



# SEATTLE CITY COUNCIL

## Land Use and Neighborhoods Committee

### Agenda

Wednesday, December 8, 2021

9:30 AM

### Public Hearing

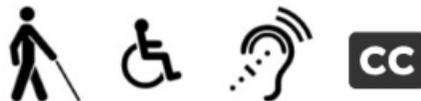
Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

Dan Strauss, Chair  
Teresa Mosqueda, Vice-Chair  
Debora Juarez, Member  
Andrew J. Lewis, Member  
Alex Pedersen, Member  
M. Lorena González, Alternate

Chair Info: 206-684-8806; [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Land Use and Neighborhoods Committee**  
**Agenda**  
**December 8, 2021 - 9:30 AM**  
**Public Hearing**

**Meeting Location:**

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

**Committee Website:**

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

*Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.*

Register online to speak during the Public Comment and Public Hearing period at the 9:30 a.m. Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Land Use and Neighborhoods Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment or Public Hearing period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov)

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

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*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

(10 minutes)

**D. Items of Business**

1. [CB 120206](#) **AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the Housing Funding Policies.**

Attachments: [Full Text : CB 120206](#)

Supporting Documents: [Summary and Fiscal Note](#)  
[Central Staff Memo](#)  
[Presentation \(12/3/21\)](#)

**Public Hearing, Discussion, and Possible Vote**

**Presenter:** Ketil Freeman, Council Central Staff

**Public Hearing**

Register online to speak during this Public Hearing at <http://www.seattle.gov/council/committees/public-comment>.

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2. [CB 120239](#) **AN ORDINANCE relating to Seattle’s construction codes; amending Sections C404.2.3, C404.2.3.1, C406.8, C406.8.1, C503.4.6, and C503.5 and Table 406.1 of the 2018 Seattle Energy Code, adopted by Ordinance 126279.**

*Supporting*

*Documents:*

[Summary and Fiscal Note](#)

[SDCI - SEPA Note to File 2018 Energy Code Amendment \(2021\)](#)

[Central Staff Memo](#)

[Presentation \(12/3/21\)](#)

**Discussion and Possible Vote** (30 minutes)

**Presenter:** Yolanda Ho, Council Central Staff

3. [CB 120215](#) **AN ORDINANCE relating to land use review decision procedures; amending Section 23.51A.002 of the Seattle Municipal Code to authorize the Director of the Seattle Department of Construction and Inspections to administratively waive development standards for minor expansions of sewage treatment plants subject to a Department of Ecology corrective order and finding an emergency under Seattle Municipal Code Section 25.05.880.**

*Supporting Documents:* [Summary and Fiscal Note](#)  
[Central Staff Memo](#)  
[Presentation \(12/3/21\)](#)

**Public Hearing, Discussion, and Possible Vote**

**Presenter:** Ketil Freeman, Council Central Staff

**Public Hearing**

Register online to speak during this Public Hearing at <http://www.seattle.gov/council/committees/public-comment>.

Sign-up registration will begin two hours before the 9:30 a.m. meeting start time and registration will end at the conclusion of the Public Hearing during the meeting. Speakers must be registered in order to be recognized by the Chair.

If you are unable to participate remotely, please submit written comments to Councilmembers Strauss at [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov).

4. [CB 120214](#) **AN ORDINANCE relating to land use and zoning; renaming Single-Family zones to Neighborhood Residential zones; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 1 through 107, 111 through 114, 117 through 126, 131 through 140, 142 through 214, and 216 through 221 of the Official Land Use Map; renaming Chapter 23.44 of the Seattle Municipal Code; and amending Sections 6.600.080, 11.16.240, 15.16.040, 15.17.100, 15.17.120, 15.17.150, 15.32.200, 15.32.300, 22.801.200, 22.900C.010, 23.04.010, 23.30.010, 23.30.030, 23.34.006, 23.34.010, 23.34.011, 23.34.012, 23.34.013, 23.34.014, 23.34.018, 23.34.072, 23.34.089, 23.40.006, 23.41.004, 23.41.008, 23.42.052, 23.42.056, 23.42.058, 23.42.106, 23.42.108, 23.42.110, 23.42.112, 23.42.122, 23.42.124, 23.42.130, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.011, 23.44.012, 23.44.013, 23.44.014, 23.44.016, 23.44.017, 23.44.019, 23.44.020, 23.44.021, 23.44.022, 23.44.024, 23.44.028, 23.44.034, 23.44.035, 23.44.036, 23.44.041, 23.44.046, 23.44.060, 23.45.514, 23.45.518, 23.45.527, 23.45.536, 23.45.550, 23.45.578, 23.47A.014, 23.47A.040, 23.50.024, 23.50.030, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.53.015, 23.53.030, 23.54.015, 23.54.020, 23.55.012, 23.55.015, 23.55.020, 23.57.005, 23.57.008, 23.57.009, 23.57.010, 23.58C.050, 23.69.024, 23.71.012, 23.71.030, 23.71.036, 23.72.004, 23.72.010, 23.84A.048, 23.86.006, 23.86.007, 23.86.008, 23.86.010, 23.90.019, 23.91.002, 25.05.800, 25.08.225, 25.09.240, 25.09.260, 25.11.040, 25.11.050, and 25.11.060 of the Seattle Municipal Code.**

*Attachments:* [Full Text: CB 120214](#)

*Supporting Documents:* [Summary and Fiscal Note](#)  
[Central Staff Memo v2](#)  
[Presentation \(12/3/21\)](#)

**Public Hearing, Discussion, and Possible Vote**

**Presenter:** Lish Whitson, Council Central Staff

**Public Hearing**

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Sign-up registration will begin two hours before the 9:30 a.m. meeting

start time and registration will end at the conclusion of the Public Hearing during the meeting. Speakers must be registered in order to be recognized by the Chair.

If you are unable to participate remotely, please submit written comments to Councilmembers Strauss at [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov).

5.     [CB 120235](#)     **AN ORDINANCE relating to historic preservation; imposing controls upon 802 16th Avenue, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.**

Supporting  
Documents:

- [Summary and Fiscal Note](#)
- [Summary Ex A - Vicinity Map of 802 16th Avenue](#)
- [Landmarks Preservation Board Report](#)
- [Photos](#)
- [Presentation \(12/8/21\)](#)

**Briefing, Discussion, and Possible Vote** (20 minutes)

**Presenters:** Erin Doherty, Department of Neighborhoods; Sue Perry and Amy Hagopian

6.     **Seattle Department of Construction and Inspections (SDCI) and Office of Sustainability and Environment (OSE) Quarterly Tree Report**

**Briefing and Discussion** (20 minutes)

**Presenters:** Chanda Emery, Seattle Department of Construction and Inspections; Patricia Bakker, Office of Sustainability and Environment

**E. Adjournment**



Legislation Text

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**File #:** CB 120206, **Version:** 1

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AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

Full text of the legislation is attached.

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

..body

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42

percent of Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing

option for moderate- and low-income households to obtain, because townhouses and

detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost

housing that does not have the protection of ownership by a non-profit housing provider

or public housing authority; and

WHEREAS, to address physical displacement, The City of Seattle (“City”) has promulgated an

affirmative marketing and community preference policy in the *Housing Funding Policies*,

adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities

for eligible displaced residents to return to new affordable housing developments in their

former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and

continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have  
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile  
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, the remaining two mobile home parks in the City are located in the Bitter Lake  
5 urban village; and

6 WHEREAS, the zone designation applicable to those mobile home parks is Commercial 1 with a  
7 55-foot height limit and M mandatory housing affordability suffix; and

8 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter  
9 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,  
10 is to make adequate provision for the housing needs of all economic segments of Seattle;  
11 and

12 WHEREAS, in January 2019 the City Council passed Ordinance 125764, placing a one-year  
13 moratorium on development of mobile home parks, and requested the Office of Planning  
14 and Community Development to analyze and propose a permanent land-use framework  
15 for mobile home parks; and

16 WHEREAS, to allow additional time for the City to develop a permanent land-use framework  
17 for mobile home parks, the moratorium has been extended for three additional six-month  
18 periods through Ordinances 126006, 126090, and 126241; and

19 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

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

21 Section 1. Page 14 of the Official Land Use Map, Chapter 23.32, is amended to establish  
22 the Mobile Home Park Overlay District, as shown in Map A for 23.70.004 of the Seattle  
23 Municipal Code.

1           Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

2           **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

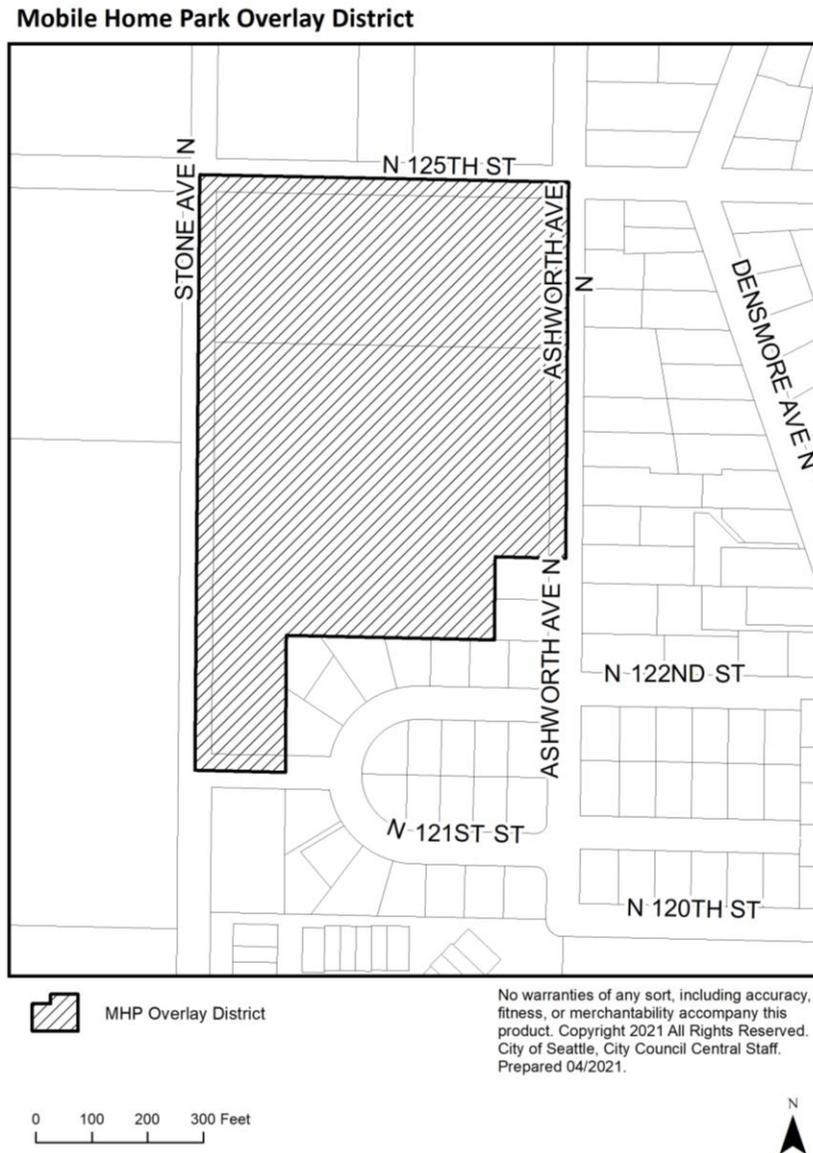
3           **23.70.002 Purpose and intent**

4           The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide for the  
5           preservation of existing mobile home parks. Mobile home parks provide a source of lower-cost,  
6           medium-density housing that provides a range of land tenancy options. The Mobile Home Park  
7           Overlay District supports the long-term viability of mobile homes located in mobile home parks,  
8           while allowing a variety of other uses.

9           **23.70.004 Mobile Home Park Overlay District established**

10          There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay District  
11          as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for 23.70.004.

1 **Map A for 23.70.004: Mobile Home Park Overlay District**



3 **23.70.006 General provisions**

4 A. Replacement of a structure, construction of a new structure, and establishment of a  
5 new use within the Mobile Home Park Overlay District shall comply with the development  
6 standards in this Chapter 23.70.

7 B. Standards specific to redevelopment within the Mobile Home Park Overlay District  
8 apply when 25 percent or more of the mobile homes in a mobile home park are to be replaced

1 (with new mobile homes or non–mobile home use) pursuant to a single land use or building  
2 permit application or pursuant to multiple land use or building permit applications filed with the  
3 Department within a 365-day period. Any permit issued for replacement of less than 25 percent  
4 of the mobile homes with new mobile homes or non–mobile home use in a mobile home park  
5 shall be conditioned on no additional application to replace a mobile home use with new mobile  
6 homes or a non–mobile home use being filed within 365 days of the original application.

7 C. Institutions in the Mobile Home Park Overlay District shall meet all development  
8 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

9 **23.70.008 Permitted and prohibited uses**

10 A. Residential uses. Mobile homes, mobile home parks, and low-income housing meeting  
11 the requirements of this Chapter 23.70 are permitted outright. All other residential uses are  
12 prohibited.

13 B. Non-residential uses. The following non-residential uses are permitted outright. All  
14 other non-residential uses are prohibited.

- 15 1. Community gardens;
- 16 2. Urban farms;
- 17 3. Restaurants;
- 18 4. Sports and recreation uses, indoor or outdoor;
- 19 5. Food processing and craft work;
- 20 6. Medical services;
- 21 7. Offices;
- 22 8. Retail sales, major durables;
- 23 9. Retail sales and services, automotive;

1 10. Flexible-use parking;

2 11. Institutions;

3 12. Religious facilities and schools, elementary or secondary;

4 13. Parks and open space.

5 **23.70.010 Development standards for residential uses**

6 A. Mobile homes and mobile home parks.

7 1. In addition to the development standards in this Chapter 23.70, mobile homes  
8 and mobile home parks are subject to the development standards in Chapter 22.904.

9 2. The maximum height for residential structures is 30 feet. The height limit  
10 exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

11 3. Setbacks and separations. Setbacks shall be from mobile home park lot lines as  
12 follows:

13 a. Minimum of 5 feet from any street lot line; and

14 b. Minimum of 5 feet from any lot line abutting a single-family zone.

15 B. Low-income housing. Low-income housing on a site owned by a government entity,  
16 non-profit, or religious organization, and meeting the requirements of this Chapter 23.70 are  
17 subject to the development standards of the underlying zone. In the event that low-income  
18 housing is provided by a religious organization, the density bonuses under Section 23.42.055  
19 apply, but low-income housing must comply with the affordability requirements pursuant to this  
20 subsection 23.70.010.B in the event of a conflict.

21 1. Affordability requirements.

22 a. Eligible households. Except as provided in subsection 23.70.010.B.1.e,  
23 all dwelling units or congregate residence sleeping rooms shall serve only:





1 that are required as a condition of tenancy. Affordable rent subsequent to the resident being a  
2 tenant of the development is determined pursuant to subsection 23.70.010.B.1.c.

3                   3. For ownership units for eligible households of residents of the  
4 mobile home park at the time the relocation report and plan required by Section 22.904.410 is  
5 submitted, the initial affordable sale price must be an amount in which total ongoing housing  
6 costs do not exceed 30 percent of 40 percent of median income. The Director of Housing will  
7 establish by rule the method for calculating the initial sale price including standard assumptions  
8 for determining upfront housing costs, including the down payment, and ongoing housing costs,  
9 which must include mortgage principal and interest payments, homeowner's insurance payments,  
10 homeowner or condominium association dues and assessments, and real estate taxes and other  
11 charges included in county tax billings. The Director of Housing may establish by rule a  
12 maximum down payment amount. Affordable resale prices are determined pursuant to subsection  
13 23.70.010.B.1.d.2.

14                   d. Agreement. As a condition of building permit issuance for a  
15 development according to this subsection 23.70.010.B, the property owner and the City must  
16 enter into an agreement in a form acceptable to the City that includes housing covenants  
17 consistent with this subsection 23.70.010.B and the final plan set approved by the Department.  
18 The agreement must be recorded on the title of the property on which the low-income housing  
19 development is located.

20 **23.70.012 Development standards for non-residential uses**

21                   A. Height limit. The maximum height for any non-residential structure is 40 feet. No  
22 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and  
23 religious symbols for religious institutions.

1           B. Maximum size of use. The maximum size of any non-residential use on any lot in the  
2 Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

3           C. Floor area ratio. The maximum floor area ratio for all non-residential uses on any lot  
4 in the Mobile Home Park Overlay District is two.

5           D. Setbacks and separations. Setbacks shall be as follows.

6                   1. Minimum of 7 feet from any street lot line; and

7                   2. Minimum of 15 feet from any lot line abutting a single-family zone.

8 **23.70.014 Signs**

9 All signs shall comply with the standards and requirements for signs in the residential  
10 commercial (RC) zone pursuant to Section 23.55.024.

11 **23.70.016 Communication utilities**

12           A. Permitted and prohibited locations for major communications utilities are the same as  
13 those specified for single-family zones pursuant to Chapter 23.57.

14           B. Development standards for communications utilities are the same as those specified  
15 for single-family zones pursuant to Chapter 23.57.

16 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

17 While this Chapter 23.70 is in effect, the requirements of Chapter 23.58B and Chapter 23.58C  
18 shall not apply to new development or redevelopment within the Mobile Home Park Overlay  
19 District.

20 **23.70.020 Expiration of overlay**

21 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on  
22 January 1, 2051.

1 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance  
2 126287, is amended as follows:

3 **23.84A.032 “R”**

4 \* \* \*

5 “Residential use” means any one or more of the following:

6 \* \* \*

7 15. “Mobile home” means a structure that is designed and constructed to be  
8 transportable in one or more sections and built on a permanent chassis, designed to be used as a  
9 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,  
10 heating, and electrical systems. A structure that was transportable at the time of manufacture is  
11 still considered to meet this definition notwithstanding that it is no longer transportable.

12 ~~((15))~~ 16. “Mobile home park” means a tract of land that is rented for the use of  
13 more than one mobile home that is occupied as a dwelling unit.

14 ~~((16))~~ 17. “Multifamily residential use” means a use consisting of two or more  
15 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

16 ~~((17))~~ 18. “Multifamily residential use, low-income disabled” means a  
17 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one  
18 or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act  
19 and who constitute a low-income household.

20 ~~((18))~~ 19. “Multifamily residential use, low-income elderly” means a residential  
21 use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or  
22 more years of age who constitute a low-income household.

1                   ((19)) 20. “Multifamily residential use, low-income elderly/low-income disabled”  
2 means a multifamily residential use in which at least 90 percent of the dwelling units (not  
3 including vacant units) are occupied by a low-income household that includes a person who has  
4 a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of age or  
5 older, as long as the housing qualifies for exemptions from prohibitions against discrimination  
6 against families with children and against age discrimination under all applicable fair housing  
7 laws and ordinances.

8                   ((20)) 21. “Permanent supportive housing” means a multifamily residential use,  
9 which is paired with on or off-site voluntary human services to support a person living with a  
10 complex and disabling behavioral health or physical health condition who was experiencing  
11 homelessness or was at imminent risk of homelessness prior to moving into housing:

12                   a. In which at least 50 percent of the dwelling units are occupied by  
13 households whose income at original occupancy does not exceed 30 percent of median income  
14 and the remaining dwelling units are occupied by very low-income households at original  
15 occupancy;

16                   b. That receives public funding or an allocation of federal low-income  
17 housing tax credits; and

18                   c. That is subject to a regulatory agreement, covenant, or other legal  
19 instrument, the duration of which is at least 40 years, recorded on the property title and  
20 enforceable by The City of Seattle, Washington State Housing Finance Commission, State of  
21 Washington, King County, U.S. Department of Housing and Urban Development, or other  
22 similar entity as approved by the Director of Housing.

1                   ((21)) 22. “Nursing home” means a use licensed by the State of Washington as a  
2 nursing home, which provides full-time convalescent and/or chronic care for individuals who, by  
3 reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide  
4 care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or  
5 sanitariums.

6                   ((22)) 23. “Rowhouse development” means a multifamily residential use in which  
7 all principal dwelling units on the lot meet the following conditions:

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

10                                b. No portion of a dwelling unit, except for an accessory dwelling unit or  
11 shared parking garage, occupies space above or below another dwelling unit;

12                                c. Each dwelling unit is attached along at least one common wall to at  
13 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
14 abuts another dwelling unit on a common lot line;

15                                d. The front of each dwelling unit faces a street lot line;

16                                e. Each dwelling unit provides pedestrian access directly to the street that  
17 it faces; and

18                                f. No portion of any other dwelling unit, except for an attached accessory  
19 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

20                   ((23)) 24. “Single-family dwelling unit” means a detached principal structure  
21 having a permanent foundation, containing one dwelling unit, except that the structure may also  
22 contain one or two attached accessory dwelling units where expressly authorized pursuant to this

1 Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for  
2 purposes of this Chapter 23.84A.

3 ((24)) 25. “Townhouse development” means a multifamily residential use that is  
4 not a rowhouse development, and in which:

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

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

10 c. Each dwelling unit is attached along at least one common wall to at  
11 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
12 abuts another dwelling unit on a common lot line.

13 \* \* \*

14 Section 4. The City Council finds that the Mobile Home Park Overlay District is located  
15 in a high displacement risk area identified in *Seattle 2035 Growth and Equity: Analyzing Impacts*  
16 *on Displacement and Opportunity Related to Seattle’s Growth Strategy*. The Council requests  
17 that the Office of Housing add census tract 6, which includes the Mobile Home Park Overlay  
18 District, to those areas eligible for the affirmative marketing and community preference policy  
19 adopted in the *Housing Funding Policies* (2019). The Council further requests that if future  
20 redevelopment of sites within the Mobile Home Park Overlay District for low-income housing  
21 under Seattle Municipal Code subsection 23.70.010.B includes City funding, that redevelopment  
22 of the sites serve the populations relocated by the development. That could include senior

1 housing for residents relocated from the current Halcyon mobile home park or housing for  
2 families for residents relocated from the current Bella-B mobile home park.

3           Section 5. The Council intends to meet to review the Mobile Home Park Overlay District  
4 within ten years of the effective date of this ordinance, and at least every ten years thereafter, to  
5 consider whether to retain, terminate, or otherwise amend the Mobile Home Park Overlay  
6 District.



**SUMMARY and FISCAL NOTE\***

| <b>Department:</b> | <b>Dept. Contact/Phone:</b> | <b>CBO Contact/Phone:</b> |
|--------------------|-----------------------------|---------------------------|
| Legislative        | Freeman 48178               | NA                        |

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

**Summary and background of the Legislation:**

This legislation would enact permanent regulations in the form of a new overlay district to replace a moratorium on mobile home park redevelopment first establish through Ordinance 125764. The overlay district would have more restrictive development standards applicable to redevelopment of existing mobile home parks. Those standards would:

- Limit residential uses to mobile homes, mobile home parks, and low-income housing on sites owned by a government, non-profit, or religious organization;
- Allow some commercial uses but limit the size of those uses;
- Establish height and setback limitations that are consistent with ongoing mobile home park residential uses; and
- Provide for the expiration of the overlay.

When the overlay lapses the sites could be developed to the densities and with the full range of uses allowed in the underlying C1-55 (M) zone, which allows significantly higher intensity of both residential and commercial use.

Low-income housing would be allowed as a residential use and current mobile home park residents would have a right of first offer, relocation assistance, and affordable rents based on the lesser of 30 percent of 40 percent of area median income or a third of their monthly income.

The proposal would also request that the Office of Housing add the census tract containing the overlay to those census tracts eligible for participation in the affirmative marketing and community preference policy adopted in the City’s Housing Funding Policies (2019). Those policies provide opportunities for displaced residents to return to affordable housing in their prior neighborhood.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?       Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Existing mobile home parks house many low-income and senior households. Displacement of low-income residents could increase demand for services provided by affordable housing and human services providers.

## 4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**  
Yes, the Seattle Department of Construction and Inspections and the Office of Housing.
- b. **Is a public hearing required for this legislation?**  
Yes
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes, a hearing notice is required in the *Daily Journal of Commerce*.
- d. **Does this legislation affect a piece of property?**  
The legislation affects property currently in use as mobile home parks. Those properties include the Halcyon mobile home park, located at 12234 Stone Av. N. and the Bella B mobile home park located at 1301 N. 125<sup>th</sup> St.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
Mobile home parks offer market rate affordable housing to seniors and low-income households. This legislation reduces the probability that the City's remaining mobile home parks will be redeveloped while the overlay is in effect.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

The proposed overlay would cover property that was previously used as a landfill from approximately 1954 to 1957. After closure, the site was leveled and capped with soil. Methane gas is produced from the decomposition of landfill debris. Methane is a greenhouse gas that contributes to global warming. By reducing the probability that the remaining two mobile home parks will be redeveloped in the near future, the risk of emission increases from disturbing the capped landfill may be reduced.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

The current location of two mobile home parks above a former landfill with residents who are members of vulnerable communities reflects an existing environmental equity concern. Reducing the potential for future residential development may mitigate amplification of that concern.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

NA

**List attachments/exhibits below:**

December 1, 2021

## MEMORANDUM

**To:** Land Use and Neighborhoods Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill (CB) 120206 - Mobile Home Park Overlay District

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On December 3, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on [Council Bill \(CB\) 120206](#), which would create a Mobile Home Park Overlay District (MHPOD).

