

Attachment 2: Citywide MHA Legislation: Comparison of 2018 and 2019 bills

The following edits show changes between the January 2018 version of the Mandatory Housing Affordability bill, and the January 2019 version of the bill. Changes shown include updates to reflect base Municipal Code language that has been approved by ordinance since the bill was first introduced and technical edits and clarifications identified by staff since initial introduction Changes are shown as follows:

Language added to the bill is shown in red with a double underline

Language removed from the bill is shown in ~~red with a double strikeout~~

Language with changed formatting (generally addition or deletion of strikeouts) is shown in *red in italics* with a callout box describing the formatting change

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to Mandatory Housing Affordability (MHA); rezoning certain land and modifying development standards throughout the City, implementing MHA requirements, and modifying existing development standards to improve livability; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205, 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map; amending ~~Sections~~ ~~23.30.010, 23.34.008, 23.34.010, 23.34.011, 23.34.012, 23.34.024, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.024, 23.44.034, 23.44.041, 23.44.042, 23.45.502, 23.45.508, 23.45.509, 23.45.510, 23.45.512, 23.45.514, 23.45.516, 23.45.517, 23.45.518, 23.45.520, 23.45.522, 23.45.529, 23.45.536, 23.45.545, 23.47A.002, 23.47A.005, 23.47A.008, 23.47A.009, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.017, 23.48.002, 23.48.021, 23.48.025, 23.48.040, 23.48.055, 23.48.300, 23.48.320, 23.48.325, 23.48.400, 23.48.420, 23.48.421, 23.48.620, 23.48.623, 23.48.627, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.50.020, 23.50.026, 23.50.028, 23.50.053, 23.50.055, 23.53.006, 23.53.025, 23.54.015, 23.54.040, 23.58A.002, 23.58A.014, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.58D.002, 23.58D.006, 23.71.030, 23.73.009, 23.73.010, 23.73.014, 23.73.024, 23.74.010, 23.76.060, 23.84A.002, 23.84A.048, 23.86.002, 23.86.007, 23.86.012,~~

~~23.86.014, 23.86.015, 23.86.016, 23.86.019, 23.91.002, and 25.11.060~~ Chapters 23.30,
23.34, 23.44, 23.45, 23.47A, 23.48, 23.50, 23.53, 23.54, 23.58A, 23.58B, 23.58C,
23.58D, 23.71, 23.73, 23.74, 23.76, 23.84A, 23.86, 23.91, 25.05, and 25.11 of the SMC;
adding Sections 23.34.006, 23.44.009, 23.44.011, 23.44.017, 23.44.018, 23.44.019,
23.44.020, 23.45.530, 23.48.050, 23.48.340, 23.48.345, 23.48.445, 23.48.900, 23.48.905,
23.48.920, 23.48.940, and 23.48.945 to the SMC; repealing Sections 23.34.026,
23.43.006, 23.43.008, 23.43.010, 23.43.012, 23.43.040, 23.48.425, 23.48.621, 23.48.721,
23.58A.025, 23.58A.026, 23.58A.028, and 23.71.040 of the SMC; recodifying Section
23.44.018 of the SMC as Section 23.44.021; and amending the titles of Chapter 23.45
and Subchapter IV of Chapter 23.58A of the SMC.

..body

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the

Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda
(HALA) Advisory Committee be jointly convened by the Council and the Mayor to
evaluate potential housing strategies; and

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

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

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

WHEREAS, RCW 36.70A.540 authorizes and encourages cities to enact or expand affordable
housing incentive programs providing for the development of low-income housing units

1 through development regulations or conditions on rezoning or permit decisions, or both;
2 and

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

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

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

12 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
13 36.70A RCW, is to make adequate provision for the housing needs of all economic
14 segments of the City; and

15 WHEREAS, this ordinance would increase development capacity and implement Mandatory
16 Housing Affordability requirements in urban centers and villages as well as existing
17 multifamily and commercial zones in Seattle; and

18 WHEREAS, increased residential development in the areas in which residential development
19 capacity is being increased by this ordinance will assist in achieving local growth
20 management and housing policies; and

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

WHEREAS, this ordinance was informed by over two years of public engagement including over 180 meetings, mailings to over 80,000 households, door-to-door canvassing of over 10,000 households, three telephone town halls, a telephone hotline, extensive online dialogue with over 2,000 participants, an email newsletter with a distribution of over 4,700 people, and numerous individual comments and letters; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties on pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205, 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map as follows:

A. Properties identified for rezones in Maps 1 through 54 as shown on Attachment 1 to this ordinance are rezoned as shown in those maps.

B. Except for:

- Properties identified to be rezoned in Maps 1 through 54 as shown on Attachment 1 to this ordinance;
- Properties identified as excluded from the rezone in Maps A through AE as shown on Attachment 2 to this ordinance; and

- Properties in zones with a mandatory housing affordability suffix of (M), (M1), or (M2) prior to the effective date of this ordinance;

the Official Land Use Map is amended as follows:

1. All areas designated with a zone shown in Table A for Section 1 are rezoned as shown in Table A for Section 1.

Table A for Section 1
Standard Zoning Changes

Existing Zoning	New Zoning
LR1	LR1 (M)
LR2	LR2 (M)
LR3	LR3 (M)
MR	MR (M)
MR-85	MR (M)
HR	HR (M)
C1-30	C1-40 (M)
C2-30	C2-40 (M)
C1-40	C1-55 (M)
C2-40	C2-55 (M)
C1-65	C1-75 (M)
C2-65	C2-75 (M)
C1-85	C1-95 (M)
C2-85	C2-95 (M)
C1-125	C1-145 (M)
C2-125	C2-145 (M)
C1-160	C1-200 (M)
NC1-30	NC1-40 (M)
NC2-30	NC2-40 (M)
NC3-30	NC3-40 (M)
NC1-40	NC1-55 (M)
NC2-40	NC2-55 (M)
NC3-40	NC3-55 (M)
NC1-65	NC1-75 (M)
NC2-65	NC2-75 (M)
NC3-65	NC3-75 (M)

Table A for Section 1 Standard Zoning Changes	
Existing Zoning	New Zoning
NC3-85	NC3-95 (M)
NC3-125	NC3-145 (M)
NC3-160	NC3-200 (M)
IC-45	IC-65 (M)
IC-65	IC-65 (M)
IC-85	IC-85 (M)
SM/R-65	SM/R-75 (M)
SM-D 40-85	SM-D 55/95 (M)
SM-NR 55/75	SM-NR 75 (M)
SM-NR 65	SM-NR 75 (M)
SM-NR 85	SM-NR 95 (M)
SM-NR 125	SM-NR 145 (M)

2. Where the existing zoning includes a Major Institution Overlay, the underlying zoning shall be modified as stated in this subsection B and the Major Institution Overlay shall continue to apply.

3. The rezones in this subsection B shall not remove any existing suffixes other than height suffixes.

Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.30.010 Classifications for the purpose of this Subtitle III

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

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600

Zones	Abbreviated
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
<u>Seattle Mixed-Rainier Beach</u>	<u>SM-RB</u>
Seattle Mixed-University District	SM-U
Seattle Mixed-Uptown	SM-UP
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

1 B. Suffixes—Height limits, letters, and mandatory housing affordability provisions.
2 (~~(, and incentive provisions.))~~ The zoning classifications for land subject to some of the
3 designations in subsection 23.30.010.A include one or more numerical suffixes indicating height
4 limit(s) or a range of height limits, or one or more letter suffixes indicating certain overlay
5 districts or designations, (~~(or numerical suffixes enclosed in parentheses indicating the~~
6 ~~application of incentive zoning provisions.))~~ or letter suffixes and letter-with-numerical suffixes
7 enclosed in parentheses indicating the application of mandatory housing affordability provisions,
8 or any combination of these. Mandatory housing affordability suffixes include (M), (M1), and
9 (M2). A letter suffix may be included only in accordance with provisions of this Title 23
10 expressly providing for the addition of the suffix. A zoning classification that includes a
11 numerical or letter suffix or other combinations denotes a different zone than a zoning
12 classification without any suffix or with additional, fewer, or different suffixes. Except where
13 otherwise specifically stated in this Title 23 or where the context otherwise clearly requires, each
14 reference in this Title 23 to any zoning designation in subsection 23.30.010.A without a suffix,
15 or with fewer than the maximum possible number of suffixes, includes any zoning classifications
16 created by the addition to that designation of one or more suffixes.

17 Section 3. A new Section 23.34.006 of the Seattle Municipal Code is added to
18 Subchapter I of Chapter 23.34 as follows:

19 **23.34.006 Application of MHA suffixes in Type IV rezones**

20 A. When the Council approves a Type IV amendment to the Official Land Use Map that
21 increases development capacity in an area to which Chapters 23.58B and 23.58C have not
22 previously been applied, the following provisions govern application of Chapters 23.58B and
23 23.58C to the rezoned area through use of a mandatory housing affordability suffix:

1 1. If the rezone is to another zone in the same MHA zone category according to
2 Table A for 23.34.006, the new zone should have a (M) suffix.

3 2. If the rezone is to another zone that is one category higher than the existing
4 zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.

5 3. If the rezone is to another zone that is two or more categories higher than the
6 existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.

Table A for 23.34.006
MHA Zone Categories

Category Number	Zones
Category 1	Single-family zones
Category 2	LR1, LR2
Category 3	LR3, C or NC zones with a height limit of 30, 40, or 55 feet
Category 4	Zones with height limits greater than 55 feet and equal to or less than 95 feet
Category 5	Zones with heights greater than 95 feet ¹

Footnote to Table A for 23.34.006

¹ An increase in development capacity of more than 25 percent, but no more than 50 percent, within Category 5 should be treated as a change of a single category. An increase in development capacity of more than 50 percent within Category 5 should be treated as a change of two categories.

7 B. When the Council approves a Type IV amendment to the Official Land Use Map in an
8 area to which Chapters 23.58B and 23.58C have previously been applied through the use of a
9 mandatory housing affordability suffix, the suffix for the new zone shall be determined as
10 follows:

11 1. If the rezone would not increase development capacity or is to another zone in
12 the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not
13 change.

14 2. If the rezone is to another zone that is one category higher than the existing
15 zone according to Table A for 23.34.006, the new zone should:

a. Have a (M1) suffix if it currently has an (M) suffix; or

b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.

3. If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.

Section 4. Section 23.34.008 of the Seattle Municipal Code, last amended by Ordinance 125173, is amended as follows:

23.34.008 General rezone criteria ((=))

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than 125 percent of the growth estimates adopted in the Comprehensive Plan for that center or village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the ~~((Urban Village))~~ Growth Strategy Element of the Comprehensive Plan.

* * *

E. Zoning ~~((Principles))~~ principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones, or industrial and commercial zones on other zones, shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines, and shorelines;

- b. Freeways, expressways, other major traffic arterials, and railroad tracks;
- c. Distinct change in street layout and block orientation;
- d. Open space and greenspaces.

3. Zone (~~(Boundaries-)~~) boundaries

- a. In establishing boundaries, the following elements shall be considered:

((~~E~~) 1) Physical buffers as described in subsection (~~(E2 above)~~)

23.34.008.E.2; and

((~~E~~) 2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

~~4.~~ In general, height limits greater than ~~((forty (40)))~~ 55 feet should be limited to urban villages. Height limits greater than ~~((forty (40)))~~ 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area~~)).~~

F. Impact (~~(Evaluation)~~) evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

- 1. Factors to be examined include, but are not limited to, the following:

- a. Housing, particularly low-income housing;
- b. Public services;

- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;
- d. Pedestrian safety;
- e. Manufacturing activity;
- f. Employment activity;
- g. Character of areas recognized for architectural or historic value; and
- h. Shoreline view, public access, and recreation.

2. Service (~~((Capacities))~~) capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

- a. Street access to the area;
- b. Street capacity in the area;
- c. Transit service;
- d. Parking capacity;
- e. Utility and sewer capacity; and
- f. Shoreline navigation.

G. Changed (~~((Circumstances))~~) circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this (~~((chapter))~~) Chapter 23.34.

H. Overlay (~~((Districts))~~) districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

I. Critical ~~((Areas))~~ areas. If the area is located in or adjacent to a critical area ~~((SMC))~~
(Chapter 25.09), the effect of the rezone on the critical area shall be considered.

~~((J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a
rezone shall be approved only if one of the following conditions are met:~~

~~1. The rezone includes incentive zoning provisions that would authorize the
provision of affordable housing equal to or greater than the amount of affordable housing
authorized by the existing zone; or~~

~~2. If the rezone does not include incentive zoning provisions that would authorize
the provision of affordable housing equal to or greater than the amount of affordable housing
authorized by the existing zone, an adopted City housing policy or comprehensive plan provision
identifies the area as not a priority area for affordable housing, or as having an adequate existing
supply of affordable housing in the immediate vicinity of the area being rezoned.))~~

Section 5. Section 23.34.010 of the Seattle Municipal Code, last amended by Ordinance
123816, is amended as follows:

23.34.010 Designation of ~~((single family))~~ SF 5000, SF 7200, and SF 9600 zones

A. Except as provided in ~~((subsections B or C of Section 23.34.010))~~ subsection
23.34.010.B, ~~((single family zoned))~~ areas zoned SF 5000, SF 7200, or SF 9600 may be rezoned
to zones more intense than ~~((Single family))~~ SF 5000 only if the City Council determines that the
area does not meet the locational criteria for ~~((single family designation))~~ SF 5000, SF 7200, or
SF 9600 zones.

B. Areas zoned ~~((single family or RSL))~~ SF 5000, SF 7200, or SF 9600 that meet the
locational criteria ~~((for single family zoning))~~ contained in ~~subsection~~ subsections ~~((B of Section~~
~~23.34.011))~~ 23.34.011.B.1 through 23.34.011.B.3 ~~((and that are located within the adopted~~

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1 ~~boundaries of an urban village))~~ may only be rezoned to zones more intense than ((~~Single-~~
2 ~~family)) SF 5000 if ~~((all of the following conditions are met:))~~ they are located within the~~
3 ~~adopted boundaries of an urban village, and the rezone is to a zone that is subject to the~~
4 ~~provisions of Chapter 23.58B and Chapter 23.58C.~~

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5 ~~((1. ~~A neighborhood plan has designated the area as appropriate for the zone~~~~
6 ~~designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, if applicable;)) ~~The~~~~
7 ~~Comprehensive Plan Future Land Use Map designation is a designation other than Single Family~~
8 ~~or, if the Comprehensive Plan Future Land Use Map designation is Single Family, the rezone is~~
9 ~~to RSL; and:~~

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10 ~~2. The rezone is ~~((1))~~ to a zone that is subject to the provisions of Chapter 23.58B~~
11 ~~and Chapter 23.58C;~~

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12 ~~((a. To a Residential Small Lot (RSL), Residential Small Lot Tandem~~
13 ~~(RSL/T), Residential Small Lot Cottage (RSL/C), Residential Small Lot Tandem/Cottage~~
14 ~~(RSL/TC), Lowrise 1 (LR1), Lowrise 1/Residential Commercial (LR1/RC), or~~

15 b. Within the areas identified on Map P-1 of the adopted North Beacon
16 Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone
17 with a 30 foot or 40 foot height limit, or

18 c. Within the residential urban village west of Martin Luther King Junior
19 Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a Lowrise 1
20 (LR1) or Lowrise 2 (LR2) zone, or

21 d. Within an urban village and the Comprehensive Plan Future Land Use
22 Map designation is a designation other than Single Family.

~~C. Areas zoned single family within the Northgate Overlay District, established pursuant to Chapter 23.71, that consist of one or more lots and meet the criteria for single family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this subsection C as areas bounded by street lot lines) in which more than 80 percent of that block is already designated as a neighborhood commercial zone.))~~

Section 6. Section 23.34.011 of the Seattle Municipal Code, last amended by Ordinance 122190, is amended as follows:

23.34.011 ((~~Single family~~)) SF 5000, SF 7200, and SF 9600 zones, function, and locational criteria ((~~;~~))

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. Locational ((~~Criteria~~)) criteria. A ((~~single family~~)) SF 5000, SF 7200, or SF 9600 zone designation is most appropriate in areas ((~~meeting~~)) that are outside of urban centers and villages and meet the following criteria:

1. Areas that consist of blocks with at least ((~~seventy (70)~~)) 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or
2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or
3. Areas that consist of blocks with less than ((~~seventy (70)~~)) 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential

use but in which an increasing trend toward single-family residential use can be demonstrated;

for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (~~((5))~~) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (~~((5))~~) years, or

d. The area's location is topographically and environmentally suitable for single-family residential developments.

C. An area that meets at least one (~~((4))~~) of the locational criteria in subsection (~~(B above))~~ 23.34.011.B should also satisfy the following size criteria in order to be designated as a (~~((single-family))~~) SF 5000, SF 7200, or SF 9600 zone:

1. The area proposed for rezone should comprise (~~((fifteen (15)))~~) 15 contiguous acres or more, or should abut (~~((an))~~) existing (~~((single-family))~~) SF 5000, SF 7200, or SF 9600 zones.

2. If the area proposed for rezone contains less than (~~((fifteen (15)))~~) 15 contiguous acres, and does not abut (~~((an))~~) existing (~~((single-family))~~) SF 5000, SF 7200, or SF 9600 zones, then it should demonstrate strong or stable single-family residential use trends or potentials such as:

1 a. That the construction of single-family structures, not including detached
2 accessory dwelling units, in the last five (~~((5))~~) years has been increasing proportionately to the
3 total number of constructions for new uses in the area, or

4 b. That the number of existing single-family structures, not including
5 detached accessory dwelling units, has been very stable or increasing in the last five (~~((5))~~) years,
6 or

7 c. That the area's location is topographically and environmentally suitable
8 for single-family structures, or

9 d. That the area shows an increasing number of improvements or
10 rehabilitation efforts to single-family structures, not including detached accessory dwelling units.

11 D. Half-blocks at the edges of (~~((single-family))~~) SF 5000, SF 7200, or SF 9600 zones
12 which have more than (~~((fifty (50)))~~) 50 percent single-family structures, not including detached
13 accessory dwelling units, or portions of blocks on an arterial which have a majority of single-
14 family structures, not including detached accessory dwelling units, shall generally be included.
15 This shall be decided on a case-by-case basis, but the policy is to favor including them.

16 Section 7. Section 23.34.012 of the Seattle Municipal Code, enacted by Ordinance
17 117430, is amended as follows:

18 **23.34.012 Residential Small Lot (RSL) zone, function and locational criteria(~~((=))~~)**

19 A. Function. An area within an urban village that provides for the development of homes
20 on small lots that may be appropriate and affordable to households with children and other
21 households which might otherwise choose existing detached houses on larger lots.

B. Locational (~~(Criteria)~~) criteria. An RSL zone (~~((shall be appropriate only under circumstances as provided in Section 23.34.010 B-))~~) is most appropriate in areas generally characterized by the following:

1. The area is similar in character to single-family zones;
2. The area is located inside an urban center, urban village, or Station Area Overlay District where it would provide opportunities for a diversity of housing types within these denser environments;
3. The area is characterized by, or appropriate for, a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as duplex, triplex, rowhouse, and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;
4. The area is characterized by local access and circulation that can accommodate low density development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;
5. The area is within a reasonable distance of ~~high~~-frequency transit ~~access~~service, but is not close enough to make higher density multifamily development more appropriate.
6. The area would provide a gradual transition between single-family zoned areas and multifamily or neighborhood commercial zoned areas; and
7. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

Section 8. Section 23.34.024 of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

23.34.024 Midrise (MR) zone, function, and locational criteria (:-)

A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

B. Locational ~~((Criteria:))~~ criteria

1. Threshold ~~((Conditions))~~ conditions. Subject to subsection 23.34.024.B.2, ~~((of this section:))~~ properties that may be considered for a Midrise designation are limited to the following:

- a. Properties already zoned Midrise;
- b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or
- c. Properties within an urban center or urban village, ~~((where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.))~~

2. Environmentally ~~((Critical Areas))~~ critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:

- ~~((1) was))~~ a. Was created by human activity, or
- ~~((2) is))~~ b. Is a designated peat settlement; ~~((:))~~ liquefaction, seismic, or volcanic hazard; ~~((or))~~ flood-prone area; ~~((:))~~ or abandoned landfill.

1 3. Other ((~~Criteria~~)) criteria. The Midrise zone designation is most appropriate in
2 areas generally characterized by the following:
3 a. Properties that are adjacent to business and commercial areas with
4 comparable height and bulk;
5 b. Properties in areas that are served by major arterials and where frequent
6 transit service ~~((is good to excellent))~~ and street capacity could absorb the traffic generated by
7 midrise development;
8 c. Properties in areas that are in close proximity to major employment
9 centers;
10 d. Properties in areas that are in close proximity to open space and
11 recreational facilities;
12 e. Properties in areas along arterials where topographic changes either
13 provide an edge or permit a transition in scale with surroundings;
14 f. Properties in flat areas where the prevailing structure height is greater
15 than 37 feet or where due to a mix of heights, there is no established height pattern;
16 g. Properties in areas with moderate slopes and views oblique or parallel
17 to the slope where the height and bulk of existing structures have already limited or blocked
18 views from within the multifamily area and upland areas;
19 h. Properties in areas with steep slopes and views perpendicular to the
20 slope where upland developments are of sufficient distance or height to retain their views over
21 the area designated for the Midrise zone; and

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i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.

Section 9. Section 23.34.026 of the Seattle Municipal Code, last amended by Ordinance 117430, is repealed:

~~((23.34.026 Midrise/85' (MR/85') zone, function and locational criteria:~~

~~A. The Midrise/85' (MR/85') is most appropriate in areas generally characterized by the criteria described for a rezone to Midrise in Section 23.34.024.~~

~~B. In addition, the following shall apply to designate an MR zone as Midrise/85':~~

~~1. A neighborhood plan adopted by the City Council shall have designated the area as suitable for Midrise zoning with an eighty five (85) foot height limit; and~~

~~2. A height of eighty five (85) feet could be accommodated without significantly blocking views; and~~

~~3. The development permitted by the zone would not exceed the service capacities which exist in the area, including transit service, parking, and sewers; and~~

~~4. A gradual transition in height and scale and level of activity between zones is provided unless major physical edges are present. These edges may be the following:~~

~~a. Natural features such as topographic breaks, water bodies and ravines,~~

~~b. Freeways, expressways, and other major traffic arterials, and railroad tracks,~~

~~c. Street grid and block orientation, or~~

~~d. Significant open space and greenspaces.))~~

Section 10. Chapter 23.43 of the Seattle Municipal Code, last amended by Ordinance 124592, is repealed:

~~((Chapter 23.43 RESIDENTIAL SMALL LOT~~

~~23.43.006 Residential Small Lot zone, principal uses permitted outright~~

The following principal uses are permitted outright in the Residential Small Lot (RSL) zone:

A. Single family Dwelling Unit on One Lot. The designation RSL without a suffix shall indicate that a detached single family dwelling unit on one lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.

E. Parks and open space, and community gardens.

~~23.43.008 Development standards for one dwelling unit per lot~~

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2,500) square feet.

~~B. Height Limit and Roof Pitch. The basic height limit shall be twenty five (25) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty five (25) feet shall be pitched.~~

~~C. Structure Depth. The depth of any structure shall not exceed sixty (60) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.~~

~~D. Yards and setbacks~~

~~1. Front and rear yards~~

~~a. The sum of the front yard plus the rear yard shall be a minimum of 30 feet.~~

~~b. In no case shall either yard have a depth of less than 10 feet.~~

~~c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yards greater than 10 feet, provided that the requirement of subsection 23.43.008.D.1.a shall not be increased or decreased, and the requirement of subsection 23.43.008.D.1.b shall not be reduced.~~

~~2. Side setbacks. The required minimum side setback is 5 feet. The side setback may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:~~

~~a. Street side setbacks shall be a minimum of 5 feet.~~

~~b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 23.43.008.D.2. The easement shall be recorded with the King County Department of Records and Elections. The~~

~~easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.~~

~~3. Exceptions from standard yard and setback requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 23.43.008.D.3 and 23.43.008.D.4 are met:~~

~~a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.~~

~~b. Certain features of a structure~~

~~1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.~~

~~2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.~~

~~3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.~~

~~c. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.~~

~~d. Above-grade green stormwater infrastructure (GSI) features are allowed without yard or setback restrictions if:~~

- ~~1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;~~
- ~~2) Each above-grade GSI feature is less than 4 feet wide; and~~
- ~~3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.~~

~~e. Above-grade GSI features larger than what is allowed in subsection 23.43.008.D.3.d are allowed within a required yard or setback if:~~

- ~~1) Above-grade GSI features do not exceed 10 percent coverage of any one yard or setback area;~~
- ~~2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and~~
- ~~3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.~~

~~4. Limit on features on a façade. The combined area of features that project into a required yard or setback pursuant to subsection 23.43.008.D.3.b may not exceed 30 percent of the area of the façade on which the features are located.~~

~~E. Parking.~~

1 ~~1. One (1) parking space per dwelling unit shall be required as provided for~~
2 ~~single family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-~~
3 ~~street Parking.~~

4 ~~2. Access. Access to parking shall be from the alley when the property abuts a~~
5 ~~platted alley improved to the standards of subsection C of Section 23.53.030, Alley~~
6 ~~improvements in all zones, or when the Director determines that alley access is feasible and~~
7 ~~desirable to mitigate parking access impacts.~~

8 ~~3. Location:~~

9 ~~a. Parking shall be located on the same lot as the principal structure.~~

10 ~~b. Parking may be in or under a structure, or outside a structure, provided~~
11 ~~that:~~

12 ~~(1) Parking shall not be located in the front yard;~~

13 ~~(2) Parking shall not be located in a side setback abutting a street~~
14 ~~or in the first ten (10) feet of a rear yard abutting a street.~~

15 **~~23.43.010 Tandem housing~~**

16 ~~A. Density and Minimum Lot Area:~~

17 ~~1. The maximum density shall be one (1) dwelling unit per two thousand five~~
18 ~~hundred (2,500) square feet of lot area.~~

19 ~~2. A maximum of two (2) residential structures may be located on a lot used for~~
20 ~~tandem houses.~~

21 ~~3. The minimum lot area for tandem houses shall be five thousand (5,000) square~~
22 ~~feet.~~

~~4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.~~

~~B. Height Limit and Roof Pitch.~~

~~1. The basic height limit for new principal structures shall be eighteen (18) feet. Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.~~

~~2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched at the required slope.~~

~~C. Yards and setbacks~~

~~1. Front Yard. The front yard is required to be a minimum of 10 feet.~~

~~2. Interior Separation between Tandem Houses. The interior separation between the residential structures is required to be a minimum of 10 feet.~~

~~3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of 10 feet. Where a platted developed alley exists, this rear yard requirement does not apply.~~

~~4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation is required to be a minimum of 35 feet.~~

~~5. Modification of Front and Rear Yards. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than 10 feet (except for rear yards~~

~~where platted and developed alleys exist), subject to the provisions of subsections 23.43.010.C.1, C.2, C.3, and C.4, and provided that the required total combined yards does not exceed 35 feet.~~

~~6. Side Setbacks. The required minimum side setback is 5 feet. The side setback may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:~~

~~a. Street side setbacks is required to be a minimum of 5 feet.~~

~~b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of Section 23.43.010.C.6. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves shall cross the property line.~~

~~7. Exceptions from standard yard, setback and interior separation requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:~~

~~a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard, and no more than 3 feet into the interior separation between residential structures. The heights of porches and steps are to be calculated separately.~~

~~b. Certain features of a structure~~

~~1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard, setback or interior separation between residential structures;~~

~~2) Bay windows that are no wider than 8 feet in width and project no more than 2 feet into a required front or rear yard or street side setback;~~

~~3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard, setback, or interior separation between residential structures starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;~~

~~4) The combined area of features that project into a required yard, setback or interior separation between residential structures pursuant to subsection 23.43.010. C.7.b may comprise no more than 30 percent of the area of the facade on which the features are located.~~

~~e. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.~~

~~d. Above grade green stormwater infrastructure (GSI) features are allowed without yard, setback, or interior separation restrictions if:~~

~~1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;~~

~~2) Each above-grade GSI feature is less than 4 feet wide; and~~

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

~~e. Above-grade GSI features larger than what is allowed in subsection 23.43.010.C.7.d are allowed within a required yard, setback, or interior separation if:~~

~~1) Above-grade GSI features do not exceed 10 percent coverage of any one yard, setback, or interior separation area;~~

~~2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and~~

~~3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.~~

~~D. Lot Coverage. The maximum lot coverage shall be fifty (50) percent, subject to the exceptions noted in Section 23.44.010 D.~~

~~E. Parking.~~

~~1. One (1) parking space per dwelling unit shall be required, as provided for single-family structures in Chapter 23.54.~~

~~2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.~~

~~3. Location.~~

~~a. Parking shall be located on the same lot as the tandem houses.~~

~~b. Parking may be in or under a structure, or outside a structure, provided that:~~

~~(1) Parking shall not be located in the front yard;~~

~~(2) Parking shall not be located in a side setback abutting a street
or the first ten (10) feet of a rear yard abutting a street.~~

~~F. Pedestrian Access to Public Right-of-way. There shall be an area of no less than ten
(10) feet in width between each dwelling unit and a street or platted and developed alley. This
access may be a driveway and/or cross any required yards.~~

23.43.012 Cottage Housing Developments (CHDs)

~~A. Accessory dwelling units shall not be permitted in cottage housing developments.~~

~~B. Density and Minimum Lot Area.~~

~~1. In cottage housing developments (CHDs), the permitted density shall be one (1)
dwelling unit per one thousand six hundred (1,600) square feet of lot area.~~

~~2. Cottage housing developments shall contain a minimum of four (4) cottages
arranged on at least two (2) sides of a common open space, with a maximum of twelve (12)
cottages per development.~~

~~3. The minimum lot area for a cottage housing development shall be six thousand
four hundred (6,400) square feet.~~

~~4. On a lot to be used for a cottage housing development, existing detached
single family residential structures, which may be nonconforming with respect to the standards
of this section, shall be permitted to remain, but the extent of the nonconformity may not be
increased.~~

~~C. Height Limit and Roof Pitch.~~

~~1. The height limit permitted for structures in cottage housing developments shall
be eighteen (18) feet.~~

~~2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.~~

D. Lot Coverage and Floor Area.

~~1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty (40) percent.~~

~~2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.~~

~~3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.~~

E. Yards and setbacks

~~1. Front Setback. The minimum front setback for cottage housing developments is an average of 10 feet, and at no point shall it be less than 5 feet.~~

~~2. Rear Yards. The rear yard for a cottage housing development shall be 10 feet.~~

~~3. Side Yards. The side yard for a cottage housing development shall be 5 feet. If there is a principal entrance along a side facade, the side yard shall be no less than 10 feet along~~

that side for the length of the pedestrian route. This 10 foot side yard requirement applies only to a height of 8 feet above the access route.

4. Interior Separation. A minimum separation of 6 feet is required between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of 3 feet. If there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be 10 feet.

5. Exceptions from standard yard, setback and interior separation requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required front setback, a side or a rear yard, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front setback or rear yard. The heights of porches and steps are to be calculated separately. If an interior separation of 10 feet is required pursuant to subsection 23.43.012.E.4, uncovered, unenclosed steps no higher than 4 feet on average above existing grade may project up to 3 feet into the interior separation. If an interior separation of 6 feet or less is required, porches and steps may not project into the interior separation.

b. Certain features of a structure

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or into a required interior separation between structures;

~~2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front setback or rear yard;~~

~~3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required front setback or rear yard, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;~~

~~4) The combined area of features that project into a required yard or interior separation pursuant to subsection 23.43.012.E.5.b may comprise no more than 30 percent of the area of the facade on which the features are located.~~

~~e. A structure may be permitted to extend into front setbacks and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.~~

~~d. Above-grade green stormwater infrastructure (GSI) features are allowed without yard, setback, or interior separation restrictions if:~~

~~1) Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;~~

~~2) Each above-grade GSI feature is less than 4 feet wide; and~~

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

~~e. Above-grade GSI features larger than what is allowed in subsection 23.43.012.E.5.d are allowed within a required yard, setback, or interior separation if:~~

~~1) Above-grade GSI features do not exceed 10 percent coverage of any one yard, setback, or interior separation area;~~

~~2) No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line; and~~
~~3) No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area.~~

~~F. Required Open Space.~~

~~1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:~~

~~a. A minimum of two hundred (200) square feet per unit shall be private usable open space; and~~

~~b. A minimum of one hundred fifty (150) square feet per dwelling unit shall be provided as common open space.~~

~~2. Development Standards.~~

~~a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.~~

~~b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.~~

~~c. The minimum horizontal dimension for open space shall be ten (10) feet.~~

G. Parking

~~1. One (1) parking space per dwelling unit shall be required, as provided in Chapter 23.54.~~

~~2. Access. Access to parking shall be from the alley when property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.~~

~~3. Location.~~

~~a. Parking shall be on the same lot as the cottage housing development.~~

~~b. Parking may be in or under a structure, or outside a structure, provided that:~~

~~(1) The parking is screened from direct street view by one (1) or more street facing facades, by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018.~~

~~(2) Parking outside a structure may not be located between cottages.~~

~~(3) Parking may not be located in the front yard.~~

~~(4) Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.~~

23.43.040 Accessory uses and structures

~~A. Accessory structures shall be permitted in the RSL zone under the following conditions:~~

~~1. New garages are subject to the yard and setback requirements of subsection 23.43.008.D when accessory to one detached structure per lot, of subsection 23.43.010.C when accessory to tandem houses, and of subsection 23.43.040.E when accessory to cottage housing.~~

~~2. When converted to principal use in tandem house developments, garages are subject to the development standards for tandem house principal structures.~~

~~3. Garages are limited to a height of 12 feet as measured on the facade containing the entrance for the vehicle.~~

~~4. Accessory structures other than garages are limited to 12 feet in height.~~

~~B. Solar Collectors and Solariums. Solar collectors are permitted outright as an accessory use to any principal use. Exceptions to certain development standards in this Chapter 23.43 are allowed for solar collectors and solariums, as set forth in this subsection 23.43.040.B, subject to the following standards:~~

~~1. Solar collectors, including solar greenhouses, that meet minimum standards and maximum size limits as determined by the Director shall not be counted in lot coverage.~~

~~2. Solar collectors, except solar greenhouses attached to principal structures, may exceed the height limits of the RSL zone by 4 feet or extend 4 feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than 9 feet above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.~~

~~3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:~~

~~a. In a side yard, no closer than 3 feet from the side lot line; or~~

~~b. In a rear yard, no closer than 15 feet from the rear lot line unless the rear lot line abuts an alley, in which case the solar collector shall be at least 10 feet from the centerline of the alley.~~

~~4. In a front yard, solar greenhouses meeting minimum written energy conservation standards administered by the Director and solariums, in each case that are integrated with the principal structure and have a maximum height of 12 feet, may extend up to 6 feet into the front yard, but no closer than 5 feet from the lot line.~~

~~C. Home Occupations. Home occupations are regulated by Section 23.42.050.~~

~~D. Common Structures in Cottage Housing Developments. Shared structures that are used by the occupants of more than one dwelling unit are allowed. Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities.~~

~~E. Urban farms are regulated by Section 23.42.051. Urban farms with not more than 4,000 square feet of planting area are permitted outright as an accessory use to any principal use that is permitted outright or allowed by conditional use permit. Urban farms with more than 4,000 square feet in planting area may be allowed by conditional use permit as an accessory use to any principal use that is permitted outright or allowed by conditional use permit. The Director may grant, condition, or deny a conditional use permit for an urban farm in accordance with the provisions in Section 23.42.051 and Section 23.42.042.~~

~~F. Transitional encampments accessory use. Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.))~~

Section 11. Section 23.44.002 of the Seattle Municipal Code, last amended by Ordinance 120928, is amended as follows:

23.44.002 ((~~Applicability~~)) Scope of provisions ((~~z~~))

~~((This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.))~~

A. This Chapter 23.44 establishes regulations for the following single-family zones: RSL, SF 5000, SF 7200, and SF 9600 zones.

B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23 in addition to the standards of this Chapter 23.44.

C. Other regulations, including but not limited to general use provisions (Chapter 23.42); requirements for streets, alleys, and easements (Chapter 23.53); standards for parking quantity, access, and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); sign regulations (Chapter 23.55); communication regulations (Chapter 23.57); and methods for measurements (Chapter 23.86) may apply to development proposals.

Section 12. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance ~~124105~~ 125603, is amended as follows:

23.44.006 Principal uses permitted outright

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

A. Single-family (~~((Dwelling Unit))~~) dwelling unit. (~~((One single family dwelling unit per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260;))~~)

B. In RSL zones, carriage houses, cottage housing development, rowhouse development, and townhouse developments;

C. In RSL zones, apartments containing three dwelling units or less;

~~((B))~~ D. Floating ((Homes)) homes, subject to the requirements of Chapter 23.60A;

~~((C))~~ E. Parks and open space, and community gardens;

~~((D))~~ F. Existing railroad right-of-way;

~~((E))~~ G. Public ((Schools Meeting Development Standards)) schools meeting development standards. (~~((In all single family zones, new))~~) New public schools or additions to existing public schools, and accessory uses including child care centers, subject to the special development standards and departures from standards contained in (~~((Section))~~) Chapter 23.51B, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79;

~~((F))~~ H. Uses in existing or former public schools:

1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, ~~or~~ and similar uses, ~~in each case are permitted outright~~ in existing or former public schools, provided that any new children's play equipment or active

play area associated with the use shall be located at least 30 feet from any other lot in a single-family zone, and at least 20 feet from any other lot in any other residential zone.

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

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

((G)) I. Nursing ((Homes)) homes. Nursing homes meeting the development standards of this Chapter 23.44, and limited to eight or fewer residents;

((H)) J. Adult ((Family Homes)) family homes. Adult family homes, as defined and licensed by the state of Washington;

((I)) K. Commercially operating horse farms in existence before July 1, 2000, on lots greater than ((40)) ten acres, conforming to the limits on the number and location of farm animals and structures containing them set forth in Section 23.42.052.

Section 13. Subsection 23.44.008.I of the Seattle Municipal Code, which section was last amended by Ordinance ~~124105~~ 125603, is amended as follows:

23.44.008 Development standards for uses permitted outright

* * *

~~((I. Tree Requirements.~~

~~1. Trees are required when single family dwelling units are constructed. The minimum number of caliper inches of tree required per lot may be met by using either the tree preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or by a combination of preservation and planting. This requirement may be met by planting or~~

~~preserving street trees in the public right of way. Submerged land shall not be included in calculating lot area for purposes of either the tree preservation option or tree planting option.~~

~~a. Tree Preservation Option. For lots over 3,000 square feet, at least 2 caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.~~

~~b. Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree must be planted per lot.~~

~~2. Tree Measurements. Trees planted to meet the requirements in subsection 23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.~~

~~3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Director.))~~

Section 14. A new Section 23.44.009 of the Seattle Municipal Code is added as follows:

23.44.009 Mandatory Housing Affordability in RSL zones

RSL zones that have a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

Section 15. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance

~~125272~~125603, is amended as follows:

23.44.010 ((~~Lot requirements~~)) Minimum lot area and lot coverage

A. Minimum lot area. The minimum lot area in single-family zones shall be as provided in Table A for 23.44.010:

Table A for 23.44.010	
Minimum lot area	
((SF zone)) <u>Zone</u>	Minimum lot area required
SF 9600	9,600 square feet ((sq. ft.))
SF 7200	7,200 ((sq. ft.)) <u>square feet</u>
SF 5000	5,000 ((sq. ft.)) <u>square feet</u>
<u>RSL</u>	<u>No minimum lot area¹</u>
<u>Footnote to Table A for 23.44.010</u>	
¹ In RSL zones, there is no minimum lot area; however, the maximum number of dwelling units on a lot is limited by the density limits in subsection 23.44.017.B.	

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this Section 23.44.010. A parcel that does not meet the minimum lot area requirements or exceptions of this Section 23.44.010, and that is in common ownership with an abutting lot when the abutting lot is the subject of any permit application, shall be included as a part of the abutting lot for purposes of the permit application.

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:

1 a. "The Seventy-Five/Eighty Rule." The Seventy-Five/Eighty Rule

2 exception may be applied to allow separate development of lots already in existence in their
3 current configuration, or new lots resulting from a full subdivision, short subdivision, or lot
4 boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75
5 percent of the minimum required for the zone and also at least 80 percent of the mean area of the
6 lots within the same block front, subject to the following provisions:

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

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

20 3) Lots developed with institutional uses, parks, or nonconforming
21 ~~((nonresidential))~~ non-residential uses may be excluded from the calculation. There must,
22 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.~~89~~ or with the modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

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

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

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

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

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

2) If two contiguous lots have been held in common ownership at any time after January 18, 1987, and a principal structure extends onto or over both lots, neither lot qualifies for the exception. If the principal structure does not extend onto or over both lots, but both lots were required to meet development standards other than parking requirements in effect at the time the structure was built or expanded, neither lot qualifies for the exception

unless the vacant lot is not needed to meet current development standards other than parking requirements. If the combined property fronts on multiple streets, the orientation of the principal structure shall not be considered when determining if it could have been built to the same configuration without using the vacant lot or lots as part of the principal structure's building site.

3) Lots that do not otherwise qualify for this exception cannot qualify as a result of all or part of a principal structure being removed or destroyed by fire or act of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of removing from the principal structure minor features that do not contain enclosed interior space, including but not limited to eaves and unenclosed decks.

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

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

f. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the

areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased. ~~((Lots resulting from a lot boundary adjustment that do not meet the minimum lot area requirement must qualify for an exception to that requirement.))~~

2. Limitations

a. Development may occur on a substandard lot containing a riparian corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of Chapter 25.09 ~~((Regulations for environmentally critical areas))~~ or containing priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, only if one of the following conditions ~~((apply))~~ 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 is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection ~~((23.44.014.D.3))~~ 23.44.014.C.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this ~~((provision))~~ 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 ~~((provision))~~ 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.

C. Maximum lot coverage (÷)

1. The maximum lot coverage permitted for principal and accessory structures is as provided in Table B for 23.44.010. ~~((÷))~~

Table B for 23.44.010 Maximum lot coverage		
Zone	Lot size	Maximum lot coverage
<u>SF 5000,</u> <u>SF 7200, and</u> <u>SF 9600</u>	Less than 5,000 square feet ((sq.-ft.))	1,000 ((sq.-ft.)) <u>square feet</u> plus 15 percent of lot area
	5,000 ((sq.-ft.)) <u>square feet</u> or more	35 percent of lot area
<u>RSL</u>	<u>All lots</u>	<u>50 percent of lot area</u>

2. For purposes of computing maximum lot coverage, only those portions of a lot that measure at least 10 feet in all directions shall be included in lot coverage calculations, except for portions of a lot that are used for access or that are granted a waiver under subsections 23.22.100.D, 23.24.040.B, or 23.28.030.A.4 for the purpose of providing access.

D. Lot coverage exceptions

1. Lots abutting alleys. For purposes of computing the lot coverage only:

a. The area of a lot with an alley or alleys abutting any lot line may be increased by one-half of the width of the abutting alley or alleys.

b. The total lot area for any lot may not be increased by the provisions of this Section 23.44.010 by more than ten percent.

2. Special structures and portions of structures. The following structures and portions of structures are not counted in lot coverage calculations:

a. Access bridges ((-))

1) Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access,

2) Uncovered, unenclosed vehicular bridges no wider than 12 feet for access to one parking space or 18 feet for access to two parking spaces and of any height necessary for access;

b. Barrier-free access. Ramps or other access for the disabled or elderly that comply with Washington State Building Code, Chapter 11;

c. Decks. Decks or parts of a deck that are 36 inches or less above existing grade;

d. Freestanding structures and bulkheads. Fences, freestanding walls, bulkheads, signs, and other similar structures;

e. Underground structures. An underground structure, or underground portion of a structure;

f. Eaves and gutters. The first 36 inches of eaves and gutters that project from principal and accessory structures;

g. Solar collectors and swimming pools. Solar collectors that comply with Section 23.44.046 and swimming pools that comply with Section 23.44.044.

Section 16. A new Section 23.44.011 of the Seattle Municipal Code is added as follows:

23.44.011 Floor area in RSL zones

A. Gross floor area. In RSL zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are not considered gross floor area.

B. Floor area ratio (FAR) limits. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

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

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. Fifty percent of floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

Section 17. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance ~~125272~~ 125603, is amended as follows:

23.44.012 Height limits

A. Maximum height established. The provisions of this Section 23.44.012 apply in single-family zones, except as provided elsewhere in the Land Use Code for specific types of structures or structures in particular locations.

1. Except as provided in subsections 23.44.012.A.2 and 23.44.012.A.3, the maximum permitted height for any structure not located in a required yard is 30 feet.

2. ~~((The))~~ In SF 5000, SF 7200, and SF 9600 zones, the maximum permitted height for any structure on a lot 30 feet or less in width is 25 feet.

3. ~~((For))~~ In SF 5000, SF 7200, and SF 9600 zones, for a lot or unit lot of any width, if the area of the largest rectangle or other quadrilateral that can be drawn within the lot lines of the lot or unit lot is less than 3,200 square feet the maximum permitted height for any structure on that lot shall be 18 feet. Additional height shall be allowed, subject to the limit that would otherwise apply under subsections 23.44.012.A.1 and 23.44.012.A.2, provided that the elevation at the top of the exterior walls of the structure, exclusive of pitched roofs, does not exceed the average of the elevations at the tops of the walls of single-family residences on abutting lots within the same zone. The limit of this subsection 23.44.012.A.3 shall not apply to additions to single-family residences existing as of February 1, 2013, that do not exceed the greater of 1,000 square feet of new gross floor area or the amount of gross floor area on any one floor of the existing house.

~~((4. The method of determining structure height and lot width is detailed in Chapter 23.86, Measurements.))~~

* * *

Section 18. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance

~~125272~~ 125603, is amended as follows:

23.44.014 Yards *and separations*

A. General

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

2. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard provisions shall not apply to the through lot, except pursuant to Section 23.40.030 or 23.40.035.

3. Setbacks from a street may be required in order to meet the provisions of Section 23.53.015.

4. Setbacks from access easements may also be required for principal structures according to the standards in subsections 23.53.025.C.2 and 23.53.025.D.6.

B. Required yards for single-family zones are shown in Table A for 23.44.014.

Table A for 23.44.014

Required yards in single-family zones

<u>Yard</u>	<u>SF 5000, SF 7200, and SF 9600</u>	<u>RSL</u>
<u>Front</u>	<u>20 feet or the average of the front yards of the single-family structures on either side, whichever is less¹</u>	<u>10 feet</u>
<u>Rear</u>	<u>25 feet or 20 percent of lot depth, whichever is less, except that it may never be less than 10 feet²</u>	<u>10 feet except that, if the rear yard abuts an alley, there is no rear yard requirement</u>
<u>Side</u>	<u>5 feet^{3, 4, 5}</u>	<u>5 feet⁵</u>

Footnotes to Table A for 23.44.014

¹ If the natural gradient or slope (as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less) is in excess of 35 percent, the required front yard depth shall be the lesser of: 20 feet less 1 foot for each one percent of gradient or slope in excess of 35 percent; or the average of the front yards on either side.

² If the rear lot line abuts an alley, the centerline of the alley between the side lot lines extended shall be assumed to be the rear lot line for purposes of the provision of rear yard and the

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Table A for 23.44.014

Required yards in single-family zones

determination of lot depth; provided, that at no point shall the principal structure be closer than 5 feet to the alley.

³ In the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall not be less than 10 feet.

⁴ If any side street lot line is a continuation of the front lot line of an abutting single-family zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.

⁵ No side yard is required from a side lot line that abuts an alley.

((A. Front Yards.

1. The front yard depth shall be either the average of the front yards of the single-family structures on either side or 20 feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less, is in excess of 35 percent, the required front yard depth shall be either 20 feet less one foot for each one percent of gradient or slope in excess of 35 percent, or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard provisions shall not apply to the lot, except pursuant to Section 23.40.030 or 23.40.035.

4. A larger yard may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

B. Rear Yards. ~~The rear yard shall be twenty five (25) feet.~~

1. The rear yard shall be 25 feet.

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

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

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

C. Side yards. The side yard shall be 5 feet except as follows:

1. In the case of a reversed corner lot, the key lot of which is in a single family zone, the width of the side yard on the street side of the reversed corner lot shall not be less than 10 feet; or

2. If any side street lot line is a continuation of the front lot line of an abutting single family zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.))

((~~D~~)) C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except ((~~pursuant to the following~~)) as follows:

1. Garages. Garages may be located in required yard subject to the standards of Section 23.44.016.

2. Certain ((~~Accessory Structures~~)) accessory structures in ((~~Side~~)) side and ((~~Rear Yards~~)) rear yards

a. Except for detached accessory dwelling units, any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a 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 and not abutting the front yard of the key lot, upon recording with the King County (~~(Department of Records and Elections)~~) Recorder's Office an agreement to this effect between the owners of record of the abutting properties.

b. Except for detached accessory dwelling units, any detached accessory structure that complies with the requirements of Section 23.44.040 may be located in a rear yard, provided that on a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than 5 feet from the key lot's side lot line unless the provisions of subsections (~~(23.44.014.D.2.a)~~) 23.44.014.C.2.a or 23.44.016.D.9 apply.

3. A (~~(single family)~~) principal residential structure 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)~~) 10-foot separation between that structure and any principal structure on the abutting lot. The (~~(10-foot)~~) 10-foot separation shall be measured from the wall of the principal structure that is proposed to extend into a side yard to the wall of the principal structure on the abutting lot.

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

b. Accessory structures and features of and projections from principal structures, such as porches, eaves, and chimneys are permitted in the (~~(10-foot)~~) 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.D)~~) 23.44.014.C. For purposes of calculating the distance a structure or feature may project into the (~~(10-foot)~~) 10-foot separation, assume the property line is 5 feet

from the wall of the principal structure 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 portion of any structure, including any projection, shall cross the property line.

d. The easement shall be recorded with the King County (~~Department of Records and Elections~~) 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~~) 5-foot side yard.

4. Certain (~~Additions~~) additions. Certain additions to a single-family structure may extend into a required yard if the existing single-family 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 (~~below~~) 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~~) 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~~) 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;

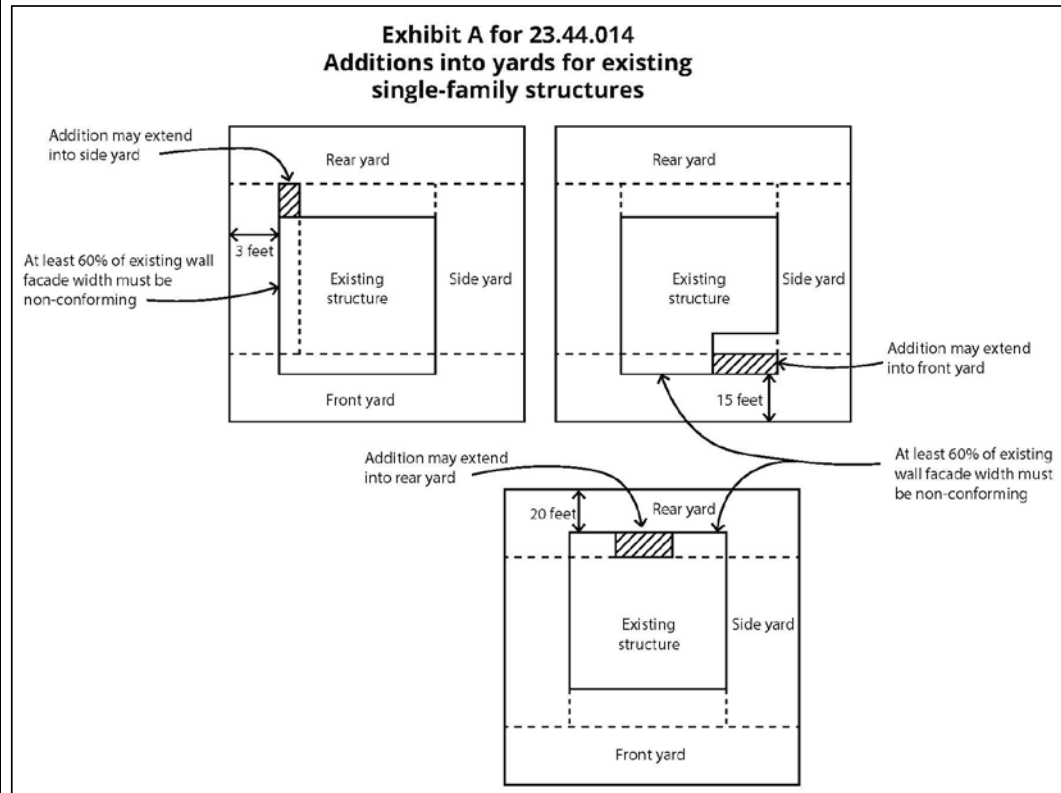
1 c. Front ((~~Yard~~)) yard. If the addition is a front wall, the existing wall line
2 may be continued by the addition except that in no case shall the addition be closer than 15 feet
3 to the front lot line;

4 d. If the nonconforming wall of the single-family structure is not parallel
5 or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the
6 wall extension, except that the wall extension shall not be located closer than specified in
7 subsections ((~~23.44.014.D.4.a, b, and c~~)) 23.44.014.C.4.a, 23.44.014.C.4.b, and 23.44.014.C.4.c.

8 e. Roof eaves, gutters, and chimneys on such additions may extend an
9 additional 18 inches into a required yard, but in no case shall such features be closer than 2 feet
10 to the side lot line.

Exhibit A for 23.44.014

Additions into yards for existing single-family structures



5. Uncovered porches or steps. Uncovered, unenclosed porches, or steps may project into any required yard, if ~~they are~~each component is no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, ~~no wider~~and has no horizontal distance greater than 6 feet, ~~and if they project no more than 6 feet into within the~~within the required ~~front or rear yards.~~yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are ~~to be calculated separately.~~permitted in the required yards.

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44, certain features of a principal or accessory structure, except for accessory dwelling units, may extend into required yards if they comply with the following:

1 a. External architectural details with no living area, such as chimneys,
2 eaves, cornices, and columns, may project no more than 18 inches into any required yard;

3 b. Bay windows are limited to 8 feet in width and may project no more
4 than 2 feet into a required front, rear, and street side yard;

5 c. Other projections that include interior space, such as garden windows,
6 may extend no more than 18 inches into any required yard, starting a minimum of 30 inches
7 above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

8 d. The combined area of features permitted by subsections
9 ~~((23.44.014.D.6.b and 23.44.014.D.6.e))~~ 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no
10 more than 30 percent of the area of the facade.

11 7. Covered ~~((Unenclosed Decks and Roofs Over Patios))~~ unenclosed decks and
12 roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a principal
13 structure, may extend into the required rear yard, but shall not be within 12 feet of the centerline
14 of any alley, or within 12 feet of any rear lot line that is not an alley lot line, or closer to any side
15 lot line in the required rear yard than the side yard requirement of the principal structure along
16 that side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed
17 decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as
18 a deck.

19 8. Access bridges. Uncovered, unenclosed access bridges are permitted as
20 follows:

21 a. Pedestrian bridges 5 feet or less in width, and of any height necessary
22 for access, are permitted in required yards, except that in side yards an access bridge must be at
23 least 3 feet from any side lot line.

b. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The vehicular access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of any height necessary for access. The driveway access bridge may not be located closer than 5 feet to an adjacent property line.

9. Barrier-free (~~(Access)~~) access. Access facilities for the disabled and elderly that comply with Washington State Building Code, Chapter 11 are permitted in any required yard.

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

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

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

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

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

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9 1/2 feet.

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

e. If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter 23.60A, and the Director shall determine the permitted height.

11. Decks in ~~((Yards))~~ yards. Decks no higher than 18 inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Mechanical equipment. Heat pumps and similar mechanical equipment, not including incinerators, are permitted in required yards if they comply with the requirements of Chapter 25.08. ~~((Noise Control))~~ Any heat pump or similar equipment shall not be located

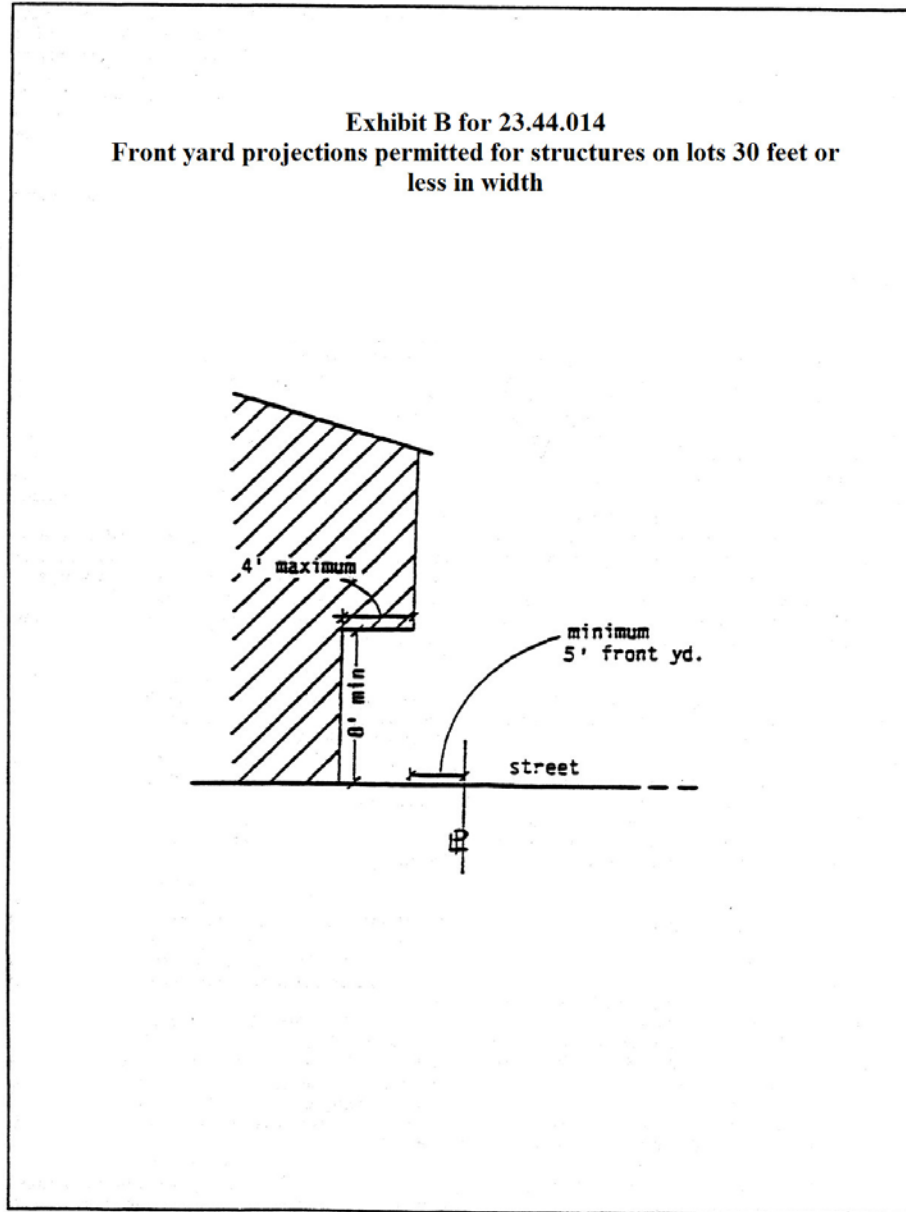
within 3 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and are permitted in required yards if not located within 3 feet of any lot line.

13. Solar (~~Collectors~~) collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front (~~Yard Projections for Structures on Lots 30 Feet or Less in Width~~) yard projections for structures on lots 30 feet or less in width. For a structure on a lot in an SF 5000, SF 7200, or SF 9600 zone that is 30 feet or less in width, portions of the front facade that begin 8 feet or more above finished grade may project up to 4 feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than 5 feet to the front lot line (Exhibit B for 23.44.014), and provided further that no portion of the (~~facade~~) facade of an existing structure that is less than 8 feet or more above finished grade already projects into the required front yard.

Exhibit B for 23.44.014

Front yard projections permitted for structures on lots 30 feet or less in width



1 15. Front and rear yards may be reduced by 25 percent, but no more than 5 feet, if
2 the site contains a required environmentally critical area buffer or other area of the property that
3 cannot be disturbed pursuant to subsection ((~~A of Section 25.09.280~~)) 25.09.280.A.

