, the Director shall determine the
11 maximum feasible amount of parking that can be provided below grade, if any, and the amount
12 of additional parking to be permitted above street level based on an assessment of the conditions
13 that restrict an applicant from providing the parking below grade, such as the depth and
14 dimensions of underground impediments. The rationale that a site is too small to accommodate
15 parking below grade is not a basis for granting an exception under this subsection 23.48.885.A.2.

16 B. Accessory surface parking shall be separated from all street lot lines by another use
17 within a structure, except that driveway access need not be separated.

18 Section 8. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was
19 last amended by the ordinance introduced as Council Bill 119444, is amended as follows:

20 **23.58B.040 Mitigation of impacts—payment option**

21 A. Amount of cash contributions

22 1. An applicant complying with this Chapter 23.58B through the payment option
23 shall provide a cash contribution to the City, calculated by multiplying the payment calculation

1 amount per square foot according to Table A or Table B for 23.58B.040 and Map A for
2 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or
3 gross floor area in commercial use that is not underground if there is no FAR limit in the
4 underlying zone, as follows:

5 a. Including chargeable floor area in commercial use in the following:

- 6 1) A new structure;
- 7 2) An addition to a structure;
- 8 3) A change of use from residential use to commercial use; or
- 9 4) Any combination of the above; and

10 b. Excluding chargeable floor area in commercial use as follows:

- 11 1) The first 4,000 gross square feet of street-level commercial uses;

12 and

- 13 2) Street-level commercial uses along a designated principal

14 pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040

Payment calculation amounts:

In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones

Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$15.00
DH2/85	Not applicable
DMC 75	\$8.25
DMC 95	\$8.00
DMC 85/75-170	\$8.00
DMC 145	\$10.00
DMC 170	\$8.00
DMC 240/290-440	\$10.00
DMC 340/290-440	\$12.50

Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones	
Zone	Payment calculation amount per square foot
DOC1 U/450-U	\$14.75
DOC2 500/300-550	\$14.25
DRC 85-170	\$13.50
DMR/C 75/75-95	\$8.00
DMR/C 75/75-170	\$8.00
DMR/C 95/75	\$17.50
DMR/C 145/75	\$17.50
DMR/C 280/125	\$14.25
DMR/R 95/65	\$14.00
DMR/R 145/65	\$16.00
DMR/R 280/65	\$16.00
IDM 65-150	Not applicable
IDM 75-85	Not applicable
IDM 85/85-170	\$8.00
IDM 165/85-170	\$20.75
IDR 45/125-270	\$8.00
IDR 170	\$8.00
IDR/C 125/150-270	\$25.70
PMM-85	Not applicable
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>\$13.25</u>
<u>SM-NG 240</u>	<u>\$20.00</u>
SM-SLU 100/65-145	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$8.00
SM-SLU 175/85-280	\$11.25
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$8.25
SM-SLU 100/95	\$8.00
SM-SLU 145	\$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

1 Section 9. Subsection 23.58B.050.A of the Seattle Municipal Code, which section was
2 last amended by the ordinance introduced as Council Bill 119444, is amended as follows:

3 **23.58B.050 Mitigation of impacts—performance option**

4 A. Performance option

5 1. An applicant complying with this Chapter 23.58B through the performance
6 option shall provide total square feet of housing meeting the standards of subsection
7 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
8 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
9 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or
10 gross floor area in commercial use that is not underground if there is no FAR limit in the
11 underlying zone, as follows:

12 a. Including chargeable floor area in commercial use in the following:

- 13 1) A new structure;
14 2) An addition to a structure;
15 3) A change of use from residential use to commercial use; or
16 4) Any combination of the above; and

17 b. Excluding chargeable floor area in commercial use as follows:

18 1) The first 4,000 gross square feet of street-level commercial uses;
19 and

20 2) Street-level commercial uses along a designated principal
21 pedestrian street in a Pedestrian designated zone.

22 2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than
23 three units of housing required to meet the standards of subsection 23.58B.050.B, using a

- 1 conversion factor for unit size as determined by the Director, the applicant shall provide a cash
- 2 contribution using the payment option according to subsection 23.58B.040.A.