The MHPOD is proposed as permanent regulations to replace the ongoing moratorium on mobile home park redevelopment initially established through [Ordinance 125764](#). CB 120206 replaces [CB 120079](#), which was introduced on May 24, 2021. CB 120079 was the subject of an appeal the City Hearing Examiner, which resulted in a settlement agreement that is reflected in CB 120206.

This memorandum (1) provides background and regulatory context and describes the settlement agreement that informs the proposed MHPOD, (2) describes what the proposed MHPOD, and (3) sets out procedural next steps for consideration of the MHPOD.

### Background and Regulatory Context

#### Legislative History

In January 2019, the City passed Ordinance 125764, which established a temporary moratorium on redevelopment of mobile home parks. The temporary moratorium was intended to reduce development pressure on the two mobile home parks remaining in the city, the Halcyon and Bella-Bee, while the City developed a proposal for permanent regulations. At the time, the Halcyon was for sale and potential purchasers were analyzing the Halcyon site's redevelopment potential.

Ordinance 125764 also set out a work program for the Seattle Department of Construction and Inspections and the Office of Planning and Community Development to develop proposed permanent regulations for Council consideration by October 2019.

The temporary moratorium was extended for four additional six-month periods through Ordinances [126006](#), [126090](#), [126241](#), and [126362](#). On December 6, 2021, the Council will hold a public hearing on [CB 120213](#), which would extend the moratorium for an additional six months or until the effective date of CB 120206, whichever is first. While the Executive did develop a draft proposal, environmental review was not done on that proposal nor was it formally transmitted to the Council for consideration.

### Prior Proposal and Settlement Agreement

On May 24, 2021, Councilmember Strauss and Juarez introduced CB 120079, which would have established an MHPOD. The State Environmental Policy Act (SEPA) threshold determination for that bill was appealed to the Hearing Examiner by the owner of the Bella-Bee mobile home park. On September 10, 2021, the City entered into a settlement agreement with the owner of the Bella-Bee.

Under the terms of the settlement agreement (attached) the Bella-Bee owner agreed to withdraw the SEPA appeal, and the City agreed to introduce a new bill, CB 120206, for Council consideration that, among other things:

- Allows development of low-income housing in the MHPOD for property owned or controlled by a government or not-for-profit organization as an allowed use in the overlay;
- Provides for relocation assistance, right of first offer, and rent limitations specific to current residents when low-income housing is developed;
- Removes Land Use Code density limits for mobile homes proposed in CB 120079;
- Removes setback requirements proposed in CB 120079;
- Removes an open space amenity requirement proposed in CB 120079;
- Affirms the underlying Commercial 1 zone with a 55-foot height limit and M mandatory housing affordability suffix (C1 55 (M)); and
- Affirms the City's intent to periodically revisit the overlay.

### Site and Vicinity

There are two mobile home parks left in Seattle: the Bella-Bee and the Halcyon. Both mobile home parks are located adjacent to each other in the Bitter Lake Residential Urban Village in a C1 55 (M) zone.

Together the mobile home parks are approximately 11 acres in area. The Bella-Bee and the Halcyon have approximately 65 and 76 mobile homes, respectively. The Bella-Bee was developed in 1956. The Halcyon was developed in the mid-1960s. Both mobile home parks are located over a decommissioned landfill. See Figure 1.

Figure 1: Remaining Mobile Home Parks



The Bitter Lake Residential Urban Village is a neighborhood targeted for increased residential growth in the comprehensive plan, *Seattle 2035*. The comprehensive plan establishes a 2035 growth estimate for the Bitter Lake RUV of 1400 units on top of an existing 2015 base of 3,580 units. At the end of the first quarter of 2021, the Bitter Lake RUV had added 192 new units

since 2016 with another 226 units that have been permitted but not constructed, which means that the Bitter Lake RUV has achieved approximately 30percent of its 2035 growth estimate.<sup>1</sup>

### How Other Jurisdictions Regulate Mobile Home Parks

Redevelopment pressure has caused several Western Washington jurisdictions to provide protections for existing mobile home parks. In 2008, Tumwater enacted mobile home park zoning for six of its 10 mobile home parks. Legal challenges lasted until 2012 when the City prevailed in the US 9th Circuit Court of Appeals. In 1996, Bothell enacted a Mobile Home Park Zoning Overlay that promotes retention of existing mobile home parks that contain rental pads. Kenmore recently passed protective zoning for mobile home parks. Kenmore applies a phased approach that enacts zoning to preserve some of its mobile home parks for 10 years, followed by an upzone and affordability requirements at the end of that period. Kenmore also enacted long-term mobile home park preservation requirements for two of its mobile home parks whose owners were amenable to a long-term mobile home park use.

### Current Regulations Applicable to Mobile Home Parks

While the Land Use Code defines Mobile Home Parks as a land use,<sup>2</sup> most regulation applicable to operation and redevelopment of mobile home parks are set out in [Chapter 22.904](#) of the Building and Construction Codes. These regulations require mobile home park operators to obtain a license from the City, prescribe minimum physical development standards for placement of mobile homes, establish requirements for utility access for each mobile home, and set out relocation requirements for when a mobile home park changes use.

### **Proposed Overlay**

CB 120206 would establish a new overlay district to help preserve the remaining mobile home parks in the city. The overlay district would establish more restrictive development standards applicable to redevelopment of existing mobile home parks. Those standards would:

- Limit residential uses to mobile homes, mobile home parks, and low-income housing on sites owned by a government, non-profit, or religious organization;
- Allow some commercial uses but limit the size of those uses;
- Establish height and setback limitations that are consistent with ongoing mobile home park residential uses; and
- Provide for the expiration of the overlay on January 1, 2051.

When the overlay lapses the sites could be developed to the densities and with the full range of uses allowed in the underlying C1-55 (M) zone, which allows significantly higher intensity of both residential and commercial use.

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<sup>1</sup> [Urban Center / Village Housing Unit Growth Report. First Quarter 2021.](#)

<sup>2</sup> [Seattle Municipal Code \(SMC\) Section 23.84A.032.](#)

Low-income housing would be allowed as a residential use and current mobile home park residents would have a right of first offer, relocation assistance, and affordable rents based on the lesser of 30 percent of 40 percent of area median income or a third of their monthly income.

The proposal would also request that the Office of Housing add the census tract containing the overlay to those census tracts eligible for participation in the affirmative marketing and community preference policy adopted in the City's Housing Funding Policies (2019). Those policies provide opportunities for displaced residents to return to affordable housing in their prior neighborhood.

### **Next Steps**

LUN Committee is scheduled to hold a public hearing and may vote on CB 120206 at its meeting on December 8, 2021. If the Committee votes on the proposal on December 8, final action by the Council could occur on December 13, 2021. On December 6, 2021, the Full Council will hold a hearing and may vote on CB 120213, which would extend the moratorium on redevelopment of mobile home parks for an additional six months or until the effective date of CB 120206, whichever is first.

### **Attachments:**

1. Settlement Agreement – September 10, 2021

cc: Esther Handy, Central Staff Director  
Aly Pennucci, Policy and Budget Manager

## SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into by and between YACOV SINAI, for himself and o/b/o BELLA BEE, LLC (“Appellant”), and the CITY OF SEATTLE (“City”) (collectively, the “Parties”), as of the latest date of execution by all signatories to this Agreement.

### RECITALS

WHEREAS, the City Council (“Council”) has proposed Council Bill 120079 (“Proposal”), an amendment to the Seattle Municipal Code (“SMC” or “Code”) that would, *inter alia*, add a new Chapter 23.70 to the Code; amend Chapter 23.32 of the Code at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District (“Overlay District”; and amend Section 23.84A.032 of the Code;

WHEREAS, Appellant is an owner of one of the properties that would be affected by the Amendment;

WHEREAS, the City issued a Determination of Nonsignificance (“DNS”) for the Amendment on April 22, 2021;

WHEREAS, Appellant appealed the DNS to the Hearing Examiner (Hearing Examiner File No. W-21-002);

WHEREAS, the Parties now wish to resolve their dispute about the DNS;

NOW, THEREFORE, in consideration of the following mutual promises and covenants, the Parties agree as follows:

### TERMS

1. **Dismissal.** Appellant will voluntarily dismiss, with prejudice, Hearing Examiner File No. W-21-002 within five business days of mutual acceptance of this Agreement.
2. **Future Legislation.** The Parties agree that the Council will, no later than October 31, 2021, introduce proposed legislation (“Future Bill”) that is the same or substantially similar to the version attached here as Appendix A to this Agreement, establishing an Overlay District. Appellant will not file an appeal before the Hearing Examiner of any future SEPA determination, if any, related to the Future Bill, as long as the Future Bill is consistent with or substantially similar to the following terms that are provided in Appendix A to this Agreement:
  - a. The Future Bill will provide that if property within the Overlay District is acquired or controlled by a nonprofit or government owner, such property may be redeveloped with residential uses, notwithstanding the other restrictions in the Future Bill, so long as:

- i. The sole residential use is affordable housing, with affordability requirements the same as or substantially similar to, those affordability requirements in Appendix A;
    - ii. Persons residing on redeveloped property are provided relocation housing during the time the affordable housing is under construction, financial assistance to facilitate their temporary relocation, and a right of first refusal regarding the newly constructed affordable housing for any residents who wish to return to the property.
  - b. For property redeveloped with affordable housing as provided by Paragraph 3.a of this Agreement:
    - i. The Future Bill will not establish a maximum density for affordable residential units;
    - ii. The Future Bill will establish a height limit of at least 55 feet for affordable residential units;
    - iii. The Future Bill will establish minimum setback requirements from mobile home park lot lines no greater than 5 feet from any street lot line and no greater than 5 feet from any lot line abutting a single-family zone;
    - iv. The Future Bill will not require common amenity areas such as (but not limited to) open space, trails, or gathering spaces, as a condition of redevelopment.
  - c. The Future Bill will include a section that establishes the Council's intent to meet and review the Overlay District within ten years of enactment, and at least every ten years thereafter, to consider whether to retain, terminate, or otherwise amend the Overlay District.
3. **Compromise of Claims.** The Parties understand and agree that this Agreement is the compromise of disputed claims and the execution and performance of this Agreement does not constitute and shall not be construed as an admission of liability, fault, or responsibility of any Party.
4. **Release.** Upon entry of the order dismissing the pending Hearing Examiner appeal pursuant to Paragraph 2, except with respect to the Parties' right to enforce the terms and obligations of this Agreement, the Parties shall, and hereby do, mutually release, acquit, and forever discharge one another from any and all claims, demands, damages, controversies, or suits of any kind or nature whatsoever, whether known or unknown, asserted or not asserted, foreseen or unforeseen, whether past, present or future, pertaining to or arising out of the incidents and occurrences upon which the Hearing Examiner action is based and occurring prior to the date of this Agreement.
5. **Breach and Damages.** Any failure by a Party to perform any action required to be performed under this Agreement shall constitute a breach of this Agreement, unless such failure is compelled by order of a court. In the event of such breach, the non-defaulting Party shall be entitled to pursue any and all remedies, both legal and equitable, including, without limitation, specific performance.

- 6. **Governing Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Venue for any action arising out of or relating to this Agreement shall lie in King County Superior Court.
- 7. **Agreement Not Enforceable by Third Parties.** This Agreement is neither expressly nor impliedly intended for the benefit of any third party and is neither expressly nor impliedly enforceable by any third party.
- 8. **Successors and Assigns.** This Agreement shall inure to the benefit of, and be binding upon the Parties, their respective successors, transferees, and assigns.
- 9. **Authority to Execute.** Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity, represents and warrants that he or she is fully authorized to execute and deliver this Agreement on behalf of the entity or Party for which he or she is signing. The Parties hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.
- 10. **Interpretation.** This Agreement was drafted by counsel for the Parties and there shall not be a presumption or construction against any of the Parties.
- 11. **Entire Agreement.** This Agreement contains the entire understanding between the Parties with respect to the subject matter hereof. No amendment or modification to this Agreement shall be valid or effective unless made in writing and executed by the Parties after the effective date of this Agreement.
- 12. **Counterpart Originals.** This Agreement may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by a Party shall have the same force and effect as if that Party had signed all other counterparts.

Dated this \_\_\_\_\_ day of September, 2021.

**YACOV SINAI, for himself and o/b/o BELLA BEE, LLC**

By: \_\_\_\_\_  
 Its \_\_\_\_\_

Dated this 10<sup>th</sup> day of September, 2021.

**CITY OF SEATTLE**

By: Daniel B. Mitchell Daniel B Mitchell WSSA #38341  
Its Attorney of Record

Dated this 10 day of September, 2021.

**YACOV SINAI, for himself and o/b/o BELLA BEE,  
LLC**

By: *Yacov Sinai*  
Its YACOV SINAI

Dated this \_\_\_\_ day of September, 2021.

**CITY OF SEATTLE**

By: \_\_\_\_\_  
Its \_\_\_\_\_

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

..body

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42

percent of the Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing

option for moderate- and low-income households to obtain, because townhouses and

detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost

housing that does not have the protection of ownership by a non-profit housing provider

or public housing authority; and

WHEREAS, to address physical displacement, The City of Seattle (“City”) has promulgated an

affirmative marketing and community preference policy in the *Housing Funding Policies*,

adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities

for eligible displaced residents to return to new affordable housing developments in their

former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and

continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have  
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile  
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, the remaining two mobile home parks in the City are located in the Bitter Lake  
5 urban village; and

6 WHEREAS, the zone designation applicable to those mobile home parks is Commercial 1 with a  
7 55 foot height limit and M mandatory housing affordability suffix; and

8 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter  
9 36.70A RCW, and expressed in the Housing Element of the City's Comprehensive Plan,  
10 is to make adequate provision for the housing needs of all economic segments of Seattle;  
11 and

12 WHEREAS, in January 2019 the City Council passed Ordinance 125764 placing a one-year  
13 moratorium on development of mobile home parks and requested the Office of Planning  
14 and Community Development to analyze and propose a permanent land-use framework  
15 for mobile home parks, and

16 WHEREAS, to allow additional time for the City to develop a permanent land-use framework  
17 for mobile home parks, the moratorium has been extended for three additional six-month  
18 periods through Ordinances 126006, 126090, and 126241; and

19 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

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

21 Section 1. Page 14 of the Official Land Use Map, Chapter 23.32, is amended to establish  
22 the Mobile Home Park Overlay District, as shown in Map A for 23.70.004 of the Seattle  
23 Municipal Code.

1 Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

2 **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

3 **23.70.002 Purpose and intent**

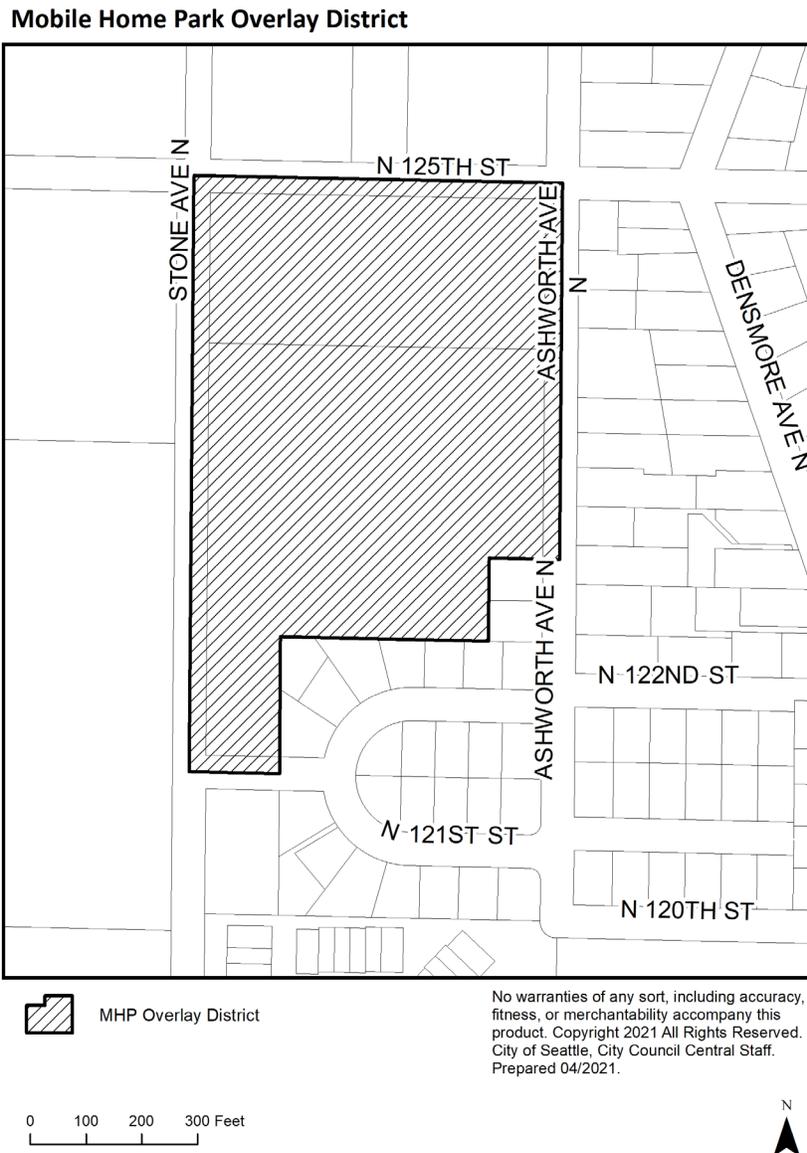
4 The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide for the  
5 preservation of existing mobile home parks. Mobile home parks provide a source of lower-cost,  
6 medium-density housing that provides a range of land tenancy options. The Mobile Home Park  
7 Overlay District supports the long-term viability of mobile homes located in mobile home parks,  
8 while allowing a variety of other uses.

9 **23.70.004 Mobile Home Park Overlay District established**

10 There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay District  
11 as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for 23.70.004.



1 **Map A for 23.70.004: Mobile Home Park Overlay District**



3 **23.70.006 General provisions**

4 A. Replacement of a structure, construction of a new structure, and establishment of a  
5 new use within the Mobile Home Park Overlay District shall comply with the development  
6 standards in this Chapter 23.70.

7 B. Standards specific to redevelopment within the Mobile Home Park Overlay District  
8 apply when 25 percent or more of the mobile homes in a mobile home park are to be replaced

1 (with new mobile homes or non-mobile home use) pursuant to a single land use or building  
2 permit application or pursuant to multiple land use or building permit applications filed with the  
3 Department within a 365-day period. Any permit issued for replacement of less than 25 percent  
4 of the mobile homes with new mobile homes or non-mobile home use in a mobile home park  
5 shall be conditioned on no additional application to replace a mobile home use with new mobile  
6 homes or a non-mobile home use being filed within 365 days of the original application.

7 C. Institutions in the Mobile Home Park Overlay District shall meet all development  
8 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

9 **23.70.008 Permitted and prohibited uses**

10 A. Residential uses. Mobile homes, mobile home parks, and low-income housing meeting  
11 the requirements of this Chapter 23.70 are permitted outright. All other residential uses are  
12 prohibited.

13 B. Non-residential uses. The following non-residential uses are permitted outright. All  
14 other non-residential uses are prohibited.

- 15 — 1. Community gardens;
- 16 2. Urban farms;
- 17 3. Restaurants;
- 18 4. Sports and recreation uses, indoor or outdoor;
- 19 5. Food processing and craft work;
- 20 6. Medical services;
- 21 7. Offices;
- 22 8. Retail sales, major durables;
- 23 9. Retail sales and services, automotive;

10. Flexible-use parking;
11. Institutions;
12. Religious facilities and schools, elementary or secondary;
13. Parks and open space.

**23.70.010 Development standards for residential uses**

**A. Mobile homes and mobile home parks.**

1. In addition to the development standards in this Chapter 23.70, mobile homes and mobile home parks are subject to the development standards in Chapter 22.904.

2. The maximum height for residential structures is 30 feet. The height limit exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

3. Setbacks and separations. Setbacks shall be from mobile home park lot lines as follows:

- a. Minimum of 5 feet from any street lot line; and
- b. Minimum of 5 feet from any lot line abutting a single-family zone.

**B. Low-income housing.** Low-income housing on a site owned by a government entity, non-profit, or religious organization, and meeting the requirements of this Chapter 23.70 are subject to the development standards of the underlying zone. In the event that low-income housing is provided by a religious organization, the density bonuses under 23.42.055 apply, but low-income housing must comply with the affordability requirements pursuant to this Section 23.70.010.B in the event of a conflict.

1. Affordability requirements.

a. Eligible households. Except as provided in Section 23.70.010.B.1.e, all dwelling units or congregate residence sleeping rooms shall serve only:

1 1) For rental units, households with incomes no greater than 60  
2 percent of median income, adjusted by household size.

3 2) For ownership units, households with incomes no greater than  
4 80 percent of median income, adjusted by household size.

5 b. Duration. The obligation to provide dwelling units meeting the  
6 requirements of subsection 23.70.010.B shall last for a period of 75 years from the date of the  
7 certificate of occupancy or, if a certificate of occupancy is not required, from the date of the final  
8 building permit inspection for the development to which this Section 23.70.010.B applies.

9 c. Affordable rent. Monthly rent shall not exceed 30 percent of 60 percent  
10 of median income. For purposes of this subsection 23.70.010.B, "monthly rent" includes a utility  
11 allowance for heat, gas, electricity, water, sewer, and refuse collection, to the extent such items  
12 are not paid for tenants by the owner, and any recurring fees that are required as a condition of  
13 tenancy.

14 d. Affordable sale price

15 1) Affordable price – initial sales. The initial affordable sale price  
16 must be an amount in which total ongoing housing costs do not exceed 30 percent of 80 percent  
17 of median income. The Director of Housing will establish by rule the method for calculating the  
18 initial sale price including standard assumptions for determining upfront housing costs, including  
19 the down payment, and ongoing housing costs, which must include mortgage principal and  
20 interest payments, homeowner's insurance payments, homeowner or condominium association  
21 dues and assessments, and real estate taxes and other charges included in county tax billings. The  
22 Director of Housing may establish by rule a maximum down payment amount.



1 that are required as a condition of tenancy. Affordable rent subsequent to the resident being a  
2 tenant of the development is determined pursuant to Section 23.70.010.B.1.c.

3 3. For ownership units for eligible households of residents of the  
4 mobile home park at the time the relocation report and plan required by Section 22.904.410 is  
5 submitted, the initial affordable sale price must be an amount in which total ongoing housing  
6 costs do not exceed 30 percent of 40 percent of median income. The Director of Housing will  
7 establish by rule the method for calculating the initial sale price including standard assumptions  
8 for determining upfront housing costs, including the down payment, and ongoing housing costs,  
9 which must include mortgage principal and interest payments, homeowner's insurance payments,  
10 homeowner or condominium association dues and assessments, and real estate taxes and other  
11 charges included in county tax billings. The Director of Housing may establish by rule a  
12 maximum down payment amount. Affordable resale prices are determined pursuant to Section  
13 23.70.B.1.d.2.

14 d. Agreement. As a condition of building permit issuance for a  
15 development according to this Section 23.70.010.B, the property owner and the City must enter  
16 into an agreement in a form acceptable to the City that includes housing covenants consistent  
17 with this Section 23.70.010.B and the final plan set approved by the Department. The agreement  
18 must be recorded on the title of the property on which the low-income housing development is  
19 located.

20 **23.70.012 Development standards for non-residential uses**

21 A. Height limit. The maximum height for any non-residential structure is 40 feet. No  
22 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and  
23 religious symbols for religious institutions.

1           B. Maximum size of use. The maximum size of any non-residential use on any lot in the  
2 Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

3           C. Floor area ratio. The maximum floor area ratio for all non-residential uses on any lot  
4 in the Mobile Home Park Overlay District is two.

5           D. Setbacks and separations. Setbacks shall be as follows.

6                   1. Minimum of 7 feet from any street lot line; and

7                   2. Minimum of 15 feet from any lot line abutting a single-family zone.

8 **23.70.014 Signs**

9 All signs shall comply with the standards and requirements for signs in the residential  
10 commercial (RC) zone pursuant to Section 23.55.024.

11 **23.70.016 Communication utilities**

12           A. Permitted and prohibited locations for major communications utilities are the same as  
13 those specified for single-family zones pursuant to Chapter 23.57.

14           B. Development standards for communications utilities are the same as those specified  
15 for single-family zones pursuant to Chapter 23.57.