4 16. Arbors. Arbors may be permitted in required yards under the following
5 conditions:

6 a. In any required yard, an arbor may be erected with no more than a 40
7 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum
8 height of 8 feet. Both the sides and the roof of the arbor shall be at least 50 percent open, or if
9 latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

10 b. In each required yard abutting a street, an arbor over a private
11 pedestrian walkway with no more than a 30 square foot footprint, measured on the horizontal
12 roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. The sides of the
13 arbor shall be at least 50 percent open, or if latticework is used, there shall be a minimum
14 opening of 2 inches between crosspieces.

15 17. Stormwater management

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

- 18 1) Each above-grade GSI feature is less than 4.5 feet tall,
19 excluding piping;
20 2) Each above-grade GSI feature is less than 4 feet wide; and
21 3) The total storage capacity of all above-grade GSI features is no
22 greater than 600 gallons.

b. Above-grade GSI features larger than what is allowed in subsection

~~((23.44.014.D.17.a))~~ 23.44.014.C.17.a are allowed within a required yard if:

1) Above-grade GSI features do not exceed ten percent coverage of any one yard area;

2) No portion of an above-grade GSI feature is located closer than 3 feet from a side lot line;

3) No portion of an above-grade GSI feature is located closer than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and

4) No portion of an above-grade GSI feature is located closer than 15 feet from the front lot line.

~~((18. If the side yard of a lot borders on an alley, a single family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.~~

~~49))~~ 18. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

~~((E))~~ D. Additional ~~((Standards for Structures if Allowed in Required Yards))~~ standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

2. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages that comply with ~~((Section 23.44.016.D.9.b))~~ subsection 23.44.016.C.9.b.

3. Except for detached accessory dwelling units in subsection 23.44.041.B, any accessory structure located in a required yard shall ~~((not exceed either 12 feet in height or 1,000 square feet in area.))~~ meet both the following standards:

a. A maximum height of 12 feet; and

b. A maximum size of 1,000 square feet in area.

~~((F. Setback standards from access easements. Setbacks are required for principal structures according to the standards in subsection 23.53.025.C.2 and 23.53.025.D.6.))~~

E. Separations between multiple structures in RSL zones

1. In RSL zones, the minimum required separation between principal structures is 10 feet, except for principal structures separated by a driveway or parking aisle.

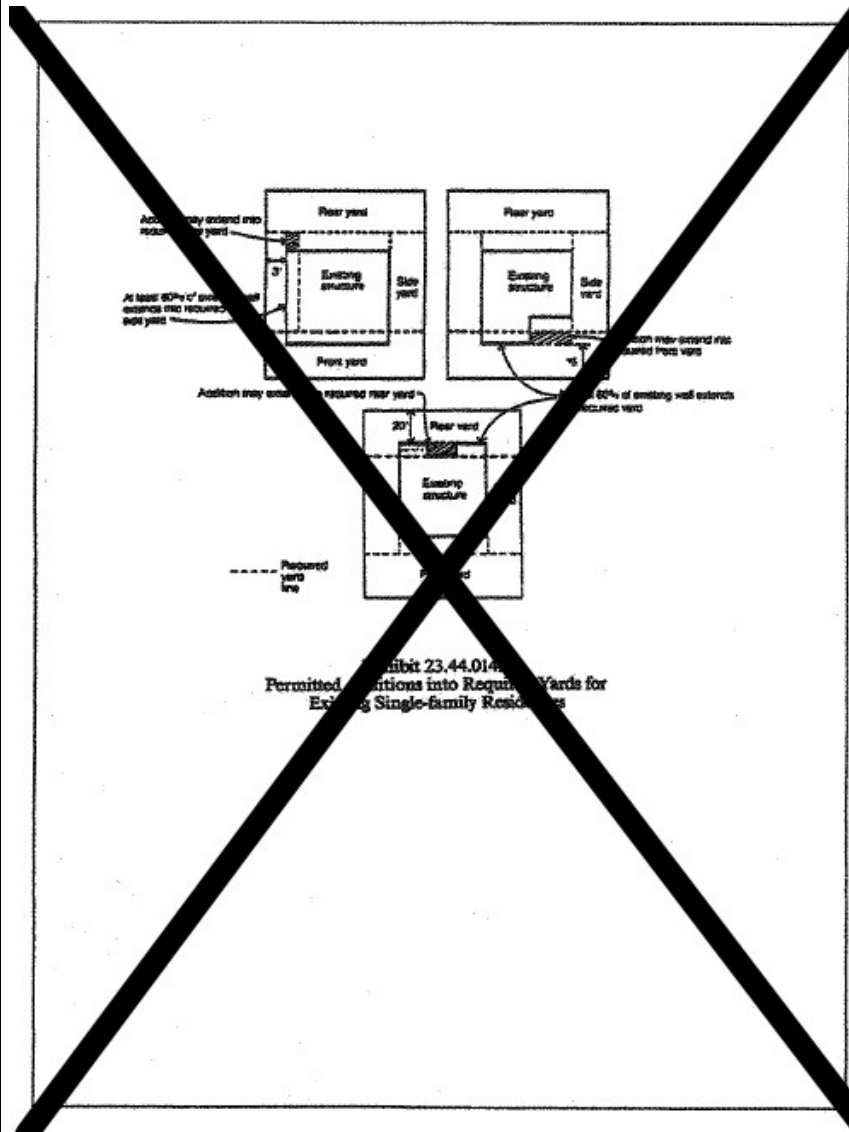
2. If principal structures are separated by a driveway or parking aisle, the minimum required separation between the principal structures is 2 feet greater than the required width of the driveway or parking aisle, provided that the separation is not required to be any greater than 24 feet. If principal structures are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

3. Uncovered porches or steps, features of a structure listed in subsection 23.44.014.C.6, and decks shall be allowed in the separation between principal structures provided they:

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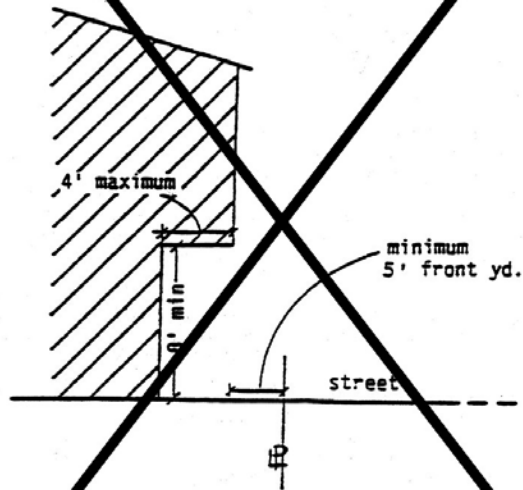
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- 1 a. Comply with the standards of subsections 23.44.014.C.5, 23.44.014.C.6,
2 and 23.44.014.C.11 if the separation were treated like a yard; and
3 b. Project no more than 3 feet into the separation area.



((Exhibit 23.44.014A))

Exhibit 23.44.014 B
Front Yard Projections Permitted For Structures
On Lots Thirty Feet Or Less In Width



~~((Exhibit B for 23.44.014~~
~~Front yard projections permitted for structures on lots thirty feet or less in width.))~~

Section 19. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance

~~125272~~125603, is amended as follows:

23.44.016 Parking and garages

A. Parking (~~Quantity~~) quantity. Off-street parking is required pursuant to Section 23.54.015.

B. Access to parking

1. Vehicular access to parking from an improved street, alley, or easement is required if parking is required pursuant to Section 23.54.015.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one of the following conditions exists:

a. There is no alley improved to the standards of subsection 23.53.030.C, and there is no unimproved alley in common usage that currently provides access to parking on the lot or to parking on adjacent lots in the same block; or

b. Existing topography does not permit alley access; or

c. At least 50 percent of alley frontage abuts property in a ~~((nonresidential))~~ non-residential zone; or

d. The alley is used for loading or unloading by an existing ~~((nonresidential))~~ non-residential use; or

e. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard; or

f. Parking access must be from the street in order to provide access to a parking space that complies with the Washington State Building Code, Chapter 11; or

g. Providing alley access would require removal of a tree on private property that is an exceptional tree or a tree greater than 2 feet in diameter measured 4.5 feet above the ground, provided that a permanent covenant meeting the standard in subsection 25.11.050.C is recorded and all other applicable criteria for tree protection in Chapter 25.11 are met.

C. Location of (~~(Parking-)~~) parking

1. Parking shall be located on the same lot as the principal use, except as provided in this subsection 23.44.016.C.

2. Parking on planting strips is prohibited.

3. For lots developed with one (~~(single family)~~) single-family dwelling, no more than three vehicles may be parked outdoors on any lot.

4. Parking accessory to a floating home may be located on another lot if within 600 feet of the lot on which the floating home is located. The accessory parking shall be screened and landscaped according to subsection (~~(23.44.016.G)~~) 23.44.016.H.

5. Parking accessory to a single-family structure existing on June 11, 1982, may be established on another lot if all the following conditions are met:

a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two two-axle, or two up to four-wheeled vehicles.

c. Parking is screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Recorder's Office.

D. Parking and garages in required yards

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 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.D.2.a)) 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. ~~((Parking))~~ 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))~~) 2-foot height limit. All parts of the roof above the (~~((2-foot))~~) 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))~~) 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. ~~((Parking))~~ 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. ~~((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.

E. Standards for garages if allowed in required yards. Garages that are either detached structures or portions of a principal structure for the primary purpose of enclosing a two-axle or four-wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum coverage and size

a. Garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

b. Garages located in side or rear yards shall not exceed 1,000 square feet in area.

c. In front yards, the area of garages is limited to 300 square feet with 14-foot maximum width if one space is provided, and 600 square feet with 24-foot maximum width if two spaces are provided. Access driveway bridges permitted under subsection ~~((23.44.014.D.8.B))~~ 23.44.014.C.8.b shall not be included in this calculation.

2. Height limits

a. Garages are limited to 12 feet in height measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a garage located in a required yard may extend up to 3 feet above the ~~((12-foot))~~ 12-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the ~~((12-foot))~~ 12-foot height limit. ~~((under this provision.))~~

c. Open rails around balconies or decks located on the roofs of garages may exceed the ~~((12-foot))~~ 12-foot height limit by a maximum of 3 feet. The roof over a garage shall not be used as a balcony or deck in rear yards.

3. Separations. Any detached garage located in a required yard, including projecting eaves and gutters, shall be separated from a principal structure by a minimum of 5 feet including eaves and gutters of all structures. This requirement does not apply to terraced garages that comply with subsection 23.44.016.D.9.b.

4. Roof eaves and gutters of a garage located in a required yard may extend a maximum of 18 inches from the exterior wall of the garage. Such roof eaves and gutters are excluded from the maximum coverage and size limits of subsection 23.44.016.E.1.

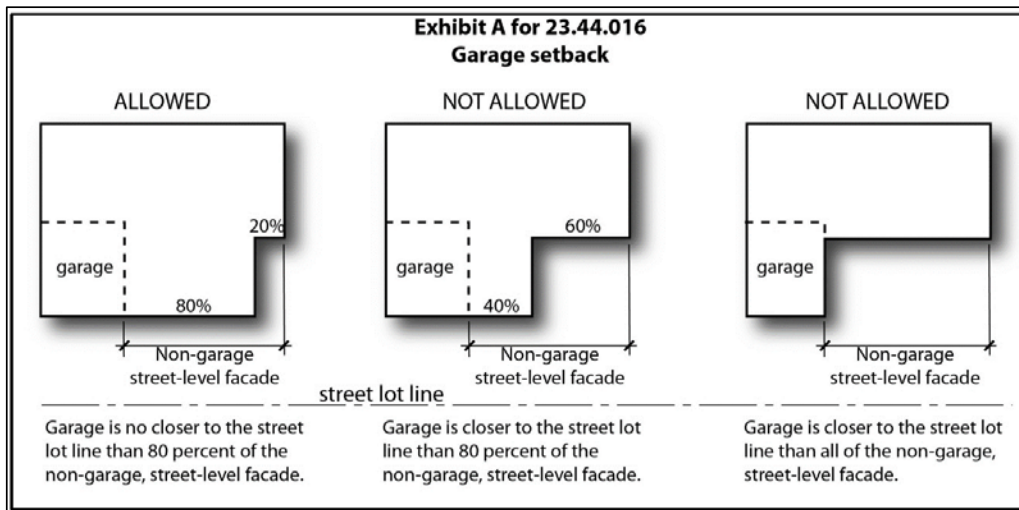
5. Except for terraced garages that comply with ~~((Section))~~ subsection 23.44.016.D.9.b, the roof over a garage in a rear yard shall not be used as a balcony or deck.

F. Appearance of garage entrances in SF 5000, SF 7200, and SF 9600 zones. In SF 5000, SF 7200, and SF 9600 zones, the following provisions apply:

1. Garage setback. No portion of a garage, whether attached to a principal structure or within a detached accessory structure, may be closer to the street lot line than 80

percent of the remaining non-garage, street-level facade (see Exhibit A for 23.44.016) of the principal structure to which the garage is accessory. If the entire street-level facade of either a principal or accessory structure is garage, no portion of the garage may be closer to the street lot line than 80 percent of the facade of the story above the street-level facade.

Exhibit A for 23.44.016
Garage setback



2. Garage entrance width. The total combined horizontal width of all garage entrances located on the front facade may be up to 50 percent of the horizontal width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing facade.

3. Exemptions

a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12 are not subject to the standards of this subsection 23.44.016.F.

b. Garages that are set back more than 35 feet from the front lot line are not subject to the standards of this subsection 23.44.016.F.

c. The Director may waive or modify the standards of this subsection
23.44.016.F based on one or more of the following factors:

- 1) Irregular lot shape;
- 2) Topography of the lot;
- 3) Configuration of proposed or existing structures on the lot;
- 4) Location of exceptional trees as defined in Section 25.11.020;

and

5) The proposed structure or addition has design features including
but not limited to modulation, screening, and landscaping.

G. Appearance of garage entrances in RSL zones. In RSL zones, the following provisions
apply:

1. Garage entrances facing the street shall be set back at least 18 feet from the
street lot line.

2. The total combined horizontal width of all garage entrances located on all
street-facing facades shall not be more than 10 feet times the number of principal dwelling units
located on the lot.

~~((G))~~ H. Screening ~~((:))~~

1. Parking accessory to floating homes when located on a separate lot from the
floating homes shall be screened from direct street view by a fence or wall between ~~((five-(5)))~~ 5
and ~~((six-(6)))~~ 6 feet in height. When the fence or wall runs along the street front, there shall be a
landscaped strip on the street side of the fence or wall. This strip may be between ~~((one-(1)))~~ 1
and ~~((five-(5)))~~ 5 feet deep, as measured from the property line, but the average distance from the

property line to the fence shall be ~~((three (3)))~~ 3 feet. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subsection ~~((4 of this subsection))~~ 23.44.016.H.1 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of ~~((three (3)))~~ 3 feet in height (see Exhibit B for 23.44.016). ~~((B-))~~

Exhibit B for 23.44.016
Screening of parking

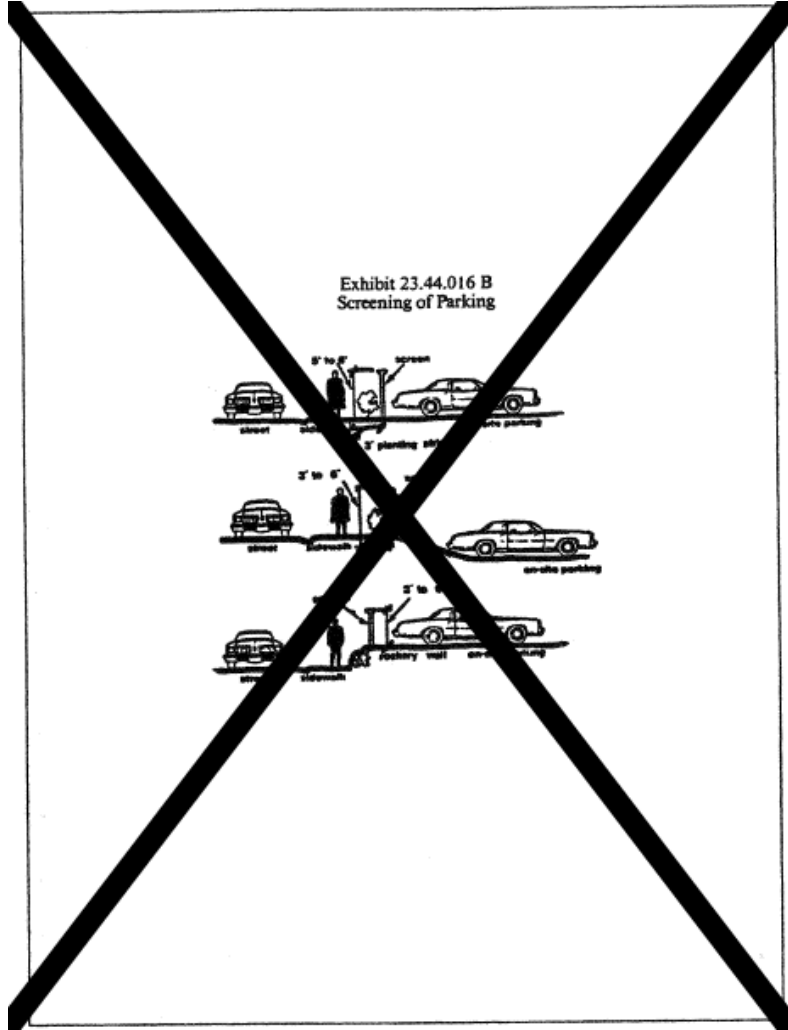
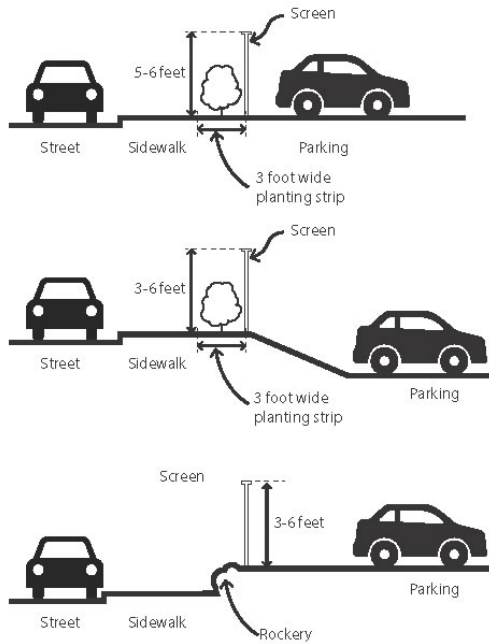


Exhibit B for 23.44.016 Screening for parking



Section 20. A new Section 23.44.017 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.017 Density limits

A. In SF 5000, SF 7200, and SF 9600 zones, only one single-family dwelling unit is allowed per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

B. The following provisions apply in RSL zones:

1. The minimum lot area per dwelling unit is 2,000 square feet.

2. When calculation of the number of dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

Section 21. Section 23.44.018 of the Seattle Municipal Code, last amended by Ordinance 124378, is renumbered 23.44.021 and further amended as follows:

~~((23.44.018))~~ 23.44.021 General provisions

A. Only those conditional uses identified in this ~~((subchapter))~~ Subchapter II may be authorized as conditional uses in single-family zones. The Master Use Permit Process set forth in Chapter 23.76 ~~((Procedures for Master Use Permits and Council Land Use Decisions,))~~ shall be used to authorize conditional uses.

B. Unless otherwise specified in this ~~((subchapter))~~ Subchapter II, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through ~~((23.44.016))~~ 23.44.020.

C. A conditional use may be approved, conditioned, or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

E. Any use ~~((which))~~ that was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-

establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than ~~((twenty-four (24)))~~ 24 consecutive months.

~~((Property which is vacant))~~ Vacant property, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

F. Minor structural work that does not increase usable floor area or seating capacity and that does not exceed the development standards applicable to the use shall not be considered an expansion and does not require approval as a conditional use, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, facilities for barrier-free access, bay windows, dormers, and eaves.

Section 22. A new Section 23.44.018 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.018 Maximum dwelling unit size in RSL zones

The maximum net unit area of any dwelling unit in RSL zones, including any floor area in an accessory dwelling unit, is 2,200 square feet.

A. The following floor area is exempt from the maximum net unit area limit:

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.

Section 23. A new Section 23.44.019 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.019 Design standards in RSL zones

In RSL zones, the following provisions apply:

A. Pedestrian access at least 3 feet in width shall be provided between each dwelling unit and the street. This access may be over a driveway and may cross any required yards or interior separation. The pedestrian access may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique.

B. Each dwelling unit with a street-facing facade that is located within 40 feet of a street lot line shall have a pedestrian entry on such street-facing facade. The pedestrian entry shall be marked with a covered stoop, porch, or other similar architectural entry feature.

Section 24. A new Section 23.44.020 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.020 Tree requirements

A. Tree requirements in SF 5000, SF 7200, and SF 9600 zones

1. When a single-family dwelling unit is constructed on a lot in a SF 5000, SF 7200, or SF 9600 zone, a minimum number of caliper inches of tree must be provided on the lot as follows:

1 a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000
2 square feet of lot area.

3 b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of
4 tree.

5 2. The minimum number of caliper inches of tree required may be met by
6 preserving existing trees, planting new trees, or by a combination of preservation and planting.
7 The preservation or planting of trees in the right-of-way may be counted, provided that they are
8 approved by the Director of Transportation.

9 3. Submerged land shall not be included in calculating lot area for purposes of
10 either the tree preservation option or tree planting option.

11 4. Tree measurements. Trees planted to meet the requirements in this subsection
12 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured
13 (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the
14 ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward
15 meeting the tree requirements in this subsection 23.44.020.A. When an existing tree is more than
16 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward
17 meeting the tree requirement.

18 5. Tree preservation plans. If the tree preservation option is chosen, a tree
19 preservation plan must be submitted and approved. Tree preservation plans shall provide for
20 protection of trees during construction according to standards promulgated by the Director.

21 B. Tree requirements in RSL zones

22 1. Trees sufficient to achieve one point, according to Table A for 23.44.020, per
23 750 square feet of lot area shall be provided for any development:

- a. Containing one or more new dwelling units;
- b. Containing more than 4,000 square feet of non-residential uses in either a new structure or an addition to an existing structure; or
- c. Expanding surface area parking by more than 20 parking spaces for automobiles.

2. Individual trees preserved during construction or planted after construction count toward the tree score according to Table A for 23.44.020. All required trees shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air, and protection practices during construction.

Table A for 23.44.020

Tree points

Type of tree	Points for non-conifer trees	Points for conifer trees
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

3. Tree protection areas shall be designated for all trees that are proposed to be preserved to receive points under this subsection 23.49.020.B. No excavation, fill, placing of materials or equipment, or vehicle operation shall be allowed during construction within a tree protection area. Tree protection areas shall be an area equal to the outer extent of the dripline of the tree, except that they may be reduced if the following conditions are met:

1 a. The alternative tree protection area is prepared by an arborist who has
2 visited the site and examined the specific tree's size, location, and extent of root cover, evaluated
3 the tree's tolerance to construction impact based on its species and health, and identified any past
4 impacts that have occurred within the root zone; and

5 b. The arborist has prepared a plan providing the rationale used to
6 demonstrate that the alternate method provides an adequate level of protection.

7 C. Street tree requirements in RSL zones

8 1. Street trees are required in RSL zones for development that would add one or
9 more principal dwelling units on a lot, except as provided in subsection 23.43.020.C.2 and
10 Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation
11 approves their removal. The Director, in consultation with the Director of Transportation, shall
12 determine the number, type, and placement of additional street trees to be provided in order to:

- 13 a. Improve public safety;
- 14 b. Promote compatibility with existing street trees;
- 15 c. Match trees to the available space in the planting strip;
- 16 d. Maintain and expand the urban forest canopy;
- 17 e. Encourage healthy growth through appropriate spacing;
- 18 f. Protect utilities; and
- 19 g. Allow access to the street, buildings, and lot.

20 2. If a lot borders an unopened right-of-way, the Director may reduce or waive the
21 street tree requirement along that right-of-way as a Type I decision if, after consultation with the
22 Director of Transportation, the Director determines that the right-of-way is unlikely to be opened
23 or improved.

Section 25. Subsection 23.44.022.D of the Seattle Municipal Code, which section was last amended by Ordinance ~~125272~~125603, is amended as follows:

23.44.022 Institutions

* * *

D. General provisions

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through ((23.44.016)) 23.44.020 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution master plan.

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

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

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

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

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

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

* * *

Section 26. Section 23.44.024 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.44.024 Clustered housing planned developments

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in ~~((single-family))~~ SF 5000, SF 7200, and SF 9600 zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

* * *

Section 27. Section 23.44.034 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.44.034 Planned residential development (PRD)

Planned residential developments (PRDs) may be permitted in ~~((single-family))~~ SF 5000, SF 7200, and SF 9600 zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, promote green stormwater infrastructure and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

* * *

Section 28. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance

~~124843~~125603, is amended as follows:

23.44.041 Accessory dwelling units

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

1. ((A)) In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a single-family dwelling unit may have no more than one accessory dwelling unit. 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. The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

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

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

Table A for 23.44.041

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

a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	((Only)) <u>In SF 5000, SF 7200, and SF 9600 zones, only</u> one entrance to the structure may be located on each street-facing facade of the dwelling unit. ²

Footnotes to Table A for 23.44.041 ((=))

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

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

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~~56.~~ Except on lots located within areas that are defined as either an urban center or urban village in the City's Comprehensive Plan, one off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the parking space provided for the principal dwelling unit. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for lots located in either Map A for 23.54.015, University District Parking ~~((Overlay))~~ Impact Area, or Map B for 23.54.015, Alki Area Parking Overlay, ~~((Area))~~ the Director may waive the off-street parking space requirement for an accessory dwelling unit if:

- a. The topography or location of existing principal or accessory structures on the lot makes provision of an off-street parking space physically infeasible; or
- b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.

6. Accessory dwelling units in RSL zones are required to meet the following additional standards:

a. An accessory dwelling unit shall be located within the same structure as the principal dwelling unit or in an accessory structure located between the principal dwelling unit, including lines extended from the edge of the principal dwelling unit to all side lot lines, and the rear lot line.

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

B. Accessory dwelling units, detached, additional provisions. (~~A detached accessory dwelling unit is also known as a backyard cottage.~~) The Director may authorize a detached accessory dwelling unit, and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and the following additional conditions:

1. ~~Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section ((23.60.010)) 23.60A.010~~

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

Table B for 23.44.041 Development standards for detached accessory dwelling units ¹	
a. Minimum lot size	4,000 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ²
d. Maximum lot coverage	The provisions of Section 23.44.010 apply.
e. Maximum rear yard coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40 percent of the rear yard.

Table B for 23.44.041					
Development standards for detached accessory dwelling units ¹					
f. Maximum gross floor area	800 square feet including garage and storage area but excluding covered porches and covered decks that are less than 25 square feet in area, and underground areas measured as set forth in Section 23.86.007.				
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection ((23.44.014.A)) <u>23.44.014.B</u> , except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.				
h. Minimum side yard	The provisions of subsection ((23.44.014.C)) <u>23.44.014.B</u> apply. ((⁷)) ³				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ((3,4,7)) ^{3,4,5}				
j. Location of entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
k. Maximum height limits ((⁵)) ⁶	Lot width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50 ((⁶)) ⁷	50 or greater
(1) Base structure height limit (<u>in</u> feet)	12	14	15	16	16
(2) Height allowed for pitched roof above base structure height limit (<u>in</u> feet)	3	7	7	6	7
(3) Height allowed for shed or butterfly roof above base structure height limit (<u>in</u> feet); see Exhibit A for 23.44.041	3	4	4	4	4
l. Minimum separation from principal structure	5 feet				
<u>m. Number per lot</u>	<u>Only one detached accessory dwelling unit is allowed on a lot.</u>				
Footnotes to Table B for 23.44.041 ((3))					
¹ The Director may allow an exception to standards a through f, h, i, <u>and j</u> pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.					
² For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided					

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Table B for 23.44.041

Development standards for detached accessory dwelling units¹

the detached accessory dwelling unit is not located in a required yard.

~~3((~~

³ ~~The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.~~

~~((3)) 4 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)) The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.~~

~~4((~~

~~((4)) 5 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)) 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.~~

~~5((~~

~~((5)) 6 Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height)) 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.~~

~~6((~~

~~((6)) 7 Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley)) Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.~~

~~7((~~

~~((7)) The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply)) Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.~~

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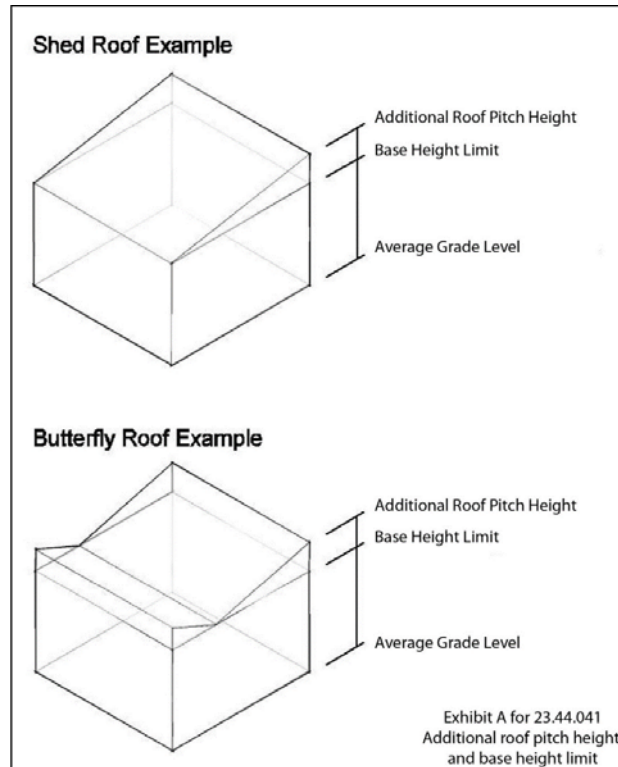
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Exhibit A for 23.44.041
Additional roof pitch height and base height limit



32. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsection 23.44.041.A.45 and standards a through f, h, i, and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure

was constructed prior to June 1, 1999, as an accessory structure. If an accessory structure constructed prior to June 1, 1999, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.B. ~~32~~. For purposes of this subsection 23.44.041.B. ~~32~~, the term “conversion” means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

* * *

Section 29. Section 23.44.042 of the Seattle Municipal Code, enacted by Ordinance 123378, is amended as follows:

23.44.042 Urban farms

* * *

B. An urban farm with over 4,000 square feet of planting area may be permitted as an administrative conditional use accessory to any principal use permitted outright or accessory to a permitted conditional use, pursuant to Sections ((~~23.44.018~~)) 23.44.021 and 23.42.051.

Section 30. The name of Chapter 23.45 of the Seattle Municipal Code is amended as follows:

Chapter 23.45 ((~~MULTI-FAMILY~~)) MULTIFAMILY

Section 31. Section 23.45.502 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.45.502 Scope of provisions

A. This Chapter 23.45 establishes regulations for the following zones:

1. Lowrise 1 (LR1);

2. Lowrise 2 (LR2);

3. Lowrise 3 (LR3);

4. Midrise (MR); ~~((references to MR zones include the Midrise/85 (MR/85) zone unless otherwise noted;))~~ and

5. Highrise (HR).

~~((B. Zones listed in subsection 23.45.502.A and having an incentive zoning suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive Provisions.~~

~~C. Zones listed in subsection 23.45.502.A that have a mandatory housing affordability suffix of either (M), (M1), or (M2) are subject to this Chapter 23.45 and to the provisions of Chapters 23.58B and 23.58C. Specific provisions that apply to zones with a mandatory housing affordability suffix are in Section 23.45.517.~~

~~D. Areas in multifamily zones described in subsection 23.76.026.D are vested according to the provisions of subsection 23.76.026.D;))~~

B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23.

C. Other regulations, including but not limited to general use provisions (Chapter 23.42); requirements for streets, alleys, and easements (Chapter 23.53); standards for parking quantity, access, and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); communication regulations (Chapter 23.57); and methods for measurements (Chapter 23.86), may apply to development proposals.

Section 32. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance

~~124843~~ 125558, is amended as follows:

23.45.508 General provisions

* * *

~~((I. All use provisions and development standards applicable to MR zones, except maximum height, also apply in the MR/85 zone.~~

J) I. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is not entitled to a permit for any use or development on a lot in an LR zone that would be inconsistent with any term, condition, or restriction contained either in any recorded agreement that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2, L3, or L4, or in any City Council decision or ordinance related to a rezone of the lot to LDT, L1, L2, L3, or L4 conditioned on a recorded agreement prior to April 19, 2011.

~~((K))~~ I. If more than one category of residential use is located on a lot, and if different development standards apply to the different categories of use, then each category's percentage of the total limit imposed by the development standard shall be calculated according to the formula for floor area ratio (FAR) in subsection 23.86.007.E.

~~((L))~~ K. ~~((The))~~ Unless otherwise specified, the development standards of each zone shall be applied in that zone, and may not be used in any other zone, ((unless otherwise specified)) except that if both zones have the same development standards, the development standard shall be applied to the lot as a whole. If a lot or development site includes more than one zoning designation and a development standard is based on lot area, the lot area used in applying the development standard shall be the portion of the contiguous area with the corresponding zoning designation.

Section 33. Subsection 23.45.509.B of the Seattle Municipal Code, which section was enacted by Ordinance 125267, is amended as follows:

23.45.509 Standards applicable to specific areas

* * *

B. University Community Urban Center. The following provisions apply to development in the MR (M1) zone.

1. Lots located in MR (M1) zones are eligible as Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.

2. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot, ~~((in a Midrise zone with a mandatory housing affordability suffix as listed in subsection 23.45.517.B.2,))~~ multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

3. Eligible receiving sites are limited to those lots in SM-U zones specified in subsection 23.48.623.C.

Section 34. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance ~~125359~~125603, is amended as follows:

23.45.510 Floor area ~~((ratio (FAR) limits~~

A. General provisions

~~1. All gross floor area not exempt under subsection 23.45.510.E, including the area of stair penthouses with enclosed floor space, counts toward the maximum 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, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.))~~

A. Gross floor area. In multifamily zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are not considered gross floor area.

B. Floor area ratio (FAR) limits in LR and MR zones. FAR limits apply in LR and MR zones as shown in Table A for 23.45.510. ((, provided that if the LR zone designation includes an incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix designation, up to the limits shown in Table A for 23.45.510, if the applicant complies with Chapter 23.58A, Incentive Provisions. In LR zones the following standards apply to the calculation of gross floor area for application of FAR limits:)) The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

~~((1. Exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms are included in gross floor area.~~

~~2. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are excluded from gross floor area.~~

3. Common walls separating individual rowhouse and townhouse dwelling units are considered to be exterior walls.))

((Table A for 23.45.510 FAR in LR zones¹					
Zone	Location	Category of residential use²			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments³	Townhouse developments³	Apartments³
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5 ⁴
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes to Table A for 23.45.510
¹ FAR limits for LR zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.B.1.
² If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.
³ The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.
⁴ On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.))

Table A for 23.45.510 FAR limits in LR and MR zones		
Zone	Zones with an MHA suffix	Zones without an MHA suffix
<u>LR1</u>	<u>1.3</u>	<u>1.0</u>
<u>LR2</u>	<u>1.4¹</u>	<u>1.1</u>
<u>LR3 outside urban centers and urban villages</u>	<u>1.8</u>	<u>1.2, except 1.3 for apartments</u>
<u>LR3 inside urban centers and urban villages</u>	<u>2.3</u>	<u>1.2, except 1.5 for apartments</u>
<u>MR</u>	<u>4.5</u>	<u>3.2</u>

Table A for 23.45.510
FAR limits in LR and MR zones

Footnote to Table A for 23.45.510

¹ Except that the FAR is 1.6 for apartments that provide one or more ~~common, ground-level~~ outdoor amenity areas meeting the requirements of Section 23.45.522 and the following provisions are met:

1. The total amount of common, ground-level, outdoor amenity area is equal to at least 35 percent of the lot area; ~~and~~
2. No part of such amenity area has a width or depth of less than 20 feet; ~~and~~
3. The outdoor amenity area is located at ground level or within 4 feet of finished grade.

((C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. The applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D; and

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and 23.53.030.F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location if parking is provided

a. For rowhouse and townhouse developments, parking shall be totally enclosed within the same structure as the residential use, located in a structure or portion of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot. A parking area not within a structure that is located at the rear of the lot shall be located behind all structures except, if accessed from an alley, the parking area may be located no closer to the front lot line than 50 percent of the lot depth.

~~b. For apartments, parking may either:~~

~~1) be totally enclosed within the same structure as the residential~~

~~use; or~~

~~2) on lots located outside of urban centers, urban villages, and the~~

~~Station Area Overlay District, be located off an alley at the rear of the lot, provided that all~~

~~surface parking is limited to a single row of spaces along the alley and access to each surface~~

~~parking space is taken directly from the alley.~~

~~4. Access to parking if parking is provided~~

~~a. Access to required barrier free parking spaces may be from either a~~

~~street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.c, and 23.45.510.C.4.d do not~~

~~apply to required barrier free parking spaces.~~

~~b. If the lot abuts an alley, access to parking shall be from the alley, unless~~

~~one or more of the conditions in subsection 23.45.536.C.2 are met.~~

~~c. If access cannot be provided from an alley, access shall be from a street~~

~~if the following conditions are met:~~

~~1) On corner lots, the driveway shall abut and run parallel to the~~

~~rear lot line of the lot or a side lot line that is not a street lot line.~~

~~2) On a non-corner lot, there is no more than one driveway per 160~~

~~feet of street frontage.~~

~~d. If access to parking does not meet one of the standards in this~~

~~subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an~~

~~alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for~~

~~23.45.510 applies.~~

~~D~~) C. FAR limits in ~~((MR and))~~ HR zones. FAR limits apply ~~((to all structures and lots))~~ in ~~((MR and))~~ HR zones as shown in Table B for 23.45.510. ~~((, provided that if the MR or HR zone designation includes an incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix designation, up to the limits in Table B for 23.45.510, if the applicant complies with Chapter 23.58A, Incentive Provisions.))~~ The applicable FAR limit applies to the total chargeable floor area of all structures on the lot. All floor area above the base FAR, up to the maximum FAR, is considered extra floor area achievable through the provisions of Section 23.45.516 and Chapter 23.58A.

Table B for 23.45.510 ((Floor area ratios)) FAR limits in ((MR and)) HR zones ((¹))		
	((MR))	((HR))
Base FAR	((3.2))	((8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet)) <u>7</u>
Maximum FAR, allowed pursuant to <u>Section 23.45.516 and Chapter 23.58A</u> ((and Section 23.45.516-))	((4.25))	((13 for structures 240 feet or less in height; 14 for structures over 240 feet)) <u>15</u>
((Footnotes to Table B for 23.45.510 ¹The maximum FAR limit for MR zones with a mandatory housing affordability suffix is shown in subsection 23.45.517.B.2.))		

~~((E))~~ D. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground. ~~((stories.))~~
2. The floor area contained in a ~~((landmark))~~ Landmark structure subject to controls and incentives imposed by a designating ordinance, if the owner of the ~~((landmark))~~ Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which

a transfer of development potential (TDP) has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

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

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

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

4. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following circumstances:

a. ~~((apartments))~~ Apartments in LR zones ~~((that qualify for the higher FAR limit shown in Table A for 23.45.510))~~;

b. ~~((rowhouse))~~ Rowhouse and townhouse developments in LR zones, ~~((located on lots that have a lot depth of 100 feet or less, do not have alley access, and that qualify for the higher FAR limit shown in Table A for 23.45.510,))~~ provided that all parking ~~((access))~~ is located at the rear of the ~~((rowhouse development))~~ structure or is enclosed in structures with garage entrances located on the rear facade; and

c. ~~((all))~~ All multifamily structures in MR and HR zones.

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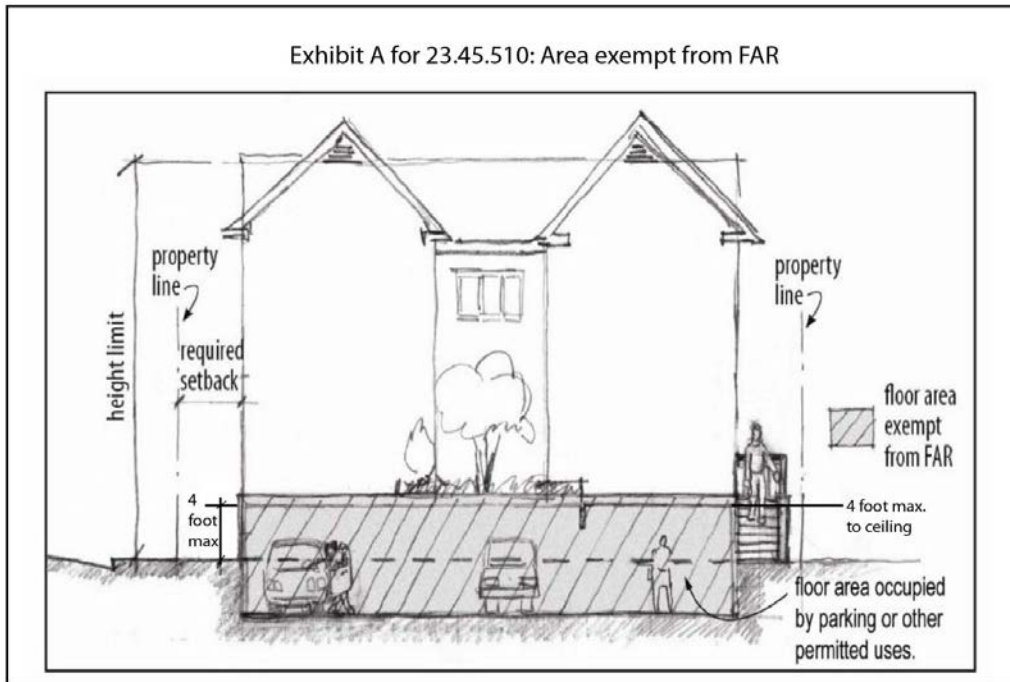
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Exhibit A for 23.45.510
Area exempt from FAR



5. For rowhouse and townhouse developments and apartments, ~~((that qualify for the higher FAR limit shown in Table A for 23.45.510,))~~ floor area within a ~~((structure))~~ story, or portion of a ~~((structure))~~ story, that is partially above grade ~~((, is used for parking or other accessory uses, and has no additional stories above,))~~ if all of the following conditions are met:

a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;

~~((a))~~ b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;

~~((b))~~ c. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522; and

1 ((e)) d. At least 25 percent of the perimeter of the amenity area on the roof
2 above the floor area is not enclosed by the walls of the structure.

3 6. Enclosed common amenity area in HR zones.

4 7. As an allowance for mechanical equipment, in any structure more than 85 feet
5 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection
6 ((23.45.510.F)) 23.45.510.D.

7 8. In HR zones, ground floor commercial uses meeting the requirements of
8 Section 23.45.532, if the street level of the structure containing the commercial uses has a
9 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

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

15 10. Common walls separating individual rowhouse and townhouse dwelling units.

16 ((F)) E. If TDP is transferred from a lot pursuant to Section 23.58A.042, the amount of
17 non-exempt floor area that may be permitted is ((the applicable base FAR)) an FAR of 7, plus
18 any net amount of TDP previously transferred to the lot, minus the sum of the existing non-
19 exempt floor area on the lot and the amount of TDP transferred.

Section 35. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 125359, is amended as follows:

23.45.512 Density limits and family-size unit requirements—LR zones

((A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments is shown on Table A for 23.45.512, except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.))

((Table A for 23.45.512 Density limits in Lowrise zones ¹				
Zone	Units allowed per square foot of lot area by category of residential use ²			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development ⁵	Apartment ⁶
LR1 ⁶	1/1,600	1/1,600 or no limit ⁷	1/2,200 or 1/1,600	1/2,000 duplexes and triplexes only
LR2	1/1,600	No limit	1/1,600 or no limit	1/1,200 or no limit
LR3	1/1,600	No limit	1/1,600 or no limit	1/800 or no limit

Footnotes for Table A for 23.45.512
¹ Density limits for LR zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.C.
² When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.
³ See Section 23.45.531 for specific regulations about cottage housing developments.
⁴ One single-family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.
⁵ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.
⁶ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.
⁷ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.))

A. Density limits

1. ~~The~~ Except according to subsection 23.45.512.A.4, the following developments must meet the density limits described in this subsection 23.45.512.A:

1 a. ~~All~~In LR1 zones, rowhouse development on interior lots less than 3,000
2 square feet in size and all townhouse developments in LR1 zones~~development~~; and

3 b. All development in Lowrise zones that do not have a mandatory
4 housing affordability suffix.

5 2. Development described in subsection 23.45.512.A.1 shall not exceed a density
6 of one dwelling unit per 1,350 square feet of lot area, except that apartments in LR3 zones that
7 do not have a mandatory housing affordability suffix shall not exceed a density limit of one
8 dwelling unit per 800 square feet.

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

12 ((B)) 4. Density exception for certain types of low-income multifamily residential
13 uses

14 ((+)) a. The exception in this subsection ((23.45.512.B)) 23.45.512.A.4
15 applies to ~~((low-income disabled multifamily residential uses, low-income elderly multifamily~~
16 ~~residential uses, low-income elderly/low-income disabled multifamily residential uses, and~~
17 ~~other))~~ low-income residential uses, ~~((;))~~ operated by a public agency or a private nonprofit
18 corporation, ~~((, if they do not qualify for the higher FAR limit shown in Table A for 23.45.510.))~~

19 ((2)) b. The uses listed in subsection ((23.45.512.B.1)) 23.45.512.A.4.a
20 shall have a maximum density of one dwelling unit per 400 square feet of lot area if a majority of
21 the dwelling units are designed for and dedicated to tenancies of at least three months, and the
22 dwelling units remain in low-income disabled multifamily residential use, low-income elderly

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multifamily residential use, low-income elderly/low-income disabled multifamily residential use, or other low-income residential uses, for the life of the structure.

B. Family-sized unit requirements in LR1 zones

1. ~~Developments~~Apartment developments in LR1 zones with four or more units shall provide at least one unit with two or more bedrooms and a minimum net unit area of 850 square feet for every four units in the structure.

2. One unit with three or more bedrooms and a minimum net unit area of 1,050 square feet may be provided in place of any two units required to include two bedrooms and a minimum net unit area of 850 square feet.

~~C. ((Carriage houses, nursing))~~ Nursing homes, congregate housing, assisted living facilities, and accessory dwelling units that meet the standards of Section 23.45.545 are exempt from the density limit set in ((Table A for 23.45.512)) subsection 23.45.512.A and the requirements in subsection 23.45.512.B.

~~((D. In LR1 zones no apartment shall contain more than three dwelling units, except as permitted in subsections 23.45.512.E and 23.45.512.G.~~

~~((E))~~ D. Dwelling unit(s) located in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use are exempt from density limits ((and the provisions of subsection 23.45.512.D)).

~~((F))~~ E. If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

~~((G))~~ F. Adding units to existing structures

1. One additional dwelling unit may be added to an existing residential structure regardless of the density restrictions in ((subsections)) subsection 23.45.512.A ((, 23.45.512.B,

~~23.45.512.C, and 23.45.512.D))~~ and the requirements in subsection 23.45.512.B. An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area to accommodate the new unit is proposed to be added to the existing structure.

2. For the purposes of this subsection ~~((23.45.512.G))~~ 23.45.512.F, “existing residential structures” are those that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired as of October 31, 2001.

Section 36. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance ~~125359~~ 125603, is amended as follows:

23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for ~~((principal))~~ structures ~~((permitted))~~ in LR zones are as shown on Table A for 23.45.514.

Table A for 23.45.514				
Structure height for ((Lowrise)) LR zones (in feet) ⁽¹⁾				
Housing type	LR1	LR2	LR3 outside urban centers, ((and)) urban villages, and Station Area Overlay Districts	LR3 in urban centers, ((and)) urban villages, and Station Area Overlay Districts
Cottage housing developments	((18)) <u>22</u>	((48)) <u>22</u>	((18)) <u>22</u>	((18)) <u>22</u>
Rowhouse and townhouse developments	30	((30)) <u>40</u> ¹	((30)) <u>40</u> ¹	((30)) <u>50</u> ¹
Apartments	30	((30)) <u>40</u> ¹	((30)) <u>40</u> ¹	((40)) <u>50</u> ²
Footnotes for Table A for 23.45.514				
⁽¹⁾ Height limits for LR zones with a mandatory housing affordability suffix are in subsection 23.45.517.D.				
² The height limit is 30 feet on the portions of lots that are within 50 feet of a single family zoned lot, unless the lot in the LR zone is separated from a single family zoned lot by a street.)				
¹ Except that the height limit is 30 feet in zones without a mandatory housing affordability suffix.				

Table A for 23.45.514

Structure height for ((~~Lowrise~~)) LR zones (in feet) ((¹))

² Except that the height limit is 40 feet in zones without a mandatory housing affordability suffix.

B. The ((~~base and maximum~~)) height limits for ((~~principal~~)) structures ((~~permitted~~)) in MR and HR zones are as shown in Table B for 23.45.514, subject to the additions and exceptions allowed as set forth in this Section 23.45.514.

((Table B for 23.45.514

Structure height for MR and HR zones (in feet)¹

	MR	MR/85	HR
Base height limit	60	85	160
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75	85	240 or 300

Footnotes to Table B for 23.45.514:

¹ Height limits for MR zones with a mandatory housing affordability suffix are in subsection 23.45.517.D.)

Table B for 23.45.514

Structure height for MR and HR zones (in feet)

	<u>MR</u>	<u>HR</u>
Height limit	<u>80¹</u>	<u>440</u>

Footnote to Table B for 23.45.514

¹ Except that the height limit is 60 feet in zones without a mandatory housing affordability suffix.

C. The ((~~maximum~~)) height limit for accessory structures that are located in required setbacks or separations is 12 feet, except as follows:

1. Garages and carports are limited to 12 feet in height as measured on the facade containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the garage or carport if any portion of the roof is within 4 feet of existing grade. The ridge of a pitched roof on a garage located in a required yard may extend up to 3 feet above the 12-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 12-foot height limit.

2. The height limit is 20 feet for ~~((an accessory structure that contains))~~ an accessory dwelling unit, ~~((for a rowhouse or townhouse unit.))~~ The ridge of a pitched roof on an accessory dwelling unit located in a required yard may extend up to 3 feet above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit. ~~((The height limit for an accessory dwelling unit that is accessory to a single-family dwelling unit shall be set according to Section 23.44.041.))~~

3. Freestanding 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 no closer to any lot line than 50 percent of their height above existing grade.

D. Exceptions for pitched roofs in LR zones that are not shed or butterfly roofs ((-))

1. Pitched roofs that are not shed or butterfly roofs may extend up to 5 feet above the height limits set in Table A for 23.45.514, ((subject to the following limits,)) provided that all parts of the roofs above the height limit have a minimum slope of 6:12 ~~((except as provided in subsection 23.45.514.D.5:~~

~~1. For cottage housing developments in all LR zones, the ridge of pitched roofs on principal structures may extend up to 7 feet above the height limit.~~

~~2. In LR1 and LR2 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit if))~~ and the height exception in subsection 23.45.514.F is not used.

~~((3. In LR3 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may either:~~

~~a. extend up to 10 feet above the height limit, if the height exception provided in subsection 23.45.514.F is not used, and the number of full stories above grade is limited to three; or~~

~~b. extend up to 5 feet above the height limit, if the height exception provided in subsection 23.45.514.F is used.~~

~~4. In LR3 zones, for structures subject to a 40 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit provided that the height exception in subsection 23.45.514.F is not used.~~

5)) 2. Portions of curved roof forms, such as barrel and domed roofs, may have a lesser slope than 6:12, if the Director determines that the massing of the roof form is comparable to a pitched roof form such as a gable or gambrel roof that would have a minimum slope of 6:12.

E. Shed and butterfly roofs in LR zones

1. In LR zones, the high side(s) of a shed or butterfly roof may extend 3 feet above the height limits set in Table A for 23.45.514, provided that the low side(s) of the shed or butterfly roof are no higher than the height limit (see Exhibit A for 23.45.514) if the height limit exception in subsection 23.45.514.F is not used.

2. The roof line of a shed or butterfly roof may be extended in order to accommodate eaves, provided that the highest point of the roof extension is no more than 4 feet above the height limit.

Exhibit A for 23.45.514

Height exception for shed and butterfly roofs

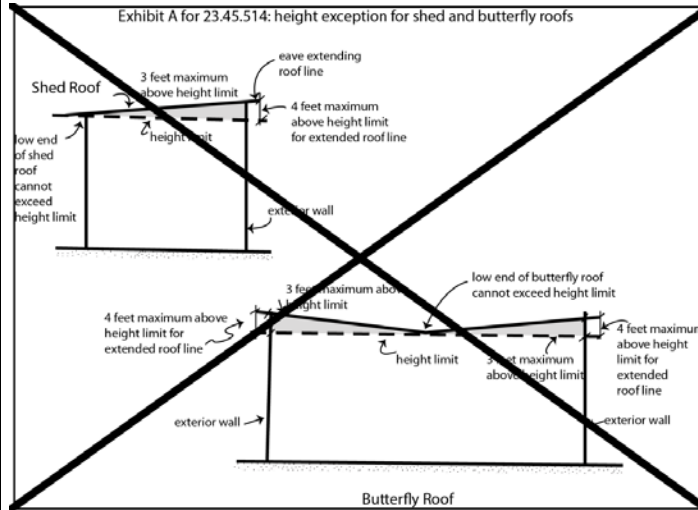
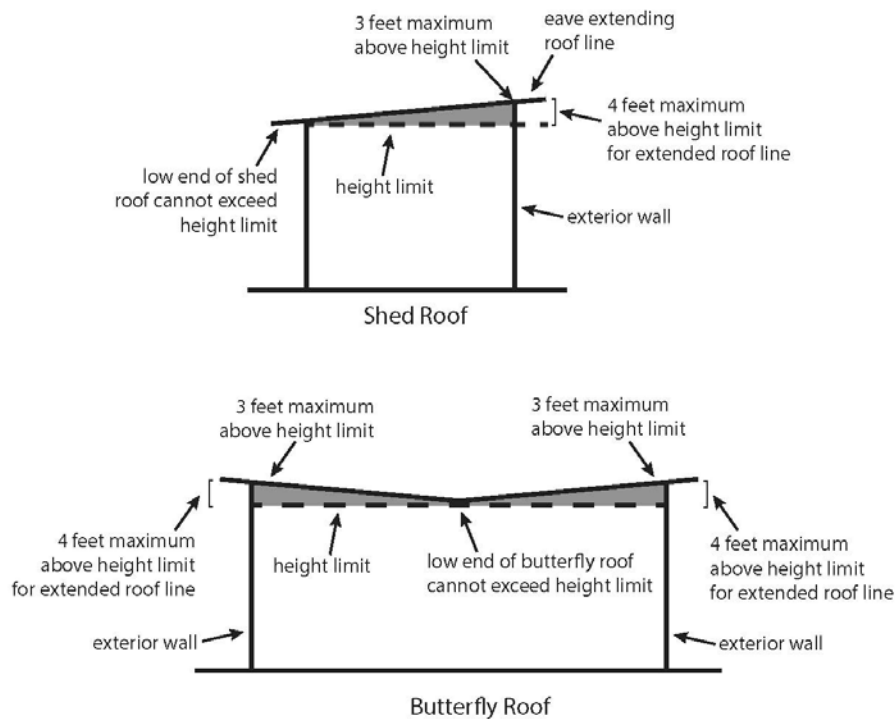


Exhibit A for 23.45.514 Height exception for shed and butterfly roofs



F. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below-grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a single-family zone boundary line, unless the lot in the LR zone is separated from a single-family zoned lot by a street;

2. The number of stories above the partially below-grade story is limited to ~~((three))~~ four stories for residential uses with a ~~((30-foot))~~ 40-foot height limit and to ~~((four))~~ five stories for residential uses with a ~~((40-foot))~~ 50-foot height limit;

3. On the street-facing facade(s) of the structure, the story above the partially below-grade story is at least 18 inches above the elevation of the street, except that this requirement may be waived to accommodate units accessible to the disabled or elderly, consistent with the Seattle Residential Code, ~~((Section R322))~~ Chapter 3, or the Seattle Building Code, Chapter 11; and

4. The average height of the exterior walls of the portion of the story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less.

~~((G. In MR zones, the base height limit is increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:~~

~~1. The FAR exemption provided in Section 23.45.510.E.4 is used;~~

~~2. All stories in the structure, except stories used only for parking, have floor to ceiling heights of 9 feet or more; or~~

3. The lot is split between a MR zone and an NC zone, and the base structure height allowed on the NC zoned portion is 65 feet or more.

H)) G. Roofs enclosed by a parapet. Roof surfaces that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest elevation of the roof surface does not exceed 75 percent of the parapet height, and provided that the lowest elevation of the roof surface is no higher than the applicable height limit. See Exhibit B for 23.45.514.