Table A for 23.58B.050 Performance calculation amounts: In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones	
Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	9.1%
DH2/85	Not applicable
DMC 75	5.0%
DMC 95	5.0%
DMC 85/75-170	5.0%
DMC 145	6.1%
DMC 170	5.0%
DMC 240/290-440	6.1%
DMC 340/290-440	7.6%
DOC1 U/450-U	8.9%
DOC2 500/300-550	8.6%
DRC 85-170	8.2%
DMR/C 75/75-95	5.0%
DMR/C 75/75-170	5.0%
DMR/C 95/75	10.6%
DMR/C 145/75	10.6%
DMR/C 280/125	8.7%
DMR/R 95/65	8.5%
DMR/R 145/65	9.7%
DMR/R 280/65	9.7%
IDM 65-150	Not applicable
IDM 75-85	Not applicable
IDM 85/85-170	5.0%
IDM 165/85-170	7.0%
IDR 45/125-270	5.0%
IDR 170	5.0%
IDR/C 125/150-270	7.0%
PMM-85	Not applicable

Table A for 23.58B.050	
Performance calculation amounts:	
In Downtown, SM-SLU, (and) SM-U, and SM-NG zones	
Zone	Performance calculation amount per square foot
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>6.0%</u>
<u>SM-NG 240</u>	<u>9.0%</u>
SM-SLU 100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	5.0%
SM-SLU 175/85-280	6.8%
SM-SLU 240/125-440	6.1%
SM-SLU/R 65/95	5.0%
SM-SLU 100/95	5.0%
SM-SLU 145	5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

Table B for 23.58B.050			
Performance calculation amounts:			
Outside Downtown, SM-SLU, (and) SM-U, and SM-NG zones			
Zone	Performance calculation amount per square foot		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities— Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	6.1%	6.1%	6.1%
Zones with an (M) suffix	5.0%	5.0%	5.0%
Zones with an (M1) suffix	8.0%	8.0%	8.0%
Zones with an (M2) suffix	9.0%	9.0%	9.0%
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

* * *

1 Section 10. Section 23.58C.040 of the Seattle Municipal Code, last amended by the
2 ordinance introduced as Council Bill 119444, is amended as follows:

3 **23.58C.040 Affordable housing—payment option**

4 A. Payment amount

5 1. An applicant complying with this Chapter 23.58C through the payment option
6 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
7 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
8 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
9 area of parking located in stories, or portions of stories, that are underground, and excluding
10 any floor area devoted to a domestic violence shelter, as follows:

11 a. In the case of construction of a new structure, the gross floor area in
12 residential use and the gross floor area of live-work units;

13 b. In the case of construction of an addition to an existing structure that
14 results in an increase in the total number of units within the structure, the gross floor area in
15 residential use and the gross floor area of live-work units in the addition;

16 c. In the case of alterations within an existing structure that result in an
17 increase in the total number of units within the structure, the gross floor area calculated by
18 dividing the total gross floor area in residential use and gross floor area of live-work units by
19 the total number of units in the proposed development, and multiplying that quotient by the net
20 increase in units in the structure;

21 d. In the case of change of use that results in an increase in the total
22 number of units, the gross floor area that changed to residential use or live-work units; or

23 e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, ((and)) SM-U 85 , and SM-NG zones	
Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$12.75
DH2/85	Not applicable
DMC 75	\$12.75
DMC 85/75-170	\$20.75
DMC 95	\$12.75
DMC 145	\$13.00
DMC 170	\$5.50
DMC 240/290-440	\$8.25
DMC 340/290-440	\$8.25
DMR/C 75/75-95	\$20.75
DMR/C 75/75-170	\$20.75
DMR/C 95/75	\$12.75
DMR/C 145/75	\$11.75
DMR/C 280/125	\$13.00
DMR/R 95/65	\$12.75
DMR/R 145/65	\$11.75
DMR/R 280/65	\$13.00
DOC1 U/450-U	\$12.00
DOC2 500/300-550	\$10.25
DRC 85-170	\$10.00
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	\$20.75
IDM 165/85-170	\$20.75
All IDR and IDR/C zones	\$20.75
PMM-85	Not applicable
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>\$13.25</u>
<u>SM-NG 240</u>	<u>\$20.00</u>
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$10.00
SM-SLU 100/95	\$7.50