16 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

17 While this Chapter 23.70 is in effect, the requirements of Chapter 23.58B and Chapter 23.58C  
18 shall not apply to new development or redevelopment within the Mobile Home Park Overlay  
19 District.

20 **23.70.020 Expiration of overlay**

21 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on  
22 January 1, 2051.

1 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance  
2 126287, is amended as follows:

3 **23.84A.032 “R”**

4 \* \* \*

5 “Residential use” means any one or more of the following:

6 \* \* \*

7 15. “Mobile home” means a structure that is designed and constructed to be  
8 transportable in one or more sections and built on a permanent chassis, designed to be used as a  
9 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,  
10 heating, and electrical systems. A structure that was transportable at the time of manufacture is  
11 still considered to meet this definition notwithstanding that it is no longer transportable.

12 ~~((15))~~ 16. “Mobile home park” means a tract of land that is rented for the use of  
13 more than one mobile home that is occupied as a dwelling unit.

14 ~~((16))~~ 17. “Multifamily residential use” means a use consisting of two or more  
15 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

16 ~~((17))~~ 18. “Multifamily residential use, low-income disabled” means a  
17 multifamily residential use in which at least 90 percent of the dwelling units are occupied by  
18 one or more persons who have a handicap as defined in the Federal Fair Housing Amendments  
19 Act and who constitute a low-income household.

20 ~~((18))~~ 19. “Multifamily residential use, low-income elderly” means a residential  
21 use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or  
22 more years of age who constitute a low-income household.

1                   ((19)) 20. “Multifamily residential use, low-income elderly/low-income  
2 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units  
3 (not including vacant units) are occupied by a low-income household that includes a person  
4 who has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62  
5 years of age or older, as long as the housing qualifies for exemptions from prohibitions against  
6 discrimination against families with children and against age discrimination under all applicable  
7 fair housing laws and ordinances.

8                   ((20)) 21. “Permanent supportive housing” means a multifamily residential use,  
9 which is paired with on or off-site voluntary human services to support a person living with a  
10 complex and disabling behavioral health or physical health condition who was experiencing  
11 homelessness or was at imminent risk of homelessness prior to moving into housing:

12                   a. In which at least 50 percent of the dwelling units are occupied by  
13 households whose income at original occupancy does not exceed 30 percent of median income  
14 and the remaining dwelling units are occupied by very low-income households at original  
15 occupancy;

16                   b. That receives public funding or an allocation of federal low-income  
17 housing tax credits; and

18                   c. That is subject to a regulatory agreement, covenant, or other legal instrument,  
19 the duration of which is at least 40 years, recorded on the property title and enforceable by The  
20 City of Seattle, Washington State Housing Finance Commission, State of Washington, King  
21 County, U.S. Department of Housing and Urban Development, or other similar entity as  
22 approved by the Director of Housing.

1                   ((21)) 22. “Nursing home” means a use licensed by the State of Washington as a  
2 nursing home, which provides full-time convalescent and/or chronic care for individuals who,  
3 by reason of chronic illness or infirmity, are unable to care for themselves, but that does not  
4 provide care for the acutely ill or surgical or obstetrical services. This definition excludes  
5 hospitals or sanitariums.

6                   ((22)) 23. “Rowhouse development” means a multifamily residential use in  
7 which all principal dwelling units on the lot meet the following conditions:

- 8                   a. Each dwelling unit occupies the space from the ground to the roof of  
9 the structure in which it is located;
- 10                   b. No portion of a dwelling unit, except for an accessory dwelling unit or  
11 shared parking garage, occupies space above or below another dwelling unit;
- 12                   c. Each dwelling unit is attached along at least one common wall to at  
13 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
14 abuts another dwelling unit on a common lot line;
- 15                   d. The front of each dwelling unit faces a street lot line;
- 16                   e. Each dwelling unit provides pedestrian access directly to the street that  
17 it faces; and
- 18                   f. No portion of any other dwelling unit, except for an attached accessory  
19 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

20                   ((23)) 24. “Single-family dwelling unit” means a detached principal structure  
21 having a permanent foundation, containing one dwelling unit, except that the structure may also  
22 contain one or two attached accessory dwelling units where expressly authorized pursuant to

1 this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit  
2 for purposes of this Chapter 23.84A.

3 ((24)) 25. “Townhouse development” means a multifamily residential use that is  
4 not a rowhouse development, and in which:

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

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

10 c. Each dwelling unit is attached along at least one common wall to at  
11 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
12 abuts another dwelling unit on a common lot line.

13 \* \* \*

14 Section 4. The City Council finds that the Mobile Home Park Overlay District is located  
15 in a high displacement risk area identified in *Seattle 2035 Growth and Equity: Analyzing Impacts*  
16 *on Displacement and Opportunity Related to Seattle’s Growth Strategy*. The Council requests  
17 that the Office of Housing add census tract 6, which includes the Mobile Home Park Overlay  
18 District, to those areas eligible for the affirmative marketing and community preference policy  
19 adopted in the *Housing Funding Policies* (2019).

20 Section 5. The Council intends to meet to review the Mobile Home Park Overlay  
21 District within ten years of the effective date of the Ordinance introduced as Council Bill  
22 \_\_\_\_\_, and at least every ten years thereafter, to consider whether to retain, terminate, or  
23 otherwise amend the Mobile Home Park Overlay District.

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2021.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved / returned unsigned / vetoed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
10 2021.

11 \_\_\_\_\_  
12 Jenny A. Durkan, Mayor

13 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14 \_\_\_\_\_  
15 Monica Martinez Simmons, City Clerk

16 (Seal)



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **Proposed Mobile Home Park Overlay District – Council Bill (CB) 120206**

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KETIL FREEMAN, ANALYST

LAND USE AND NEIGHBORHOODS COMMITTEE

DECEMBER 3, 2021

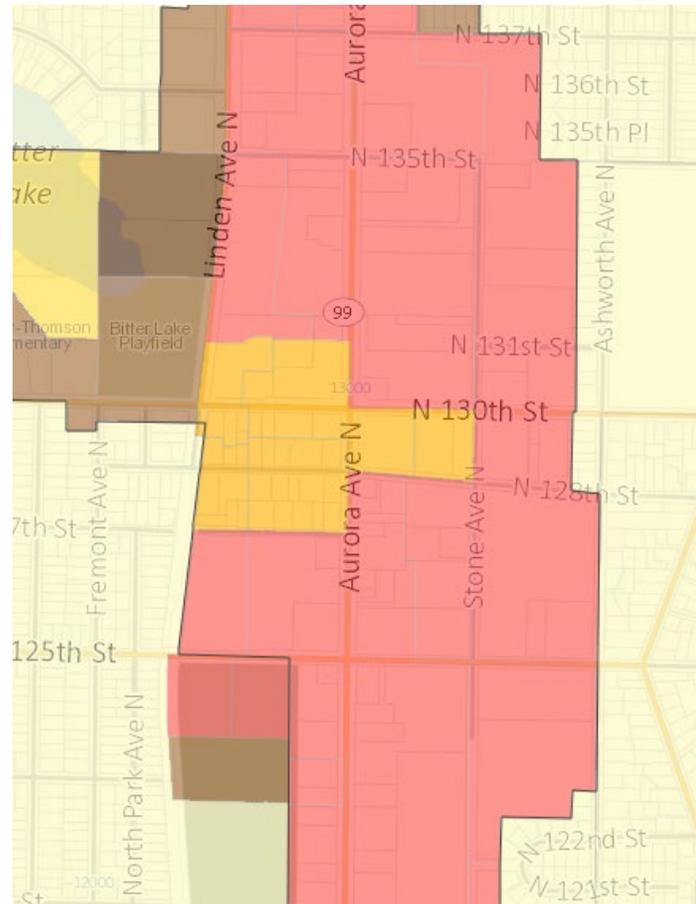
# Legislative History

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- January 2019 - Council passes Ordinance 125764, one-year moratorium on redevelopment of mobile home parks
  - Intended to reduce development pressure on remaining two mobile home parks in the city
- Temporary moratorium extended for four additional six-month periods through Ordinances 126006, 126090, 126241, 126362
- May 2021 - Council introduces Council Bill (CB) 120079 creating a MHPOD, SEPA threshold determination appealed by Bella-Bee
- September and October 2021 – Settlement Agreement and Introduction of CB 120206

# Background and Regulatory Context

- Two remaining parks:  
(1) Bella-Bee and (2)  
Halcyon
- Located in the Bitter  
Lake Residential Urban  
Village
- Bella-Bee – 3.8 Acres,  
65 Homes
- Halcyon – 7.6 acres, 76  
homes
- Zoned Commercial



# How Other Jurisdictions Preserve Mobile Home Parks

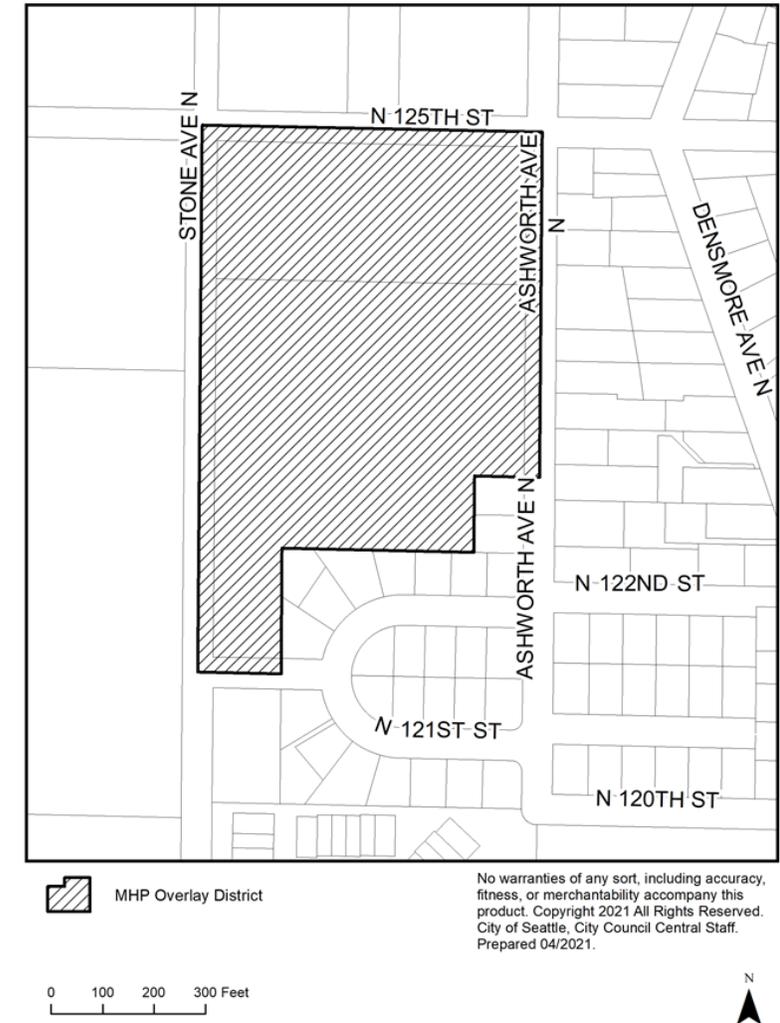
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- Tumwater – Mobile home park zone created in 2008, applies to six of Tumwater's 10 mobile home parks
- Bothell – Mobile home park overlay created in 1996 to promote retention of parks with rental lots
- Kenmore – Phased zoning with a 10-year horizon for certain mobile home parks, longer term protection two mobile home parks, passed in 2019

# Proposed Overlay District

- Limit residential uses to mobile homes, mobile home parks, and low-income housing on sites owned by a government, non-profit, or religious organization;
- Require relocation assistance, right of first offer, and rent limitations specific to current residents when low-income housing is developed;
- Allow some commercial uses but limit the size of those uses;
- Remove setback, density limits, and amenity area requirements in prior proposal;
- Affirm current C1 55 (M) zoning;
- Establish City intent to periodically revisit the overlay designation; and
- Provide for the expiration of the overlay by January 1, 2051.

Mobile Home Park Overlay District



# Next Steps

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- Public Hearing and Council consideration of CB 120213, which would extend the current moratorium to the earlier of the effective date of CB 120206 or six months
- Public hearing and possible committee recommendation on CB 120206 – December 8
- Possible Full Council vote on CB 120206 – December 13

# Questions?



Legislation Text

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File #: CB 120239, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to Seattle’s construction codes; amending Sections C404.2.3, C404.2.3.1, C406.8, C406.8.1, C503.4.6, and C503.5 and Table 406.1 of the 2018 Seattle Energy Code, adopted by Ordinance 126279.

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

Section 1. Section C404.2.3 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C404.2.3 (~~Group R-1 and R-2 occupancies with central service~~) Service water heating ((systems))**

**system type.** In buildings with central service water heating systems serving four or more Group R-1 or R-2 dwelling or sleeping units, and in any other building that has a heated water circulation system or a combined water heating capacity greater than 15 kW (51,195 Btu/h) under a single permit, the primary service water heating equipment shall not use fossil fuel combustion or electric resistance. Service hot water shall be provided by an air-source heat pump water heating (HPWH) system meeting the requirements of this section, or a ground-source heat pump water heating (GSHP) system. Supplemental service water heating equipment is permitted to use electric resistance in compliance with Section C404.2.3.4.

**SDCI Informative Note:** A “central service water heating system” in this context is a system that serves more than one dwelling unit, sleeping unit, tenant space, or building area. It can consist of a single water heating system or multiple systems each serving individual floors, risers or building areas. The term does not apply to an individual water heater serving a single use, such as a restaurant in a food court, a pair of toilet rooms, or an apartment building party room.

**Exceptions.**

1. Permits applied for prior to January 1, 2022.

2. A service water heating system in a tenant space under a separate permit with a total heating capacity in that tenant space that is no greater than 15 kW (51,195 Btu/h) is permitted to be electric resistance.

3. Point of use instantaneous electric water heaters, serving fixtures no more than 8 feet of developed pipe length from the water heater, are permitted and do not contribute to the building combined water heating capacity calculation.

~~((2))~~ 4. Solar thermal, wastewater heat recovery, other *approved* waste heat recovery, ground source heat pump, water-source heat pump system utilizing waste heat, and combinations thereof, are permitted to offset all or any portion of the required HPWH capacity where such systems comply with this code and the Seattle Plumbing Code.

~~((3))~~ 5. Systems meeting the requirements of the Northwest Energy Efficiency Alliance (NEEA) Advanced Water Heater Specifications for central service water heating systems.

6. Unitary heat pump water heaters located in conditioned space are permitted, where they are sized to meet all calculated service water heating demand using the heat pump compressor, and not supplementary heat.

7. For other than Group R-1 and R-2 occupancies, steam or hot water district energy systems that utilize fossil fuels as their primary source of heating energy, that serve multiple buildings, and that were already in existence prior to the effective date of this code, including more energy-efficient upgrades to such existing systems, are permitted to serve as the primary heating energy source.

8. Replacement equipment for existing central service water heating systems serving other than Group R-1 and R-2 occupancies is permitted to utilize fossil fuel or electric resistance heat as the primary heating energy source.

9. Commercial dishwashers, commercial food service equipment, and other approved process equipment are permitted to utilize electric booster heaters for supply water temperatures 120°F or higher.

Section 2. Section C404.2.3.1 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C404.2.3.1 Primary heat pump system sizing.** The system shall include a primary service minimum output at 40°F dry bulb outdoor air temperature for air-source heat pumps, or 40°F ground temperature for ground-source heat pumps, that provides sufficient hot water for ((R-1 and/or R-2 occupancy)) uses as calculated using the equipment manufacturer’s selection criteria or another *approved* methodology. Air source heat pumps shall be sized to deliver no less than 50 percent of the calculated demand for hot water production during the peak demand period when entering air temperature is 24°F.

**Exception:** 50 percent sizing at 24°F is not required for heat pumps located in a below-grade enclosed parking structure or other ventilated and unconditioned space that is not anticipated to fall below 40°F at any time.

\* \* \*

Section 3. Table C406.1 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**TABLE C406.1  
EFFICIENCY PACKAGE CREDITS**

| Code Section   | Commercial Building Occupancy        |                                      |  |         |         |  |
|--|--------------------------------------|--------------------------------------|--|---------|---------|--|
|  | Group R-1                            | Group R-2                            | Group B  | Group E | Group M | All Other                                |
|  | Additional Efficiency Credits        |                                      |  |         |         |  |
| * * *  |                                      |                                      |  |         |         |  |
| 8. High-efficiency service water heating in accordance with Sections C406.8.1 and C406.8.2           | 4.0 NA after 1/1/2022                | 5.0 NA after 1/1/2022                | NA   | NA      | NA      | 8.0 <u>NA after 1/1/2022</u>             |
| 9. High performance service water heating in R-1 and R-2 buildings in accordance with Section C406.9 | 7.0 prior to 1/1/2022 after 1/1/2022 | 8.0 prior to 1/1/2022 after 1/1/2022 | NA prior to 1/1/2022 after 1/1/2022 <sup>e</sup><br>Lab only | NA      | NA      | NA <u>3.0 after 1/1/2022<sup>f</sup></u> |
| * * *  |                                      |                                      |  |         |         |  |

a. Projects using this option may not use Item 2.

b. This option is not available to buildings subject to the prescriptive requirements of Section C403.3.5 or C403.6.

c. Buildings or building areas that are exempt from thermal envelope requirements in accordance with Sections C402.1.1 and C402.1.2 do not qualify for this package.

d. 4.0 credits, instead of 2.0 credits, are permitted to be applied to areas of R-2 occupancy buildings other than *dwelling units*, including corridors, lobbies and tenant amenity spaces, where those areas comply with the requirements for this credit.

e. In Group B occupancies, the high-performance service water heating credit applies only to research and production laboratory spaces, and adjacent circulation serving those laboratory spaces, but not to associated office or other space uses.

f. Buildings, building additions, building areas, occupancy types, or tenant spaces with a service hot water load of 10 percent or more of total building energy loads, as demonstrated through an energy analysis complying with Section C407, or a minimum service water energy use of 15,000 Btu per square foot per year, as demonstrated through an alternate service hot water load calculation method approved by the code official, are permitted to apply this credit.

Section 4. Section C406.8 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C406.8 Reduced energy use in service water heating.** Buildings with service hot water heating equipment that serves the whole building, building *addition* or tenant space shall comply with Sections C406.8.1 and C406.8.2. No service water heating systems incorporating fossil fuel-fired equipment, or heat from district energy systems that are primarily heated by fossil fuel combustion, are permitted to utilize this credit. After January 1, 2022, buildings subject to the requirements of Section C404.2.3 are not permitted to utilize this

credit.

Section 5. Section C406.8.1 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C406.8.1 Building type.** Not less than 90 percent of the *conditioned floor area* of the whole building, building area, occupancy type, building *addition* or tenant space shall be of the following types:

1. Group R-1: Boarding houses, hotels or motels. ~~((Not applicable after 1/1/2022))~~
2. Group I-2: Hospitals, psychiatric hospitals and nursing homes.
3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.
4. Group F: Laundries.
5. Group R-2. ~~((Not applicable after 1/1/2022))~~
6. Group A-3: Health clubs and spas.

7. Buildings with a service hot water load of 10 percent or more of total building energy loads, as shown with an energy analysis as described in Section C407 or as shown through alternate service hot water load calculations showing a minimum service water energy use of 15 k/Btu per square foot per year, as approved by the building official.

Section 6. Section C503.4.6 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C503.4.6 New and replacement HVAC heating system equipment.** For new HVAC heating system equipment, substantial alterations as defined in Section C503.8.1, or where a building's central HVAC heating system equipment is augmented or replaced, the building shall comply with Section C403.1.4.

**Exception:** Where only one heating appliance is failing and is replaced by another having the same or lesser heating capacity and the same or higher efficiency, no other alterations are made to the central HVAC system, and this exception has not been used within the same building in the previous 24-month period, this provision does not apply.

\* \* \*

Section 7. Section C503.5 of the Seattle Energy Code, adopted by Ordinance 126279, is amended as follows:

**C503.5 Service hot water systems.** ~~((New))~~ For new service hot water systems, ((that are part of the alteration)) substantial alterations as defined in Section C503.8.1, or where a building's central hot water heating system equipment is augmented or replaced, the building shall comply with Section C404.

**Exception:** Where only one service hot water appliance is failing and is replaced by another having the same or lesser heating capacity and the same or higher efficiency, no other alterations are made to the central service hot water system, and this exception has not been used within the same building in the previous 24-month period, this provision does not apply.

Section 8. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

| <b>Department:</b> | <b>Dept. Contact/Phone:</b> | <b>CBO Contact/Phone:</b> |
|--------------------|-----------------------------|---------------------------|
| LEG                | Yolanda Ho / x6-5989        | N/A                       |

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### 1. BILL SUMMARY

**Legislation Title:** AN ORDINANCE relating to Seattle’s construction codes; relating to Seattle’s construction codes; amending Sections C404.2.3, C404.2.3.1, C406.8, C406.8.1, C503.4.6, and C503.5 and Table 406.1 of the 2018 Seattle Energy Code, adopted by Ordinance 126279.

**Summary and background of the Legislation:** This legislation would amend the 2018 Seattle Energy Code, adopted by Ordinance 126279 on February 1, 2021. As adopted, the 2018 Seattle Energy Code requires that central water heating in multi-family and hotel uses be performed by heat pump water heaters (HPWH), rather than gas or electric resistance water heaters. Commercial buildings are exempted from this requirement, allowing them to continue to use systems that rely on fossil fuels.

This legislation would extend the HPWH requirement to include new commercial buildings that incorporate more than minimal water heating capacity. There are several exceptions, most notably that this does not apply to upgrades of existing commercial buildings. Additionally, the legislation includes several technical changes to make the code provisions more coordinated and enforceable.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**      \_\_\_ Yes  X  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?**      \_\_\_ Yes  X  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

New City facilities and existing City buildings that need to replace their current water heating systems will need to comply with the higher-performance requirements of the code as part of the permitting process. Energy bills are anticipated to be unchanged.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Future conversion of building systems to higher-efficiency, lower-carbon equipment would be expensive and disruptive.

#### 4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**  
New facilities from any department will need to comply with the higher-performance requirements of the code as part of the permitting process. Installing HPHW could result in higher capital costs as compared to a gas water heating system.
- b. Is a public hearing required for this legislation?**  
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- d. Does this legislation affect a piece of property?**  
No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
This amendment would eliminate the use of fossil fuels for water heating in most new commercial buildings, helping to decrease Seattle’s greenhouse gas emissions. Climate change disproportionately impacts low-income people and people of color, and efforts to decrease emissions are intended to avoid the worst impacts of climate change over the long term.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
This legislation would decrease carbon emissions from new buildings in Seattle.
  - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
This legislation will increase resiliency by reducing dependence on fossil fuels.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**  
This legislation is a continuation of a long-term strategy of the Seattle Climate Action Plan to reduce carbon pollution from buildings and supports implementation of Executive Order 2021-09, which calls for “all municipal buildings to operate without fossil fuel systems and appliances no later than 2035.”

**List attachments/exhibits below:**

None.

## SEPA NOTE TO FILE – NOVEMBER 2021 (SDCI)

### Description of amendment proposal and subsequent code-advisory recommendation

The City Council is considering an amendment that expands heat pump requirements and restricts gas water heating to address many new commercial uses. The legislation (Ordinance 126279) to be amended went into effect on March 15, 2021, sponsored by the Executive, restricting gas water heating for hotels and tall multifamily residential uses.

Follow-up review in 2021 has occurred by Seattle's Construction Codes Advisory Board, with recommendations to adjust the code amendment proposal. The CCAB unanimously approved a motion recommending expanding the relevant requirements from hotel and apartments, as per the current requirements, to all occupancies, with the scope limited. Exceptions have been made for:

- a. Small water heating systems (15 kW or less).
  - Draft language: A service water heating system in a tenant space under a separate permit with a total heating capacity in that tenant space that is no greater than 15 kW (51,195 Btu/h) is permitted to be electric resistance.
- b. Point of use instantaneous electric water heaters serving fixtures no more than 8 feet of developed pipe length from the water heater, that would not contribute to the building combined water heating capacity calculation.
- c. Unitary heat pump water heaters located in conditioned space, where they are sized to meet all calculated service water heating demand using the heat pump compressor, and not supplementary heat.
- d. Energy districts in occupancies other than hotels and apartment buildings.
  - For other than Group R-1 and R-2 Occupancies, steam or hot water district energy systems that utilize fossil fuels as their primary source of heating energy, that serve multiple buildings, and that were already in existence prior to the effective date of this code, including more energy-efficient upgrades to such existing systems, are permitted to serve as the primary heating energy source.
- e. Existing buildings in occupancies other than hotels and apartment buildings.
  - Draft language: Replacement equipment for existing central service water heating systems serving other than Group R-1 and R-2 occupancies is permitted to utilize fossil fuel or electric resistance heat as the primary heating energy source.
- f. SDCI's draft language to permit booster heaters to be electric resistance. Booster heaters are needed due to the short term load increases at meal times in restaurants.
  - Draft language: Commercial dishwashers, commercial food service equipment, and other approved process equipment are permitted to utilize electric booster heaters for supply water temperatures 120°F or higher.