Exhibit B for 23.45.514 ((:))

Height ((Allowance)) allowance for ((Sloped Roofs Concealed)) sloped roofs concealed by a ((Parapet)) parapet

Exhibit B for 23.45.514

Height Allowance for Sloped Roofs Concealed by a Parapet

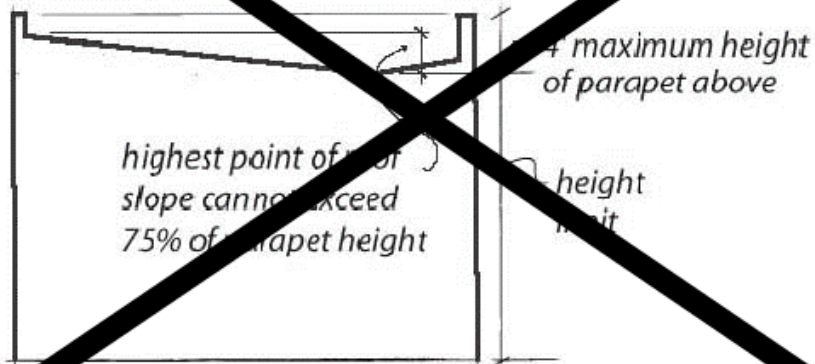
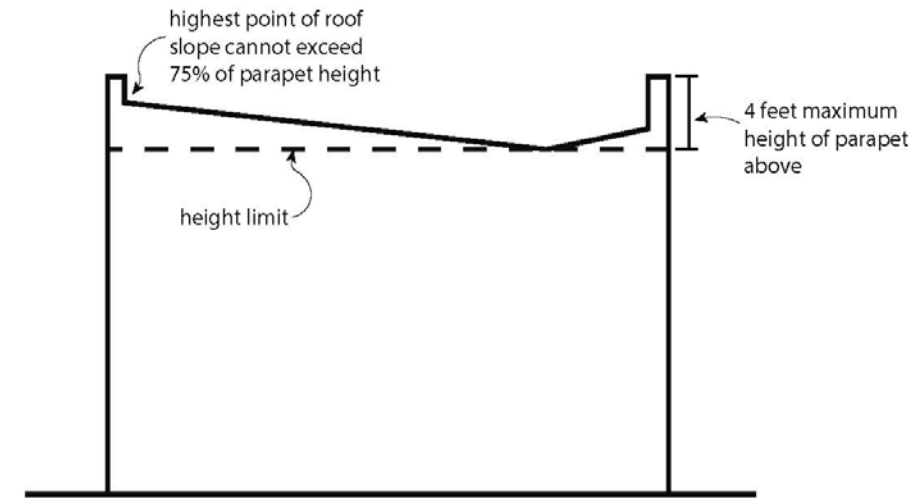
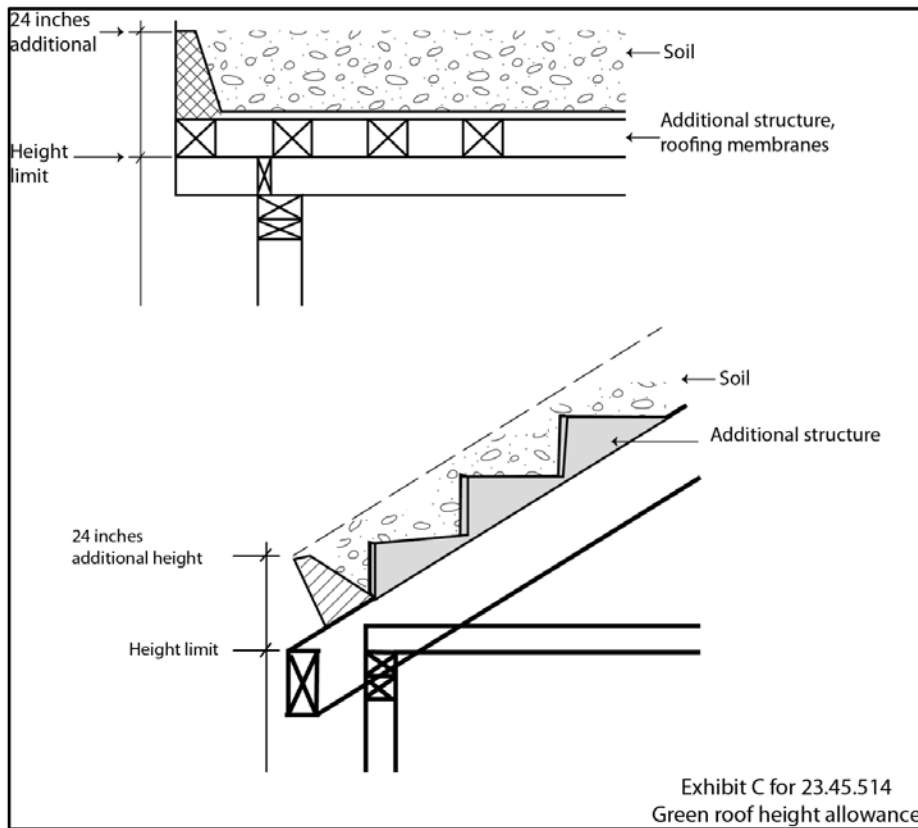


Exhibit B for 23.45.514
Height allowance for sloped roofs concealed by a parapet



((F)) H. Green roofs. For any structure with a green roof that meets standards promulgated by the Director and that covers at least 50 percent of the surface of the roof, up to 2 feet of additional height above the maximum height otherwise allowed for the roof is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

Exhibit C for 23.45.514
Green roof height allowance



((F)) I. Rooftop features

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

2. Open railings, planters, greenhouses not dedicated to food production, parapets, and firewalls on the roofs of principal structures may extend 4 feet above the maximum height

limit set in subsections 23.45.514.A, 23.45.514.B, 23.45.514.E, and 23.45.514.F, ~~((of this~~
~~Section 23.45.514.))~~

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

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

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

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

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

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Exhibit D for 23.45.514 ((~~z~~))
Permitted ((~~Projections on Pitched Roofs~~)) projections on pitched roofs

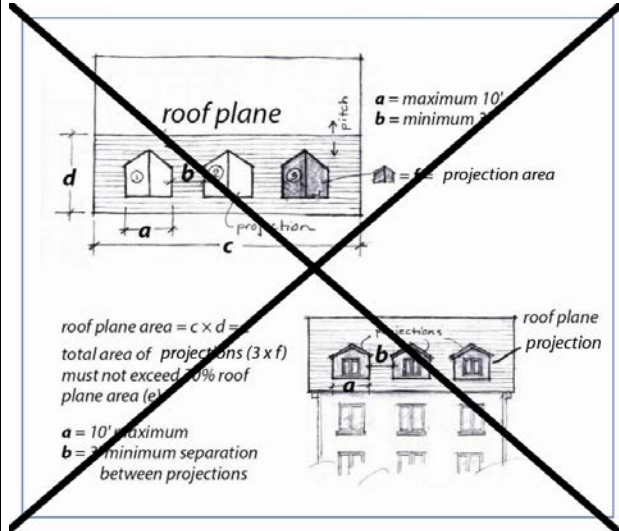
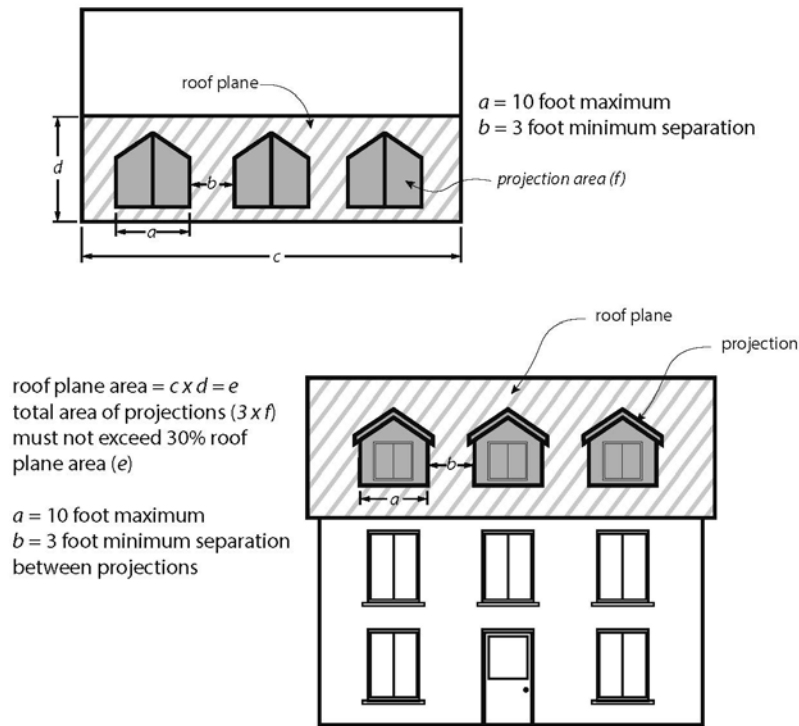


Exhibit D for 23.45.514
Permitted projections on pitched roofs



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

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

2) ~~((the))~~ The projections are ~~((setback))~~ set back at least 4 feet from any street facing facade.

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

a. Stair penthouses, except as provided in subsection ~~((23.45.514.J.6))~~ 23.45.514.I.6;

b. Mechanical equipment;

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

d. Chimneys;

e. Wind-driven power generators; and

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

5. In MR and HR zones, the following rooftop features may extend 15 feet above the applicable height limit set in ~~((subsections))~~ subsection 23.45.514.B ~~((and 23.45.514.G))~~, if

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the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:

a. Stair penthouses, except as provided in subsection ((~~23.45.514.J.6~~))

23.45.514.I.6;

b. Mechanical equipment;

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

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses and solariums, in each case that meet minimum energy standards administered by the Director;

h. Wind-driven power generators; and

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

6. Subject to the roof coverage limits in subsections ((~~23.45.514.I.4~~)) 23.45.514.I.4 and 23.45.514.I.5, elevator penthouses may extend above the applicable height limit up to 16 feet. ((~~If additional height is needed to accommodate energy efficient elevators in HR zones, elevator penthouses may extend the minimum amount necessary to accommodate energy efficient elevators, up to 25 feet above the applicable height limit. Energy efficient elevators are defined by Director's Rule.~~)) Stair penthouses may be the same height as an elevator penthouse if the elevator and stairs are co-located within a common penthouse structure.

7. For height exceptions for solar collectors, see Section 23.45.545.

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection (~~((23.45.514.J.8))~~ 23.45.514.I.8 at least 15 feet from the north lot line, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21 (~~((st))~~) at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses and solariums that meet minimum energy standards

administered by the Director;

e. Minor communication utilities and accessory communication devices,

permitted according to the provisions of Section 23.57.011;

f. Play equipment;

g. Sun and wind screens;

h. Penthouse pavilions for the common use of residents.

9. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

10. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection (~~((23.45.514.J))~~ 23.45.514.I does not exceed 50 percent of the roof area, and the greenhouse meets the requirements of subsection (~~((23.45.514.J.8))~~ 23.45.514.I.8.

~~((11. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:~~

~~a. If the applicable height limit is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.~~

~~b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.~~

~~c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening of rooftop features under other provisions of this subsection 23.45.514.J are not permitted above the height gained by a structure under this subsection 23.45.514.J.11.))~~

Section 37. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance 125173, is amended as follows:

23.45.516 ((Additional height and)) Method to achieve extra residential floor area in ((MR and)) HR zones

A. ~~((General.))~~ Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless otherwise specified.

~~((1. In MR, MR/85, and HR zones, extra residential floor area may be permitted up to the maximum limits allowed by Section 23.45.510.~~

~~2. In MR and HR zones, additional height above the base height limit is permitted for structures that qualify for extra residential floor area, up to the maximum limits allowed by Sections 23.45.514 and 23.45.516.~~

~~B. Eligible lots. The following lots are eligible for extra residential floor area and, except in MR/85 zones, additional height:~~

~~1. Lots in MR or MR/85 zones in urban villages, urban centers, and the Station Area Overlay District, except when the lot abuts a lot zoned single family or is directly across an alley from a lot zoned single family; and~~

~~2. Lots in HR zones.~~

C. HR zones

~~1. Extra residential floor area.))~~

B. In HR zones, extra residential floor area above the base FAR may be gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section 23.45.516.

~~((Up to all))~~ All extra residential floor area ~~((may))~~ shall be gained through the affordable

housing incentive program provisions in Section 23.58A.014. (~~Up to 40 percent of extra residential floor area may be gained by one or any combination of:~~

~~a. transfer of development potential;~~

~~b. providing neighborhood open space or a payment in lieu thereof; and/or~~

~~c. providing a neighborhood green street setback if allowed pursuant to~~

~~subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter 23.58A.~~

~~2. Structure height~~

~~a. Structures 240 feet or less in height. The applicable height limit in an HR zone under subsection 23.45.514.B is 240 feet if the applicant satisfies the conditions for extra floor area but not all of the conditions in subsection 23.45.516.C.2.b are met.~~

~~b. Structures over 240 feet. The applicable height limit in an HR zone under subsection 23.45.514.B is 300 feet if the applicant satisfies the conditions for extra floor area and the following additional conditions are met:~~

~~1) For any structure above a height of 85 feet, the average residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet;~~

~~2) No parking is located at or above grade, unless it is separated from all street lot lines by another use; and~~

~~3) At least 25 percent of the lot area at grade is one or more landscaped open spaces, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of the lot area at grade is landscaped, common amenity area meeting the standards of Section 23.45.522.~~

~~D. Transferable Development Potential (TDP) from Landmark structures and open space~~

~~1. Sending lots. TDP may be transferred under the provisions of Section 23.58A.040, as modified by this Section 23.45.516, only from Landmark TDP sites and open space TDP sites. In order to be eligible as a Landmark TDP site or open space TDP site, a lot shall be located in First Hill and shall be zoned MR or HR. Sending lots are subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A. The amount of TDP that may be transferred from a lot is limited to the amount by which the base FAR under Section 23.45.510 exceeds floor area on the lot that is not exempt under Section 23.45.510.~~

~~2. Receiving lots. Any lot located in an HR zone within First Hill is eligible for extra residential floor area according to the provisions of this Section 23.45.516 to receive TDP from an eligible sending lot, subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A.~~

~~E. Combined lot development. When authorized by the Director pursuant to this Section 23.45.516, lots located on the same block in an HR zone may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one or more such lots under this Chapter 23.45 to be used on one or more other lots, according to the provisions of this subsection 23.45.516.E.~~

~~1. Up to all of the capacity on one lot, referred to in this subsection 23.45.516.E as the “base lot,” for chargeable floor area in addition to the base FAR, pursuant to Section 23.45.510 (referred to in this subsection 23.45.516.E as “bonus capacity”), may be used on one or more other lots, subject to compliance with all conditions to obtaining extra residential floor area, pursuant to Chapter 23.58A, as modified in this Section 23.45.516. For purposes of applying any conditions related to amenities or features provided on site under this Section~~

~~23.45.516, only the lot or lots on which such bonus capacity is used are considered to be the lot or site using a bonus. Criteria for use of extra residential floor area that apply to the structure(s) shall be applied only to the structure(s) on the lots using the transferred bonus capacity. For purposes of the condition to height above 240 feet in subsection 23.45.516.C.2.b.3 of this Section 23.45.516, all lots in a combined lot development are considered as one lot.~~

~~2. Only if all of the bonus capacity on all lots in a combined lot development is used on fewer than all of those lots, there may be transferred from a base lot where no bonus capacity is used, to one or more other lots in the combined lot development, up to all of the unused base FAR on the base lot, without regard to limits on the transfer of TDP or on use of TDP in Chapter 23.58A or subsection 23.45.516.D. Such transfer shall be treated as a transfer of TDP for purposes of determining remaining development capacity on the base lot and TDP available to transfer under Chapter 23.58A, but shall be treated as additional base FAR on the other lots, and, to the extent that, together with other base floor area, it does not exceed the amount of chargeable floor area below the base height limit on the lot where it is used, it shall not be treated as extra residential floor area. If less than all of the bonus capacity of the base lot is used on such other lots, and if the base lot qualifies as a sending lot for TDP, the unused base FAR may be transferred as TDP to the extent permitted by Chapter 23.58A and this Section 23.45.516, but in each case only to satisfy in part the conditions to achieve extra floor area, not as additional base FAR.~~

~~3. To the extent permitted by the Director, the maximum chargeable floor area for any one or more lots in the combined lot development may be increased up to the combined maximum chargeable floor area under Section 23.45.510 computed for all lots participating in the combined lot development, provided that the maximum chargeable floor area on one or more~~

~~other lots in the combined lot development is correspondingly reduced. To the extent permitted by the Director, and subject to subsection 23.45.516.E.2, the base floor area for any one or more lots in the combined lot development may be increased up to the combined base chargeable floor area under Section 23.45.510 computed for all lots participating in the combined lot development, provided that the base floor area on one or more other lots in the combined lot development is correspondingly reduced.~~

~~4. The Director shall allow a combined lot development only to the extent that the Director determines, in a Type I land use decision, that permitting more chargeable floor area than would otherwise be allowed on a lot or lots and the corresponding reduction on another lot or lots will result in a significant public benefit through one of more of the following:~~

~~a. preservation of a landmark structure located on the block or on an adjacent block either through the inclusion of the lot with the landmark structure as a base lot in the combined lot development or through the transfer of TDP from the lot with the landmark structure to a lot in the combined lot development;~~

~~b. inclusion on the same block of a structure in which low-income housing is provided to satisfy all or part of the conditions to earn extra residential floor area; and/or~~

~~c. provision of open space on the same block to satisfy in part the conditions to achieve extra residential floor area.~~

~~5. The fee owners of each of the combined lots shall execute an appropriate agreement or instrument, which shall include the legal descriptions of each lot and shall be recorded in the King County real property records. In the agreement or instrument, the owners shall acknowledge the extent to which development capacity on each base lot is reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable floor area for~~

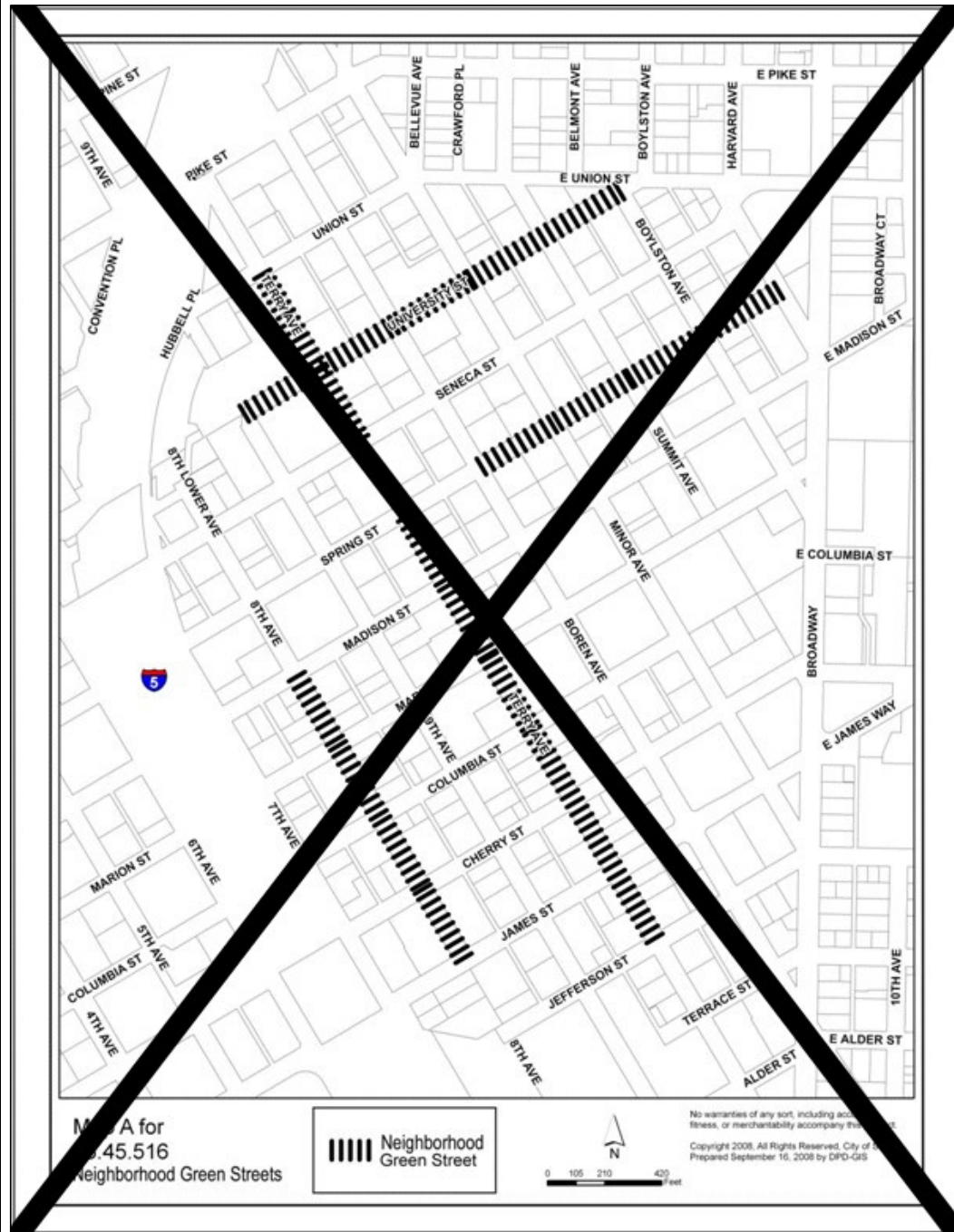
~~which such capacity is used remains on such other lot or lots. The agreement or instrument shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle.~~

~~6. Nothing in this subsection 23.45.516.E shall allow the development on any lot in a combined lot development to exceed or deviate from height limits or other development standards.~~

~~F. Neighborhood green street setback. Floor area may be gained for a neighborhood green street setback according to the provisions of Chapter 23.58A by development on lots abutting one of the streets or street segments within the First Hill Urban Village shown on Map A for 23.45.516.~~

Map A for 23.45.516

Neighborhood Green Streets



~~G. Neighborhood open space. In HR zones, subject to the limits in this Section 23.45.516 and Chapter 23.58A, extra residential floor area may be gained through a voluntary agreement to provide neighborhood open space or a payment in lieu of neighborhood open space, according to the provisions of Section 23.58A.040.))~~

C. Structures over 240 feet. For development containing one or more structures with heights greater than 240 feet, the following additional conditions shall be met:

1. No parking is allowed to be located at or above grade, unless it is separated from all street lot lines by another use; and
2. At least 20 percent of the lot area at grade must be common amenity area meeting the standards of Section 23.45.522.

Section 38. Section 23.45.517 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.45.517 ((~~Multifamily zones with a mandatory~~) Mandatory housing affordability ((~~suffix~~) (MHA) in multifamily zones

~~((The following standards apply to multifamily zones with a mandatory housing affordability suffix, which include (M), (M1), and (M2):~~

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

~~B. Floor area ratio (FAR)~~

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

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

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

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

C. Density limit

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

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

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

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

((Table B for 23.45.517 Density limits in LR1, LR2, and LR3 zones with mandatory housing affordability suffix				
Zone	Units allowed per square foot of lot area by category of residential use ^{1,2}			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development	Apartment
Footnotes to Table B for 23.45.517				
¹ When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.				
² Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C.				
³ See Section 23.45.531 for specific regulations about cottage housing developments.				
⁴ One single family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.))				

((D. Structure height

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

((Table C for 23.45.517 Structure height in LR1, LR2, and LR3 zones with mandatory housing affordability suffix (in feet)				
Housing type	LR1	LR2	LR3 Inside urban centers and villages	LR3 Outside urban centers and villages
Cottage housing developments	18	18	18	18
Rowhouse and townhouse developments	30	40	50	40
Apartments	30	40	50	40))

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

E. Green building performance. Applicants for development in LR1 and LR2 zones with a mandatory housing affordability suffix shall make a commitment that the proposed

~~development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.))~~

LR, MR, and HR zones with a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

Section 39. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance

~~125272~~125603, is amended as follows:

23.45.518 Setbacks and separations

A. LR zones ((-))

1. Required setbacks for the LR zones are shown in Table A for 23.45.518 and subsection 23.45.518.A.2.

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

Table A for 23.45.518 Required ((Setbacks in LR Zones Measured in Feet)) setbacks in LR zones measured in feet				
All LR zones	Category of residential use			
Setback ((¹))	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
Side setback for facades greater than 40 feet in length ((²)) ³	5 minimum	0 where abutting another rowhouse development ((³)) ² , otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum
Footnote x to Table A for 23.45.518 ((÷))				
¹ Additions to existing nonconforming structures <u>built prior to April 11, 2011</u> , shall be set back a sufficient distance so that the addition complies with setback standards. <u>For any portion of a structure built before April 11, 2011, the average setback applies only to a new addition built after that date. If an addition is to a side wall extended vertically, the existing side wall line may be continued by the addition, provided that the average setback of 7 feet or the 5-foot minimum setback is met.</u>				
((² ((Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement))))				
((³)) ² If the side facades of rowhouse developments on abutting lots are not joined, then a 3.5-foot setback is required, except the side setback may be reduced to zero if the abutting lot contains a rowhouse development and an easement is provided along the shared lot line of the abutting lot sufficient to leave a 3.5-foot separation between the principal structures of the abutting rowhouse developments.				
² ((If the side facades of rowhouse developments on abutting lots are not joined, then a 3.5-foot setback is required, except the side setback may be reduced to zero if the abutting lot contains a rowhouse development and an easement is provided along the shared lot line of the abutting lot sufficient to leave a 3.5-foot separation between the principal structures of the abutting rowhouse developments)) ³ Portions of structures that qualify for the FAR exemption in subsection 23.45.510.D.5 are not considered part of the facade length for the purposes of determining the side setback requirement.				

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2. Upper-level setbacks in LR2 and LR3 zones

a. An upper-level setback of 12 feet from the front lot line is required for

all portions of a structure above the following height:

1) Forty-four feet for zones with a height limit of 40 feet; and

2) Fifty-four feet for zones with a height limit of 50 feet.

b. An upper-level setback of 12 feet from each side or rear lot line that abuts a lot zoned single-family is required for all portions of the structure above 34 feet in height.

c. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

d. Structures allowed in subsection 23.45.518.J are not allowed in upper-level setbacks.

e. Rooftop features are not allowed in upper-level setback except as follows:

1) A pitched roof, other than a shed roof or butterfly roof, is allowed in the upper-level setback if all parts of the roof are pitched at a rate of not less than 6:12 and not more than 12:12.

2) Open railings may extend up to 4 feet above the height at which the setback begins.

3) Parapets may extend up to 2 feet above the height at which the setback begins.

B. MR zones ((-))

1. Minimum setbacks for the MR zone are shown in Table B for 23.45.518 and subsection 23.45.518.B.2.

((Table B for 23.45.518: MR Setbacks))

Table B for 23.45.518	
MR setbacks measured in feet	
Setback ((Location)) location	Required ((Setback Amount)) setback amount
Front and side setback from street lot lines	7 ((foot)) average ((setback)) ; 5 ((foot)) minimum ((setback)) <u>No setback is required if a courtyard is provided that is at grade and abuts the street (see Exhibit A for 23.45.518), and the courtyard has:</u> <ul style="list-style-type: none"> • a minimum width equal to 30 percent of the width of the abutting street frontage or 20 feet, whichever is greater; and • a minimum depth of 20 feet measured from the abutting street lot line.
	((No setback is required if a courtyard abuts the street (see Exhibit A for 23.45.518) and the courtyard has: <ul style="list-style-type: none"> • a minimum width equal to 30 percent of the width of the abutting street frontage or 20 feet, whichever is greater; and • a minimum depth of 20 feet measured from the abutting street lot line.))
Rear setback	15 ((feet)) from a rear lot line that does not abut an alley; or 10 ((feet)) from a rear lot line abutting an alley.
Side setback from interior lot line	For portions of a structure: <ul style="list-style-type: none"> • 42 feet or less in height: 7 average; 5 minimum • Above 42 feet in height: 10 average; 7 minimum
	((• 42 feet or less in height: 7 foot average setback; 5 foot minimum setback. <ul style="list-style-type: none"> • Above 42 feet in height: 10 foot average setback; 7 foot minimum setback.))

Exhibit A for 23.45.518 ((~~z~~))

MR ((~~Courtyard Example~~)) courtyard example

Exhibit A for 23.45.518: MR Courtyard Example

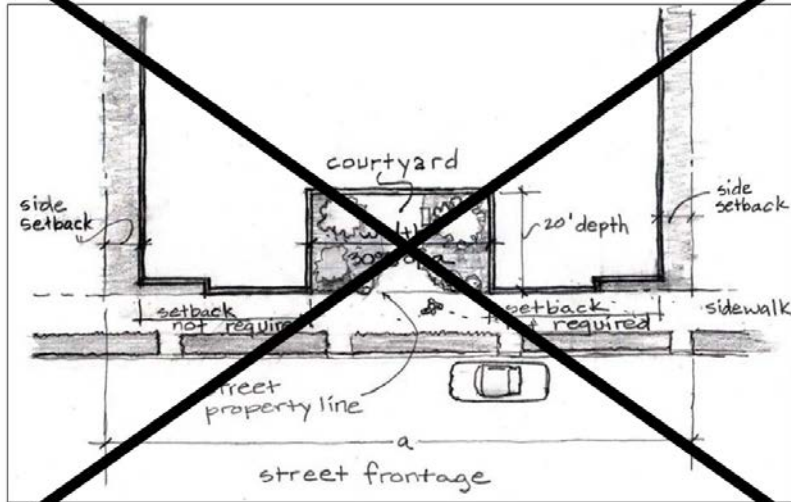
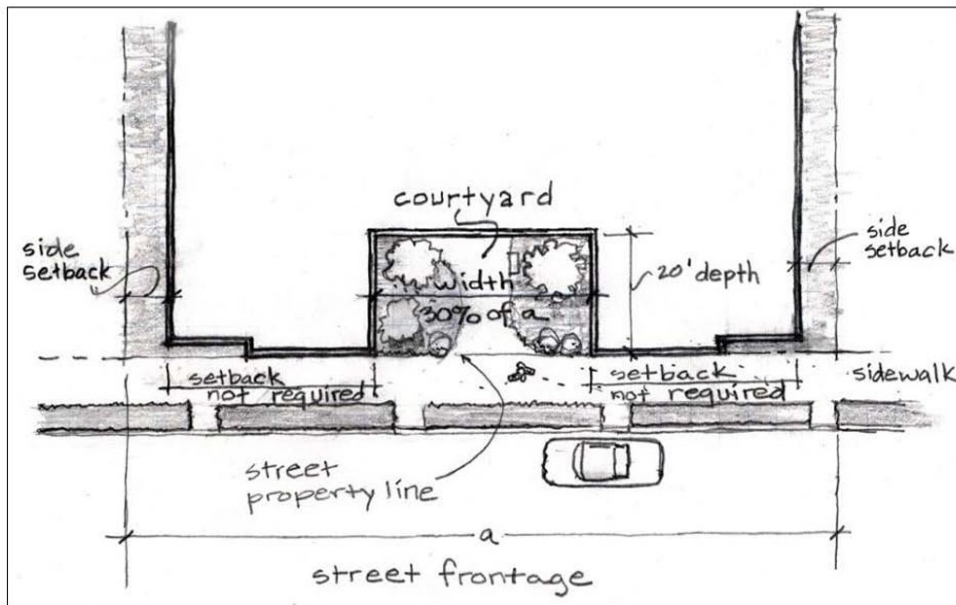


Exhibit A for 23.45.518: MR courtyard example



2. Upper-level setbacks in MR zones

a. For lots abutting a street that is less than 56 feet in width, all portions of the structure above 70 feet in height must be set back 15 feet from the front lot line abutting that right-of-way.

b. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

c. Structures allowed in subsection 23.45.518.J are not allowed in upper-level setbacks.

d. Rooftop features are not allowed in upper-level setback except as follows:

1) Open railings may extend up to 4 feet above the height at which the setback begins.

2) Parapets may extend up to 2 feet above the height at which the setback begins.

C. HR zones. Minimum setbacks for HR zones are shown in Table C for 23.45.518.

Table C for 23.45.518	
HR ((Setbacks)) setbacks measured in feet (see also Exhibit B for 23.45.518)	
Setbacks for structures 85 feet in height or less	
Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.B.	
Setbacks for structures greater than 85 feet in height	
Lot line abutting a street	For portions of a structure: • 45 feet or less in height: ((7-foot)) <u>7</u> average ((setback)) ; ((5-foot)) <u>5</u> minimum, ((setback)) except that no setback is required for frontages occupied by street-level uses or dwelling units with a direct entry from the street; • Greater than 45 feet in height: ((10-foot)) <u>10</u> minimum ((setback))
Lot line abutting an alley	((Rear lot line abuts an alley)) For portions of a structure: • 45 feet or less in height: no setback required; • Greater than 45 feet in height: ((10-foot)) <u>10</u> minimum ((setback))

Table C for 23.45.518

HR ((Setbacks)) setbacks measured in feet (see also Exhibit B for 23.45.518)

Lot line that abuts neither a street nor alley	<p>For portions of a structure:</p> <ul style="list-style-type: none"> • 45 feet or less in height: ((7-foot)) <u>7</u> average; ((setback;)) ((5-foot)) <u>5</u> minimum; ((setback;)) except that no setback is required for portions abutting an existing structure built to the abutting lot line; • Greater than 45 feet in height: ((20-foot)) <u>20</u> minimum ((setback;))
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Exhibit B for 23.45.518 ((;))

HR ((Setbacks)) setbacks

Exhibit B for 23.45.518: HR Setbacks

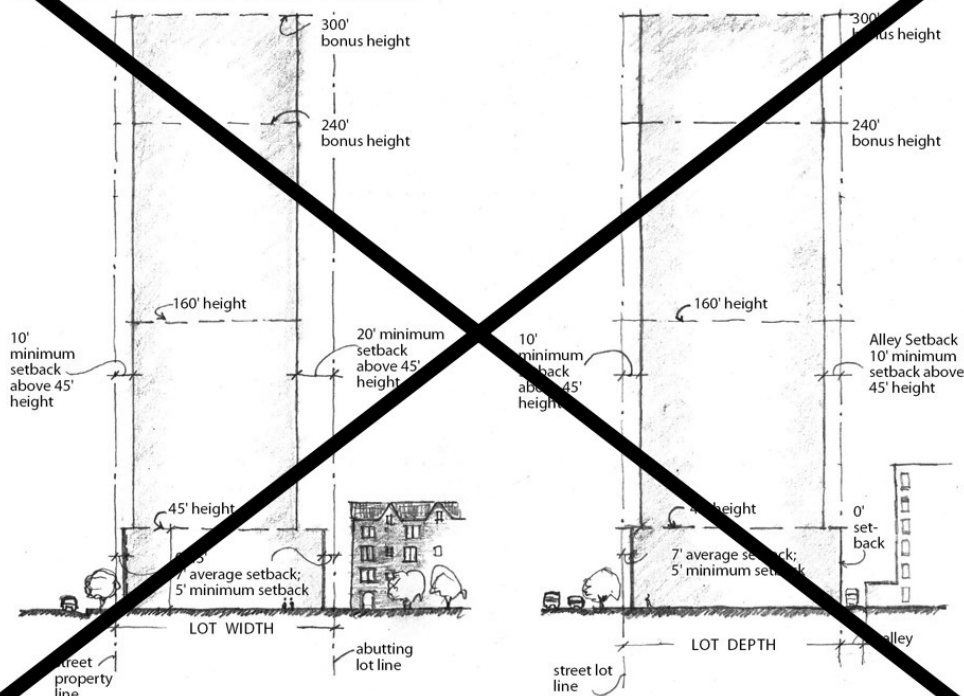
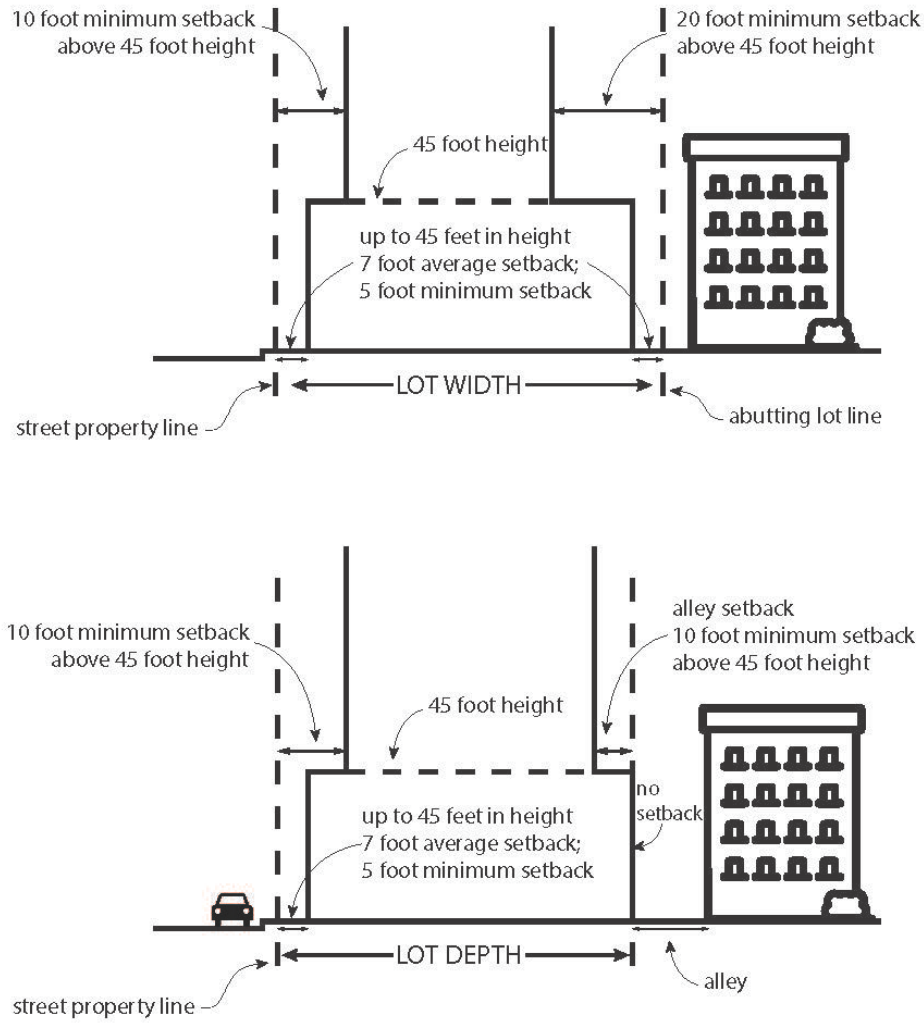


Exhibit B for 23.45.518: HR setbacks



D. Through lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

E. Other setback requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for ~~((streets, alleys and easements))~~ Streets, Alleys, and Easements.

F. Separations between multiple structures ((-))

1. In LR and MR zones, the minimum required separation between principal structures at any two points on different interior facades is 10 feet, except for cottage housing developments, and principal structures separated by a driveway or parking aisle.

2. In LR and MR zones, if principal structures are separated by a driveway or parking aisle, the minimum required separation between the principal structures is 2 feet greater than the required width of the driveway or parking aisle, provided that the separation is not required to be any greater than 24 feet. If principal structures are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

3. Cottage housing developments in LR and MR zones:

a. The minimum required separation between principal structures at any two points on different interior facades is 6 feet, unless there is a principal entrance on an interior facade, in which case the minimum separation required from that facade is 10 feet.

b. Facades of principal structures shall be separated from facades of accessory structures by a minimum of 3 feet.

~~((4. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table D for 23.45.518.~~

Table D for 23.45.518: HR Facade Separation for Structures on the Same Lot	
((Height Range	Minimum separation required between interior facades
0 to 45 feet	No minimum
Above 45 feet up to 160 feet	30 feet
Above 160 feet	40 feet))

G. Front and rear setbacks and all separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

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))~~ Are a minimum of 30 inches above the finished floor;
- b. ~~((are))~~ Are no more than 6 feet in height and 8 feet wide; and
- c. ~~((combined))~~ 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

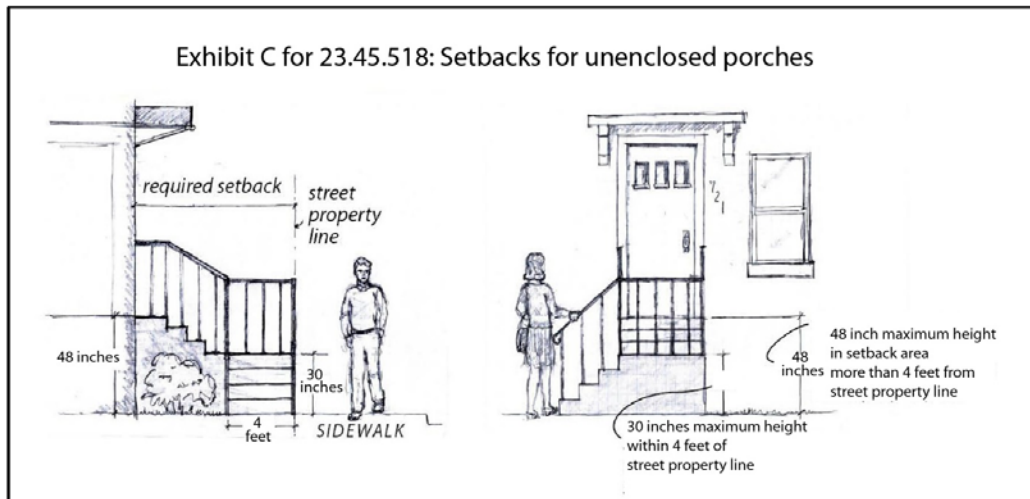
4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade, whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

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.

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

(1) a. ~~((no))~~ No closer than 5 feet to any lot line;

(2) b. ~~((no))~~ No more than 20 feet wide; and

(3) c. ~~((separated))~~ 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.

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

1. Detached garages, carports, or other accessory structures may be located in required separations and required rear or side setbacks, subject to the following requirements:

a. Any accessory structure located between a principal structure and a side lot line shall provide the setback required for the principal structure;

b. Any portion of an accessory structure located more than 25 feet from a rear lot line shall be set back at least 5 feet from the side lot line;

c. Accessory structures shall be set back at least 7 feet from any lot line that abuts a street; and

d. Accessory structures shall be separated by at least 3 feet from all principal structures, including the eaves, gutters, and other projecting features of the principal structure.

2. Ramps or other devices necessary for access for the disabled and elderly that meet the Seattle Residential Code, ~~((Section R322))~~ Chapter 3, or Seattle Building Code, Chapter 11, ~~((--))~~ Accessibility, are permitted in any required setback or separation.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or less in width, are permitted in any required setback or separation.

4. Underground structures are permitted in any required setback or separation.

5. Solar collectors may be permitted in required setbacks or separations, pursuant to the provisions of Section 23.45.545.

6. Freestanding structures, signs and similar structures 6 feet or less in height above existing or finished grade, whichever is lower, may be erected in each required setback or separation, provided that signs meet the provisions of Chapter 23.55, Signs.

7. Fences ((-))

a. Fences no greater than 6 feet in height are permitted in any required setback or separation, except that fences in the required front setback extended to side lot lines or in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open.

c. Fence height may be averaged along sloping grades for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height permitted by subsection ((~~23.45.518.I.7.a~~)) 23.45.518.I.7.a is 6 feet, or 6 feet in height when the height permitted by subsection ((~~23.45.518.I.7.a~~)) 23.45.518.I.7.a is 4 feet.

8. Bulkheads and retaining walls ((-))

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback if they are limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of January 3, 1997.

b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet measured from the finished grade on the low side, whichever is greater. If the bulkhead is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle Residential Code or Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. Any fence shall be set back a minimum of 3 feet from such a bulkhead or retaining wall.

9. Arbors may be permitted in required setbacks or separation under the following conditions:

a. In each required setback or separation, an arbor may be erected with no more than a 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of 8 feet. At least 50 percent of both the sides and the roof of the arbor shall be open, or, if latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a 30-square-foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. At least 50 percent of the sides of the arbor shall open, or, if latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

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

- a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;
- b. Each above-grade GSI feature is less 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.J.10))~~ 23.45.518.I.10 are allowed within a required setback or separation if:

a. Above-grade GSI features do not exceed ~~((40))~~ 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.

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

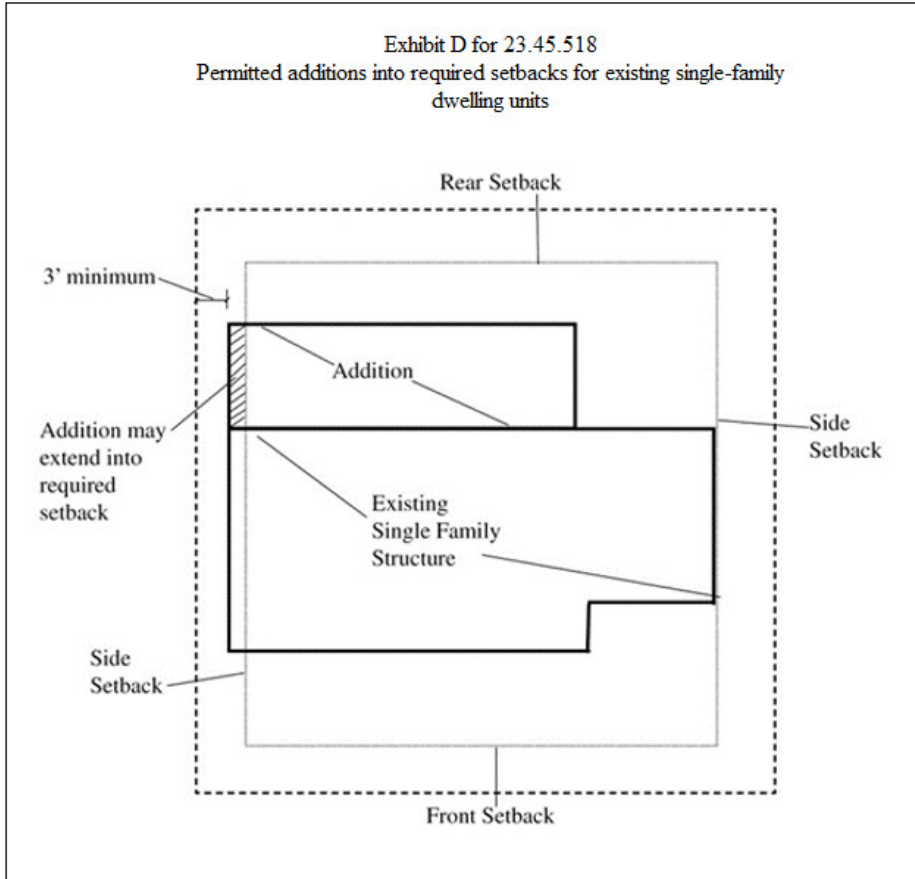
~~((K))~~ J. Exceptions for existing single-family structures ~~((:))~~

1. In all multifamily zones, certain additions to a single-family dwelling unit may extend into a required side setback if the structure is already nonconforming with respect to that setback, and if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit D for 23.45.518), provided that additions shall be at least 3 feet from the side lot line.

1 2. An existing single-family dwelling unit in a ((~~Lowrise~~)) LR zone may be
2 converted to a multifamily use without conforming to setback standards for apartments in
3 subsection 23.45.518.A, provided that the building envelope is not changed. For the purposes of
4 this subsection ((~~23.45.518.K.2~~)) 23.45.518.J.2, “existing single-family dwelling unit” is one that
5 was established under permit as of October 31, 2001, or for which a permit has been granted and
6 the permit has not expired on October 31, 2001.

Exhibit D for 23.45.518

Permitted additions into required setbacks for existing single-family dwelling units



((L. In LR zones, a minimum upper level setback from all street lot lines is required in addition to any required ground level setback, as follows:

1. For structures with a 30 foot height limit according to Table A for 23.45.514, the upper level setback requirement is 12 feet above a height of 34 feet.

2. For structures with a 40 foot height limit according to Table A for 23.45.514, the upper level setback requirement is 16 feet above a height of 44 feet.

~~3. The minimum upper level setback shall be provided at all points along the length of the street property line as measured from finished grade.~~

~~4. In addition to the projections permitted in subsection 23.45.518.H, open railings, and parapets that are predominantly transparent above a height of 1.5 feet, may be located in the required upper level setback.))~~

Section 40. Section 23.45.520 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.520 HR zone ((~~width and floor size limits~~)) upper-level development standards

~~((A. In HR zones, for structures over 85 feet in height, portions of structures above a height of 45 feet are limited to a maximum facade width of 110 feet. The width of the structure measured along the longest street lot line may be increased as follows, provided that if both street lot lines are of the same length, the increase in the width of the facade is only permitted along one street lot line:~~

~~1. A maximum facade width of 130 feet is permitted, provided that the average gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or~~

~~2. If the applicant earns bonus residential floor area by providing all of the affordable housing within the project pursuant to Section 23.58A.014, the maximum facade width of the structure above 45 feet in height is 150 feet, provided that the average gross floor area of all stories above 45 feet in height does not exceed 12,000 square feet.~~

~~B. All portions of structures above 85 feet in height that reach the maximum facade width limit specified in subsection 23.45.520.A must be separated from any other portion of a structure on the lot above 45 feet at all points by the minimum horizontal distance shown on Table D for~~

~~23.45.518, except that projections permitted in required setbacks and separations pursuant to subsections 23.45.518.H and 23.45.518.I are permitted.))~~

A. For the purpose of this Section 23.45.520, a “tower” is any portion of a structure that exceeds 45 feet in height, excluding rooftop features permitted above the height limit. Rooftop features permitted above the height limit shall not be included in calculating the gross floor area per story and floor area coverage of a tower.

B. If any proposed or existing structures in HR zones exceed a height of 85 feet, excluding rooftop features permitted above the height limit, all structures or portions of structures greater than 45 feet in height are subject to following standards:

1. A structure may have one or more towers.

2. The maximum width of an individual tower is 130 feet.

3. The average gross floor area per story of an individual tower shall not exceed 10,000 square feet and the maximum gross floor area for any individual story of an individual tower shall not exceed 10,500 square feet.

4. The average ~~gross~~ floor area ~~coverage~~ per story of all ~~existing and proposed~~ towers on the lot shall not ~~be more than~~ exceed 60 percent of the lot area.

5. Where two or more towers are located on the lot, the minimum horizontal separation between proposed towers or between proposed and existing towers shall be 40 feet.

Section 41. Subsection 23.45.522.A of the Seattle Municipal Code, which section was last amended by Ordinance 124952, is amended as follows:

23.45.522 Amenity area

A. Amount of amenity area required for rowhouse and townhouse developments and apartments in LR zones

1. The required amount of amenity area for rowhouse and townhouse developments and apartments in LR zones is equal to 25 percent of the lot area.

2. A minimum of 50 percent of the required amenity area shall be provided at ground level, except that amenity area provided on the roof of a structure that meets the provisions of subsection ((~~23.45.510.E.5~~)) 23.45.510.D.5 may be counted as amenity area provided at ground level.

3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as either private or common space.

4. For apartments, amenity area required at ground level shall be provided as common space.

* * *

Section 42. Section 23.45.528 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.45.528 Structure width and depth limits for lots greater than 9,000 square feet in Midrise zones

The width and depth limits of this Section 23.45.528 apply to lots greater than 9,000 square feet in MR zones.

A. The width of principal structures shall not exceed 150 feet.

B. Structure depth

1. The depth of principal structures shall not exceed ~~((75))~~ 80 percent of the depth of the lot, except as provided in subsection 23.45.528.B.2.

2. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in Section 23.45.518, structure depth may exceed the limit set in subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

Section 43. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.529 Design standards

A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1. Enhance street-facing and side facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street or adjacent residential property;

2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;

3. Promote livability in multifamily areas by providing a sense of openness and access to light and air; and

4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of provisions. The provisions of this Section 23.45.529 apply to all residential uses that do not undergo any type of design review pursuant to Chapter 23.41, except single-family dwelling units.

C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a “street-facing facade” includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529.

Exhibit A for 23.45.529

Measurement of ((~~Street-facing Facades~~)) facades

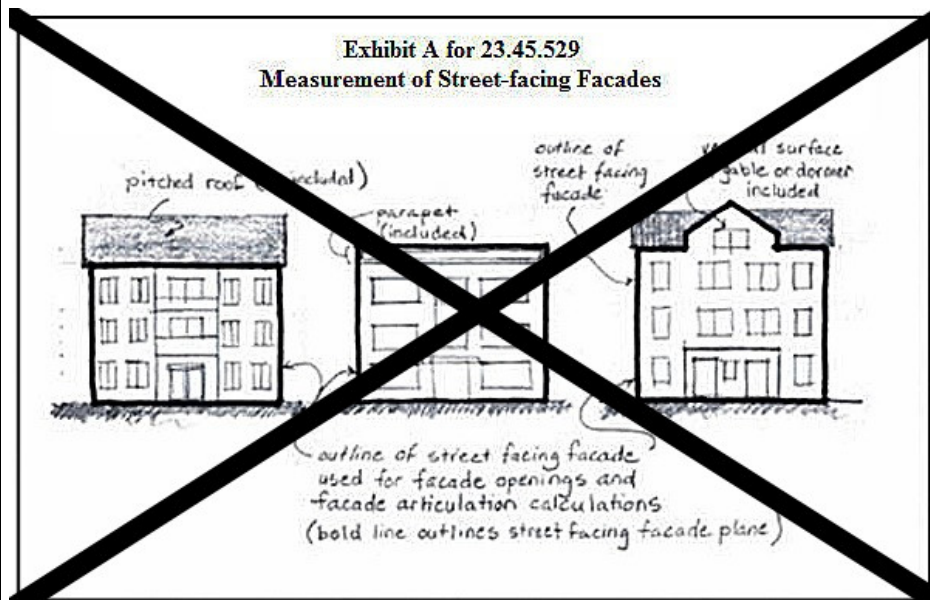
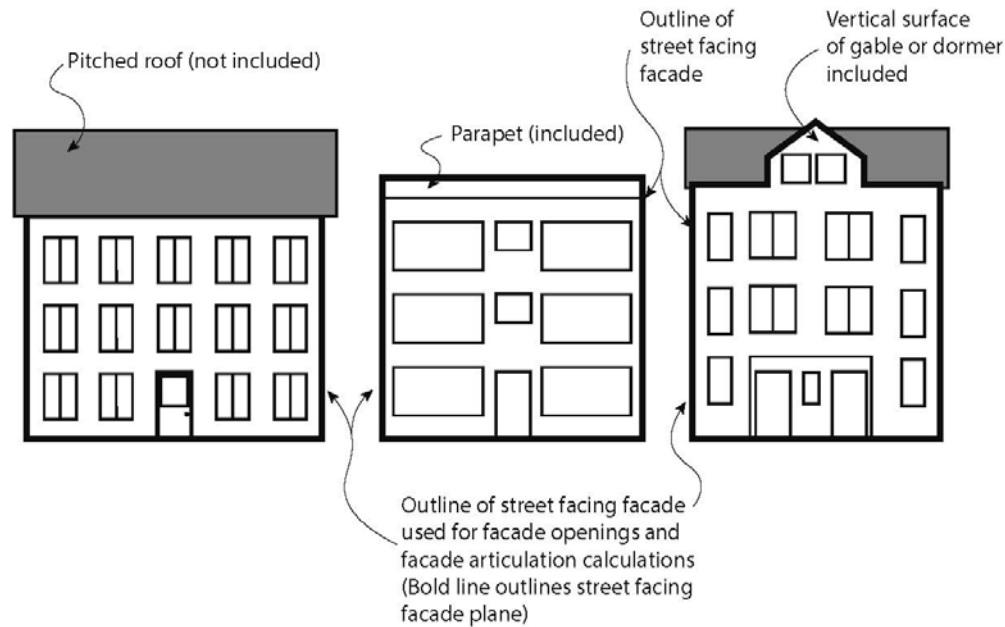


Exhibit A for 23.45.529 Measurement of facades



1. Facade openings

a. At least 20 percent of the area of each street-facing facade shall consist of windows and/or doors, except as provided in subsection 23.45.529.C.1.b. If a front and side facade are street-facing, the two facades may be combined for the purpose of this calculation.

b. For any rowhouse or townhouse dwelling unit that has ((a)) both a front and a side facade that are street-facing, the percentage of the side street-facing facade required to consist of windows and/or doors is reduced to ((40)) ten percent for the portion of the facade associated with that dwelling unit. This reduction to ((40)) ten percent is not allowed if the facades are combined for the purpose of this standard pursuant to subsection 23.45.529.C.1.a or if any of the exceptions in subsection 23.45.529.C.3 are applied.

c. Windows count toward the requirement for facade openings in this subsection 23.45.529.C.1 only if they are transparent. Windows composed of glass blocks or opaque glass, garage doors, and doors to utility and service areas ((,)) do not count.

2. Facade articulation

a. If a street-facing facade or portion of a street-facing facade is not vertical, the Director shall determine whether the facade is substantially vertical and required to comply with this subsection 23.45.529.C.

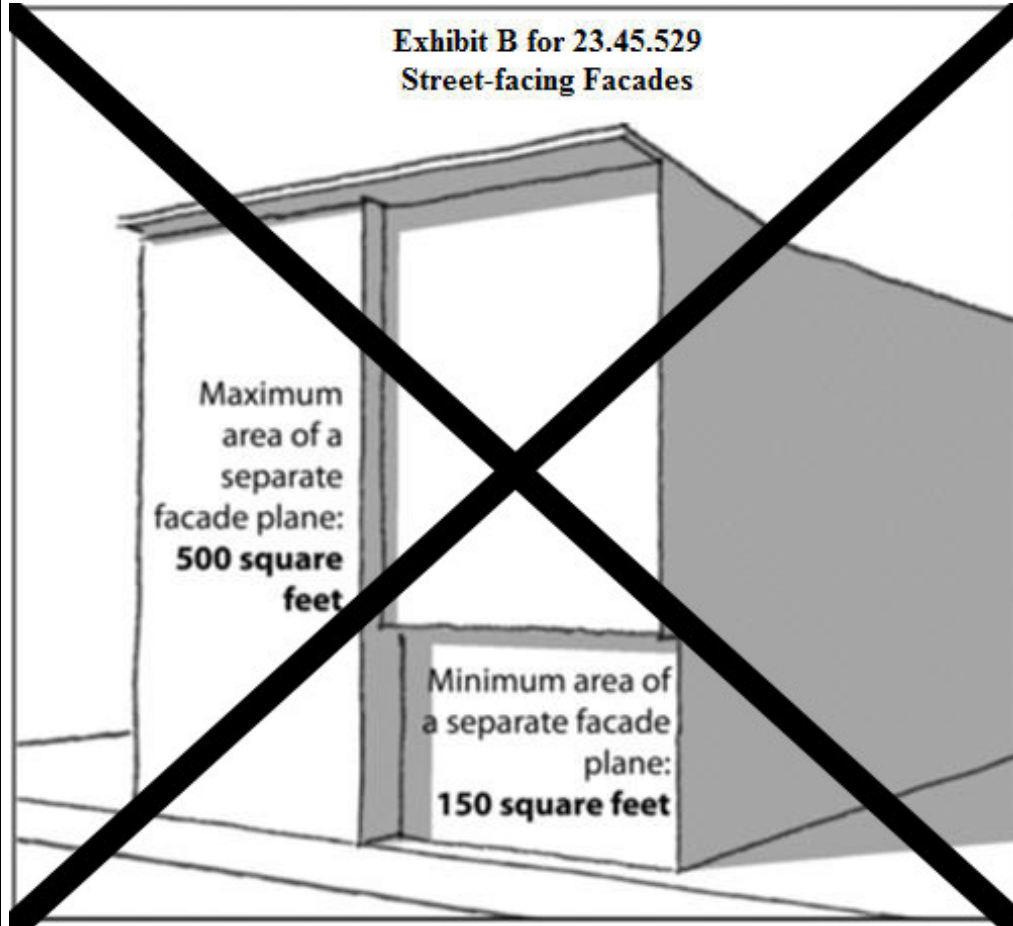
b. If the street-facing facade of a structure exceeds 750 square feet in area, division of the facade into separate facade planes is required (see Exhibit B for 23.45.529).

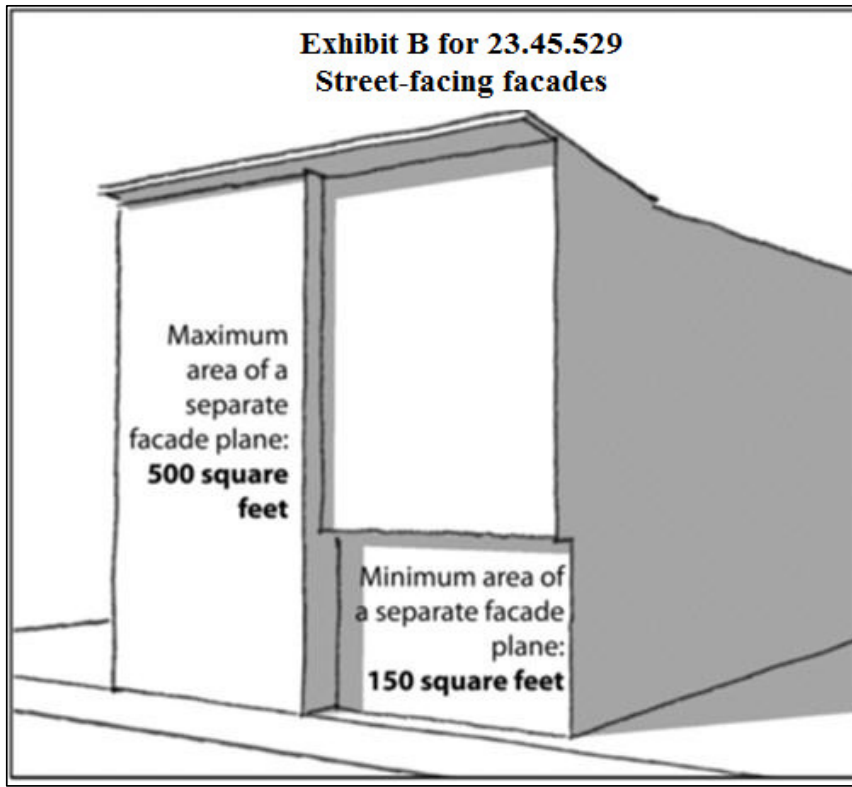
c. In order to be considered a separate facade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing facade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall project or be recessed from abutting facade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows, and doors on all street-facing facades.

Exhibit B for 23.45.529

Street-facing ((~~Facades~~)) facades





3. The Director may allow exceptions to the facade ((~~openings~~)) opening requirements in subsection 23.45.529.C.1 and the facade articulation requirements in subsection 23.45.529.C.2, if the Director determines that the street-facing facade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.E.2, 23.45.529.F.3, and 23.45.529.G.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing facade treatments:

a. Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the facade;

b. Incorporation of architectural features that add interest and dimension to the facade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

c. Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the facade surface;

d. Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing facade(s).

D. Treatment of side facades that are not street-facing. For the purposes of this subsection 23.45.529.D, a side facade that is not street-facing includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529, if located within 10 feet of a side lot line.

1. If the side facade of a structure that is not street-facing exceeds 1,000 square feet in area, one of the following must be met:

a. A portion of the side facade with a minimum area of 250 square feet and a maximum area of 750 square feet shall project or be recessed from abutting facade planes by a minimum depth of 18 inches; or

b. The side facade shall include vertical or horizontal variations in building materials or color, covering a minimum of 25 percent of the facade surface.

2. Structures shall be designed to maintain the privacy of dwelling units by minimizing placement of proposed windows where they would directly align with windows on the side facade of a structure on an abutting lot located within 20 of the side property line or by

use of fencing, screening, landscaping, or translucent windows to create privacy between buildings.

((D)) E. Design standards for cottage housing developments ((-))

1. Pedestrian entry. Each cottage with a street-facing ((~~facade~~)) facade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry through the use of covered stoops, porches, or other architectural entry features. For cottages on corner lots that have more than one street-facing ((~~facade~~)) facade within 10 feet of the street lot line, a visually prominent pedestrian entry is required on only one of the street-facing facades. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage shall employ one or more of the following design techniques to reduce visual scale of the units:

- a. Attached covered porch;
- b. Roofline features such as dormers or clerestories;
- c. Bay windows;
- d. Variation in siding texture and materials; and
- e. Other appropriate architectural techniques demonstrated by the applicant to reduce the visual scale of cottages.