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, ((and)) SM-U 85 , and SM-NG zones	
Zone	Payment calculation amount per square foot
SM-SLU 100/65-145	\$7.75
SM-SLU 145	\$7.75
SM-SLU 175/85-280	\$10.00
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$12.75
SM-U 85	\$13.25

Table B for 23.58C.040			
Payment calculation amounts:			
Outside Downtown, SM-SLU, ((and)) SM-U 85, and SM-NG zones			
Zone	Payment calculation amount per square foot		
	Low	Medium	High
Zones with an (M) suffix	\$7.00	\$13.25	\$20.75
Zones with an (M1) suffix	\$11.25	\$20.00	\$29.75
Zones with an (M2) suffix	\$12.50	\$22.25	\$32.75

1 2. Automatic adjustments to payment amounts. On March 1, 2017, and on the
 2 same day in 2018 and 2019, the amounts for payment calculations according to Table A and
 3 Table B for 23.58C.040 shall automatically adjust in proportion to the annual change for the
 4 previous calendar year (January 1 through December 31) in the Consumer Price Index, All
 5 Urban Consumers, Seattle-Tacoma- Seattle-Tacoma-Bellevue, WA, All Items (1982-84 = 100),
 6 as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.
 7 On March 1, 2020, and on the same day each year thereafter, the amounts for payment
 8 calculations according to Table A and Table B for 23.58C.040 shall automatically adjust in
 9 proportion to the annual increase for the previous calendar year (January 1 through December
 10 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bellevue, WA, Shelter
 11 (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or
 12 successor index.

* * *

Section 11. Section 23.58C.050 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 119444, is amended as follows:

23.58C.050 Affordable housing—performance option

A. Performance amount

1. An applicant complying with this Chapter 23.58C through the performance option shall provide, as part of the units to be developed in each structure, a number of units that meet the requirements according to subsection 23.58C.050.C calculated by multiplying the percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050, as applicable, by the total number of units to be developed in each structure, excluding units in a domestic violence shelter.

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

a. Round up to two units; or

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

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

a. Round up to the nearest whole unit; or

1 b. Round down to the nearest whole unit and pay a cash contribution for
2 the fraction of a unit not otherwise provided, calculated by multiplying the payment calculation
3 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
4 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to
5 subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and
6 dividing the resulting number by the total number of units required to be provided based on the
7 calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this
8 subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

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

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

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

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

- 23 1) Round up to the nearest whole unit; or

1 2) Round down to the nearest whole unit and pay a cash
2 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
3 23.58C.050.A.3.b; and
4 c. The construction of the structure(s) containing the units that meet the
5 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
6 earlier time than completion of construction of other structures in the development containing
7 units.

Table A for 23.58C.050 Performance calculation amounts: In Downtown, SM-SLU, (and) SM-U 85, and SM-NG zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	5.0%
DH2/85	Not applicable
DMC 75	5.0%
DMC 85/75-170	7.0%
DMC 95	5.0%
DMC 145	5.1%
DMC 170	2.1%
DMC 240/290-440	3.2%
DMC 340/290-440	3.2%
DMR/C 75/75-95	7.0%
DMR/C 75/75-170	7.0%
DMR/C 95/75	5.0%
DMR/C 145/75	4.6%
DMR/C 280/125	5.1%
DMR/R 95/65	5.0%
DMR/R 145/65	4.6%
DMR/R 280/65	5.1%
DOC1 U/450-U	4.7%
DOC2 500/300-550	4.0%
DRC 85-170	3.9%