SDCI was also asked to clarify starting temperature for other primary heating systems in C404.2.3.1.

## SEPA NOTE TO FILE – NOVEMBER 2021 (SDCI)

### SEPA Findings

This addendum to the November 16, 2020, SEPA Threshold Determination provides additional discussion about SEPA environmental impact implications of prospective expansions of gas water heating restrictions across many non-residential occupancy categories. The discussion assumes that CCAB recommendations including the exceptions are adopted into the legislation.

A review of the findings of the prior SEPA DNS confirms that its written contents are durable in addressing the nature of impacts likely to be generated by the update of the Energy Code, even when considering the newer amendment proposal. For example, the prior DNS mentioned water heating in its evaluation of potential energy-related impacts, regarding utility impacts:

*“At the same time, implementing the proposal would cumulatively lead to greater energy efficiencies, including in use of electricity, by future new buildings and many remodeled buildings. This would likely occur due to the proposed Energy Code’s restrictions on the use of electric resistance heating and water heating, and the use of heat pumps for space heating and other requirements for efficient use of electricity in lighting, mechanical and other systems. Renewable energy would be required on most commercial projects. The cumulative effect of these actions would be to help moderate or offset the overall potential for impacts on the City’s electrical utility systems and its provision of utility services to future new development. This finding suggests that the proposal has a lack of potential to generate significant adverse impacts on SCL as a utility, including in its ability to fulfill future obligations to provide electrical service over the long-term.”*

(Underlines added for emphasis)

On land use and building-design related topics, the prior DNS indicated,

*“The proposed Energy Code updates would influence the energy efficiency and design of systems used in future new and remodeled buildings, but would not create potential for adverse differences in physical or land-use related impacts at future development sites. For example, this checklist (sic) identifies no substantive potential for physical differences in probable layout, total size, location, or use of commercial or larger multi-family residential buildings. Therefore, there is no identified potential to create direct or indirect adverse spillover land use or shoreline use impacts such as land use incompatibilities or conflicts between neighboring uses, or side effects such as more demolition of affordable housing.”*

(Underlines added for emphasis)

The conclusions regarding no potential or a minimal potential for significant adverse environmental impacts remain durable. However, this finding is premised on the inclusion of the CCAB-recommended exceptions in the legislation.

## SEPA NOTE TO FILE – NOVEMBER 2021 (SDCI)

Implementing the CCAB recommendations, as outlined above, could help minimize or avoid potential difficulties that might arise for individual future users. This is an important point to consider regarding how the new amendments would exempt the new water heating rules from applying to certain situations that might create practical difficulties for certain kinds of land uses like restaurant kitchens or small water heating system users, or other arrangements such as energy districts. The CCAB recommended exceptions may help avoid unintended and potentially unforeseen indirect land use impacts like discouraging various uses like restaurants from locating in Seattle neighborhoods. Conceptually, factors like cost of alternative water heating systems, lack of practical feasibility to locate them in existing buildings, and possibly reduced functionality in relation to business needs, might dissuade businesses from locating in Seattle. At worst, without the recommended CCAB exceptions, the cumulative effect could be diminished vitality of Seattle neighborhood business districts if too many barriers to businesses providing amenities, services, and employment would discourage their presence.

The DNS also commented on the potential for localized electrical system impacts:

*The proposal, and the effects of this proposed amendment: “could lead to the need for localized improvements in its electrical distribution facilities. This would relate to localized increases in electrical demand from future development that could exceed the capacity of segments of the existing service facilities. This would depend on the specific location, timing, quantity and nature of future development that might occur in future years. SCL notes it will continue to study these future needs going forward. This SEPA determination categorizes this finding as a probable adverse but not significant adverse utility impact, because it can and would be remedied by future system improvements that would be identified and provided as needed according to the localized demands caused by individual future developments.”*

To the extent that more new buildings and uses could be subject to the enhanced requirements under the current proposal, this potential adverse impact could perhaps occur and be addressed by SCL in more locations than it would have before. However, this finding would remain one that is adverse but not a significantly adverse potential impact, because it can be remedied if it occurs. Also, factors like the CCAB recommended exceptions are important. With those exceptions, the likelihood of needing localized improvements in any given location could be low. For example, not applying the requirement to uses in existing buildings would reduce the volume of potentially affected parties considerably because new building developments are a small fraction of all business activity that could be otherwise potentially affected. Also, the exceptions would perhaps reduce the chances of multiple parties clustering in a given area that might cumulatively generate a need for electrical distribution system improvements.

### **Conclusion**

SDCI finds that the environmental impacts of the proposed amendment by the City Council that expands heat pump requirements and restricts gas water heating to address many new commercial uses is adequately addressed by the prior DNS and SDCI’s additional discussion in this addendum.

November 29, 2021

## MEMORANDUM

**To:** Land Use & Neighborhoods Committee  
**From:** Yolanda Ho, Analyst  
**Subject:** Energy Code Amendment – Council Bill 120239

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On December 3, 2021, the Land Use & Neighborhoods Committee (Committee) will discuss [Council Bill \(CB\) 120239](#) that would amend the 2018 Energy Code. Staff from the Seattle Department of Construction and Inspections (SDCI) will be available to answer technical questions at the meeting.

This memorandum describes (1) the background of the legislation, (2) CB 120239; (3) potential impacts of CB 120239, and (4) next steps.

### Background

On February 1, 2021, the Council passed [Ordinance 126279](#) that adopted the [2018 Energy Code](#). This latest update to the Energy Code continued the City's practice of adopting an amended version of the Washington State Energy Code that requires new multifamily residential buildings taller than three stories and all new commercial buildings to conform to higher standards than those required by the State. These regulations also apply to alterations and/or replacement of existing building components. The 2018 Energy Code went into effect on March 15, 2021.

Notable changes to the 2018 Energy Code included the addition to the code's intent section the goal of reducing carbon emissions to the existing goal of increasing energy efficiency. To help achieve these goals, the code included restrictions on the use of fossil fuels and electric resistance for space and water heating. The space heating restriction went into effect on June 1, 2021, and the water heating restriction, which is limited to multifamily and hotel uses,<sup>1</sup> will go into effect on January 1, 2022.

During the Committee's deliberations regarding adoption of the 2018 Energy Code in January 2021, Councilmember Lewis proposed an [amendment](#) that would have extended the restrictions on the use of fossil fuels and electric resistance for water heating to all commercial buildings. This amendment had not been considered as part of the code update, and thus had not been discussed with either the public during SDCI's outreach and engagement process or the City's [Construction Codes Advisory Board \(CCAB\)](#), whose role is to consider potential Seattle-specific amendments to the construction codes, suggest changes as appropriate, and then vote on whether to recommend adoption of any proposals. Additionally, the change may

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<sup>1</sup> The water heating restriction exempted commercial buildings based on the rationale that they have less predictable hot water demand as compared to multifamily and hotel uses.

have required additional environmental review, which could have delayed the effective date of the 2018 Energy Code.

Due to these circumstances, the Committee did not vote on this amendment and instead requested that SDCI complete additional work to consider this change. SDCI began the outreach and engagement process for this proposed amendment following the Council's adoption of the 2018 Energy Code by holding a public meeting on March 12, 2021. SDCI also discussed the potential change during its public webinars on February 9, 2021, and June 22, 2021, related to requirements for heat pump water heaters (HPWH) as adopted in the 2018 Energy Code. Additionally, SDCI discussed the amendment in a presentation to the local chapter of the American Society of Plumbing Engineers on May 1, 2021.

The CCAB met multiple times this year to discuss the amendment and proposed including several exceptions that would make implementation of the new requirement less burdensome. Following these discussions, the CCAB ultimately voted to recommend adopting this amendment with the exceptions included.

SDCI completed the required environmental review as an [addendum](#) (also known as a State Environmental Policy Act (SEPA) Note To File) to the original Determination of Non-Significance that was issued in December 2020.

### **CB 120239**

As adopted, the 2018 Seattle Energy Code requires that central water heating in multi-family and hotel uses be performed by HPWH, rather than gas or electric resistance water heaters. Commercial buildings are exempted from this requirement, allowing them to continue to use systems that rely on fossil fuels or electric resistance.

CB 120239 would extend the HPWH requirement to include new commercial buildings that incorporate more than minimal water heating capacity. As recommended by the CCAB, there are several exceptions, most notably that this does not apply to most upgrades of existing commercial buildings. The legislation also includes several technical changes to make the code provisions more coordinated and enforceable.

### **Potential Impacts of CB 120239**

CB 120239 would eliminate the use of fossil fuels for water heating in most new commercial buildings, helping to decrease Seattle's greenhouse gas (GHG) emissions. Climate change, which has accelerated in response to increased GHG emissions caused by the combustion of fossil fuels, disproportionately impacts low-income people and people of color, and efforts to decrease emissions are intended to avoid the worst impacts of climate change over the long term.

This legislation may increase the number of jobs for workers who install and maintain HPWH systems, but could also diminish job opportunities for those who install and maintain gas water heating systems as demand for these services will diminish over time as more buildings shift to fully electrical systems and appliances.<sup>2</sup> The City has a commitment to ensure a just transition for such workers as part of the Green New Deal for Seattle ([Resolution 31895](#)).

HPWH systems could add complexity and cost to commercial development in the near term as developers, designers, and engineers adjust to the new requirement. Costs are expected to diminish over time as the requirement becomes the accepted standard and the market offers greater options for HPWH systems.

New City facilities would also be subject to this legislation. Similar to the impacts to commercial development generally, this change could initially result in increased capital costs for City projects. The Mayor's recent [Executive Order 2021-09](#) directs capital departments to develop an Electrification Strategy for all municipal buildings to be fully electrified by 2035, and this amendment to the 2018 Energy Code would be a step towards achieving that goal.

### **Next Steps**

The Committee will continue discussion of CB 120239 and possibly vote at its meeting on December 8.

cc: Esther Handy, Director  
Aly Pennucci, Policy and Budget Manager

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<sup>2</sup> The Bureau of Labor Statistics' 2020 data indicate that at the national level, over 80 percent of workers in the "Plumbers, pipefitters, and steamfitters" occupation are white and 24.5 percent are Hispanic/Latino. For reference, 78 percent of all workers in the U.S. are white and 17.6 percent are Hispanic/Latino.



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **2018 Energy Code Water Heating Amendment (Council Bill 120239)**

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YOLANDA HO, ANALYST

LAND USE & NEIGHBORHOODS COMMITTEE  
DECEMBER 3, 2021

# Presentation Overview

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- Background
- Summary of Council Bill (CB) 120239
- Potential Impacts of CB 120239

# Background

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- Council adopted the 2018 Energy Code on February 1, 2021 (ORD 126279)
- Notable changes:
  - Included additional goal to reduce carbon emissions
  - Restrictions on use of fossil fuels and electric resistance for space heating (went into effect June 1, 2021) and water heating (effective January 1, 2022; only applies to multifamily and hotel uses)
- Proposed amendment to extend water heating restrictions to all commercial buildings

# Summary of CB 120239

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The legislation would:

- Require that all new commercial buildings use heat pump water heaters, with some exceptions; most notably does not apply to upgrades of existing commercial buildings
- Make technical changes to make code provisions more coordinated and enforceable

# Potential Impacts of CB 120239

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- Greenhouse gas emissions
- Impacts on workers
- Project costs

# Questions?



Legislation Text

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File #: CB 120215, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to land use review decision procedures; amending Section 23.51A.002 of the Seattle Municipal Code to authorize the Director of the Seattle Department of Construction and Inspections to administratively waive development standards for minor expansions of sewage treatment plants subject to a Department of Ecology corrective order and finding an emergency under Seattle Municipal Code Section 25.05.880.

WHEREAS, the West Point Treatment Plant operated by the King County Department of Natural Resources and Parks provides wastewater treatment for residents and businesses in Seattle, including Seattle's combined stormwater/wastewater sewer system; and

WHEREAS, the West Point Treatment Plant provides secondary treatment of approximately 90 million gallons a day (mgd) of wastewater during the dry months, treats wastewater flows up to 300 mgd during the rain/storm season, and provides primary treatment and disinfection for flows above 300 mgd up to 440 mgd; and

WHEREAS, King County originally designed the electric service for the West Point Treatment Plant based on a single, non-dedicated 26.4 kV feeder line, and the City Light Department ("City Light") accordingly planned and built the service to King County's original specifications; and

WHEREAS, since the original connection to City Light's distribution system, King County has made and City Light has accommodated requests for upgrades to the West Point Treatment Plant's electric service: by creating a dedicated underground 26.4 kV feeder, as well as a second non-dedicated backup 26.4 kV feeder; and

WHEREAS, there has been an increase in bypass events at the West Point Treatment Plant related to electrical

events within the West Point Treatment Plant and on the grid, such as voltage sags, which are momentary reductions in power quality, primarily related to storms and other acts beyond the control of City Light; and

WHEREAS, it remains imperative that the West Point Treatment Plant make immediate improvements to its electric facilities, as the largest treatment plant in Washington State based on wastewater volumes treated, to continue to reliably treat higher wastewater flows from a growing population and increased stormwater volumes, and to comply with regulatory obligations and prepare for climate change; and

WHEREAS, King County and City Light jointly hired a consultant in 2019 to conduct an independent power quality assessment of West Point Treatment Plant, and the assessment was completed on May 28, 2020; and

WHEREAS, the May 28, 2020, power quality assessment made nine recommendations to mitigate “voltage sags,” and these recommendations have been implemented or are underway; and

WHEREAS, the Washington State Department of Ecology issued Administrative Order 19477 to King County on February 2, 2021, regarding unauthorized bypasses of the secondary treatment system, where effluent that has received some treatment is blended with fully treated effluent and then disinfected before discharge, at the West Point Treatment Plant between January 1, 2018, and June 30, 2020; and

WHEREAS, Administrative Order 19477 noted that six of the unanticipated, unauthorized bypasses of the secondary treatment system between January 1, 2018, and June 30, 2020, were related to the West Point Treatment Plant’s main electrical power system. Event descriptions indicate that there was a mix of power quality issues associated with City Light system disturbances beyond City Light’s control.

WHEREAS, City Light has multiple projects underway that will help King County achieve improvements to its power supply to the West Point Treatment Plant, including pole replacements to mitigate voltage sags by reducing the number of potential faults caused by pole failures along the Canal Substation feeders, and accelerated cable testing in order to assess underground cable segments and assemblies that feed the

plant; and

WHEREAS, Administrative Order 19477 requires King County to complete four corrective actions that include producing two reports by September 30, 2021, developing a strategic master plan for the West Point Treatment Plant's electrical system by December 31, 2021, and implementing the corrective actions in the plan by December 31, 2025; and

WHEREAS, the West Point Treatment Plant includes a cogeneration system that could be modified to enable greater resiliency to power disruptions, allowing the plant to withstand voltage sags that can otherwise shut down critical equipment; and

WHEREAS, the addition of a battery-based Uninterruptable Power Supply ("UPS") system at the West Point Treatment Plant in addition to, or in place of, a modification to the cogeneration system may significantly improve the West Point Treatment Plant's power reliability in the near term; and

WHEREAS, the land use control ordinances and processes governing the construction of buildings needed to house the equipment-specific UPS systems are time-consuming and subject to procedures that would result in extensive and unanticipated delay in compliance with the corrective actions in the plan by December 31, 2025, NOW, THEREFORE,

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

Section 1. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

**23.51A.002 Public facilities in ~~((single family))~~ single-family zones**

\* \* \*

C. Expansion of ~~((Uses in Public Facilities.))~~ uses in public facilities

1. Major Expansion. Major expansions may be permitted ~~((to))~~ for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B ~~((above))~~ according to the same provisions and procedural requirements as described in these subsections. Except as provided in subsection 23.51A.002.C.2.a,

((A)) a major expansion of a public facility use occurs when the proposed expansion would not meet development standards or would exceed either 750 square feet or 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted ((tø)) for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B ((above)) according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met ((-)) or as follows:

a. For existing sewage treatment plants for which there is a current Department of Ecology order requiring corrective action and the expansion falls below the major expansion threshold level, as a Type I Master Use Permit, the Director may waive or modify applicable development standards; provided, that:

1) The expansion area is at least 50 feet from the nearest lot line;

2) The waiver or modification of physical development standards is the least necessary to achieve the applicant's proposed solution; and

3) The applicant submits a construction management plan, which is approved by the Director.

b. An application vested according to the provisions of Section 23.76.026 may elect to apply subsection 23.51A.002.C.2.a to their project according to the provisions of subsection 23.76.026.G.

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

1. Applicable procedures. Except as provided in subsection 23.51A.002.C.2.a, ((The)) the

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

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

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

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one site in a single-family zone.

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

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

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

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

4) Schematic plans outlining dimensions, elevations, locations on site, and similar

specifications for the proposed project and for the alternative(s).

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

3. Conditions for Approval of Proposal.

a. The project is located so that adverse impacts on residential areas are minimized. ((§))

b. The expansion of a facility does not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with ((single-family)) single-family residences.

c. A facility management and transportation plan is required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood. ((§))

d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility. ((§))

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility. ((§))

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards. ((§))

g. The bulk of facilities shall be compatible with the surrounding community. Public

facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there. ((;))

h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls, and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

i. No residential structures, including those modified for nonresidential use, are demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination. Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

\* \* \*

Section 2. The Council finds that an exemption from conducting State Environmental Policy Act (SEPA) review is necessary under Seattle Municipal Code Section 25.05.880 for this ordinance, and review by the City of any application by the King County Department of Natural Resources and Parks made under the authority of this ordinance, in order to expedite corrective action under Department of Ecology Order 19477 and to limit future unanticipated and unauthorized sewage bypass events.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance

or the validity of its application to other persons or circumstances.

Section 4. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

| <b>Department:</b> | <b>Dept. Contact/Phone:</b> | <b>CBO Contact/Phone:</b> |
|--------------------|-----------------------------|---------------------------|
| Legislative        | Freeman 48178               | NA                        |

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

### **1. BILL SUMMARY**

#### **Legislation Title:**

AN ORDINANCE relating to land use review decision procedures; amending Section 23.51A.002 of the Seattle Municipal Code to authorize the Director of the Seattle Department of Construction and Inspections to administratively waive development standards for minor expansions of sewage treatment plants subject to a Department of Ecology corrective order and finding an emergency under Seattle Municipal Code Section 25.05.880.

#### **Summary and background of the Legislation:**

This legislation would provide a limited exception to the otherwise applicable land use permit process for minor expansions of waste water treatment plants that are subject to a Department of Ecology order. Specifically, the legislation would:

- Categorize proposed expansions as minor when they are below the current size threshold for minor expansions and are required to meet a Department of Ecology order for corrective action;
- Authorize the SDCI Director as a Type I, non-appealable decision to waive physical development standards, such as height, provided that the waiver is the least necessary to achieve the corrective action;
- Require a construction management plan to mitigate any potential construction impacts;
- Make procedural changes to allow an applicant to apply for a building permit prior to receiving any waivers; and
- Declare a SEPA emergency to exempt the legislation and project-level review by SDCI of an application filed pursuant to the bill from SEPA.

### **2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?      \_\_\_ Yes  X  No

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget?      \_\_\_ Yes  X  No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

**Is there financial cost or other impacts of *not* implementing the legislation?**

The legislation provides an expedited pathway for land use approval for an expansion to King County's West Point Treatment Plant. The West Point Treatment Plant is currently subject to a Department of Ecology order requiring corrective action to mitigate events where untreated sewage is discharged to Puget Sound because of power failures and sags. Not implementing the legislation could require the County to pursue land use entitlements under the current process, which could delay implementation of the corrective action and lead to preventable untreated sewage discharge events.

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

Yes, the Seattle Department of Construction and Inspections.

**b. Is a public hearing required for this legislation?**

Yes

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes, a hearing notice is required in the *Daily Journal of Commerce*.

**d. Does this legislation affect a piece of property?**

This legislation affects wastewater treatment plants located in residential zones that are subject to a Department of Ecology order. This is likely only the West Point treatment plant.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

Untreated discharge events can harm local tribal fisheries.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

In the short-term, emission from construction equipment and vehicles travelling to the site may increase emissions. In the long-term, this legislation is unlikely to increase or decrease carbon emissions.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This action may increase Seattle's resiliency may providing for faster mitigation of untreated sewage bypass events. Quicker mitigation increases the likelihood that there

will be fewer such events that could harm local fisheries and decrease the overall ecological health of Puget Sound.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

NA

**List attachments/exhibits below:**

November 30, 2021

## MEMORANDUM

**To:** Land Use and Neighborhoods Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill 120215 – Limited Exception for Wastewater Treatment Plant Expansion

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On December 3, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on [Council Bill \(CB\) 120215](#). CB 120215 would modify otherwise applicable land use procedures to create a limited exception for an expansion of King County’s West Point treatment plant.

This memorandum (1) provides the background on the bill, (2) briefly describes what the bill would do, and (3) sets out next steps.

### Background

On February 2, 2021, the Washington Department of Ecology (DOE) issued [Administrative Order 19477](#) to King County requiring the County to undertake several actions to prevent unauthorized bypasses of partially or untreated wastewater to Puget Sound from the West Point treatment plant. Pursuant to that order, the County identified a battery-based power supply system as a solution to mitigate some bypass events, which are associated with power quality and supply.<sup>1</sup>

Construction of the battery-based power supply system would normally require a Council conditional use decision. Council conditional use decisions are a Type IV land use decision that can include a lengthy decision-making process and other schedule risks.<sup>2</sup> Order 19477 requires that the County come into compliance by December 31, 2025.

### Council Bill 120215

CB 120215 would provide a limited exception to the otherwise applicable land use permit process for minor expansions of wastewater treatment plants that are subject to a DOE order. Specifically, the legislation would:

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<sup>1</sup> DOE Order 19477 notes that six of thirteen unauthorized bypass events not associated with wet weather that occurred between January 1, 2018, and June 30, 2020, were associated with power quality issues. Seattle City Light has made improvements to the distribution system supplying power to West Point including creating a dedicated feeder line as well as a non-dedicated back-up feeder.

<sup>2</sup> [Seattle Municipal Code Section 23.76.004](#).

- Categorize proposed expansions as minor when they are below the current size threshold for minor expansions and are required to meet a Department of Ecology order for corrective action;
- Authorize the Seattle Department of Construction and Inspections (SDCI) Director, as a Type I, non-appealable decision, to waive physical development standards, such as height, provided that the waiver is the least necessary to achieve the corrective action;
- Require a construction management plan to mitigate any potential construction impacts;
- Make procedural changes to allow an applicant to apply for a building permit prior to receiving any waivers; and
- Declare a State Environmental Policy Act (SEPA) emergency to exempt the legislation and project-level review by SDCI of an application filed pursuant to the bill from SEPA.