((E)) F. Design standards for rowhouse developments ((-))

1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent through the use of covered stoops, porches, or other architectural entry features. For rowhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

2. Front setback. Design elements to provide a transition between the street and the rowhouse units, such as landscaping, trees, fences, or other similar features, are required in the front setback.

3. Architectural expression. The street-facing (~~façade~~) facade of a rowhouse unit shall provide architectural detail or composition to visually identify each individual rowhouse unit as seen from the street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features, such as dormers or clerestories, or roofline variation may be used to visually identify individual rowhouse units.

~~((F))~~ G. Design ((Standards)) standards for townhouse developments ~~((:-))~~

1. Building orientation. Townhouse developments shall maximize the orientation of individual units to the street by complying with one of the following conditions:

a. At least 50 percent of the townhouse units shall be located so that there is no intervening principal structure between the unit and the street, unless the intervening principal structure was established under permit as of October 31, 2001, or was granted a permit on October 31, 2001, and the permit has not expired; or

b. All townhouse units shall have direct access to a common amenity area meeting the requirements of Section 23.45.522 that either abuts the street or is visible and accessible from the street by a clear pedestrian pathway.

2. Pedestrian pathway. A clear pedestrian pathway from the street to the entrance of each townhouse unit shall be provided. The pedestrian pathway may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or

similar technique. Signage identifying townhouse unit addresses and the directions to the unit entrance(s) from the street shall be provided.

3. Pedestrian entry. Each townhouse unit ((:)) with a street-facing ((~~façade~~)) façade shall have a pedestrian entry on the street-facing facade that is designed to be a visually prominent feature through the use of covered stoops, porches, or other architectural entry features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features, such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

((G)) H. Building entry orientation standards for apartments ((:))

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common amenity area, such as a landscaped courtyard, that abuts and has direct access to the street. Additional pedestrian entrances to individual units are permitted.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.

Section 44. A new Section 23.45.530 of the Seattle Municipal Code is added as follows:

23.45.530 Green building standards

For projects exceeding the floor area ratio (FAR) in Table A for 23.45.530, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

Table A for 23.45.530 Green building standard thresholds for multifamily zones	
Zone	Floor Area Ratio (FAR)
LR1	0.9
LR2	1.0
LR3	1.1
MR	3.2
HR	7.0

Section 45. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance ~~125272~~ 125603, is amended as follows:

23.45.536 Parking location, access, and screening

A. Off-street parking spaces are required to the extent provided in Chapter 23.54, ~~Quantity and Design Standards for Access, Off-Street Parking, and Solid Waste Storage.~~

B. Location of parking

1. If parking is required, it shall be located on the same lot as the use requiring the parking, except as otherwise provided in this subsection 23.45.536.B.

2. Surface parking

a. Except as otherwise provided in this subsection 23.45.536.B, surface parking may be located anywhere on a lot except:

~~((a. between))~~ 1) Between a principal structure and a street lot line;

~~((b. in))~~ 2) In the required front setback or side street side setback; and

~~((c. within))~~ 3) Within ~~((7))~~ 20 feet of any street lot line.

b. If access is taken directly from an alley, surface parking may be located anywhere within 25 feet from an alley lot line provided it is no closer than 7 feet to any street lot line.

3. Parking in a structure. Parking may be located in a structure or under a structure, provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the street-level, street-facing facade of the structure in which it is located;

4. On a through lot, parking may be located between the structure and one front lot line. The front setback in which the parking may be located will be determined by the Director based on the prevailing character and setback patterns of the block.

5. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water, as required by Chapter 23.60A, Shoreline ~~((District))~~ Master Program Regulations.

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6. Parking that is required and accessory to a residential or non-residential use may be located on a lot within 800 feet of the lot where the ~~residential~~ use that requires the parking is located, provided that:

a. ~~((the))~~ The lot is not located in a single-family zone; and

b. ~~((the))~~ The requirements of Section 23.54.025 for required parking are

met.

C. Access to parking

1. Alley access required. Except as otherwise expressly required or permitted in subsections 23.45.536.C or 23.45.536.D, access to parking shall be from the alley if the lot abuts an alley and one of the conditions in this subsection 23.45.536.C.1 is met: ((-))

a. The alley is improved to the standards of subsection 23.53.030.C; or

~~((b. The development gains additional FAR pursuant to subsection~~

~~23.45.510.C; or~~

e)) b. The Director determines that alley access is feasible and desirable to

mitigate parking access impacts, improve public safety, and/or maintain on-street parking capacity.

2. Street access required. Access to parking shall be from the street if:

a. The lot does not abut an alley.

b. The lot abuts an alley, and the Director determines that the alley should not be used for access for one or more of the following reasons:

1) Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

2) Topography makes alley access infeasible; or

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- 1 3) The alley is on the uphill side of a steeply sloping lot, and the
2 following conditions are met:
- 3 a) Access from the street is to a common parking garage in
4 or under the structure, located a maximum of 4 feet above grade.
- 5 b) The siting of development results in an increased Green
6 Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley
7 access is used.
- 8 3. On corner lots, if street access is permitted pursuant to subsection
9 23.45.536.C.2, the applicant may determine the street from which access is taken, unless the
10 Director determines that the use of the street chosen by the applicant would create a significant
11 safety hazard.
- 12 4. On steeply sloping lots, the Director may permit the use of both an alley and a
13 street for access, provided that the following conditions are met:
- 14 a. Access from the street is to a common parking garage in or under the
15 structure, that is underground or extends no more than 4 feet above grade.
- 16 b. The siting of development results in an increased Green Factor score,
17 larger ground-level amenity areas, and/or reduced surface parking area than if alley access alone
18 is used.
- 19 ~~((c. In LR zones, if the project uses both the alley and street for access to
20 parking other than required barrier-free parking spaces, the project does not qualify for the
21 higher FAR limit in subsection 23.45.510.B.))~~
- 22 5. Access to required barrier-free parking spaces that meet the standards in the
23 Seattle Residential Code, Section ~~R322~~R320, or the Seattle Building Code, Chapter 11, may be

from ~~((either))~~ the street ~~((or alley, or both))~~ where alley access would otherwise be required if providing access from an alley would reduce accessibility to a dwelling unit for persons with disabilities.

6. If the alley is used for access, the alley shall be improved according to the standards in subsections 23.53.030.E and 23.53.030.F₂ ~~((, except that if a development gains additional FAR pursuant to subsection 23.45.510.C, the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten units.))~~

7. If the lot does not abut an improved alley or street, access may be permitted from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.

8. If street access is required, either:

a. ~~((driveways))~~ Driveways that provide access from the street to garages opening on a street-facing facade of individual townhouse or rowhouse units shall be paved with permeable materials; or

b. ~~((access))~~ Access to a majority of garages opening on street-facing facades of individual townhouse or rowhouse units shall be provided by shared driveways.

D. Screening of parking

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

a. ~~((the))~~ The street-facing facade of a structure;

b. ~~((garage))~~ Garage doors;

c. ~~((a))~~ A fence or wall; or

d. ~~((landscaped))~~ Landscaped areas, including bioretention facilities or landscaped berms.

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1 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
2 townhouse unit that is a “principal unit”. A “principal unit” is a dwelling unit that is not an
3 accessory dwelling unit.

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

6 3. The height limit for a detached accessory dwelling unit is 20 feet, except that
7 the ridge of a pitched roof on a detached accessory dwelling may extend up to 3 feet above the
8 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not
9 less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.

10 ((3)) 4. The maximum gross floor area of an accessory dwelling unit is 650 square
11 feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40
12 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of
13 garages, storage sheds, and other non-habitable spaces.

14 ((4)) 5. An accessory dwelling unit shall be located completely within the same
15 structure as the principal unit or in an accessory structure located between the single-family,
16 rowhouse, or townhouse unit and the rear lot line.

17 ((5)) 6. The entrance to an accessory dwelling unit provided within the same
18 structure as the principal unit shall be provided through one of the following configurations:

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

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

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

((7)) 8. Parking. Parking is not required for an accessory dwelling unit.

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

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

K)) J. Urban farms are subject to the standards in Section 23.42.051 and the conditional use requirement in subsection 23.45.504.C.8.

Section ~~4647~~. Section 23.47A.002 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.47A.002 Scope of provisions

A. This Chapter 23.47A describes the authorized uses and development standards for the following zones:

1. Neighborhood Commercial 1 (NC1);
2. Neighborhood Commercial 2 (NC2);
3. Neighborhood Commercial 3 (NC3);
4. Commercial 1 (C1); and
5. Commercial 2 (C2).

~~((B. Zones listed in subsection 23.47A.002.A and having an incentive zoning suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.~~

~~C. Zones listed in subsection 23.47A.002.A that have a mandatory housing affordability suffix of either (M), (M1), or (M2) are subject to this Chapter 23.47A and to the provisions of Chapters 23.58B and 23.58C. Specific provisions for zones with a mandatory housing affordability suffix are in Section 23.47A.017.~~

~~D))~~ B. Some land in ~~((C-zones and NC))~~ these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23.

~~((E))~~ C. Other regulations, including but not limited to ~~((major marijuana activity (Section 23.42.058)))~~ general use provisions (Chapter 23.42); requirements for streets, alleys, and easements (Chapter 23.53); standards for parking quantity, access, and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); communications regulations (Chapter 23.57); and methods for measurements (Chapter 23.86)

may apply to development proposals. (~~Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.47A and additional regulations in Chapter 23.57, Communications Regulations.~~)

Section ~~47~~48. Subsection 23.47A.005.D of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.47A.005 Street-level uses

* * *

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

- a. Arts facilities;
- b. Community gardens;
- c. Eating and drinking establishments;
- d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;
- e. Food processing and craft work;
- f. Institutions, except hospitals or major institutions;
- g. Lodging uses;
- h. Medical services;
- i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;
- j. Parks and open spaces;

k. Rail transit facilities;

l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;

m. Sales and services, general, provided that no more than 40 feet of the street-level, street-facing facade of a structure on a principal pedestrian street may contain a customer services office; and

n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;

11th Avenue;

12th Avenue;

13th Avenue, between East Madison Street and East Pine Street;

14th Avenue South, except within the North Beacon Hill Residential Urban Village;

15th Avenue East;

15th Avenue Northeast, north of Lake City Way Northeast;

15th Avenue Northwest;

- 1 17th Avenue Northwest;
- 2 20th Avenue Northwest;
- 3 22nd Avenue Northwest;
- 4 23rd Avenue;
- 5 24th Avenue Northwest;
- 6 25th Avenue Northeast;
- 7 32nd Avenue West;
- 8 35th Avenue Northeast, except within the Lake City Hub Urban Village;
- 9 35th Avenue Southwest, except within the West Seattle Junction Hub
- 10 Urban Village;
- 11 39th Avenue Northeast;
- 12 Aurora Ave North, except within the Bitter Lake Village Hub Urban
- 13 Village;
- 14 Ballard Avenue (~~NW~~) Northwest;
- 15 Beacon Avenue South;
- 16 Boren Avenue;
- 17 Boylston Avenue, except within the Pike/Pine Conservation Overlay
- 18 District;
- 19 Broadway;
- 20 Broadway East;
- 21 California Avenue Southwest;
- 22 Delridge Way Southwest;
- 23 Dexter Avenue North;

East Green Lake Drive North;

East Green Lake Way North;

East Madison Street;

East Olive Way;

East Pike Street;

East Pine Street; ((÷))

East Union Street, except within the Pike/Pine Conservation Overlay

District only lots abutting East Union Street between Broadway and East Madison Street;

Eastlake Avenue East;

First Avenue North, except within the Upper Queen Anne Residential

Urban Village;

Fremont Avenue North;

Fremont Place North;

Galer Street;

Green Lake Drive North;

Greenwood Avenue North;

Lake City Way Northeast;

Leary Avenue ((~~NW~~)) Northwest;

Linden Avenue North;

Madison Street;

Martin Luther King Jr. Way South;

Mercer Street;

North 34th Street;

1	North 35th Street;
2	North 45th Street;
3	North 85th Street;
4	Northeast 43rd Street;
5	Northeast 45th Street, except between Linden Ave North and Evanston
6	Ave North;
7	Northeast 55th Street, east of 15th Avenue Northeast;
8	Northeast 65th Street;
9	Northeast 125th Street;
10	Northwest 65th Street;
11	Northwest 85th Street;
12	Northwest Market Street;
13	Phinney Avenue North, between North 58th Street and North 63rd Street;
14	Pike Street;
15	Pine Street;
16	Queen Anne Avenue North;
17	Rainier Avenue South;
18	Roosevelt Way Northeast;
19	Roy Street;
20	Sand Point Way Northeast;
21	South Alaska Street;
22	South Cloverdale Street;
23	South Henderson Street;

South Jackson Street;
South Lander Street;
South McClellan Street;
South Othello Street;
Southwest Alaska Street;
Stone Way North;
Summit Avenue, except within the Pike/Pine Conservation Overlay
District;
Terry Avenue;
University Way Northeast;
Wallingford Avenue North;
West Dravus Street;
West Galer Street;
West Green Lake Drive North;
West McGraw Street, except within the Upper Queen Anne Residential
Urban Village; and
~~((West Green Lake Drive North; and))~~
Woodlawn Avenue Northeast.

Section ~~4849~~. Section 23.47A.008 of the Seattle Municipal Code, last amended by Ordinance ~~125272~~ 125603, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements

1. The provisions of this subsection 23.47A.008.A apply to:

- a. Structures in NC zones;
- b. Structures that contain a residential use in C zones;
- c. Structures in C zones across the street from residential zones; and
- d. All structures in pedestrian-designated zones.

2. Blank facades

- a. For purposes of this Section 23.47A.008, facade segments are

considered blank if they do not include at least one of the following:

- 1) Windows;
- 2) Entryways or doorways;
- 3) Stairs, stoops, or porticos;
- 4) Decks or balconies; or
- 5) Screening and landscaping on the facade itself.

b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level, street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Non-residential street-level requirements

1. In addition to the provisions of subsection 23.47A.008.A, the provisions of this subsection 23.47A.008.B apply to:

- a. Structures with street-level non-residential uses in NC zones;
- b. Structures with street-level non-residential uses that also contain residential uses in C zones;
- c. Structures with street-level non-residential uses in C zones across the street from residential zones; and
- d. All structures in pedestrian designated zones.

2. Transparency

a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent. For purposes of calculating the 60 percent of a structure's street-facing facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

b. Transparent areas of facades shall be designed and maintained to provide views into and out of the structure. Except for institutional uses, no permanent signage, window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items shall completely block views into and out of the structure between 4 feet and 7 feet above adjacent grade. The installation of temporary signs or displays that completely block views may be allowed if such temporary sign complies with subsection 23.55.012.B.

3. Depth provisions for new structures or new additions to existing structures.

Non-residential uses shall extend an average depth of at least 30 feet and a minimum depth of 15

feet from the street-level, street-facing facade. If the combination of the requirements of Sections 23.47A.005 or 23.47A.008 and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to non-residential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be non-residential.

4. Height provisions for new structures or new additions to existing structures.

Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.

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:

1. A minimum of 80 percent of the width of a structure's street-level, street-facing facade that faces a principal pedestrian street shall be occupied by uses listed in subsection 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit A for 23.47A.008).

Exhibit A for 23.47A.008

Uses and pedestrian access allowed along street-level, street-facing facades

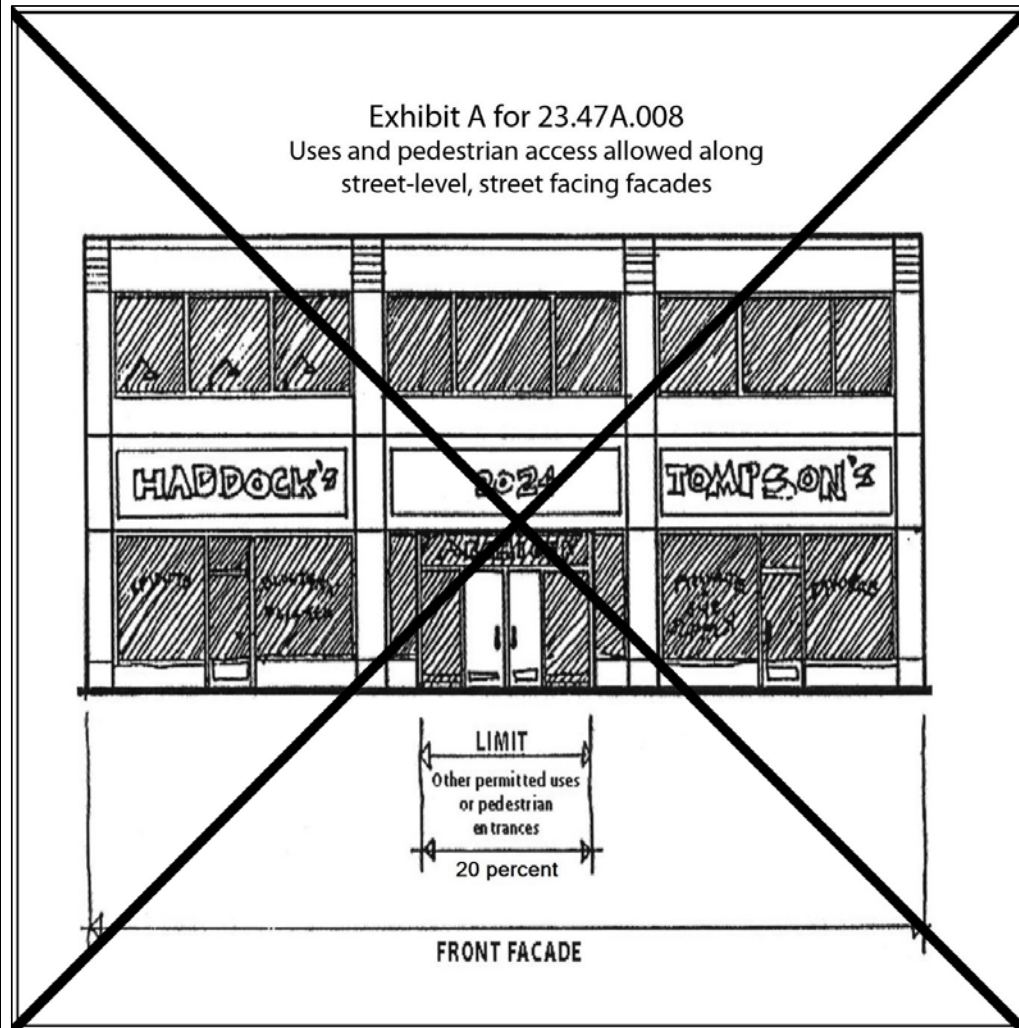
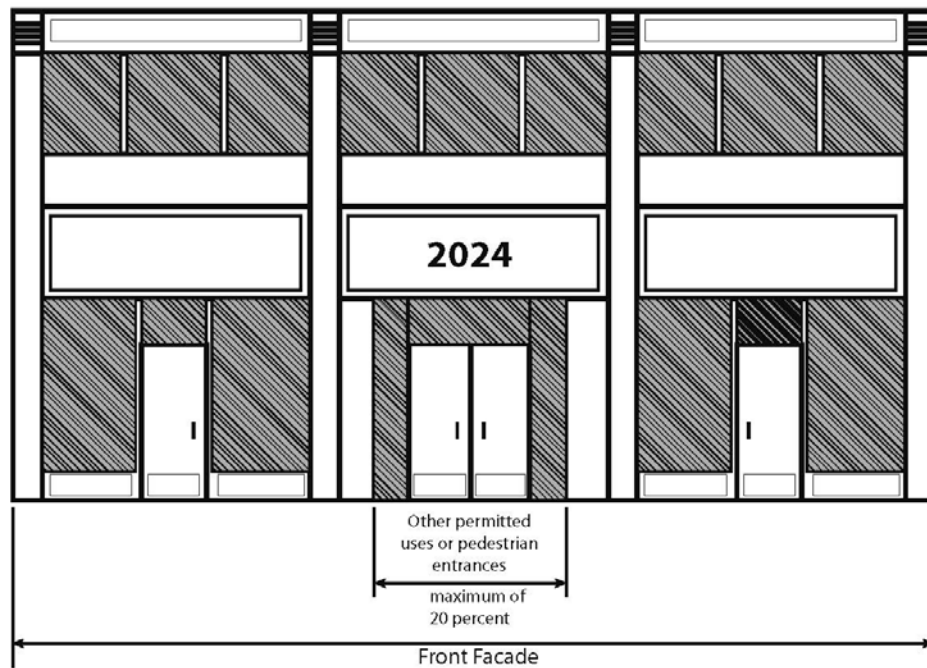


Exhibit A for 23.47A.008
Uses and pedestrian access allowed along
street-level, street-facing facades



2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

4. Overhead weather protection

- a. Continuous overhead weather protection (i.e., canopies, awnings, marquees, and arcades) is required along at least 60 percent of the street frontage of a structure on a principal pedestrian street, except for structures within the Pike/Pine Conservation Overlay District on lots that contain a character structure as provided in Chapter 23.73.
- b. The covered area shall have a minimum width of 6 feet, unless there is a conflict with existing or proposed street trees or utility poles, in which case the width may be adjusted to accommodate such features as provided in subsection 23.47A.008.C.4.f.
- c. The overhead weather protection must be provided over the sidewalk, or over a walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the sidewalk, the covered walking area must be at the same grade or within 18 inches of sidewalk grade and meet Washington state requirements for barrier-free access.
- d. The lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of 12 feet above the sidewalk for projections extending a maximum of 6 feet. For projections extending more than 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet and a maximum of 15 feet above the sidewalk.
- e. Adequate lighting for pedestrians shall be provided. The lighting may be located on the facade of the building or on the overhead weather protection.
- f. Where the standards listed in this subsection 23.47A.008.C.4 conflict with the vertical and horizontal clearance requirements in the street rights-of-way, the standards may be modified by the Director in consultation with the Director of Transportation.

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.

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 ~~elevated~~ 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) Preschool, ~~elementary, or secondary schools;~~

~~d) Elementary or secondary schools;~~

e) Performing arts theaters; or

ef) Religious facilities.

D. Where residential uses are located along a street-level₁ street-facing facade, the following requirements apply unless exempted by subsection 23.47A.008.G:

1. At least one of the street-level₁ 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-level₁ 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 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.

E. When a live-work unit is located on a street-level₁ street-facing facade, the provisions of subsections 23.47A.008.A and 23.47A.008.B, and the following requirements, apply:

1. The portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit. The non-residential portions of the unit shall extend the width of the street-level₁ street-facing facade, shall extend a minimum depth of 15 feet from the street-level₁ street-facing facade, and shall not contain any of the primary features of the residential (live) portion of the live-work unit, such as

kitchen, bathroom, sleeping, or laundry facilities. These basic residential features shall be designed and arranged to be separate from the work portion of the live-work unit.

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

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

~~34.~~ The owner of each live-work unit must keep a copy of the current business license associated with the business located in that unit on file.

F. The Director may allow exceptions to the street-level requirements of this Section 23.47A.008, as a Type I decision, for projects that are not subject to the Design Review process, except that in a pedestrian-designated zone exceptions may not be granted for requirements for residential uses at street level, transparency requirements, or floor-to-floor height requirements as described in subsection 23.41.012.B. Exceptions may be granted if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. ~~((maintain))~~ Maintain pedestrian access to the structure;
2. ~~((maintain))~~ Maintain urban form consistent with adjacent structures and previous design review decisions on the site;
3. ~~((maintain))~~ Maintain the visibility of non-residential uses;
4. ~~((maintain))~~ Maintain the privacy of residential uses; or
5. ~~((allow))~~ Allow the continued use of an existing structure without substantial renovation.

G. In a structure existing on January 1, 2012, an accessory dwelling unit may be established if it is accessory to an existing dwelling unit and if it meets minimum housing standards of Chapter 22.206, even if nonconforming to standards of subsection 23.47A.008.D.

Section ~~4950~~. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance ~~125364~~ 125603, is amended as follows:

23.47A.009 Standards applicable to specific areas

A. Resolution of standards conflicts. To the extent there is a conflict between this Section 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

B. West Seattle Junction Hub Urban Village. The following provisions apply to development in the NC3 (~~(85(4.75)))~~ 95 zone located between SW Alaska Street, SW Edmunds Street, Fauntleroy Way SW, and 40th Ave SW:

1. Lot coverage limit. The maximum lot coverage permitted for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.

2. The total permitted FAR is as identified in (~~(subsection 23.47A.013.E))~~ Section 23.47A.013.

3. Maximum width of structures. The maximum width of all portions of a structure measured parallel to a north-south street lot line is 275 feet.

4. Setback and separation requirements

a. The following standards apply to structures greater than 250 feet in width measured parallel to a north-south street lot line:

1) A minimum separation of 30 feet is required between structures that are adjacent to the same north-south street lot line; and

2) A minimum setback of 15 feet is required from side lot lines that are not street side lot lines and that separate lots that abut the same north-south street lot line; and

3) Structures permitted in required setback and separation areas pursuant to this subsection 23.47A.009.B.4.a and subsection 23.47A.009.B.4.b are subject to subsection ((~~23.47A.014.E~~)) 23.47A.014.G. In addition:

a) Decks with open railings may project up to 5 feet into the required setback or separation area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback or separation area.

b) Unenclosed porches or steps for residential units no higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

b. A setback of at least 10 feet from the street lot line is required along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the lot frontage, whichever is less.

c. Required setback and areas separating structures identified in subsections 23.47A.009.B.4.a and 23.47A.009.B.4.b shall include landscaping, paving, and lighting. Sidewalks for pedestrian access, plazas, or other approved amenity or landscaped areas are permitted in required setback or separation areas.

d. Upper-level setback requirements along SW Alaska Street

1) Structures exceeding 65 feet in height on lots abutting SW Alaska Street between 38th Avenue SW and California Avenue SW shall maintain a minimum setback of 10 feet for that portion of the structure between 45 feet and 55 feet in height.

2) For portions of a structure above 55 feet in height, an additional minimum setback is required at a rate of at least 1 foot of setback for every 5 feet of height that exceeds 55 feet, up to the maximum allowable height.

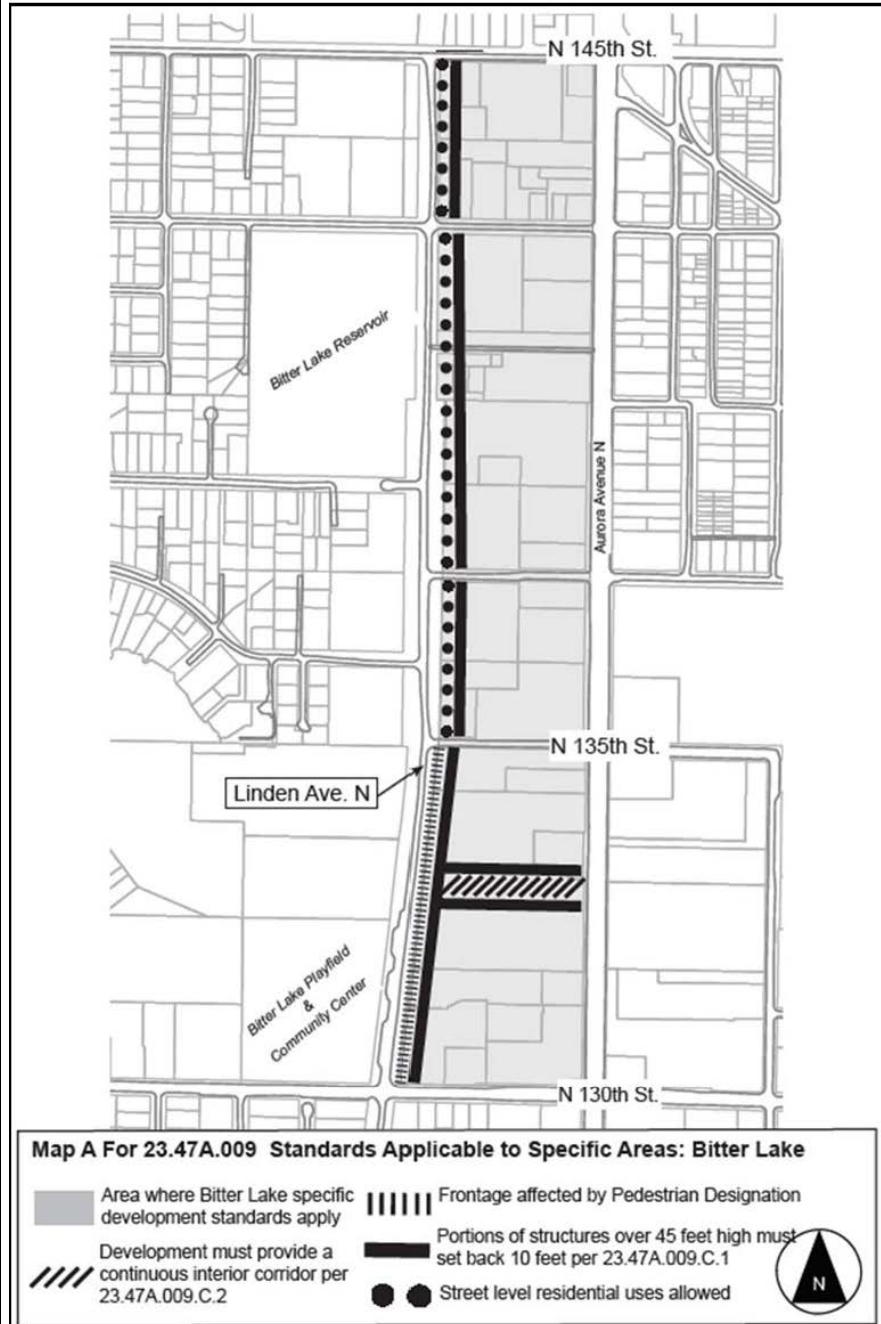
3) Structures located within 100 feet of Fauntleroy Way SW are exempt from the upper-level setback requirement.

4) Heights in this subsection 23.47A.009.B.4.d shall be measured from the middle of the street lot line along SW Alaska Street.

C. Bitter Lake Village Hub Urban Village. Development on lots designated on Map A for 23.47A.009 shall meet the following requirements:

Map A for 23.47A.009

Standards Applicable to Specific Areas: Bitter Lake



1 1. Upper-level setback requirement. The following standards apply to
2 development on lots abutting the east side of Linden Ave North or along both sides of the
3 corridor required in subsection 23.47A.009.C.2.

4 a. Any portion of a structure greater than 45 feet in height, measured from
5 the finished grade along the street property line that abuts Linden Avenue North or along the
6 access corridor required in subsection 23.47A.009.C.2, measured from the finished grade along
7 the edge of the access corridor, shall set back an average of 10 feet from the lot line abutting
8 Linden Avenue North or from the edge of the access corridor as measured according to Section
9 23.86.012. The maximum depth of a setback that can be used for calculating the average setback
10 is 20 feet.

11 b. Structures permitted in required setbacks are subject to subsection
12 ~~((23.47A.014.E))~~ 23.47A.014.G.

13 2. Corridor requirement. An access corridor shall be provided on lots over
14 ~~((eight))~~ 8 acres that abut Linden Avenue North and Aurora Avenue North, to connect Linden
15 Avenue North and Aurora Avenue North. The location of the proposed corridor shall be clearly
16 shown on the site plan that is submitted with the permit application.

17 a. The corridor shall have a minimum width of 40 feet and a maximum
18 width of 60 feet.

19 b. The point at which the corridor intersects Linden Avenue North and
20 Aurora Avenue North shall be at least 335 feet south of the south boundary of the North 135th
21 Street right-of-way, and 700 feet north of the north boundary of the North 130th Street right-of-
22 way, as illustrated by example in Map A for 23.47A.009.

c. The corridor shall include a minimum of one walkway, at least 6 feet wide, extending between Linden Avenue North and Aurora Avenue North. If vehicle access is provided within the corridor, the corridor shall include walkways at least 6 feet wide along both sides of the vehicle access.

d. Landscaping shall be provided along the corridor. If vehicle access is provided within the corridor, trees shall be provided between the walkways and vehicle travel lanes. The Director will determine the number, type, and placement of trees to be provided in order to:

- 1) (~~match~~) Match trees to the available space;
- 2) (~~complement~~) Complement existing or planned street trees on abutting streets; and
- 3) (~~encourage~~) Encourage healthy growth through appropriate spacing.

e. Pedestrian-scaled lighting shall be provided along the corridor.

f. The corridor shall not include any features or structures except the following:

- 1) Vehicle access, not more than one lane in each direction and meeting the standards of Section 23.54.030.
- 2) Parking meeting the standards of Section 23.54.030 is allowed along vehicle access lanes within the corridor. Such parking is in addition to the maximum number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection 23.47A.032.A do not apply to access to parking from the corridor.

3) Overhead horizontal building projections of an architectural or decorative character such as cornices, eaves, sills, and gutter, provided that they project no more than 18 inches from the structure facade.

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

5) Stairs or ramps to accommodate changes in grade.

6) Underground structures.

7) Unenclosed porches or steps for residential units no higher than 4 feet above the finished grade of the corridor are permitted to project no more than 4 feet into the corridor.

8) Green stormwater infrastructure.

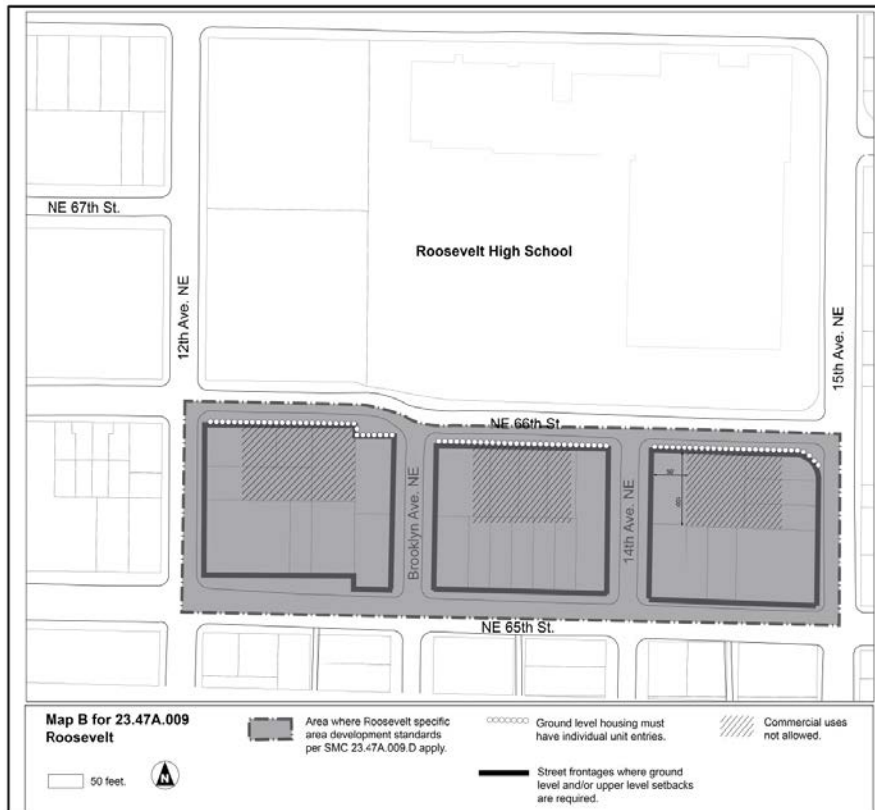
9) Features required elsewhere in this subsection 23.47A.009.C.2.

10) The Director may approve other features or structures, such as overhead weather protection, signage, and art, that do not impede safe access from the site to Linden Avenue North and Aurora Avenue North, and that enhance pedestrian comfort and safety of the corridor.

g. If the area proposed for development on a site meeting the size threshold for this subsection 23.47A.009.C.2 is less than the full lot, the Director may waive or modify the access corridor requirement, if the applicant submits a site plan demonstrating how Linden Avenue North and Aurora Avenue North will be connected by an access corridor when the remainder of the lot is developed.

D. Roosevelt Urban Village. The following provisions apply within the area shown on Map B for 23.47A.009.

**Map B for ((23.47.009)) 23.47A.009
Roosevelt**



1. Setback requirements

a. The following setbacks are required from the listed street property lines:

1) Northeast 66th Street. An average ground-level setback of 10 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

2) Brooklyn Avenue Northeast. An average ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 4 feet.

The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

3) 14th Avenue Northeast. An average ground-level setback of 15 feet and a minimum ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 3 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

4) 15th Avenue Northeast. A minimum ground-level setback of 5 feet along the length of the street property line and an average upper-level setback of 7 feet. The average upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

5) Northeast 65th Street and 12th Avenue Northeast. An average ground-level setback of 8 feet shall be provided, and the setback may include pedestrian access and circulation.

b. Structures permitted in required setbacks are subject to subsection ((~~23.47A.014.E~~)) 23.47A.014.G, except that:

1) Decks with open railings may project up to 5 feet into the required setback area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback area.

2) Stoops or porches providing direct access to individual housing units may project up to 5 feet into the required ground-level setback area, except that portions of

1 stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is
2 lower, may extend to a street lot line. The 2.5-foot height limit for stoops or porches does not
3 apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of
4 the total ground-level setback area.

5 3) Fences no greater than 4 feet in height are permitted in the
6 required ground-level setback, and up to 2 feet of additional height for architectural features such
7 as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along
8 sloping grades for each 4-foot-long segment of the fence, but in no case may any portion of the
9 fence exceed 6 feet in height.

10 c. Where required setbacks may be averaged, measurement shall be
11 pursuant to subsection 23.86.012.A and the following:

12 1) Where a building is (~~setback~~) set back more than 30 feet from
13 a lot line at ground level, 30 feet shall be used as the ground-level setback amount for averaging
14 purposes.

15 2) Where averaging is allowed for a required upper-level setback,
16 the measurement shall be taken horizontally from points directly above the lot line to the facade
17 of the structure at the height where the upper-level setback is required.

18 2. Landscaping. Required ground-level setbacks shall be landscaped, and may
19 include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and
20 other amenities or landscaped areas approved by the (~~Seattle Department of Construction and~~
21 ~~Inspection~~) Director are permitted in required ground-level setbacks.

22 3. Limit on commercial uses. Commercial uses are prohibited within 80 feet of
23 the street property line of Northeast 66th Street, except within 50 feet of the intersections of

Northeast 66th Street with Brooklyn Avenue Northeast, 14th Avenue Northeast, 12th Avenue Northeast, and 15th Avenue Northeast, as shown on Map B for 23.47A.009.

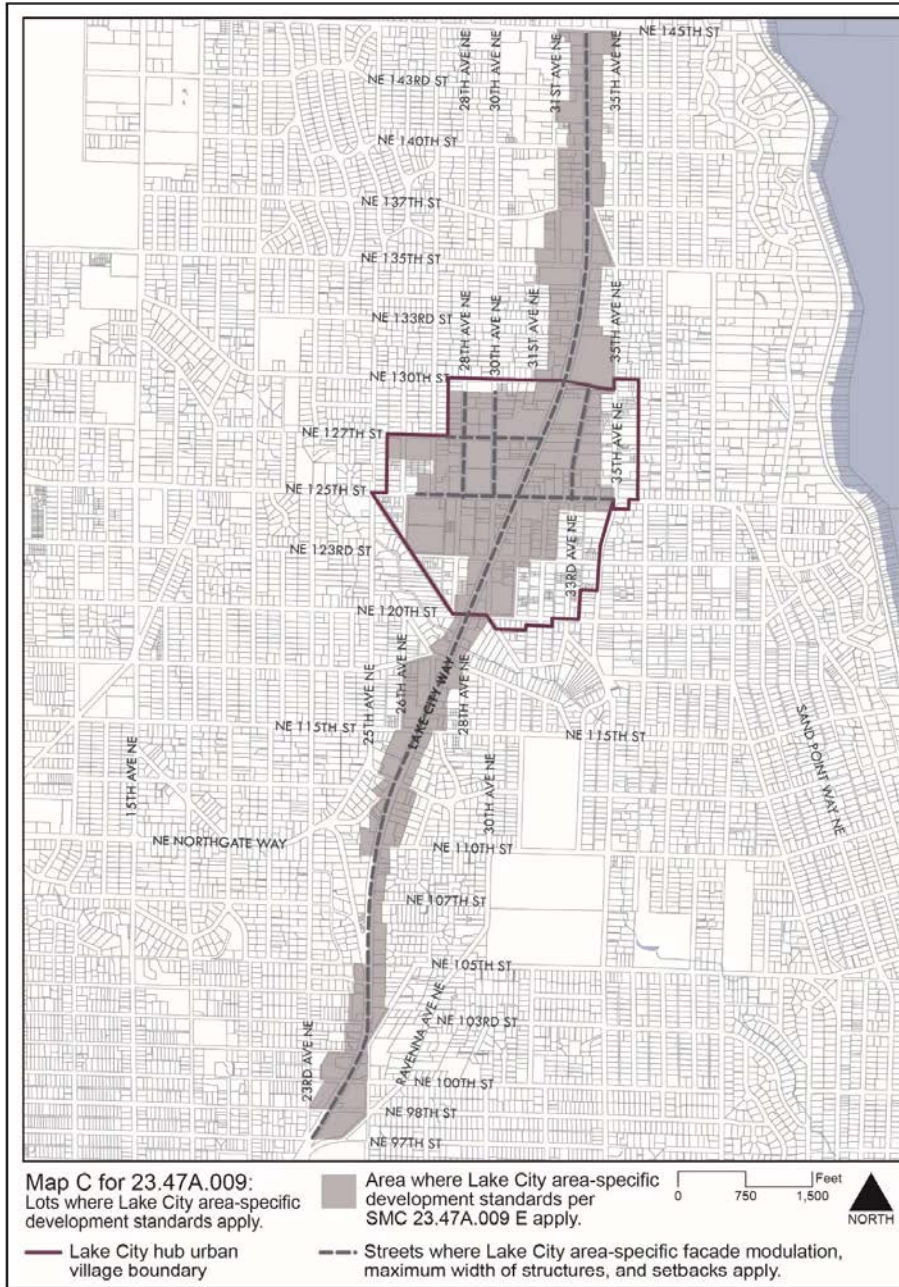
4. Housing units on the ground floor. All housing units with a facade that faces Northeast 66th Street with no intervening housing units or commercial uses between the housing unit and the Northeast 66th Street lot line, and located on the first floor of a building, shall have the primary pedestrian entrance to each housing unit directly accessible from the exterior of the structure rather than a primary pedestrian entry through a common entrance hallway.

5. Underground parking. Parking shall be located below grade, except a portion of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is lower, provided that the parking that extends above grade is fully screened from direct street view by the street-facing facade of the structure or by landscaping.

E. Lake City. The following provisions apply to development proposed on lots that are 40,000 square feet in size or greater and located in NC zones as shown on Map C for 23.47A.009.

Map C for 23.47A.009

Lots where Lake City area-specific development standards apply



1. Maximum lot coverage

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

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

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

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

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

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

c. In the portion of the lot that is not covered by structures, owners are encouraged to provide improvements at-grade that enhance the usability and livability of the lot for occupants and visitors, such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar improvements.

2. Facade modulation

a. Facade modulation requirements apply to all portions of a structure up to a height of 35 feet and located within 10 feet of a street lot line on streets designated by Map C for 23.47A.009.

b. The maximum width of any unmodulated facade is 100 feet. Facades longer than 100 feet shall be modulated by stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum width of 15 feet.

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

3. Maximum structure width

a. On streets designated by Map C for 23.47A.009, the maximum allowed structure width is 250 feet.

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

4. Upper-level setbacks

a. On streets designated by Map C for 23.47A.009, a setback with an average depth of 10 feet from abutting street lot lines is required for portions of a structure above a height of 35 feet. The maximum depth of a setback that can be used to calculate the average setback is 20 feet.

b. A setback with an average depth of 15 feet from abutting street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used to calculate the average setback is 25 feet.

5. Structures permitted in required setbacks are subject to subsection

~~((23.47A.014.E))~~ 23.47A.014.G.

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

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

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

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

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

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

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

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

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

2. Facade modulation

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

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

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

3. Maximum structure width

a. The maximum allowed structure width is 250 feet.

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

4. Setback requirements

a. Street-level setbacks

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

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

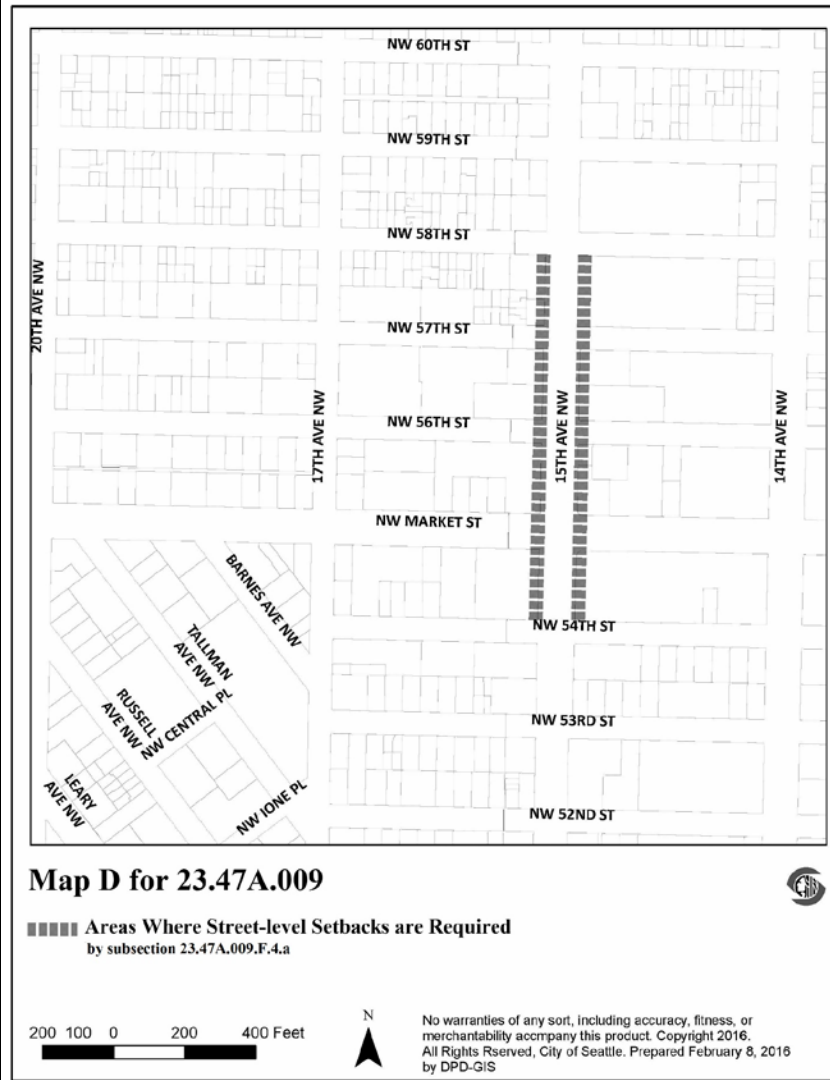
b. Upper-level setbacks

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

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

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

Map D for 23.47A.009
Areas Where Street-level Setbacks are Required



G. University Community Urban Center. The following provisions apply to specified NC zones within the portion of the University Community Urban Center west of 15th Avenue NE.

1. Maximum width and depth limits. The following standards apply to NC zones with a mapped height limit exceeding 40 feet:

1 a. The maximum width and depth of a structure is 250 feet, except as
2 otherwise provided in this subsection 23.47A.009.G.1. The width and depth limits do not apply
3 to below-grade or partially below-grade stories with street-facing facades that do not extend
4 more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the
5 floor above the partially below-grade story, excluding access.

6 b. For the stories of a structure subject to width and depth limits, all
7 portions of the same story that are horizontally contiguous, including any portions connected by
8 doorways, ramps, bridges, ~~((elevated))~~ stairways, and other such features, shall be included in the
9 measurement of width and depth. The width and depth limit of stories in separate structures or
10 structures on the same lot that abut but are not internally connected shall be measured separately.
11 Designated Landmark structures and vulnerable masonry structures included on a list
12 promulgated by the Director that are retained on the lot are excluded from the width and depth
13 measurement, whether or not internally or externally connected to a new structure.

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

- 16 1) Community clubs or community centers;
- 17 2) Religious facilities;
- 18 3) Arts facilities;
- 19 4) Preschool, elementary, or secondary schools; or
- 20 5) Performing arts theaters.

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2. Provisions for the transfer of development rights (TDR) and transfer of development potential (TDP)

a. Lots located in NC3 and NC3P zones with height limits of 55 feet or greater are eligible as open space, vulnerable masonry structure, or Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.

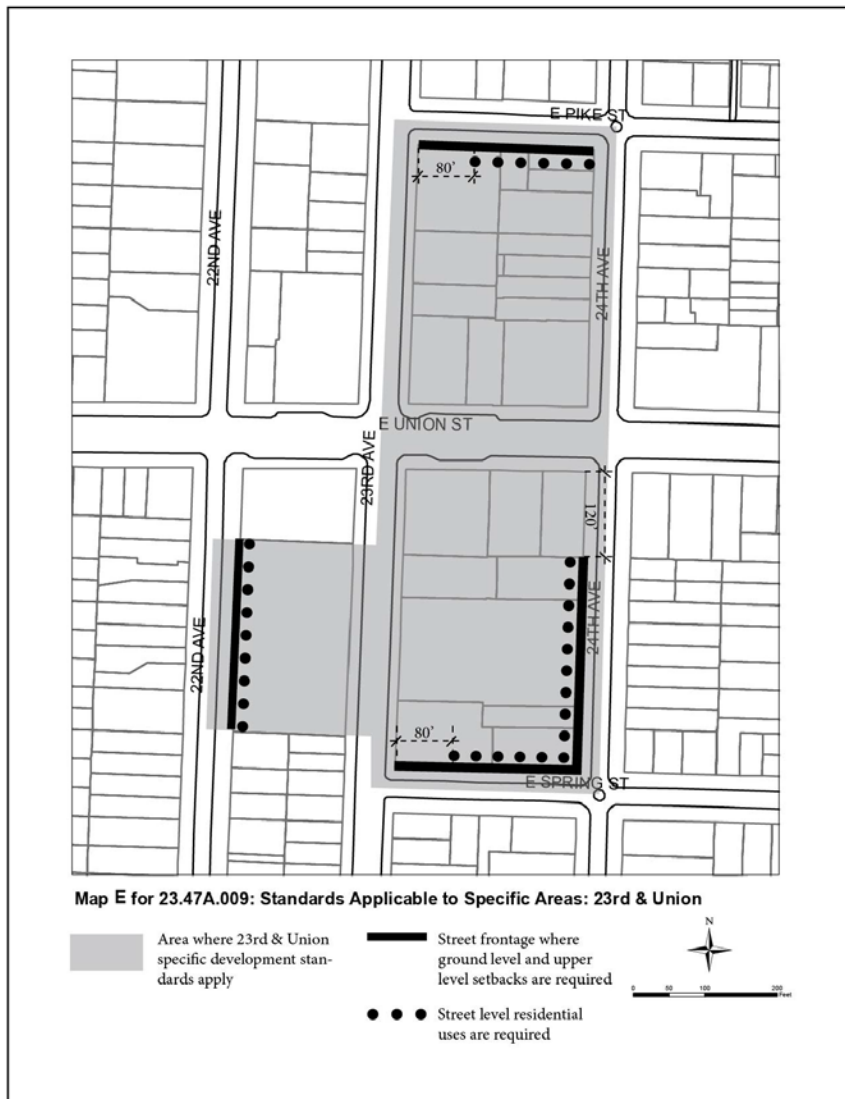
b. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot that is solely occupied by residential uses or non-residential uses in the zone where the sending site is located, as shown on Table A for 23.47A.013, ~~((and Table A for 23.47A.017 for zones with a mandatory housing affordability suffix,))~~ multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

c. Eligible receiving sites are limited to those lots in SM-U zones specified in subsection 23.48.623.C.

H. 23rd and Union. The following provisions apply to development proposed in NC zones within the area shown on Map E for 23.47A.009.

Map E for 23.47A.009

Standards applicable to specific areas: 23rd & Union



1. Setback requirements. Setbacks are required along East Spring Street, East Pike Street, 22nd Avenue, and 24th Avenue as shown on Map E for 23.47A.009 as follows:
 - a. A minimum street-level setback of 5 feet along the length of the street property line unless a larger setback is required by subsection 23.47A.008.D.2; and

b. A minimum upper-level setback of 15 feet for all portions of a structure greater than 35 feet in height as measured from the average finished grade along the sidewalk; and

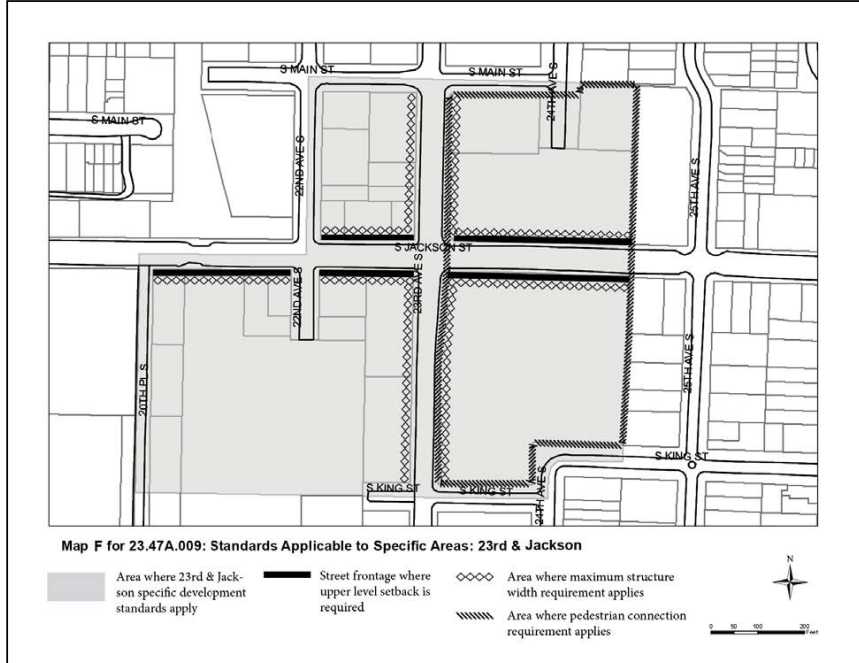
c. Structures permitted in required setbacks are subject to subsection ~~((23.47A.014.E))~~ 23.47A.014.G.

2. Street-level residential uses. Street-level residential uses are required along East Spring Street, East Pike Street, 22nd Avenue, and 24th Avenue as shown on Map E for 23.47A.009 except for the portions of East Pike Street and East Spring Street measured within 80 feet of the property line abutting 23rd Avenue and portion of 24th Avenue measured within 120 feet of the property line abutting East Union Street.

I. 23rd and Jackson. The following provisions apply to development proposed in NC zones within the area shown on Map F for 23.47A.009.

Map F for 23.47A.009

Standards applicable to specific areas: 23rd & Jackson



1. Setback requirements

a. Along South Jackson Street facing property lines as shown on Map F for 23.47A.009, a minimum upper-level setback of 10 feet is required for all portions of a structure greater than 45 feet in height as measured from the average finished grade.

b. Structures permitted in required setbacks are subject to subsection ~~((23.47A.014.E))~~ 23.47A.014.G.

2. Maximum structure width. On streets designated by Map F for 23.47A.009, the maximum allowed structure width is 250 feet. Facade modulation or building separation can be considered as a break in the maximum structure width if:

1 a. A portion of the street-facing facade projects or is recessed from
2 abutting facade by a minimum depth of 15 feet and a minimum width of 15 feet; or
3 b. A building separation is provided with a minimum width of 15 feet
4 between structures.

5 3. Pedestrian connection requirement. A proposal that includes development
6 between South Main Street and South King Street and is located within 400 feet east of 23rd
7 Avenue South shall provide a north-south pedestrian connection in area as shown on Map F for
8 23.47A.009, subject to the following requirements:

9 a. If the pedestrian connection is located adjacent to the right-of-way, it
10 should be incorporated into existing or planned sidewalks.

11 b. The pedestrian connection shall have a minimum width of 15 feet, and
12 include at least one of the following:

- 13 1) Entries to retail stores or other buildings;
- 14 2) Seating areas for pedestrians;
- 15 3) Street furniture;
- 16 4) Bicycle parking;
- 17 5) Landscaping;
- 18 6) Pedestrian scale lighting;
- 19 7) Water features; or
- 20 8) Overhead weather protection.

21 c. The pedestrian connection shall include a minimum 6-foot paved
22 walkway width and shall be designed to connect to existing or planned sidewalks and
23 crosswalks.

d. The connection may be located between structures, or may be located in a parking area if the paved walkway is separated from the parking area with special pavements or other treatments to protect pedestrians from vehicles.

Section ~~5051~~. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this Section 23.47A.012.

1. In zones with a 30-foot or 40-foot mapped height limit:

a. The height of a structure may exceed the otherwise applicable limit by up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

1) Either:

a) A floor-to-floor height of 13 feet or more is provided for non-residential uses at street level; or

b) A residential use is located on a street-level, street-facing facade, provided that the average height of the exterior facades of any portion of a story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and

2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

1) Residential and ~~((multipurpose))~~ multi-purpose retail sales uses are located in the same structure;

2) The total gross floor area of at least one multi-purpose retail sales use exceeds 12,000 square feet;

3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;

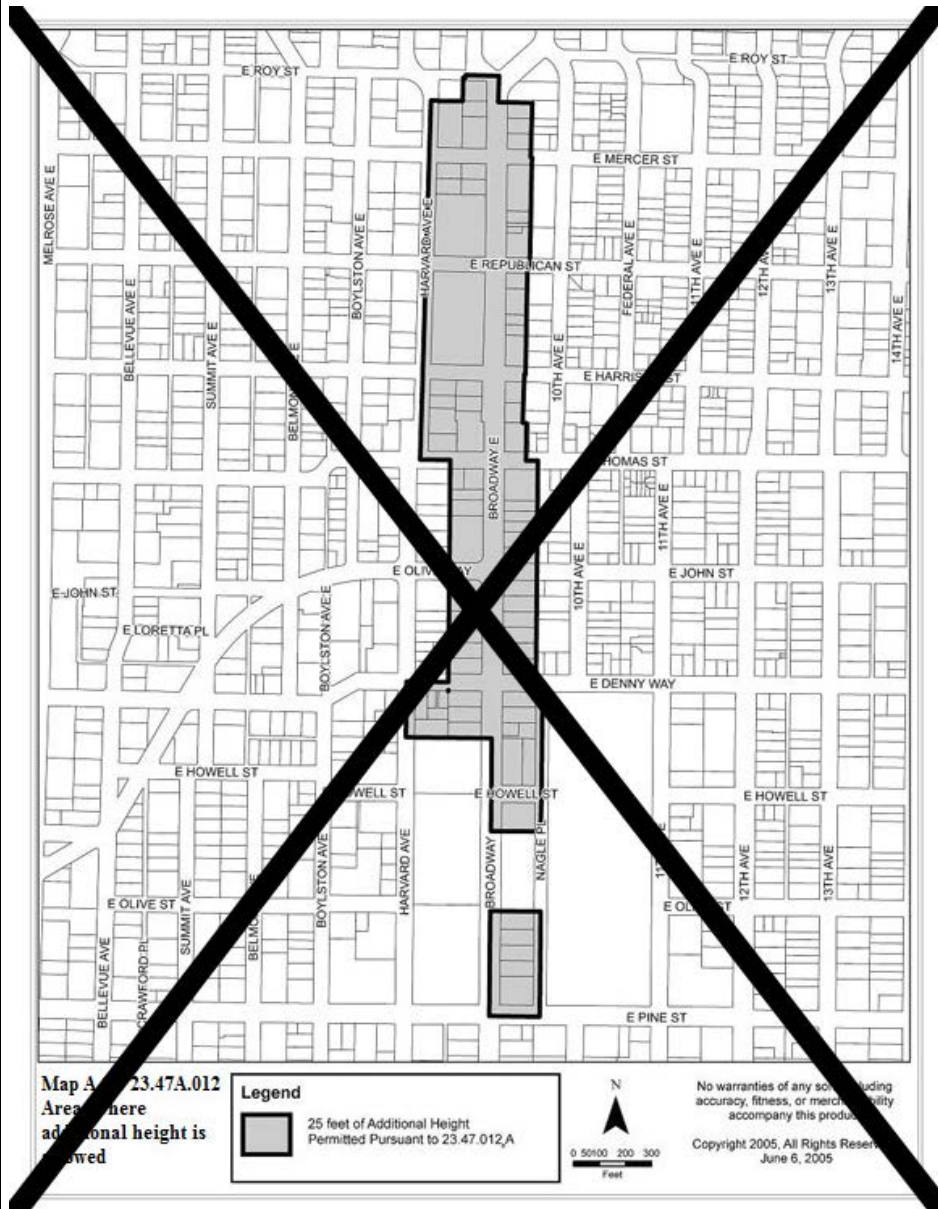
4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a floor-to-floor height of 16 feet were not provided at street level; and

5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

c. The Director shall reduce or deny the additional structure height allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union, or the Ship Canal.