Table A for 23.58C.050	
Performance calculation amounts:	
In Downtown, SM-SLU, ((and)) SM-U 85, and SM-NG zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	7.0%
IDM 165/85-170	7.0%
All IDR and IDR/C zones	7.0%
PMM-85	Not applicable
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>6.0%</u>
<u>SM-NG 240</u>	<u>9.0%</u>
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	3.9%
SM-SLU 100/95	2.9%
SM-SLU 100/65-145	3.0%
SM-SLU 145	3.0%
SM-SLU 175/85-280	3.9%
SM-SLU 240/125-440	3.9%
SM-SLU/R 65/95	5.0%
SM-U 85	6.0%

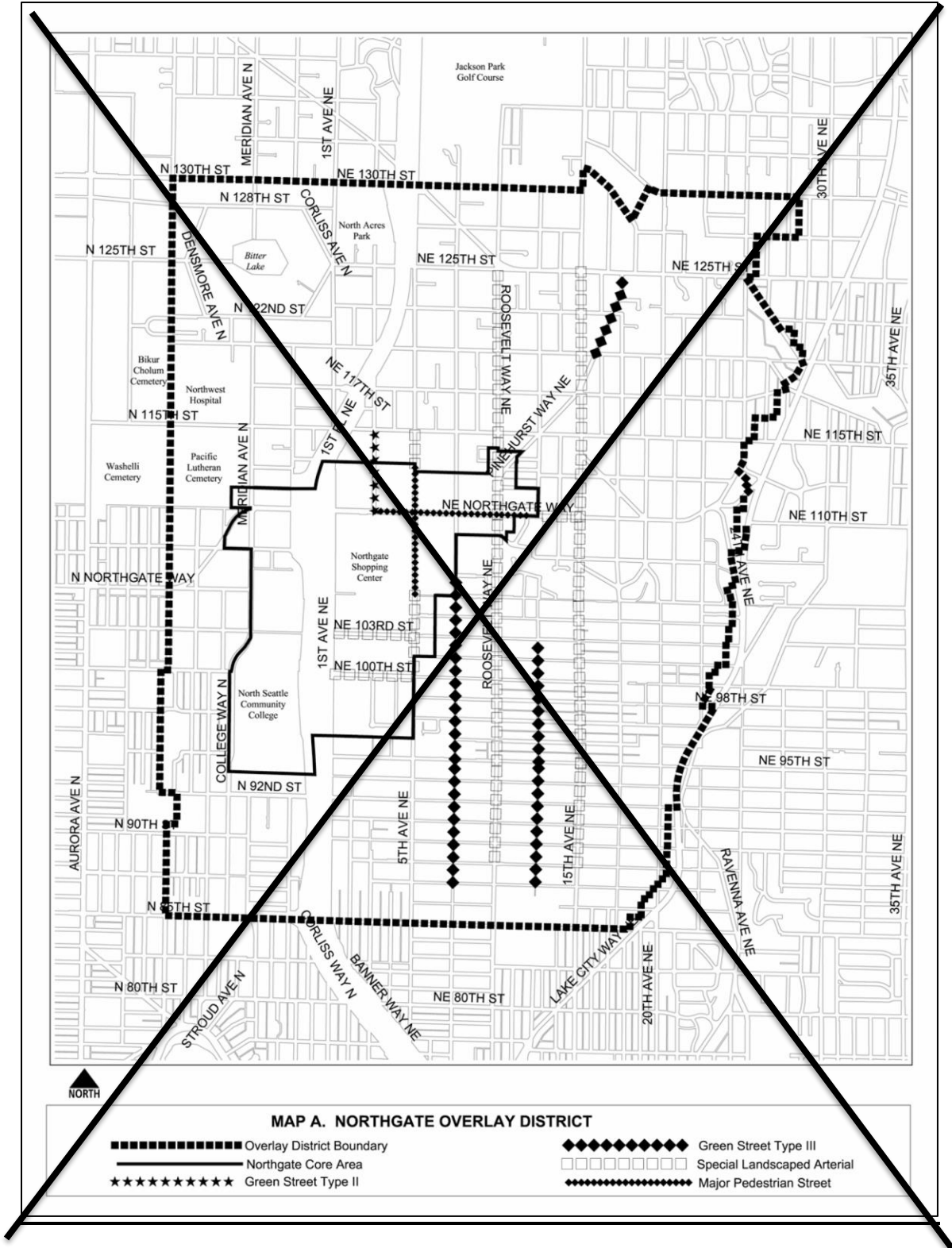
Table B for 23.58C.050			
Performance calculation amounts			
Outside Downtown, SM-SLU, ((and)) SM-U 85, and SM-NG zones			
Zone	Percentage set-aside per total number of units to be developed in each structure		
	Low	Medium	High
Zones with an (M) suffix	5.0%	6.0%	7.0%
Zones with an (M1) suffix	8.0%	9.0%	10.0%
Zones with an (M2) suffix	9.0%	10.0%	11.0%

