CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.512, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.040 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.040 Rental housing registration, compliance declaration, and renewals

A. With the exception of rental housing units identified in subsection 22.214.030.A, all properties containing rental housing units shall be registered with the Department according to the registration deadlines in this subsection 22.214.040.A. After the applicable registration deadline, no one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a

property owner owns more than one housing unit in a condominium or cooperative building, the owner may submit a single registration application for the units owned in the building. Properties with rental housing units shall be registered according to the following schedule:

1. By July 1, 2014 all properties with ten or more rental housing units, and any property that has been subject to two or more notices of violation or one or more emergency orders of the Director for violating the standards in Chapters 22.200 through 22.208 where enforced compliance was achieved by the Department or the violation upheld in a final court decision;

2. By January 1, 2015 all properties with five to nine rental housing units; and

3. Between January 1, 2015 and December 31, 2016, all properties with one to four rental housing units shall be registered according to a schedule established by Director's rule. The schedule shall include quarterly registration deadlines; and shall be based on dividing the city into registration areas that are, to the degree practicable, balanced geographically and by rough numbers of properties to be registered in each area.

* * *

E. The fees for rental housing registration, renewal, or reinstatement, or other fees necessary to implement and administer the Rental Registration and Inspection Ordinance program, shall be adopted by amending Chapter 22.900. A rental housing registration or renewal shall not be issued until all fees required under this Chapter 22.214 have been paid.

* * *

H. A rental housing registration must be renewed according to the following procedures:

1. A registration renewal application and the renewal fee shall be submitted ((~~at least 30 days~~)) before the current registration expires;

2. All information required by subsection 22.214.040.G shall be updated as needed; and,

3. A new declaration as required by subsection 22.214.040.G.6 shall be submitted.

* * *

Section 2. Section 22.214.050 of the Seattle Municipal Code, last amended by Ordinance 125851, is amended as follows:

22.214.050 Inspection and certificate of compliance required

A. The Department shall periodically select, from registered properties containing rental housing units, the properties that shall be inspected by a qualified rental housing inspector for certification of compliance. The property selection process shall be based on a random methodology adopted by rule, and shall include at least ten percent of all registered rental properties per year. Newly constructed or substantially altered properties that receive final inspections or a first certificate of occupancy and register after January 1, 2014, shall not be included in the random property selection process ((~~after the date the property registration is required to be renewed for the first time~~)) for five years. After a property is selected for inspection, the Department shall provide at least 60 days' advance written notice to the owner or owner's agent to notify them that an inspection of the property is required. If a rental property owner chooses to hire a private qualified rental housing inspector, and also chooses not to inspect 100 percent of the rental housing units, the property owner or owner's agent shall notify the Department a minimum of five and a maximum of ten calendar days prior to the scheduled inspection, at which time the Department shall inform the property owner or owner's agent of the units selected for inspection. If the rental property owner chooses to hire a Department inspector,

the Department shall inform the property owner or owner's agent of the units selected for inspection no earlier than ten calendar days prior to the inspection.

* * *

E. A certificate of compliance shall be issued by a qualified rental housing inspector, based upon the inspector's physical inspection of the interior and exterior of the rental housing units, and the inspection shall be conducted not more than 60 days prior to the certificate of compliance date. A certificate of compliance shall not be issued until all fees required under this Chapter 22.214 have been paid.

* * *

Section 3. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

23.22.062 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones. ~~If development standards applicable to the parent lot are met, a unit lot may be undeveloped open space or may be developed with a use accessory to the principal use established on the parent lot.~~

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.22.062.A ((~~above~~)) may be subdivided into individual unit

lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

Section 4. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.22.100 Design standards

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this Section 23.22.100:

* * *

D. Special ((~~Exception~~)) exception. The Director's recommendation on a proposed subdivision, as a Type II special exception decision, may modify the standards of subsection 23.22.100.C.3, if the applicant demonstrates that the proposed plat meets the following criteria:

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

a. ((~~Natural topographic features or~~)) Topography, natural obstructions, configuration of existing lot lines prior to platting, existing platting patterns, or street alignment that prevent the platting of one or more lots according to the standards of subsection 23.22.100.C.3;

b. Location of existing principal structures that are retained on a lot existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.22.100.C.3;

c. Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.22.100.C.3.

2. Modification of the standards of subsection 23.22.100.C.3 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.

3. Lots created under the special exception standards of this subsection 23.22.100.D shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from ((~~the Regulations for Environmentally Critical Areas~~)) Chapter 25.09 for any development that may be proposed on the lots.

* * *

Section 5. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.24.040 Criteria for approval

* * *

B. Special ((~~Exception~~)) exception. The Director may modify the standards of subsection 23.24.040.A.8, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:

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

a. ((~~Natural topographic features or~~)) Topography, natural obstructions, configuration of existing lot lines prior to platting, existing platting patterns, or street alignment

that prevent the platting of one or more lots according to the standards of subsection 23.24.040.A.8;

b. Location of existing principal structures that are retained on lots existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.24.040.A.8;

c. Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.24.040.A.8.

2. Modification of the standards of subsection 23.24.040.A.8 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.

3. Lots created under the special exception standards of this subsection 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from ((~~the Regulations for Environmentally Critical Areas~~)) Chapter 25.09 for any development that may be proposed on the lots.

Section 6. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

23.24.045 Unit lot subdivisions

A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of land for residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any

combination of the above types of residential development as permitted in the applicable zones. ~~If development standards applicable to the parent lot are met, a unit lot may be undeveloped open space or may be developed with a use accessory to the principal use established on the parent lot.~~

B. Except for any lot for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.24.045.A ((~~above~~)) may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

C. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the ((~~Director of the~~)) King County ((~~Department of Records and Elections~~)) Recorder's Office. For common parking areas and garages, access easements and joint use and maintenance agreements shall include the right to use any required electric vehicle charging infrastructure and the terms of use.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is

formalized by an easement on the plat, as recorded with the ((~~Director of the~~)) King County ((~~Department of Records and Elections~~)) Recorder's Office.

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the ((~~Director of the~~)) King County ((~~Department of Records and Elections~~)) Recorder's Office.

Section 7. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance 125603, 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 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~~)) may be modified if at least one of the following criteria applies:

a. ((~~The property has one of the following conditions not created by the applicant:~~)) One or more of the existing lots prior to the lot boundary adjustment is irregular in shape;

((~~1~~))) b. ((~~Natural topographic features or~~)) Topography, natural obstructions, configuration of existing lot lines prior to lot line adjustment, existing platting

patterns, or street alignment prevent the reconfiguration of one or more lots according to the standards of subsection 23.28.030.A.3;

((~~2~~)) c. 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~~)) d. 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((~~.~~)) ; or

e. The lot boundary adjustment establishes an irregular lot line that resulted from an adverse possession claim.

((~~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~~)) No adjusted lot shall be approved for development without a determination that it is capable of being served by existing or extended infrastructure for ((~~has adequate~~)) drainage; a determination that the lot has water supply and sanitary sewage disposal; and a determination that there is access for vehicles, utilities, and fire protection;

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

* * *

Section 8. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance 125612, is amended as follows:

23.40.060 Living Building Pilot Program

* * *

B. Minimum standards. A project shall qualify for the Living Building Pilot Program if it is located outside of the shoreline jurisdiction, is reviewed in accordance with the full design review process provided in Section 23.41.014, and meets full Living Building Certification by achieving either all of the imperatives of the International Living Future Institute's (ILFI) Living Building Challenge SM 3.1 or 4.0 certification or all of the following:

1. The project meets ILFI Living Building Challenge SM Petal certification ((~~by attaining at least three of the seven performance areas, or "Petals," of the ILFI Living Building Challenge SM program, (Place, Water, Energy, Health and Happiness, Materials, Equity, and Beauty), including at least one of the following three petals: Water, Energy, or Materials~~));

2. Total annual building energy use that is 25 percent less than a baseline defined as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code Section C401.3;

3. None of the space heating and water heating in the project shall be provided using on-site combustion of fossil fuel; and

4. The project uses only nonpotable water to meet the demand for toilet and urinal flushing, irrigation, hose bib, cooling tower (make up water only), and water features, except to the extent other applicable local, state, or federal law requires the use of potable water.

* * *

Section 9. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended 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 or 2030 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060 and 23.40.070, including a development proposal for an existing structure, 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

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

	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
	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[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~~)) November 4, 2017. 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~~)) November 4, 2017.

Table A for 23.41.004 **Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones**
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 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 10. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 125927, is amended as follows:

23.41.012 Development standard departures

* * *

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

* * *

11. 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~~)) NC3-75 (Map A for 23.41.012, Roosevelt Commercial Core);

b. 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;

c. Within the Queen Anne Residential Urban Village and Neighborhood Commercial zones as shown on Map B 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;

d. 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;

e. 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;

f. 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

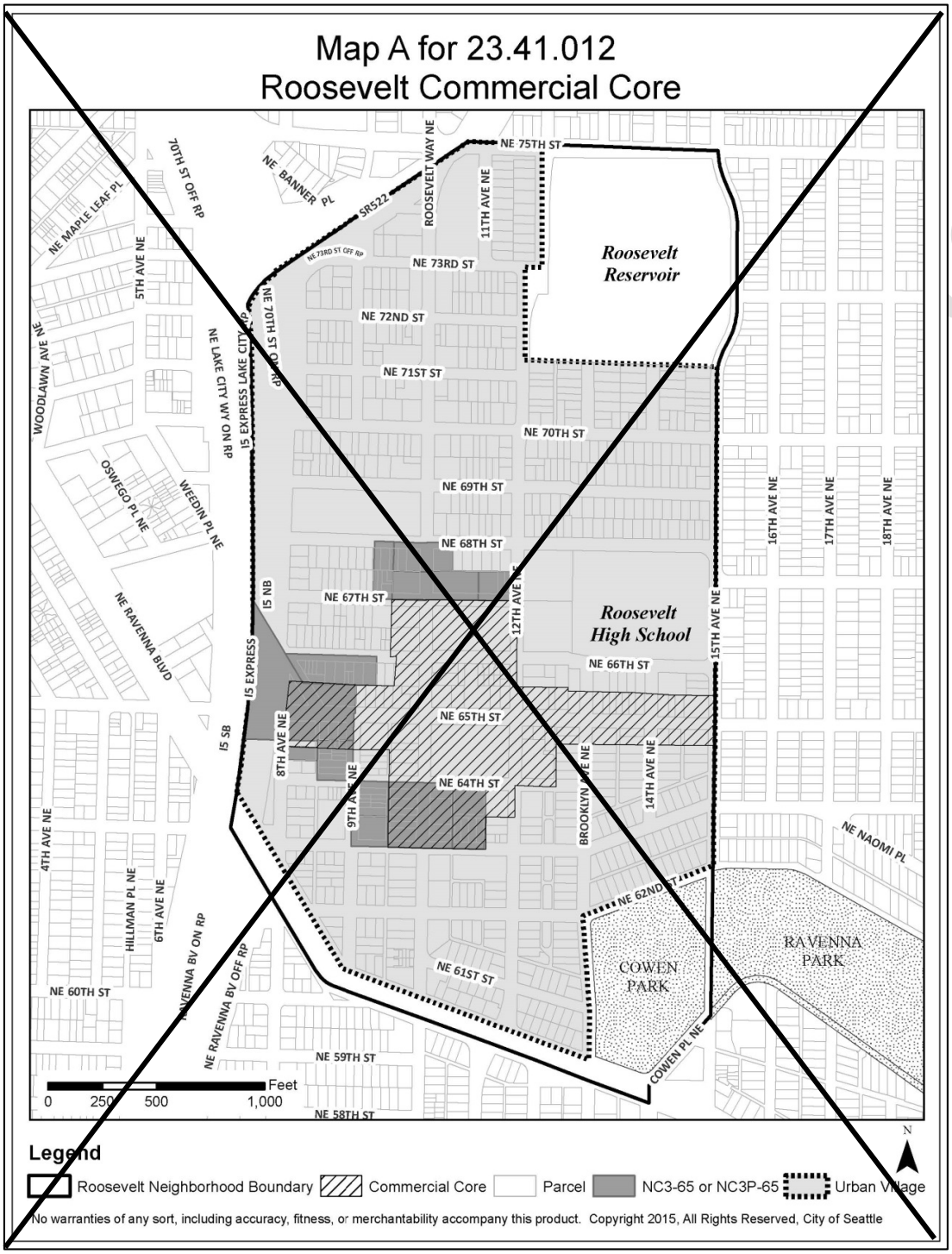
2) Avoiding development in the tree protection area will reduce the total development capacity of the site((.)) ;

g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial and Downtown zones, departures for rooftop features may be granted from rooftop coverage