~~((2. For any lot within the designated areas shown on Map A for 23.47A.012, the height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land Use Map may be increased to 65 feet and may contain floor area as permitted for a 65-foot zone, according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain~~

~~only residential uses, and provided that no additional height is allowed under subsection~~
~~23.47A.012.A.1.))~~
~~((Map A for 23.47A.012~~
~~Areas where additional height is allowed))~~



1 ((3)) 2. Within the Station Area Overlay District within the University
2 Community Urban Center, maximum structure height may be increased to 125 feet when all of
3 the following are met:

4 a. The lot is within two blocks of a planned or existing light rail station;
5 b. The proposed use of the lot is functionally related to other office
6 development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be
7 occupied by a single entity;
8 c. A transportation management plan for the life of the use includes
9 incentives for light rail and other transit use by the employees of the office use;
10 d. The development shall provide street-level amenities for pedestrians
11 and shall be designed to promote pedestrian interest, safety, and comfort through features such as
12 landscaping, lighting, and transparent facades, as determined by the Director; and
13 e. This subsection ((23.47A.012.A.3)) 23.47A.012.A.2 can be used only
14 once for each development that is functionally related.

15 ((4)) 3. On a lot containing a peat settlement-prone environmentally critical area,
16 the height of a structure may exceed the otherwise applicable height limit and the other height
17 allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of
18 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill
19 sides of the structure, the maximum elevation of the structure height shall be no greater than the
20 height allowed by the first sentence of this subsection ((23.47A.012.A.4)) 23.47A.012.A.3. The
21 Director may apply the allowances in this subsection ((23.47A.012.A.4)) 23.47A.012.A.3 only if
22 the following conditions are met:

1 a. The Director finds that locating a story of parking underground is
2 infeasible due to physical site conditions such as a high water table;

3 b. The Director finds that the additional height allowed for the structure is
4 necessary to accommodate parking located partially below grade that extends no more than 6 feet
5 above existing or finished grade, whichever is lower, and no more than 3 feet above the highest
6 existing or finished grade along the structure footprint, whichever is lower, as measured to the
7 finished floor level above; and

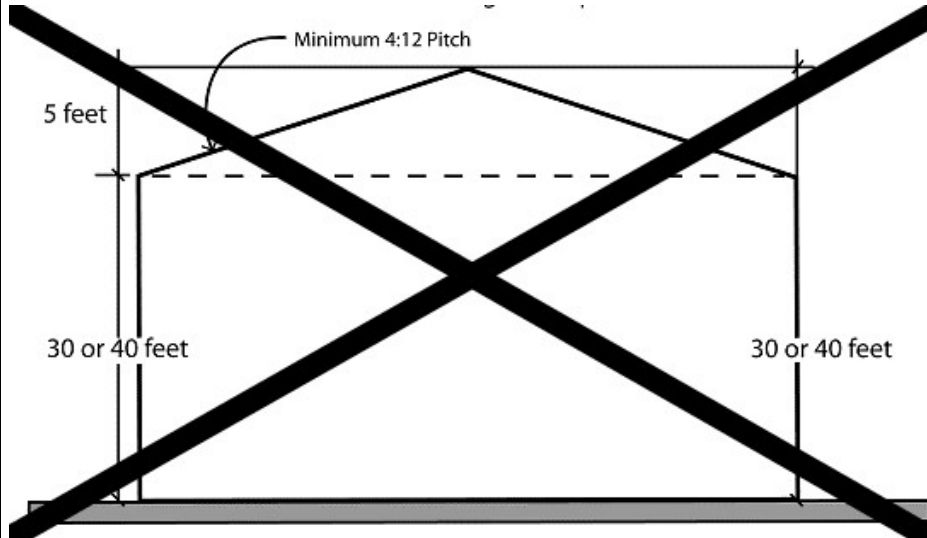
8 c. Other than the additional story of parking allowed according to this
9 subsection ((~~23.47A.012.A.4~~)) 23.47A.012.A.3, the additional height shall not allow an
10 additional story beyond the number of stories that could be built under the otherwise applicable
11 height limit.

12 ((~~§~~)) 4. In zones that are located within the Pike/Pine Conservation Overlay
13 District with a mapped height limit of ((~~65 feet, or with a mapped height limit of 40 feet with~~
14 ~~provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2~~))
15 75 feet, the provisions of Section 23.73.014 apply.

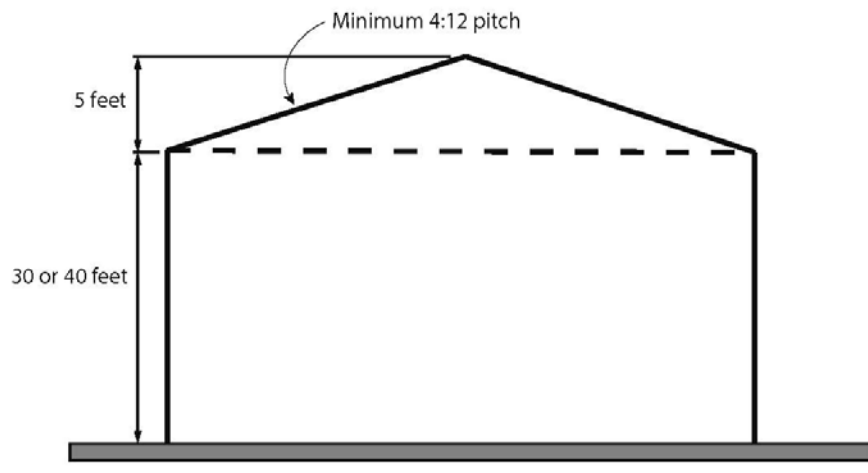
16 B. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to
17 5 feet above the otherwise applicable height limit in zones with height limits of 30 or 40 feet, if
18 all parts of the roof above the otherwise applicable height limit are pitched at a rate of not less
19 than 4:12 (Exhibit A for 23.47A.012).

Exhibit A for 23.47A.012 ((§))

Pitched ((Roof Height Exception)) roof height exception



**Exhibit A for 23.47A.012
Pitched roof height exception**



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 ((~~7~~)) may exceed the maximum height limit by up to ((~~two~~)) 2 feet if enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2.

3. Solar ((~~Collectors~~)) collectors

a. In zones with mapped height limits of 30 or 40 feet, solar collectors may extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

b. In zones with height limits of 65 feet or more, solar collectors may extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

4. Except as provided below, the following rooftop features may extend up to 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.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. Mechanical equipment;

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

d. Wind-driven power generators;

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

f. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. ~~((When additional height is needed to accommodate energy efficient elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy efficient elevators, up to 25 feet above the applicable height limit. Energy efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.~~

~~5. Within the South Lake Union Urban Center, the combined total coverage of all features listed in subsection 23.47A.012.C.4 may be increased to 65 percent of the roof area, provided that the following are satisfied:~~

~~a. The additional rooftop coverage allowed by this subsection 23.47A.012.C.5 is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and~~

~~b. All mechanical equipment is screened; and~~

~~c. No rooftop features other than wind-driven power generators are located closer than 10 feet from the roof edge.~~

~~6))~~ 5. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining

additional height listed in this subsection 23.47A.012.C does not exceed 50 percent of the roof area, and the greenhouse adheres to the setback requirements in subsection ((23.47A.012.C.7)) 23.47A.012.C.6.

((7)) 6. The rooftop features listed in this subsection ((23.47A.012.C.7)) 23.47A.012.C.6 shall be located at least 10 feet from the north lot line unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north lot line would not shade property to the north on January ((21st)) 21 at noon more than would a structure built to maximum permitted height and FAR:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses and solariums;
- e. Minor communication utilities and accessory communication devices, permitted pursuant to the provisions of Section 23.57.012;
- f. Non-firewall parapets; and
- g. Play equipment.

((8)) 7. Structures existing prior to May 10, 1986, may add new or replace existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

((9)) 8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

D. Solar ((~~Retrofits~~)) retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986, as a special exception

pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Such a retrofit may be permitted to exceed established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;
2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and
3. Such collector(s) meet minimum energy standards administered by the Director.

E. Height (~~(Exceptions for Public Schools.)~~) exceptions for public schools

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or 35 feet plus 15 feet for a pitched roof complying with subsection 23.47A.012.E.5, whichever is greater.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone, the height of the existing school, or 35 feet plus 15 feet for a pitched roof complying with subsection 23.47A.012.E.5, whichever is greater.

4. Development standard departure for structure height may be granted pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height that may be granted as a development standard departure in zones with height limits of 30 or 40 feet shall be 35 feet plus 15 feet for a pitched roof complying with subsection

23.47A.012.E.5 for elementary schools and 60 feet plus 15 feet for a pitched roof complying with subsection 23.47A.012.E.5 for secondary schools. All height maximums may be waived by the Director when waiver would contribute to the demolition of fewer residential structures.

5. To qualify for additional height for a pitched roof under this subsection 23.47A.012.E, all parts of the roof above the height otherwise allowed must be pitched at a rate of not less than 3:12 and the roof must not be a shed roof or butterfly roof.

Section ~~5452~~. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance ~~125267~~ 125603, is amended as follows:

23.47A.013 Floor area ratio

A. Floor area ratio (FAR) limits. ~~((apply to all structures and lots in all NC zones and C zones.))~~ Except as provided in subsections 23.47A.013.C and 23.47A.013.D, FAR limits apply in C zones and NC zones as shown in Table A for 23.47A.013 and Table B for 23.47A.013. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

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

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

~~3. Except as provided in ~~subsection~~ subsections 23.47A.013.D. ~~72 and 23.47A.013.D.5~~, parking that is within or covered by a structure or portion of a structure and that is within a story that is not underground shall be included in gross floor area calculations.~~

~~4. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and the floor area on the portion of the lot with the lower~~

FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is in both a multifamily zone and a commercial zone, the floor area on the commercial portion of the lot may not exceed the maximum that would be allowed if the commercial portion of the lot were a separate lot.

B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E, 23.47A.013.F, and 23.47A.013.G, maximum FAR allowed in C zones and NC zones is shown in Table A for 23.47A.013, provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.))

((Table A for 23.47A.013 Maximum floor area ratio (FAR) outside of the Station Area Overlay District [†]						
	Height limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
1. Total FAR permitted on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7
n/a = not applicable						
Footnotes to Table A for 23.47A.013						
[†] Maximum FAR limits for zones with a mandatory housing affordability suffix are shown on Table A for 23.47A.017.))						

Table A for 23.47A.013 Floor area ratio (FAR) limit outside of the Station Area Overlay District	
Height limit (in feet)	FAR
<u>30</u>	<u>2.5</u>
<u>40</u>	<u>3.0[†]</u>
<u>55</u>	<u>3.75</u>

Table A for 23.47A.013
Floor area ratio (FAR) limit outside of the Station Area Overlay District

<u>Height limit (in feet)</u>	<u>FAR</u>
<u>65</u>	<u>4.5</u>
<u>75</u>	<u>5.5</u>
<u>85</u>	<u>5.75</u>
<u>95</u>	<u>6.25</u>
<u>145</u>	<u>7</u>
<u>200</u>	<u>8.25²</u>

Footnotes to Table A for 23.47A.013

¹ Except that zones without a mandatory housing affordability suffix have a maximum FAR of 3.25

² Except that within the First Hill/Capitol Hill Urban Center, the maximum FAR is 12 if the development contains at least 4 FAR of residential uses.

((C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Table B for 23.47A.013 provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown in the suffix designation.))

Table B for 23.47A.013
((Maximum floor)) Floor area ratio (FAR) limit in the Station Area Overlay District

	<u>((Height limit in feet</u>					
	30	40	65	85	125	160
Maximum FAR	3	4	5.75	6	6	7))
<u>Height limit (in feet)</u>	<u>FAR</u>					
<u>30</u>	<u>2.5</u>					
<u>40</u>	<u>3.25</u>					
<u>55</u>	<u>4.25</u>					
<u>65</u>	<u>4.75</u>					
<u>75</u>	<u>6</u>					
<u>85</u>	<u>6</u>					
<u>95</u>	<u>6.25</u>					
<u>145</u>	<u>7</u>					
<u>200</u>	<u>8.25</u>					

~~((D))~~ B. The following gross floor area is not counted toward ~~((maximum))~~ FAR:

1. All ~~((underground))~~ 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. Within First Hill, on lots zoned NC3 with a 160 foot height limit, all gross floor area occupied by a residential use;~~

~~5))~~ 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.D.5.a))~~ 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.D.5.b))~~ 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

~~((6))~~ 5. Rooftop greenhouse areas meeting the standards of subsections

~~((23.47A.012.C.6 and 23.47A.012.C.7))~~ 23.47A.012.C.5 and 23.47A.012.C.6; ((and))

~~((7))~~ 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

~~((7))~~ and

~~((8))~~ 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.

~~((E))~~ C. Within the Station Area Overlay District within the University Community Urban Center, for office structures permitted prior to 1971, the area of the lot for purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over 500,000 square feet of area in office use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this subsection ~~((23.47A.013.E))~~ 23.47A.013.C, and the maximum permitted FAR is 8.

~~((F. Within the West Seattle Junction Hub Urban Village, on lots zoned NC3 85(4.75), the total permitted FAR for all uses within a mixed-use structure containing residential and non-residential uses is 5.5.~~

G)) D. Within the portion of the Greenwood Residential Urban Village, on lots zoned NC2 ((40)) 55 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW, the total permitted FAR within a mixed-use structure containing residential and non-residential uses is 4.

((H)) E. Minimum FAR

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

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

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

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Table C for 23.47A.013						
Minimum floor area ratio (FAR) ((¹))						
((Height limit in feet	30	40	65	85	125	160
Minimum FAR	1.5	1.5	2	2	2.5	2.5))
Height limit (in feet)			Minimum FAR			
<u>30</u>			<u>1.5</u>			
<u>40</u>			<u>1.5</u>			
<u>55</u>			<u>2</u>			
<u>65</u>			<u>2</u>			
<u>75</u>			<u>2</u>			
<u>85</u>			<u>2</u>			
<u>95</u>			<u>2</u>			
<u>145</u>			<u>2.5</u>			
<u>200</u>			<u>2.5</u>			

Table C for 23.47A.013
Minimum floor area ratio (FAR) ((⁺))

((Footnotes to Table C for 23.47A.013

⁺Minimum floor area ratios for zones with a mandatory affordable housing suffix are shown on Table B for 23.47A.017.))

2. The minimum FAR requirement provided in subsection ((~~23.47A.013.H.1~~))

23.47A.013.E.1 does not apply if:

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

b. The lot is larger than five acres;

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

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

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

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

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

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

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

a. ~~((Gross floor area below grade))~~ All stories, or portions of stories, that are underground; and

b. Gross floor area containing parking.

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

Section ~~5253~~. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance ~~125084~~ 125603, is amended as follows:

23.47A.014 Setback requirements

A. ~~((Definition. For the purposes of this Section 23.47A.014, “portions of structures” include those features listed in subsection 23.47A.012.C, Rooftop features.))~~ Rooftop features are not allowed in setbacks, except that for upper-level setbacks:

1. Open railings may extend up to 4 feet above the height at which the setback begins.

2. Parapets may extend up to 2 feet above the height at which the setback begins.

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

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

Exhibit A for 23.47A.014

~~((Setback))~~ Setback abutting a side ~~((or rear))~~ lot line of a residentially zoned lot

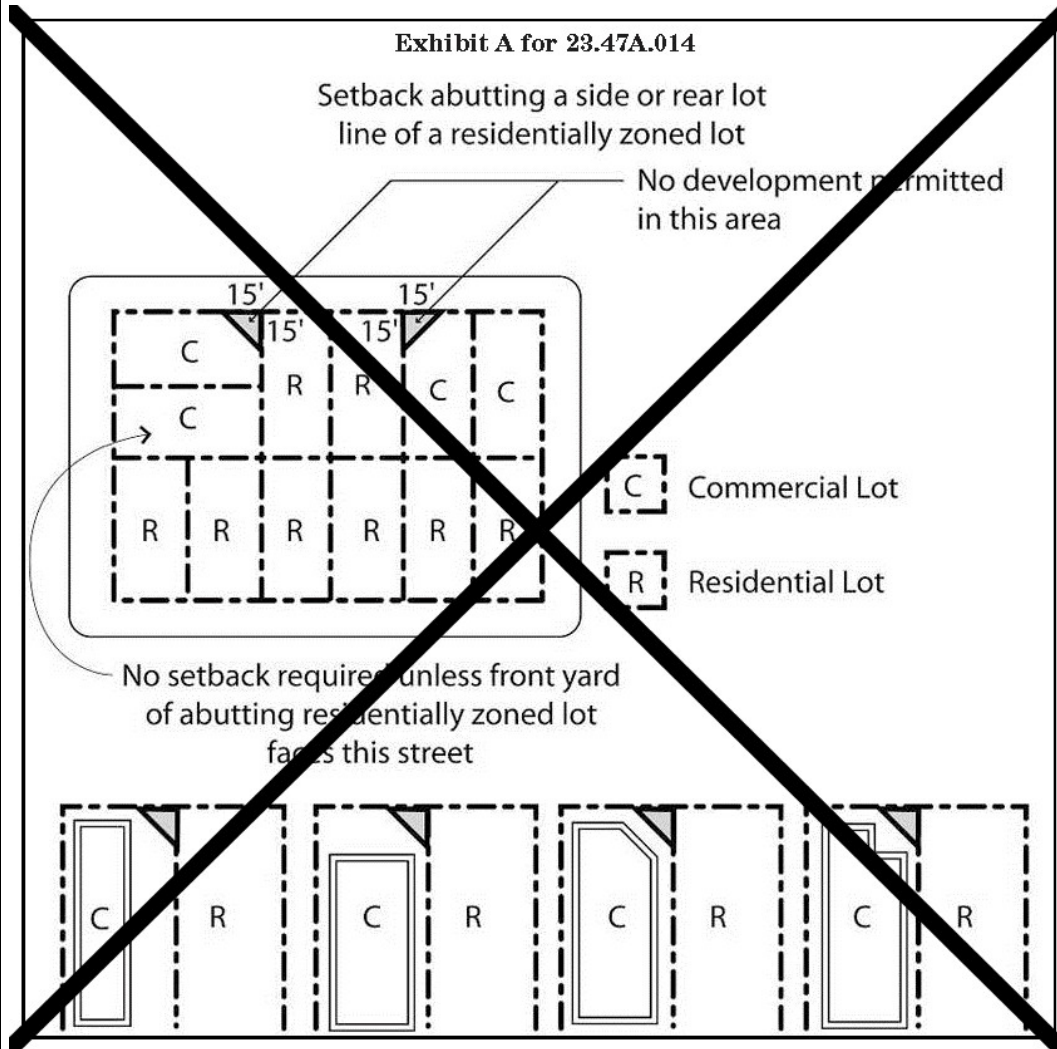
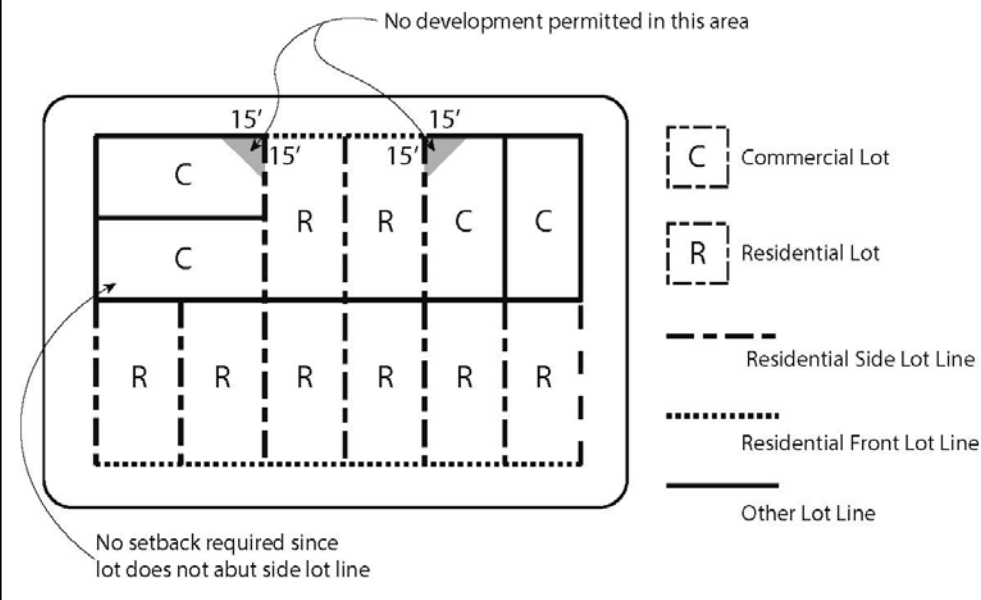


Exhibit A for 23.47A.014 Setback abutting a side lot line of a residentially zoned lot



2. ((A)) An upper-level setback is required along any rear or side lot line that abuts a lot in ((a residential)) an LR, MR, or HR zone or that abuts a lot that is zoned both commercial and ((residential)) LR, MR, or HR if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:
 - a. Ten feet for portions of structures above 13 feet in height to a maximum of 65 feet; and
 - b. For each portion of a structure above 65 feet in height, additional setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion exceeds 65 feet, up to a maximum setback of 20 feet (Exhibit B for 23.47A.014).

Exhibit B for 23.47A.014

Setback ((~~Abutting a Side or Rear Lot Line of a Residentially-Zoned Lot~~)) abutting a side or rear lot line of a lot zoned LR, MR, or HR

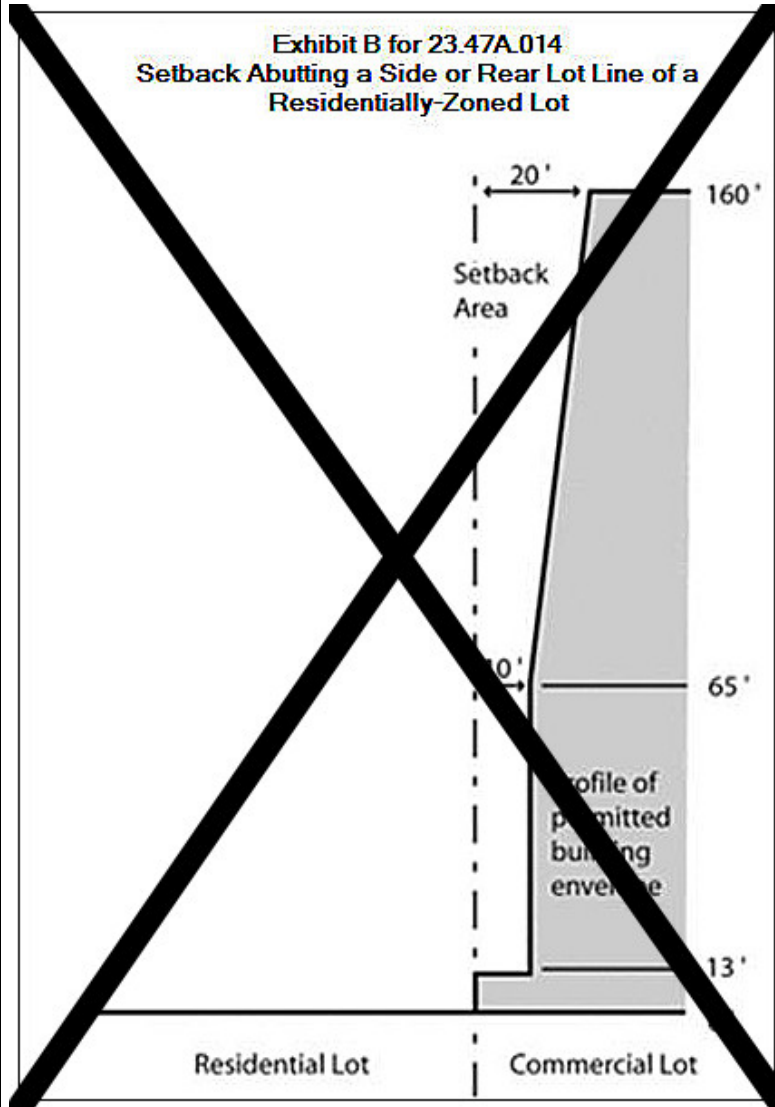
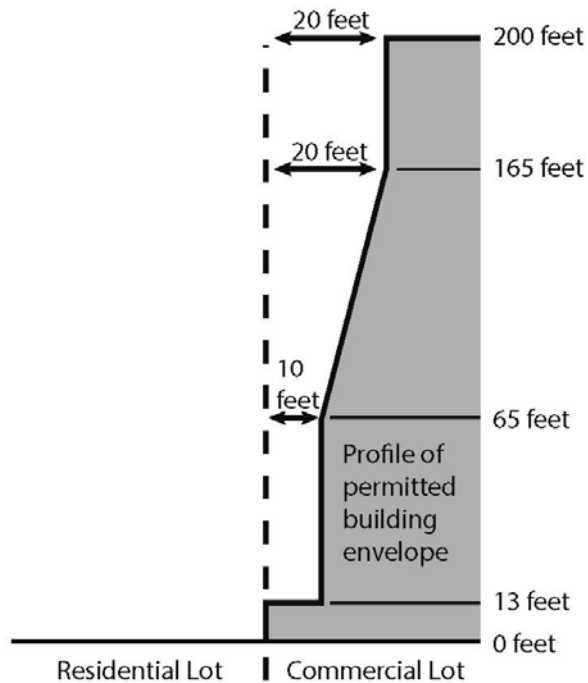


Exhibit B for 23.47A.014
Setback abutting a side or rear lot line of a
lot zoned LR, MR, or HR



3. ~~((For a structure containing a residential use, a))~~ An upper-level setback is required along any ~~((side or))~~ rear or side lot line that abuts a lot in ~~((a residential))~~ a single-family zone, ~~((or))~~ that is across an alley from a lot in ~~((a residential))~~ a single-family zone, or that abuts a lot that is zoned both commercial and ~~((residential))~~ single-family if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot~~((;))~~ as follows:

a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and

b. For each portion of a structure above 40 feet in height, additional setback at the rate of ~~((2))~~ 3 feet of setback for every 10 feet by which the height of such portion exceeds 40 feet (Exhibit C for 23.47A.014).

Exhibit C for 23.47A.014

~~((Setbacks for Structures with Residential Uses When Abutting))~~ Setback abutting or across an alley from a ((Residentially-Zoned Lot)) lot zoned single-family

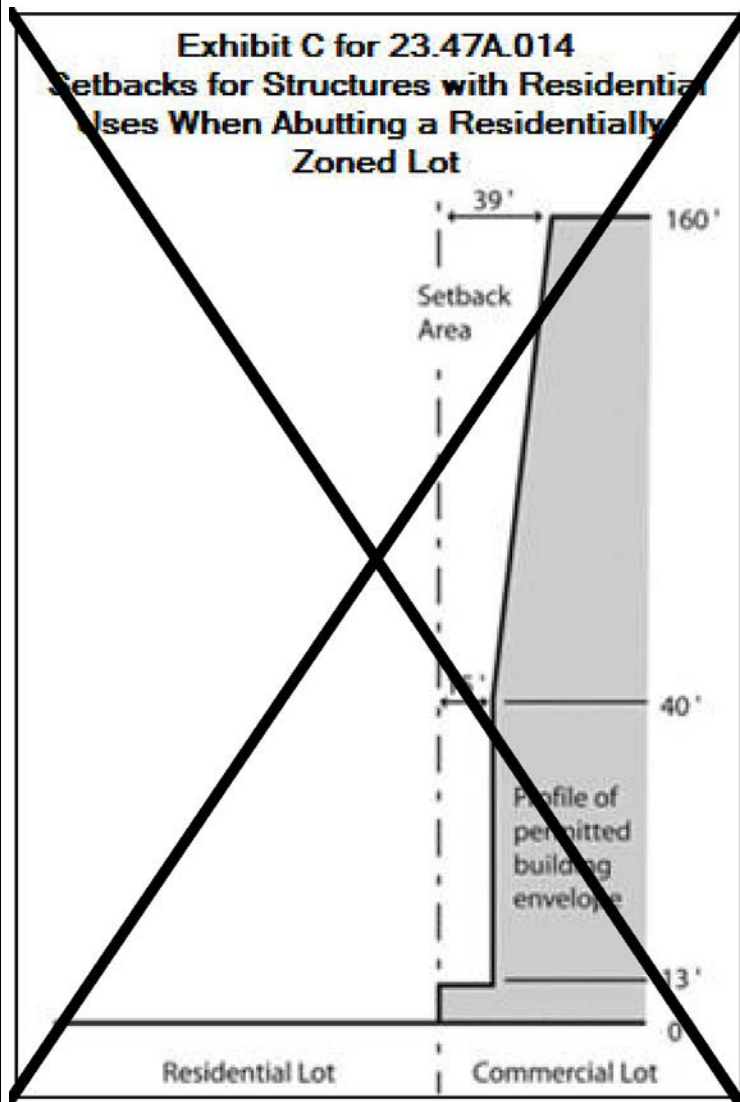
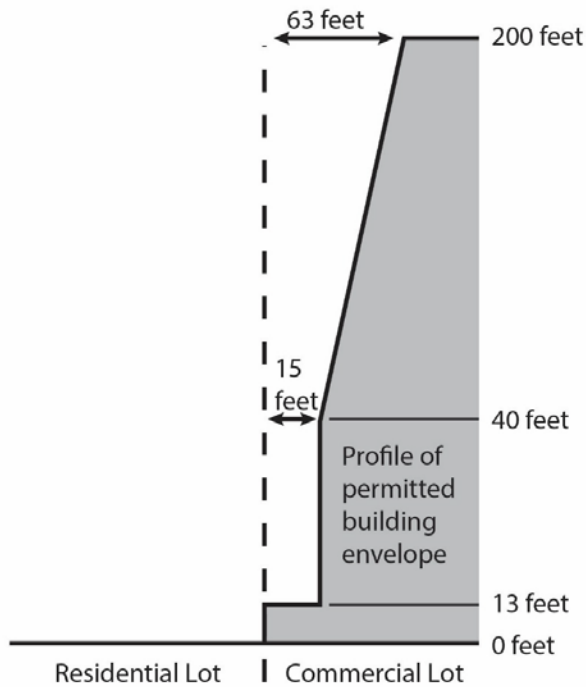


Exhibit C for 23.47A.014 Setback abutting or across an alley from a lot zoned single-family



4. One-half of the width of an abutting alley may be counted as part of the required setback. For the purpose of this Section 23.47A.014, the alley width and the location of the rear lot line shall be determined prior to any dedication that may be required for alley improvement purposes.

5. No entrance, window, or other opening is permitted closer than 5 feet to an abutting residentially-zoned lot.

C. Upper-level setbacks for street-facing facades. For zones with a height limit of 75 feet, 85 feet, or 95 feet, the street-facing facade shall be set back as follows:

1 1. For zones with a height limit of 75 feet, portions of structures above 65 feet
2 must be set back from the front lot line by an average depth of 8 feet.

3 2. For zones with a height limit of 85 feet or 95 feet, portions of structures above
4 75 feet must be set back from the front lot line by an average depth of 8 feet.

5 3. Where a portion of the facade is set back more than 15 feet, the setback depth
6 for that portion of the facade shall be considered 15 feet for purposes of calculating the average
7 setback. No more than 20 percent of the portion of the structure that must be set back may have a
8 setback of less than 5 feet.

9 D. Facade modulation. For structures with a width of more than 250 feet, at least one
10 portion of the structure 30 feet or greater in width must be set back a minimum of 15 feet from
11 the front property line. For structures with a width of more than 500 feet, at least two portions of
12 the structure 30 feet or greater in width and separated by at least 100 feet must be set back a
13 minimum of 15 feet from the front property line.

14 ((C)) E. A minimum 5-foot landscaped setback may be required under certain conditions
15 and for certain uses according to Section 23.47A.016, Screening and landscaping standards.

16 ((D)) F. Mobile home parks. A minimum 5-foot setback is required along all street lot
17 lines of a mobile home park. The setback must be landscaped according to the provisions of
18 subsection 23.47A.016.D.2.

19 ((E)) G. Structures and projections in required setbacks

20 1. Decks and balconies

21 a. Decks with open railings may extend into the required setback, but are
22 not permitted within 5 feet of a lot in a residential zone, except as provided in subsection

23 ((23.47A.014.E.1.b)) 23.47A.014.G.1.b.

b. Decks that are accessory to residential uses and are no more than 18 inches above existing or finished grade, whichever is lower, are permitted within 5 feet of a lot in a residential zone.

2. Eaves, cornices, and gutters projecting no more than 18 inches from the structure facade are permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than 5 feet in width, are permitted in required setbacks.

5. Fences, bulkheads, freestanding walls, and other similar structures

a. Fences, freestanding walls, and other similar structures 6 feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The 6-foot height may be averaged along sloping grade for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of September 30, 1994. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to ~~((9-1/2))~~ 9.5 feet.

c. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Building Code requirements may be placed on top of the bulkhead

or retaining wall. A fence must be set back a minimum of 3 feet from such a bulkhead or retaining wall.

6. Setback requirements do not limit underground structures.

7. Detached solar collectors are permitted in required setbacks. Such collectors may be no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to any lot line that abuts a residentially ((-)) zoned lot.

8. Dumpsters and other trash receptacles, except for trash compactors, located outside of structures are not permitted within 10 feet of any lot line that abuts a residential zone and must be screened per the provisions of Section 23.47A.016.

9. Green stormwater infrastructure (GSI) features are allowed without setback restrictions if:

- a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;
- b. Each above-grade GSI feature is less than 4 feet wide; and
- c. The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

10. Above-grade GSI features larger than what is allowed in subsection ((23.47A.014.E.9)) 23.47A.014.G.9 are allowed within a required setback if:

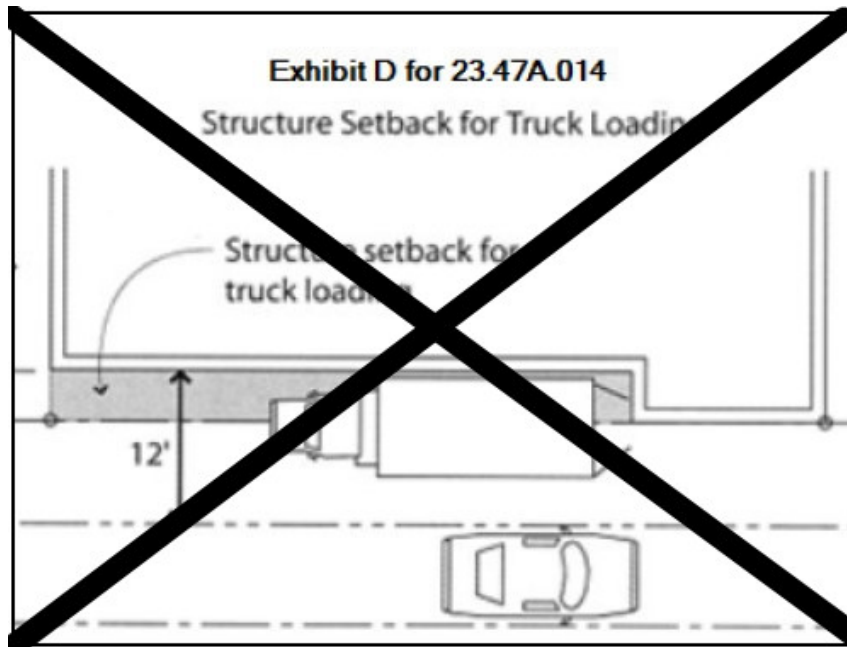
- a. Above-grade GSI features do not exceed ((10)) ten percent coverage of any one setback area;
- b. No portion of an above-grade GSI feature is located closer than 2.5 feet from a side lot line;
- c. No portion of an above-grade GSI feature projects more than 5 feet into a front or rear setback area; and

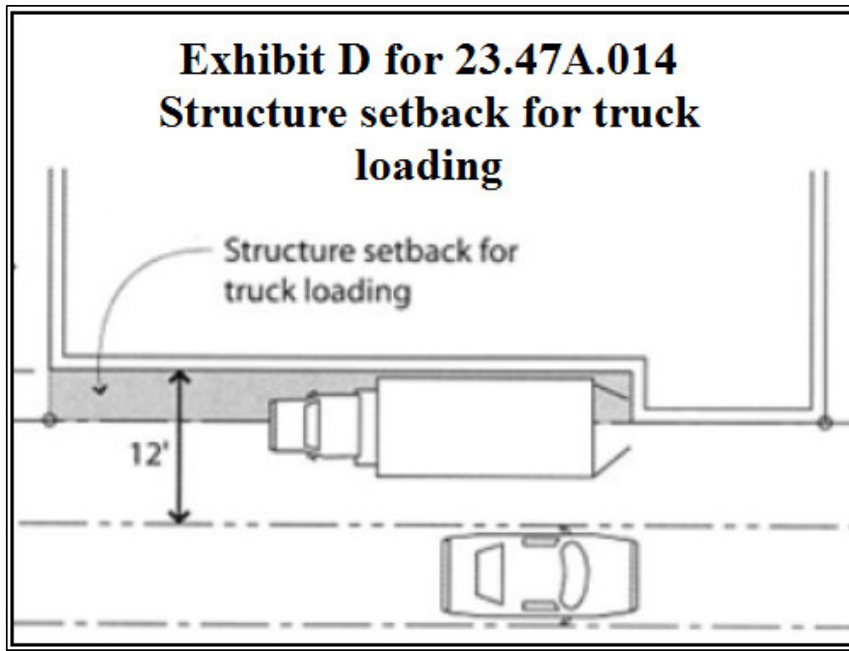
d. Above-grade GSI features meet all applicable Building Code and Plumbing Code requirements.

((F)) H. Setback requirement for loading adjacent to an alley. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley (Exhibit D for 23.47A.014). This setback must be maintained up to a height of 12 feet.

Exhibit D for 23.47A.014

Structure ((Setback for Truck Loading)) setback for truck loading





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

Section ~~23.54~~. Section 23.47A.017 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.47A.017 ((Commercial zones with a mandatory)) Mandatory housing affordability
((suffix)) in C and NC zones

((The following standards apply to C or NC zones with a mandatory housing affordability suffix of either (M), (M1), or (M2):)) C and NC zones with a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

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

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

Table A for 23.47A.017

Maximum floor area ratio (FAR) for C or NC zones with a mandatory housing affordability suffix

Height limit (in feet)	30	40	55	65	75	85
Maximum FAR for any single use on a lot	2.5	3	3.75	4.25	5.5	4.5
Maximum FAR	2.5	3	3.75	4.75	5.5	6.

~~C. Minimum FAR~~

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

Table B for 23.47A.017

Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix

Height limit (in feet)	30	40	55	65	75	85
Minimum FAR	1.5	1.5	1.5	2	2	2

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

Section ~~5455~~. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.48.002 Scope of provisions

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

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

Table A for 23.48.002

Seattle Mixed zone designations for geographic areas

Zone designation	Geographic area
((SM-SLU	South Lake Union Urban Center))
SM-D	West Dravus area
SM-NR	North Rainier area
<u>SM-RB</u>	<u>Rainier Beach</u>
<u>SM-SLU</u>	<u>South Lake Union Urban Center</u>
SM-U	University Community Urban Center
SM-UP	Uptown Urban Center

B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23.

C. The provisions of this Subchapter I of Chapter 23.48 are applicable to all ~~((SM))~~ Seattle Mixed zones, including ~~((SM))~~ Seattle Mixed zones in geographic areas shown on Table A for 23.48.002. Supplemental regulations for ~~((SM))~~ Seattle Mixed zones in specific geographic areas are provided for in the subsequent subchapters of this Chapter 23.48. To the extent provisions in a supplemental subchapter conflict with provisions in this Subchapter I, the provisions of the supplemental subchapter shall prevail.

~~((C))~~ D. Other regulations, ~~((such as requirements for))~~ including but not limited to ~~((major marijuana activity (Section 23.42.058)))~~ general use provisions (Chapter 23.42); requirements for streets, alleys, and easements (Chapter 23.53); ~~((quantity and design))~~ standards

for parking quantity, access, ~~((off street parking,))~~ and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); communication regulations (Chapter 23.57); and measurements (Chapter 23.86) may apply to development proposals.
~~((Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57.))~~

Section ~~5556~~. Subsection 23.48.021.A of the Seattle Municipal Code, which section was last amended by Ordinance 125432, is amended as follows:

23.48.021 Extra floor area in Seattle Mixed zones

A. General

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

2. Development achieving extra floor area in Seattle Mixed zones shall meet the conditions of this Section 23.48.021 and provide public amenities according to the standards of this Section 23.48.021 and Chapter 23.58A, except where supplemented in the applicable subchapter.

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

* * *

Section ~~5657~~. Subsection 23.48.025.A of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.48.025 Structure height

A. Height limits

1. The height limits for structures in ~~((the SM))~~ Seattle Mixed zones are as shown on the Official Land Use Map, Chapter 23.32, except as otherwise provided in this Section 23.48.025 or in the applicable subchapters of this Chapter 23.48 for ~~((SM))~~ Seattle Mixed zone designations for specific geographic areas shown in Table A for 23.48.002. In certain zones, as specified in this Section 23.48.025, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. In the SM-SLU ~~((;))~~ and SM-D~~((; and SM-NR))~~ zones, 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. ~~((Within zones that have an incentive zoning suffix, the number in the suffix is the base FAR.))~~

* * *

Section ~~5758~~. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.48.040 Street-level development standards

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

1. Primary pedestrian entrance. In the SM-SLU, SM-NR, ~~and~~ SM-UP, ~~and~~ SM-RB zones, each new structure facing a Class 1 Pedestrian Street, and in the SM-RB zone each new structure facing a Class 2 Pedestrian Street, is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

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

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

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

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

B. Transparency and blank facade requirements. In the SM-SLU, SM-NR, SM-U, ~~((and the))~~ SM-UP, and SM-RB zones, the provisions of this subsection 23.48.040.B apply to the area

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of a street-facing facade between 2 feet and 8 feet above a sidewalk but do not apply to portions of a structure in residential use or, within the SM-U (~~(district)~~) District, to portions of a structure in use as a light rail transit station.

1. Transparency requirements

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

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

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

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

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

4 1) Blank facades are limited to segments 15 feet wide. Blank
5 facade width may be increased to 30 feet if the Director determines that the facade is enhanced
6 by architectural detailing, artwork, landscaping, or other similar features that have visual interest.

7 2) The total width of all blank facade segments shall not exceed 40
8 percent of the width of the street-facing facade of the structure on each street frontage, or 55
9 percent of the width of the street-facing facade if the slope of the street frontage abutting that lot
10 exceeds 7.5 percent.

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

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

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

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

22 C. Development standards for required street-level uses. Street-level uses that are
23 required by subsection 23.48.005.D or 23.48.605.C, and street-level uses exempt from FAR

calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2, or 23.48.720.B.2, whether required or not, shall meet the following development standards:

1. Where street-level uses are required, a minimum of 75 percent of the applicable street-level, street-facing facade shall be occupied by uses listed in subsection 23.48.005.D.1.

The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular entrances.

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

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

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

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

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

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

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

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

D. Maximum width. The provisions of this subsection 23.48.040.D apply to all structures in SM-U zones and structures along Class 1 pedestrian streets in all other Seattle Mixed zones, except the provisions of this subsection 23.48.040.D do not apply in SM-SLU zones, ~~along Class 1 pedestrian streets.~~

1. The maximum width of a structure, or of a portion of a structure for which the limit is calculated separately according to subsection 23.48.040.D.2, as measured along all streets in SM-U zones and along Class 1 pedestrian street in other Seattle Mixed zones, except SM-SLU zones, is 250 feet, except as otherwise provided in subsection 23.48.040.D.3.

2. For purposes of this subsection 23.48.040.D, the width limit shall be calculated separately for a portion of a structure if:

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

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

8 3. For purposes of this subsection 23.48.040.D, the following portions of a
9 structure shall not be included in facade width measurement:

10 a. Designated Landmark structures that are retained on the lot.

11 b. Structures in SM-U zones that qualify as vulnerable masonry structures
12 according to Section 23.48.630 and are retained on the lot.

13 c. Stories of a structure on which more than 50 percent of the total gross
14 floor area is occupied by any of the following uses:

15 1) Arts facilities;

16 2) Community clubs or community centers;

17 3) Preschool, ~~elementary, or secondary schools;~~

18 ~~4) Elementary or secondary schools;~~

19 ~~5) Performing arts theaters; or~~

20 ~~6) Religious facilities.~~

1 Section ~~5859~~. A new Section 23.48.050 of the Seattle Municipal Code is added as
2 follows:

3 **23.48.050 Mandatory housing affordability (MHA) requirements**

4 The provisions of Chapters 23.58B and 23.58C apply in all Seattle Mixed zones, except SM-
5 SLU 85/65-160 zones and SM-UP zones that do not have a mandatory housing affordability
6 suffix.

7 Section ~~5960~~. Subsection 23.48.055.C of the Seattle Municipal Code, which section was
8 last amended by Ordinance 125432, is amended as follows:

9 **23.48.055 Landscaping and screening standards**

10 * * *

11 C. Screening for specific uses

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

14 2. Surface parking areas

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

18 b. Surface parking areas abutting alleys. Surface parking areas shall
19 provide 3-foot-high screening along the lot lines abutting an alley. The Director may reduce or
20 waive the screening requirement for part or all of the lot line abutting the alley when required
21 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

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

a. On Class 1 and Class 2 Pedestrian Streets and Neighborhood Green

Streets shown on Map A for 23.48.240, ~~((and))~~ Map A for 23.48.440, and Map A for 23.48.940,
and on all streets in SM-U and SM-UP zones, parking is not permitted at street level unless
separated from the street by other uses, provided that garage doors need not be separated. The
facade of the separating uses shall be subject to the transparency and blank facade standards in
Section 23.48.040.

b. On all other streets shown on Map A for 23.48.240 and Map A for

23.48.440, parking is permitted at street level if at least 30 percent of the street frontage of the
parking area, excluding that portion of the frontage occupied by garage doors, is separated from
the street by other uses. The facade of the separating uses shall be subject to the transparency and
blank facade standards in Section 23.48.040. The remaining parking shall be screened from view
at street level and the street facade shall be enhanced by architectural detailing, artwork,
landscaping, or similar visual interest features.

c. The perimeter of each floor of parking above street level shall have an

opaque screen at least 3.5 feet high, except in the SM-SLU, SM-U, and SM-UP zones, where
specific requirements for the location and screening of parking located on stories above the street
level apply.

4. Fences or free-standing walls associated with utility services uses may obstruct

or allow views to the interior of a site. Where site dimensions and site conditions allow,
applicants are encouraged to provide both a landscaped setback between the fence or wall and
the right-of-way, and a fence or wall that provides visual interest facing the street lot line,
through the height, design or construction of the fence or wall, including the use of materials,

architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility service use shall provide either:

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

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

* * *

Section ~~6061~~. Section 23.48.300 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.300 Applicability in Dravus

The provisions in Sections 23.48.320 through ~~((23.48.325))~~ 23.48.345 of the Seattle Mixed-Dravus (SM-D) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between Sections 23.48.005 through 23.48.095 and Sections 23.48.320 through ~~((23.48.325))~~ 23.48.345, the provisions in the SM-D zone apply.

Section ~~6162~~. Section 23.48.320 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.320 Floor area ratio (FAR) in Dravus

~~((Uses))~~ Development in the SM-D ~~((40-85))~~ 55/95 zone ~~((are))~~ is not subject to an FAR limit.

Section ~~6263~~. Section 23.48.325 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.325 Structure height in Dravus

~~((Height limits in the SM-D 40-85 zone))~~

A. ~~((Base height limit. Structures in))~~ In the SM-D ~~((40-85))~~ 55/95 zone, ~~((are subject to a height limit of 40 feet, except as otherwise provided in Chapter 23.58A.))~~ the height limit for portions of a structure in non-residential use is 55 feet and the height limit for portions of a structure in residential use is 95 feet.

B. ~~((Additional height for structures with only residential uses above 40 feet. A structure in the SM-D 40-85 zone that has only residential uses above a height of 40 feet is subject to a maximum height limit of 85 feet, if the following conditions are met:~~

1. The applicant satisfies the conditions for bonus development under Section 23.48.021.

2. The portion of any structure above 45 feet in height shall be set back at least 50 feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters is permitted in the required setback, and the exceptions for pitched roofs and rooftop features of subsection 23.48.025.B are allowed above the 45 foot height limit in the required setback.

~~C.))~~ Exceptions for pitched roofs and rooftop features. Additional height above the applicable limit pursuant to ~~((subsections))~~ subsection 23.48.325.A ~~((, 23.48.325.B, or 23.48.325.B.2.))~~ is allowed for pitched roofs and certain rooftop features, as set forth in subsections 23.48.025.B and 23.48.025.C.

Section ~~6364~~. A new Section 23.48.340 of the Seattle Municipal Code is added to Subchapter III of Chapter 23.48 as follows:

23.48.340 Upper-level setback from West Dravus Street

Portions of a structure above 55 feet in height shall be set back at least 50 feet from West Dravus Street, except that the first 4 feet of the horizontal projection of decks, balconies with open

railings, eaves, cornices, and gutters is permitted in the required setback, and pitched roofs and rooftop features as allowed by subsections 23.48.025.B and 23.48.025.C are allowed above the 55-foot height limit in the required setback.

Section ~~6465~~. A new Section 23.48.345 of the Seattle Municipal Code is added to Subchapter III of Chapter 23.48 as follows:

23.48.345 Green building standards

For projects that exceed a height of 55 feet, excluding pitched roofs and rooftop features permitted above the applicable height limit pursuant to subsections 23.48.025.B and 23.48.025.C, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

Section ~~6566~~. Section 23.48.400 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.400 Applicability in North Rainier

The provisions in Sections 23.48.420 through ((~~23.48.435~~)) 23.48.445 of the Seattle Mixed-North Rainier (SM-NR) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between ((~~these~~)) Sections 23.48.005 through 23.48.095 and Sections 23.48.420 through ((~~23.48.435~~)) 23.48.445, the provisions in the SM-NR zone apply.

Section ~~6667~~. Section 23.48.420 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.48.420 Floor area ratio (FAR) in North Rainier

Table A for 23.48.420 FAR ((Limits)) <u>limits</u> in North Rainier		
Zone	FAR limits for all uses	
	((Base FAR	Maximum FAR))
SM-NR ((65)) <u>75</u>	((3.5)) <u>5.25</u>	((5))
((SM-NR 55/75	2.0 ⁺	No limit))
SM-NR ((85)) <u>95</u>	((4.5)) <u>6.25</u>	((6))
SM-NR ((125)) <u>145</u>	5 base 8.25 maximum	((8))
((Footnotes to Table A for 23.48.420 ⁺ Floor area that exceeds an FAR of 2.0 must be obtained by providing public benefits through the incentive zoning program as per Chapter 23.58A.))		

((Within zones that have an incentive zoning suffix, the number in the suffix within parentheses is the base FAR.))

Section ~~6768~~. Section 23.48.421 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.421 Extra ((Floor area ratio (FAR) in North Rainier)) floor area in the SM-NR 145 zone

((Calculation outside of an adopted Local Infrastructure Project Area)) In the SM-NR 145 zone, extra floor area above the base FAR and up to the maximum FAR shall be achieved as follows:

A. Means to achieve extra residential floor area. ((If the maximum height for residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the)) The applicant shall:

1. ((achieve 60)) Achieve 65 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2. ~~((achieve 40))~~ Achieve 35 percent of the extra residential floor area by using open space amenities pursuant to Section 23.58A.040.

B. Means to achieve extra non-residential floor area. ~~((If the maximum height limit for non-residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the))~~ The applicant shall:

1. ~~((achieve 75))~~ Achieve 65 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing pursuant to Section 23.58A.024; and

2. ~~((achieve 25))~~ Achieve 35 percent of the extra non-residential floor area by using open space amenities pursuant to Section 23.58A.040.

Section ~~6869~~. Section 23.48.425 of the Seattle Municipal Code, enacted by Ordinance 124883, is repealed:

~~((23.48.425 Structure height in North Rainier~~

~~In zones listed below in this Section 23.48.425, 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 height limit for portions of a structure in residential use is shown as the first figure following the “/”. Within zones that have an incentive zoning suffix, the number in the suffix shall be the base FAR.~~

~~SM NR 55/75 (2.0))~~

Section ~~6970~~. A new Section 23.48.445 of the Seattle Municipal Code is added to Subchapter IV of Chapter 23.48 as follows:

23.48.445 Green building standards

For projects exceeding the FAR in Table A for 23.45.445, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

Table A for 23.48.445
Green building standard thresholds for SM-NR zones

Zone	FAR
SM-NR 75	3.5
SM-NR 95	4.5
SM-NR 145	5

Section ~~7071~~. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance ~~125432~~ 125603, is amended as follows:

23.48.620 Floor area ratio in SM-U zones

A. Floor area ratio (FAR) limits ~~(())~~

~~1. The FAR limit for SM-U 75 is 5.5.~~

~~2.~~ Except as otherwise specified in this Section 23.48.620, ~~((FAR limits for the SM-U 85 zone are as shown in Table A for 23.48.620))~~ FAR limits for the SM-U/R 75-240 zone are as shown in Table ~~((B)) A~~ for 23.48.620 ((;)) and FAR limits for the SM-U 75-240 and the SM-U 95-320 zones are as shown in Table ~~((C)) B~~ for 23.48.620.

~~((Table A for 23.48.620~~
~~FAR limits for SM-U 85 zone~~

Base FAR	Maximum FAR ¹
4.75	6.0

~~Footnotes to Table A for 23.48.620~~

~~¹ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D))~~

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Table ~~(B)~~A for 23.48.620
FAR limits for SM-U/R 75-240 zone

FAR limit for non-residential uses	FAR limits for residential uses and mixed use ¹		
	Base FAR	Maximum FAR for lots with structures that do not exceed the midrise height limit ^{2, 3}	Maximum FAR for lots with a highrise structure
0.5	4.75	6	10

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Footnotes to Table ~~(B)~~A for 23.48.620

¹ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

² Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.

³ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.

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Table ~~(C)~~B for 23.48.620
FAR limits for SM-U 75-240 and SM-U 95-320 zones

Zone	FAR limits for lots with structures that do not exceed the midrise height limit ¹	
	Base FAR	Maximum FAR
SM-U 75-240	4.75	6
SM-U 95-320		

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Zone	FAR limits for lots with a highrise structure		
	Base FAR for all uses	Maximum FAR for non-residential uses	Maximum FAR for residential uses and for all uses in a mixed-use development ^{2, 3}
SM-U 75-240	4.75	7	10
SM-U 95-320	4.75	7	12

Footnotes to Table ~~(C)~~B for 23.48.620

¹ Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.

² An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.

³ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

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B. Additional increment of chargeable floor area above the base FAR. On lots that include uses or features specified in this subsection 23.48.620.B, an additional increment of chargeable floor area is permitted above the base FAR as follows:

1 1. For all SM-U zones ~~except SM-U 75~~, an additional increment of 0.5 FAR is
2 permitted above the base FAR of the zone shown on Table A ~~((,)) or~~ Table B ~~((, or Table C))~~
3 for 23.48.620 if a lot includes one or more qualifying Landmark structures, subject to the
4 following conditions:

5 a. The structure is rehabilitated to the extent necessary so that all features
6 and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good
7 condition and consistent with the applicable ordinances and with any certificates of approval
8 issued by the Landmarks Preservation Board, all as determined by the Director of the
9 Department of Neighborhoods; and

10 b. A notice is recorded in the King County real estate records, in a form
11 satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of
12 this Chapter 23.48.

13 c. For purposes of this subsection 23.48.620.B, a “qualifying Landmark”
14 is a structure that:

15 1) ~~((is))~~ Is subject, in whole or in part, to a designating ordinance
16 pursuant to Chapter 25.12; and

17 2) ~~((is))~~ Is on a lot on which no improvement, object, feature, or
18 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
19 designating ordinance.

20 d. A qualifying Landmark that allows for the additional increment of FAR
21 under this subsection 23.48.620.B.1 is not eligible as a Landmark transferable development
22 rights (TDR) or transferable development ~~((rights))~~ potential (TDP) sending site. For so long as
23 any of the chargeable floor area of the increment allowed above the base FAR of the zone under

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1 this subsection 23.48.620.B.1 remains on the lot, each Landmark for which the increment was
2 granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall
3 maintain the exterior and interior of each qualifying Landmark in good condition and repair and
4 in a manner that preserves the features and characteristics that are subject to designation or
5 controls by ordinance unless the Landmarks Preservation Board has issued a certificate of
6 approval for the modification or demolition of the Landmark.

7 e. In the SM-U/R 75-240 zone, the additional increment of chargeable
8 floor area allowed above the base FAR shall be for residential use only.

9 2. For all SM-U zones ~~except SM-U 75~~, an additional increment of up to 0.5 FAR
10 is permitted above the base FAR of the zone if a lot includes a human service use, subject to the
11 following conditions:

12 a. The amount of the additional increment of FAR permitted above the
13 base FAR under this subsection 23.48.620.B.2 shall not exceed the gross square footage of floor
14 area in the human service use.

15 b. The minimum area provided for one or more human service uses shall
16 be 2,500 square feet of interior space;

17 c. The location of the human service use shall be accessible to the elderly
18 and disabled, with exterior and interior directional signage clearly visible from the street;

19 d. The space shall be occupied by a human service use for the life of the
20 project on the lot. If the property owner is unable to secure a human service use to occupy the
21 space, after a six-month period, if the space remains unoccupied, it may be used for non-profit
22 purposes as a community and/or public area, under the following conditions:

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

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

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

6 4) There shall be no charge for use of the space, except for any
7 costs that may be necessary by the interim use; and

8 5) Availability of the space and the contact person(s) shall be made
9 known to community and charitable groups through means such as newspaper articles, radio
10 announcements, flyers to organizations, and contacts with umbrella organizations such as the
11 University District Conversation on Homelessness.

12 e. The property owner shall maintain all elements of the human service
13 space, including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-
14 maintained condition, and the following shall apply:

15 1) Any additional improvements beyond the minimum
16 requirements needed for specific service activities may be provided either by the applicant or the
17 agency. The specifics shall be included in the lease agreement. Depending on the terms of the
18 agreement, the tenant may be required to pay for utilities, insurance, taxes, and maintenance
19 expenses. In addition, the tenant may be required to pay for development costs specifically
20 required to meet the needs of the lessee.

21 2) Rent shall not be charged for use of the space.

22 f. No permit after the first building permit, no permit for any construction
23 activity other than excavation and shoring, and no permit for occupancy of existing floor area by

any use shall be issued for development that includes a human service use to gain the increase in base FAR until the applicant has demonstrated to the satisfaction of the Director that a lease with a qualified human service agency has been secured to occupy the space for a minimum of five years.

g. In the SM-U/R 75-240 zone, the additional increment of chargeable floor area allowed above the base FAR shall be for residential use only.

3. For the SM-U 75-240 and SM-U 95-320 zones, an additional increment of 0.5 FAR is permitted above the base FAR of the zone as shown on Table ((€)) B for 23.48.620 if a lot includes a preschool, an elementary school, or a secondary school, provided that the school meets the conditions for floor area exempt from FAR in subsection 23.48.620.C.4.

~~4. For the SM-U 85 zone, an additional increment of chargeable floor area up to 0.5 FAR is permitted above the base FAR of the zone shown on Table A for 23.48.620 for a lot that includes one or more vulnerable masonry structures 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 following conditions are met:~~

~~a. The amount of the additional increment of FAR permitted above the base FAR under this subsection 23.48.620.B.4 shall not exceed the gross square footage of floor area in the vulnerable masonry structures retained on the lot, and shall in no case exceed 0.5 FAR; and~~

~~b. The vulnerable masonry structure shall be retained according to the provisions of subsection 23.58A.042.F.3 for a structure that qualifies as a vulnerable masonry structure TDR or TDP sending site, and the structure shall be retained on the lot for the life of the project.~~

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~~5))~~ 4. The additional chargeable floor area allowed as an increment above the base FAR for individual uses and features specified in this subsection 23.48.620.B may be combined, provided that in no case shall the total amount of additional chargeable floor area allowed above the base FAR exceed 1 FAR and in no case shall more than one increment of additional floor area be allowed for the same use or feature on the lot.

~~((6))~~ 5. Extra floor area achieved as provided for in Section 23.48.622 shall be chargeable floor area added above the increment of FAR allowed under the provisions of this subsection 23.48.620.B.