* * *

1 Section 12. Section 23.71.004 of the Seattle Municipal Code, last amended by Ordinance
2 121362, is amended as follows:

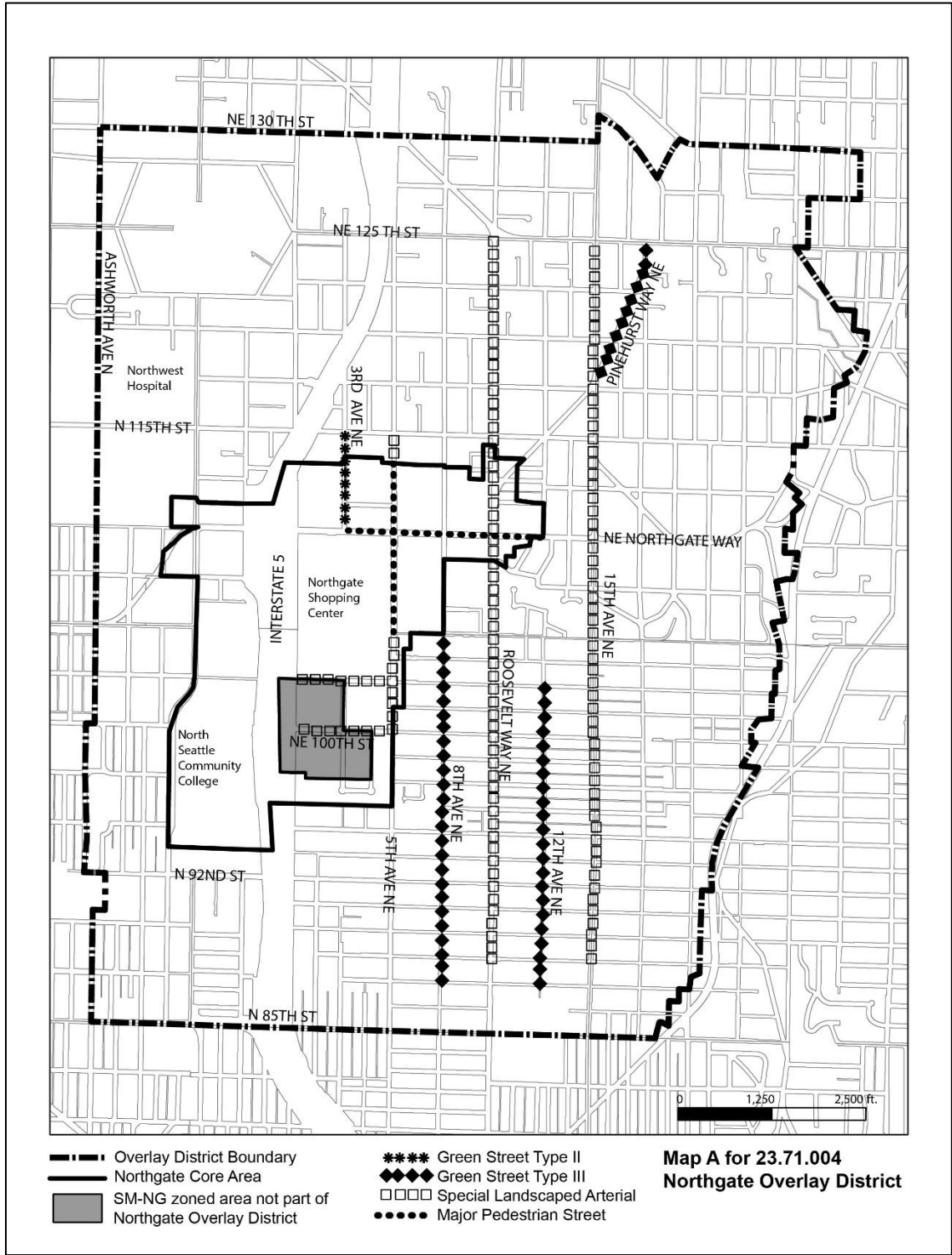
3 **23.71.004 Northgate Overlay District established ((-))**