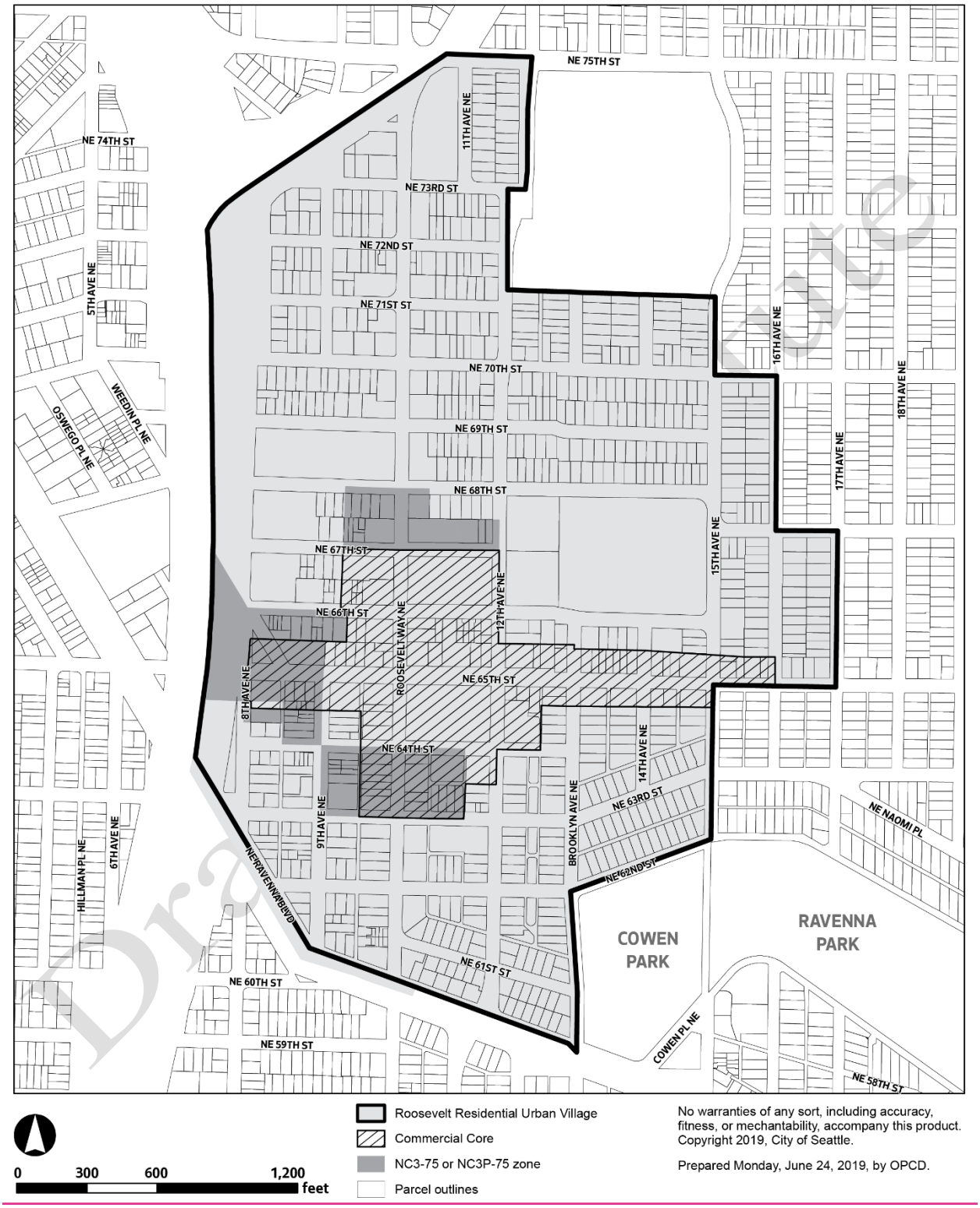
limits and setback standards from the roof edge, but not from the height limits for rooftop features.