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Section ~~74~~72. Section 23.48.621 of the Seattle Municipal Code, enacted by Ordinance 125267, is repealed:

~~((23.48.621 Mandatory housing affordability (MHA) in SM-U zones
SM-U zones located in the University Community Urban Center are subject to the provisions of
Chapters 23.58B and 23.58C.))~~

Section ~~72. Section 23.48.623 of the Seattle Municipal Code, enacted by Ordinance
125267, is amended as follows:~~

~~23.48.623 Transfer of development rights (TDR) and potential (TDP) in SM-U zones~~

* * *

Table A for 23.48.623 Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
((SM-U 85.)) SM-U 75-240 ((,)) and SM-U 95-320	S, R	S, R	S, R
SM-U/R 75-240	S, R⁺	S, R⁺	S, R⁺
NC3-55², NC3-65², NC3-75², and SM-U 75	S	S	S

~~Table A for 23.48.623~~

~~Permitted use of TDR and TDP~~

MR²	S	X	X
S = Eligible sending lot location R = Eligible receiving lot location X = Not eligible as either a sending lot or receiving lot location Footnotes to Table A for 23.48.623 ¹ Only TDP can be used on receiving lots. ² Only lots located within the University Community Urban Center west of 15th Avenue NE.			

~~***~~

~~D. Except as provided in subsection 23.47A.009.E.2.b, the maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the base FAR of the zone in which the sending site is located, as shown on Table A ((,)) and Table B ((, and Table C)) for 23.48.620, multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.~~

~~***~~

~~Section 73. Subsection 23.48.627.E of the Seattle Municipal Code, which section was enacted by Ordinance 125267, is amended as follows:~~

~~23.48.627 Combined lot development in SM-U zones~~

~~***~~

~~E. In a combined lot development that includes a lot in the SM-U/R zone, the amount of floor area in non-residential uses on any individual lot in the SM-U/R zone cannot exceed the FAR limit for non-residential uses on Table ((B)) A for 23.48.620 as applied to that lot individually.~~

~~***~~

~~Section 74.73.~~ Section 23.48.635 of the Seattle Municipal Code, enacted by Ordinance

125267, is amended as follows:

23.48.635 Maximum width ((and depth)) limits in SM-U zones

~~((A. The maximum width and depth limit of a structure is 250 feet, except as otherwise provided in this Section 23.48.635. The width and depth limits do not apply to below grade or partially below grade stories with street-facing facades that do not extend more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially below grade story, excluding access.~~

~~B. For the stories of a structure subject to width and depth limits, all portions of the same story that are horizontally contiguous, including any portions connected by doorways, ramps, bridges, elevated stairways, and other such devices, shall be included in the measurement of width and depth. The width and depth limit of stories in separate structures or structures on the same lot that abut but are not internally connected shall be measured separately, except that designated Landmark structures and structures that qualify as vulnerable masonry structures according to Section 23.48.630 that are retained on the lot are excluded from the width and depth measurement, whether internally connected to a new structure or not.~~

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

- ~~1. Community clubs or community centers;~~
- ~~2. Religious facilities;~~
- ~~3. Arts facilities;~~
- ~~4. Preschool, elementary, or secondary schools; or~~
- ~~5. Performing arts theaters.~~

~~D. Width and depth limits~~) In SM-U zones, the provisions of subsection 23.48.040.D do not apply to the portion of a structure that is 55 feet or less in height on a lot that includes a light rail transit station.

Section ~~75. Section 23.48.640 of the Seattle Municipal Code, enacted by Ordinance 125267,~~ is amended as follows:

~~23.48.640 Street level development standards in SM-U zones~~

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

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

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

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

~~2. All setback areas required by subsection 23.48.640.A.1 shall either be part of a usable open space or be landscaped according to standards in subsection 23.48.055.A.3, except that, for setbacks required from lot lines abutting NE 45th Street and NE 50th Street, no landscaping is required if the setback area is paved to match the abutting sidewalk, and the Director, after consulting with the Director of the Seattle Department of Transportation,~~

~~determines that the paved setback area will not conflict with Seattle Department of~~

~~Transportation standards for the abutting sidewalk.~~

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

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

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

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

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

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

~~***~~

~~Section 76. Section 23.48.645 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:~~

~~23.48.645 Upper level development standards in SM-U zones~~

~~* * *~~

~~F. Upper level setbacks in the SM-U 75 zone. In SM-U 75 zones, an upper level setback with an average depth of 10 feet from street lot lines abutting University Way NE is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used to calculate the average setback is 20 feet.~~

~~((F)) G. Projections. The first 4 feet of horizontal projection of decks, balconies with open railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper level setbacks required in subsections 23.48.645.B, 23.48.645.C, ((and)) 23.48.645.D, and 23.48.645.F, and in the separation area required in subsection 23.48.645.E.~~

~~Section 7774.~~ Section 23.48.646 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.646 Facade modulation in SM-U zones

* * *

C. The maximum length of an unmodulated facade for midrise structures in SM-U 75-240 and SM-U 95-320 zones and for all structures in the SM-U ~~((85)) 75~~ zone is prescribed in Table A for 23.48.646, and the maximum length of an unmodulated facade for highrise structures in the SM-U 75-240 and SM-U 95-320 zones is prescribed in Table B for 23.48.646. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 10 feet of street lot lines.

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Table A for 23.48.646
Facade modulation for midrise structures in SM-U 75-240 and SM-U 95-320 zones and for structures in SM-U ~~((85)) 75~~ zone

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line (<u>in feet</u>)
Stories up to 45 feet in height ¹	120 ((feet))
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	80 ((feet))
Footnotes to Table A for 23.48.646 ¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.	

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Table B for 23.48.646
Facade modulation for highrise structures in SM-U 75-240 and SM-U 95-320 zones

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line (<u>in feet</u>)
Stories up to 45 feet in height ¹	160 ((feet))
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	120 ((feet))
Stories above the midrise height limit of the zone	80 ((feet))
Footnotes to Table B for 23.48.646 ¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.	

* * *

Section ~~7875~~. Section 23.48.650 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.650 Required open space for large lot developments in SM-U zones

A. Open space meeting the standards of this Section 23.48.650 is required in all SM-U zones for development on a lot exceeding 30,000 square feet.

B. Open space required by subsection 23.48.650.A shall meet the following standards:

1. The minimum amount of required open space shall be equal to 15 percent of the lot area.

2. Area qualifying as required open space may include both unenclosed usable open space and limited amounts of enclosed areas, as provided for in this subsection 23.48.650.B and as specified in Table A for 23.48.650.

Table A for 23.48.650		
Limits on open space allowed as enclosed and unenclosed areas		
Type of open space	Minimum amount required	Maximum amount allowed
Usable open space open to the sky subject to subsection 23.48.650.B.5	60 percent	No limit
Open space covered overhead by the structure, such as an arcade or building cantilever, and subject to subsection 23.48.650.B.6	None	20 percent
Enclosed open space providing amenity features such as a public atrium, a shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor and subject to subsection 23.48.650.B.7	None	35 percent

3. Minimum area. The required open space shall generally be provided as one connected area that is accessible at street level, with variations in elevation allowed to accommodate changes in topography or to provide for features such as ramps that improve access for persons with disabilities. If the required amount of open space exceeds 4,500 square feet, open space areas may be provided at separate locations on the lot, provided that no separate area is less than 2,000 square feet.

4. The average horizontal dimension for an area qualifying as the required unenclosed usable open space is 20 feet, and the minimum horizontal dimension is 10 feet.

5. Area provided as usable open space shall be open to the sky and directly accessible from an abutting street, with no structures containing floor area separating this portion of the required open space area from the street frontage, in order to allow both visual and physical access to the space for pedestrians from the street.

6. Open space provided as unenclosed space covered overhead by the structure for weather protection shall abut a street lot line and be open and accessible to pedestrians along the sidewalk. The area shall have an average horizontal dimension of 10 feet and a minimum horizontal dimension of 5 feet, and the minimum vertical clearance of the covered space shall be 20 feet.

7. Open space provided as enclosed interior space, such as a public atrium, a shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor, shall meet all of the following requirements:

a. The space shall have direct access for pedestrians, including persons with disabilities, from the street, or from an outdoor, usable public open space abutting the street;

b. The space shall be provided as one continuous area that is a minimum of 2,000 square feet in size, with an average horizontal dimension of 20 feet and a minimum horizontal dimension of 10 feet. Enclosed area that abuts and is accessible to exterior open space is not considered a separate area for the purposes of determining the minimum area requirements of subsection 23.48.650.B.3;

c. The minimum floor-to-ceiling height of any enclosed area is 15 feet; and

d. Space, such as lobby area and corridors used solely to provide access between the structure's principal street entrance and elevators, does not qualify as enclosed interior open space for the purposes of this subsection 23.48.650.B.7.

8. All areas provided as open space under this Section 23.48.650 shall be accessible to persons with disabilities.

1 9. Features provided under this subsection 23.48.650.B are eligible to qualify as
2 amenity area for residential uses required by Section 23.48.045, provided the standards of that
3 Section 23.48.045 are met.

4 10. Features provided under this subsection 23.48.650.B that satisfy the
5 requirements for open space amenities in Section 23.48.624 and Section 23.58A.040 are eligible
6 for a floor area bonus to gain extra floor area according to the provisions of Section ((23.48.624))
7 23.48.622.

8 11. Usable open space satisfying the requirements of this subsection 23.48.650.B
9 may be provided on a site other than the project site, provided that the following conditions are
10 met:

11 a. The alternate open space site is located within an SM-U zone and within
12 500 feet of the project site;

13 b. The minimum area of the usable open space at the alternate site is 4,500
14 square feet;

15 c. The minimum size of the open space on an ((~~alternate~~)) alternate site
16 and the maximum distance from the project may be increased or decreased for a project if the
17 Director determines, as a Type I decision, that such adjustments are reasonably necessary to
18 provide for open space that will meet the additional need for open space caused by the project,
19 enhance public access to the open space, and/or allow for a significant share of the required open
20 space to also be accommodated on the project site.

21 d. The owner of any lot on which off-site open space is provided to meet
22 the requirements of this subsection 23.48.650.B shall execute and record an easement in a form
23 acceptable to the Director assuring compliance with the requirements of this Section 23.48.650.

The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

12. Usable open space provided on a site other than the project site according to subsection 23.48.650.B.11 that satisfies the requirements for a neighborhood open space in Section 23.58A.040 is eligible for a floor area bonus to gain extra floor area according to the provisions of Section ~~((23.48.621))~~ 23.48.622.

Section ~~7976~~. Section 23.48.721 of the Seattle Municipal Code, enacted by Ordinance 125432, is repealed:

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

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

Section ~~8977~~. A new Subchapter VIII, which includes new Sections 23.48.900, 23.48.905, 23.48.920, 23.48.940, and 23.48.945, is added to Chapter 23.48 of the Seattle Municipal Code as follows:

Subchapter VIII Rainier Beach Standards

23.48.900 Applicability in Rainier Beach

The provisions in this Subchapter VIII for the Seattle Mixed – Rainier Beach (SM-RB) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between Sections 23.48.005 through 23.48.095 and this Subchapter VIII, the provisions of this Subchapter VIII apply.

23.48.905 Uses in SM-RB zones

Residential and live-work uses are prohibited in street-level, street-facing facades facing Class 2 Pedestrian Streets in the Rainier Beach Residential Urban Village shown on Map A for 23.48.940.

23.48.920 Floor area ratio in SM-RB zones

A. Except as described in subsection 23.48.920.B, the floor area ratio (FAR) limit in SM-RB zones is as shown in Table A for 23.48.920.

Table A for 23.48.920 FAR limits in SM-RB zones	
Zone	FAR
SM-RB 55	2.25
SM-RB 85	3.75
SM-RB 125	3.75

B. The FAR limit listed in Table A for 23.48.920 shall be increased by an amount of floor area equal to twice the amount of floor area occupied by the following uses, up to a maximum increase in FAR of 1.0 in SM-RB 55 and SM-RB 85 zones and 2.0 in SM-RB 125 zones:

1. Light manufacturing;
2. College;
3. School, vocational, or fine arts;
4. Food processing and craft work;
5. Child care center; or
6. Residential development that receives public funding and/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.

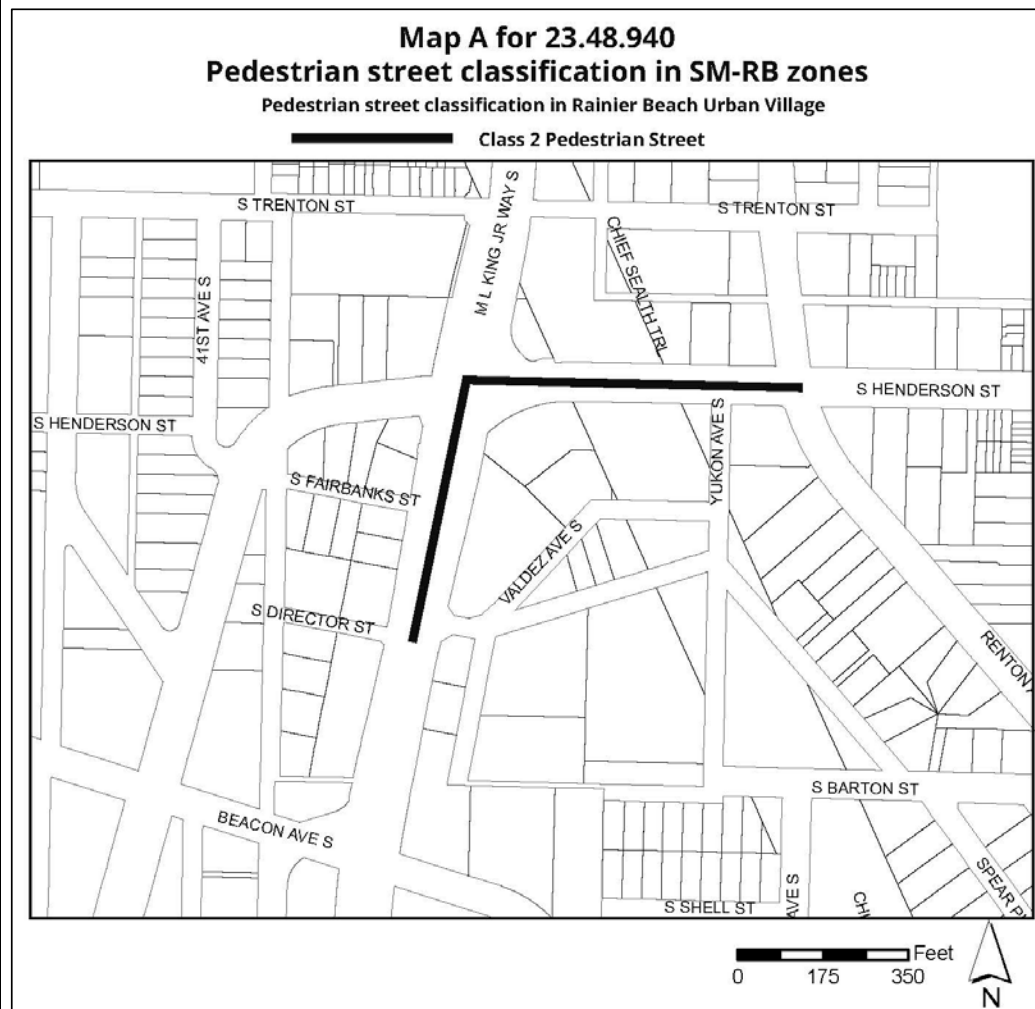
Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, that restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.

23.48.940 Street-level development standards in SM-RB zones

A. Pedestrian streets in SM-RB zones are as shown in Map A for 23.48.940.

Map A for 23.48.940

Pedestrian street classification in SM-RB zones



B. On pedestrian streets shown on Map A for 23.48.940, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following:

1. The setback area shall be landscaped according to the provisions of Section 23.48.055;

2. Setbacks greater than 12 feet are permitted for up to 30 percent of the length of portions of the street facade that are set back from the street lot line, provided that these setbacks are located 20 feet or more from any street corner; and

3. Any required outdoor amenity area provided in accordance with Section 23.48.045 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 subsections 23.48.940.B.1 or 23.48.940.B.2.

C. Except on pedestrian streets, loading docks may count toward meeting the transparency standards of subsection 23.48.040.B in the Rainier Beach Residential Urban Village.

23.48.945 Parking and loading in SM-RB zones

The standards of Sections 23.48.055 and 23.48.085 are modified as follows for portions of lots that do not abut a pedestrian street:

A. Surface parking is not required to be separated from the street by other uses.

B. Two two-way curb cuts are allowed, provided no curb cuts are located on pedestrian streets.

C. The amount of lot area allocated to accessory surface parking can be as much as 50 percent of the total lot area.

Section ~~8178~~. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.50.020 Structure height exceptions and additional restrictions

* * *

~~((B. Additional height restrictions for certain structures in 45 foot height limit area. In zones with a 45 foot height limit, except as provided for IC zones in Section 23.50.028, structures with no story at least 15 feet in height are limited to a maximum height of 40 feet.~~

€)) B. Structures existing prior to October 8, 1987, that exceed the height limit of the zone may add the rooftop features listed as conditioned in subsection 23.50.020.A. The existing roof elevation of the structure is considered the applicable height limit for the purpose of adding rooftop features.

Section ~~8279~~. Section 23.50.026 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.50.026 Structure height in IC zones

A. Except as may be otherwise provided in this Title 23, the maximum structure height in IC zones for all uses is as designated on the Official Land Use Map, Chapter 23.32. Maximum structure height may be increased or reduced as provided in this Section 23.50.026 or Section 23.50.020. An overlay district may increase or reduce the maximum structure height.

B. Water-dependent uses within the Shoreline District are subject to only the height limits of the applicable shoreline environment, Chapter 23.60A.

~~((C. Within the area shown in Exhibit A for 23.50.026, areas zoned IC 45 are subject to the following height regulations (See Exhibit A for 23.50.026):~~

1 ~~1. Except as provided in subsection 23.50.026.C.2.c, structures with no story at~~
2 ~~least 15 feet in height are limited to a maximum height of 40 feet.~~

3 ~~2. A 65 foot structure height is permitted as a special exception provided that:~~

4 ~~a. Provision is made for view corridor(s) looking from Elliott Avenue~~
5 ~~toward Puget Sound;~~

6 ~~1) The location of the view corridor(s) shall be determined by the~~
7 ~~Director upon consideration of such factors as existing view corridors, the location of street~~
8 ~~rights of way, and the configuration of the lot;~~

9 ~~2) The view corridor(s) shall have a width not less than 35 percent~~
10 ~~of the width of the lot;~~

11 ~~3) The minimum width of each required view corridor shall be 30~~
12 ~~feet measured at Elliott Avenue West;~~

13 ~~4) Measurement, modification, or waiver of the view corridor(s)~~
14 ~~shall be according to Chapter 23.60A, Shoreline District measurement regulations. Where a~~
15 ~~waiver under these provisions is granted by the Director, the 65 foot structure height shall still be~~
16 ~~permitted;~~

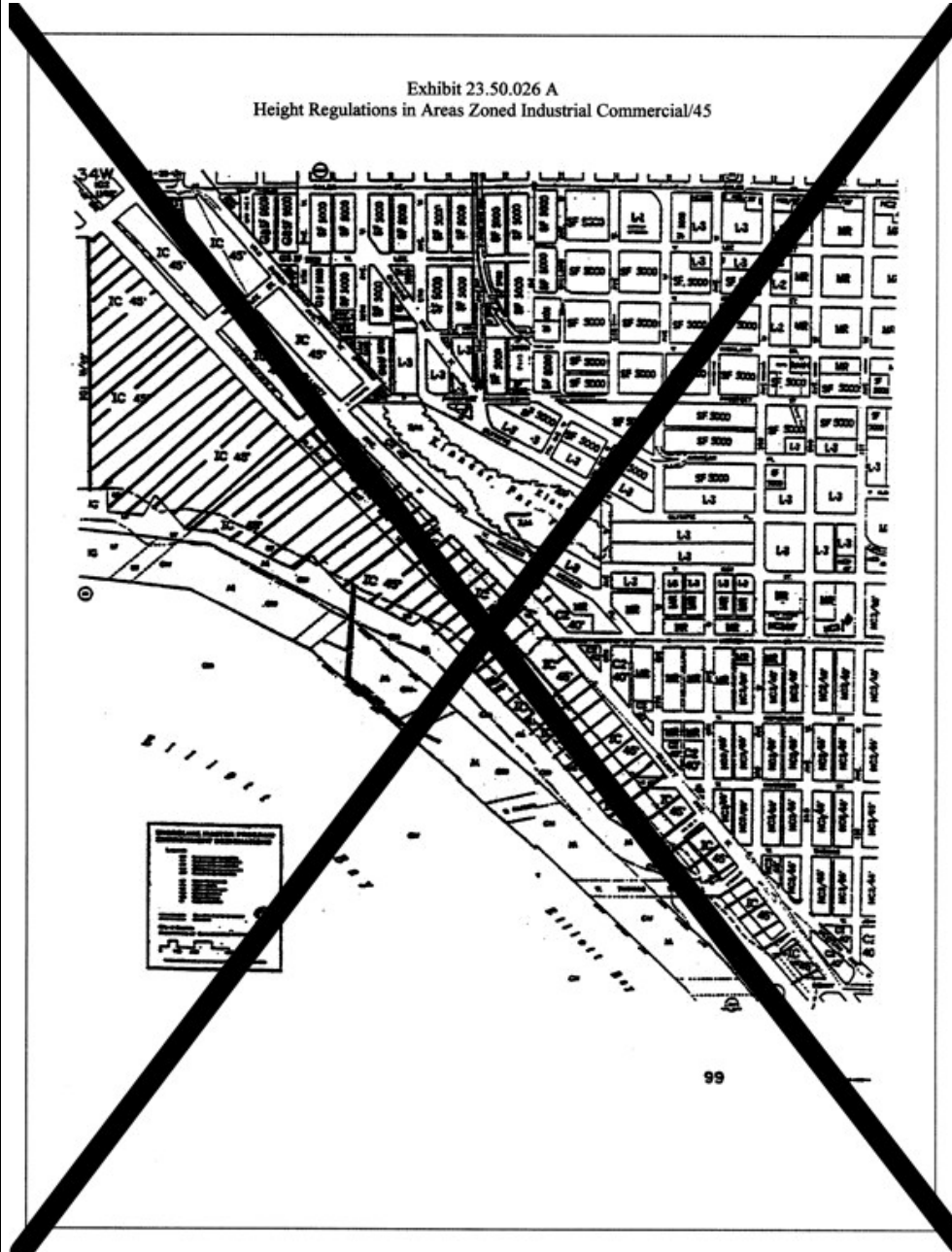
17 ~~5) Parking for motor vehicles shall not be located in the view~~
18 ~~corridor unless the area of the lot where the parking would be located is 4 or more feet below the~~
19 ~~level of Elliott Avenue West;~~

20 ~~b. Development shall be located so as to maximize opportunities for views~~
21 ~~of Puget Sound for residents and the general public; and~~

~~e. The structure contains at least two stories at least 15 feet in height; with the exception that no story in an accessory parking structure is required to be at least 15 feet in height.~~

D)) C. Within an IC 85-175 zone, the first figure shown in the zone designation is the base height limit, which is the height limit for all uses, except for a structure that complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033 on a lot that includes extra floor area. Extra floor area means non-residential chargeable floor area allowed in addition to the base FAR under Chapter 23.58A. The second figure is the applicable height limit for all uses, on a lot that includes extra floor area, for a structure that complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033.

**((Exhibit A for 23.50.026
Height Regulations in Areas Zoned Industrial Commercial))**



Section ~~8380~~. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance ~~125291~~ 125558, is amended as follows:

23.50.028 Floor area ((limits))

((The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable floor area on a lot, except as expressly otherwise provided.

A. Industrial General 1 (IG1) and Industrial General 2 (IG2), FAR. The maximum FAR in IG1 and IG2 zones is 2.5.

B. Industrial Buffer (IB), FAR. The maximum FAR in IB zones is 2.5.

C. Industrial Commercial (IC), FAR. The base and maximum FARs in IC zones are set forth on Table A for 23.50.028.))

A. Floor Area Ratio (FAR) limits apply in Industrial zones as shown in Table A for 23.50.028. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

Table A for 23.50.028 Floor area ratio ((s)) (FAR) limits		
Zone designation	((Base)) FAR limits for all uses	((Maximum FAR))
IG1 and IG2	<u>2.5</u>	
IB	<u>2.5</u>	
All IC zones except as otherwise stated in this table	((2.5)) <u>2.75</u>	((2.5))
IC 65 and IC 85 zones within the Stadium Transition Area Overlay District	((3)) <u>3.25</u>	((3))

Table A for 23.50.028		
Floor area ratio ((s)) (FAR) limits		
Zone designation	((Base)) FAR limits for all uses	((Maximum FAR))
IC 85-175 zone	<p>Base of 2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services.</p> <p><u>Maximum of 4.0¹ except that, if the total chargeable floor area of uses identified in the base FAR column is greater than 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.</u></p>	<p>((4.0¹ except that if the total chargeable floor area of uses identified in the base FAR column is greater than 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.))</p>
<p>((Footnotes)) Footnote to Table A for 23.50.028</p> <p>¹ ((Additional)) All floor area above the base FAR, up to the maximum FAR, is considered extra floor area ((above the base FAR allowed according to)) and must be achieved through the provisions of subsection ((23.50.028.D)) 23.50.028.B and Chapter 23.58A.</p>		

~~((D))~~ B. Extra floor area in IC 85-175

1. In an IC 85-175 zone, extra non-residential floor area as defined in Section 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033, and Chapter 23.58A.

a. Twenty-five percent of any extra non-residential floor area shall be gained through the transfer of TDR pursuant to Section 23.50.053.

b. Seventy-five percent of any extra non-residential floor area shall be gained as bonus non-residential floor area pursuant to Section 23.58A.024, or through the transfer of housing TDR under Section 23.50.053, or both.

2. In an IC 85-175 zone, in addition to satisfying the conditions of subsection ((~~23.50.028.D.1~~)) 23.50.028.B.1, for development to exceed the base FAR on a lot that has an area of 50,000 square feet or more, the Director shall make an individual determination of project impacts on the need for pedestrian facilities and complete a voluntary agreement between the property owner and the City to mitigate identified impacts, if any. The Director may consider the following as impact mitigation:

a. 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;

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

c. Measures that will contribute to the improvement of pedestrian facilities, such as the following improvements applicable to the vicinity north of South Royal Brougham Way and south of South Charles Street east of 4th Avenue South:

1) Improvements to 6th Avenue South as the primary pedestrian and bicycle corridor connecting new development to the surrounding area and transit facilities;

2) Improvements to facilitate pedestrian wayfinding to and from the Stadium Light Rail Station;

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

4) Improved pedestrian and bicycle crossing of Airport Way South at 6th Avenue South.

1 3. In an IC 85-175 zone, in addition to satisfying the conditions of subsections
2 (~~(23.50.028.D.1 and 23.50.028.D.2)~~) 23.50.028.B.1 and 23.50.028.B.2, if applicable, for
3 development to exceed the base FAR and include 85,000 or more square feet of gross office
4 floor area, the Director shall make an individual determination of project impacts on the need for
5 open space resources. The Director may limit floor area or allow floor area subject to conditions,
6 which may include a voluntary agreement between the property owner and the City to mitigate
7 identified impacts, if any. The Director shall take into account the findings of subsection
8 23.49.016.A in assessing the demand for open space generated by a typical office project in an
9 area permitting high employment densities.

10 a. The Director may consider the following as mitigation for open space
11 impacts:

12 1) Open space provided on-site or off-site, consistent with the
13 provisions in subsection 23.49.016.C, or provided through payment-in-lieu, consistent with
14 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an IC
15 85-175 zone that is accessible to the project occupants, and

16 2) Additional pedestrian space through on-site improvements or
17 streetscape improvements provided as mitigation for project impacts on pedestrian facilities
18 pursuant to subsection (~~(23.50.028.D.3)~~) 23.50.028.B.3.

19 b. The Director may determine that open space meeting standards
20 differing from those contained or referred to in subsection 23.49.016.C will mitigate project
21 impacts, based on consideration of relevant factors, including the following:

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

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

((E)) C. Exemptions from FAR calculations

1. The following areas are exempt from FAR calculations in all industrial zones:

a. All ~~((gross floor area below grade))~~ stories, or portions of stories, that are underground;

b. All gross floor area used for accessory parking, except as provided in subsection ~~((23.50.028.F))~~ 23.50.028.D;

c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas; ~~and~~

d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with subsection ~~23.50.012.D;~~ and

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

2. In addition to areas exempt from FAR calculations in subsection ~~((23.50.028.E.1))~~ 23.50.028.C.1, within an IC 85-175 zone, the following exemptions from FAR calculations apply:

1 a. ~~((Three and one half))~~ As an allowance for mechanical equipment, 3.5
2 percent of the total chargeable gross floor area ~~((in a structure, as an allowance for mechanical~~
3 ~~equipment. Calculation of the allowance is based on the remaining gross floor area after all other~~
4 ~~exempt space permitted in subsection 23.50.028.E is deducted))~~ that is not otherwise exempt
5 under this subsection 23.50.028.C.

6 ~~((b. For structures built prior to June 2, 2011, the area covered by new or~~
7 ~~replacement mechanical equipment placed on the roof.~~

8 e)) b. All gross floor area for solar collectors and wind-driven power
9 generators.

10 ~~((d))~~ c. The gross floor area of the following uses located at street level,
11 provided that the conditions of Section 23.50.039 are satisfied:

- 12 1) General sales and service uses;
- 13 2) Eating and drinking establishments;
- 14 3) Entertainment use;
- 15 4) Public libraries;
- 16 5) Child care facilities;
- 17 6) Religious facilities; and
- 18 7) Automotive sales and service.

19 3. In addition to areas exempt from FAR calculations in subsection
20 ~~((23.50.028.E.1))~~ 23.50.028.C.1, within IG1 and IG2 zones, the gross floor area of rooftop
21 recreational space accessory to office use meeting the standards of subsection 23.50.012.D is
22 exempt from FAR calculations.

1 ((F)) D. Within IC 85-175 zones, gross floor area used for accessory parking within
2 stories that are completely above finished grade is not exempt, except that in an IC 85-175 zone,
3 if the Director finds, as a Type I decision, that locating all parking below grade is infeasible due
4 to physical site conditions such as a high water table, contaminated soils conditions, or proximity
5 to a tunnel, and that the applicant has placed or will place the maximum feasible amount of
6 parking below or partially below grade, the Director may exempt all or a portion of accessory
7 parking that is above finished grade. If any exemption is allowed under this subsection
8 ((~~23.50.028.F~~)) 23.50.028.D, all parking provided above grade shall be subject to the screening
9 requirements of subsection 23.50.038.B.6.

10 ((~~G. Mechanical equipment. Area covered by mechanical equipment located on the roof~~
11 ~~of a structure, whether enclosed or not, is included as part of the calculation of floor area, unless~~
12 ~~expressly exempted by an applicable provision of this Section 23.50.028.~~))

13 Section ~~8481~~. Subsection 23.50.053.A of the Seattle Municipal Code, which section was
14 last amended by Ordinance 125291, is amended as follows:

15 **23.50.053 Transfer of development rights within an IC 85-175 zone**

16 A. General standards for the transfer of transferable development rights (TDR) to lots in
17 an IC 85-175 zone

18 1. To achieve extra non-residential floor area above the base FAR that may be
19 allowed in an IC 85-175 zone pursuant to ((~~subsection 23.50.028.D~~)) Section 23.50.028, an
20 applicant may use TDR to the extent permitted under this subsection 23.50.053.A.

21 2. South Downtown Historic TDR, open space TDR from zones within South
22 Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014 may

be transferred from a Downtown zone to a lot eligible as a receiving site in an IC 85-175 zone.

No other TDR may be used in an IC 85-175 zone under this Section 23.50.053.

3. Except as expressly permitted pursuant to subsection 23.50.053.A, development rights or potential floor area may not be transferred to a lot in an IC 85-175 zone.

4. No permit after the first building permit, no permit for any construction activity other than excavation and shoring, and no permit 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 to the satisfaction of the Director.

* * *

Section ~~8582~~. Subsection 23.50.055.A of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.50.055 Street-facing facade requirements and upper-level development standards in an IC 85-175 zone

The following development standards apply to all lots within an IC 85-175 zone: ((-))

A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony railings and other non-structural features or non-structural walls are not considered parts of the facade.

1. Minimum facade height. A minimum facade height of 25 feet is required for facades that face streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan. The minimum facade height for facades facing other streets is 15 feet. A minimum facade height does not apply if all portions of a structure are lower than the applicable minimum facade height.

2. Facade setback limits. The total area of street-level setbacks between the street lot line and the street-facing facade is limited to the area determined by multiplying the averaging factor by the width of the structure measured parallel to the abutting street.

a. The averaging factor is five for facades that face streets shown on Map A for 23.50.016.

b. For all other street-facing facades, the averaging factor is ten.

c. The maximum width, measured along the street lot line, of any setback area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot frontage on that street, whichever is less.

d. For all lots subject to facade setback limits, the following conditions apply:

1) Parking is prohibited between the facade and the street lot line.

2) The maximum setback of the facade from street lot lines within 20 feet of an intersection is 10 feet.

e. If the presence of a utility easement or other condition requires the street-facing facade to set back from the street lot line, the Director may, as a Type I decision, select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk widening into the lot is required as mitigation pursuant to subsection ((~~23.50.028.D~~)) 23.50.028.B, the setback area permitted by the applicable averaging factor shall be measured from the new edge of the sidewalk within the lot rather than the street lot line.

3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is required on facades facing streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.

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

a. For facades facing a street shown on Map A for 23.50.016, Industrial Streets Landscaping Plan, a minimum of 60 percent of a street-facing facade shall be transparent.

b. For facades facing all other streets, a minimum of 40 percent of the street-facing facade shall be transparent.

* * *

Section ~~8683~~. Subsection 23.53.006.D of the Seattle Municipal Code, which section was last amended by Ordinance ~~125272~~125681, is amended as follows:

23.53.006 Pedestrian access and circulation

* * *

D. Outside ~~((Urban Centers))~~ urban centers and ~~((Urban Villages))~~ urban villages.
Outside ~~((of Urban Centers))~~ urban centers and ~~((Urban Villages))~~ urban villages, sidewalks, curbs, and curb ramps are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F.

1. In any zone with a pedestrian designation, sidewalks, curbs, and curb ramps are required ~~if~~when new lots, other than unit lots, are created through the full or short subdivision platting process ~~including full and short subdivisions or if~~ when development is proposed.

2. ~~On~~In industrial zones, on streets designated on Map A for 23.50.016, Industrial Streets Landscaping Plan, sidewalks, curbs, and curb ramps are required ~~if~~when new lots are created through the full or short subdivision platting process, ~~including full and short~~

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1 ~~subdivisions or if or when~~ development is proposed. Sidewalks, curbs, and curb ramps are
2 required only for the portion of the lot that abuts the designated street.

3 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
4 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,
5 curbs, and curb ramps are required ~~ifwhen~~ new lots, other than unit lots, are created through the
6 full or short subdivision platting process, ~~including full and short subdivisions or if or when~~
7 development is proposed. Sidewalks, curbs, and curb ramps are required only for the portion of
8 the lot that abuts the arterial.

9 4. In ((~~SF and LR1~~)) single-family zones, sidewalks, curbs, and curb ramps are
10 required ~~ifwhen~~ ten or more lots are created through the full subdivision platting process,
11 ~~including full and short subdivisions and unit lot subdivisions, or ifwhen~~ ten or more dwelling
12 units are developed.

13 5. Outside of ((~~SF and LR1~~)) single-family zones, except in IG1 and IG2 zones
14 and on lots in IB zones that are not directly across the street from or abutting a lot in a residential
15 or commercial zone, sidewalks, curbs, and curb ramps are required ~~ifwhen~~ six or more lots, other
16 than unit lots, are created through the full or short subdivision platting process, ~~including full and~~
17 ~~short subdivisions and unit lot subdivisions, or if or when~~ six or more dwelling units are
18 developed.

19 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not
20 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,
21 curbs, and curb ramps are required ~~ifwhen~~ the following ((~~nonresidential~~)) non-residential uses
22 are developed:

1 a. ~~((750))~~ Seven hundred and fifty square feet or more of gross floor area
2 of major and minor vehicle repair uses and ~~((multipurpose))~~ multi-purpose retail sales; or
3 b. ~~((4,000))~~ Four thousand square feet or more of ~~((nonresidential))~~ non-
4 residential uses not listed in subsection 23.53.006.D.6.a.

5 * * *

6 Section ~~8784~~. Subsection 23.53.025.C of the Seattle Municipal Code, which section was
7 last amended by Ordinance 123963, is amended as follows:

8 **23.53.025 Access easement standards**

9 * * *

10 C. Vehicle ~~((Access Easements Serving at Least Five but Fewer Than Ten Single Family~~
11 ~~Dwelling Units, or at Least Three but Fewer than Ten Multifamily Dwelling Units))~~ access
12 easements serving at least five but fewer than ten single-family dwelling units, or at least three
13 but fewer than ten multifamily dwelling units ((-))

14 1. Easement width, surfaced width, length, turn around, and curbcut width shall
15 be as required in subsection 23.53.025.B;

16 2. No single-family structure shall be closer than 5 feet to the easement, except
17 that structural features allowed to extend into required yards under ~~((Section 23.44.014.D.6))~~
18 subsection 23.44.014.C.6 are also allowed to extend into the ~~((five foot))~~ 5-foot setback from an
19 easement.

20 * * *

Section ~~885~~. Table B for 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance ~~125272~~125603, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

Table B for 23.54.015 <u>Required</u> Parking for ((Residential Uses)) <u>residential uses</u>	
Use	Minimum parking required
I. General residential uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker's quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 sleeping rooms
F. Cottage housing developments	1 space for each dwelling unit
G. Floating homes	1 space for each dwelling unit
H. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I. Multifamily residential uses, except as otherwise provided in this Table B for 23.54. 015 ((.)) ^{+015¹}	1 space per dwelling unit, or 1 space for each 2 small efficiency dwelling units
J. Nursing homes ²	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K. Single-family dwelling units	1 space for each dwelling unit
II. Residential use requirements for specific areas	
L. All residential uses within urban centers or within the Station Area Overlay District ¹	No minimum requirement

Table B for 23.54.015

Required Parking for ((Residential Uses)) residential uses

Use	Minimum parking required
M. All residential uses in commercial, RSL, and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use ((.)) <u>a frequent transit service area^{1, 4}</u>	No minimum requirement
N. Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 ¹	1 space per dwelling unit for dwelling units with fewer than ((two)) <u>2</u> bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus 0.25 spaces per bedroom for dwelling units with 3 or more bedrooms
O. Multifamily dwelling units, within the Alki area shown on Map B for 23.54.015 ¹	1.5 spaces for each dwelling unit
III. Multifamily residential use requirements with <u>rent and</u> income criteria	
P. Multifamily residential uses: for each dwelling unit rented to rent and occupied by a household with an income at time of its initial occupancy restricted at or below 3080 percent of the median income³, for the life of the building^{1, 5}	0.33 spaces for each dwelling unit with ((two)) 2 or fewer bedrooms, and ((one)) 1 space for each dwelling unit with ((three)) 3 or more bedrooms <u>No minimum requirement</u>
Q. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income³, for the life of the building¹	0.75 spaces for each dwelling unit with ((two)) 2 or fewer bedrooms, and ((one)) 1 space for each dwelling unit with ((three)) 3 or more bedrooms
R. Low income disabled multifamily residential uses^{1, 3}	1 space for each 4 dwelling units
S. Low income elderly/low income disabled multifamily residential uses^{1, 3}	1 space for each 5 dwelling units
T. Low income elderly multifamily residential uses^{1, 3} not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units

Footnotes to Table B for 23.54.015

¹ The minimum amount of parking prescribed by ~~linePart~~ I of ~~this~~ Table B for 23.54.015 does

Table B for 23.54.015 Required Parking for ((Residential Uses)) residential uses	
Use	Minimum parking required
<p>not apply if a use, structure, or development qualifies for a greater or a lesser amount of <u>minimum</u> 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 <u>minimum</u> parking applies, except that if an applicable parking requirement item O in line Part II of ((this table)) Table B for 23.54.015 requires more parking than line I, the parking applies, it shall supersede any other applicable requirement in line Part I or Part II of ((this table)) 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 does not apply or II of Table B for 23.54.015.</p> <p>² For development within single-family zones, the Director may waive some or all of the <u>minimum</u> 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 <u>minimum</u> 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 <u>minimum</u> parking that otherwise is required.</p> <p>³ Notice <u>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.</u></p> <p>⁴ <u>Except as provided in Part III of Table B for ((23.45.015)) 23.54.015, the minimum amounts of parking prescribed by Part ((+)) I of Table B for ((23.45.015)) 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.</u></p> <p>⁵ <u>Dwelling units qualifying for parking reductions according to Part III of Table B for 23.54.015 shall be subject to a recorded restrictive housing covenant or recorded regulatory agreement that includes rent and income restrictions. If these provisions are applied to a development, then prior to the issuance of any permit to establish, construct, or modify the development, or to reduce the amount of parking accessory to, at or below 80 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions qualifying the development, the applicant shall record for parking reductions according to Part III of Table B for 23.54.015 shall be for a term of at least 15 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder a restrictive covenant, signed and acknowledged by the owner(s), in a form prescribed by the Director, that provides notice that compliance of Housing. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with the income limits prescribed by this Section 23.54.015 is a condition for maintaining the reduced parking allowed by this Section 23.54.015, and requiring any subsequent owner to provide the amount of parking otherwise required in the event the income limits are not met children and against age discrimination under all applicable fair housing laws and ordinances.</u></p>	

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Section ~~8986~~. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.54.040 Solid waste and recyclable materials storage and access

* * *

J. Ramps to accommodate solid waste container access

1. A ramp to the street to accommodate solid waste container access that is not more than 5 feet in width may be approved by the Director of Transportation if:

a. Access to solid waste containers is not from an alley;

b. No on-site parking is provided;

c. The adjacent lot contains solid waste containers that are 1 cubic yard or larger; and

d. There are no existing ramps to accommodate solid waste container access or other curb cuts, excluding curb ramps at crosswalks, within 150 feet of the street lot line, as measured parallel to the street lot line.

2. The standards of subsections 23.54.040.J.1.a through 23.54.040.J.1.d may be modified by the Director of Transportation where unusual topography or other local conditions present significant challenges for accommodating solid waste container access.

Section ~~9987~~. Section 23.58A.002 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.58A.002 Scope of chapter; general rules

A. This Chapter 23.58A contains rules for incentive programs in areas for which the provisions of the zone specifically refer to this Chapter 23.58A. ~~((or in zones having an incentive~~

~~zoning suffix~~)) The provisions in this Chapter 23.58A specify conditions under which extra floor area may be allowed, as exceptions to the otherwise applicable floor area or base height limit, or both, subject to the maximum limits stated in the provisions of the zone and to all other applicable requirements and approvals. Nothing in this Chapter 23.58A authorizes allowance of extra floor area, or the construction or use of any structure, contrary to any other provisions of this Title 23 or Title 25. Developments for which extra floor area is sought may be subject to conditions under other chapters and titles of the Seattle Municipal Code, including without limitation conditions imposed pursuant to Chapter 25.05, Environmental Policies and Procedures.

B. The provisions of this ((~~subchapter~~)) Subchapter I apply generally to projects using any of the incentive provisions in this Chapter 23.58A, unless otherwise expressly provided in the applicable subchapter of this Chapter 23.58A or in the provisions of the zone.

C. Nothing in this Chapter 23.58A shall be construed to confer on any owner or developer any development rights or property interests. The availability and terms of any allowance of extra floor area depend on the regulations in effect on the relevant date for consideration of a permit application for the project proposing to use such extra floor area, pursuant to Section 23.76.026, notwithstanding any prior approvals, interpretations or agreements by the Director, Housing Director, or other official regarding the eligibility of any actual or proposed facility or feature to satisfy conditions for extra floor area.

Section ~~9488~~. Subsection 23.58A.014.C of the Seattle Municipal Code, which section was last amended by Ordinance 124919, is amended as follows:

23.58A.014 Bonus residential floor area for affordable housing

* * *

1 C. Payment option. The payment option is available only where the maximum height for
2 residential use under the provisions of the zone is more than 85 feet and only if the Director
3 determines that the payment achieves a result equal to or better than providing the affordable
4 housing on-site and the payment does not exceed the approximate cost of developing the same
5 number and quality of housing units that would otherwise be developed. ~~((; or for development~~
6 ~~of a single purpose commercial structure in zones with an incentive zoning suffix.))~~ The amount
7 of the in-lieu payment made at the time specified in subsection 23.58A.014.C.2 shall be based on
8 the payment amount that is in effect when vesting of a Master Use Permit occurs under Section
9 23.76.026.

10 1. Amount of payments ((-))

11 a. Except as provided in subsection 23.58A.014.C.1.b, in lieu of all or part
12 of the performance option, an applicant may pay to the City \$15.15 per square foot of gross
13 bonus residential floor area.

14 b. In the South Lake Union Urban Center, in lieu of all or part of the
15 performance option, an applicant may pay to the City \$21.68 per square foot of gross bonus
16 residential floor area. On July 1, 2014, and on the same day annually thereafter the in-lieu
17 payment amount in this subsection 23.58A.014.C.1.b shall automatically adjust in proportion to
18 the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton,
19 ~~((metropolitan area))~~ WA, All Items (1982-84 = 100), as determined by the U.S. Department of
20 Labor, Bureau of Labor Statistics, or successor index, from the time the in-lieu payment was
21 established or last adjusted.

22 2. Timing of payments. Cash payments shall be made prior to issuance and as a
23 condition to issuance of any permit after the first building permit for a development and before

any permit for any construction activity other than excavation and shoring is issued, unless the applicant elects in writing to defer payment. If the applicant elects to defer payment, then the issuance of any certificate of occupancy for the development shall be conditioned upon payment of the full amount of the cash payment determined under this Section 23.58A.014, plus an interest factor equal to that amount multiplied by the increase, if any, in the Consumer Price Index, All Urban Consumers, West Region, All Items ((;)) (1982-84=100), as published monthly, from the last month prior to the date when payment would have been required if deferred payment had not been elected, to the last month for which data are available at the time of payment. If the index specified in this subsection 23.58A.014.C.2 is not available for any reason, the Director shall select a substitute cost of living index. In no case shall the interest factor be less than zero.

3. Deposit and use of payments. Cash payments in lieu of affordable housing shall be deposited in a special account established solely to support the development of housing for income-eligible households as defined in this Chapter 23.58A. Earnings on balances in the special account shall accrue to that account. The Director of Housing shall use cash payments and any earnings thereon to support the development of housing for income-eligible households in any manner now or hereafter permitted by RCW 36.70A.540. Uses of funds may include the City's costs to administer housing for income-eligible households, not to exceed ((10)) ten percent of the payments into the special account. Housing for income-eligible households funded wholly or in part with cash payments shall be located within the Seattle city limits.

* * *

Section ~~9289~~. The name of Subchapter IV of Chapter 23.58A of the Seattle Municipal Code is amended as follows:

Subchapter IV ((~~Extra Floor Area in Zones With An Incentive Zoning Suffix~~))

[RESERVED]

Section ~~9390~~. Section 23.58A.025 of the Seattle Municipal Code, enacted by Ordinance 123770, is repealed:

~~((23.58A.025 Scope of subchapter~~

~~This subchapter IV includes provisions under which applicants may gain extra floor area for development in zones with an incentive zoning suffix.))~~

Section ~~9491~~. Section 23.58A.026 of the Seattle Municipal Code, last amended by Ordinance 124172, is repealed:

~~((23.58A.026 Application of floor area limits in zones with an incentive zoning suffix~~

~~In zones with an incentive zoning suffix, extra floor area may be allowed in addition to the maximum gross floor area allowed by the FAR limit indicated by the incentive zoning suffix. All extra floor area shall be considered extra residential floor area regardless of the use. Extra floor area may be gained up to the maximum non-exempt gross floor area allowed by the FAR limit of the applicable Commercial or Multifamily zone. For single purpose commercial structures in zones with an incentive zoning suffix, extra floor area may be allowed when the applicant qualifies by using the performance option or the payment option in accordance with Section 23.58A.014, or a combination of these options. The provisions of this Chapter 23.58A under which applicants may gain extra residential floor area shall apply.))~~

Section ~~9592~~. Section 23.58A.028 of the Seattle Municipal Code, enacted by Ordinance 123770, is repealed:

~~((23.58A.028 Application of incentive zoning in legislative rezones~~

~~A. When the City Council approves a Type V legislative rezone pursuant to Section 23.76.062, the Council may elect to apply the incentive zoning provisions of this chapter to all or part of the area being rezoned. If the Council decides to apply this chapter, then the maximum floor area ratio permitted within the area subject to this chapter is the floor area ratio of the previous zone, as described in subsection 23.58A.028.B below, unless the applicant for project approval gains additional floor area ratio pursuant to this chapter.~~

~~B. For the sole purpose of establishing base FAR and/or base residential floor area under this chapter, the following shall be applied as the base FAR and/or base residential floor area when rezoning from one of the following zones:~~

~~1. Single Family zones: .75~~

~~2. Lowrise 1 Zones: 1.2~~

~~3. Lowrise 2 Zones: 1.3~~

~~4. Lowrise 3 Zones:~~

~~a. Outside urban centers, urban villages, and the Station Area Overlay District: 1.6~~

~~b. Inside urban centers, urban villages, and the Station Area Overlay District: 2.0~~

~~5. Commercial zones as shown in Table A for 23.58A.028.~~

~~((Table A for 23.58A.028~~

~~Base FAR outside of the Station Area Overlay District~~

	Height Limit
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((Table A for 23.58A.028			
Base FAR outside of the Station Area Overlay District			
	30'	40'	65'
	Base FAR		
1.	2.25	3	4.25
Base FAR in the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
2.	3	4	5.75))

6. Within an overlay district, other than the Station Area Overlay District, where overlay district provisions for FAR prevail over the FAR provisions of the underlying zone, the FAR prescribed in the overlay provisions shall be used to establish the Base FAR and/or Base Residential Floor Area.))

Section ~~9693~~. Section 23.58B.020 of the Seattle Municipal Code, last amended by Ordinance 125233, is amended as follows:

23.58B.020 Applicability and general requirements

A. Voluntary agreement; impact mitigation options. If an applicant elects to seek approval of a permit for a development as described according to subsection 23.58B.020.B, the applicant shall:

1. Enter into a voluntary agreement with the City to mitigate impacts on the need for affordable housing according to this Chapter 23.58B.

2. The applicant shall mitigate impacts on the need for housing affordable to households of new lower wage workers either through the payment option according to Section 23.58B.040 or through the performance option according to Section 23.58B.050. ((~~or a combination thereof.~~))

1 3. In the absence of a signed voluntary agreement, acceptance of the permit by the
2 applicant shall constitute a voluntary agreement for the purpose of this Chapter 23.58B.

3 * * *

4 C. Commercial development is exempt from the requirements according to this Chapter
5 23.58B if the structure containing commercial uses also contains floor area in residential use that
6 is publicly funded and/or has received an allocation of federal low-income housing tax credits,
7 and is subject to a regulatory agreement, covenant, or other legal instrument recorded on the
8 property title and enforceable by The City of Seattle, Washington State Housing Finance
9 Commission, State of Washington, King County, U.S. Department of Housing and Urban
10 Development, or other similar entity as approved by the Director of Housing, (1) which restricts
11 at least 40 percent of the residential units to occupancy by households earning no greater than 60
12 percent of median income, and controls the rents that may be charged, for a minimum period of
13 40 years, or (2) which restricts at least 40 percent of the residential units to be sold to households
14 earning no greater than 80 percent of median income, for a minimum period of 50 years. The
15 sale price for sales subsequent to the initial sale shall be calculated to allow modest growth in
16 homeowner equity while maintaining long-term affordability for future buyers. All buyers of
17 such an ownership unit subsequent to the initial sale shall be households with incomes no greater
18 than 80 percent of median income at initial occupancy.

19 * * *

20 Section 94. Section 23.58B.040 of the Seattle Municipal Code, last amended by
21 Ordinance 125371, is amended as follows:

22 **23.58B.040 Mitigation of impacts—payment option**

23 A. Amount of cash contributions

1. An applicant complying with this Chapter 23.58B 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 23.58B.040 and Map A for 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or gross floor area in commercial use that is not underground if there is no FAR limit in the underlying zone. as follows:

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

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

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

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

and

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

pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$15.00
DH2/85	Not applicable
DMC 75	\$8.25
DMC 95	\$8.00
DMC 85/75-170	\$8.00
DMC 145	\$10.00

Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
DMC 170	\$8.00
DMC 240/290-440	\$10.00
DMC 340/290-440	\$12.50
DOC1 U/450-U	\$14.75
DOC2 500/300-550	\$14.25
DRC 85-170	\$13.50
DMR/C 75/75-95	\$8.00
DMR/C 75/75-170	\$8.00
DMR/C 95/75	\$17.50
DMR/C 145/75	\$17.50
DMR/C 280/125	\$14.25
DMR/R 95/65	\$14.00
DMR/R 145/65	\$16.00
DMR/R 280/65	\$16.00
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	\$8.00
IDM 165/85-170	\$20.75
IDR 45/125-270	\$8.00
IDR 170	\$8.00
IDR/C 125/150-270	\$20.75
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$8.00
SM-SLU 175/85-280	\$11.25
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$8.25
SM-SLU 100/95	\$8.00
SM-SLU 145	\$9.25
SM-U ((85))75	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00

Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
SM-U 95-320	\$20.00

Table B for 23.58B.040			
Payment calculation amounts: Outside Downtown, SM-SLU, and SM-U zones			
Zone	Payment calculation amount per square foot		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	\$5.00	\$7.00	\$8.00
Zones with an (M1) suffix	\$8.00	\$11.25	\$12.75
Zones with an (M2) suffix	\$9.00	\$12.50	\$14.50
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00

2. Automatic adjustments to payment amounts. On March 1, 2016, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58B.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-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section ~~9795~~. Section 23.58B.050 of the Seattle Municipal Code, last amended by Ordinance 125371, is amended as follows:

23.58B.050 Mitigation of impacts—performance option

A. ((Amount of MHA-C housing)) Performance option

1 1. An applicant complying with this Chapter 23.58B through the performance
2 option shall provide total square feet of housing meeting the standards of subsection
3 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
4 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
5 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or
6 gross floor area in commercial use that is not underground if there is no FAR limit in the
7 underlying zone, as follows:

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

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

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

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

15 and

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

18 2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than
19 three units of housing required to meet the standards of subsection 23.58B.050.B, using a
20 conversion factor for unit size as determined by the Director, the applicant shall provide a cash
21 contribution using the payment option according to subsection 23.58B.040.A.

Table A for 23.58B.050	
Performance calculation amounts: In Downtown, SM-SLU and SM-U zones	
Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	9.1%
DH2/85	Not applicable
DMC 75	5.0%
DMC 95	5.0%
DMC 85/75-170	5.0%
DMC 145	6.1%
DMC 170	5.0%
DMC 240/290-440	6.1%
DMC 340/290-440	7.6%
DOC1 U/450-U	8.9%
DOC2 500/300-550	8.6%
DRC 85-170	8.2%
DMR/C 75/75-95	5.0%
DMR/C 75/75-170	5.0%
DMR/C 95/75	10.6%
DMR/C 145/75	10.6%
DMR/C 280/125	8.7%
DMR/R 95/65	8.5%
DMR/R 145/65	9.7%
DMR/R 280/65	9.7%
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	5.0%
IDM 165/85-170	7.0%
IDR 45/125-270	5.0%
IDR 170	5.0%
IDR/C 125/150-270	7.0%
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	5.0%

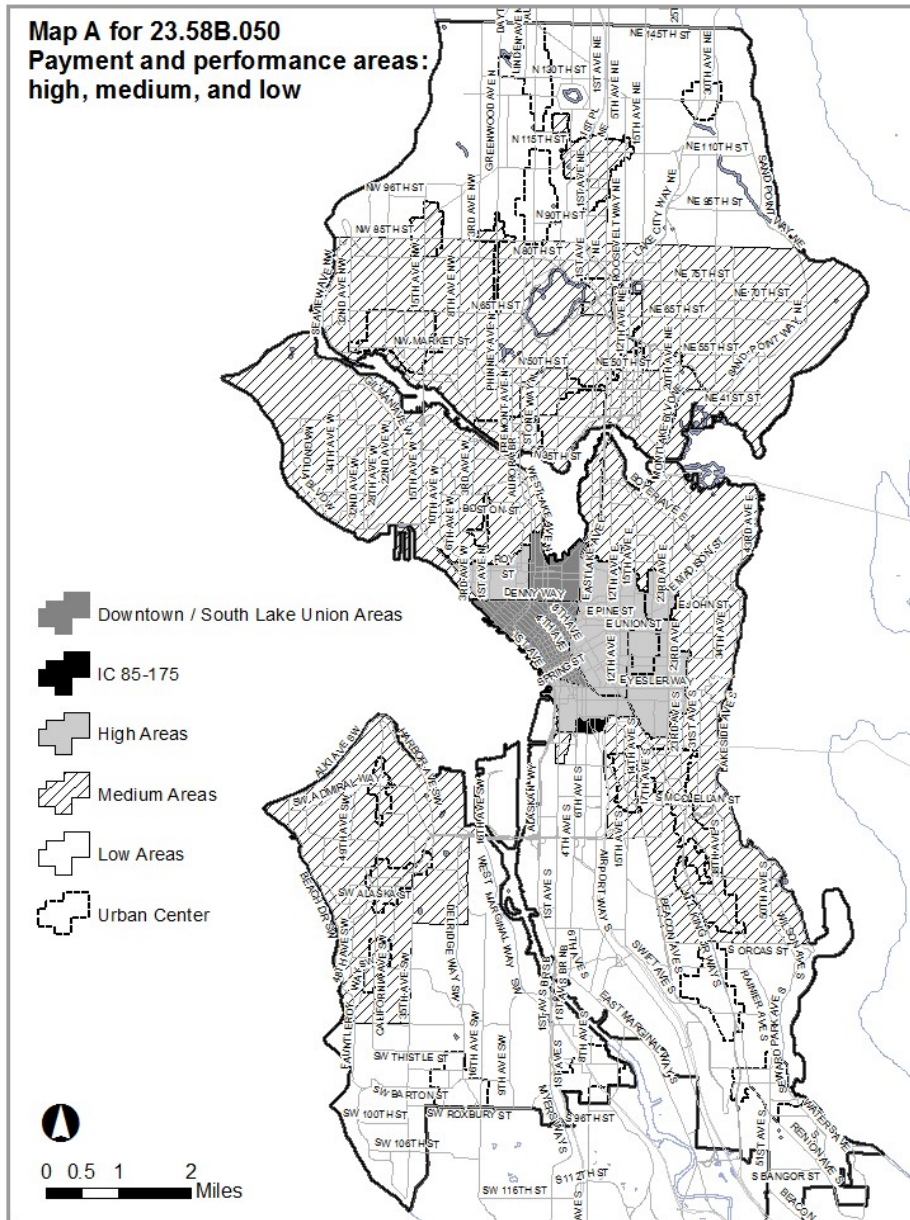
Table A for 23.58B.050	
Performance calculation amounts: In Downtown, SM-SLU and SM-U zones	
Zone	Performance calculation amount per square foot
SM-SLU 175/85-280	6.8%
SM-SLU 240/125-440	6.1%
SM-SLU/R 65/95	5.0%
SM-SLU 100/95	5.0%
SM-SLU 145	5.6%
SM-U ((85)) 75	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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

Map A for 23.58B.050

Payment and performance areas: high, medium, and low



* * *

B. Performance standards

1. General performance standards. All MHA-C housing shall meet the following standards:

a. Duration. The obligation to provide MHA-C housing shall be for a minimum period of 75 years from the date of issuance of the ((final Certificate of Occupancy)) certificate of occupancy, or if a ((Certificate of Occupancy)) certificate of occupancy is not required, from the date of the final building permit inspection, for the MHA-C housing; provided that, in the case of demolition of a structure containing both MHA-C housing provided according to this Section 23.58B.050 and units provided to comply with Chapter 23.58C through the performance option according to Section 23.58C.050, the obligation to provide MHA-C housing shall last no longer than the time specified according to subsection 23.58C.050.B.1.b.1.

b. Tenure. MHA-C housing shall be rental housing for eligible households according to subsection 23.58B.050.B.1.f.

c. Rent limits. Monthly rent for MHA-C housing shall not exceed 30 percent of 60 percent of median income or, in the case of any unit with net unit area of 400 square feet or less, 30 percent of 40 percent of median income. For purposes of this subsection 23.58B.050.B.1.c, “monthly rent” includes a utility allowance for heat, gas, electricity, water, sewer, and refuse collection, to the extent such items are not paid for tenants by the owner, and also includes any recurring fees that are required as a condition of tenancy.

d. Type. MHA-C housing shall be dwelling units, except for accessory dwelling units or detached accessory dwelling units.