### **Next Steps**

The LUN Committee is scheduled to hold a public hearing and may vote on the bill at its meeting on December 8, 2021.

cc: Esther Handy, Central Staff Director  
Aly Pennucci, Policy and Budget Manager

# West Point Treatment Plant Power Quality Improvement Project

Seattle City Council  
Land Use and Neighborhoods  
Committee  
December 3, 2021

# Project Background and Importance <sup>2</sup>

- Electric power is provided by Seattle City Light (SCL)
- A ‘bypass’ event occurs when wastewater is discharged to Puget Sound with either partial or no treatment
- In the last 21 years, there have been 17 bypass events caused by SCL voltage sags, with 9 of those in the past 5 years
- Seven bypasses of the secondary treatment system between 2018 and 2021 were caused by power problems
- Frequency of power quality and reliability issues from the Seattle City Light system is increasing
- Department of Ecology issued an Administrative Order in February 2021 requiring King Co to correct power quality issues



# Emergency Declaration

- County Executive declared Emergency on February 25, 2021
  - Correct power quality and voltage sags to protect employee and public safety and prevent environmental harm
- Directed Wastewater Treatment Division (WTD) to quickly implement actions
- Declaration waives requirements for procurement to expedite design and construction



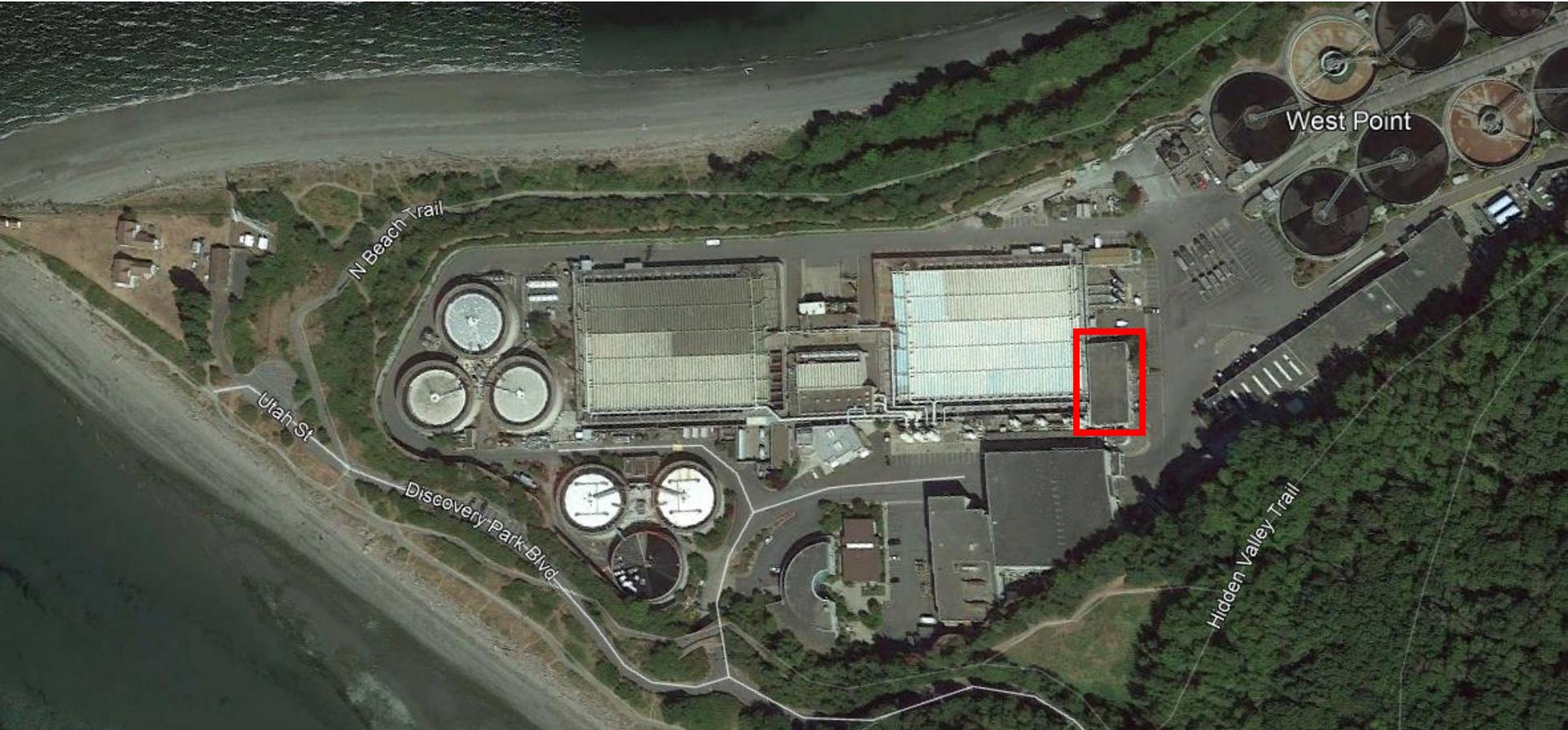
# Power Quality Improvement Project<sup>4</sup>

## Online Uninterruptible Power Supply (UPS)

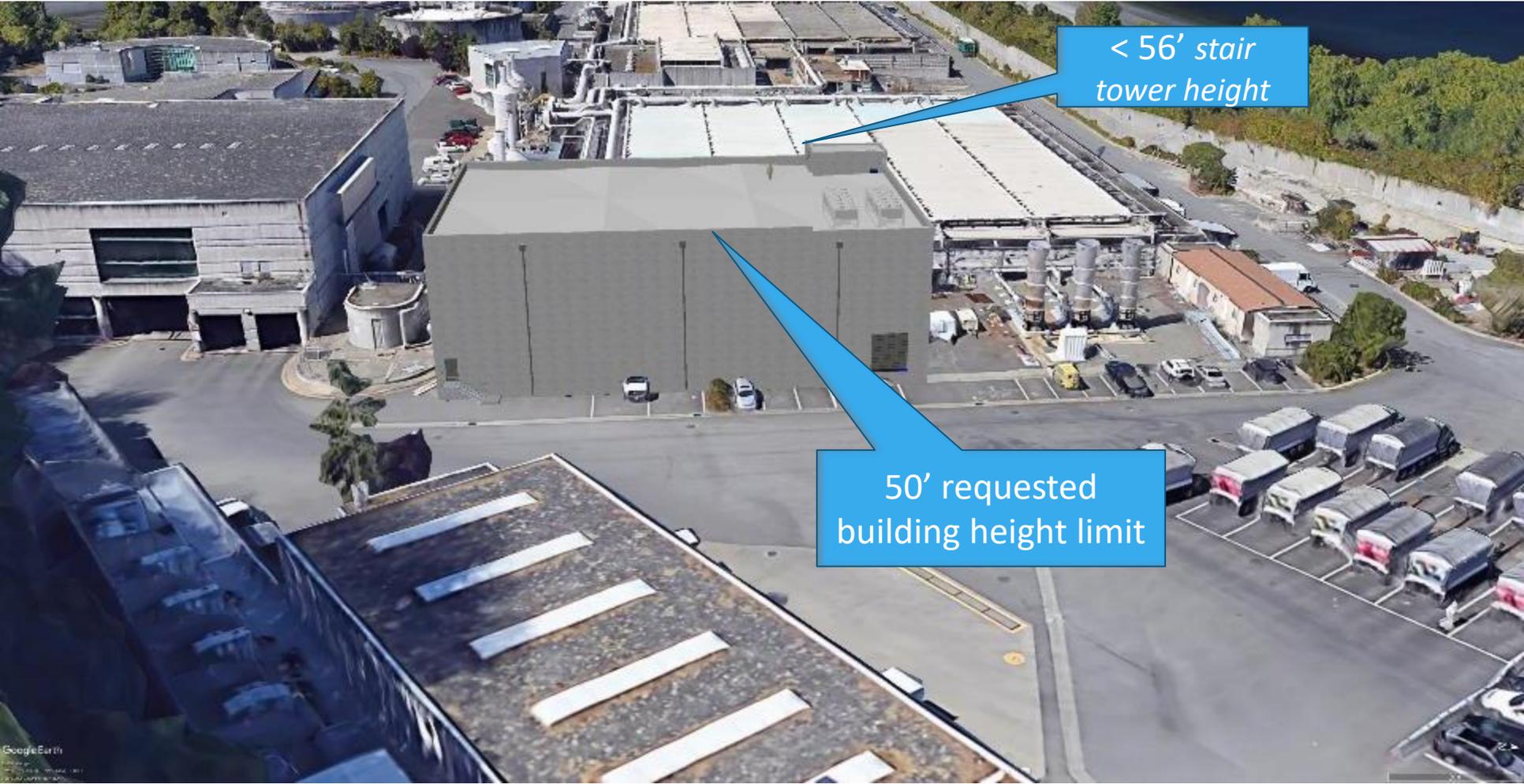
- Examined 5 alternatives to improve power quality
- Selected battery energy storage technology to condition power feed and improve power quality
- Connected to each of the critical pump motors to maintain continuity of pumping operations
- Highly effective at mitigating voltage sags
- Can ride-through minor (~1 min) power outages
- Electrical equipment and batteries to be housed in replacement building



# Existing Building



# Replacement Building



# Shared Goals

- Seattle and King County share goals to reduce risk of future bypass events, reduce environmental impacts, and help keep employees and public safe
- Proposed ordinance will streamline the permit process and help us stay on schedule
- Reduces delay in completing this project and other critical projects at West Point Treatment Plant
- Helps us comply with Ecology orders



# Community Outreach

- Regular and on-going communication with groups and individuals in Magnolia area
- Sharing information on this project via email, webpage, and social media since spring 2021, including:
  - Project schedule
  - Chosen battery solution
  - Size, location and shape of building including renderings
  - Minimal neighborhood impacts during construction and operations (e.g., no odors, no noise, no additional traffic)
  - Briefings offered to community groups



# Questions?

Bruce Kessler, Deputy Director  
King County Wastewater Treatment Division  
[Bruce.Kessler@KingCounty.gov](mailto:Bruce.Kessler@KingCounty.gov)





## Legislation Text

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**File #: CB 120214, Version: 1**

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AN ORDINANCE relating to land use and zoning; renaming Single-Family zones to Neighborhood Residential zones; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 1 through 107, 111 through 114, 117 through 126, 131 through 140, 142 through 214, and 216 through 221 of the Official Land Use Map; renaming Chapter 23.44 of the Seattle Municipal Code; and amending Sections 6.600.080, 11.16.240, 15.16.040, 15.17.100, 15.17.120, 15.17.150, 15.32.200, 15.32.300, 22.801.200, 22.900C.010, 23.04.010, 23.30.010, 23.30.030, 23.34.006, 23.34.010, 23.34.011, 23.34.012, 23.34.013, 23.34.014, 23.34.018, 23.34.072, 23.34.089, 23.40.006, 23.41.004, 23.41.008, 23.42.052, 23.42.056, 23.42.058, 23.42.106, 23.42.108, 23.42.110, 23.42.112, 23.42.122, 23.42.124, 23.42.130, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.011, 23.44.012, 23.44.013, 23.44.014, 23.44.016, 23.44.017, 23.44.019, 23.44.020, 23.44.021, 23.44.022, 23.44.024, 23.44.028, 23.44.034, 23.44.035, 23.44.036, 23.44.041, 23.44.046, 23.44.060, 23.45.514, 23.45.518, 23.45.527, 23.45.536, 23.45.550, 23.45.578, 23.47A.014, 23.47A.040, 23.50.024, 23.50.030, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.53.015, 23.53.030, 23.54.015, 23.54.020, 23.55.012, 23.55.015, 23.55.020, 23.57.005, 23.57.008, 23.57.009, 23.57.010, 23.58C.050, 23.69.024, 23.71.012, 23.71.030, 23.71.036, 23.72.004, 23.72.010, 23.84A.048, 23.86.006, 23.86.007, 23.86.008, 23.86.010, 23.90.019, 23.91.002, 25.05.800, 25.08.225, 25.09.240, 25.09.260, 25.11.040, 25.11.050, and 25.11.060 of the Seattle Municipal Code.

Full text of the legislation is attached.

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; renaming Single-Family zones to Neighborhood Residential zones; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 1 through 107, 111 through 114, 117 through 126, 131 through 140, 142 through 214, and 216 through 221 of the Official Land Use Map; renaming Chapter 23.44 of the Seattle Municipal Code; and amending Sections 6.600.080, 11.16.240, 15.16.040, 15.17.100, 15.17.120, 15.17.150, 15.32.200, 15.32.300, 22.801.200, 22.900C.010, 23.04.010, 23.30.010, 23.30.030, 23.34.006, 23.34.010, 23.34.011, 23.34.012, 23.34.013, 23.34.014, 23.34.018, 23.34.072, 23.34.089, 23.40.006, 23.41.004, 23.41.008, 23.42.052, 23.42.056, 23.42.058, 23.42.106, 23.42.108, 23.42.110, 23.42.112, 23.42.122, 23.42.124, 23.42.130, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.011, 23.44.012, 23.44.013, 23.44.014, 23.44.016, 23.44.017, 23.44.019, 23.44.020, 23.44.021, 23.44.022, 23.44.024, 23.44.028, 23.44.034, 23.44.035, 23.44.036, 23.44.041, 23.44.046, 23.44.060, 23.45.514, 23.45.518, 23.45.527, 23.45.536, 23.45.550, 23.45.578, 23.47A.014, 23.47A.040, 23.50.024, 23.50.030, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.53.015, 23.53.030, 23.54.015, 23.54.020, 23.55.012, 23.55.015, 23.55.020, 23.57.005, 23.57.008, 23.57.009, 23.57.010, 23.58C.050, 23.69.024, 23.71.012, 23.71.030, 23.71.036, 23.72.004, 23.72.010, 23.84A.048, 23.86.006, 23.86.007, 23.86.008, 23.86.010, 23.90.019, 23.91.002, 25.05.800, 25.08.225, 25.09.240, 25.09.260, 25.11.040, 25.11.050, and 25.11.060 of the Seattle Municipal Code.

..body

WHEREAS, before 1923, The City of Seattle allowed a mix of housing types and scattered

businesses in Seattle’s neighborhoods; and

WHEREAS, in 1923, the City adopted its first land use code, which prohibited multifamily

structures and boarding houses in areas where they had previously been permitted; and

WHEREAS, since 1923, the City zoned some areas with existing multifamily buildings and

commercial uses to single-family zoning; and

WHEREAS, as a result, Seattle’s Single Family zones frequently include a mix of land uses, a

condition that is not reflected in the term Single Family; and

WHEREAS, 54 percent of Seattle parcel area is zoned Single Family and 49 percent of the City

is in single-family use; and

1 WHEREAS, a similar portion of the City is designated as “Single Family Areas” on the Future  
2 Land Use Map; and

3 WHEREAS, in 2018, the Seattle Planning Commission (SPC) published “Neighborhoods for  
4 All,” which recommended changing the name of Single Family zones to Neighborhood  
5 Residential because “[t]he label of ‘Single Family Zone’ is a misnomer, as individuals  
6 and roommates can live in a house together without being a family”; and

7 WHEREAS, the SPC found that “[c]hanging the name of the zone to Neighborhood Residential  
8 would more accurately reflect the character of the zone, while not suggesting only  
9 families can live there”; and

10 WHEREAS, in 2019, in Resolution 31870, the City Council first called for the name of “Single  
11 Family” areas to be changed to “Neighborhood Residential”; and

12 WHEREAS, in 2019 and 2020, Resolutions 31896 and 31970, repeated the call to change the  
13 name of single-family areas; and

14 WHEREAS, the City has amended the Comprehensive Plan to change the name of lower-density  
15 residential areas from “Single Family” to “Neighborhood Residential”;

16 WHEREAS, the City’s land use code should remain consistent with the Comprehensive Plan,  
17 and one way to maintain that consistency is to rename the “Single Family” zones to  
18 “Neighborhood Residential” zones in most circumstances;

19 WHEREAS, because of the unique requirements of the Shoreline Management Act, the City  
20 intends to update terms in Chapter 23.60A of the Seattle Municipal Code as part of the  
21 next general update to Seattle’s Shoreline Master Program Regulations; and

22 WHEREAS, the City did not elect to amend the reference of “single family” in the term “single  
23 family dwelling unit” or “single family structures” in the Code because those terms refer

1 to individual buildings or units, rather than to neighborhoods that contain a mix of uses;  
2 NOW, THEREFORE,

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

4 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
5 amended to rezone properties on pages 1 through 107, 111 through 114, 117 through 126, 131  
6 through 140, 142 through 214, and 216 through 221 of the Official Land Use Map to change the  
7 names of Single Family zones to the comparable Neighborhood Residential zones, as follows:

| Table 1 for Section 1:<br>Zoning Name Changes |                                   |
|---|-----------------------------------|
| Existing Zone (Abbreviation)                  | New Zone (Abbreviation)           |
| Residential, Single Family 9600 (SF 9600)     | Residential, Neighborhood 1 (NR1) |
| Residential, Single Family 7200 (SF 7200)     | Residential, Neighborhood 2 (NR2) |
| Residential, Single Family 5000 (SF 5000)     | Residential, Neighborhood 3 (NR3) |

8  
9 Section 2. Section 6.600.080 of the Seattle Municipal Code, enacted by Ordinance  
10 125490, is amended as follows:

11 **6.600.080 Bed and breakfast operator general provisions**

12 All bed and breakfast operators who advertise or offer a bed and breakfast unit on a platform in  
13 the City, shall comply with the following:

14 \* \* \*

15 C. If operating within a ((single-family)) neighborhood residential zone, comply with all  
16 standards provided in Section 23.44.051. If operating within a multi-family zone, comply with  
17 all standards provided in subsection 23.45.545.G.

18 \* \* \*

1 Section 3. Section 11.16.240 of the Seattle Municipal Code, last amended by Ordinance  
2 123564, is amended as follows:

3 **11.16.240 Traffic Engineer—Authority—Review and recommend**

4 It shall be the function of the Traffic Engineer under the supervision of the Director of  
5 Transportation to:

6 \* \* \*

7 G. Review and make recommendations concerning all applications for all building  
8 permits except in ((single family (SF))) neighborhood residential (NR) and Lowrise 1 (LR1)  
9 zones regarding facilitation of traffic with respect to new or existing driveways;

10 \* \* \*

11 Section 4. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance  
12 125946, is amended as follows:

13 **15.16.040 Terms and conditions**

14 \* \* \*

15 B. The Director of Transportation may issue a Street Use permit authorizing the use of a  
16 public place for a café if the following requirements are met:

- 17 1. The applicant shall be the owner or occupant of the abutting property;
- 18 2. The café shall abut the applicant's business frontage unless an alternative  
19 location is approved;
- 20 3. The café shall be operated by a food service business holding all necessary City  
21 and state permits and licenses;
- 22 4. The café shall not be located in the public place abutting a lot zoned NR1,  
23 NR2, NR3, RSL, ((SF 5000, SF 7200, SF 9600)) LR1, LR2, or LR3 as these zoning



1 Health—Seattle & King County, the King County Board of Health, and the Seattle Fire  
2 Department if propane or a combustible fuel is used;

3           2. The permittee shall only sell food and beverages that are capable of immediate  
4 consumption;

5           3. The permittee shall obtain and maintain in effect all required permits and  
6 business licenses and display the vending Street Use permit at the vending site in a manner  
7 approved by the Director of Transportation;

8           4. The permittee's vending cart or food vehicle shall not be located in the public  
9 place abutting a lot zoned NR1, NR2, NR3, RSL, (~~SF 5000, SF 7200, SF 9600,~~) LR1, LR2, or  
10 LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting  
11 zoning does not have an RC classification as shown on the Official Land Use Map, Chapter  
12 23.32;

13           5. The permittee's vending cart or food vehicle shall not be located in the curb  
14 space of the public place, unless authorized under Section 15.17.120;

15           6. A proposed vending cart, food vehicle, or attended newsstand, and all  
16 associated vending activity shall not impair pedestrian passage and shall be sited to provide:

17                   a. An unobstructed corner clearance zone;

18                   b. An unobstructed pedestrian clear zone abutting the entire length of the  
19 vending cart, food vehicle, or attended newsstand. The width of the pedestrian clear zone is  
20 determined by the street type where the permitted area is located as defined by the Right-of-Way  
21 Improvements Manual or successor rule; and

22                   c. An unobstructed 3-foot-wide pedestrian straight path as defined in  
23 Section 15.02.046 within the designated pedestrian clear zone that extends along the permitted

1 area and for 25 feet on either end of the permitted area's boundaries along the block face;

2           7. The vending cart, food vehicle, or attended newsstand shall comply with  
3 clearances required in the Right-of-Way Improvements Manual or successor rule. In addition to  
4 any other required setbacks, the vending cart, food vehicle, or attended newsstand:

5                   a. Shall not be sited in a manner that adversely affects pedestrian mobility  
6 directly beyond the permitted footprint area or inhibits the operation, maintenance, or  
7 functionality of any utilities or street fixtures;

8                   b. Shall not be located in the furniture zone when the curb space is  
9 designated as a bus zone area, disabled person parking zone, food-vehicle zone, or commercial  
10 loading zone;

11                   c. Shall be located:

12                           1) At least 1,000 feet from any public or private school containing  
13 a ninth- to twelfth-grade class;

14                           2) At least 50 feet from a food service business if the permittee is  
15 vending food or nonalcoholic beverages and at least 50 feet from a floral business if the  
16 permittee is vending flowers. However, a vending Street Use permit may be issued to the owner  
17 of a food service business for a site along the food service business's frontage, provided all other  
18 vending requirements of this Chapter 15.17 are satisfied;

19                           3) At least 10 feet from the corner clearance zone when located in  
20 the furniture zone; and

21                           4) At least 5 feet from curb ramps, curb ramp landings, alleys, and  
22 driveways;

23           8. The Traffic Engineer or Director of Transportation has authority to require

1 dimensions greater than the minimum standards included in subsections 15.17.100.A.6 and  
2 15.17.100.A.7 to provide for pedestrian passage, traffic management, or any other public-use  
3 purpose;

4 9. Vending sites shall not be located in driveways or within 15 feet of a business  
5 entrance or exit unless the abutting property owner submits an affidavit stating that access is not  
6 needed during the proposed vending hours;

7 10. The vending activity shall not violate the Americans with Disabilities Act;

8 11. The permittee shall not use amplification or noise-making devices and the  
9 permittee shall comply with Chapter 25.08;

10 12. Unless specifically authorized by Street Use permit, the permittee shall not  
11 locate electrical lines overhead or on the ground surface where the public has access to the public  
12 place; and

13 13. The permittee shall not leave a vending cart or food vehicle unattended in the  
14 public place for longer than 30 minutes.

15 \* \* \*

16 Section 6. Section 15.17.120 of the Seattle Municipal Code, last amended by Ordinance  
17 125946, is amended as follows:

18 **15.17.120 Food vending from a curb space**

19 \* \* \*

20 C. The Seattle Department of Transportation may designate a food-vehicle zone subject  
21 to the following requirements:

22 1. The proposed location is:

23 a. At least 50 feet from a food service business when vending food or

1 nonalcoholic beverages;

2                                   b. Not located in the public place abutting a lot zoned NR1, NR2, NR3,  
3 RSL, (~~SF 5000, SF 7200, SF 9600,~~) LR1, LR2, or LR3 as these zoning designations are defined  
4 under subsection 23.30.010.A if the abutting zoning does not have an RC classification as shown  
5 on the Official Land Use Map, Chapter 23.32; and

6                                   c. At least 1,000 feet from any public or private school containing a ninth-  
7 to twelfth-grade class; and

8                                   2. If an existing food-vehicle zone conflicts with the setback requirements of  
9 subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food-vehicle-zone  
10 vending Street Use permit when the existing Street Use permit expires.

11                                   D. The Director of Transportation may issue to a vendor, property owner, or public entity  
12 a temporary-curb-space vending Street Use permit that authorizes vending from a curb space that  
13 is not designated as a food-vehicle zone. The permit shall be effective for no more than four days  
14 during a six-month period if the curb space abuts a lot with a zoning designation other than those  
15 listed in subsection 15.17.120.C.1.b, or it shall be effective for no more than one day during a  
16 calendar year for the block that abuts a lot with a zoning designation listed in subsection  
17 15.17.120.C.1.b. The temporary-curb-space vending Street Use permit may be issued under the  
18 following requirements:

- 19                                   1. The permittee shall reserve the curb space as required in Title 11;
- 20                                   2. The permittee shall comply with the requirements in subsection 15.17.120.A;
- 21                                   3. The temporary-curb-space vending Street Use permit shall only be issued for  
22 an event located on private property abutting the curb space or an event located in the adjoining  
23 public place. If the event requires a Special Event as permitted and authorized under Chapter

1 15.52, the Director of Transportation shall not issue a temporary-curb-space vending Street Use  
2 permit; and

3 4. The vending activity shall end by 10 p.m. if located in the public place abutting  
4 a lot zoned NR1, NR2, NR3, RSL, ((~~SF 5000, SF 7200, SF 9600,~~)) LR1, LR2, or LR3 as these  
5 zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not  
6 have an RC classification as shown on the Official Land Use Map, Chapter 23.32.

7 \* \* \*

8 Section 7. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance  
9 125946, is amended as follows:

10 **15.17.150 Merchandise display from a public place**

11 A. The Director of Transportation may issue a merchandise display Street Use permit to a  
12 retail sales business allowing the same goods or wares offered for sale by the business to be  
13 displayed on the adjoining public place. Merchandise displays shall be subject to the following  
14 requirements:

15 1. The proposed merchandise display shall be sited to provide:

16 a. An unobstructed corner clearance zone;

17 b. An unobstructed pedestrian clear zone abutting the entire length of the  
18 merchandise display. The width of the pedestrian clear zone is determined by the street type  
19 where the merchandise display is located as defined by the Right-of-Way Improvements Manual  
20 or successor rule; and

21 c. An unobstructed 3-foot-wide pedestrian straight path as defined in  
22 Section 15.02.046 within the designated pedestrian clear zone that extends along the permitted  
23 area and for 25 feet on either end of the permitted area's boundaries along the block face;

1                   2. The merchandise display shall comply with clearances required in the Right-of-  
2 Way Improvements Manual or successor rule. In addition to any other required setbacks, the  
3 merchandise display:

4                   a. Shall not be sited in a manner that adversely affects pedestrian mobility  
5 directly beyond the permitted footprint area or inhibits the operation, maintenance, or  
6 functionality of any utilities or street fixtures;

7                   b. Shall not be located in the furniture zone when the curb space is  
8 designated as a bus zone area, disabled person parking zone, food-vehicle zone, or commercial  
9 loading zone;

10                  c. Shall be located:

11                               1) At least 10 feet from the corner clearance zone when located in  
12 the furniture zone; and

13                               2) At least 5 feet from curb ramps, curb ramp landings, alleys, and  
14 driveways;

15                  3. The Traffic Engineer or Director of Transportation has authority to require  
16 dimensions greater than the minimum standards included in subsections 15.17.150.A.1 and  
17 15.17.150.A.2 to provide for pedestrian passage, traffic management, or any other public-use  
18 purpose.