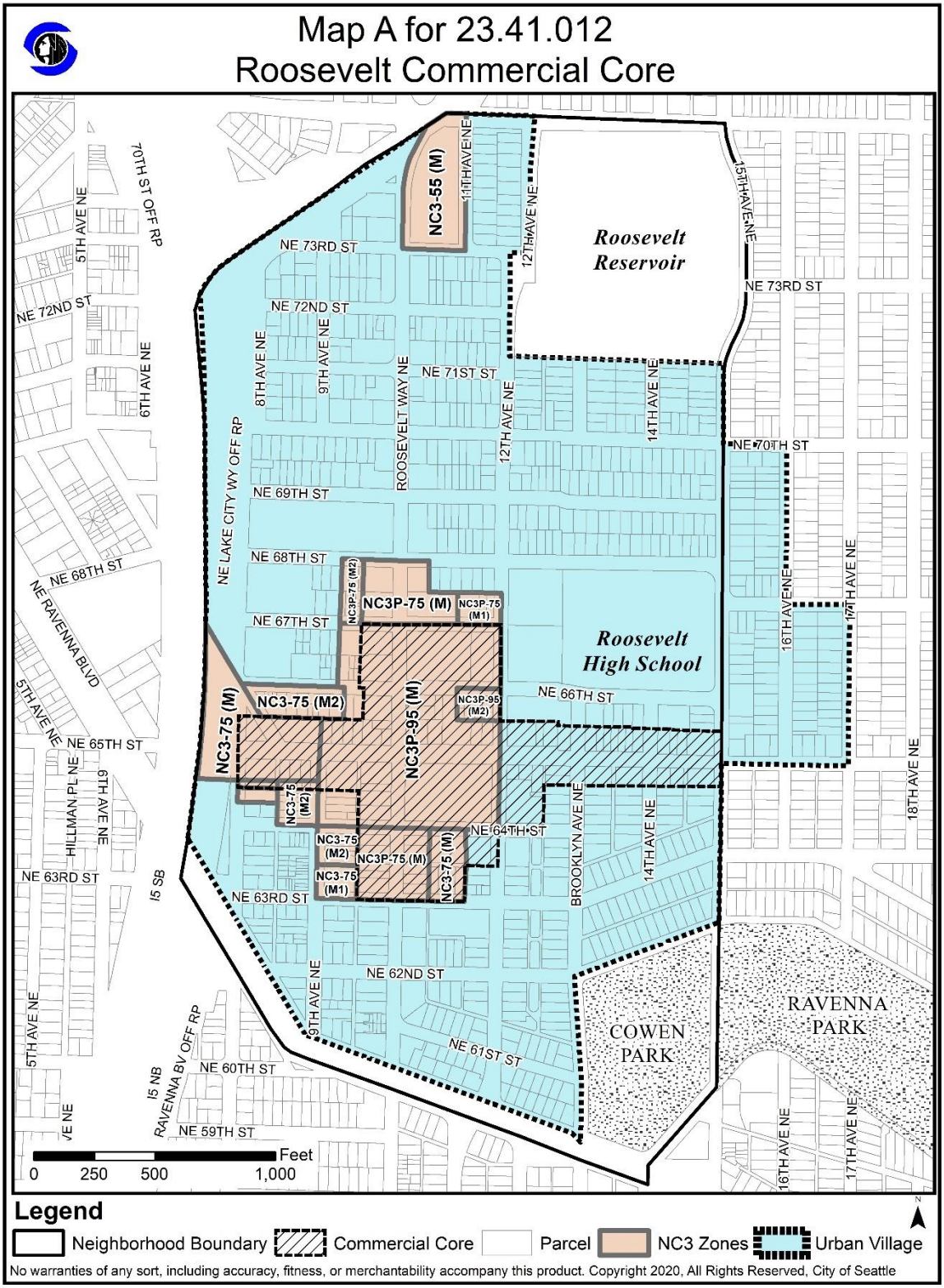
* * *

Map A for 23.41.012 Roosevelt Commercial Core



Map A for 23.41.012
Roosevelt Commercial Core

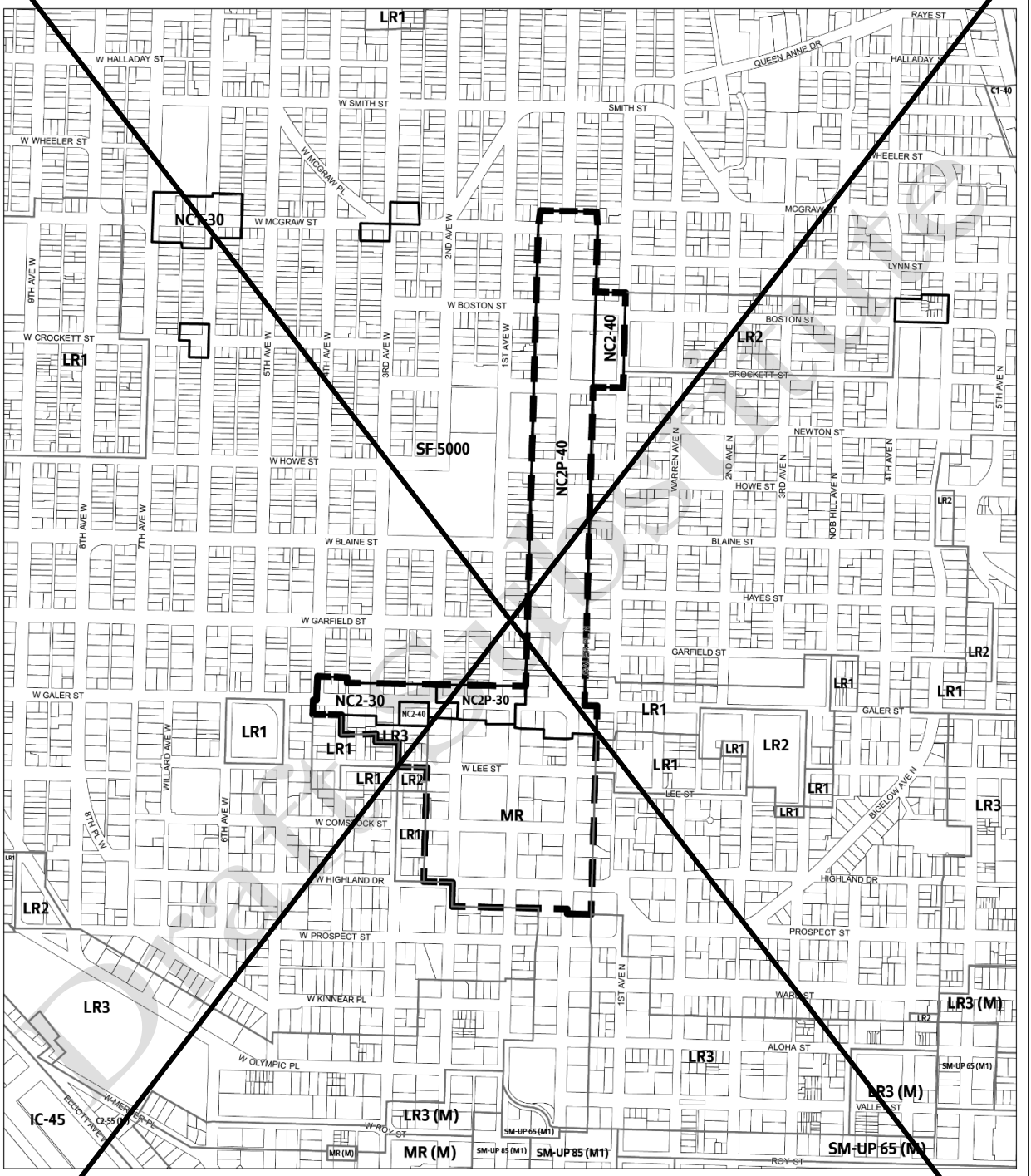




Map B for 23.41.012 Upper Queen Anne Commercial Areas

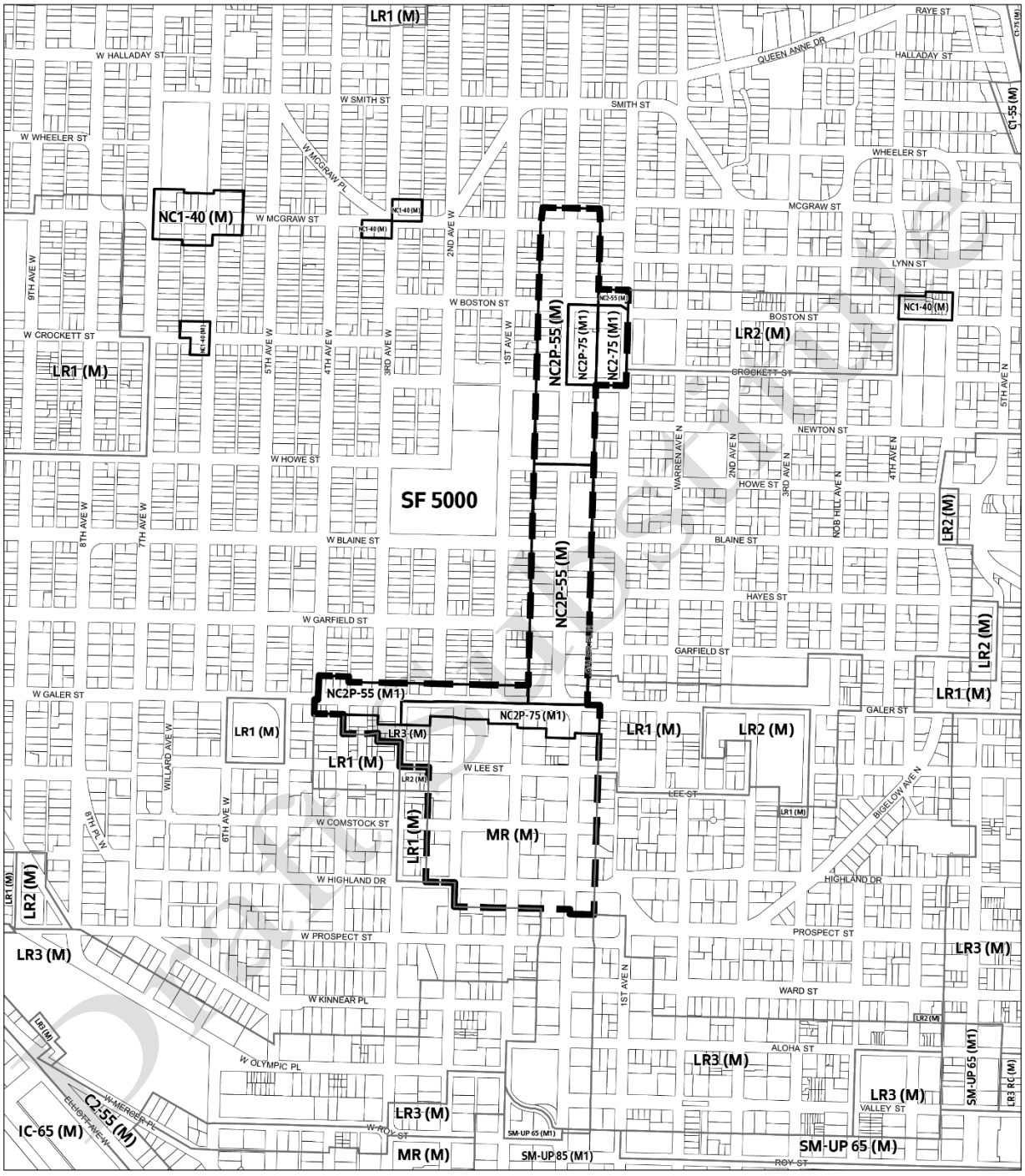
1

Map B for 23.41.012
Upper Queen Anne Commercial Areas



2

Map B for 23.41.012
Upper Queen Anne Commercial Areas



Prepared Monday, June 24, 2019, by OPCD.

Section 11. Section 23.42.048 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.42.048 Configuration of dwelling units

A. Dwelling units. In all zones a dwelling unit exists if the ((~~use~~)) area meets the requirements of subsection 23.42.048.A.1 or ((~~23.41.048.A.2~~)) 23.42.048.A.2 and if the ((~~use~~)) area is not ((~~an adult family home,~~)) a congregate residence((~~, assisted living facility,~~)) or nursing home, and is not located in a hotel, motel, or public facility such as a fire station.

1. A separate or separable area within a building, including:

a. ((~~a~~)) A complete food preparation area. A room or portion of a room designed, arranged, intended, or used for cooking or otherwise making food ready for consumption that contains a sink, and a stove or range, a refrigerator, and a countertop, shall be considered a complete food preparation area; and

b. ((~~a~~)) A bathroom containing a toilet, and a shower or bathtub; and

c. ((~~one~~)) One or more sleeping rooms.

2. A sleeping room with an associated private bathroom including a toilet, and a shower or bathtub, within a separate or separable area of a building that contains more than ((~~4~~)) four sleeping rooms, if:

a. ((~~fifty~~)) Fifty percent or more of the sleeping rooms in the separate or separable area have an associated private bathroom including a toilet, and a shower or bathtub; or

b. ((~~less~~)) Less than 30 percent of the floor area of the separate or separable area is in shared space such as a living or dining room.

3. For the purposes of this subsection 23.42.048.A, a separate or separable area is an area having direct access to the exterior of the building or access to the exterior via hallways

and stairways that are primarily ingress/egress routes to the exterior rather than leading to common kitchens and living areas.

* * *

Section 12. Subsection 23.42.112.B of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.42.112 Nonconformity to development standards

* * *

B. A structure nonconforming to development standards and occupied by or accessory to a residential use may be rebuilt or replaced but may not be expanded or extended in any manner that increases the extent of nonconformity unless specifically permitted by this code.

1. A survey by a licensed Washington surveyor, or other documentation acceptable to the Director, documenting the extent of nonconformity and confirming that the plans to rebuild or replace a residential structure create no unpermitted increase in nonconformity shall be required prior to approval of any permit to rebuild or replace a nonconforming residential structure.

2. Additions to a rebuilt nonconforming residential structure that meet current development standards are allowed.

3. Nonconforming development that is not structural, including but not limited to access or location of parking, may be maintained if a structure is rebuilt according to the requirements of this subsection 23.42.112.B.

* * *

Section 13. Subsection 23.44.008.C of the Seattle Municipal Code, which section was last amended by Ordinance 125791, is amended as follows:

23.44.008 Development standards for uses permitted outright

* * *

C. Floating homes are subject to the provisions of Chapter 23.60A((~~, Shoreline District,~~)) and are also subject to the parking provisions of this ((~~Section 23.44.008~~)) Chapter 23.44.

* * *

Section 14. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.010 Minimum lot area and lot coverage

* * *

B. Exceptions to minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed in SF 5000, SF 7200, and SF 9600 zones, 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~~)) Publicly owned properties and public or private lots developed with ((~~institutional uses, parks, or nonconforming~~)) non-residential uses such as parks or institutional 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.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 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, contract of sale, 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. A lot is considered to have been established as a separate building site by contract of sale only if that sale would have caused the property to be under separate ownership from all abutting lots.

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.

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 or containing priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, only if one of the following conditions applies:

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~~)) 23.76.006 is required for separate development of any lot ((~~with~~)) that has not been previously developed as a separate lot and has 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.C.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this subsection 23.44.010.B.3 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 subsection 23.44.010.B.3.b 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 15. Subsection 23.44.014.C of the Seattle Municipal Code, which section was last amended by Ordinance 125854, is amended as follows:

23.44.014 Yards

* * *

C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

1. Garages. ((~~Garages~~)) Attached and detached garages may be located in a required yard subject to the standards of Section 23.44.016.

* * *

3. A principal residential structure or a detached accessory dwelling unit may extend into one side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a 10-foot separation between that structure and any principal structure or detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured from the wall of the principal structure or the wall of the detached accessory dwelling unit that is proposed to extend into a side yard to the wall of the principal structure or detached accessory dwelling unit on the abutting lot.

a. No structure or portion of a structure may be built on either lot within the 10-foot separation, except as provided in this Section 23.44.014.

b. Accessory structures, other than detached accessory dwelling units, and features of and projections from principal structures, such as porches, eaves, and chimneys, are

permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a structure or feature may project into the 10-foot separation, assume the property line is 5 feet from the wall of the principal structure or detached accessory dwelling unit proposed to extend into a side yard and consider the 5 feet between the wall and the assumed property line to be the required side yard.

c. ((~~No~~)) Notwithstanding subsection 23.44.014.C.3.b, no portion of any structure, including eaves or any other projection, shall cross the actual property line.

d. The easement shall be recorded with the King County Recorder's Office. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required 5-foot side yard.

4. Certain additions. Certain additions to an existing single-family structure, or an existing accessory structure if being converted to a detached accessory dwelling unit, may extend into a required yard if the existing single-family structure or existing accessory structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the existing nonconforming wall of the structure is the limit to which any additions may be built, except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit A for 23.44.014):

a. Side yard. If the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than 3 feet to the side lot line;

b. Rear yard. If the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than 20 feet to the rear lot line or centerline of an alley abutting the rear lot line or, in the case of an existing accessory structure being converted to a detached accessory dwelling unit, 3 feet to the rear lot line;

* * *

5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may project into any required yard, if ((~~each component is~~)) the surface of porches or steps are no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has ((~~no horizontal distance~~)) a width and depth no greater than 6 feet within the required yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are permitted in the required yards.

* * *

7. ((~~Covered unenclosed~~)) Unenclosed decks and roofs over patios. ((~~Covered, unenclosed~~)) Unenclosed decks and roofs over patios, if attached to a principal structure or a detached accessory dwelling unit, may extend into the required rear yard, but shall not be within 12 feet of the centerline of any alley, or within ((~~12~~)) 5 feet of any rear lot line that is not an alley lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the principal structure along that side, or closer than 5 feet to any accessory structure. The height of

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the roof over unenclosed decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as a deck.

* * *

17. Stormwater management

a. Above-grade green stormwater infrastructure (GSI) features are allowed without yard restrictions if:

1) Each above-grade GSI feature is ((~~less~~)) no more than 4.5 feet tall, excluding piping;

2) Each above-grade GSI feature is ((~~less~~)) no more than 4 feet wide; and

3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

* * *

19. Below grade structures. Structures below grade, measured from existing or finished grade, whichever is lower, may be located below required yards.

* * *

Section 16. Subsection 23.44.016.D of the Seattle Municipal Code, which section was last amended by Ordinance 125791, is amended as follows:

23.44.016 Parking and garages

* * *

D. Parking and garages in required yards. Parking and garages are regulated as described in subsections 23.44.016.D.1 through 23.44.016.D.12. Unless otherwise specified, the terms

"garage" or "garages" as used in this subsection 23.44.016.D refer to both attached and detached garages.

1. Parking and garages shall not be located in the required front yard except as provided in subsections 23.44.016.D.7, 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

2. Parking and garages shall not be located in a required side yard abutting a street or the first 10 feet of a required rear yard abutting a street except as provided in subsections 23.44.016.D.7, 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

3. Garages shall not be located in a required side yard that abuts the rear or side yard of another lot or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot's side lot line unless:

a. The garage is a detached garage ((~~located entirely in~~)) and extends only into that portion of a side yard that is either within 35 feet of the centerline of an alley or within 25 feet of any rear lot line that is not an alley lot line; or

b. An agreement between the owners of record of the abutting properties, authorizing the garage in that location, is executed and recorded, pursuant to subsection 23.44.014.C.2.a.

4. Detached garages with vehicular access facing an alley shall not be located within 12 feet of the centerline of the alley except as provided in subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12.

5. Attached garages shall not be located within 12 feet of the centerline of any alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

6. On a reversed corner lot, no garage shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot unless the provisions of subsection 23.44.016.D.9 apply.

7. If access to required parking passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the open access located in a required yard.

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.