1 e. Comparability. MHA-C housing shall be comparable to the other
2 dwelling units to be developed in terms of the following:

3 1) Number and size of bedrooms and bathrooms;

4 2) Net unit area measured as square feet;

5 3) Access to amenity areas;

6 4) Functionality; and

7 5) Term of the lease.

8 f. Eligible households. MHA-C housing shall serve only:

9 1) At initial occupancy by a household:

10 a) For a unit with net unit area of 400 square feet or less,
11 households with incomes no higher than 40 percent of median income; or

12 b) For a unit with net unit area of greater than 400 square
13 feet, households with incomes no higher than 60 percent of median income.

14 2) At the time of annual certification according to subsection
15 23.58B.050.B.1.m:

16 a) For a unit with net unit area of 400 square feet or less,
17 households with incomes no greater than 60 percent of median income;

18 b) For a unit with net unit area of greater than 400 square
19 feet, households with incomes no greater than 80 percent of median income.

20 g. Public subsidy. If any public subsidy, including the Multifamily
21 Housing Property Tax Exemption authorized by Chapter 5.73 and chapter 84.14 RCW, is used
22 for a development containing MHA-C housing, and as a condition of the public subsidy income
23 levels of occupants and the rents that may be charged for any units in the development are

1 restricted, the units provided to comply with this Chapter 23.58B shall be different units than the
2 units that are subject to such restrictions as a condition of the public subsidy.

3 h. Time of completion. Except as provided according to subsection
4 23.58B.050.B.2.d, MHA-C housing shall be completed and ready for occupancy at or before the
5 time when a ((final Certificate of Occupancy)) certificate of occupancy is issued for the
6 development, or if a certificate of occupancy is not required, at or before the date of the final
7 building permit inspection, mitigating impacts according to this Chapter 23.58B, and shall be a
8 condition to any right of the applicant to such ((Certificate of Occupancy)) certificate of
9 occupancy.

10 i. Age of construction; distribution. MHA-C housing shall be newly
11 constructed and shall be generally distributed throughout the residential portion of the
12 development.

13 j. Affirmative marketing. MHA-C housing shall be affirmatively marketed
14 to attract eligible households from all racial, ethnic, and gender groups in the housing market
15 area of the property, particularly to inform and solicit applications from households who are
16 otherwise unlikely to apply for housing in the development. Proposed marketing efforts shall be
17 submitted to the Office of Housing for review and approval. Records documenting affirmative
18 marketing efforts shall be maintained and submitted to the Office of Housing upon request.

19 k. Reporting. At such times as may be authorized by the Director of
20 Housing, but no less than annually, and for as long as the agreement according to subsection
21 23.58B.050.B.1.q remains in effect, the owner of the MHA-C housing shall submit to the
22 Director of Housing a written report, verified upon oath or affirmation by the owner,
23 demonstrating compliance with this Chapter 23.58B. The written report shall state, at a

minimum, the occupancy and vacancy of each unit of MHA-C housing, the monthly rents charged for each MHA-C housing unit, and the income and size of each household occupying the MHA-C housing. The Director of Housing may require other documentation to ensure compliance with this subsection 23.58B.050.B and any agreement according to subsection 23.58B.050.B.1.q, including but not limited to documentation of rents, copies of tenant certifications, and documentation supporting determinations of tenant income (including employer's verification or check stubs), and other documentation necessary to track program outcomes and the demographics of households served. The first annual report shall include documentation of issuance of the ((final Certificate of Occupancy)) certificate of occupancy, or if a certificate of occupancy is not required, the date of final building permit inspection, for the MHA-C housing. The Director of Housing is authorized to assess a late fee of \$50 per day, to accrue starting 14 days from the date the Office of Housing notifies the owner of the MHA-C housing that the report is overdue, until the report is submitted.

l. Limitation on charges. Fees charged to eligible households upon move-in or transfer within a development containing MHA-C housing shall be limited to a reasonable level to be established by the Director of Housing by rule. No tenant of a rental unit may be charged fees for income verifications or reporting requirements related to this Chapter 23.58B.

m. Annual certification, third party verification

1) The owner of the MHA-C housing shall obtain from each tenant, no less than annually, a certification of household size and annual income in a form acceptable to the City. The owner shall examine the income of each tenant household according to 24 CFR 5.609, with guidance from the HUD Occupancy Handbook 4350.3, Chapter 5. The owner also shall examine the income and household size of any tenant at any time when there is

evidence that the tenant's written statement was not complete or accurate. If so requested by the City, the owner shall obtain such certifications and/or examine incomes and household sizes at any other times upon reasonable advance notice from the City. The owner shall maintain all certifications and documentation obtained according to this subsection 23.58B.050.B.1.m on file for at least six years after they are obtained, and shall make them available to the City for inspection and copying promptly upon request.

2) The owner of the MHA-C housing shall attempt to obtain third party verification whenever possible to substantiate income at each certification, which shall include contacting the individual income source(s) supplied by the household. The verification documents shall be supplied directly to the independent source by the owner and returned directly to the owner from the independent source. In the event that the independent source does not respond to the owner's faxed, mailed, or emailed request for information, the owner may pursue oral third party verification. If written or oral third party documentation is not available, the owner may accept original documents (pay stubs, W-2, etc.) at the discretion of the Director of Housing and shall document why third party verification was not available. At the discretion of the Director of Housing, the owner may accept tenant self-certifications after the initial income verification and first annual recertification.

n. Annual fee. The owner of the MHA-C housing shall pay the Office of Housing an annual fee of \$150 per unit of MHA-C housing for the purposes of monitoring compliance with the requirements according to this Section 23.58B.050. On March 1, 2017, and on the same day each year thereafter, the annual fee 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-Bremerton, WA, All Items (1982-

84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics or
successor index.

o. Over-income households; unit substitution. If, based on any certification, a previously eligible household occupying a unit of MHA-C housing is determined to be ineligible due to exceeding the income limits according to subsection 23.58B.050.B.1.f, the owner of the development containing the MHA-C housing shall, through the process according to subsection 23.58B.025.A.5, designate a comparable substitute unit of MHA-C housing within the development, as approved by the Director of Housing, as soon as such a unit becomes available, and upon such designation the requirements according to this subsection 23.58B.050.B shall transfer to the substitute unit. All of the comparable rental units in the development that contains the MHA-C housing shall be considered potential comparable substitute replacement units. Upon such determination that a previously eligible household is ineligible, the owner shall promptly give the ineligible household notice of such determination and notice that the requirements according to this subsection 23.58B.050.B shall transfer to a substitute unit when such unit becomes available. Upon the transfer of the requirements, the owner shall give the ineligible household six months' notice prior to any rent increase.

p. Maintenance, insurance. MHA-C housing, and the development in which the MHA-C housing is located, shall be maintained by the owner in decent and habitable condition, including the provision of adequate basic appliances. The owner shall keep the MHA-C housing, and the development in which the MHA-C housing is located, insured by an insurance company licensed to do business in the state of Washington and reasonably acceptable to the City, against loss by fire and other hazards included with broad form coverage, in the amount of 100 percent of the replacement value.

1 q. Agreement. The City and the owner of the MHA-C housing shall enter
2 into an agreement specifying the requirements according to this Section 23.58B.050. The
3 agreement shall be recorded on the title of the property on which the MHA-C housing is located.
4 The requirements specified in the agreement shall be consistent with final plans for the MHA-C
5 housing.

6 r. Casualty

7 1) If a unit of MHA-C housing is destroyed or rendered unfit for
8 occupancy by casualty, the owner of the MHA-C housing shall, through the process according to
9 subsection 23.58B.025.A.5, designate a comparable substitute unit of MHA-C housing within the
10 development, as approved by the Director of Housing, as soon as such unit becomes available,
11 which the tenant household of the unit of MHA-C housing affected by casualty shall be allowed
12 to move into, and upon such designation the requirements according to subsection 23.58B.050.B
13 shall transfer to the substitute unit.

14 2) If any casualty loss results in the loss of the unit or units of
15 MHA-C housing for a period of one year or more, the duration according to subsection
16 23.58B.050.B.1.a shall be automatically extended beyond the original term hereof for a period
17 equal to the period of time for which the unit or units of MHA-C housing are not in service and
18 no comparable units of MHA-C housing have been provided and placed in service within the
19 development.

20 2. Additional performance standards. In addition to meeting the standards in
21 subsection 23.58B.050.B.1, MHA-C housing located on a site other than the same lot as the
22 development required to mitigate affordable housing impacts according to this Chapter 23.58B
23 shall meet the following additional standards:

1 a. Equal or better mitigation. The applicant shall demonstrate to the
2 satisfaction of the Director of Housing that affordable housing impact mitigation provided
3 through the performance option on a site other than the same lot as the development required to
4 mitigate affordable housing impacts according to this Chapter 23.58B is equal to or better than
5 mitigation provided through performance on the same lot.

6 b. Location. MHA-C housing provided on a site other than the same lot as
7 the development required to mitigate affordable housing impacts according to this Chapter
8 23.58B shall be located:

9 1) Within the same urban center or urban village as the
10 development required to mitigate affordable housing impacts according to this Chapter 23.58B;
11 or

12 2) Within one mile of the development required to mitigate
13 affordable housing impacts according to this Chapter 23.58B if such development is located
14 outside of an urban center or urban village.

15 c. Developer's agreement. If the owner of the development required to
16 mitigate affordable housing impacts according to this Chapter 23.58B is not the owner of the
17 MHA-C housing, then in addition to the agreement required according to subsection
18 23.58B.050.B.1.q, the owner of the development required to mitigate affordable housing impacts
19 according to this Chapter 23.58B and the owner of the MHA-C housing shall execute a
20 developer's agreement, acceptable to the Director of Housing, allowing the exclusive use of the
21 MHA-C housing to satisfy the requirements according to this Chapter 23.58B in return for
22 necessary and adequate financial support to the development of that MHA-C housing.

1 d. Letter of credit

2 1) If the MHA-C housing is located on a site other than the same
3 lot as the development required to mitigate affordable housing impacts according to this Chapter
4 23.58B, the owner of the development required to mitigate affordable housing impacts according
5 to this Chapter 23.58B shall provide to the Director of Housing an irrevocable bank letter of
6 credit, approved by the Director of Housing, in the amount according to subsection
7 23.58B.040.A.

8 2) The Director of Housing may draw on the letter of credit one
9 year after the date of issuance of the ((Certificate of Occupancy)) certificate of occupancy, or, if
10 a certificate of occupancy is not required, the final building permit inspection, for the
11 development required to mitigate affordable housing impacts according to this Chapter 23.58B if
12 the ((Certificate of Occupancy)) certificate of occupancy or final building permit inspection for
13 the MHA-C housing has not been issued on or before that date. The owner of the development
14 required to mitigate affordable housing impacts according to this Chapter 23.58B shall also pay
15 an amount equal to the interest on the cash contribution, at the rate equal to the prime rate quoted
16 by Bank of America, or its successor, plus three percent per annum, from the date of issuance of
17 the first building permit that includes the structural frame for the development required to
18 mitigate affordable housing impacts according to this Chapter 23.58B.

19 3) If and when the City becomes entitled to draw on any letter of
20 credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net
21 of any costs to the City, shall be used in the same manner as cash contributions according to
22 subsection 23.58B.040.B.

~~Section 98.~~ Section 96. Section 23.58C.025 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.58C.025 Applicability and general requirements

* * *

B. Applicability. Except as provided according to subsection 23.58C.025.C, this Chapter 23.58C shall apply to development that includes units, whether such development occurs through one or more of the following:

1. Construction of a new structure;
2. Construction of an addition to an existing structure that results in an increase in the total number of units;

3. Alterations within an existing structure that result in an increase in the total number of units; or

4. Change of use that results in an increase in the total number of units.

C. Development is exempt from the requirements of this Chapter 23.58C if it receives public funding and/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, (1) which restricts at least 40 percent of the residential 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, or (2) which restricts at least 40 percent of the residential units to be sold to households earning no greater than 80 percent of median income, for a minimum period of 50 years. The sale price for

sales subsequent to the initial sale shall be calculated to allow modest growth in homeowner equity while maintaining long-term affordability for future buyers. All buyers of such an ownership unit subsequent to the initial sale shall be households with incomes no greater than 80 percent of median income at initial occupancy.

* * *

Section 97. Section 23.58C.040 of the Seattle Municipal Code, last amended by Ordinance 125371, is amended as follows:

23.58C.040 Affordable housing— ((Payment)) 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, ~~as follows and~~ excluding any floor area devoted to an adult family home or 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;

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.

Table A for 23.58C.040

Payment calculation amounts:

In Downtown ~~(())~~ and, SM-SLU ~~(())~~ and SM-U 85 ~~(())~~ zones

Zone	Payment calculation amount per square foot
DH1/45	Not ((Applicable)) applicable
DH2/55	Not ((Applicable)) applicable
DH2/75	\$12.75
DH2/85	Not ((Applicable)) applicable
DMC 75	\$12.75
DMC 85/75-170	\$20.75
DMC 95	\$12.75
DMC 145	\$13.00
DMC 170	\$5.50
DMC 240/290-440	\$8.25
DMC 340/290-440	\$8.25
DMR/C 75/75-95	\$20.75
DMR/C 75/75-170	\$20.75
DMR/C 95/75	\$12.75
DMR/C 145/75	\$11.75
DMR/C 280/125	\$13.00
DMR/R 95/65	\$12.75
DMR/R 145/65	\$11.75
DMR/R 280/65	\$13.00
DOC1 U/450-U	\$12.00
DOC2 500/300-550	\$10.25
DRC 85-170	\$10.00
IDM-65-150	Not ((Applicable)) applicable
IDM-75-85	Not ((Applicable)) applicable

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Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown (()) and, SM-SLU (()) and SM-U 85 zones	
Zone	Payment calculation amount per square foot
IDM 85/85-170	\$20.75
IDM 165/85-170	\$20.75
All IDR and IDR/C zones	\$20.75
PMM-85	Not ((Applicable)) applicable
All PSM zones	Not ((Applicable)) applicable
SM-SLU 85/65-160	Not ((Applicable)) applicable
SM-SLU 85-280	\$10.00
SM-SLU 100/95	\$7.50
SM-SLU 100/65-145	\$7.75
SM-SLU 145	\$7.75
SM-SLU 175/85-280	\$10.00
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$12.75
((SM-U 85	\$13.25))

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

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2. Automatic adjustments to payment amounts. On March 1, 2017, 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 change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section ~~9998~~. Section 23.58C.050 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.58C.050 Affordable housing—performance option

A. Performance amount

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

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

a. Round up to two units; or

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

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

a. Round up to the nearest whole unit; or

b. Round down to the nearest whole unit and pay a cash contribution for the fraction of a unit not otherwise provided, calculated by multiplying the payment calculation

amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and dividing the resulting number by the total number of units required to be provided based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

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

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

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

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

1) Round up to the nearest whole unit; or

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

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

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

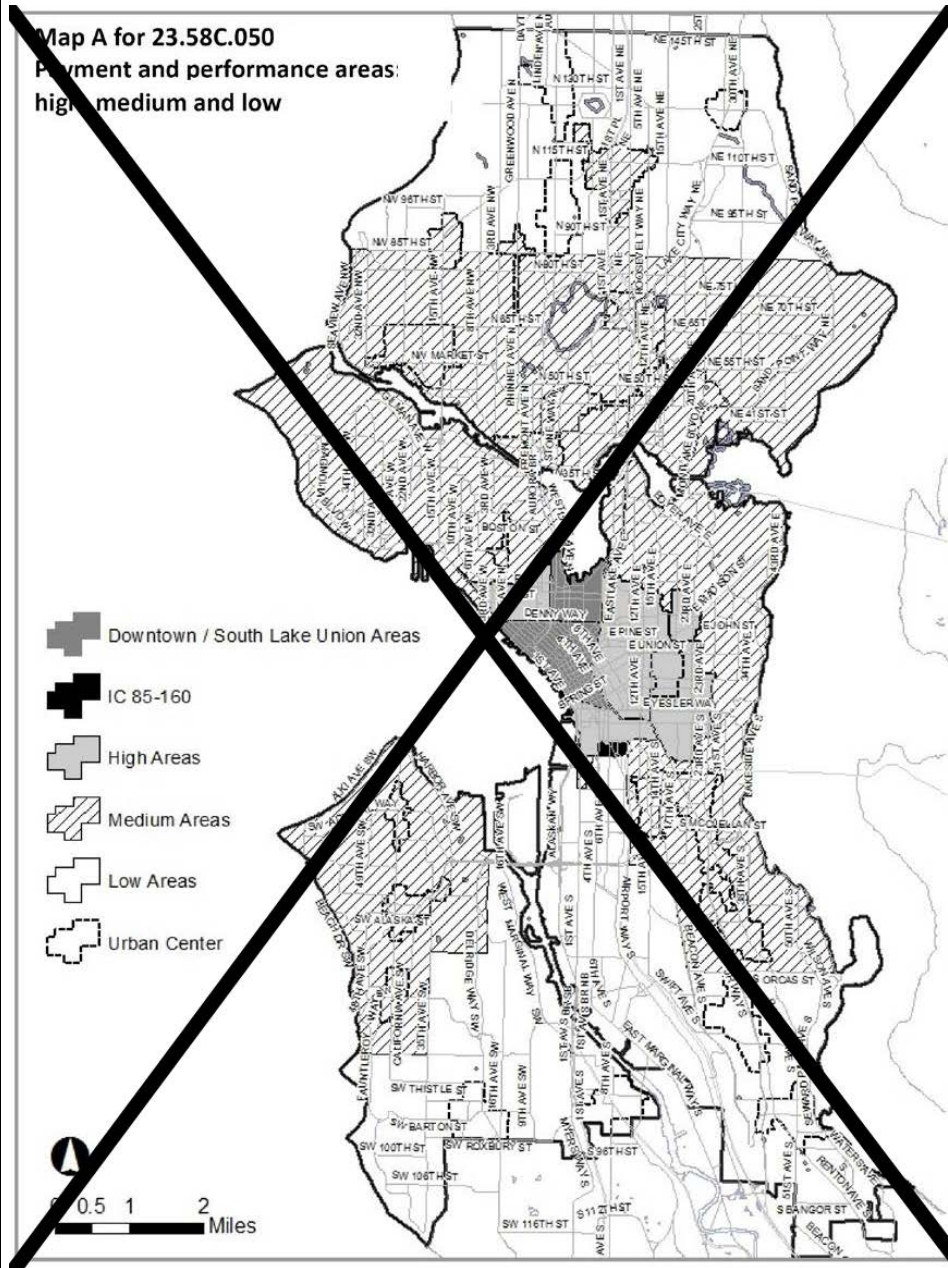
Table A for 23.58C.050 Performance calculation amounts: In Downtown (()) and SM-SLU (()) and SM-U 85 (()) zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
DRC 85-170	3.9%
IDM-65-150	Not ((Applicable)) applicable
IDM-75-85	Not ((Applicable)) applicable
IDM 85/85-170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

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







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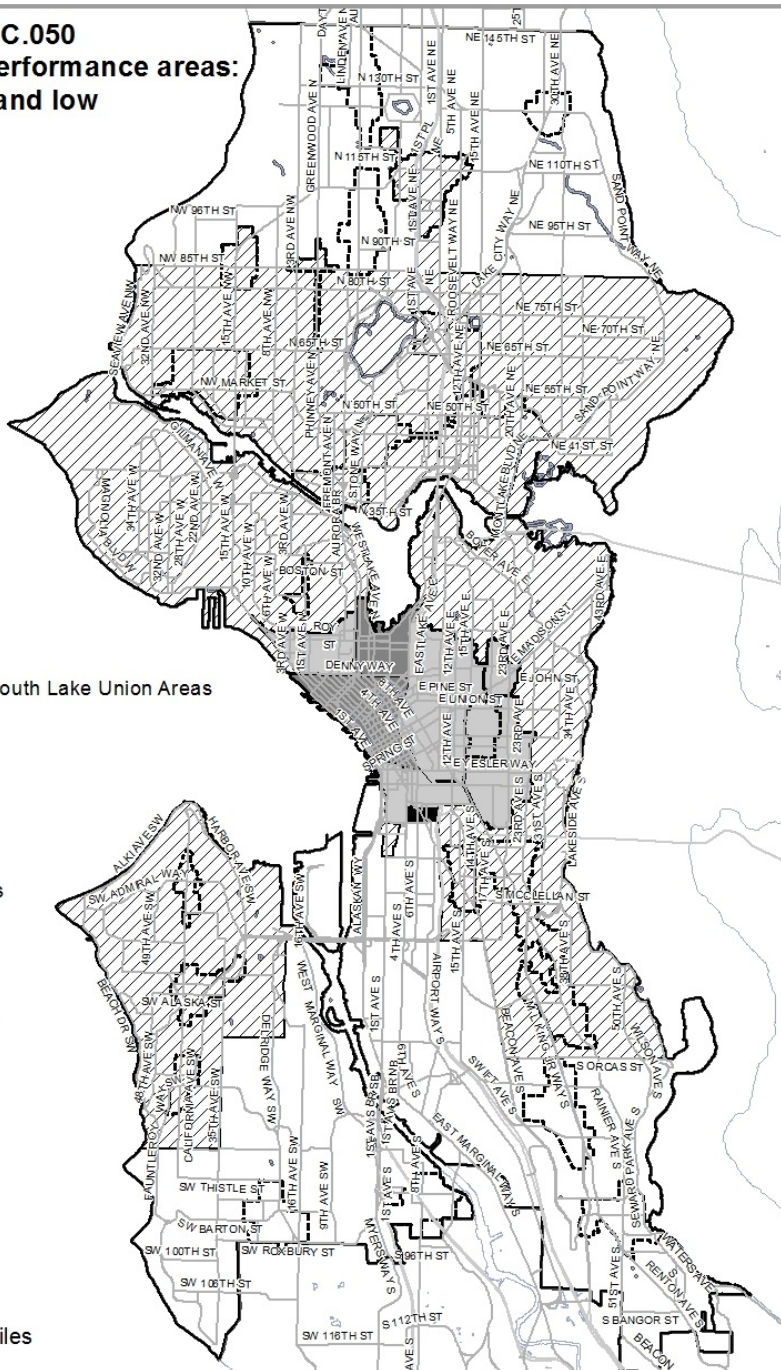
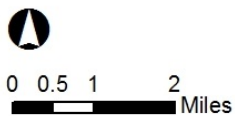
Map A for 23.58C.050

Payment and performance areas: high, medium, and low



Map A for 23.58C.050
Payment and performance areas:
high, medium, and low

-  Downtown / South Lake Union Areas
-  IC 85-175
-  High Areas
-  Medium Areas
-  Low Areas
-  Urban Center



* * *

C. Performance requirements. Units provided to comply with this Chapter 23.58C

through the performance option shall meet the following requirements:

1. Distribution. Units provided through the performance option shall be generally distributed throughout each structure in the development containing units.

2. ~~((Unit size, type, and term of lease))~~ Comparability ~~((a.))~~ Units provided through the performance option shall be comparable to the other units to be developed in terms of the following:

~~((1))~~ a. Status as a dwelling unit, live-work unit, or congregate residence sleeping room;

~~((2))~~ b. Number and size of bedrooms and bathrooms;

~~((3))~~ c. Net unit area measured by square feet;

~~((4))~~ d. Access to amenity areas;

~~((5))~~ e. Functionality; and

~~((6))~~ f. Term of the lease.

~~((b. The bedroom and bathroom sizes for units provided through the performance option shall be generally comparable to the bedroom and bathroom sizes for the other units to be developed.))~~

3. Eligible households. Units provided through the performance option shall serve only:

a. At initial occupancy by a household:

1) For a rental unit with net unit area of 400 square feet or less, households with incomes no greater than 40 percent of median income;

may be charged, the units provided to comply with this Chapter 23.58C shall be different units than the units that are subject to such restrictions as a condition of the public subsidy.

6. Additional requirements for rental units provided through the performance option

a. Rent levels. Monthly rent shall not exceed 30 percent of 60 percent of median income or, in the case of rental units with net unit area of 400 square feet or less, 30 percent of 40 percent of median income. For purposes of this subsection 23.58C.050.C.6.a, “monthly rent” includes a utility allowance for heat, gas, electricity, water, sewer, and refuse collection, to the extent such items are not paid for tenants by the owner, and any recurring fees that are required as a condition of tenancy.

b. Limitation on charges. Fees charged to eligible households upon move-in or transfer within the development shall be limited to a reasonable level to be established by the Director of Housing by rule. No tenant of a rental unit may be charged fees for income verifications or reporting requirements related to this Chapter 23.58C.

c. Annual certification, third party verification

1) The owner of the rental unit shall obtain from each tenant, no less than annually, a certification of household size and annual income in a form acceptable to the City. The owner shall examine the income of each tenant household in accordance with 24 CFR 5.609, with guidance from the HUD Occupancy Handbook 4350.3, Chapter 5. The owner also shall examine the income and household size of any tenant at any time when there is evidence that the tenant’s written statement was not complete or accurate. If so requested by the City, the owner shall obtain such certifications and/or examine incomes and household sizes at any other times upon reasonable advance notice from the City. The owner shall maintain all

certifications and documentation obtained according to this subsection 23.58C.050.C.6.c.1 on file for at least six years after they are obtained, and shall make them available to the City for inspection and copying promptly upon request.

2) Owners of rental units shall attempt to obtain third party verification whenever possible to substantiate income at each certification, which shall include contacting the individual income source(s) supplied by the household. The verification documents shall be supplied directly to the independent source by the owner and returned directly to the owner from the independent source. In the event that the independent source does not respond to the owner's faxed, mailed, or emailed request for information, the owner may pursue oral third party verification. If written or oral third party documentation is not available, the owner may accept original documents (pay stubs, W-2, etc.) at the discretion of the Director of Housing and shall document why third party verification was not available. At the discretion of the Director of Housing, the owner may accept tenant self-certifications after the initial income verification and first annual recertification.

d. Reporting. At such times as may be authorized by the Director of Housing, but no less than annually, the owner of the rental unit shall submit to the Director of Housing a written report, verified upon oath or affirmation by the owner, demonstrating compliance with this Chapter 23.58C. The written report shall state, at a minimum, the occupancy and vacancy of each rental unit, the monthly rent charged for the unit, and the income and size of the household occupying the unit. The Director of Housing may require other documentation to ensure compliance with this subsection 23.58C.050.C, including but not limited to documentation of rents, copies of tenant certifications, documentation supporting determinations of tenant income (including employer's verification or check stubs), and other

documentation necessary to track program outcomes and the demographics of households served. The first annual report shall include documentation of issuance of the certificate of occupancy or final building permit inspection for the rental unit. The Director of Housing is authorized to assess a late fee of \$50 per day, to accrue starting 14 days from the date the Office of Housing notifies the owner of the rental unit that the report is overdue, until the report is submitted.

e. Annual fee. The owner of the rental unit shall pay the Office of Housing an annual fee of \$150 per rental unit for the purposes of monitoring compliance with the requirements according to this Section 23.58C.050. On March 1, 2017, and on the same day each year thereafter, the annual fee 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-Bremerton, WA, All Items (1982-1984 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

f. Over-income households; unit substitution. If, based on any certification, a previously eligible household occupying a rental unit provided through the performance option is determined to be ineligible due to exceeding the income limits according to subsection 23.58C.050.C.3.b, the owner of the development to which this Chapter 23.58C applies shall, through the process according to subsection 23.58C.030.A.6, designate a comparable substitute rental unit within the development, as approved by the Director of Housing, as soon as such a unit becomes available, and upon such designation the requirements according to this subsection 23.58C.050.C shall transfer to the substitute unit. Upon such determination that a previously eligible household is ineligible, the owner shall promptly give the ineligible household notice of such determination and notice that the requirements according to

this subsection 23.58C.050.C will transfer to a substitute unit when such unit becomes available.

Upon the transfer of the requirements, the owner shall give the ineligible household six months' notice prior to any rent increase.

g. Maintenance, insurance. Rental units provided through the performance option, and the structure in which they are located, shall be maintained by the owner in decent and habitable condition, including the provision of adequate basic appliances. The owner shall keep such units, and the structure in which they are located, insured by an insurance company licensed to do business in the state of Washington and reasonably acceptable to the City, against loss by fire and other hazards included with broad form coverage, in the amount of 100 percent of the replacement value.

h. Casualty

1) If a rental unit provided through the performance option is destroyed or rendered unfit for occupancy by casualty that does not affect all of the other units in the development to which this Chapter 23.58C applies, the owner of the development shall, through the process according to subsection 23.58C.030.A.6, designate a comparable substitute rental unit within the development, as approved by the Director of Housing, as soon as such a unit becomes available, which the tenant household of the unit affected by casualty shall be

allowed to move into, and upon such designation the requirements according to this subsection

23.58C.050.C shall transfer to the substitute unit.

2) If all of the units in the development to which this Chapter 23.58C applies are substantially destroyed by casualty, including by earthquake or fire, the requirements according to this subsection 23.58C.050.C shall terminate.

i. Conversion to ownership housing. If all of the units to whose development this Chapter 23.58C applies according to subsection 23.58C.025.B in a structure are converted to ownership housing, including through a conversion to condominiums, prior to 75 years from the date of certificate of occupancy or, if a certificate of occupancy is not required, from the date of the final building permit inspection, for the development to which this Chapter 23.58C applies according to subsection 23.58C.025.B:

1) The owner of the development shall, at the time of such conversion, either pay to the City a payment in lieu of continuing affordability or convert the rental units provided through the performance option to ownership units provided through the performance option, as follows:

a) Where a payment in lieu of continuing affordability is made, the amount of the payment shall be equal to the amount of the cash contribution according to subsection 23.58C.040.A that would have been required at the time of issuance of the first building permit that includes the structural frame for the structure if the applicant had elected the payment option, adjusted for each calendar year following issuance of that permit in proportion to the annual change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-1984 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index, multiplied times the percentage in Table C for

23.58C.050 that corresponds to the number of years that the rental units provided through the performance option satisfied the requirements according to this subsection 23.58C.050.C. The City shall use the payment to support continued housing affordability in The City of Seattle consistent with applicable statutory requirements.

Table C for 23.58C.050

Payment in lieu of affordability calculation percentages for conversion to ownership housing

<u>Number of years units provided through performance option satisfied the requirements according to subsection 23.58C.050.C</u>	<u>Percentage</u>
<u>Less than 7.5</u>	<u>100%</u>
<u>Between 7.5 and 15</u>	<u>95%</u>
<u>Between 15 and 22.5</u>	<u>90%</u>
<u>Between 22.5 and 30</u>	<u>85%</u>
<u>Between 30 and 37.5</u>	<u>80%</u>
<u>Between 37.5 and 45</u>	<u>75%</u>
<u>Between 45 and 52.5</u>	<u>65%</u>
<u>Between 52.5 and 60</u>	<u>55%</u>
<u>Between 60 and 67.5</u>	<u>40%</u>
<u>Between 67.5 and 75</u>	<u>20%</u>

b) Where rental units provided through the performance option are converted to ownership units provided through the performance option, the converted units shall meet the requirements of subsections 23.58C.050.C.1 through 23.58C.050.C.5 and subsection 23.58C.050.C.7.

2) If the units to whose development this Chapter 23.58C applies according to subsection 23.58C.025.B are in multiple structures, conversion to ownership housing of such units in an individual structure shall not be a basis for reducing the number of rental units provided through the performance option in the other structures.

3) If a rental unit provided through the performance option is converted to a condominium, the owner shall comply with the requirements according to Section

22.903.030 and Section 22.903.035, the requirement of RCW ((Ch.)) Chapter 63.34.440(2) to offer to convey the unit to the tenant who leases the unit, and any other applicable requirements.

j. Demolition or change of use

1) If the units to whose development this Chapter 23.58C applies according to subsection 23.58C.025.B are in a single structure and the structure is demolished, or its use is changed, prior to 75 years from the date of certificate of occupancy or, if a certificate of occupancy is not required, from the date of the final building permit inspection, for the development to which this Chapter 23.58C applies according to subsection 23.58C.025.B, so as to eliminate all of the units to whose development this Chapter 23.58C applies according to subsection 23.58C.025.B in that structure, the owner of the development shall pay to the City a payment in lieu of continuing affordability for each rental unit provided through the performance option that is eliminated, as follows:

a) The payment shall be based on the difference between the monthly restricted rent according to subsection 23.58C.050.C.6.a for each rental unit provided through the performance option that is eliminated and the average monthly rent of a comparable unit according to subsection 23.58C.050.C.2 that is not subject to rent and income restrictions and is located in the same payment and performance area as shown on Map A for 23.58C.050, multiplied by the typical number of months between demolition of multifamily housing on a property and completion of redevelopment of a property in the zone in which the eliminated rental unit is located, not to exceed 30 months. The Director shall by rule establish an appropriate methodology and inputs for determining the payment amount in particular zones.

b) The City shall use the payment to support continued housing affordability in The City of Seattle, including but not limited to providing rental

1 assistance to the tenants of rental units provided through the performance option that were
2 eliminated.

3 2) If the units to whose development this Chapter 23.58C applies
4 according to subsection 23.58C.025.B are in multiple structures and an individual structure is
5 demolished, or its use is changed, prior to 75 years from the date of certificate of occupancy or,
6 if a certificate of occupancy is not required, from the date of the final building permit inspection,
7 for the development to which this Chapter 23.58C applies according to subsection 23.58C.025.B,
8 so as to eliminate all of the units to whose development this Chapter 23.58C applies according to
9 subsection 23.58C.025.B in the individual structure, the owner of the development shall:

10 a) Except as provided according to subsection
11 23.58C.050.C.6.j.2.b, pay to the City a payment in lieu of continuing affordability according to
12 subsection 23.58C.050.C.6.j.1.a for each rental unit provided through the performance option
13 that is eliminated; or

14 b) If a rental unit that is eliminated resulted from the
15 combination of fractions of units according to subsection 23.58C.050.A.4, designate, subject to
16 review by the Director in consultation with the Director of Housing, a comparable substitute
17 rental unit within the other structures to replace each such unit that is eliminated or, if such
18 designation is not possible, pay to the City a payment in lieu of continuing affordability
19 according to subsection 23.58C.050.C.6.j.1.a.

20 c) Demolition or change of use of an individual structure
21 shall not be a basis for reducing the number of rental units provided through the performance

option in the other structures and any comparable substitute rental units shall be in addition to any existing rental units provided through the performance option in the other structures.

7. Additional requirements for ownership units provided through the performance option

a. Affordable sale price; down payment. The initial sales price for an ownership unit provided through the performance option shall be an amount according to which total ongoing housing costs do not exceed 35 percent of 65 percent of median income, in order to allow for equity growth for individual homeowners while maintaining affordability for future buyers. The Director of Housing shall establish by rule the method for calculating the initial sales price including standard assumptions for determining upfront housing costs, including the down payment, and ongoing housing costs, which shall include mortgage principal and interest payments, homeowner's insurance payments, homeowner or condominium association dues and assessments, and real estate taxes and other charges included in county tax billings. The Director of Housing may establish a maximum down payment amount for eligible households at initial sale of an ownership unit. The applicant for the development to which this Chapter 23.58C applies shall be responsible for any costs incurred in the initial sale of an ownership unit necessary to ensure compliance with this Chapter 23.58C, including but not limited to marketing to eligible households, income verification, buyer education, and verification of buyer financing.

b. Affordable resale price. For an ownership unit provided through the performance option, the sale price for sales subsequent to the initial sale shall be calculated to allow modest growth in homeowner equity while maintaining long-term affordability for future buyers. All buyers of an ownership unit subsequent to the initial sale shall be households with

incomes no greater than 80 percent of median income at initial occupancy. The Director of

Housing shall by rule:

1) Establish the method for calculating the resale price and may
establish a maximum down payment amount for eligible households at resale.

2) Establish specific requirements for documents ensuring
affordability requirements are met at resale, and

3) Provide for recovery of reasonable administrative costs.

c. Other restrictions. An eligible household purchasing an ownership unit
provided through the performance option, either at initial sale or resale, shall:

1) Occupy the unit as its principal residence for the duration of its
ownership and shall not lease the unit, unless the Director of Housing approves a limited short-
term exception, and

2) Comply with all other program rules established by the Director
of Housing as necessary to maintain the long-term viability of the unit. Such rules may include,
but are not limited to, refinancing approvals and debt limits; limits on credit for capital
improvements at the time of resale; requirements for basic maintenance, inspections, and
compliance procedures; minimum insurance requirements; obligations to provide information
regarding compliance when and as requested; and fees to cover the full costs of calculating the
maximum sales price at resale, marketing to eligible households, and screening and selecting
eligible households to purchase the unit at resale.

d. Annual fee. The owner of the ownership unit shall pay the Office of
Housing an annual fee, payable in 12 equal payments, for the purposes of monitoring compliance
with the requirements according to this Section 23.58C.050. The initial fee shall be established

by the Director of Housing by rule. On March 1, 2017, and on the same day each year thereafter,
the annual fee 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-Bremerton, WA, All Items (1982-1984 = 100), as determined by the
U.S. Department of Labor, Bureau of Labor Statistics or successor index.

e. Ongoing stewardship. Either prior to or subsequent to the initial sale,
the Director of Housing is authorized to designate an agency or organization with sufficient
capacity, as approved by the Director of Housing, to perform ongoing stewardship and
management functions for ownership units provided through the performance option, including
but not limited to the following:

1) Calculating maximum sale prices;

2) Marketing sales to eligible households;

3) Screening, educating, and selecting eligible households;

4) Approving buyer financing; and

5) Managing successive resales to eligible households.

* * *

~~Section 100.~~Section 99. Section 23.58D.002 of the Seattle Municipal Code, enacted by
Ordinance 125163, is amended as follows:

23.58D.002 Green building standard

A. When a commitment to meet the green building standard is required ((to qualify for
additional height or extra floor area)) in the applicable zone, the owner shall make a commitment
that the proposed development will meet the green building standard, or a substantially

equivalent or superior standard, and shall demonstrate compliance with that commitment in accordance with the provisions of Section 23.58D.004.

B. If a site contains existing structures developed according to a version of the Land Use Code in effect before April 19, 2011, the existing structures and any additions to those structures are not required to be upgraded to the current green building standard. ~~((to qualify for additional height or extra floor area for those structures.))~~ Any entirely new structure proposed to be built on the lot shall meet the current green building standard. ~~((to gain the extra FAR for the site or additional height for the structure.))~~ If a ~~((structure is))~~ site contains existing structures developed ~~((under))~~ according to a version of the Land Use Code in effect on or after April 19, 2011, ~~((and was not built using all available extra FAR, then in order for the structure or addition to gain the extra FAR,))~~ the ~~((structure))~~ existing structures and any additions to those structures shall be updated to the current green building standard.

C. The Director shall adopt and amend rules establishing the green building standard and enabling an owner to demonstrate compliance with a commitment to meet the standard using a substantially equivalent or superior standard.

Section ~~101100~~. Section 23.58D.006 of the Seattle Municipal Code, ~~enacted~~last amended by Ordinance ~~125163~~125492, is amended as follows:

23.58D.006 Penalties

* * *

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 ~~((extra))~~ 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 ~~((additional height or extra floor area was obtained in exchange for))~~ 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.

* * *

Section ~~402~~101. Section 23.71.030 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.71.030 Development standards for transition areas within the Northgate Overlay District

A. To promote compatibility between different types and intensities of development located within and along the boundary of the Northgate Overlay District, a transition shall be provided between zones where different intensities of development may occur.

B. The requirements of this Section 23.71.030 apply to development on lots in the more intensive zones under the following conditions:

1. Where a lot zoned ~~((Lowrise 3, (LR3),))~~ Midrise (MR) ~~((, Midrise/85 (MR/85)))~~ or Highrise (HR) abuts or is across ~~((a street or))~~ an alley from a lot zoned ~~((Single-Family))~~ Single-family ~~((SF))~~, Lowrise 1 (LR1), or Lowrise 2 (LR2); and

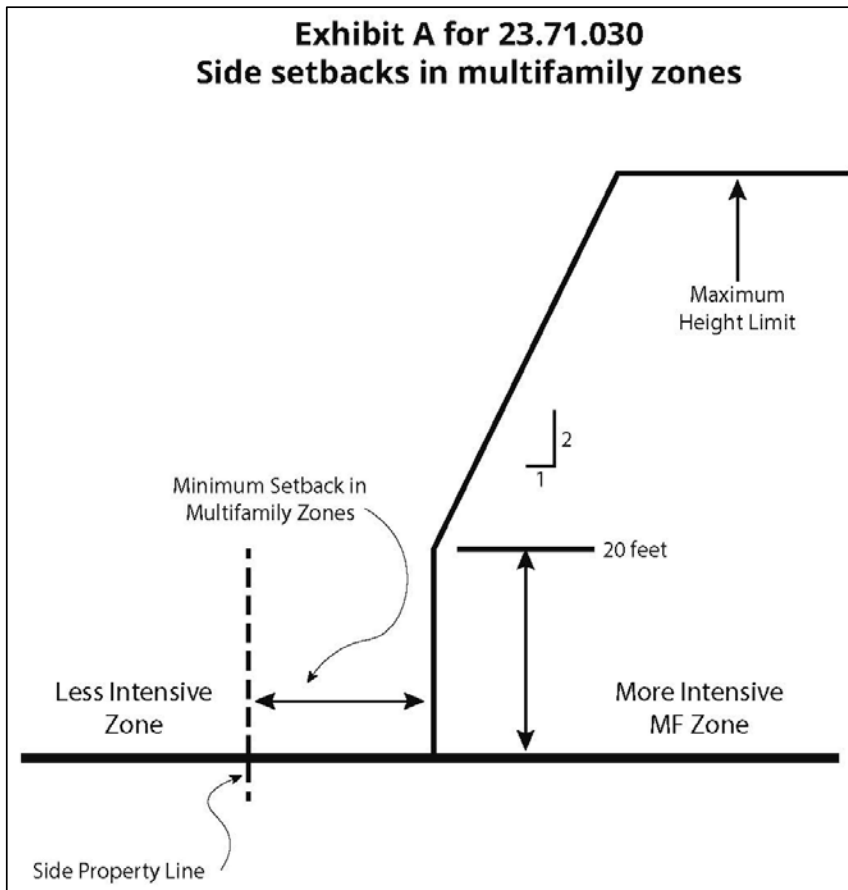
2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height limit of 40 feet or greater abuts or is across ~~((a street or))~~ an alley from a lot zoned ~~((Single-Family))~~ Single-family ~~((SF))~~, Lowrise 1 (LR1), or Lowrise 2 (LR2).

C. Side ~~((Setbacks Abutting))~~ setbacks abutting or ~~((Across))~~ across an ~~((Alley-))~~ alley

1. For ~~((multifamily))~~ structures in multifamily zones, an additional side setback of ~~((one (1)))~~ 1 foot for each ~~((two (2)))~~ 2 feet of a structure height above ~~((twenty (20)))~~ 20 feet is required (Exhibit ~~((23.71.032 A))~~ A for 23.71.030).

Exhibit A for 23.71.030

Side setbacks in multifamily zones

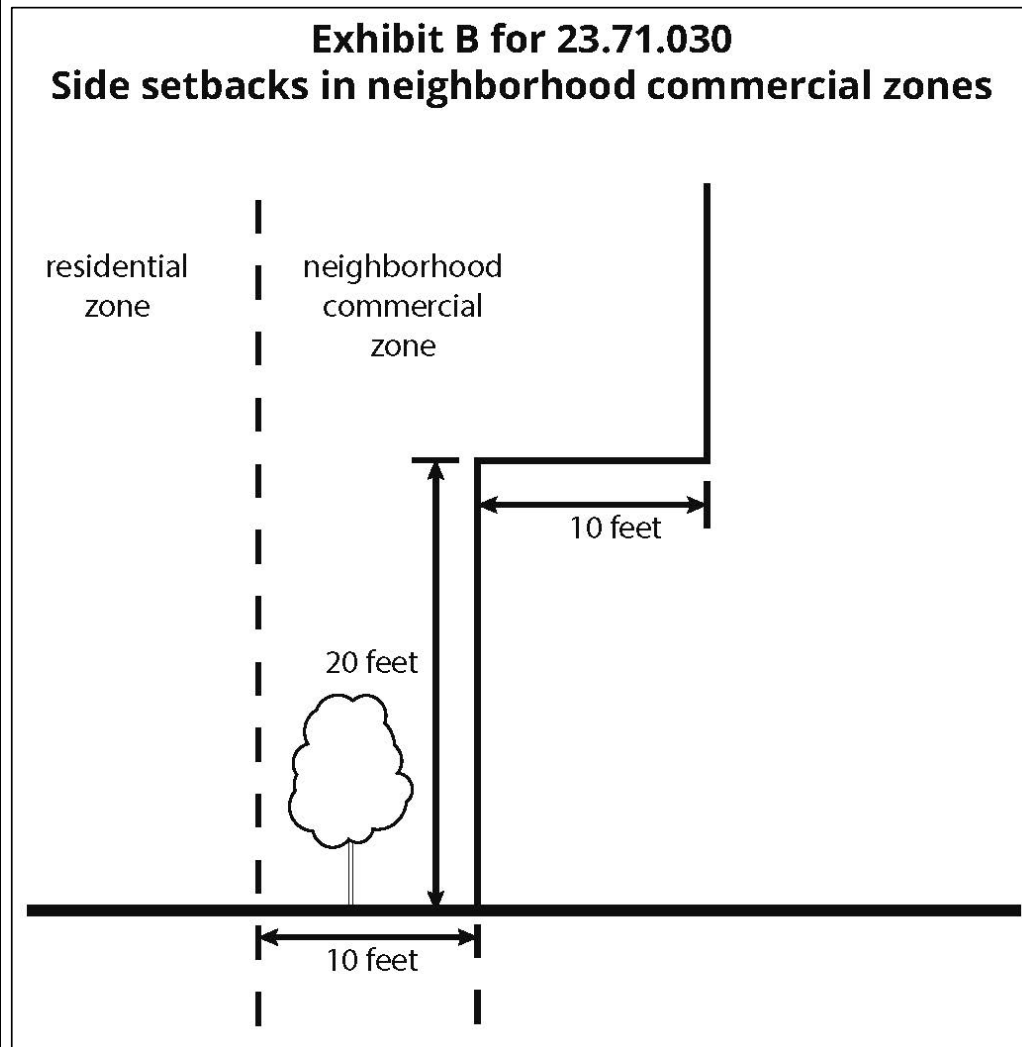


2. ~~((A))~~ For structures in C or NC zones, a side setback of ~~((ten (10)))~~ 10 feet is required for all portions of ~~((a commercial or mixed use))~~ the structure ~~((twenty (20)))~~ 20 feet or less in height ~~((Exhibit 23.71.032 B.~~

3. ~~A~~) and an additional side setback of ~~((ten (10)))~~ 10 feet is required for all
portions of ~~((a commercial or mixed use))~~ the structure exceeding ~~((twenty (20)))~~ 20 feet
(Exhibit ~~((23.71.032-B))~~ B for 23.71.030).

Exhibit B for 23.71.030

Side setbacks in neighborhood commercial zones



((4)) 3. Side setbacks shall be landscaped within ~~((five (5)))~~ 5 feet of the abutting property line, unless the setback is used for parking, in which case the parking area shall be screened as otherwise required by this ~~((code))~~ Title 23.

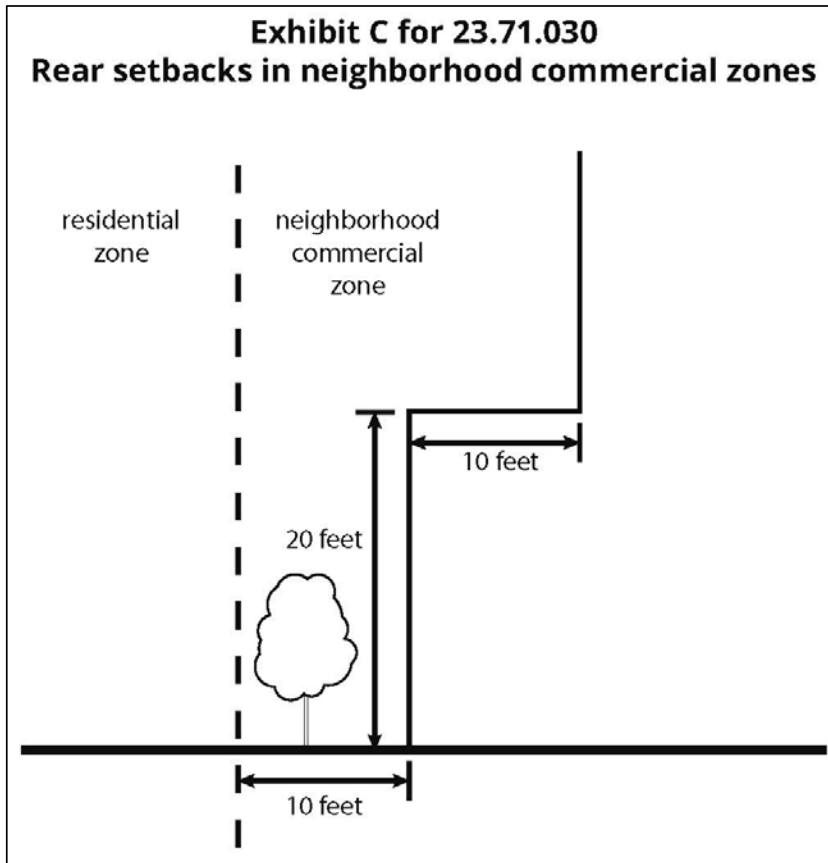
D. Rear ~~((Setbacks Abutting or Across an Alley.))~~ setbacks abutting or across an alley

1. For ~~((multifamily))~~ structures in multifamily zones, a rear setback of ~~((twenty (20)))~~ 20 feet is required or the minimum required by the standards of the underlying zone ~~((for multifamily structures))~~, whichever is greater.

2. ~~((A))~~ For structures in C or NC zones, a rear setback of ~~((ten (10)))~~ 10 feet is required for all portions of ~~((a commercial or mixed use))~~ the structure ~~((twenty (20)))~~ 20 feet or less in height ~~((Exhibit 23.71.032 C). 3. A))~~ and an additional rear setback of ~~((ten (10)))~~ 10 feet is required for all portions of ~~((a commercial or mixed use))~~ the structure exceeding ~~((twenty (20)))~~ 20 feet (Exhibit ~~((23.71.032 C))~~ C for 23.71.030).

Exhibit C for 23.71.030

Rear setbacks in neighborhood commercial zones



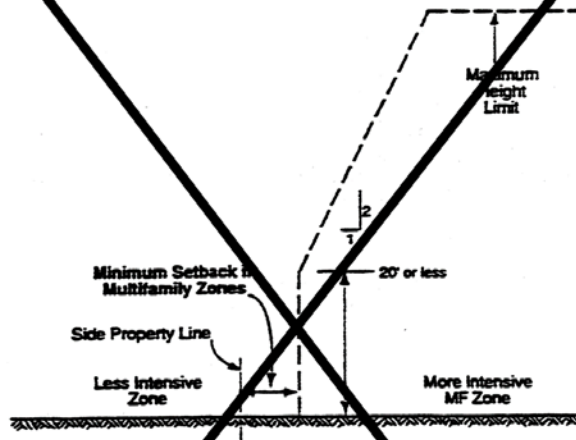
((4)) 3. Rear setbacks shall be landscaped unless used for parking, in which case the parking area shall be screened and landscaped as otherwise required by this ((code)) Title 23.

~~((E. Side or Rear Setbacks for Multifamily Structures Abutting a Street. A side or rear setback of eight (8) feet, or the minimum required for multifamily structures by the underlying zone, whichever is greater, is required for portions of a multifamily structure thirty (30) feet or less in height along all street rights-of-way less than eighty (80) feet wide across from the less intensive zone. Portions of a multifamily structure in excess of thirty (30) feet in height shall be~~

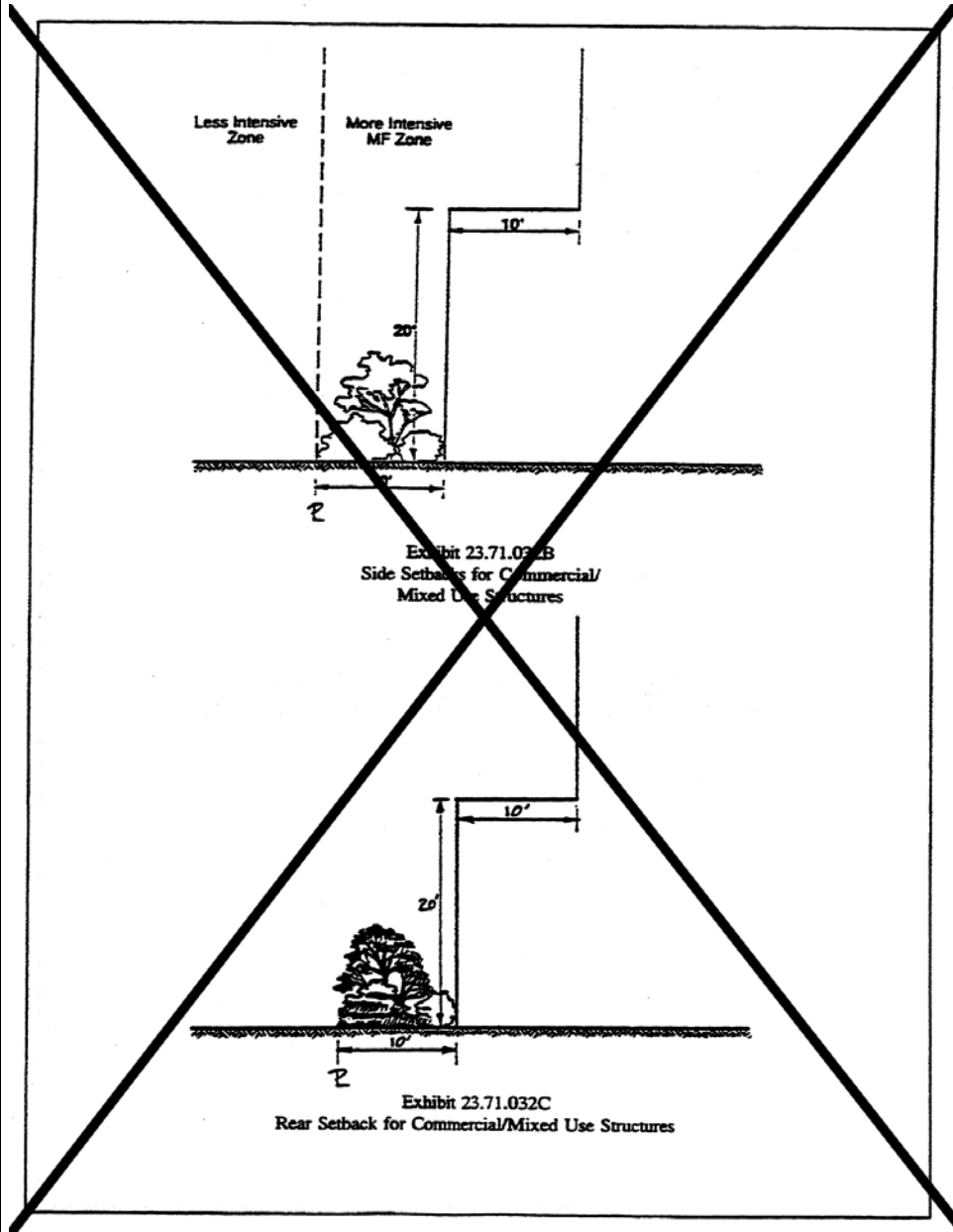
~~set back an additional one (1) foot for each two (2) feet of structure height above thirty (30) feet
(Exhibit 23.71.032D).~~

~~F. Front Setbacks for Multifamily Structures Abutting a Street. Where the front lot line of
the more intensively zoned lot is across a street right-of-way which is less than eighty (80) feet
wide from the less intensively zoned lot, the minimum front setback shall be ten (10) feet for all
portions of a multifamily structure thirty (30) feet or less in height. For portions of a structure
exceeding thirty (30) feet in height, an additional front setback of one (1) foot for every two (2)
feet of structure height in excess of thirty (30) feet shall be required (Exhibit 23.71.032E).~~

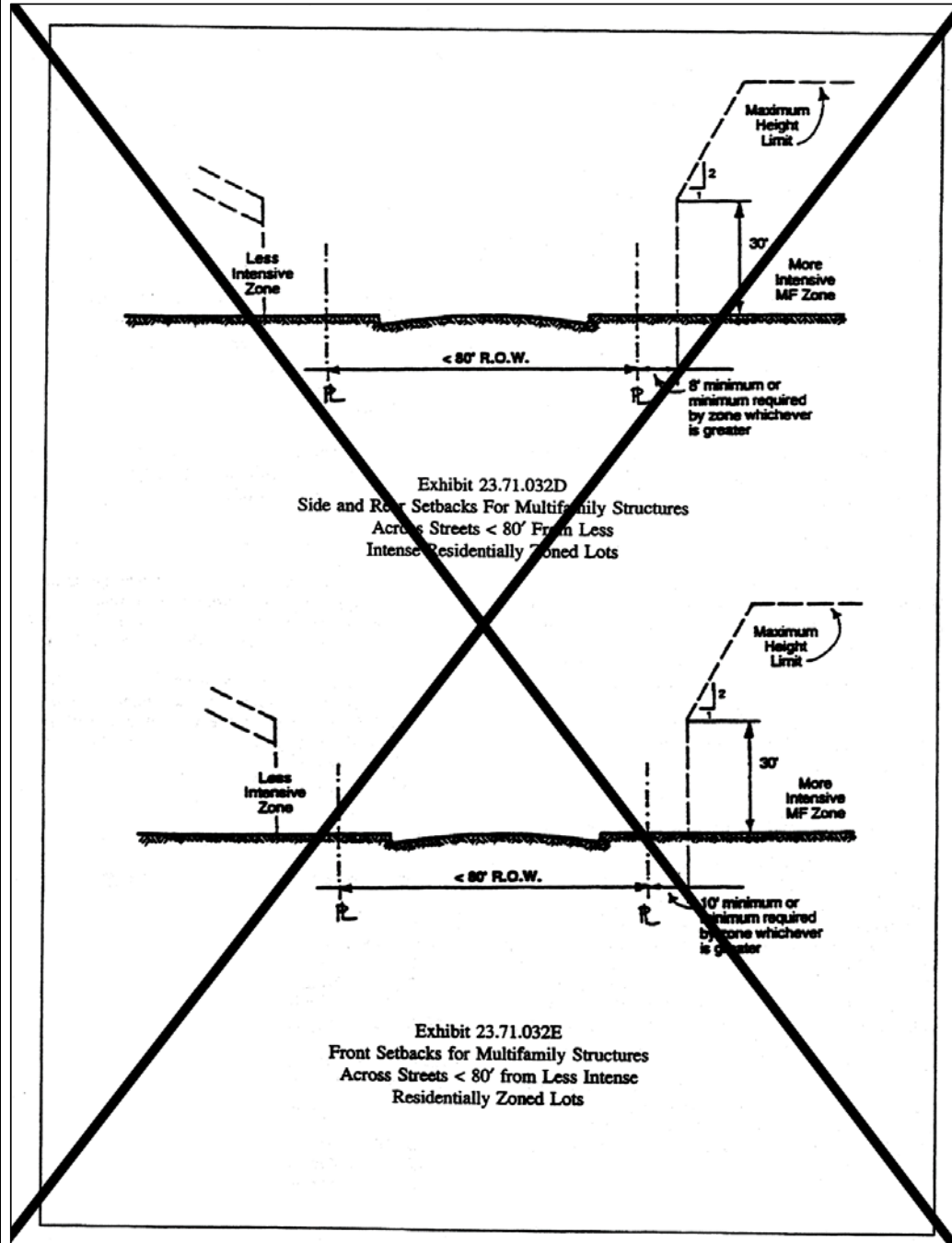
~~G. Setbacks for Commercial or Mixed Use Structures Abutting a Street. No side or rear
setback abutting a street is required for the portion of commercial or mixed use structures
containing street level retail sales and service uses oriented towards the street. Where blank
walls, parking or other nonretail sales and service uses occupy portions of the structure facing the
street a five (5) foot setback shall be required and screened and landscaped as required by the
underlying zone.))~~



1 ((Exhibits ~~23.71.032B~~, ~~23.71.032C~~))



((Exhibits 23.71.032D, 23.71.032E))



Section ~~493~~102. Section 23.71.040 of the Seattle Municipal Code, enacted by Ordinance 116795, is repealed:

~~((23.71.040 Density limits for residential uses in commercial zones within the Northgate Overlay District.~~

~~A. Residential uses in commercial zones with a thirty (30) foot height limit may not exceed a density of one (1) dwelling unit for every eight hundred (800) square feet of lot area.~~

~~B. Residential uses in commercial zones with a forty (40) foot height limit may not exceed a density of one (1) dwelling unit for every six hundred (600) square feet of lot area.~~

~~C. There is no density limit for residential use in commercial zones with height limits of sixty five (65) feet or greater.~~

~~D. Development meeting the requirements for mixed use as provided in Section 23.71.038 is allowed a twenty (20) percent increase in permitted density over the density permitted by subsections A and B of this section.))~~

Section ~~494~~103. Section 23.73.009 of the Seattle Municipal Code, last amended by ~~ordinance~~Ordinance 125429, is amended as follows:

23.73.009 Floor area ((ratio))

A. For lots with residential uses only, or lots that include both residential and non-residential uses, the total FAR ((limits in Section 23.47A.013 for the underlying zone apply)) 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, ~~((and provided the gross floor area of non-residential uses does not exceed 2 FAR, except as permitted in subsection 23.73.009.B.))~~

1 B. ~~((Non-residential))~~ The gross floor area of non-residential uses ((are)) is limited to a
2 maximum of 2.25 FAR, except ((that for development on a lot that meets one of the following
3 conditions, the FAR limits for non-residential uses in Section 23.47A.013 for the underlying
4 zone applies:)) as provided in this Section 23.73.009 and in Section 23.73.024 for projects using
5 transfer of development potential.