19                  4. The merchandise display shall not be located in the public place abutting a lot  
20 zoned NR1, NR2, NR3, RSL, (~~(SF 5000, SF 7200, SF 9600,)~~) LR1, LR2, or LR3 as these zoning  
21 designations are defined under subsection 23.30.010.A if the abutting zoning does not have an  
22 RC classification as shown on the Official Land Use Map, Chapter 23.32;

23                  5. The display shall be removed during those hours that the business is closed;



1 The notice shall be displayed towards the nearest public place that abuts the site and is viewable  
2 by the public and shall be maintained on the site for the duration of the public notice period.

3           1. If the new at-grade communication cabinet proposal is more than 36 inches in  
4 height including footings or bases as measured from the grade of the surrounding public place, or  
5 has a maximum volume of more than 18 cubic feet, and is abutting a lot zoned NR1, NR2, NR3,  
6 RSL, ((~~SF 5000, SF 7200, SF 9600,~~)) LR1, LR2, or LR3 as these zoning designations are defined  
7 under subsection 23.30.010.A and the abutting zoning does not have an RC classification as  
8 shown on the Official Land Use Map, Chapter 23.32 ("residentially zoned parcels"), the  
9 communication cabinet shall be fully screened from the public place and abutting private  
10 property. If it is not feasible to install mitigation screening due to physical site constraints, the  
11 applicant shall provide an alternative mitigation proposal within 200 feet of the project. If the  
12 alternative mitigation cannot be located within 200 feet of the project, the applicant shall propose  
13 an alternative location that the Director shall review and may approve. All mitigation screening  
14 shall comply with setback standards in Section 15.32.250 and remain the permittee's sole  
15 responsibility to maintain so long as the communication cabinet or accessory equipment occupies  
16 the public place. As determined by the Director, mitigation screening may include landscaping,  
17 fencing, or visual treatment to the cabinet surface. Visual treatment to the cabinet may include  
18 paint, decals, vinyl wraps, photos, or other surface treatments. A cabinet shall be considered fully  
19 screened for visual treatment purposes when the treatment is applied to all communication  
20 cabinet vertical surfaces.

21           2. The applicant shall send and post all required notices at least three calendar  
22 days before the start of the public notice period. The mailing and on-site notice shall be on a  
23 form provided by the Department of Transportation and shall include: a description of the



1 regarding any question of right to attach, construction compliance or contract interpretation  
2 regarding attachment to poles. Permission to make attachments to the City's poles may be  
3 withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof  
4 of required permits, by governmental directive or for any reason associated with the City's  
5 requirements for the use of its poles or public right-of-way. The City may direct the immediate  
6 removal of attachments at the owner's expense, if attachments fail to conform to codes or the  
7 City's requirements, or if attachments interfere with City operations.

8           2. All attachments shall be made in accordance with all applicable codes as well  
9 as City electrical standards, guidelines and practices.

10           3. All attachments, including co-lashing, shall be subject to prior approval of the  
11 Seattle Information Technology Department, Seattle Department of Transportation and the  
12 City Light Department in accordance with the following principles, requirements and  
13 procedures:

14                   a. Providing for the safety of the public, City employees, private  
15 contractors, and other users of poles is a fundamental principle which must be observed.

16                   b. The primary function of the City's poles is to support the City's  
17 electrical lines and equipment.

18                   c. The City shall neither replace existing poles with taller poles nor add  
19 crossarms to existing poles to create more communication space on the poles, except as  
20 described in subsection 15.32.300.C.4 below.

21                   d. Any new attachments must accommodate any prior agreements  
22 between the City and other entities regarding use of space on the poles.

23                   e. The City shall not relinquish the one communication space reserved

1 for its own use on every pole. At the request of the applicant, however, the City shall consider  
2 creating additional space for communication uses on the poles by taking such actions as  
3 removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy  
4 wires and other attachments to the poles and by providing for co-lashing. Any actions  
5 undertaken to create more communication space shall be considered make-ready work, and any  
6 such costs shall be borne by the applicant.

7                   f. Approval of attachments may include requirements for extra mitigation  
8 measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts,  
9 parks, historic districts and viewsheds. All such extra measures, including any additional  
10 public involvement and/or environmental review, shall be taken in accordance with directives  
11 from the General Manager and Chief Executive Officer of the City Light Department, and all  
12 costs associated with such extra measures and review shall be paid by the applicant.

13                   g. All make-ready costs such as costs for any permits, environmental  
14 review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall  
15 be paid by the applicant prior to making any attachments to the poles.

16                   h. As a condition of securing the City's permission to use its poles for  
17 attachment of cable, all applicants shall be required to permit co-lashing to their own cable of  
18 up to two other cables, which may be owned and operated by other entities. All cable  
19 attachments that initially occupy a space on a City-owned pole shall be required to provide an  
20 external or internal support ("messenger") wire that is capable of supporting two other cables  
21 in addition to the initial cable installed by the applicant. Owners of cable subsequently co-  
22 lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the  
23 cost of the messenger wire. All entities co-lashing together shall be required to provide one

1 another with reciprocal indemnity provisions equivalent to those which must be granted to the  
2 City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of any  
3 applicant until all other spaces on the pole, other than the City's reserved space, have been  
4 utilized. The City Light Department shall issue a Department Policy and Procedure for  
5 providing co-lashing space based on costs, operational convenience, cable size, and other  
6 criteria which are developed in the course of producing such Department Policy and Procedure.

7 i. In addition to the indemnification required by Section 15.32.150, the  
8 City may require that the applicant provide the City and entities permitted to co-lash with  
9 additional indemnification, such as indemnification from a parent company, and/or require that  
10 the applicant provide proof of specific insurance provisions acceptable to the City which cover  
11 potential exposure of both the applicant and the City.

12 j. As a further condition of securing the City's permission to use its poles  
13 for attachment of cable, all applicants upon request shall be required to provide the City with  
14 capacity on the applicant's cable over and above the capacity specifications submitted by the  
15 applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on  
16 the same cable being installed by the applicant or in the form of separate cable, as specified by  
17 the Seattle Information Technology Department, and shall be dedicated to the City for as long  
18 as the cable is attached to the City's poles. The City shall have the right to use that capacity for  
19 any governmental purpose and the right to lease that capacity to any public or nonprofit  
20 entities. The incremental costs of adding the specified amount of capacity for the City shall be  
21 borne by the City.

22 k. Applications for attachment to City-owned poles shall be submitted to  
23 the City Light Department. The City Light Department shall then coordinate that request with

1 the Seattle Department of Transportation and the Seattle Information Technology Department.  
2 Approval of all three departments shall be required prior to the issuance of a permit to attach to  
3 the poles.

4                   1. All applications for pole attachment shall be considered on a first-  
5 come, first-serve basis, provided that where space is limited, attachment permits shall be given  
6 first to public entities, second to entities which are common carriers, third to entities which  
7 request attachment to six poles or less for their own private communication needs, and fourth  
8 to others.

9                   m. If no space can be created on the poles requested, the applicant may  
10 seek an exception to any of the requirements set forth in this section by submitting a written  
11 request to a three person review committee comprised of one representative each from the  
12 Seattle Information Technology Department, the Seattle Department of Transportation, and the  
13 City Light Department. The committee shall review the request with reference to  
14 considerations which may warrant making an exception including, but not limited to reduced  
15 environmental effects, the lack of alternatives for achieving equivalent service available to the  
16 applicant, the lack of alternative routing which can be made available and the feasibility of  
17 undergrounding all or part of the cable. After engaging in a review of the application, the  
18 committee shall forward a recommendation to the Mayor and City Council. Exceptions will not  
19 be recommended where the City Light Department believes the safety will be compromised by  
20 the granting of an exception. Any exceptions to the requirements of this Section 15.32.300  
21 must be approved by ordinance.

22                   n. All entities that are provided attachments to City-owned poles, other  
23 than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee

1 for each such attachment at a rate established by ordinance. All income from such pole rental  
2 rates shall be paid into the Light Fund.

3 4. Provisions for special attachments

4 a. Class II attachments shall be limited to situations where: (i) make-  
5 ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and  
6 maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other  
7 attachments are reduced to a degree acceptable to the General Manager and Chief Executive  
8 Officer.

9 b. Class II attachment requests are subject to public notice and comment.  
10 Approval of attachments may include requirements for extra mitigation measures in certain  
11 areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts  
12 and view-sheds. All such extra measures, including any additional public involvement and/or  
13 environmental review, shall be taken in accordance with directives from the General Manager  
14 and Chief Executive Officer of the City Light Department, and all costs associated with such  
15 extra measures and review shall be paid by the applicant. Where a request meets the following  
16 criteria in Seattle, the applicant shall apply to the Department of Planning and Development  
17 and pay for an attachment siting review and recommendation consistent with the application,  
18 fee, notice, timeline and criteria for an administrative conditional use permit. The  
19 recommendation of the Department of Planning and Development shall be advisory to the  
20 General Manager and Chief Executive Officer:

| Zone                             | Street Type | Zoning Height Limit (ft) | Pole Height Requested (ft) |
|----------------------------------|-------------|--------------------------|----------------------------|
| <del>((SF,))</del> NR, L-1, NC-1 | Nonarterial | <40                      | <60                        |

|                                  |          |     |     |
|----------------------------------|----------|-----|-----|
| <del>((SF,))</del> NR, L-1, NC-1 | Arterial | <40 | >60 |
| L-2, L-3, L-4, NC-2              | Either   | <40 | >60 |
| NC-3, C, I, MI                   | Either   | <40 | >60 |

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c. Where the request is for a location outside Seattle, the applicant shall comply with all applicable requirements of the local jurisdiction where the property is located.

d. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 118737, together with special terms and conditions within the site agreement.

e. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

Section 10. Section 22.801.200 of the Seattle Municipal Code, last amended by Ordinance 126336, is amended as follows:

**22.801.200 "S"**

\* \* \*

"Single-family residential project" means a project that constructs one Single-family Dwelling Unit as defined in subsection 23.84A.032 and any associated accessory dwelling unit located in land classified as being ~~((Single family Residential 9,600 (SF 9600), Single family Residential 7,200 (SF 7200), or Single family Residential 5,000 (SF 5000)))~~ Neighborhood Residential 1 (NR1), Neighborhood Residential 2 (NR2), or Neighborhood Residential 3 (NR3)

1 pursuant to Section 23.30.010, and the total new plus replaced hard surface is less than 5,000  
 2 square feet.

3 \* \* \*

4 Section 11. Table C-1 for Section 22.900C.010 of the Seattle Municipal Code, which  
 5 section was last amended by Ordinance 126213, is amended as follows:

6 **22.900C.010 Land use fees**

7 \* \* \*

| Table C-1 for 22.900C.010—LAND USE FEES  |                      |
|--|----------------------|
| A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL, and HEARING EXAMINER APPROVALS   |                      |
| Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.   |                      |
| Type of Land Use Review  | Minimum Fee          |
| General—first 10 hours of review   | Land Use Hourly × 10 |
| Low-Income Housing—first 24 hours of review <sup>1</sup>   | Land Use Hourly × 10 |
| 1. Administrative conditional uses (ACUs)<br>ACUs for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in ((single family)) neighborhood residential and multi-family zones shall be charged a minimum fee of \$1,970 for the first 20 hours. Additional hours shall be charged at the Land Use hourly rate. This exception applies if the application is for an ACU only, or an ACU combined with a variance application. |                      |
| 2. Design Review<br>The minimum fee for Administrative Design Review, Master Planned Community Design Review and Streamlined Design Review is \$3,940. The minimum fee for full Design Review is \$7,880, which covers the first 20 hours of review. Refer to subsection 15 of this Table C-1 for 22.900C.010 for fees related to Design Review for Tree Protection.   |                      |
| 3. Environmental reviews (SEPA), including projects with more than one addressed site.   |                      |
| 4. Environmentally critical areas (ECA)  |                      |
| a. Environmentally Critical Areas variance <sup>2</sup>  |                      |
| b. ECA Exception   |                      |
| c. Environmentally Critical Areas Administrative Conditional Use   |                      |
| 5. Shoreline permits   |                      |
| a. Substantial development permits   |                      |
| b. Variances <sup>2</sup> and conditional uses   |                      |
| 6. Short subdivisions <sup>3</sup> ; refer to subsection 10 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type  |                      |
| 7. Special exceptions  |                      |

|   |
|---|
| 8. Variances <sup>2</sup><br>Variances for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in ((single family)) <u>neighborhood residential</u> and multi-family zones shall be charged a minimum fee of \$1,970 for the first 20 hours. Additional hours shall be charged at the Land Use hourly rate. This exception applies if the application is for a variance only, or a variance combined only with an ACU application. |
| 9. Type II land use approvals such as, but not limited to, planned community/residential development, major phased developments, and other Type II approvals that are not categorized otherwise in this Table C-1 for 22.900C.010.  |
| 10. The minimum fee for Council conditional uses, Rezones, Public Projects, and all other Type IV and Type V land use approvals shall be \$7,880, which covers the first 20 hours of review.  |
| 11. Full subdivisions <sup>4</sup> ; refer to subsection 10 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type   |
| 12. Reserved  |
| 13. Reserved  |
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Section 12. Section 23.04.010 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

**23.04.010 Transition to the Land Use Code**

\* \* \*

C. Existing Planned Unit Developments. Planned unit developments (PUDs) in ((~~an SF~~)) a neighborhood residential or multifamily zone regulated under Title 23 which were authorized pursuant to Title 24 shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply to the Council for an extension of time for completion of PUDs. Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

Section 13. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance 125792, is amended as follows:

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



|  |   |
|--|---|
| 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 <sup>1</sup>                            |
| Footnote to Table A for 23.34.006<br><sup>1</sup> 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. |   |

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Section 16. Section 23.34.010 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.34.010 Designation of ((SF 5000, SF 7200, and SF 9600)) NR1, NR2, and NR3 zones**

A. Except as provided in subsection 23.34.010.B, areas zoned ((SF 5000, SF 7200, or SF 9600)) NR1, NR2, or NR3 may be rezoned to zones more intense than ((SF 5000)) NR3 only if the City Council determines that the area does not meet the locational criteria for ((SF 5000, SF 7200, or SF 9600)) NR1, NR2, or NR3 zones.

B. Areas zoned ((SF 5000, SF 7200, or SF 9600)) NR1, NR2, or NR3 that meet the locational criteria contained in subsections 23.34.011.B.1 through 23.34.011.B.3 may only be rezoned to zones more intense than ((SF 5000)) NR3 if they are located within the adopted boundaries of an urban village, and the rezone is to a zone that is subject to the provisions of Chapter 23.58B and Chapter 23.58C.

Section 17. Section 23.34.011 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.34.011 ((SF 5000, SF 7200, and SF 9600)) NR1, NR2, and NR3 zones, function, and locational criteria**

1           A. Function. An area that provides predominantly detached single-family structures on  
2 lot sizes compatible with the existing pattern of development and the character of ~~((single-family~~  
3 ~~neighborhoods))~~ neighborhood residential areas.

4           B. Locational criteria. ~~((A SF 5000, SF 7200, or SF 9600))~~ An NR1, NR2, or NR3 zone  
5 designation is most appropriate in areas that are outside of urban centers and villages and meet  
6 the following criteria:

7                   1. Areas that consist of blocks with at least 70 percent of the existing structures,  
8 not including detached accessory dwelling units, in single-family residential use; or

9                   2. Areas that are designated by an adopted neighborhood plan as appropriate for  
10 single-family residential use; or

11                   3. Areas that consist of blocks with less than 70 percent of the existing structures,  
12 not including detached accessory dwelling units, in single-family residential use but in which an  
13 increasing trend toward single-family residential use can be demonstrated; for example:

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

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

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

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

1 C. An area that meets at least one of the locational criteria in subsection 23.34.011.B  
2 should also satisfy the following size criteria in order to be designated as a ((~~SF 5000, SF 7200,~~  
3 ~~or SF 9600~~)) NR1, NR2, or NR3 zone:

4 1. The area proposed for rezone should comprise 15 contiguous acres or more, or  
5 should abut existing ((~~SF 5000, SF 7200, or SF 9600~~)) NR1, NR2, or NR3 zones.

6 2. If the area proposed for rezone contains less than 15 contiguous acres, and does  
7 not abut existing ((~~SF 5000, SF 7200, or SF 9600~~)) NR1, NR2, or NR3 zones, then it should  
8 demonstrate strong or stable single-family residential use trends or potentials such as:

9 a. That the construction of single-family structures, not including detached  
10 accessory dwelling units, in the last five years has been increasing proportionately to the total  
11 number of constructions for new uses in the area, or

12 b. That the number of existing single-family structures, not including  
13 detached accessory dwelling units, has been very stable or increasing in the last five years, or

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

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

18 D. Half-blocks at the edges of ((~~SF 5000, SF 7200, or SF 9600~~)) NR1, NR2, or NR3  
19 zones which have more than 50 percent single-family structures, not including detached  
20 accessory dwelling units, or portions of blocks on an arterial which have a majority of single-  
21 family structures, not including detached accessory dwelling units, shall generally be included.

22 This shall be decided on a case-by-case basis, but the policy is to favor including them.

1 Section 18. Section 23.34.012 of the Seattle Municipal Code, last amended by Ordinance  
2 125791, is amended as follows:

3 **23.34.012 Neighborhood Residential Small Lot (RSL) zone, function and locational criteria**

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

7 B. Locational criteria. An RSL zone is most appropriate in areas generally characterized  
8 by the following:

9 1. The area is similar in character to ((~~single family~~)) neighborhood residential  
10 zones;

11 2. The area is located inside an urban center, urban village, or Station Area  
12 Overlay District where it would provide opportunities for a diversity of housing types within  
13 these denser environments;

14 3. The area is characterized by, or appropriate for, a mix of single-family dwelling  
15 units, multifamily structures that are similar in scale to single-family dwelling units, such as  
16 duplex, triplex, rowhouse, and townhouse developments, and single-family dwelling units that  
17 have been converted to multifamily residential use or are well-suited to conversion;

18 4. The area is characterized by local access and circulation that can accommodate  
19 low density development oriented to the ground level and the street, and/or by narrow roadways,  
20 lack of alleys, and/or irregular street patterns that make local access and circulation less suitable  
21 for higher density multifamily development;

22 5. The area is within a reasonable distance of frequency transit service, but is not  
23 close enough to make higher density multifamily development more appropriate.











1 A demolition permit for a structure containing a dwelling unit may only be issued if one of the  
2 following conditions is met, provided that no permit for demolition of a structure containing a  
3 dwelling unit may be issued if the new use is for non-required parking:

4 A. The structure has not been occupied as rental housing during the prior 6 months, and  
5 the demolition does not aid expansion of an adjacent non-residential use in a ((single family))  
6 neighborhood residential or lowrise zone, except as required for extension of light rail transit  
7 lines;

8 \* \* \*

9 Section 25. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance  
10 126287, is amended as follows:

11 **23.41.004 Applicability**

12 A. Design review required

13 1. Subject to the exemptions in subsection 23.41.004.B, design review is required  
14 in the following areas or zones when development is proposed that exceeds a threshold in Table  
15 A or Table B for 23.41.004:

16 a. Multifamily;

17 b. Commercial;

18 c. Seattle Mixed;

19 d. Downtown; and

20 e. Stadium Transition Area Overlay District as shown in Map A for

21 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

22 2. Subject to the exemptions in subsection 23.41.004.B, design review is required  
23 in the following areas or zones when commercial or institution development is proposed that

1 exceeds a threshold in Table A or Table B for 23.41.004:

2 a. Industrial Buffer; and

3 b. Industrial Commercial.

4 3. The gross floor area of the following uses is not included in the total gross floor  
5 area of a development for purposes of determining if a threshold is exceeded:

6 a. Religious facilities;

7 b. Elementary and secondary schools;

8 c. Uses associated with a Major Institution Master Plan (MIMP); or

9 d. Development of a major institution use within a Major Institution  
10 Overlay (MIO) district.

11 4. Any development proposal participating in the Living Building or 2030  
12 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060  
13 and 23.40.070, including a development proposal for an existing structure, regardless of size or  
14 site characteristics, is subject to full design review according to Section 23.41.014.

15 5. Any development proposal, regardless of size or site characteristics, is subject  
16 to the administrative design review process according to Section 23.41.016 if it receives public  
17 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory  
18 agreement, covenant or other legal instrument recorded on the property title and enforceable by  
19 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King  
20 County, U.S. Department of Housing and Urban Development, or other similar entity as  
21 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy  
22 by households earning no greater than 60 percent of median income, and controls the rents that  
23 may be charged, for a minimum period of 40 years.

1                   6. Any development proposal that is located in a Master Planned Community  
 2 zone and that includes a request for departures, regardless of size or site characteristics, is subject  
 3 to full design review according to Section 23.41.014. If a development proposal in a Master  
 4 Planned Community zone does not include a request for departures, the applicable design review  
 5 procedures are in Section 23.41.020.

6                   7. Subject to the exemptions in subsection 23.41.004.B, design review is required  
 7 for additions to existing structures when the size of the proposed addition or expansion exceeds a  
 8 threshold in Table A or Table B for 23.41.004. Administrative design review, as described in  
 9 Section 23.41.016, is required for certain other additions to existing structures according to rules  
 10 promulgated by the Director.

| <b>Table A for 23.41.004</b>   |   |
|--|---|
| <b>Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones</b>  |   |
| If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply. |   |
| <b>A.</b>  | <b>Category</b>   |
|  | <b>Site Characteristic</b>  |
|  | A.1. Context  |
|  | a. Lot is abutting or across an alley from a lot with ((single family)) neighborhood residential zoning.<br>b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley. |
|  | A.2. Scale  |
|  | a. Lot is 43,000 square feet in area or greater.<br>b. Lot has any street lot line greater than 200 feet in length.   |
|  | A.3. Special features   |
|  | a. Development proposal includes a Type IV or V Council Land Use Decision.<br>b. Lot contains a designated landmark structure.<br>c. Lot contains a character structure in the Pike/Pine Overlay District.                                |
| <b>B.</b>  | <b>Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.</b>   |
|  | <b>Amount of gross floor area of development</b>  |
|  | <b>Design review type<sup>1</sup></b>   |
|  | B.1. Less than 8,000 square feet  |
|  | No design review <sup>2, 3</sup>  |

|           |   |                                       |
|-----------|---|---------------------------------------|
|           | B.2. At least 8,000 but less than 35,000 square feet  | Administrative design review          |
|           | B.3. 35,000 square feet or greater  | Full design review <sup>4</sup>       |
| <b>C.</b> | <b>Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.</b> |                                       |
|           | <b>Amount of gross floor area of development</b>  | <b>Design review type<sup>1</sup></b> |
|           | C.1. Less than 8,000 square feet  | No design review <sup>2, 3</sup>      |
|           | C.2. At least 8,000 but less than 15,000 square feet  | Streamlined design review             |
|           | C.3. At least 15,000 but less than 35,000 square feet   | Administrative design review          |
|           | C.4. 35,000 square feet or greater  | Full design review                    |

Footnotes to Table A for 23.41.004

<sup>1</sup> Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

<sup>2</sup> The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a ((~~Single-family~~)) neighborhood residential zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after November 4, 2017. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

<sup>3</sup> The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a ((~~Single-family~~)) neighborhood residential zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after November 4, 2017. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

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

1

| <b>Table B for 23.41.004</b>  |   |                    |
|---|---|--------------------|
| <b>Design review thresholds by size of development in downtown and industrial zones</b> |   |                    |
| Zone  | Amount of gross floor area of development | Design review type |
| A. All DOC1, DOC2, or   | 50,000 square feet or greater             | Full design review |

|   |                               |                    |
|---|-------------------------------|--------------------|
| DMC zones   |                               |                    |
| B. All DRC, DMR, DH1, DH2, PMM zones outside the Pike Place Market Historical District, IB, or IC zones | 20,000 square feet or greater | Full design review |

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B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25;
3. Development within the historic character area of the Downtown Harborfront 1 zone;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A;
5. New light rail transit facilities that are subject to review by the Seattle Design Commission;
6. City facilities that are subject to review by the Seattle Design Commission;
7. Development within ((~~single-family or residential small lot~~)) neighborhood residential zones; and
8. Permanent supportive housing.