4 There is hereby established, pursuant to Chapter 23.59 of the Seattle Municipal Code, the
5 Northgate Overlay District, as shown on the City's Official Land Use Map, Chapter 23.32, and
6 Map A for 23.71.004.



1
2

1 **Map A for 23.71.004**
 2 **Northgate Overlay District**



3

1 Section 13. Section 23.84A.025 of the Seattle Municipal Code, last amended by
2 Ordinance 125432, is amended as follows:

3 **23.84A.025 “M”**

4 * * *

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

11 * * *

12 Section 14. Section 23.84A.038 of the Seattle Municipal Code, last amended by the
13 Ordinance 125558, is amended as follows:

14 **23.84A.038 “T”**

15 * * *

16 “Tower,” in a Seattle Mixed ~~((SM))~~ zone, means for any portion of a structure with a height
17 that qualifies as a tower, the portion of a structure located above the designated podium height,
18 ~~((established for structures but only for structures that exceed the height limit for a structure~~
19 ~~that is not a tower.)) except as otherwise designated in the standards of the zone.~~

20 * * *

1 Section 15. Section 23.84A.048 of the Seattle Municipal Code, last amended by the
2 ordinance introduced as Council Bill 119444, is amended as follows:

3 **23.84A.048 “Z”**

4 * * *

5 “Zone, commercial” means a zone with a classification that includes one of the
6 following: NC1, NC2, NC3, C1, C2, ~~((SM,))~~ SM-SLU, SM-D, SM-NR, ~~((and))~~ SM-U, SM-UP,
7 and SM-NG, any of which classifications also may include one or more suffixes.

8 * * *

9 Section 16. Section 25.05.800 of the Seattle Municipal Code, last amended by the
10 ordinance introduced as Council Bill 119444, is amended as follows:

11 **25.05.800 Categorical exemptions**

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

15 A. Minor new construction; flexible thresholds

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

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

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

3 c. Requires a license governing emissions to air that is not exempt under
 4 RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or

5 d. Requires a land use decision that is not exempt under subsection
 6 25.05.800.F.

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

9 a. The construction or location of residential or mixed-use development
 10 containing no more than the number of dwelling units identified in Table A for 25.05.800_((;))
 11 below:

Table A for 25.05.800			
Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside of urban centers	Within urban centers where growth estimates have not been exceeded	Within urban centers where growth estimates have been exceeded
SF and RSL	4	4	4
LR1	4	200 ¹	20
LR2	6	200 ¹	20
LR3	8	200 ¹	20
NC1, NC2, NC3, C1, and C2	4	200 ¹	20
MR, HR, and Seattle Mixed zones	20	200 ¹	20
MPC-YT	NA	30 ¹	20
Downtown zones	NA	250 ¹	20
Industrial zones	4	4	4

Table A for 25.05.800
Exemptions for residential uses

Footnotes to Table A for 25.05.800
 NA = not applicable
 Urban centers are identified in the Seattle Comprehensive Plan
¹ Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

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

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

Table B for 25.05.800			
Exemptions for non-residential uses			
Zone	Exempt area of use (square feet of gross floor area)		
	Outside of urban centers	Within urban centers where growth estimates have not been exceeded	Within urban centers where growth estimates have been exceeded
SF, RSL ₂ , and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 ¹ or 30,000	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000	12,000
C1, C2, and Seattle Mixed zones	12,000	12,000 ¹ or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	12,000 ¹ or 30,000	12,000