9. Lots with uphill yards abutting streets. In SF 5000, SF 7200, and SF 9600 zones, parking for one two-axle or one up to four-wheeled vehicle may be established in a required yard abutting a street according to subsection 23.44.016.D.9.a or 23.44.016.D.9.b only if access to parking is permitted through that yard pursuant to subsection 23.44.016.B.

a. Open parking space

1) The existing grade of the lot slopes upward from the street lot line an average of at least 6 feet above sidewalk grade at a line that is 10 feet from the street lot line; and

2) The parking area shall be at least an average of 6 feet below the existing grade prior to excavation and/or construction at a line that is 10 feet from the street lot line; and

3) The parking space shall be no wider than 10 feet for one parking space at the parking surface and no wider than 20 feet for two parking spaces if permitted as provided in subsection 23.44.016.D.12.

b. Terraced garage

1) The height of a terraced garage is limited to no more than 2 feet above existing or finished grade, whichever is lower, for the portions of the garage that are 10 feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to 3 feet above this 2-foot height limit. All parts of the roof above the 2-foot height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof shall be permitted to extend beyond the 2-foot height limit of this provision. Portions of a terraced garage that are less than 10 feet from the street lot line shall comply with the height standards in subsection 23.44.016.E.2;

2) The width of a terraced garage structure shall not exceed 14 feet for one two-axle or one up to four-wheeled vehicle, or 24 feet if permitted to have two two-axle or two up to four-wheeled vehicles as provided in subsection 23.44.016.D.12;

3) All above ground portions of the terraced garage shall be included in lot coverage; and

4) The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

10. Lots with downhill yards abutting streets. In SF 5000, SF 7200, and SF 9600 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if the following conditions are met:

a. The existing grade slopes downward from the street lot line that the parking faces;

b. For front yard parking, the lot has a vertical drop of at least 20 feet in the first 60 feet, measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking is not permitted in required side yards abutting a street;

d. Parking in a rear yard complies with subsections 23.44.016.D.2, 23.44.016.D.5, and 23.44.016.D.6; and

e. Access to parking is permitted through the required yard abutting the street by subsection 23.44.016.B.

11. Through lots. On through lots less than 125 feet in depth in SF 5000, SF 7200, and SF 9600 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in one of the required front yards. The front yard in which the parking may be located shall be determined by the Director based on the location of other garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

12. Lots with uphill yards abutting streets or downhill or through lot front yards fronting on streets that prohibit parking. In SF 5000, SF 7200, and SF 9600 zones, parking for two two-axle or two up to four-wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.9, 23.44.016.D.10 or 23.44.016.D.11 if, in consultation with the Seattle Department of Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one side of the street within 200

feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary, for access.

* * *

Section 17. Section 23.44.026 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.44.026 Use of landmark structures or sites

A. The Director may authorize a use not otherwise permitted in the zone as an administrative conditional use within a structure or on a site designated as a landmark pursuant to Chapter 25.12((~~, Landmark preservation ordinance,~~)) subject to the following development standards:

1. The use shall be compatible with the existing configuration of the site and with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of site configuration or structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure or site in a reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

B. The parking requirements for a use allowed in a landmark are those listed in Section 23.54.015. These requirements may be waived pursuant to ((~~Section~~)) subsection 23.54.020.C.

Section 18. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.44.041 Accessory dwelling units

A. 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. Number of accessory dwelling units allowed on a lot

a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a principal single-family dwelling unit may have up to two accessory dwelling units, provided that the following conditions are met:

1) Only one accessory dwelling unit may be a detached accessory dwelling unit; and

2) A second accessory dwelling unit is allowed only if((-)):

(((~~1~~))) a) The second accessory dwelling unit is added by converting floor area within an existing structure; or

b) For a new structure, the applicant makes a commitment that the new principal structure containing an attached accessory dwelling unit or the new accessory structure containing a detached accessory dwelling unit will meet a green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D((~~. A second accessory dwelling unit that is proposed within an existing structure does not require the structure to be updated to meet the green building standard~~)); or (((~~(2) if~~)))

c) the second accessory dwelling unit is a rental unit affordable to and reserved solely for "income-eligible households," as defined in Section 23.58A.004, and is subject to an agreement specifying the affordable housing requirements under this subsection approved by the Director of Housing to ensure that the housing shall serve only income-eligible households for a minimum period of 50 years. The monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the

Director of Housing, and the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement.

Prior to issuance, and as a condition to issuance, of the first building permit for a project, the applicant shall execute and record a declaration in a form acceptable to the Director that shall commit the applicant to satisfy the conditions to establishing a second accessory dwelling unit as approved by the Director.

b. In an RSL zone, each principal dwelling unit 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.

3. In an SF 5000, SF 7200, or SF 9600 zone, ((~~A~~))any number of related persons may occupy each unit on a lot with one or more accessory dwelling units. If unrelated persons occupy any dwelling unit, the total number of persons occupying all dwelling units may not altogether exceed eight if there is one accessory dwelling unit on the lot. If two accessory dwelling units exist on the lot, the total number of unrelated persons occupying all units may not altogether exceed 12.

4. In RSL zones, any number of related persons may occupy each principal unit, or each principal unit plus an associated accessory dwelling unit. If unrelated persons occupy either unit, the total number of persons occupying the principal unit plus an associated accessory dwelling unit may not altogether exceed eight.

5. In an SF 5000, SF 7200, or SF 9600 zone, accessory dwelling units are subject to the tree requirements in subsection 23.44.020.A.2.

((5))6. No off-street parking is required for accessory dwelling units. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot.

* * *

C. Detached accessory dwelling units. Detached accessory dwelling units are subject to the following additional conditions:

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

Table A for 23.44.041 **Development standards for detached accessory dwelling units** [1, 2]	
a. Minimum lot size	3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet [3]
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit. The bicycle parking area shall be provided in a safe((,)) and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.

Table A for 23.44.041 **Development standards for detached accessory dwelling units** [1, 2]				
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. [4]			
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. [4, 5, 6]			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits [7, 8, 9]	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) [10]	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
l. Minimum separation from	5 feet			

Table A for 23.44.041 **Development standards for detached accessory dwelling units [1, 2]**	
principal ((~~dwelling unit~~)) structure	

Footnotes to Table A for 23.44.041

[1]The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

[2]The Director may allow an exception to standards i and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

[3]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.

[4]External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

[5]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.

[6]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.

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

[8]Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to ((~~row~~)) standard k if all conditions of subsection 23.44.012.C.3 are satisfied.

[9]Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

[10]Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

* * *

Section 19. Section 23.45.506 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.45.506 Administrative conditional uses

A. Uses permitted as administrative conditional uses in Section 23.45.504((,)) may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.

B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright. If an existing structure is nonconforming to development standards, then no conditional use is required for any alterations that do not increase the nonconformity.

* * *

Section 20. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.518 Setbacks and separations

* * *

H. Projections permitted in required setbacks and separations

1. Cornices, eaves, gutters, roofs, and other forms of weather protection may project into required setbacks and separations a maximum of 4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other features that do not provide floor area may project a maximum of 18 inches into required setbacks and separations if they:

a. Are a minimum of 30 inches above the finished floor;

b. Are no more than 6 feet in height and 8 feet wide; and

c. Combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the facade.

3. Bay windows and other features that provide floor area may project a maximum of 2 feet into required setbacks and separations if they:

a. ((~~are~~)) Are no closer than 5 feet to any lot line;

b. ((~~are~~)) Are no more than 10 feet in width; and

c. ((~~combined~~)) Combined with garden windows and other features included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

4. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks or separations ((~~to the lot line~~)).

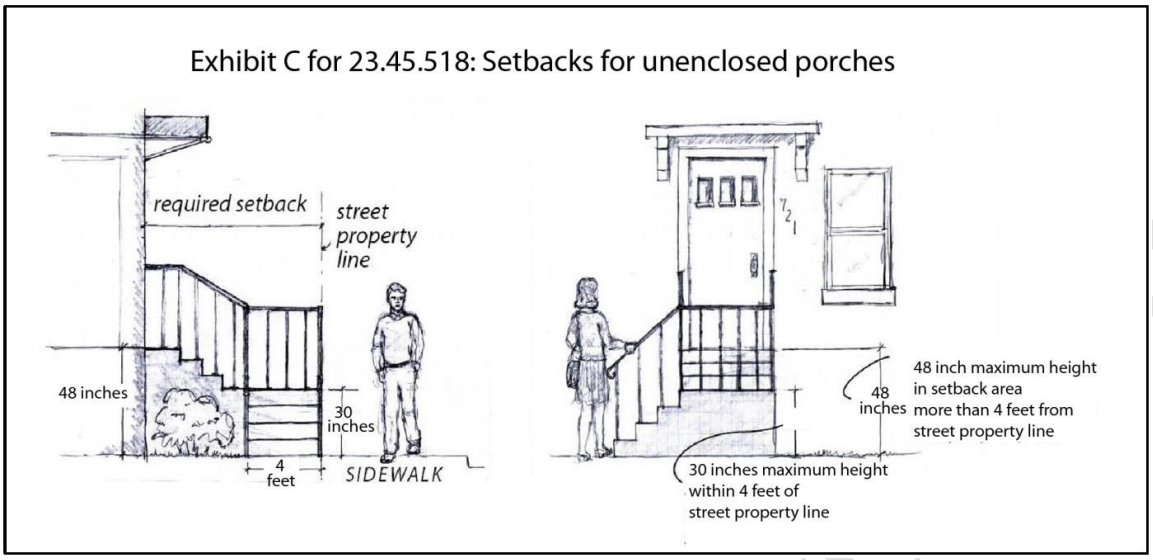
5. Unenclosed porches or steps

a. Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade, whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

b. Unenclosed porches or steps no higher than 4 feet above existing grade may project into the required rear setback or required separation between structures a maximum of 4 feet provided they are a minimum of 5 feet from a rear lot line.

c. Unenclosed porches or steps permitted in required setbacks and separations shall be limited to a combined maximum width of 20 feet.

Exhibit C for 23.45.518 Setbacks for unenclosed porches



d. Permitted porches or steps may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

6. Fireplaces and chimneys may project up to 18 inches into required setbacks or separations.

7. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks if each one is:

a. No closer than 5 feet to any lot line;

b. No more than 20 feet wide; and

c. Separated from other decks and balconies on the same facade of the structure by a distance equal to at least 1/2 the width of the projection.

8. 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. Any heat pump or similar equipment shall not 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.

I. Structures in required setbacks or separations, except upper-level setbacks

* * *

10. Above-grade green stormwater infrastructure (GSI) features are allowed without setback or separation restrictions if:

a. Each above-grade GSI feature is ((~~less~~)) no more than 4.5 feet tall, excluding piping;

b. Each above-grade GSI feature is ((~~less~~)) no more than 4 feet wide; and

c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

11. Above-grade GSI features larger than what is allowed in subsection 23.45.518.I.10 are allowed within a required setback or separation if:

a. Above-grade GSI features do not exceed ten percent coverage of any one setback or separation area;

b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and

c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.

* * *

Section 21. Subsection 23.45.522.D of the Seattle Municipal Code, which section was last amended by Ordinance 125791, is amended as follows:

23.45.522 Amenity area

* * *

D. General requirements. Required amenity areas shall meet the following conditions:

1. All units shall have access to a common or private amenity area.

2. Enclosed amenity areas

a. In LR zones, an amenity area shall not be enclosed within a structure.

b. In MR and HR zones, except for cottage housing, no more than 50 percent of the amenity area may be enclosed, and this enclosed area shall be provided as common amenity area.

3. Projections into amenity areas. Structural projections that do not provide floor area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8 feet above finished grade.

4. Private amenity areas

a. There is no minimum dimension for private amenity areas, except that if a private amenity area ((~~abuts~~)) is located between the structure and a side lot line that is not a side street lot line, the minimum horizontal dimension shall be measured from the side lot line and is required to be a minimum of 10 feet.

b. An unenclosed porch that is a minimum of 60 square feet in size and that faces a street or a common amenity area may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.

5. Common amenity areas for rowhouse and townhouse developments and apartments shall meet the following conditions:

a. No common amenity area shall be less than 250 square feet in area, and common amenity areas shall have a minimum horizontal dimension of 10 feet.

b. Common amenity areas shall be improved as follows:

1) At least 50 percent of a common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes, bioretention facilities, and/or trees.

2) Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features, shall be provided.

c. The common amenity area required at ground level for apartments shall be accessible to all apartment units.

6. Parking areas, vehicular access easements, and driveways do not qualify as amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

7. Swimming pools, spas, and hot tubs may be counted toward meeting the amenity area requirement.

8. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as amenity areas.

* * *

Section 22. Subsection 23.45.545.C of the Seattle Municipal Code, which section was last amended by Ordinance 125854, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

C. Solar collectors

1. Solar collectors that meet minimum written energy conservation standards administered by the Director are permitted in required setbacks, subject to the following:

a. Detached solar collectors are permitted in required rear setbacks, no closer than 5 feet to any other principal or accessory structure.

b. Detached solar collectors are permitted in required side setbacks, no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot line.

2. Sunshades that provide shade for solar collectors that meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade may be no closer than 5 feet to the lot line.