\* \* \*

Section 26. Table B for Section 23.41.008 of the Seattle Municipal Code, which section was last amended by Ordinance 126188, is amended as follows:

**23.41.008 Design review general provisions**

\* \* \*

| <b>Table B for 23.41.008<br/>Maximum number of Design Review Board meetings for certain projects</b> |                       |                        |
|--|-----------------------|------------------------|
| Type of design review  | Early design guidance | Recommendation meeting |

|                    |                  |                  |
|--------------------|------------------|------------------|
|                    | meetings         |                  |
| Full design review | 2 <sup>1,2</sup> | 1 <sup>1,2</sup> |

Footnotes to Table B for 23.41.008

<sup>1</sup> There is no limit to the number of Board meetings when:

The project lot is abutting or across the street from a lot in a (~~(single-family))~~ neighborhood residential zone;

The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or

Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.

<sup>2</sup> The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.

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Section 27. Section 23.42.052 of the Seattle Municipal Code, last amended by Ordinance 123378, is amended as follows:

**23.42.052 Keeping of animals**

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section 23.42.052.

A. Small Animals. Up to three small animals may be kept accessory to each business establishment, other than an urban farm, or dwelling unit on a lot, except as follows:

1. In no case is more than one miniature potbelly pig allowed per business establishment or dwelling unit (see subsection 23.42.052.B).

2. In (~~(single-family))~~ neighborhood residential zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this Section 23.42.052;

b. up to four small animals are permitted on lots of at least 20,000 square feet; and

1 c. one additional small animal is permitted for each 5,000 square feet of  
2 lot area in excess of 20,000 square feet. Accessory structures, including kennels, for four or more  
3 animals must be at least 10 feet from any other lot in a residential zone.

4 \* \* \*

5 Section 28. Section 23.42.056 of the Seattle Municipal Code, last amended by Ordinance  
6 126042, is amended as follows:

7 **23.42.056 Transitional encampment as an interim use**

8 A Type I Master Use Permit may be issued for a transitional encampment interim use according  
9 to the requirements of this Section 23.42.056.

10 \* \* \*

11 B. Location. The transitional encampment interim use may be located on property within  
12 any zone subject to the following requirements:

13 1. Screening shall be installed and maintained along each encampment boundary,  
14 including boundaries fronting on an opened public street. The screening shall consist of existing  
15 or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-  
16 foot high view-obscuring fence or wall.

17 2. Except for encampments established prior to February 18, 2020, all  
18 encampment facilities, improvements, activities, and uses shall be set back from abutting lot  
19 lines, as follows:

20 a. 10 feet from any side or rear lot line that abuts a lot in a ~~((single-~~  
21 ~~family))~~ neighborhood residential zone; and

22 b. 5 feet from any side or rear lot line that abuts a lot in any zone other  
23 than ~~((single-family))~~ neighborhood residential; except that no setback is required when an

1 abutting lot, which is not in a ((single-family)) neighborhood residential zone, does not have an  
2 established use.

3           3. The property is owned or controlled by a private party, an Educational Major  
4 Institution, The City of Seattle, or another public entity.

5           4. The property is within ½ mile of a transit stop. This distance shall be the  
6 walking distance measured from the nearest transit stop to the lot line of the lot containing the  
7 encampment site.

8           5. The property is 5,000 square feet or larger and provides a minimum of 100  
9 square feet of land area for each occupant that is permitted to occupy the encampment site.

10           6. The property does not contain a wetland, wetland buffer, known and potential  
11 landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation  
12 area defined and regulated by Chapter 25.09 unless all encampment facilities, improvements,  
13 activities, and uses are located outside any critical area and required buffer as provided for in  
14 Chapter 25.09.

15           7. The encampment site is not used by an existing legally-permitted use for code  
16 or permit-required purposes including but not limited to parking or setbacks.

17           8. The property is not an unopened public right-of-way; or designated as a park,  
18 playground, viewpoint, or multi-use trail by the City or King County.

19           9. The property is, as measured by a straight line, at least 1 mile from any other  
20 legally-established transitional encampment interim use including encampments accessory to a  
21 religious facility or accessory to other principal uses on property owned or controlled by a  
22 religious organization. This subsection 23.42.056.B.9 shall not apply:

23           a. To encampments on sites owned or controlled by religious

1 organizations, or

2 b. To any legally-established transitional encampment interim use that  
3 provides shelter for fewer than ten persons, or

4 c. When at least one transitional encampment is established in each  
5 Council District.

6 \* \* \*

7 Section 29. Section 23.42.058 of the Seattle Municipal Code, last amended by Ordinance  
8 124969, is amended as follows:

9 **23.42.058 Marijuana**

10 A. Major marijuana activity is prohibited in any dwelling unit, regardless of the zone in  
11 which the dwelling unit is located, except that major marijuana activity is allowed in caretaker's  
12 quarters unless the quarters are located in a zone or district identified in subsection 23.42.058.B.

13 B. Major marijuana activity is prohibited in the following zones and districts:

- 14 1. (~~Single family~~) Neighborhood residential zones;
- 15 2. Multifamily zones;
- 16 3. Neighborhood Commercial 1 (NC1) zones;
- 17 4. Pioneer Square Mixed (PSM);
- 18 5. International District Mixed (IDM);
- 19 6. International District Residential (IDR);
- 20 7. Downtown Harborfront 1 (DH1);
- 21 8. Downtown Harborfront 2 (DH2);
- 22 9. Pike Market Mixed (PMM);
- 23 10. Ballard Avenue Landmark District;

- 1 11. Columbia City Landmark District;
- 2 12. Fort Lawton Landmark District;
- 3 13. Harvard-Belmont Landmark District;
- 4 14. International Special Review District;
- 5 15. Pike Place Market Historical District;
- 6 16. Pioneer Square Preservation District;
- 7 17. Sand Point Overlay District; or
- 8 18. Stadium Transition Area Overlay District.

9 \* \* \*

10 Section 30. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance  
11 125518, is amended as follows:

12 **23.42.106 Expansion of nonconforming uses**

13 \* \* \*

14 B. In addition to the standards in subsection 23.42.106.A, a structure in a (~~single-~~  
15 ~~family~~) neighborhood residential zone occupied by a nonconforming residential use may be  
16 allowed to expand subject to the following:

- 17 1. The number of dwelling units shall not be increased, except as may be allowed  
18 pursuant to Section 23.40.040 or Section 23.44.015.
- 19 2. For a nonconforming residential use that is not a multifamily use, except as  
20 may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents  
21 may not be increased beyond the maximum number that was allowed by the standards of the  
22 zone at the time of approval; if originally permitted by conditional use, the number shall not be  
23 allowed to increase above the number permitted by the conditional use approval.



1 Section 32. Section 23.42.110 of the Seattle Municipal Code, last amended by Ordinance  
2 123495, is amended as follows:

3 **23.42.110 Change from one nonconforming use to another nonconforming use**

4 A nonconforming use may be converted by an administrative conditional use authorization to  
5 another use not otherwise permitted in the zone subject to the following limitations and  
6 conditions.

7 A. In ~~((single family and residential small lot))~~ neighborhood residential zones, a  
8 nonconforming multifamily residential use may not be converted to any nonresidential use not  
9 otherwise permitted in the zone.

10 \* \* \*

11 Section 33. Section 23.42.112 of the Seattle Municipal Code, last amended by Ordinance  
12 126157, is amended as follows:

13 **23.42.112 Nonconformity to development standards**

14 A. A structure nonconforming to development standards may be maintained, renovated,  
15 repaired or structurally altered but may not be expanded or extended in any manner that  
16 increases the extent of nonconformity or creates additional nonconformity, except:

17 1. any portion of a principal structure in a ~~((single family))~~ neighborhood  
18 residential zone that is nonconforming to front and/or rear yard requirements may be increased in  
19 height by up to 5 feet, but not to exceed the height limit of the zone, and only to the extent  
20 necessary to achieve minimum ceiling height in an existing basement or another floor within the  
21 principal structure to conform to the City's regulations for habitable rooms or to accommodate a  
22 pitched roof on the principal structure. If the height of a principal structure is being raised to  
23 increase ceiling height in a basement or another floor, existing porches or steps may extend into



1 or extended to add eaves, dormers and/or clerestories to an existing pitched roof if the additions  
2 are constructed below the highest point of the roof, pursuant to Section 23.45.514. An existing  
3 pitched roof that is above the height limit may not be converted into a flat roof, nor shall the  
4 slope of the roof be reduced to less than a 6:12 pitch.

5 \* \* \*

6 Section 35. Section 23.42.124 of the Seattle Municipal Code, last amended by Ordinance  
7 124883, is amended as follows:

8 **23.42.124 Light and glare standards nonconformity**

9 When nonconforming exterior lighting is replaced, new lighting shall conform to the  
10 requirements of the light and glare standards of the respective zone. See subsection 23.44.008.H  
11 for ((single-family)) neighborhood residential zones; Section 23.45.534 for multifamily zones;  
12 Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC  
13 zones; Section 23.48.075 for SM zones; Section 23.49.025 for downtown zones; and Section  
14 23.50.046 for IB and IC zones.

15 Section 36. Section 23.42.130 of the Seattle Municipal Code, last amended by Ordinance  
16 123209, is amended as follows:

17 **23.42.130 Nonconforming solar collectors**

18 The installation of solar collectors that do not conform to development standards or that increase  
19 an existing nonconformity may be permitted as follows:

20 A. In ((single-family)) neighborhood residential zones, pursuant to subsection B of  
21 Section 23.44.046;

22 B. In multifamily zones, pursuant to Section 23.45.582;

23 C. In NC zones or C zones, pursuant to subsection Section 23.47A.012 E.

1 Section 37. The name of Chapter 23.44 of the Seattle Municipal Code, enacted by  
2 Ordinance 110381, is amended as follows:

3 **Chapter 23.44 NEIGHBORHOOD RESIDENTIAL~~((, SINGLE FAMILY))~~**

4 Section 38. Section 23.44.002 of the Seattle Municipal Code, last amended by Ordinance  
5 125791, is amended as follows:

6 **23.44.002 Scope of provisions**

7 A. This Chapter 23.44 establishes regulations for the following ~~((single-family))~~  
8 neighborhood residential zones: NR1, NR2, NR3, and RSL, ~~((SF 5000, SF 7200, and SF 9600))~~  
9 zones.

10 \* \* \*

11 Section 39. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance  
12 126131, is amended as follows:

13 **23.44.006 Principal uses permitted outright**

14 The following principal uses are permitted outright in ~~((single-family))~~ neighborhood residential  
15 zones:

16 A. Single-family dwelling unit.

17 \* \* \*

18 Section 40. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance  
19 126157, is amended as follows:

20 **23.44.008 Development standards for uses permitted outright**

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

23 \* \* \*

1 Section 41. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance  
2 126157, is amended as follows:

3 **23.44.010 Minimum lot area and lot coverage**

4 A. Minimum lot area. The minimum lot area in ((single-family)) neighborhood  
5 residential zones shall be as provided in Table A for 23.44.010:

| Table A for 23.44.010  |                                  |
|--|----------------------------------|
| Minimum lot area   |                                  |
| Zone   | Minimum lot area required        |
| ((SF 9600)) <u>NR1</u>   | 9,600 square feet                |
| ((SF 7200)) <u>NR2</u>   | 7,200 square feet                |
| ((SF 5000)) <u>NR3</u>   | 5,000 square feet                |
| RSL  | No minimum lot area <sup>1</sup> |
| Footnote to Table A for 23.44.010<br><sup>1</sup> 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. |                                  |

6  
7 Submerged lands shall not be counted in calculating the area of lots for the purpose of  
8 these minimum lot area requirements, or the exceptions to minimum lot area requirements  
9 provided in this Section 23.44.010. A parcel that does not meet the minimum lot area  
10 requirements or exceptions of this Section 23.44.010, and that is in common ownership with an  
11 abutting lot when the abutting lot is the subject of any permit application, shall be included as a  
12 part of the abutting lot for purposes of the permit application.

13 B. Exceptions to minimum lot area requirements. The following exceptions to minimum  
14 lot area requirements are allowed in ((SF 5000, SF 7200, and SF 9600)) NR1, NR2, and NR3  
15 zones, subject to the requirements in subsection 23.44.010.B.2, and further subject to the  
16 requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

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





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

4                                   c. The lot would qualify as a legal building site under subsection  
5 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the  
6 amount by which the lot was so reduced was less than ten percent of the former area of the lot.  
7 This exception does not apply to lots reduced to less than 2,500 square feet.

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

13                                   1) A lot is considered to have been established as a separate  
14 building site by deed if the lot was held under separate ownership from all abutting lots for at  
15 least one year after the date the recorded deed transferred ownership. A lot is considered to have  
16 been established as a separate building site by contract of sale only if that sale would have  
17 caused the property to be under separate ownership from all abutting lots.

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

1 requirements. If the combined property fronts on multiple streets, the orientation of the principal  
2 structure shall not be considered when determining if it could have been built to the same  
3 configuration without using the vacant lot or lots as part of the principal structure's building site.

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

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

13 e. The lot is within a clustered housing planned development pursuant to  
14 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a  
15 development approved as an environmentally critical areas conditional use pursuant to Section  
16 25.09.260.

17 f. If a lot qualifies for an exception to the lot area requirement under  
18 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  
19 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that  
20 also qualify for separate development may be adjusted through the lot boundary adjustment  
21 process if the adjustment maintains the existing lot areas, increases the area of a qualifying  
22 substandard lot without reducing another lot below the minimum permitted lot area, or causes the  
23 areas of the lots to become more equal provided the number of parcels qualifying for separate

1 development is not increased.

2 2. Limitations

3 a. Development may occur on a substandard lot containing a riparian  
4 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the  
5 provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat  
6 described in Section 23.60A.160, only if one of the following conditions applies:

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

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

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

15 3. Special exception review for lots less than 3,200 square feet in area. A special  
16 exception Type II review as provided for in Section 23.76.006 is required for separate  
17 development of any lot that has not been previously developed as a separate lot and has an area  
18 less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1.  
19 The special exception application shall be subject to the following provisions:

20 a. The depth of any structure on the lot shall not exceed two times the  
21 width of the lot. If a side yard easement is provided according to subsection 23.44.014.C.3, the  
22 portion of the easement within 5 feet of the structure on the lot qualifying under this subsection  
23 23.44.010.B.3 may be treated as a part of that lot solely for the purpose of determining the lot

width for purposes of complying with this subsection 23.44.010.B.3.a.

b. Windows in a proposed principal structure facing an existing abutting lot that is developed with a house shall be placed in manner that takes into consideration the interior privacy in abutting houses, provided that this subsection 23.44.010.B.3.b shall not prohibit placing a window in any room of the proposed house.

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

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<br>Maximum lot coverage       |                             |   |
|---|-----------------------------|---|
| Zone  | Lot size                    | Maximum lot coverage                          |
| ((SF 5000, SF 7200, and SF 9600)) NR1, NR2, and NR3 | Less than 5,000 square feet | 1,000 square feet plus 15 percent of lot area |
|   | 5,000 square feet or more   | 35 percent of lot area                        |
| RSL   | All lots                    | 50 percent of lot area                        |

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.

\* \* \*

Section 42. Section 23.44.011 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

**23.44.011 Floor area in ((single-family)) neighborhood residential zones**

A. Gross floor area. In ((single-family)) neighborhood residential zones, gross floor area

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

5 B. Floor area ratio (FAR) limits.

6 1. The FAR limit on lots developed with a single-family dwelling unit as the  
7 principal use in ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and NR3 zones, is 0.5, except  
8 that lots with less than 5,000 square feet of lot area can include up to 2,500 square feet of total  
9 chargeable floor area. The applicable FAR limit applies to the total chargeable floor area of all  
10 structures on the lot.

11 2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to the  
12 total chargeable floor area of all structures on the lot.

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

- 14 1. All stories, or portions of stories, that are underground.
- 15 2. All portions of a story that extend no more than 4 feet above existing or  
16 finished grade, whichever is lower, excluding access.
- 17 3. In ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and NR3 zones:
- 18 a. Any floor area contained in an accessory dwelling unit;
- 19 b. Either up to 500 additional square feet of floor area in any accessory  
20 structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in  
21 an attached garage.
- 22 4. In RSL zones, 50 percent of floor area contained in structures built prior to  
23 January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of

1 the number of dwelling units within the existing structure, provided the exemption is limited to  
2 the gross square footage in the single-family dwelling unit as of January 1, 1982.

3 D. In (~~SF 5000, SF 7200, and SF 9600~~) NR1, NR2, and NR3 zones, additions to a  
4 single-family dwelling unit existing on the effective date of the ordinance introduced as Council  
5 Bill 119544 may exceed the FAR limit in subsection 23.44.011.B.1 if the addition adds floor  
6 area equal to or less than 20 percent of the floor area that existed on the effective date of the  
7 ordinance introduced as Council Bill 119544. Only one addition to any single-family dwelling  
8 unit may be exempted under this subsection 23.44.011.D.

9 Section 43. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance  
10 125791, is amended as follows:

11 **23.44.012 Height limits**

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

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

17 2. In (~~SF 5000, SF 7200, and SF 9600~~) NR1, NR2, and NR3 zones, the  
18 maximum permitted height for any structure on a lot 30 feet or less in width is 25 feet.

19 3. In (~~SF 5000, SF 7200, and SF 9600~~) NR1, NR2, and NR3 zones, for a lot or  
20 unit lot of any width, if the area of the largest rectangle or other quadrilateral that can be drawn  
21 within the lot lines of the lot or unit lot is less than 3,200 square feet the maximum permitted  
22 height for any structure on that lot shall be 18 feet. Additional height shall be allowed, subject to  
23 the limit that would otherwise apply under subsections 23.44.012.A.1 and 23.44.012.A.2,

1 provided that the elevation at the top of the exterior walls of the structure, exclusive of pitched  
2 roofs, does not exceed the average of the elevations at the tops of the walls of single-family  
3 residences on abutting lots within the same zone. The limit of this subsection 23.44.012.A.3 shall  
4 not apply to additions to single-family residences existing as of February 1, 2013, that do not  
5 exceed the greater of 1,000 square feet of new gross floor area or the amount of gross floor area  
6 on any one floor of the existing house.

7 \* \* \*

8 Section 44. Section 23.44.013 of the Seattle Municipal Code, enacted by Ordinance  
9 117383, is amended as follows:

10 **23.44.013 Transportation concurrency level-of-service standards.**

11 Proposed uses in ((single-family)) neighborhood residential zones shall meet the  
12 transportation concurrency level-of-service standards prescribed in Chapter 23.52.

13 Section 45. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance  
14 126157, is amended as follows:

15 **23.44.014 Yards**

16 A. General

17 1. Yards are required for every lot in a ((single-family)) neighborhood residential  
18 zone.

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

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

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

3 B. Required yards for ((single family)) neighborhood residential zones are shown in  
 4 Table A for 23.44.014.

| Table A for 23.44.014<br>Required yards in ((single family)) <u>neighborhood residential</u> zones |  |   |
|--|--|---|
| Yard   | ((SF 5000, SF 7200, and SF 9600)) NR1,<br>NR2, and NR3   | RSL   |
| Front  | 20 feet or the average of the front yards of the single-family structures on either side, whichever is less <sup>1</sup> | 10 feet   |
| Rear   | 25 feet or 20 percent of lot depth, whichever is less, except that it may never be less than 10 feet <sup>2</sup>        | 10 feet except that, if the rear yard abuts an alley, there is no rear yard requirement |
| Side   | 5 feet <sup>3, 4, 5</sup>  | 5 feet <sup>5</sup>   |

Footnotes to Table A for 23.44.014

<sup>1</sup> 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.

<sup>2</sup> 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 determination of lot depth; provided, that at no point shall the principal structure be closer than 5 feet to the alley.

<sup>3</sup> In the case of a reversed corner lot, the key lot of which is in a ((single family)) neighborhood residential zone, the width of the side yard on the street side of the reversed corner lot shall not be less than 10 feet.

<sup>4</sup> If any side street lot line is a continuation of the front lot line of an abutting ((single family)) neighborhood residential zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.

<sup>5</sup> No side yard is required from a side lot line that abuts an alley.

5  
 6 C. Exceptions from standard yard requirements. No structure shall be placed in a required  
 7 yard except as follows:

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

10 2. Certain accessory structures in side and rear yards

1                                   a. Except for detached accessory dwelling units, any accessory structure  
2 that complies with the requirements of Section 23.44.040 may be constructed in a side yard that  
3 abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner  
4 lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with  
5 the King County Recorder's Office an agreement to this effect between the owners of record of  
6 the abutting properties.

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

13                                   c. A detached accessory dwelling unit may be located in a rear yard  
14 subject to the requirements of subsection 23.44.041.C.

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

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

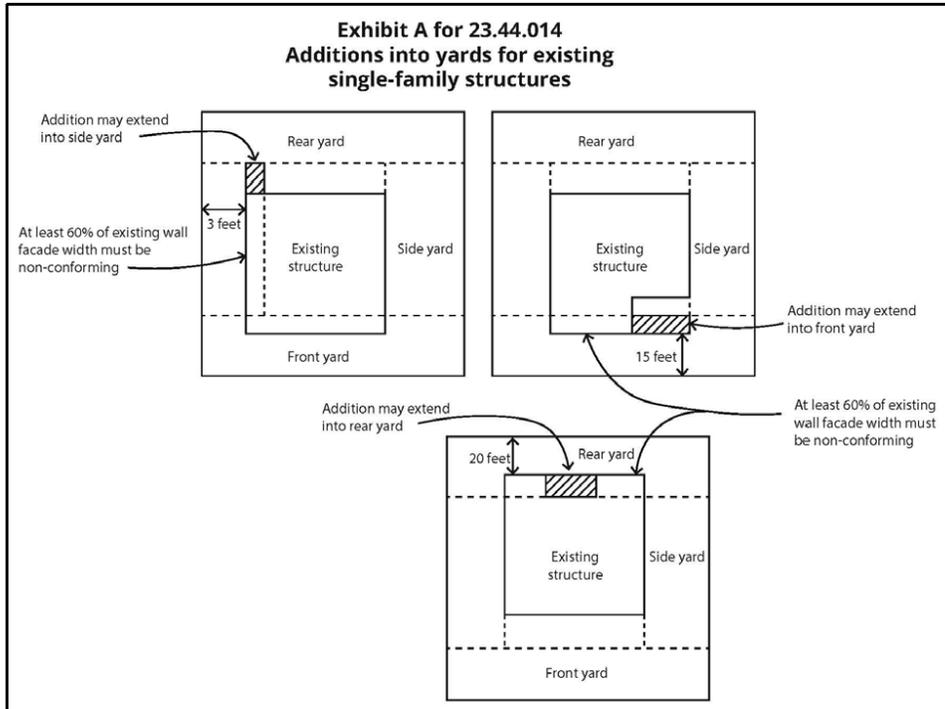
1                                   b. Accessory structures, other than detached accessory dwelling units, and  
2 features of and projections from principal structures, such as porches, eaves, and chimneys, are  
3 permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise  
4 allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a  
5 structure or feature may project into the 10-foot separation, assume the property line is 5 feet  
6 from the wall of the principal structure or detached accessory dwelling unit proposed to extend  
7 into a side yard and consider the 5 feet between the wall and the assumed property line to be the  
8 required side yard.

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

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

14                                   4. Certain additions. Certain additions to an existing single-family structure, or an  
15 existing accessory structure if being converted to a detached accessory dwelling unit, may extend  
16 into a required yard if the existing single-family structure or existing accessory structure is  
17 already nonconforming with respect to that yard. The presently nonconforming portion must be  
18 at least 60 percent of the total width of the respective facade of the structure prior to the addition.  
19 The line formed by the existing nonconforming wall of the structure is the limit to which any  
20 additions may be built, except as described in subsections 23.44.014.C.4.a through  
21 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement  
22 additions. New additions to the nonconforming wall or walls shall comply with the following  
23 requirements (Exhibit A for 23.44.014):





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

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:

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

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

c. Other projections that include interior space, such as garden windows,

1 may extend no more than 18 inches into any required yard, starting a minimum of 30 inches  
2 above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

3 d. The combined area of features permitted by subsections  
4 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no more than 30 percent of the area of the  
5 facade.

6 7. Unenclosed decks and roofs over patios. Unenclosed decks and roofs over  
7 patios, if attached to a principal structure or a detached accessory dwelling unit, may extend into  
8 the required rear yard, but shall not be within 12 feet of the centerline of any alley, or within 5  
9 feet of any rear lot line that is not an alley lot line, or closer to any side lot line in the required  
10 rear yard than the side yard requirement of the principal structure along that side, or closer than 5  
11 feet to any accessory structure. The height of the roof over unenclosed decks and patios shall not  
12 exceed 12 feet. The roof over such decks or patios shall not be used as a deck.

13 8. Access bridges. Uncovered, unenclosed access bridges are permitted as  
14 follows:

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

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

23 9. Barrier-free access. Access facilities for the disabled and elderly that comply

1 with Washington State Building Code Chapter 11 are permitted in any required yard.