Table B for 25.05.800
Exemptions for non-residential uses

Footnotes to Table B for 25.05.800

NA = not applicable

Urban centers are identified in the Seattle Comprehensive Plan

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

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

3 e. Any fill or excavation of 500 cubic yards or less throughout the total
4 lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt
5 project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d
6 shall be exempt;

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

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

14 h. For the purposes of this subsection 25.05.800.A, “mixed-use
15 development” means development having two or more principal uses, one of which is a
16 residential use comprising 50 percent or more of the gross floor area;

1 i. To implement the requirements of Table A for 25.05.800 and Table B
2 for 25.05.800, the Director shall establish implementation guidance by rule for how growth is
3 measured against exemption limits and how changes to thresholds will occur if exemption limits
4 are reached. The exemption limits shall consist of the growth estimates established in the
5 Comprehensive Plan for a given area, minus a “cushion” of ten percent to assure that
6 development does not exceed growth estimates without SEPA review; and

7 j. The Director shall monitor residential and employment growth and
8 periodically publish a determination of growth for each urban center. Residential growth shall
9 include, but need not be limited to, net new units that have been built and net new units in
10 projects that have received a building permit but have not received a certificate of occupancy.
11 Per implementation guidance established by rule, if the Director determines that exemption
12 limits have been reached for an urban center, subsequent development will be subject to the
13 lower thresholds as set forth in Table A for 25.05.800 and Table B for 25.05.800.

14 B. Other minor new construction

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

- 17 a. Is undertaken wholly or partly on lands covered by water;
- 18 b. Requires a license governing discharges to water that is not exempt
19 under RCW 43.21C.0383;
- 20 c. Requires a license governing emissions to air that is not exempt under
21 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or
- 22 d. Requires a land use decision that is not exempt under subsection
23 25.05.800.F.

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

4 3. The construction or installation of commercial on-premises signs, and public
5 signs and signals, including those for traffic control and wayfinding;

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

8 a. Safety structures and equipment: Such as pavement marking, adding or
9 removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle
10 traffic or volume, freeway surveillance and control systems, railroad protective devices (not
11 including grade-separated crossings), grooving, glare screen, safety barriers, or energy
12 attenuators;

13 b. Transportation corridor landscaping (including the application of state
14 of Washington approved herbicides by licensed personnel for right-of-way weed control as long
15 as this is not within watersheds controlled for the purpose of drinking water quality);

16 c. Temporary traffic controls and detours;

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

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

1 f. Channelization, rechannelization, elimination of sight restrictions at
2 intersections, street lighting, guard rails, and barricade installation;

3 g. Installation of catchbasins and culverts for the purposes of road and
4 street improvements;

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

8 i. Addition of bicycle lanes, paths and facilities, and pedestrian walks and
9 paths including sidewalk extensions, but not including additional automobile lanes;

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

13 6. Additions or modifications to or replacement of any building or facility exempted
14 by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or replacement
15 will not change the character of the building or facility in a way that would remove it from an
16 exempt class¹;

17 7. The demolition of any structure or facility, the construction of which would be
18 exempted by subsections 25.05.800.A and 25.05.800.B, except for structures or facilities with
19 recognized historical significance such as listing in a historic register¹;

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

1 9. The vacation of streets or roads, converting public right-of-way, and other
2 changes in motor vehicle access;

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

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

7 12. The installation of accessory solar energy generation equipment on or attached
8 to existing structures and facilities whereby the existing footprint and size of the building ~~((is))~~ are
9 not increased.

10 ¹ Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve
11 structures that exceed the following thresholds in Table A or B for Footnote (1) for
12 25.05.800.B.6 and 25.05.800.B.7 and that appear to meet criteria set forth in Chapter 25.12 for
13 Landmark designation are subject to referral to the Department of Neighborhoods pursuant to
14 Section 25.12.370:

Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7 Residential uses threshold for referral to Department of Neighborhoods (DON)	
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, <u>SM-NG</u> , and Downtown zones	20

Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Non-residential uses threshold for referral to Department of Neighborhoods (DON)

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

1

* * *

1 Section 17. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2019,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2019.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2019.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2019.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:
17 Attachment 1 – Seattle Mixed Northgate Rezone Map