3. Solar collectors on roofs. Solar collectors ((~~that meet minimum written energy conservation standards administered by the Director and~~)) that are located on a roof are permitted as follows:

a. In LR zones up to 4 feet above the maximum height limit or 4 feet above the height of stair or elevator penthouse(s), whichever is higher; and

b. In MR and HR zones up to 10 feet above the maximum height limit or 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

c. If the solar collectors would cause an existing structure to become nonconforming, or increase an existing nonconformity, the Director may permit the solar collectors as a special exception pursuant to Chapter 23.76. ((~~Such s~~))Solar collectors may be

permitted under this subsection 23.45.545.C.3.c even if the structure exceeds the height limits established in this subsection 23.45.545.C.3, ((~~when~~)) if the following conditions are met:

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

2) ((~~Such~~)) The 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.

* * *

Section 23. Section 23.47A.008 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.47A.008 Street-level development standards

* * *

C. In addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, the following standards also apply in pedestrian designated zones:

* * *

5. Maximum width and depth limits

a. The maximum width and depth of a structure, or of a portion of a structure for which the limit is calculated separately according to subsection 23.47A.008.C.5.b, is 250 feet, except as otherwise provided in subsection 23.47A.008.C.5.c. Structure width may exceed 250 feet if the structure complies with the modulation standards in subsection 23.47A.014.D.

b. For purposes of this subsection 23.47A.008.C.5, the width and depth limits shall be calculated separately for a portion of a structure if:

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

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

c. For purposes of this subsection 23.47A.008.C.5, the following portions of a structure shall not be included in measuring width and depth:

1) Designated Landmark structures that are retained on the lot.

2) Stories of a structure on which more than 50 percent of the total gross floor area is occupied by any of the following uses:

a) Arts facilities;

b) Community clubs or community centers;

c) Child care centers;

d) Elementary or secondary schools;

e) Performing arts theaters; or

f) Religious facilities.

* * *

D. Where residential uses are located along a street-level street-facing facade, the following requirements apply unless exempted by subsection 23.47A.008.G:

1. At least one of the street-level, street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and

2. The floor of a dwelling unit located along the street-level, street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk. An exception to the standards of this subsection ((~~23.44.008.D.2~~)) 23.47A.008.D.2 may be granted as a Type I decision if the following criteria are met:

a. An accessible route to the unit is not achievable if the standard is applied or existing site conditions such as topography make access impractical if the standard is applied;

b. The floor is at least 18 inches above average sidewalk grade or 4 feet below sidewalk grade, or is set back at least 10 feet from the sidewalk; and

c. The visually prominent pedestrian entry is maintained.

* * *

Section 24. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.47A.012 Structure height

* * *

C. Rooftop features

1. Smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64((~~, Airport Height Overlay District~~)), provided they are a minimum of 10 feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever is higher. Insulation material((~~, rooftop decks and other similar features,~~)) or soil for landscaping

located above the structural roof surface may exceed the maximum height limit by up to 2 feet if enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2. Rooftop decks and other similar features may exceed the maximum height limit by up to two feet, and open railings or parapets required by the Building Code around the perimeter of rooftop decks or other similar features may exceed the maximum height limit by the minimum necessary to meet Building Code requirements.

* * *

Section 25. Subsection 23.47A.013.B of the Seattle Municipal Code, which section was last amended by Ordinance 125791, is amended as follows:

23.47A.013 Floor area ratio

* * *

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

1. All stories, or portions of stories, that are underground;

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. 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.B.4.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.B.4.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; and

5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5 and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8; ((~~and~~))

7. 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((~~.~~)) ; and

8. Child care centers.

* * *

Section 26. Subsection 23.48.005.D of the Seattle Municipal Code, which section was last amended by Ordinance 125603, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level 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((.)) ; and

i. Child care centers.

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.

* * *

Section 27. A new Section 23.48.007 is added to the Seattle Municipal Code as follows:

23.48.007 Major Phased Developments

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84A.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. Minimum site size of 5 acres, composed of contiguous parcels or parcels divided only by one or more rights-of-way.

2. The proposed project, which at time of application is a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of 200,000 square feet.

3. The first phase of the development consists of at least 100,000 square feet in gross building floor area.

4. At the time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail that is sufficient to reasonably assess anticipated impacts, including those associated with a maximum build-out, within the timeframe requested for Master Use Permit extension.

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than 15 years from the date of issuance.

C. Changes to the approved Major Phased Development

1. When an amendment to a Master Use Permit with a Major Phased Development component is requested, the Director shall determine whether the amendment is minor or not.

a. A minor amendment is one that meets the following criteria:

1) Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

2) Compliance with applicable requirements of this Title 23 in effect at the time of the original Master Use Permit approval; and

3) No significantly greater impact would occur.

2. If the Director determines that the amendment is minor, the Director may approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the original approval shall be retained.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing Major Phased Development approval or may submit a revised Major Phased Development application. The revised application shall be the subject of a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised Major Phased Development application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

Section 28. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.48.020 Floor area ratio (FAR)

A. General provisions

1. All gross floor area not exempt under subsection 23.48.020.((~~D~~))B counts toward the gross floor area allowed under the FAR limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.

3. 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.

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.

7. Child care centers.

* * *

Section 29. Section 23.48.025 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.48.025 Structure height

* * *

C. Rooftop features

* * *

4. The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.025.C.4, including weather protection such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012; and

g. Covered or enclosed common amenity area for structures exceeding a height of 125 feet.

* * *

Section 30. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance 125927, 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. In the zones shown on Table A for 23.48.220, all non-

exempt floor area above the base FAR is considered extra floor area. Extra floor area may be obtained, up to the maximum FAR, only through the provision of public amenities according to Section 23.48.021 and Chapter 23.58A.

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.

* * *

Section 31. Subsection 23.48.225.A of the Seattle Municipal Code, which section was last amended by Ordinance 125927, is amended as follows:

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

1. In zones listed below in this subsection 23.48.225.A.1, 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 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 Section 23.48.025, the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A ((~~and if the~~

~~structure complies with the standards for tower development specified in Section 23.48.240 (Street-level development standards in South Lake Union Urban Center) and Section 23.48.245 (Upper-level development standards in South Lake Union Urban Center)~~)):

SM-SLU 100/65-145

SM-SLU 85/65-160

SM-SLU 175/85-280

SM-SLU 240/125-440

2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

3. In the SM-SLU 85-280 zone, except as stated in subsections 23.48.225.C and 23.48.225.F, the base height limit is the applicable height limit for portions of a structure if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra residential floor area under the provisions of Chapter 23.58A, and if the structure complies with the standards for residential tower development in this Chapter 23.48.

4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in non-residential or live-work use is 100 feet and the maximum height limit for portions of a structure in residential use is 95 feet.

5. In the SM-SLU 145 zone, the maximum height for all uses is 145 feet.

* * *

Section 32. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance 125927, 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.

A. Upper-level floor area limit. For residential towers, the average gross floor area of all stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent of the lot area, provided that:

1. In no case shall the gross floor area of stories above the podium height exceed the gross floor area limits of subsection 23.48.245.B.2; and

2. The limit on towers per block in subsection 23.48.245.F applies.

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~~)) 23.48.220.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. If the street lot line is not straight, the measurement will be from the point where the distance between the street lot line and the rear lot line is the narrowest. The podium height is

measured from the grade elevation at the street lot line. In the SM-SLU 85/65-160 and the SM-175/85-280 zones on the blocks bounded by Valley Street or Roy Street, Mercer Street, ((9th)) Dexter 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 gross 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 required for residential tower development, 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;

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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

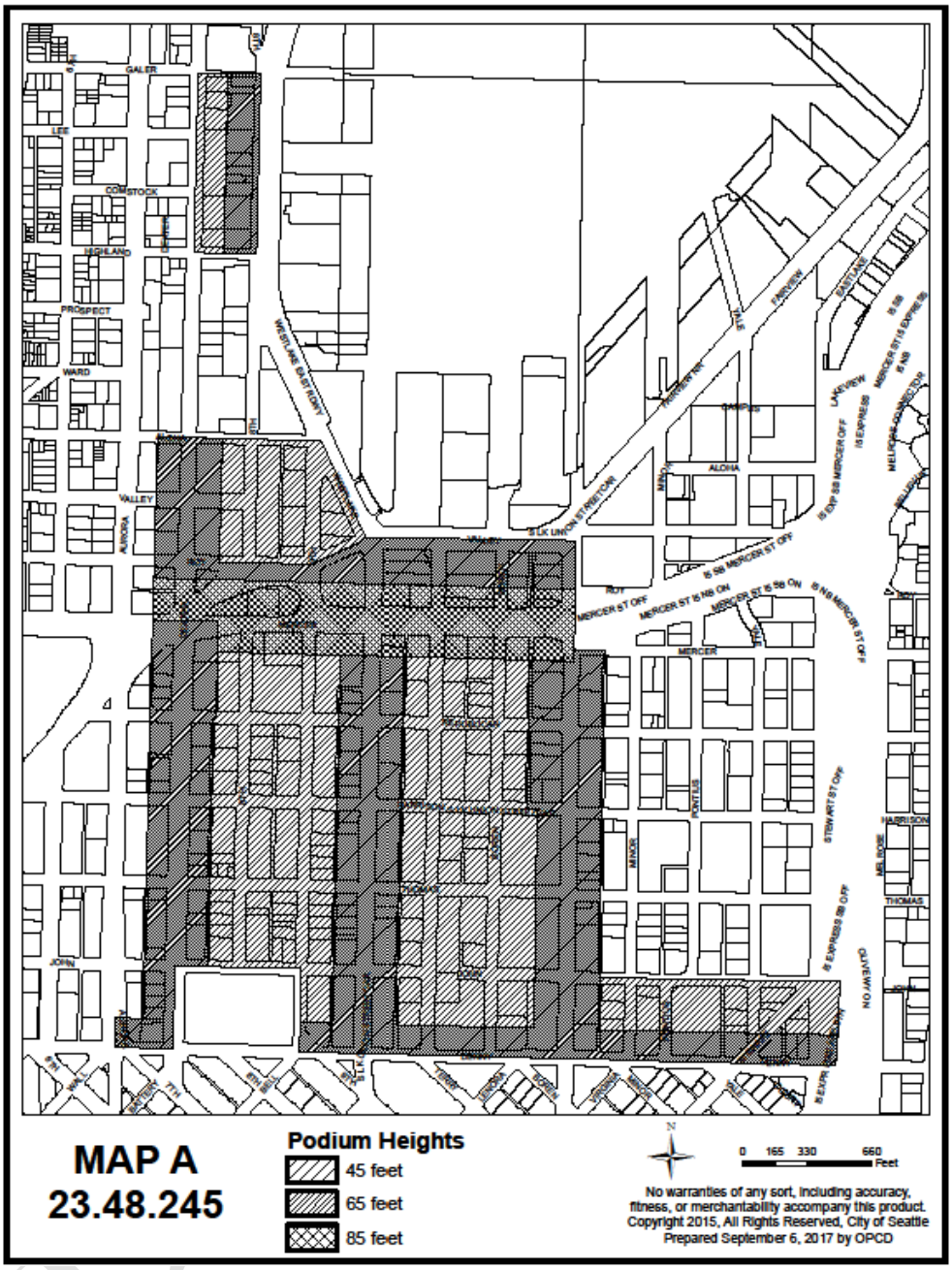
iii. The addition of stories to the structure, unless the proposed addition is no taller than the maximum height to which the structure was originally built, or the addition is approved through the design review process as compatible with the original character of the structure and is necessary for adapting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

5. Aerial connections. Structures that use an additional increment of floor area provided in subsection 23.48.220.B.3.b may be connected by up to three aerial connections. The combined floor area in all aerial connections may not exceed 2,130 square feet and no one aerial connection may exceed 805 square feet. The floor area of aerial connections does not count toward the floor area limits of subsections 23.48.245.B.1 or 23.48.245.B.2. For purposes of this subsection 23.48.245.B.5, "aerial connections" are enclosed connections between structures that are located on the same block and that do not cross above public right-of-way.

Map A for 23.48.245 Podium Heights



C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.245.C.1 apply to development that meets the following conditions:

a. The development is on a lot abutting a street segment shown on Table A for 23.48.245; and

b. For lots in the 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, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.225.A.1, or includes a structure with non-residential uses that exceed a height of ((~~85~~)) 95 feet.