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

9 1. A character structure has not existed on the lot since January 18, 2012; or
10 2. For lots that include a character structure, all character structures on the lot are
11 retained according to Section 23.73.015 ~~((, unless))~~ or a departure is approved through the design
12 review process to allow the removal of a character structure based on the provisions of
13 subsection 23.41.012.B. If the lot includes a character structure that has been occupied by
14 residential uses since January 18, 2012, the same amount of floor area in residential uses shall be
15 retained in that structure, unless a departure is approved through the design review process to
16 allow the removal of the character structure based on the provisions of subsection 23.41.012.B.
17 The owner of the lot shall execute and record in the King County real property records an
18 agreement to provide for the maintenance of the required residential uses for the life of the
19 project.

20 ~~((C))~~ D. In addition to the floor area exempt under the provisions of the underlying zone,
21 the following floor area is exempt from the calculation of gross floor area subject to an FAR
22 limit:

1. The following street-level uses complying with the standards of Section 23.47A.008 and subsection 23.73.008.B:
 - a. General sales and services;
 - b. Major durables retail sales;
 - c. Eating and drinking establishments;
 - d. Museums;
 - e. Religious facilities;
 - f. Libraries; and
 - g. Automotive retail sales and service uses located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015.
2. Floor area used for theaters or arts facilities; ~~((, which for the purposes of this Section 23.73.009 only, may be operated either by for-profit or not-for-profit organizations.))~~
3. All floor area in residential use in a development that retains all character structures on the lot as provided in Section 23.73.015, or that uses the transfer of development potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B.
4. In areas where the underlying zoning is ~~((NC3P-65))~~ 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 ~~19.5.104~~. Section 23.73.010 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.73.010 Floor area limits outside the Conservation Core

A. Floor area limit. The following provisions apply to lots located outside the boundaries of the Conservation Core identified on Map A for 23.73.010.

1. The maximum gross floor area of any single story above 35 feet in height is limited to 15,000 square feet, except as provided in subsections 23.73.010.A.2, 23.73.010.A.3, 23.73.010.B, and ((23.73.010.C)) 23.73.010.C.

2. For a project that is allowed extra height above the height limit by subsection 23.73.014.A, the 35-foot height above which the floor area limit applies is increased to 39 feet, provided that the provisions for allowing additional height under subsection 23.73.014.A are met.

3. For a project that is allowed extra height above the height limit by subsection 23.73.014.B, the 35-foot height above which the floor area limit applies is increased to 39 feet, provided that:

a. The provisions for allowing additional height under subsection 23.73.014.B are met, and

b. The minimum floor-to-ceiling height of non-residential uses at street level is at least 13 feet, except that if a character structure is retained according to Section 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of

the character structure need not exceed the original floor-to-ceiling height of the character structure.

4. On a lot with more than one structure or more than one portion of the same structure that exceeds 35 feet in height, the floor area limit applies to the combined portions of each story above 35 feet in height. If 39 feet is the height above which the floor area limit applies as allowed by subsection 23.73.010.A.1 and subsection 23.73.010.A.2, then the floor area limit applies to the combined portions of each story above 39 feet.

5. If new structures on the same or abutting lots have internal connections above or below grade, each of the stories of the connected structures are considered to be a single story for the purpose of calculating the floor area subject to the floor area limit.

Map A for 23.73.010 ((z))
Conservation Core



B. Exceptions to floor area limit

1. A 15 percent increase in the floor area limit is permitted for projects that meet the following conditions:

a. The project retains all the character structures existing on the lot, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B; and

b. The project includes uses that contribute to the area's recognized character as an arts district, including performing arts space or artist-studio dwellings that typically have design requirements such as nonstandard floor-to-ceiling heights that reduce the total amount of usable floor area in a structure; or

~~((c. A minimum of 50 percent of the total gross floor area of the project is housing that is affordable to and occupied by "income eligible households," as defined in Section 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the housing remains available to these households for a minimum of 50 years; or~~

d) c. Through the design review process a determination is made that including one or more of the following features offsets the increase in the bulk of the project and allows for a design treatment that achieves the intent of the neighborhood design guidelines better than adhering to the floor area limit that would apply without the exception:

1) A landscaped courtyard that is visible from the sidewalk and located primarily at street level on a street that is not a principal pedestrian street;

2) A through-block pedestrian corridor that connects parallel streets bounding the project, consistent with the neighborhood design guidelines; or

3) Open space at locations that support the gateway and open space concepts promoted in the neighborhood design guidelines.

2. Retaining character structures on a lot. A 25 percent increase in the floor area limit established in subsection 23.73.010.A is permitted for a project that retains all the character structures on the same lot according to the provisions in Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B. Any increase in floor area permitted according to this subsection 23.73.010.B.2 shall not be combined with any other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.3.

3. A 25 percent increase in the floor area limit is permitted on a lot that qualifies as a receiving site for a project that adds floor area through the use of TDP as permitted by Section 23.73.024, provided that the amount of floor area added through the use of TDP is equivalent to at least 0.25 FAR, as calculated for the receiving site. Any increase in floor area permitted according to this subsection 23.73.010.B.3 shall not be combined with any other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.2.

C. Exempt floor area. The following is not included in calculating floor area subject to the floor area limit:

1. Floor area within an existing character structure either on the lot or an abutting lot within the same development site if the entire character structure is retained according to the provisions of subsection 23.73.024.C.4.

2. For a project that retains an entire character structure on the lot according to the requirements of subsection 23.73.024.C.4, any floor area in a portion of the new structure that extends or cantilevers over the character structure; provided that the new structure does not alter

the envelope or interior of the character structure. Connections between the new structure and the facades of the retained character structure that do not face a public street are allowed.

Section ~~406105~~. Section 23.73.014 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.73.014 Height exceptions

A. Height exception for street-level uses. In zones with a mapped height limit of ~~((65))~~ 75 feet, an additional 4 feet of height above the height limit of the zone is allowed for structures that include uses listed as required street-level uses in subsection 23.47A.005.D.1 or live-work use if the following conditions are met:

1. The floor-to-ceiling height of the street-level uses or live-work units located at street level is 13 feet or more, except when a character structure is retained according to Section 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of the character structure need not exceed the original floor-to-ceiling height of the character structure;

2. The additional height will not permit an additional story to be built beyond the number that could be built under a ~~((65-foot))~~ 75-foot height limit; and

3. The transparency requirements for street-facing facades in subsection 23.47A.008.B.2 are met for the portion of the street-facing facades between 2 feet and 12 feet above the sidewalk. Only clear or lightly-tinted glass shall be considered transparent. For a character structure that is retained in a new project according to Section 23.73.015, measurement for required transparency of the street-facing facades of the character structure shall be according to the provisions of subsection 23.86.026.B.

B. Height exception for lots that include a character structure. In zones with a ~~((65-foot))~~
75-foot mapped height limit, ~~((or with a 40-foot mapped height limit with provisions allowing~~
~~for additional height up to 65 feet according to subsection 23.47A.012.A,))~~ 10 feet of additional
height is allowed above the ~~((65-foot))~~ 75-foot height limit if the following requirements are met:

1. The lot includes a character structure and all character structures on the lot are
retained according to the provisions of Section 23.73.015, unless a departure is approved through
the design review process to allow removal of a character structure based on the provisions of
subsection 23.41.012.B;

2. The additional floor area above the ~~((65))~~ 75-foot height limit is occupied
solely by residential use, except as otherwise permitted by subsection 23.73.014.B.3; and

3. ~~((A))~~ In a project that is permitted the FAR of the underlying zone for non-
residential uses under subsection ~~((23.73.009.B may be allowed to occupy the))~~ 23.73.009.C,
additional floor area permitted above the ~~((65-foot))~~ 75-foot height limit under this subsection
23.73.014.B may be occupied by non-residential uses if a departure is approved through the
design review process, provided that there is no additional increase in the FAR for non-
residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a
departure shall be based on a determination that the additional height will result in a better design
treatment and accommodate features that promote the development objectives of the Pike/Pine
Conservation Overlay District by:

a. Maintaining greater portions of existing character structures on the lot
through design treatments that exceed the minimum standards of subsection 23.73.015.A,
retaining an entire character structure, or retaining a large number of character structures if the

number and siting of the structures pose severe limitations on the amount of floor area that can be achieved in the new project within the applicable height limit; or

b. Providing space for features that enhance pedestrian circulation and walkability in the area, such as ~~((though))~~ through-block pedestrian corridors, or open spaces at locations that support the gateway and open space concepts promoted in the neighborhood design guidelines; or

c. Accommodating uses, such as theater space or arts facilities that support the area's arts and culture function but that may have special spatial needs that require additional design flexibility to incorporate them into the project, provided the uses are maintained for the life of the project as provided for in a recorded covenant approved by the Director.

C. Height exception for character structure TDP receiving sites. A height exception for character structure TDP receiving sites is allowed according to subsection 23.73.024.B.

D. If a project uses more than one of the height exceptions permitted by this Section 23.73.014, the maximum height shall be the height permitted by the exception allowing the greatest height increase.

E. Additional height for rooftop features. For structures using the height exceptions specified in this Section 23.73.014, additional height is permitted above the maximum height allowed by the exception to accommodate rooftop features as permitted under subsection 23.47A.012.C.

Section ~~497~~106. Section 23.73.024 of the Seattle Municipal Code, last amended by Ordinance ~~125429~~125603, is amended as follows:

23.73.024 Transfer of development potential

A. General standards for the transfer of development potential (TDP) within the
Pike/Pine Conservation Overlay District ((-))

1. For a lot located in an ((~~NC3P-65~~)) NC3P-75 zone within the Pike/Pine
Conservation Overlay District shown on Map A for 23.73.004, an applicant may use TDP to
obtain any of the following:

a. A floor area exemption for residential and live-work unit floor area, as
permitted under subsection ((~~23.73.009.C.3~~)) 23.73.009.D.3;

b. A height exception to allows an additional 10 feet above the ((~~65~~)) 75-
foot height limit; and

c. A 25 percent increase in the floor area limit as provided in subsection
23.73.010.B.3.

2. Within the Conservation Core shown on Map A for 23.73.010, a lot that is an
eligible sending site meeting the provisions of subsection 23.73.024.C may transfer development
potential to any lot that is an eligible receiving site meeting the provisions of subsection
23.73.024.B. Eligible receiving sites may only gain development potential from eligible sending
sites that are also located within the Conservation Core.

3. Development potential may not be transferred from one lot to another except as
allowed by this Chapter 23.73.

4. Development potential may be transferred from eligible sending sites meeting
the provisions of subsection 23.73.024.C to locations outside the Pike/Pine Conservation Overlay
District if TDP transfer to specifically identified areas or lots is authorized by City ordinance.

B. Standards for character structure TDP receiving sites. A lot must meet the following conditions in order to be eligible to achieve extra residential floor area through TDP:

1. TDP receiving sites shall be located in an (~~NC3P-65~~) NC3P-75 zone within the Pike/Pine Conservation Overlay District, provided that:

a. Development of the receiving site shall not result in the demolition of a structure designated as a (~~landmark~~) Landmark according to Chapter 25.12 or its alteration in a manner that is inconsistent with Chapter 25.12 or an ordinance imposing controls on the (~~landmark~~) Landmark structure.

b. Development on the lot that is the receiving site shall not result in the demolition or significant alteration of a character structure that is not a designated (~~landmark~~) Landmark and that has existed on the site since January 18, 2012, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B. For the purposes of this subsection 23.73.024.B.1.b, significant alterations to a character structure would result in conditions that would preclude compliance with the minimum requirements of subsection 23.73.024.C.4.

2. An additional 10 feet in height above the height limit of the zone is permitted on a lot that is an eligible TDP receiving site.

3. Any residential and live-work floor area that is exempt from the FAR limit as allowed by subsection (~~23.73.009.C.3~~) 23.73.009.D.3, or any floor area that exceeds the maximum floor area limit as allowed under subsection 23.73.010.B.3, or that is located above (~~65~~) 75 feet in height shall be achieved through the use of TDP.

4. Floor area gained through the use of TDP shall be for residential and live-work unit use only.

5. For a structure that achieves an increase in height through the use of TDP, the minimum ~~((street level))~~ street-level floor-to-ceiling height is 13 feet.

6. TDP required before construction. No permit after the first building permit, and in any event no permit for construction activity other than excavating or shoring, and no permit for occupying existing floor area by any use based on TDP; will be issued for development that includes TDP until the applicant has demonstrated possession of TDP to the Director's satisfaction.

* * *

Section ~~198~~107. Section 23.74.010 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.74.010 Development standards

A. Within the Stadium Transition Area Overlay District, the following development standards apply to all uses and structures except for spectator sports facilities:

1. Accessory ~~((Parking and Outdoor Storage.))~~ parking and outdoor storage

a. Accessory parking or outdoor storage on any lot to the side of a structure on that lot shall not exceed ~~((sixty (60)))~~ 60 feet of street frontage along 1st Avenue South or along Occidental Avenue South, and may not be located within the first ~~((forty (40)))~~ 40 feet from any intersection described in ~~((Section 23.74.010 C))~~ subsection 23.74.010.C.

Parking shall be screened in accordance with screening standards for Class II Pedestrian Streets in downtown zones.

b. The maximum parking ratio is one ~~((4))~~ space per ~~((six hundred fifty (650)))~~ 650 square feet of gross floor area of all uses for which required parking is expressed in terms of square footage, except for institutions for which minimum parking requirements apply,

and except for parking accessory to a spectator sports facility or exhibition hall. Nonrequired parking accessory to a spectator sports facility or exhibition hall is not permitted in the overlay district.

2. Curb cuts. Curb cuts are limited to three ~~((3))~~ per block front along north-south streets and Railroad Way South within the area described in subsection ~~((C of this section))~~ 23.74.010.C. No curb cuts are allowed within the first ~~((forty (40)))~~ 40 feet from any intersection described in subsection ~~((C of this section))~~ 23.74.010.C. On east-west streets outside the area described in subsection ~~((C of this section))~~ 23.74.010.C, curb cuts are limited to two ~~((2))~~ per block front. On east-west streets, additional curb cuts may be allowed if no other access is possible, including in the ~~((forty (40)))~~ 40 feet from intersections described in subsection ~~((C of this section))~~ 23.74.010.C.

B. For the areas marked on Map A for 23.74.010, the following development standards and provisions apply to all uses and structures except for spectator sports facilities:

1. Floor ~~((Area Ratio))~~ area ratio (FAR) and floor area limits ~~((:))~~

a. The maximum FAR for all uses is ~~((3.0))~~ 3.25. FAR limits of the underlying zone do not apply, ~~((, but))~~

b. The gross floor area limits for certain uses in subsection 23.50.027.A.1, ~~((on gross floor area of certain uses,))~~ including limits based on lot area, do apply.

2. Exemptions. ~~((The))~~ In addition to the FAR exemptions in subsection 23.50.028.E, the first 75,000 square feet of street-level general sales and service, medical services, animal shelters or kennels, automotive sales and services, marine sales and services, eating and drinking establishments, or lodging uses on any lot are exempt from the maximum FAR limit. ~~((Exemptions in subsection 23.50.028.E also apply.))~~

1 C. Pedestrian environment. The following development standards apply to each use and
2 structure, except spectator sports facilities, to the extent that the use or structure either is on a lot
3 fronting on Railroad Way South, First Avenue South, South Holgate between First Avenue
4 South and Occidental Avenue South, or Occidental Avenue South, or is within a 40-foot radius
5 measured from any of the block corners of First Avenue South or Occidental Avenue South
6 intersecting with the following streets: Railroad Way South, South Royal Brougham, South
7 Atlantic, South Massachusetts, South Holgate, and any other streets intersecting with First
8 Avenue or Occidental Avenue South that may be established between South Holgate Street and
9 Railroad Way South, as depicted in Map A for 23.74.010. Railroad Way South, First Avenue
10 South, South Holgate Street, and Occidental Avenue South within the Stadium Transition Area
11 Overlay District, and all street areas within a 40-foot radius of any of those block corners
12 described above, are referred to in this Section 23.74.010 as the “pedestrian environment,”
13 except that in applying this Section 23.74.010 to a through lot abutting on Occidental Avenue
14 South and on First Avenue South, Occidental Avenue South is not considered part of the
15 pedestrian environment.

16 1. (~~Street Facade Requirements~~) Street-facing facade requirements. The
17 following requirements apply to street-facing facades or portions thereof facing streets or
18 portions of streets in the pedestrian environment:

19 a. Minimum (~~Facade Height~~) facade height. Minimum facade height is
20 25 feet, but minimum facade heights do not apply if all portions of the structure are lower than
21 the elevation of the required minimum facade height.

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

1) Within the first 25 feet of height measured from sidewalk grade, all building facades must be built to within 2 feet of the street property line for the entire facade length. For purposes of this subsection 23.74.010.C.1.b, balcony railings and other nonstructural features or nonstructural walls are not considered parts of the facade of the structure.

2) Above 25 feet measured from sidewalk grade, the maximum setback is 10 feet, and no single setback area that is deeper than 2 feet shall be wider than 20 feet, measured parallel to the street property line.

3) The facade shall return to within 2 feet of the street property line for a minimum of 10 feet, measured parallel to the street property line, between any two setback areas that are deeper than 2 feet.

2. Outdoor (~~((Service Areas))~~) service areas. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling are not allowed between any structure and the pedestrian environment area described in this Section 23.74.010. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling must be located behind or to the side of a gas station, as viewed from any street in such pedestrian environment and are not allowed between any structure on the same lot and the pedestrian environment area described in this Section 23.74.010.

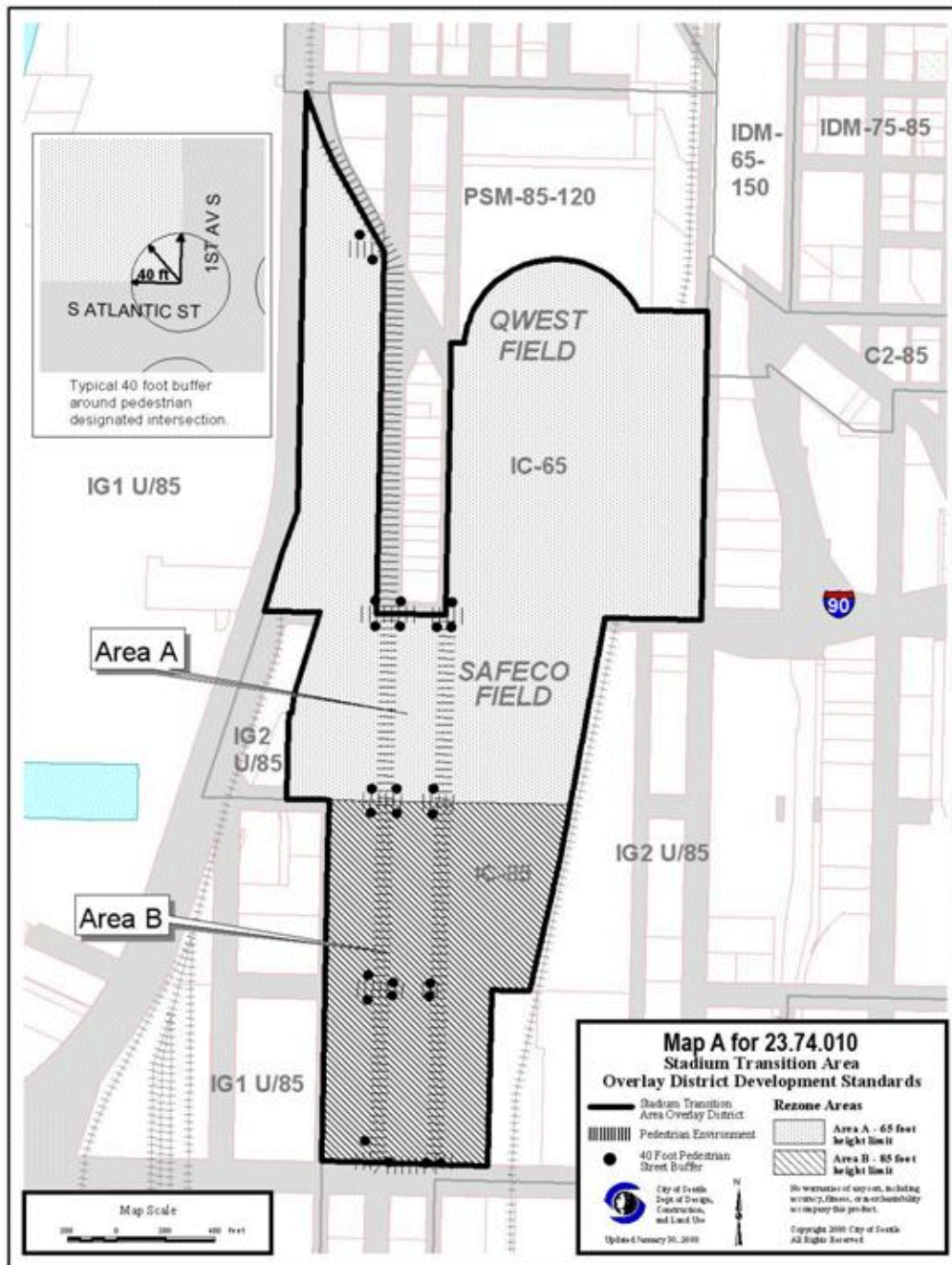
3. Screening and (~~((Landscaping))~~) landscaping. The requirements of Sections 23.50.016, 23.50.034, and 23.50.038, including requirements contingent on location near a commercial zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on location near a residential lot do not apply. In addition, the screening and landscaping requirements for outdoor storage in subsection 23.47A.016.D.2 apply, with respect

to street lot lines abutting the pedestrian environment, to the following uses, where a principal or accessory use is located outdoors: outdoor storage (except for outdoor storage associated with florists and horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of large boats, dry boat storage, heavy commercial sales (except for fuel sales), heavy commercial services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse, transportation facilities (except for rail transit facilities), utilities (except for utility service uses), and light and general manufacturing.

4. Blank facades, ~~((and Transparency Requirements))~~ transparency requirements, street trees, and screening. In addition to the blank facade requirements of subsection 23.50.038.B, the blank ~~((facade))~~ facade limits and transparency and street tree requirements of subsections 23.49.056.C, 23.49.056.D, and 23.49.056.E, and the screening of parking requirements of subsection 23.49.019.B apply to facades or portions thereof facing streets in the pedestrian environment, except that requirements for Class I Pedestrian Streets and designated green streets do not apply.

5. Principal ~~((Pedestrian Entrances))~~ pedestrian entrances. A principal pedestrian entrance to a structure having a facade along Railroad Way South, First Avenue South, or Occidental Avenue South shall be located on Railroad Way South, First Avenue South, or Occidental Avenue South, respectively. If the structure has facades along both First Avenue South and Occidental Avenue South, a principal pedestrian entrance is required only on First Avenue South.

Map A for 23.74.010
Stadium Transition Area Overlay District development standards



Section ~~499~~108. Subsection 23.76.060.C of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.76.060 Expiration and extension of Council land use decisions

* * *

C. Contract (~~(Rezones-)~~) rezones

1. The provisions of this (~~(section)~~) subsection 23.76.060.C.1 apply except as otherwise provided in the Council decision on a contract rezone. (~~(a-)~~) A zoning designation established by a contract rezone shall expire three years after the date of the Council action approving the rezone, except as follows:

~~((1-))~~ a. If, prior to the end of the three-year period, a complete application is filed for a Master Use Permit to establish a use on the rezoned property, the zoning designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the application is made so long as that application remains pending. The zoning designation shall expire immediately upon any cancellation of the application that occurs after the end of the three-year period, unless another such application filed before the end of that period is pending at the time of such cancellation;

~~((2-))~~ b. If a Master Use Permit is issued based on an application that is sufficient to extend the three-year period under subsection (~~((23.76.060.C.1.a.1-))~~) 23.76.060.C.1.a, then the zoning designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the permit is issued unless and until the Master Use Permit expires without a certificate of occupancy having been issued for any structure constructed or altered for a use authorized by any such Master Use Permit, and then shall immediately expire. If such a

certificate of occupancy is issued, then the zoning designation shall not expire pursuant to this
Section 23.76.060 for that lot or lots;

~~((3))~~ c. If only a portion of the rezoned property is the subject of a
particular application or Master Use Permit, then the zoning designation shall expire as to the
other portions of the rezoned property at the same time as if that application had not been made
or that permit not issued, as the case may be.

2. When a contract rezone expires, the Official Land Use Map is automatically
amended so the zoning designation in effect immediately prior to the contract rezone applies to
the subject property, except to the extent otherwise expressly provided by ordinance. The
Director shall file a notice of expiration with the City Clerk and with the King County Recorder
and shall cause the reversion to the former designation to be shown on published land use maps,
but the expiration shall be effective notwithstanding any failure to make such filing or to reflect
such expiration in any published information. Unless expressly stated otherwise in any property
use and development agreement (PUDA) recorded in connection with a rezone, if the zoning
designation expires as to all property subject to the PUDA, then all restrictions and requirements
in the PUDA shall terminate.

3. Regardless of whether the time period for expiration has elapsed or a certificate
of occupancy has been issued as described in subsection ~~((23.76.060.C.1.a.2))~~ 23.76.060.C.1.b,
the zoning designation established by a contract rezone shall no longer be in effect upon the
effective date of a subsequent rezoning by the Council of the subject property, either through a
site-specific rezone or as part of an area-wide rezone.

a. Effective on or after the effective date of such subsequent rezoning of
all property subject to a PUDA recorded in connection with the prior rezone, some or all of that

property may be released from some or all of the conditions of the PUDA if the release is authorized by ordinance. Such release may be authorized without following the PUDA amendment procedures in Section 23.76.058, except that notice and a comment period shall be provided pursuant to subsection 23.76.058.C.3. In making the decision whether to release all or part of the PUDA, the Council shall consider factors such as:

~~((a. whether))~~ 1) Whether any of the property subject to the PUDA has been or may still be developed in a manner that was permitted under the designation established by the contract rezone and would not be permitted under the subsequent rezoning; and

~~((b. the))~~ 2) The extent to which any terms of the PUDA as applied to the subsequently rezoned property are relevant to the impacts of any development of that property occurring subsequent to the PUDA.

b. Effective on or after the effective date of such subsequent rezoning of all property subject to a PUDA recorded in connection with the prior rezone, if the subsequent rezone is to a zone with a mandatory housing affordability suffix, the property shall be released, without authorization by ordinance, from all of the conditions of a PUDA that was accepted prior to January 1, 2016, if the Director finds as a Type I decision as part of a Master Use Permit or building permit for a development proposal that the conditions of the PUDA are limited to one or more of the provisions listed in subsections 23.76.060.C.3.b.1 through 23.76.060.C.3.b.4.

1) Provisions requiring development of the property to comply with the permit for an associated development proposal, once issued.

2) Provisions establishing limitations on maximum floor area or height.

the conditions in the PUDA.

development.

* * *

last amended by Ordinance ~~124843~~125681, is amended as follows:

23.84A.002 “A”

* * *

general public.

* * *

Ordinance 125267, is amended as follows:

23.84A.048 “Z”

* * *

classification that includes any of the following: SF_5000, SF_7200, ~~((and))~~ SF_9600, and RSL.

family” also shall include any zone with a classification that includes RSL, which classification
also may include one or more suffixes.))

Section ~~12.111~~. Section 23.86.002 of the Seattle Municipal Code, last amended by
Ordinance ~~124803~~ 125603, is amended as follows:

23.86.002 General provisions

A. For all calculations, the applicant shall be responsible for supplying drawings
illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient
detail to allow verification upon inspection or examination by the Director.

B. Fractions ~~((+))~~

~~1. When~~ 1. Unless otherwise indicated, if any measurement technique for
determining the number of items required or allowed, including but not limited to motor vehicle
parking ~~or bicycle spaces~~, or required trees or shrubs, results in fractional requirements, any
fraction up to and including 0.5 of the applicable unit of measurement shall be disregarded and
fractions over 0.5 shall require the next higher full unit of measurement.

~~2. When~~ If any measurement technique for determining required minimum or
allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage,
open space, building depth, parking space size, or curb cut width, results in fractional
requirements, the dimension shall be measured to the nearest inch. Any fraction up to and
including 0.5 of an inch shall be disregarded and fractions over 0.5 of an inch shall require the
next higher unit.

3. Except within Lowrise (~~multi-family~~) and RSL zones, if density calculations
result in a fraction of a unit, any fraction up to and including 0.5 constitutes zero additional units,
and any fraction over 0.5 constitutes one additional unit. Within Lowrise (~~multi-family~~) zones,

the effect of a density calculation that results in a fraction of a unit is as described in ((~~Table A~~
~~for~~)) Section 23.45.512. Within RSL zones, the effect of a density calculation that results in a
fraction of a unit is as described in Section 23.44.017. This provision may not be applied to
density calculations that result in a quotient less than one.

* * *

Section ~~43112~~. Section 23.86.007 of the Seattle Municipal Code, last amended by
Ordinance ~~425272~~ 125603, is amended as follows:

23.86.007 ((~~Gross floor~~)) Floor area and floor area ratio (FAR) measurement

A. ((~~Certain items may be exempted from calculation of gross floor area of a structure.~~))

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 parking that is enclosed or covered by a structure or portion of a
structure.

B. Net unit area. Where development standards refer to net unit area, net unit area shall
include all floor area bounded by the inside surface of the perimeter walls of the unit, as
measured at the floor line. Net unit area excludes spaces shared by multiple units and accessible
to all building occupants such as common hallways or lobbies. Net unit area includes any walls
internal to the unit.

C. Underground floor area. Except as otherwise expressly provided in this Title 23, if gross floor area ~~((of underground))~~ in stories, or portions of stories, that are underground is exempted from a calculation, the amount of ~~((below grade))~~ underground gross floor area exempted is measured as follows:

1. ~~((An underground story is that))~~ A story or portion of a story ~~((for which))~~ is considered underground if the ceiling above, or the roof surface if there is no next floor above, is at or below the abutting existing or finished grade, whichever is lower (See Exhibit A for 23.86.007).

2. To determine the amount of gross floor area that is ~~((below grade))~~ underground:

a. ~~((determine))~~ Determine the elevation of the ceiling of the underground story, or the roof surface if there is no next floor above the underground story;

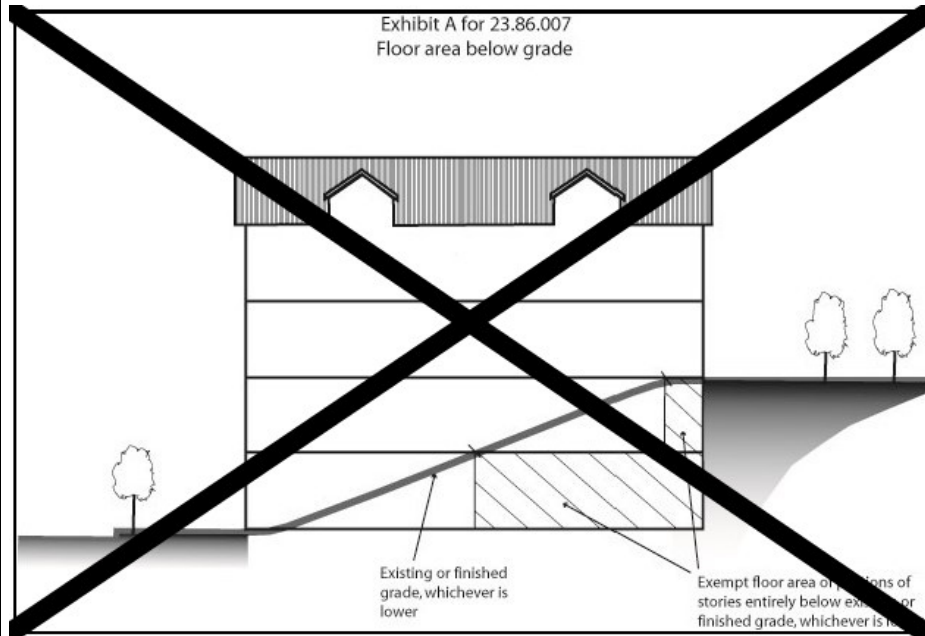
b. ~~((determine))~~ Determine the points along the exterior wall of the story where the ceiling elevation or roof surface elevation above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

c. ~~((draw))~~ Draw a straight line across the story connecting the two points on the exterior walls;

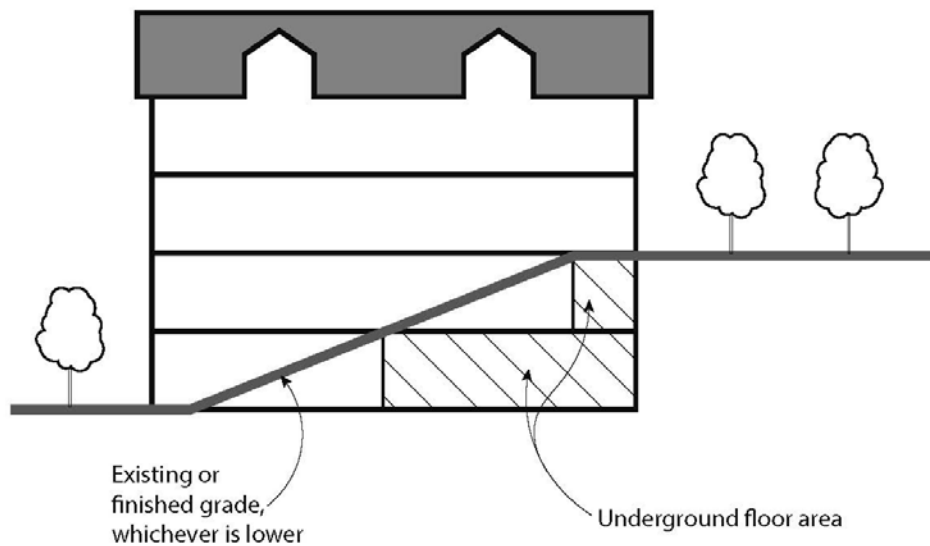
d. ~~((the))~~ The gross floor area ~~((of an underground story or portion of an underground story))~~ in stories, or portions of stories, that are underground is the area that is at or below the straight line drawn in subsection ~~((23.86.007.A.2.c above))~~ 23.86.007.C.2.c.

Exhibit A for 23.86.007

~~((Floor area below grade))~~ Underground floor area



**Exhibit A for 23.86.007
Underground floor area**



1 ((B)) D. Pursuant to subsections ~~23.44.011.C, ((23.45.510.E)) and 23.45.510.D,~~
2 ~~((23.47A.013.D))~~ 23.44.011.C, 23.45.510.D, and 23.47A.013.B, and Section 23.48.009.D020,
3 for certain structures in RSL, multifamily, commercial, and Seattle Mixed zones, portions of a
4 story that extend no more than 4 feet above existing or finished grade, whichever is lower, are
5 exempt from calculation of gross floor area. The exempt gross floor area of such partially below-
6 grade stories is measured as follows:

7 1. ~~((determine))~~ Determine the elevation 4 feet below the ceiling of the partially
8 below-grade story, or 4 feet below the roof surface if there is no next floor above the partially
9 below-grade story;

10 2. ~~((determine))~~ Determine the points along the exterior wall of the story where
11 the elevation determined in subsection ~~((23.86.007.B.1))~~ 23.86.007.D.1 above intersects the
12 abutting corresponding existing or finished grade elevation, whichever is lower;

13 3. ~~((draw))~~ Draw a straight line across the story connecting the two points on the
14 exterior walls; and

15 4. ~~((the))~~ The gross floor area of the partially below-grade story or portion of a
16 partially below-grade story is the area of the story that is at or below the straight line drawn in
17 subsection ~~((23.86.007.B.3 above))~~ 23.86.007.D.3 ~~above~~, excluding openings required by the
18 Building Code for egress. (See Exhibit B for 23.86.007~~7.1~~ ((7.1)))

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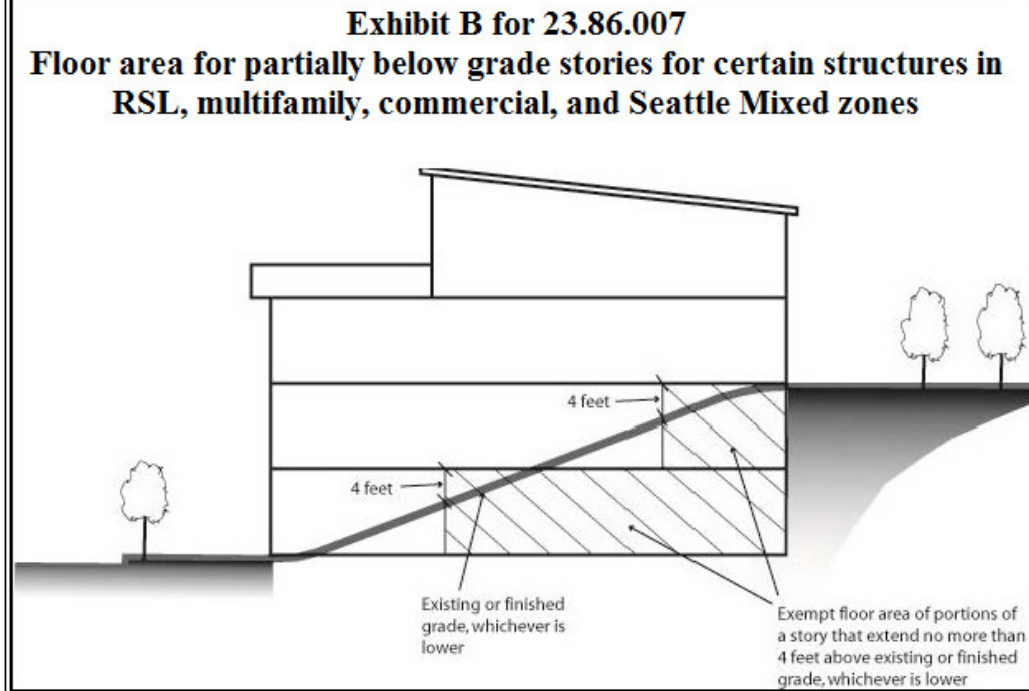
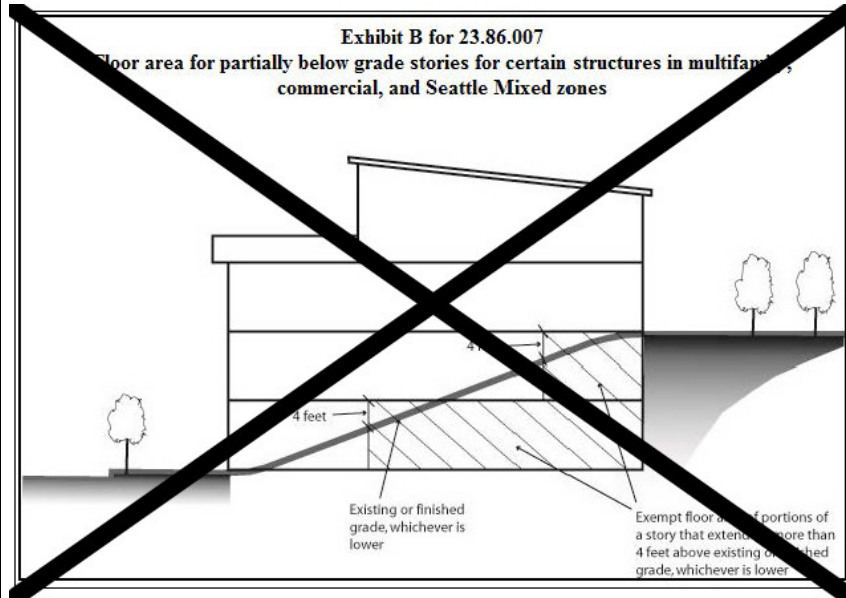
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Exhibit B for 23.86.007

Floor area for partially below grade stories for certain structures in RSL, multifamily, commercial, and Seattle Mixed zones

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

5 ((D)) F. If a lot is in more than one zone, the FAR limit for each zone applies to the
6 portion of the lot located in that zone, except that if the sole difference between the zoning
7 designations for portions of a lot is the base FAR, allowable floor area based on the calculations
8 for the separate portions of the lot may be provided on the lot, and except that, if both zones are
9 LR zones or both zones are either C or NC zones, then the allowed total floor area may be
10 located anywhere on the lot.

11 ((E. In LR zones, if more than one category of residential use is located on a lot, the FAR
12 limit for each category of residential use is based on each category's percentage of total structure
13 footprint area, as follows:

14 1. Calculate the footprint, in square feet, for each category of residential use. For
15 purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior
16 walls of the structure.

17 2. Calculate the total square feet of footprint of all categories of residential uses
18 on the lot.

19 3. Divide the square footage of the footprint for each category of residential
20 structure in subsection 23.86.007.E.1 above by the total square feet of footprints of all residential
21 uses in subsection 23.86.007.E.2 above.

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~~4. Multiply the percentage calculated in subsection 23.86.007.E.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.~~

~~5. The FAR limit for each category of residential use is the applicable one for that use multiplied by the percentage calculated in subsection 23.86.007.E.4.~~

~~6. If the FAR limit for all categories of residential use on the lot is the same, then the FAR limit is calculated as if there was only one category of residential use on the lot.~~

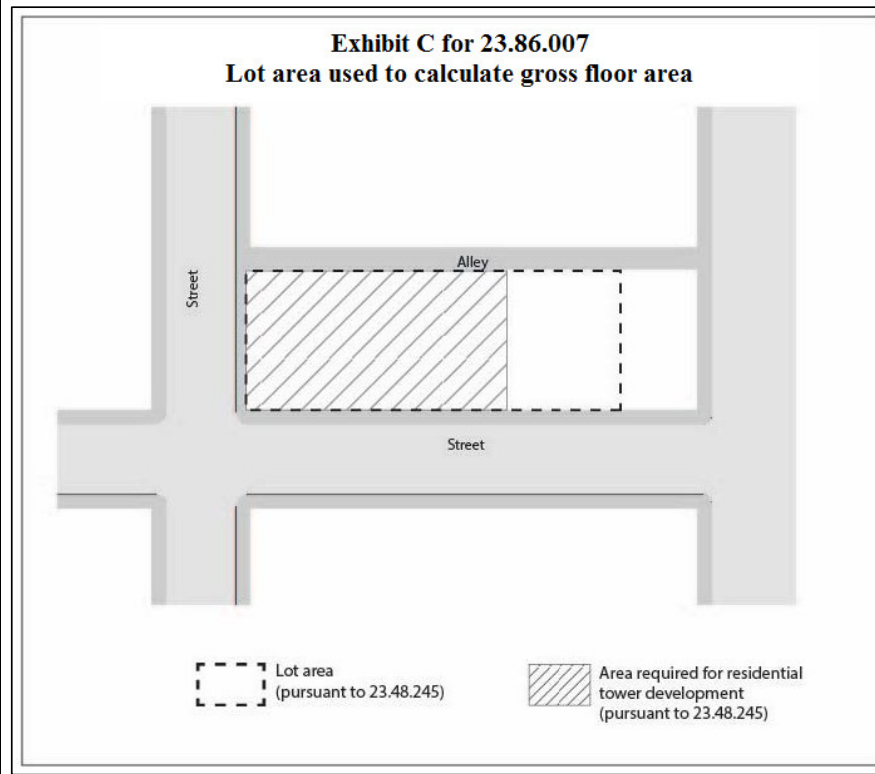
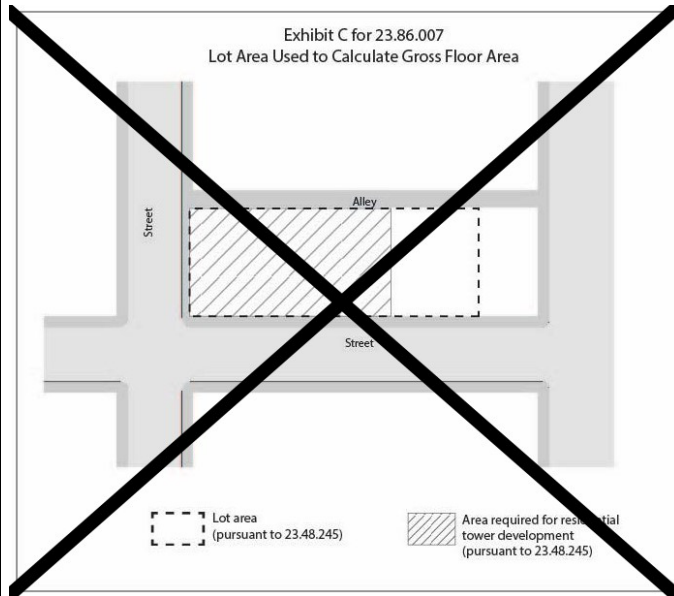
~~7. FAR contained in structures built prior to January 1, 1982 as single family dwelling units meeting the requirements of subsection 23.45.510.E.3 is not included in the calculation of the FAR limit.~~

F)) G. In ((~~the~~)) SM-SLU zones, the lot area used to calculate the gross floor area (GFA) allowed for structures or portions of structures subject to an FAR limit on sites that include a residential tower shall be based on the area of the lot excluding the lot area required for tower development (see Exhibit C for 23.86.007) as follows:

$$(\text{Lot area} - \text{Area required for tower development}) \times \text{FAR} = \text{Allowed GFA}$$

Exhibit C for 23.86.007

Lot Area Used to Calculate Gross Floor Area



Section ~~11.113~~ 113. Section 23.86.012 of the Seattle Municipal Code, last amended by Ordinance 125081, is amended as follows:

23.86.012 Multifamily and commercial zone setback measurement

* * *

C. Upper-level setback

a. Upper-level setbacks apply only to portions of structures that occur above the height at which the setback begins.

b. For upper-level setbacks required from a street lot line, the height at which the setback begins is measured at all points along the street lot line from sidewalk grade or, if there is no sidewalk, from finished grade at the street lot line.

c. For upper-level setbacks required from other lot lines, the height at which the setback begins is measured at all points along the lot line from the finished grade where the wall meets the grade or, if the structure is cantilevered or posted, where the downward projection of the portion of the structure that is cantilevered or posted meets the grade.

Section ~~11.114~~ 114. Subsection 23.86.014.C of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.86.014 Structure width measurement

* * *

C. Portions of a structure that are not considered part of the principal structure for the purpose of measuring structure width are as follows:

1. The first 4 feet of eaves, cornices, and gutters that project from an exterior wall;
2. The first 18 inches of chimneys that project from an exterior wall;

3. Attached solar greenhouses meeting minimum energy standards administered
by the Director;

4. The first 4 feet of unenclosed decks, balconies, and porches, unless located on
the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1;

5. Arbors, trellises, and similar features; and

6. In ~~((Lowrise))~~ LR zones, portions of a structure that are exempt from FAR
limits pursuant to subsection ~~((23.45.510.E.5))~~ 23.45.510.D.5.

Section ~~46115~~. Subsection 23.86.015.C of the Seattle Municipal Code, which section
was enacted by Ordinance 123495, is amended as follows:

23.86.015 Maximum facade length measurement

* * *

C. Portions of a structure that are not included in facade length measurement include:

1. Eaves, cornices, and gutters;

2. The first 18 inches of chimneys that project from an exterior wall;

3. Attached solar greenhouses meeting minimum energy standards administered
by the Director;

4. The first 4 feet of unenclosed decks, balconies, and porches, unless located on
the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1;

5. Arbors, trellises, and similar features; and

6. In ~~((Lowrise))~~ LR zones, portions of a structure that are exempt from FAR
limits pursuant to subsection 23.45.510.~~((23.45.510.E.5))~~D.5.

Section ~~47~~116. Subsections 23.86.016.B and 23.86.016.C of the Seattle Municipal Code, which section was last amended by Ordinance 124843, are amended as follows:

23.86.016 Structure and lot depth measurement

* * *

B. Portions of a structure considered part of the principal structure for the purpose of measuring structure depth are as follows:

1. Carports and garages attached to the principal structure, unless they are attached by a structural feature not counted in structure depth under subsection 23.86.016.C;
2. Accessory structures, other than carports and garages, that are not listed in subsection 23.86.016.C, if they are less than 3 feet from the principal structure at any point;
3. Exterior corridors, hallways, and open, above-grade walkways;
4. Enclosed porches, decks, balconies, and other enclosed projections; (~~except as provided in subsection 23.43.008.C;~~) and
5. Projecting segments of a facade unless they are not counted in structure depth in subsection 23.86.016.C.

C. Portions of a structure that are not considered part of the principal structure for the purpose of measuring structure depth are as follows:

1. The first 4 feet of eaves, cornices, and gutters that project from an exterior wall;
2. The first 18 inches of chimneys that project from an exterior wall;
3. Attached solar greenhouses meeting minimum energy standards administered by the Director;

4. The first 4 feet of unenclosed decks, balconies, and porches, unless located on the roof of an attached garage or carport included in structure depth in subsection ~~((23.86.014.B))~~ 23.86.014.B.1;

5. Arbors, trellises, and similar features; and

6. In ~~((Lowrise))~~ LR3 zones in the Northgate Overlay District, portions of a structure that are exempt from FAR limits pursuant to subsection ~~((23.45.510.E.5))~~ 23.45.510.D.5.

* * *

Section ~~118~~117. Section 23.86.019 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.86.019 Green Factor measurement

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, use of drought-tolerant plants, and access to light and air for plants. The Green Factor score shall be calculated as follows:

1. Identify all proposed landscape elements, sorted into the categories presented in Table A for ~~((Section))~~ 23.86.019.

2. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A for ~~((Section))~~ 23.86.019, according to the following provisions:

a. If multiple elements listed on Table A for ((~~Section~~)) 23.86.019 occupy the same area (for example, groundcover under a tree), count the full square footage or equivalent square footage of each element.

b. Landscaping elements in the right-of-way between the lot line and the roadway may be counted, provided that they are approved by the Director of the Department of Transportation.

c. Elements listed in Table A for ((~~Section~~)) 23.86.019 that are provided to satisfy any other requirements of this ((~~Code~~)) Title 23 may be counted.

d. For trees, large shrubs, and large perennials, use the equivalent square footage of each tree or shrub according to Table B for ((~~Section~~)) 23.86.019.

e. For vegetated walls, use the square footage of the portion of the wall covered by vegetation. All vegetated wall structures, including fences counted as vegetated walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

f. For all elements other than trees, large shrubs, large perennials, and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that lies over or under the element.

g. All permeable paving and structural soil credits together may not count for more than one third of the lot's Green Factor score.

3. Add together all the products calculated under subsection 23.86.019.A.2 to determine the Green Factor numerator.

4. Divide the Green Factor numerator by the lot area to determine the Green Factor score.

((Table A for Section 23.86.019: Green Factor Landscape Elements))

Table A for 23.86.019	
Green Factor landscape elements	
Green Factor ((Landscape Elements)) landscape elements	Multiplier
A. Planted ((Areas)) areas (choose one of the following for each planting area)	
((1. Planted areas with a soil depth of less than 24 inches	0.4))
((2)) 1. Planted areas with a soil depth of 24 inches or more:	0.6
((3)) 2. Bioretention facilities meeting standards of the Stormwater Code, Title 22, Subtitle VIII ((of the Seattle Municipal Code))	1.0
B. Plants	
1. Mulch, ground covers, or other plants normally expected to be less than 2 feet tall at maturity((-))	0.1
2. ((Large)) <u>Medium</u> shrubs or other perennials at least 2 feet tall, <u>but less than 4 feet tall</u> , at maturity	0.3
<u>3. Large shrubs or other perennials at least 4 feet tall at maturity</u>	<u>0.3</u>
((3)) 4. Small trees	0.3
((4)) 5. Small/medium trees	((0.3)) 0.5
((5)) 6. Medium/large trees	((0.4)) 0.7
((6)) 7. Large trees	((0.4)) 0.9
((7)) 8. Preservation of existing ((large)) trees at least 6 inches in diameter at breast height	((0.8)) 1.0
C. Green roofs	
1. Planted over at least 2 inches but less than 4 inches of growth medium	0.4
2. Planted over at least 4 inches <u>but less than 8 inches</u> of growth medium	((0.7)) 0.6
3. Planted over at least 8 inches of <u>growth medium</u>	<u>0.8</u>
D. Vegetated walls in C and NC zones only	((0.7)) 0.4
((E. Water features using harvested rainwater and under water at least six months per year	0.7))
((F)) E. Permeable paving	
1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.2
2. Installed over at least 24 inches of soil and/or gravel	0.5
((G)) F. Structural soil	((0.2)) 0.5
((H)) G. Bonuses applied to Green Factor landscape elements:	
1. Landscaping that consists entirely of drought- tolerant or native plant species	0.1
2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater	0.2
3. Landscaping visible from adjacent rights-of-way or public open space	((0.4)) 0.2

Table A for 23.86.019	
Green Factor landscape elements	
Green Factor ((Landscape Elements)) <u>landscape elements</u>	Multiplier
4. Landscaping in food cultivation	0.1

**((~~Table B for Section 23.86.019~~
 Equivalent square footage of trees and large shrubs))**

Table B for 23.86.019	
Equivalent square footage of trees and large shrubs	
Landscape ((Elements)) <u>elements</u>	Equivalent ((Square Feet)) <u>square feet</u>
Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	9 per plant
Large shrubs or ((large)) <u>other</u> perennials at least 4 feet tall at maturity	((42 square feet)) <u>36</u> per plant
Small trees	75 ((square feet)) per tree
Small/medium trees	150 ((square feet)) per tree
Medium/large trees	250 ((square feet)) per tree
Large trees	350 ((square feet)) per tree
Existing ((large)) trees	20 ((square feet)) per inch of trunk diameter 4.5 feet above grade

Section ~~19.118~~. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 125399, is amended as follows:

23.91.002 Scope of this Chapter 23.91

A. Violations of the following provisions of this Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones ((~~Chapter 23.43~~)) (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A and a notice of violation has been issued requiring compliance with subsection 22.206.200.F;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (~~((Chapter 23.43,))~~ (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII);

3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

4. Keeping of animals (Section 23.42.052); and

[5. Reserved.]

6. The following violations of the Shoreline (~~(district)~~) District, Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction, maintenance, repair, or in operation or management of a property, into any water body (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U);

c. Conducting activity in or over water outside the allowed work windows (subsection 23.60A.152.J); and

d. Closing required public access (Section 23.60A.164).

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 119. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

25.05.800 Categorical exemptions

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

A. Minor new construction; flexible thresholds

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

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

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

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

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

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

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

Table A for 25.05.800

Exemptions for residential uses

<u>Zone</u>	<u>((Residential uses))</u>		
	<u>Number of exempt dwelling units</u>		
	<u>Outside of urban centers</u>	<u>Within urban centers where growth estimates have not been exceeded</u>	<u>Within urban centers where growth estimates have been exceeded</u>
<u>SF and RSL</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>LR1</u>	<u>4</u>	<u>200¹</u>	<u>20</u>
<u>LR2</u>	<u>6</u>	<u>200¹</u>	<u>20</u>
<u>LR3</u>	<u>8</u>	<u>200¹</u>	<u>20</u>
<u>NC1, NC2, NC3, C1, and C2</u>	<u>4</u>	<u>200¹</u>	<u>20</u>
<u>MR, HR, ((SM-SLU, SM-D, SM-U, SM-NR, and SM-UP)) and Seattle Mixed zones</u>	<u>20</u>	<u>200¹</u>	<u>20</u>
<u>MPC-YT</u>	<u>NA</u>	<u>30¹</u>	<u>20</u>
<u>Downtown zones</u>	<u>NA</u>	<u>250¹</u>	<u>20</u>
<u>Industrial zones</u>	<u>4</u>	<u>4</u>	<u>4</u>

Footnotes to Table A for 25.05.800

NA = not applicable

Urban centers are identified in the Seattle Comprehensive Plan

¹ Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

- 1 b. The construction of a barn, loafing shed, farm equipment storage
- 2 building, produce storage or packing structure, or similar agricultural structure, covering 10,000
- 3 square feet or less, and to be used only by the property owner or the property owner's agent in
- 4 the conduct of farming the property. This exemption does not apply to feed lots;
- 5 c. The construction of office, school, commercial, recreational, service, or
- 6 storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800
- 7 below:

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

Footnotes to Table B for 25.05.800

NA = not applicable

Urban centers are identified in the Seattle Comprehensive Plan

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

- 1 d. The construction of a parking lot designed for 40 or fewer automobiles,
- 2 as well as the addition of spaces to existing lots up to a total of 40 spaces;
- 3 e. Any fill or excavation of 500 cubic yards or less throughout the total
- 4 lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt
- 5 project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d
- 6 shall be exempt; ((-))
- 7 f. Mixed-use construction, including but not limited to projects combining
- 8 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
- 9 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in

combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see subsection 25.05.305.A.2.b);

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

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

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

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

* * *

Section 120. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance

120410, is amended as follows:

25.11.060 Tree protection on sites undergoing development in ~~((Single-family and Residential Small Lot))~~ single-family zones ((:))

A. Exceptional ~~((Trees:))~~ trees

1. The Director may permit a tree to be removed only if:

a. ~~((the))~~ The maximum lot coverage permitted on the site according to ~~((SMC))~~ Title 23 ~~((the Land Use Code,))~~ cannot be achieved without extending into the tree protection area or into a required front and/or rear yard to an extent greater than provided for in subsection ~~((A.2 of this section))~~ 25.11.060A.2; or

b. ~~((avoiding))~~ Avoiding development in the tree protection area would result in a portion of the house being less than ~~((fifteen (15)))~~ 15 feet in width.

2. Permitted extension into front or rear yards shall be limited to an area equal to the amount of the tree protection area not located within required yards. The maximum projection into the required front or rear yard shall be ~~((fifty (50)))~~ 50 percent of the yard requirement.

3. If the maximum lot coverage permitted on the site can be achieved without extending into either the tree protection area or required front and/or rear yards, then no such extension into required yards shall be permitted.

~~((B. Trees Over Two (2) Feet in Diameter Measured Four and One-half (4 1/2) Feet Above the Ground.~~

~~4))~~ B. Trees over ~~((two (2)))~~ 2 feet in diameter measured 4.5 feet above the ground shall be identified on site plans. ~~((2-))~~ In order to protect such trees, ~~((over two (2) feet in diameter))~~

an applicant may modify their development proposal to extend into front and/or rear yards in the same manner as provided for exceptional trees in subsection 25.11.060.A (~~of this section, above~~)).

(~~C. The development shall meet the tree requirements of Section 23.44.008 I.~~)

Section 121. 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 _____, ~~2018~~2019, and signed by me in open session in authentication of its passage this ____ day of _____, ~~2018~~2019.

President _____ of the City Council

Approved by me this _____ day of _____, ~~2018~~2019.

Jenny A. Durkan,
Mayor

Filed by me this _____ day of _____, ~~2018~~2019.

Monica Martinez Simmons, City Clerk

(Seal)

Geoff Wentlandt/Brennon Staley/Ketil Freeman/Yolanda Ho/Eric McConaghy/Aly Pennucci/Lish Whitson
OPCD MHA Citywide ORD
D4D7b

Attachments:

Attachment 1: Maps of Specific Rezone Areas

Attachment 2: Maps of Areas Excluded from Rezone