2. The required upper-level setbacks for development specified in subsection 23.48.245.C.1 shall be provided as follows:

a. For portions of a structure facing the applicable street, the maximum height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

b. For portions of a structure exceeding the maximum height above which a setback is required, the minimum depth of the setback, measured from the abutting applicable street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245
Required upper-level setbacks for development meeting the conditions of subsection 23.48.245.C

Column 1: Location of lot	Column 2: Height above which setback is required (in feet)	Column 3: Minimum depth of setback from applicable street lot line (in feet)
Thomas Street, south side, between Aurora Ave N to 8th Ave N	45	50
Thomas Street, south side, between 8th Ave N and 9th Ave N	45	40

Table A for 23.48.245 **Required upper-level setbacks for development meeting the conditions of subsection 23.48.245.C**		
Thomas Street, south side, between 9th Ave N and alley between Fairview Ave N and Minor Ave N	45	30
John Street, north side, between Aurora Ave N and 9th Ave N	45	30
John Street, north side, between 9th Ave N and Boren Ave N	45	15
John Street, south side, between Aurora Ave N and Minor Ave N	45	30
Boren Ave N, both sides, between Mercer Street and John Street	65 [1]	10 [1]
Fairview Ave N, west side, between Mercer Street and John Street	65	10
Fairview Ave N, east side, between Mercer Street to John Street	65	10
Footnotes to Table A for 23.48.245 [1]On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.		

* * *

F. Limit on towers per block or block front

1. For purposes of this subsection 23.48.245.F and subsection 23.48.245.G, a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

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

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

1) ((~~the~~)) The application has not been withdrawn or cancelled without the tower having been constructed; and

2) ((~~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 tower having been constructed.

c. The tower is a proposed tower 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 tower as an existing tower if a complete Master Use Permit application is not submitted within 90 days of the date of the early design guidance public meeting if one is required, or within 90 days of the date the Director provides guidance if no early design meeting is required, or within 150 days of the first early design guidance public meeting if more than one early design guidance public meeting is held.

2. Only one residential tower, or one tower with non-residential uses exceeding 85 feet in height, is permitted on a single block front, except as modified by subsections 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one non-residential tower structure with a hotel use meeting residential development standards is permitted per block.

4. In the SM-SLU 100/65-145 zone, more than one residential tower is permitted on a block front if the lot area is 30,000 square feet or more.

5. Only one tower with non-residential uses exceeding 85 feet in height is permitted on a block, unless the tower meets the requirements of Section 23.48.230 or unless all of the following conditions apply:

a. The tower is on a lot with a minimum area of 60,000 square feet. The area of one or more lots, separated only by an alley, may be combined for the purposes of calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of acquisition of right-of-way by the City;

b. A minimum separation of 60 feet is provided between all portions of structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted;

c. A minimum of 15 percent of the lot area is provided as landscaped open space at ground level, allowing for some area to be provided above grade to adapt to topographic conditions, provided that such open space is accessible to people with disabilities. The required open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one continuous area;

d. A pedestrian connection meeting the development standards of subsection 23.48.240.H for through-block pedestrian connections for large lot developments is

provided through the lot to connect the north/south avenues abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an easement providing public access along the original alignment of the avenue. In addition, if the slope of the lot between the north/south avenues exceeds a slope of ten percent, a hillclimb shall be provided;

e. The application of the provisions in this subsection 23.48.245.F.5 shall not result in more than two structures on a block with either non-residential uses above 85 feet in height or with residential use above the base height limit for residential use, except as allowed by subsection 23.48.245.F.5.f;

f. ((~~For lots that, as a result of a street vacation, exceed 150,000 square feet, the Director shall, as a Type I decision, determine the permitted number of structures with non-residential uses above 85 feet in height or with residential use above the base height limit, based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions existing prior to the street vacation~~)) The block front on the east side of Terry Avenue North between Denny Way and Thomas Street shall be treated as two block fronts, separated by the location of John Street, if extended between Boren Avenue North and Terry Avenue North;

g. The Director shall make a determination of project impacts on the need for pedestrian and bike facilities and complete a voluntary agreement between the property owner and the City to mitigate impacts, if any. The Director may consider the following as impact mitigation:

1) Pedestrian walkways on a lot, including through-block connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting structures to each other and abutting streets;

2) Sidewalk improvements, including sidewalk widening, to accommodate increased pedestrian volumes and streetscape improvements that will enhance pedestrian comfort and safety;

3) Improvements to enhance the pedestrian environment, such as providing overhead weather protection, landscaping, and other streetscape improvements; and

4) Bike share stations; and

h. For development that exceeds 85,000 or more gross square feet of floor area in office use, the Director shall make a determination as to the project's impact on the need for open space. The Director may limit floor area or allow floor area subject to conditions, which may include a voluntary agreement between the property owner and the City to mitigate impacts, if any. The Director shall take into account Section 23.48.250 in assessing the demand for open space generated by an office development in an area permitting high employment densities.

1) The Director may consider the following as mitigation for open space impacts:

a) Open space provided on-site or off-site, consistent with the provisions in subsection 23.49.016.C, or provided through payment-in-lieu, consistent with subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an SM-SLU zone that is accessible to the development's occupants;

b) Additional pedestrian amenities through on-site or streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant to subsection 23.48.245.F.5.g; and

c) Public space inside or on the roof of a Landmark building.

2) The Director may approve open space in lieu of that contained or referred to in subsection 23.49.016.C to mitigate project impacts, based on consideration of relevant factors, including the following:

a) The density or other characteristics of the workers anticipated to occupy the development compared to the presumed office employment population providing the basis for the open space standards applicable under Section 23.49.016; and

b) Characteristics or features of the development that mitigate the anticipated open space impacts of workers or others using or occupying the project.

6. The block front on the east side of Terry Avenue N. between Denny Way and Thomas Street N. shall be treated as two block fronts, separated by the location of John Street N., if extended between Boren Avenue N. and Terry Avenue N.

G. Tower separation. The following separation is required between a proposed tower with residential use above the base height limit for residential use and existing towers with residential use above the base height limit for residential use and that are located on the same block. For the purposes of this subsection 23.48.245.G, a block is defined as the area bounded by street lot lines and excluding alley lot lines. Alleys shall not be deemed to bisect a block into two separate blocks:

1. A separation of 60 feet is required between all portions of the structures above the podium height limit for towers that exceed the base height limit for residential use and any tower considered to be existing according to subsection 23.48.245.F.1.

2. No separation is required on blocks within the area bounded by Aurora Avenue North, John Street, Thomas Street, and 9th Avenue North.

3. The first 4 feet of the horizontal projection of unenclosed decks and balconies, and architectural features such as cornices shall be disregarded in calculating tower separation.

Section 33. Subsection 23.48.720.C of the Seattle Municipal Code, which section was enacted by Ordinance 125432, is amended as follows:

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

* * *

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

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

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

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

4. Floor area of street-level uses identified in subsection 23.48.005.D, whether required or not, that meet the development standards of subsection 23.48.040.C; and

5. Floor area in a vulnerable masonry structure that is included on a list of structures that meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that the structure is retained for a minimum of 50 years according to the

provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in subsection 23.58A.042.F.3.

Section 34. Section 23.48.724 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

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

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

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

1. Green street improvements on designated Neighborhood Green Streets shown on Map A for 23.48.740;

2. Green street setbacks on lots abutting a designated Neighborhood Green Street shown on Map A for 23.48.740; ((~~and~~))

3. Mid-block corridor((~~.~~)) ; and

4. Neighborhood open space.

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

Section 35. Section 23.48.740 of the Seattle Municipal Code, adopted by Ordinance 125432, is amended as follows:

23.48.740 Street-level development standards in SM-UP zones

Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP zones. In addition, the following requirements apply:

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

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

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

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

* * *

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

a. The setback area shall be landscaped according to the provisions of subsection 23.48.055.A.((~~2~~))3;

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

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

* * *

Section 36. Section 23.49.008 of the Seattle Municipal Code, which section was last amended by Ordinance 125603, 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.

* * *

B. Structures located in DMC 240/290-440, ((~~or~~)) DMC 340/290-440, or DOC2 500/300-550 zones may exceed the maximum height limit for residential use, or if applicable the maximum height limit for residential use as increased under subsection 23.49.008.A.4, by ten percent of that limit, as so increased if applicable, if:

1. The facades of the portion of the structure above the limit do not enclose an area greater than 9,000 square feet, and

2. The enclosed space is occupied only by those uses or features otherwise permitted in this Section 23.49.008 as an exception above the height limit. The exception in this

subsection 23.49.008.B shall not be combined with any other height exception for screening or rooftop features to gain additional height.

* * *

Section 37. Subsection 23.49.011.B of the Seattle Municipal Code, which section was last amended by Ordinance 125603, 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:

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR Exemption Area identified on Map 1J up to a maximum FAR of 2 for all such uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are located no higher than the story above street level;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

1) The street level of the structure containing the exempt space has a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade; ((~~and~~))

3) Overhead weather protection is provided satisfying Section 23.49.018; and

4) A mezzanine within a street level use is not included in chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the minimum depth stated in subsection 23.49.011.B.1.b.2. Stairs leading to the mezzanine are similarly not included in chargeable floor area;

* * *

Section 38. Subsection 23.49.014.A of the Seattle Municipal Code, which section was last amended by Ordinance 125371, is amended as follows:

23.49.014 Transfer of development rights

A. General standards

1. The following types of TDR may be transferred to the extent permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

a. Housing TDR;

b. DMC housing TDR;

c. Landmark housing TDR;

d. Landmark TDR;

e. Open space TDR; and

f. South Downtown Historic TDR.

2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be transferred from any lot to another lot on the same block, as within-block TDR, to the extent permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

3. A lot's eligibility to be either a sending or receiving lot is regulated by Table A for 23.49.014.

4. Except as expressly permitted pursuant to this Chapter 23.49, development rights or potential floor area may not be transferred from one lot to another.

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this Section 23.49.014.

Table A for 23.49.014
Permitted use of TDR

Zones [1]	Types of TDR					
	Within-block TDR	**Housing TDR**	**DMC Housing TDR**	**Landmark TDR and Landmark Housing TDR**	**Open Space TDR**	**South Downtown Historic TDR**
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ((2))	S, R ((2))	X	S, R ((2))	S, R ((2))	R
DMC 340/290-440	S, R	S, R	S	S, R	S, R	R
DMC 145 and DMC 240/290-440	S ((3))2	S, R	S, R	S, R	S, R	R
DMC 170	X	S, R	S, R	S, R	S, R	R
DMC 95 and DH2	X	S, R	X	S, R	S, R	R

Table A for 23.49.014
Permitted use of TDR

DMC 75 and DMC 85/75-170	X	S	X	S	S	R
DMR	X	S, R ((~~4~~))3	X	S, R ((~~4~~))3	S, R ((~~4~~))3	R ((~~4~~))3
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ((~~5~~))4	S
IDM	X	S, R	X	X	S, R ((~~5~~))4	S, R
PSM	X	S	X	X	S ((~~5~~))4	S, R

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.
Footnotes to Table A for 23.49.014:
[1]Development rights may not be transferred to or from lots in the PMM or DH1 zones.
[2]((~~Transfers to lots in a DRC zone are permitted only from lots that also are zoned DRC.~~))
((~~3~~))Transfers are permitted only from lots zoned DMC to lots zoned DOC1.
((~~4~~))3Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.
((~~5~~))4Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

* * *

D. Transfer of development rights deeds and agreements

1. The fee owners of the sending lot shall execute a deed, shall obtain the release of the TDR from all liens of record, and shall obtain the written consent of all holders of

encumbrances on the sending lot other than easements and restrictions, unless the requirement for a release or consent is waived by the Director for good cause. The deed shall be recorded in the King County real property records. If TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed. Any deed conveying any South Downtown Historic TDR from the sending lot shall include a sworn certification by the grantor to the effect that one or more structures on the sending lot have been finally determined to be contributing structures pursuant to Section 23.66.032, and that since the date of such determination there have been no material changes to any contributing structure on the sending lot, except pursuant to a certificate of approval specifically stating that the authorized change will not affect the status of the structure as a contributing structure. Any false certification by the grantor in a deed under this subsection 23.49.014.D.1 is a violation of this Title 23.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this Section 23.49.014, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain chargeable floor area above the applicable

base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of building permit issuance or vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

3. For transfers of housing TDR, Landmark housing TDR, or DMC housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of 50 years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site, Landmark housing TDR site, or DMC housing TDR site, as applicable, and acceptable to the Director of Housing.

4. For transfers of Landmark TDR or Landmark housing TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Landmarks Preservation Board providing for the rehabilitation and maintenance of the historically significant features of the structure or structures on the lot.

5. For transfers of South Downtown Historic TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Director of Neighborhoods in consultation with the International Special Review District Board or the Pioneer

Square Preservation Board providing for the rehabilitation and maintenance of historically or architecturally significant features of a contributing structure or structures on the lot.

6. A deed conveying TDR may require or permit the return of the TDR to the sending lot under specified conditions, but notwithstanding any such provisions:

a. The transfer of TDR to a receiving lot shall remain effective so long as any portion of any structure for which a permit was issued based upon such transfer remains on the receiving lot; and

b. The City shall not be required to recognize any return of TDR unless it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded instruments conveying any interest in the TDR back to the sending lot and any lien holders have released any liens thereon.

7. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

* * *

Section 39. Section 23.49.056 of the Seattle Municipal Code, last amended by Ordinance 125173, is amended as follows:

23.49.056 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and Downtown Mixed Commercial (DMC) street facade, landscaping, and street setback requirements

Standards are established in this Section 23.49.056 for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights,

Setback limits,

Facade transparency,

Blank facade limits,

Street trees, and

Setback and landscaping requirements in the Denny Triangle.

These standards apply to each lot line that abuts a street designated on Map 1F or another map identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space TDR sites, and apply along other lot lines and to circumstances as expressly stated in this Section 23.49.056. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F or another map identified in a note to Map 1F and to the property line facades ((~~are~~)) as required by Map 1H. Standards for street landscaping and setback requirements in subsection 23.49.056.F also apply along lot lines abutting streets in the Denny Triangle, as shown on Map A for 23.49.056.

* * *

B. Facade setback limits

1. Setback limits for property line facades. The following setback limits apply to all streets designated on Map 1H as requiring property line facades, except as specified in subsection 23.49.056.B.1.d.

* * *

d. In the DMC ((~~160~~)) 170 zone, on lots that abut Alaskan Way, as an alternative to the standards for required property line facades in subsections 23.49.056.B.1.a, 23.49.056.B.1.b, and 23.49.056.B.1.c, a continuous setback of up to 16 feet from the lot line

abutting Alaskan Way is allowed for the street-facing facade. If the alternative setback allowed by this subsection 23.49.056.B.1.d is provided, the setback area shall be used for outdoor uses related to abutting street-level uses, for landscaped open space, for a partially above-grade story that meets the conditions of subsection 23.49.011.B.1.u, or to widen the abutting sidewalk for pedestrian use.

* * *

Section 40. Section 23.49.166 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.166 Downtown Mixed Residential, side setback, and green street setback requirements

A. Side ((~~Setbacks.~~)) setback

1. In DMR zones outside South Downtown, except in DMR/R ((~~85/65~~)) 95/65 zones, setbacks are required from side lot lines that are not street lot lines as established in Table A for 23.49.166. The setback requirement applies to all portions of the structure above a height of 65 feet. The amount of the setback requirement is determined by the length of the frontage of the lot on an avenue:

Table A for 23.49.166
Required Side Setbacks Above 65 Feet, DMR Zones Outside South Downtown Except DMR/R ((~~85/65~~)) 95/65 Zones

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
Greater than 120 feet up to 180 feet	20 feet
Greater than 180 feet	40 feet

2. In DMR zones within South Downtown, setbacks of 10 feet are required from side lot lines that are not street lot lines, for portions of structures above a height of 65 feet.

B. Green ((~~Street Setbacks~~)) street setbacks. In DMR zones outside South Downtown, except in DMR/R ((~~85/65~~)) 95/65 zones, a setback is required from the street lot line abutting a green street designated on Map 1B. The setback shall be as follows:

1. Ten feet for portions of structures above 65 feet in height to a maximum of 85 feet; and

2. For each portion of a structure above 85 feet in height, an additional setback is required at a rate of one foot of setback for every five feet that the height of such portion exceeds 85 feet.

C. Green ((~~Street Setbacks~~)) street setbacks in South Downtown. In DMR zones in South Downtown, a setback from the street lot line is required on designated green streets for buildings greater than 65 feet in height. The required setback is determined by Table ((~~C~~)) B for 23.49.166:

Table ((~~C~~)) B for 23.49.166
Required Setbacks on Designated Green Streets For Buildings Greater Than 65 Feet in Height in DMR Zones in South Downtown

Height of Portion of Structure	Required Setback in Feet
Greater than 45 feet up to 85 feet	10
Greater than 85 feet up to 150 feet	15

Section 41. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance 125757, is amended as follows:

23.52.008 Applicability of this Subchapter II

A. Applicability. The requirements of this Subchapter II apply to proposed new development as described in Table A for 23.52.008. Development located within an urban center or urban village that is subject to SEPA environmental review per Chapter 25.05 is exempt from this Subchapter II of Chapter 23.52.

Table A for 23.52.008 Development Location and Thresholds		
Development location	**Number of dwelling units**	**Gross square feet of non-residential uses [1] when located in a mixed-use development [2]**
Urban centers, other than the Downtown Urban Center	31 to 200	Greater than 12,000 up to 30,000
Downtown Urban Center	81 to 250	Greater than 12,000 up to 30,000
Urban villages	31 to 200	Greater than 12,000 up to 30,000
Outside urban centers and urban villages	NA	NA
NA: Not applicable Footnotes to Table A for 23.52.008: [1]Not including gross floor area dedicated to accessory parking. [2]The mixed-use development must contain at least one dwelling unit.		

* * *

Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.54.015 Required parking and maximum parking limits

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020((,

~~Parking quantity exceptions,~~)) unless otherwise specified. This Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

* * *

D. Parking waivers for non-residential uses

1. In all commercial zones ((~~and in pedestrian designated zones~~)), no parking is required for the first 1,500 square feet of each business establishment or the first 15 fixed seats for motion picture and performing arts theaters.

2. In all other zones, no parking is required for the first 2,500 square feet of gross floor area of non-residential uses in a structure, except for the following:

a. ((~~structures~~)) Structures or portions of structures occupied by restaurants with drive-in lanes,

b. ((~~motion~~)) Motion picture theaters,

c. ((~~offices~~)) Offices, or

d. ((~~institution~~)) Institution uses, including Major Institution uses.

When two or more uses with different parking ratios occupy a structure, the 2,500 square foot waiver is prorated based on the area occupied by the non-residential uses for which the parking waiver is permitted.

* * *

K. Bicycle parking. The minimum number of ((~~off-street~~)) parking spaces for bicycles required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015, one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle

parking is required, except single-family residential use is exempt from bicycle parking requirements. The minimum requirements are based upon gross floor area of the use in a structure minus gross floor area in parking uses, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

1. Rounding. For long-term bicycle parking, calculation of the minimum requirement shall round up the result to the nearest whole number. For short-term bicycle parking, calculation of the minimum requirement shall round up the result to the nearest whole even number.

2. Performance standards. Provide bicycle parking in a highly visible, safe, and convenient location, emphasizing user convenience and theft deterrence, based on rules promulgated by the Director of the Seattle Department of Transportation that address the considerations in this subsection 23.54.015.K.2.

a. Provide secure locations and arrangements of long-term bicycle parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking should be installed in a manner that avoids creating conflicts with automobile accesses and driveways.

b. ((~~Provide~~)) For a garage with bicycle parking and motor vehicle parking for more than two dwelling units, provide pedestrian and bicycle access to long-term bicycle parking that is separate from other vehicular entry and egress points or uses the same entry or egress point but has a marked walkway for pedestrians and bicyclists.

c. Provide adequate lighting in the bicycle parking area and access routes to it.

d. If short-term bicycle parking facilities are not clearly visible from the street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate amounts and in highly visible ((~~indoor and outdoor~~)) locations in a manner that promotes easy wayfinding for bicyclists. ((~~Wayfinding signage shall be visible from adjacent on-street bicycle facilities.~~))

e. Provide signage to long-term bicycle parking that is oriented to building users.

((~~e.~~)) f. Long-term bicycle parking shall be located where bicyclists are not required to carry bicycles on interior stairs to access the parking.

((~~f.~~)) g. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.

((~~g.~~)) h. Install bicycle parking hardware so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of the Seattle Department of Transportation, allowing adequate clearance for bicycles and their riders.

((~~h.~~)) i. Provide full weather protection for all required long-term bicycle parking.

3. Location of bicycle parking

a. ((~~Bicycle~~)) Long-term bicycle parking required for residential uses shall be located on-site except as provided in subsection 23.54.015.K.3.c.

b. Short-term bicycle parking may be provided on the lot or in an adjacent right-of-way, subject to approval by the Director of the Seattle Department of Transportation, or as provided in subsection 23.54.015.K.3.c.

c. Both long term and short-term bicycle parking for residential uses may be provided off-site if within 600 feet of the residential use to which the bicycle parking is accessory and if the site of the bicycle parking is functionally interrelated to the site of the residential use to which the bicycle parking is accessory, such as within a unit lot subdivision or if the sites are connected by access easements, or if a covenant or similar property right is established to allow use of the off-site bicycle parking.

4. ((~~Bicycle~~)) Long-term bicycle parking required for small efficiency dwelling units and congregate residence sleeping rooms is required to be covered for full weather protection. If the required, covered long-term bicycle parking is located inside the building that contains small efficiency dwelling units or congregate residence sleeping rooms, the space required to provide the required long-term bicycle parking shall be exempt from ((~~Floor Area Ratio~~)) floor are ratio (FAR) limits. Covered long-term bicycle parking that is provided beyond the required bicycle parking shall not be exempt from FAR limits.

5. Bicycle parking facilities shared by more than one use are encouraged.

6. Except as provided in subsection 23.54.015.K.7, bicycle parking facilities required for non-residential uses shall be located:

a. On the lot; or

b. For a functionally interrelated campus containing more than one building, in a shared bicycle parking facility within 600 feet of the lot; or

c. Short-term bicycle parking may be provided in an adjacent right-of-way, subject to approval by the Director of the Seattle Department of Transportation.

7. ((~~Both long-term and short-term bicycle parking for~~)) For non-residential uses on a functionally interrelated campus containing more than one building, both long-term and

short-term bicycle parking may be located in an off-site location within 600 feet of the lot, and short-term public bicycle parking may be provided in a ((~~public place~~)) right-of-way, subject to approval by the Director of the Seattle Department of Transportation. The Director of the Seattle Department of Transportation may consider whether bicycle parking in the public place shall be sufficient in quality to effectively serve bicycle parking demand from the site.

8. Bicycle commuter shower facilities. Structures containing 100,000 square feet or more of office use floor area shall include shower facilities and clothing storage areas for bicycle commuters. Two showers shall be required for every 100,000 square feet of office use. They shall be available in a manner that results in equal shower access for all users. The facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to bicycle parking facilities, which may include in places accessible by elevator from the bicycle parking location.

9. Bicycle parking spaces within dwelling units, other than a private garage, or on balconies do not count toward the bicycle parking requirement.

* * *

Table B for 23.54.015
Required ((~~Parking~~)) parking for residential uses

Use		**Minimum parking required**
I. General residential uses		
* * *		
K.	Single-family dwelling units[3]	1 space for each dwelling unit
* * *		

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 item O in Part II of Table B applies, it shall supersede any other applicable requirement in Part I or Part II of this Table B for 23.54.015. 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.

* * *

Table D for 23.54.015
Parking for ((~~Bicycles~~)) bicycles [1]

Use	**Bike parking requirements**		
	Long-term		**Short-term**
* * *			
D. RESIDENTIAL USES [3]			
D.1.	Congregate residences [4]	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures [4, 5]	1 per dwelling unit ((~~and 1 per small efficiency dwelling unit~~))	1 per 20 dwelling units
D.3.	Single-family residences	None	None
E. TRANSPORTATION FACILITIES			

E.1.	Park and ride facilities on surface parking lots	At least 20((5))6	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None
E.4.	Rail transit facilities and passenger terminals	Spaces for 5% of projected AM peak period daily ridership((5))6	Spaces for 2% of projected AM peak period daily ridership

Footnotes to Table D for 23.54.015:
[1] Required bicycle parking includes long-term and short-term amounts shown in this table.
[2] The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.
[3] For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.
[4]For congregate residences that are owned by a not-for-profit entity or charity, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.
[5]For each dwelling rent and income-restricted at or below 60 percent of the median income, there is no minimum required short-term and long-term bicycle parking requirement. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 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 or the Washington State Housing Finance Commission. 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.

((5))6The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

Section 43. Subsection 23.54.025.A of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.54.025 Off-site required parking

A. Where allowed

1. Off-site parking provided to fulfill required parking may be established by permit on a lot if the parking proposed is otherwise allowed by the provisions of this Title 23 on the lot where the off-site parking is proposed or is already established by permit on the lot where the off-site parking is proposed.

2. ((~~All applicable~~)) The standards in this Chapter 23.54 that apply to ((~~for~~)) parking accessory to the use for which the parking is required shall be met on the lot where off-site parking is proposed, if new parking spaces are proposed to be developed. Existing parking may be used even if nonconforming to current standards provided it is not required for a use on the lot that is the site of the off-site parking.

3. If parking and parking access, including the proposed off-site parking, are or will be the sole uses of a site, or if surface parking outside of structures will comprise more than one-half of the site area, or if parking will occupy more than half of the gross floor area of all structures on a site, then a permit to establish off-site parking may be granted only if flexible-use parking is a permitted use for the lot on which the off-site parking is located.

* * *

Section 44. Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 125815, is amended as follows:

23.54.030 Parking space and access standards

All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030.

* * *

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.

* * *

2. Nonresidential uses in all zones except industrial zones

a. Number of curb cuts

1) In all residential zones, RC zones, and within the Major Institution Overlay District, two-way curb cuts are permitted according to Table C for 23.54.030:

Table C for 23.54.030((÷))
Number of curb cuts in residential zones, RC zones and the Major Institution Overlay District

Street frontage of the lot	**Number of curb cuts permitted**
80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4
For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.	

2) The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

3) The Director shall, as a Type I decision, determine the number and location of curb cuts in C1((,)) and C2((, and SM)) zones and the location of curb cuts in SM zones.

4) In downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb cut for two-way traffic, are permitted on each street front where access is permitted by subsection 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

5) For public schools, the Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines is necessary.

6) In NC zones, curb cuts shall be provided according to subsection 23.47A.032.A, or, when 23.47A.032.A does not specify the maximum number of curb cuts, according to subsection 23.54.030.F.2.a.1.

7) For police and fire stations the Director shall permit the minimum number of curb cuts that the Director determines is necessary to provide adequate maneuverability for emergency vehicles and access to the lot for passenger vehicles.

* * *

Section 45. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.54.040 Solid waste and recyclable materials storage and access

* * *

F. Access for service providers to the storage space from the collection location shall meet the following requirements:

1. For containers 2 cubic yards or smaller:

a. Containers to be manually pulled shall be placed no more than 50 feet from a curb cut or collection location;

b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

c. Access ramps to the storage space and collection location shall not exceed a grade of ((~~6~~)) six percent; and

d. Any gates or access routes for trucks shall be a minimum of 10 feet wide.

2. For containers larger than 2 cubic yards and all compacted refuse containers:

a. Direct access shall be provided from the alley or street to the containers;

b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;

c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

d. If accessed directly by a collection vehicle, whether into a structure or otherwise, a ((~~21 foot~~)) 24-foot overhead clearance shall be provided.

* * *

Section 46. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 125792, is amended as follows:

23.58C.040 Affordable housing—payment option

A. Payment amount

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

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

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

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

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

e. Any combination of the above.

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

* * *

Section 47. Section 23.58D.006 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.58D.006 Penalties

A. Failure to timely submit the report required by subsection 23.58D.004.B is a violation of the Land Use Code. The penalty for such violation shall be $500 per day from the date when the report was due to the date it is submitted. The penalty shall accrue even if the owner is not notified of the violation.

B. Failure to demonstrate compliance with the owner's commitment to meet the green building standard is a violation of the Land Use Code. The penalty for each violation is subject to

a maximum penalty of two percent of the construction value set forth in the building permit for the development based on the extent of noncompliance with the commitment.

C. Failure to comply with the owner's commitment that the development will meet the green building standard is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, failure to comply with the owner's commitment shall not affect the right to occupy any floor area, and if a penalty is paid in the amount determined under subsection 23.58D.006.B, no additional penalty shall be imposed for the failure to comply with the commitment.

D. ((~~In addition to the owner, the applicant for the development for which a commitment to meet the green building standard was required shall be jointly and severally responsible for compliance and liable for any penalty imposed pursuant to this Section 23.58D.006.~~

~~E.~~)) Use of penalties. An account shall be established in the City's General Fund to receive revenue from penalties under this Section 23.58D.006. Revenue from penalties under this Section 23.58D.006 shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

Section 48. Subsection 23.66.342.B of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.66.342 Parking and access

* * *

B. Accessory parking and loading

1. Parking quantity. The number of parking spaces required for any use shall be the number required by the underlying zoning, except that restaurants shall be required to

provide one space per 500 square feet for all gross floor area in excess of 2,500 square feet; motion picture theaters shall be required to provide one space per 15 seats for all seats in excess of 150; and other entertainment uses shall be required to provide one space per 400 square feet for all gross floor area in excess of 2,500 square feet.

2. Exceptions to parking quantity. To mitigate the potential impacts of required accessory parking and loading on the District, the Director of the Department of Neighborhoods, after review and recommendation by the Special Review Board, and after consultation with the Director of Transportation, may waive or reduce required parking, ((and)) loading, and bicycle parking, under the following conditions:

a. After incorporating high-occupancy vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

b. Strict application of the parking, ((or)) loading, or bicycle parking standards would adversely affect desirable characteristics of the District; or

c. An acceptable parking and loading plan is submitted to meet parking demands generated by the use. Acceptable elements of the parking and loading plan may include but shall not be limited to the following:

1) Valet parking service;

2) Validation system;

3) Lease of parking from parking management company;

4) Provision of employee parking; and

5) Accommodations for commercial deliveries and passenger drop off and pick up.

* * *

Section 49. Subsection 23.69.032.E of the Seattle Municipal Code, which section was last amended by Ordinance 124919, is amended as follows:

23.69.032 Master plan process

* * *

E. Draft ((~~Report~~)) report and ((~~Recommendation~~)) recommendation of the Director((~~.~~))

1. Within five ((~~(5)~~)) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050((~~, Report of the Director~~)).

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the purpose and intent of this ((~~chapter~~)) Chapter 23.69, and represent a reasonable balance of the public benefits of development and change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under ((~~Education and Employability and Health in~~)) the Human Development Element of the Comprehensive Plan.

* * *

Section 50. Section 23.73.009 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.73.009 Floor area

A. For lots with residential uses only, or lots that include both residential and non-residential uses, the total FAR limit shall not exceed 3.75, except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of development potential.

B. The gross floor area of non-residential uses is limited to a maximum of 2.25 FAR, except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of development potential.

C. For development on a lot that meets one of the following conditions, the FAR limits in subsections ((~~23.47A.013.A~~)) 23.73.009.A and ((~~23.47A.013.B~~)) 23.73.009.B do not apply and the FAR limits for the underlying zone apply instead:

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 or 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. 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. 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.

D. 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 if a character structure is retained on the lot:

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.

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.

4. In areas where the underlying zoning is NC3P-75, 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 subsection 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 51. Subsection 23.73.012.A of the Seattle Municipal Code, which section was last amended by Ordinance 125429, is amended as follows:

23.73.012 Structure width and depth limits

A. Structure width limit outside the Conservation Core. Outside the Conservation Core identified on Map A for 23.73.010, for all portions of a structure that abut Pike, East Pike, Pine, or East Pine Streets, structure width shall be limited to 50 percent of the total width of all lots on the block ((~~face~~)) front, measured along the street lot line, on block ((~~faces~~)) fronts that exceed 170 feet in width, except that the structure width limit calculation does not include the following:

1. Portions of a character structure that are retained according to the provisions in Section 23.73.015, whether connected to a new structure or not;

2. Portions of a new structure that are separated from the street lot line by another lot;

3. Portions of a new structure that are separated from the street lot line by an adjacent structure located on the same lot that is not a character structure, provided that the adjacent structures are not internally connected above or below grade; and

4. Portions of a new structure that are separated from the street lot line by a character structure that is retained according to the provisions of Section 23.73.015.

* * *

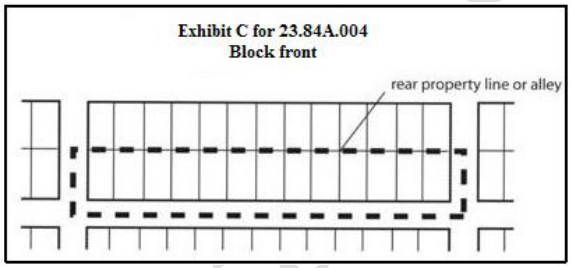
Section 52. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.84A.004 "B"

* * *

"Block front" means the land area along one side of a street bound on three sides by the centerline of platted streets and on the fourth side by an alley, ((~~or~~)) rear lot lines, or another lot's side lot lines (Exhibit C for 23.84A.004). For blocks in Downtown zones and all Seattle Mixed (SM) zones within specific geographic areas set forth in Table A to 23.48.002, if there is no alley or rear lot line, a line that approximates the centerline of the block shall be used to establish the line dividing the two block fronts of the block, taking into consideration the location of vacated alleys on the block, if any, and the location and orientation of alleys and rear lot lines on surrounding blocks.

Exhibit C for 23.84A.004
Block front



* * *

Section 53. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.032 "R"

* * *

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

* * *

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

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

b. 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, including shared parking garages that project up to 4 feet above grade; and

c. 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.

* * *

Section 54. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 125869, is amended as follows:

23.84A.036 "S"

* * *

"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this ((~~title~~)) Title 23.

"Setback, street-level" means the required distance between all portions of a structure and a street lot line.

"Setback, upper level" means the required distance between a lot line and all portions of a structure above a height specified in a particular section of this title.

"Sewage treatment plant." See "Utility."

* * *

Section 55. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.86.007 Floor area and floor area ratio (FAR) measurement

A. Gross floor area. Except where otherwise expressly provided in this Title 23, gross floor area shall be as defined in Chapter 23.84A and as measured in this Section 23.86.007. The following are included in the measurement of gross floor area in all zones:

1. Floor area contained in stories above and below grade;

2. The area of stair penthouses, elevator penthouses, and other enclosed rooftop features; ((~~and~~))

3. The area of motor vehicle and bicycle parking that is enclosed ((~~or~~)) ; and

4. The area of motor vehicle parking that is covered by a structure or portion of a structure.

* * *

E. Public rights-of-way are not considered part of a lot when calculating FAR or, in downtown and SM-SLU zones, when calculating gross floor area allowed for residential development not subject to FAR ((~~in a downtown or SM-SLU zone except that, if~~)) . If dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included in these calculations.

* * *

Section 56. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 125492, is amended as follows:

23.90.018 Civil enforcement proceedings and penalties

A. In addition to any other remedy authorized by law or equity, any person violating or failing to comply with any of the provisions of this Title 23 shall be subject to a cumulative penalty of up to $150 per day for each violation from the date the violation begins for the first ten days of noncompliance; and up to $500 per day for each violation for each day beyond ten days of noncompliance until compliance is achieved, except as provided in subsection 23.90.018.B. In cases where the Director has issued a notice of violation, the violation will be deemed to begin for purposes of determining the number of days of violation on the date compliance is required by the notice of violation. In addition to the per diem penalty, a violation compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged for the third inspection and all subsequent inspections until compliance is achieved. The compliance inspection charges shall be deposited in the General Fund.

B. Specific violations

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

2. Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of $5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of $5,000, in addition to any criminal penalties.

3. Violation of Chapter 23.58D with respect to a failure to timely submit the report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to

meet the green building standard is subject to a penalty in an amount determined by subsection 23.58D.006.

4. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

5. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a, and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an on-premises sign permit for a particular sign and the actual sign is not being used for on-premises purposes or does not meet the definition of an on-premises sign as defined in Chapter 23.84A, are subject to a civil penalty of $1,500 per day for each violation from the date the violation begins until compliance is achieved.

6. In zones where outdoor storage is not allowed or where the use has not been established as either accessory to the primary use or as part of the primary use and there continues to be a violation of these provisions after enforcement action has been taken pursuant

to this Chapter 23.90, the outdoor storage activity is declared a nuisance and shall be subject to abatement by the City in the manner authorized by law.

Section 57. Section 25.09.060 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.060 General development standards

The following general development standards apply to development on parcels containing environmentally critical areas or buffers, except as specifically provided in this Chapter 25.09:

* * *

G. All grading in environmentally critical areas shall be completed or stabilized by October 31 of each year unless the applicant demonstrates to the satisfaction of the Director based on approved technical analysis that no environmental harm or safety problems would result from grading between October 31 and April 1. This provision does not apply to grading in liquefaction-prone areas, peat settlement prone areas, flood-prone areas, and abandoned landfills unless the parcel contains another environmentally critical area.

* * *

Section 58. 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 _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

_____

Monica Martinez Simmons, City Clerk

(Seal)