2 10. Freestanding structures and bulkheads

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

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

- 15 1) No part of the structure may exceed 8 feet; and  
16 2) Any portion of the structure above 6 feet shall be predominately  
17 open, such that there is free circulation of light and air.

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

23 d. Bulkheads and retaining walls used to protect a cut into existing grade

1 may be placed in any required yard when limited to the minimum height necessary to support the  
2 cut. If the bulkhead or retaining wall is measured from the low side and it exceeds 6 feet, an open  
3 guardrail of no more than 42 inches meeting Building Code requirements may be placed on top  
4 of the bulkhead or retaining wall. If the bulkhead or retaining wall is 6 feet or less, a fence may  
5 be placed on top up to a maximum combined height of 9.5 feet for both fence and bulkhead or  
6 retaining wall.

7 e. If located in shoreline setbacks or in view corridors in the Shoreline  
8 District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter  
9 23.60A, and the Director shall determine the permitted height.

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

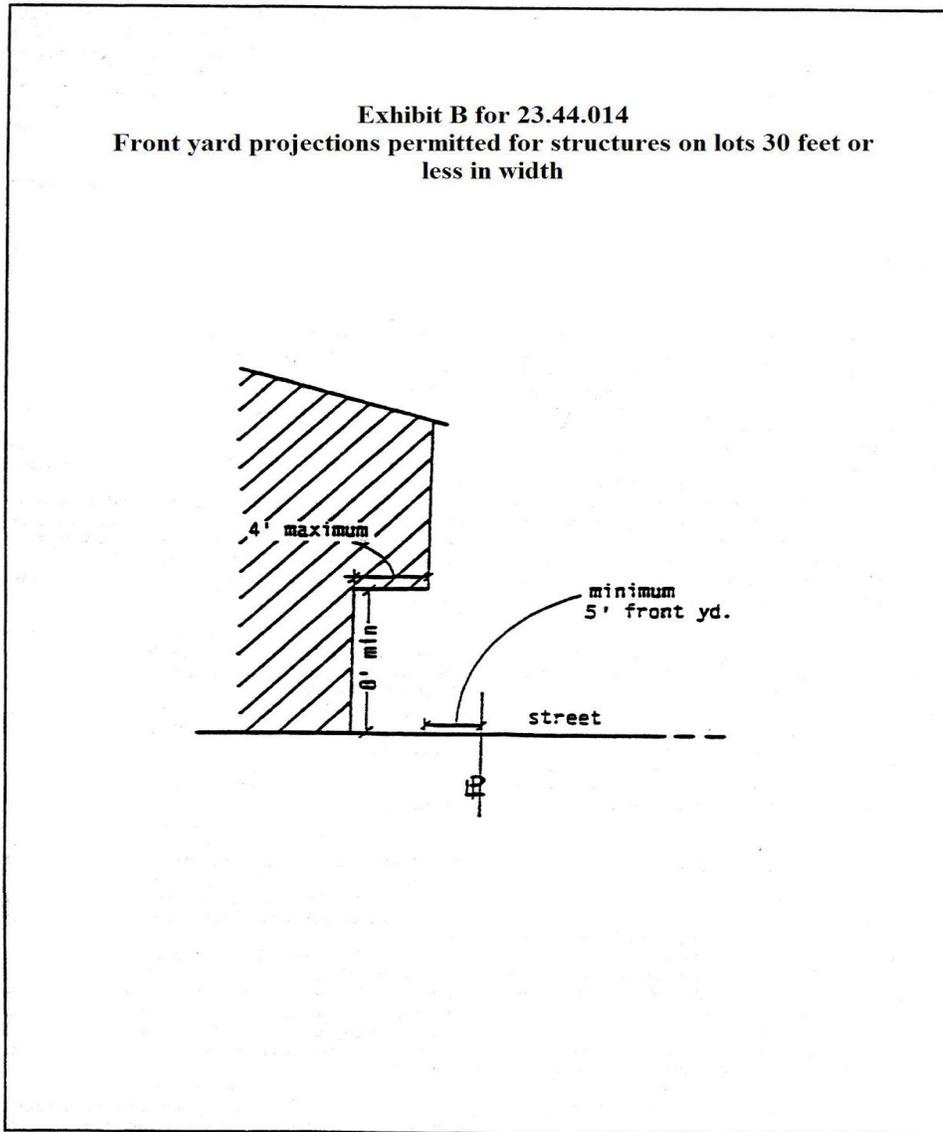
12 12. Mechanical equipment. Heat pumps and similar mechanical equipment, not  
13 including incinerators, are permitted in required yards if they comply with the requirements of  
14 Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot  
15 line. Charging devices for electric cars are considered mechanical equipment and are permitted  
16 in required yards if not located within 3 feet of any lot line.

17 13. Solar collectors. Solar collectors may be located in required yards, subject to  
18 the provisions of Section 23.44.046.

19 14. Front yard projections for structures on lots 30 feet or less in width. For a  
20 structure on a lot in an (~~SF 5000, SF 7200, or SF 9600~~) NR1, NR2, or NR3 zone that is 30 feet  
21 or less in width, portions of the front facade that begin 8 feet or more above finished grade may  
22 project up to 4 feet into the required front yard, provided that no portion of the facade, including  
23 eaves and gutters, shall be closer than 5 feet to the front lot line (Exhibit B for 23.44.014), and

1 provided further that no portion of the facade of an existing structure that is less than 8 feet or  
2 more above finished grade already projects into the required front yard.

3 **Exhibit B for 23.44.014**  
4 **Front yard projections permitted for structures on lots 30 feet or less in width**



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

1                   16. Arbors. Arbors may be permitted in required yards under the following  
2 conditions:

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

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

12                   17. Stormwater management

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

15                                 1) Each above-grade GSI feature is no more than 4.5 feet tall,  
16 excluding piping;

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

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

20                   b. Above-grade GSI features larger than what is allowed in subsection  
21 23.44.014.C.17.a are allowed within a required yard if:

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



1 or the first 10 feet of a required rear yard abutting a street except as provided in subsections  
2 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 3. Garages shall not be located in a required side yard that abuts the rear or side  
4 yard of another lot or in that portion of the rear yard of a reversed corner lot within 5 feet of the  
5 key lot's side lot line unless:

6 a. The garage is a detached garage and extends only into that portion of a  
7 side yard that is either within 35 feet of the centerline of an alley or within 25 feet of any rear lot  
8 line that is not an alley lot line; or

9 b. An agreement between the owners of record of the abutting properties,  
10 authorizing the garage in that location, is executed and recorded, pursuant to subsection  
11 23.44.014.C.2.a.

12 4. Detached garages with vehicular access facing an alley shall not be located  
13 within 12 feet of the centerline of the alley except as provided in subsections 23.44.016.D.9,  
14 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12.

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

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

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

23 8. Trailers, boats, recreational vehicles, and similar equipment shall not be parked

1 in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line,  
2 or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line,  
3 unless fully enclosed in a structure otherwise allowed in a required yard by this subsection  
4 23.44.016.D.

5 9. Lots with uphill yards abutting streets. In ((~~SF 5000, SF 7200, and SF 9600~~))  
6 NR1, NR2, and NR3 zones, parking for one two-axle or one up to four-wheeled vehicle may be  
7 established in a required yard abutting a street according to subsection 23.44.016.D.9.a or  
8 23.44.016.D.9.b only if access to parking is permitted through that yard pursuant to subsection  
9 23.44.016.B.

10 a. Open parking space

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

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

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

20 b. Terraced garage

21 1) The height of a terraced garage is limited to no more than 2 feet  
22 above existing or finished grade, whichever is lower, for the portions of the garage that are 10  
23 feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend

1 up to 3 feet above this 2-foot height limit. All parts of the roof above the 2-foot height limit shall  
2 be pitched at a rate of not less than 4:12. No portion of a shed roof shall be permitted to extend  
3 beyond the 2-foot height limit of this provision. Portions of a terraced garage that are less than 10  
4 feet from the street lot line shall comply with the height standards in subsection 23.44.016.E.2;

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

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

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

13                   10. Lots with downhill yards abutting streets. In ((~~SF 5000, SF 7200, and SF~~  
14 ~~9600~~)) NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached or detached  
15 garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard  
16 abutting a street if the following conditions are met:

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

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

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

23                   d. Parking in a rear yard complies with subsections 23.44.016.D.2,

1 23.44.016.D.5 and 23.44.016.D.6; and

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

4 11. Through lots. On through lots less than 125 feet in depth in ((~~SF 5000, SF~~  
5 ~~7200, and SF 9600~~)) NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached  
6 or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in one of  
7 the required front yards. The front yard in which the parking may be located shall be determined  
8 by the Director based on the location of other garages or parking areas on the block. If no pattern  
9 of parking location can be determined, the Director shall determine in which yard the parking  
10 shall be located based on the prevailing character and setback patterns of the block.

11 12. Lots with uphill yards abutting streets or downhill or through lot front yards  
12 fronting on streets that prohibit parking. In ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and  
13 NR3 zones, parking for two two-axle or two up to four-wheeled vehicles may be located in  
14 uphill yards abutting streets or downhill or through lot front yards as provided in subsections  
15 23.44.016.D.9, 23.44.016.D.10, or 23.44.016.D.11 if, in consultation with the Seattle Department  
16 of Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one  
17 side of the street within 200 feet of the lot line over which access is proposed. The Director may  
18 authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary, for  
19 access.

20 \* \* \*

21 F. Appearance of garage entrances

22 1. Garage setback.

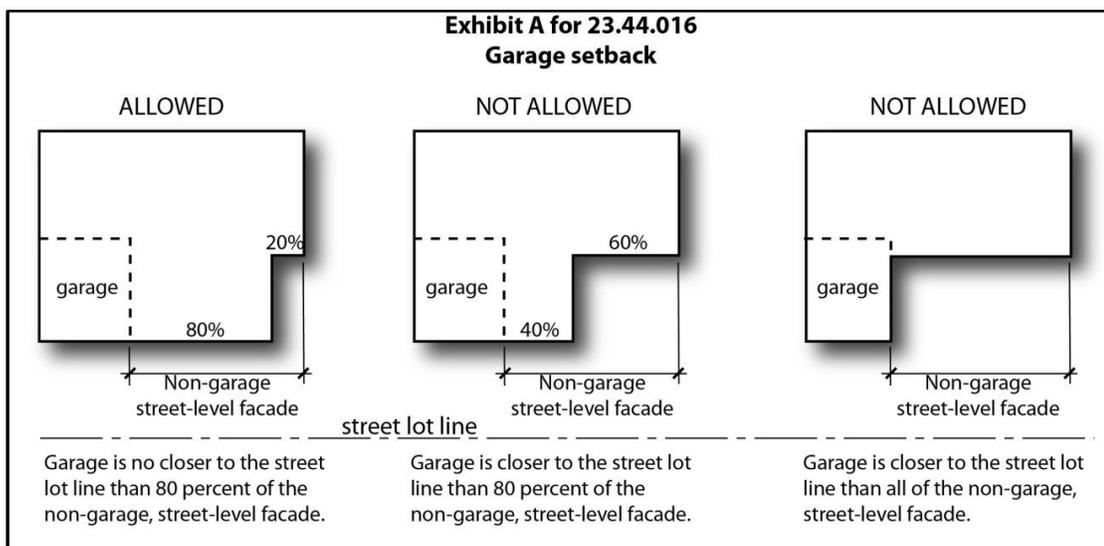
23 a. In ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and NR3 zones, no

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

7 b. In RSL zones, garage entrances facing the street shall be set back at  
8 least 18 feet from the street lot line.

9 **Exhibit A for 23.44.016**

10 **Garage setback**



11  
12 2. Garage entrance width. The total combined horizontal width of all garage  
13 entrances on the lot that are located on the front facade may be up to 50 percent of the horizontal  
14 width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall  
15 be allowed on only one street-facing facade.

16 3. Exemptions

1 a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10,  
2 23.44.016.D.11, and 23.44.016.D.12 are not subject to the standards of this subsection  
3 23.44.016.F.

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

6 c. The Director may waive or modify the standards of this subsection  
7 23.44.016.F based on one or more of the following factors:

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

12 and

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

15 \* \* \*

16 Section 47. Section 23.44.017 of the Seattle Municipal Code, last amended by Ordinance  
17 125854, is amended as follows:

18 **23.44.017 Density limits**

19 A. In ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and NR3 zones, only one single-  
20 family dwelling unit is allowed per lot, except that up to two accessory dwelling units may also  
21 be approved pursuant to Section 23.44.041, and except as approved as part of an administrative  
22 conditional use permit under Section 25.09.260, a clustered housing planned development under  
23 Section 23.44.024, or a planned residential development under Section 23.44.034.

1 B. The following provisions apply in RSL zones:

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

3 2. Except as provided in subsection 23.44.017.B.3, when calculation of the  
4 number of dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a  
5 unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over  
6 0.85 constitutes one additional unit.

7 3. For lots in existence on the effective date of the ordinance introduced as  
8 Council Bill 119444, if the number of dwelling units allowed according to subsection  
9 23.44.017.B.2 equals less than two, two units are allowed.

10 Section 48. Section 23.44.019 of the Seattle Municipal Code, enacted by Ordinance  
11 126384, is amended as follows:

12 **23.44.019 Alternative development standards for low-income housing on property owned**  
13 **or controlled by a religious organization**

14 In lieu of meeting development standards contained in subsection 23.44.010.A (minimum lot  
15 area), subsection 23.44.010.C (maximum lot coverage), subsection 23.44.011.B (floor area),  
16 subsection 23.44.012.A (height), and Section 23.44.017 (density), a proposed development that  
17 meets the requirements of Section 23.42.055 and subsection 23.44.019.A may elect to meet the  
18 alternative development standards in subsection 23.44.019.B through subsection 23.44.019.F.

19 A. Lot requirements

20 1. Development on a lot that meets one of the following criteria, but does not  
21 meet the additional requirements in subsection 23.44.019.A.2, may meet the alternative  
22 development standards in subsection 23.44.019.B and subsection 23.44.019.D through  
23 subsection 23.44.019.F:



1                   3. The maximum FAR limit is 1.0 in ((~~SF 5000, SF 7200, and SF 9600~~)) NR1,  
2 NR2, and NR3 zones and 1.2 in RSL zones. The applicable FAR limit applies to the total  
3 chargeable floor area of all structures on the lot.

4                   4. In ((~~SF 5000, SF 7200, and SF 9600~~)) NR1, NR2, and NR3 zones, the  
5 maximum height for a proposed development that exceeds the maximum lot coverage limit in  
6 subsection 23.44.010.C is 22 feet. The maximum height for all other developments is 30 feet.

7                   C. Proposed development on lots meeting the criteria in subsection 23.44.019.A.2 may  
8 meet the following development standards:

9                   1. The minimum lot area per dwelling unit is 400 square feet.

10                   2. The maximum lot coverage is 50 percent of lot area in ((~~SF 5000, SF 7200, and~~  
11 ~~SF 9600~~)) NR1, NR2, and NR3 zones and 65 percent in RSL zones.

12                   3. The maximum height limit is 40 feet in ((~~SF 5000, SF 7200, and SF 9600~~))  
13 NR1, NR2, and NR3 zones and 50 feet in RSL zones.

14                   4. The maximum FAR limit is 2.0 in ((~~SF 5000, SF 7200, and SF 9600~~)) NR1,  
15 NR2, and NR3 zones and 3.0 in RSL zones. The applicable FAR limit applies to the total  
16 chargeable floor area of all structures on the lot.

17                   D. Permitted uses. In addition to the uses listed in Section 23.44.006, the following uses  
18 are permitted outright on lots meeting the requirements of this Section 23.44.019: apartments,  
19 cottage housing development, rowhouse development, and townhouse development.

20                   E. Setback requirements. In addition to the yard requirements of Section 23.44.014, the  
21 following standards apply:

22                   1. No structure shall be closer than 10 feet to a side lot line of an abutting ((~~single-~~  
23 ~~family-zoned~~)) neighborhood residential-zoned lot.

1                   2. No structure shall be closer than 20 feet to a rear lot line of an abutting (~~single-~~  
2 ~~family-zoned~~) neighborhood residential-zoned lot.

3                   3. No structure shall be closer than 5 feet to any lot line.

4                   F. Maximum facade length. The maximum combined length of all portions of a facade  
5 within 20 feet of a lot line of an abutting (~~single-family-zoned~~) neighborhood residential-zoned  
6 lot may not exceed 40 feet. Maximum facade length shall be measured as described in Section  
7 23.86.015.

8                   Section 49. Section 23.44.020 of the Seattle Municipal Code, last amended by Ordinance  
9 125854, is amended by follows:

10 **23.44.020 Tree requirements**

11                   A. Tree requirements in (~~SF 5000, SF 7200, and SF 9600~~) NR1, NR2, and NR3 zones

12                   1. Trees sufficient to meet the following requirements shall be provided when  
13 single-family dwelling units are constructed:

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

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

18                   2. Trees sufficient to meet the following requirements shall be provided when a  
19 new structure, or an addition to an existing structure, containing an accessory dwelling unit is  
20 constructed:

21                   a. For lots that do not contain the minimum number of caliper inches of  
22 tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any  
23 number of accessory dwelling units, at least 2 caliper inches of tree shall be planted;

1                           b. For lots that contain the minimum number of caliper inches of tree  
2 required by subsection 23.44.020.A.1 at the time a permit application is submitted for any  
3 number of accessory dwelling units, no new trees are required.

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

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

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

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

21                          7. The owner of the subject lot shall ensure that the trees planted remain healthy  
22 for at least five years after inspection by the City and be responsible for replacing any trees that  
23 do not remain healthy after inspection by the City.

1 \* \* \*  
2 Section 50. Section 23.44.021 of the Seattle Municipal Code, last amended by Ordinance  
3 125791, is amended as follows:

4 **23.44.021 General provisions**

5 A. Only those conditional uses identified in this Subchapter II may be authorized as  
6 conditional uses in ~~((single-family))~~ neighborhood residential zones. The Master Use Permit  
7 Process set forth in Chapter 23.76 shall be used to authorize conditional uses.

8 \* \* \*

9 Section 51. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance  
10 126131, is amended as follows:

11 **23.44.022 Institutions**

12 A. Institutions identified. The following institutions may be permitted as conditional uses  
13 in ~~((single-family))~~ neighborhood residential zones:

- 14 Community centers
- 15 Private schools
- 16 Religious facilities
- 17 Libraries
- 18 Existing institutes for advanced study
- 19 Other similar institutions

20 The following institutions are prohibited in ~~((single-family))~~ neighborhood residential  
21 zones:

- 22 Hospitals
- 23 Colleges

1                   Museums

2                   Private clubs

3                   Vocational schools

4                   B. Major Institutions. Existing major institutions and major institution uses within an  
5 existing Major Institution overlay district shall be permitted in accordance with the provisions of  
6 Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

7                   C. Public schools shall be permitted as regulated in Section 23.51B.002.

8                   D. General provisions

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

13                   2. The establishment of a shelter for homeless youths and young adults in a  
14 legally established elementary or secondary school, is not considered a new use or an expansion  
15 of the institutional use provided that:

16                   a. The use does not violate any condition of approval of the existing  
17 institutional use;

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

19                   c. Any new children's play area is located at least 30 feet from any other  
20 lot in a (~~single family~~) neighborhood residential zone, and at least 20 feet from any lot in a  
21 multifamily zone;

22                   d. The occupants are enrolled students of the established school.

23                   3. Institutions seeking to establish or expand on property that is developed with

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

4 \* \* \*

5 K. Bulk and siting

6 1. Lot area. If the proposed site is more than one acre in size, the Director may  
7 require the following and similar development standards:

8 a. For lots with unusual configuration or uneven boundaries, the proposed  
9 principal structures be located so that changes in potential and existing development patterns on  
10 the block or blocks within which the institution is located are kept to a minimum;

11 b. For lots with large street frontage in relationship to their size, the  
12 proposed institution reflect design and architectural features associated with adjacent  
13 residentially-zoned block fronts in order to provide continuity of the block front and to integrate  
14 the proposed structures with residential structures and uses in the immediate area.

15 2. Yards. Yards of institutions shall be as required for uses permitted outright  
16 pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences,  
17 bulkheads or similar structures shall be closer than 10 feet to the side lot line. If the Director  
18 finds that a reduced setback will not significantly increase project impacts, including but not  
19 limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard  
20 setback may be reduced to 5 feet. Fences and freestanding walls of utility services uses,  
21 regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from  
22 the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or  
23 wall and the right-of-way. The Director may reduce this setback after finding that the reduced

1 setback will not significantly increase project impacts, including but not limited to noise, odor,  
2 and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods  
3 to reduce fence or wall impacts include changes in the height, design or construction of the fence  
4 or wall, including the use of materials, architectural detailing, artwork, vegetated trellises,  
5 decorative fencing, or similar features to provide visual interest facing the street lot line. Fences  
6 and walls may obstruct or allow views to the interior of a site. Where site dimensions and  
7 conditions allow, applicants are encouraged to provide both a landscaped setback between the  
8 fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the  
9 street lot line, through the height, design or construction of the fence or wall, including the use of  
10 materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar  
11 features.

12           3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots  
13 which include more than one (1) zone classification, (~~(single-family)~~) neighborhood residential  
14 zone provisions shall apply only to the (~~(single-family)~~) neighborhood residential-zoned lot area  
15 involved.

16           4. Height Limit.

17           a. Religious symbols for religious institutions may extend an additional  
18 twenty-five (25) feet above the height limit.

19           b. For gymnasiums and auditoriums that are accessory to an institution the  
20 maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35)  
21 feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium  
22 or auditorium which have a slope of not less than four to twelve (4:12) may extend ten (10) feet  
23 above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an



1 steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally  
2 Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding  
3 the standards of this Section 23.44.024.

4 3. The Director may exclude land from a CHPD if it is separated from the site by  
5 topography, if it has a poor functional relationship with the site, or if including the land would  
6 have a negative impact on adjacent (~~((single-family))~~) neighborhood residential zoned lots.

7 B. Type of dwelling units permitted. Only single-family dwelling units shall be permitted  
8 in a CHPD.

9 C. Number of dwelling units permitted

10 1. The number of dwelling units permitted in a CHPD shall be calculated by  
11 dividing the CHPD land area by the minimum lot area required in subsection 23.44.010.A for the  
12 (~~((single-family))~~) neighborhood residential zone where the CHPD is located. Land that is  
13 designated an environmentally critical area or buffer due to the presence of a riparian corridor,  
14 wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer and submerged  
15 land shall be excluded from the land used to calculate the permitted number of dwelling units in  
16 a CHPD. For CHPDs located in more than one zone, the number of dwelling units shall be  
17 calculated based on the proportion of land area in each zone.

18 2. Where portions of a site are designated an environmentally critical area or  
19 buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area,  
20 steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally  
21 Critical Areas, the administrative conditional use provisions under Section 25.09.260 shall apply.

22 3. One additional detached single-family structure may be permitted if the  
23 development includes one or more of the following facilities open to the surrounding

1 community:

2 a. Usable open space and other recreational facilities approved by the

3 Director;

4 b. Community center; and

5 c. Child care facility.

6 D. Subdivision. A CHPD may be subdivided into lots of less than the minimum area  
7 required by subsection 23.44.010.A.

8 E. Yards. Yards shall be required for structures within a CHPD. For the purposes of this  
9 subsection 23.44.024.E, setbacks shall be considered yards, and the provisions relating to  
10 accessory structures in required yards of the applicable ((single-family)) neighborhood  
11 residential zone shall apply.

12 1. Structures shall be set back a minimum distance of 20 feet from the street lot  
13 line of a CHPD.

14 2. No dwelling unit in a CHPD shall be closer than 5 feet to a side lot line of an  
15 abutting ((single-family)) neighborhood residential zoned lot.

16 3. No dwelling unit in a CHPD shall be closer than 25 feet to a rear lot line of an  
17 abutting ((single-family)) neighborhood residential zoned lot.

18 4. No dwelling unit in a CHPD shall be closer than 5 feet to any lot line of an  
19 abutting ((non single-family)) non-neighborhood residential zoned lot.

20 5. There shall be a minimum distance of 10 feet between principal structures  
21 within 100 feet of the lot line of a CHPD.

22 6. To provide a sense of privacy and to mitigate the effects of shadows between  
23 structures located more than 100 feet from the lot line of a CHPD, the required separation

1 between structures in the CHPD shall vary depending on the design of the facing facades as  
2 follows:

3 a. Walls of interior facades that do not have a principal entrance shall be at  
4 least 10 feet apart at any point.

5 b. A principal entrance to a structure shall be at least 15 feet from the  
6 nearest interior facade that does not have a principal entrance.

7 c. A principal entrance to a structure shall be at least 20 feet from the  
8 nearest interior facade with a principal entrance.

9 7. The Director may increase the minimum required yards or require alternate  
10 spacing or placement of structures in order to:

11 a. preserve or enhance topographical conditions;

12 b. enhance the relationship with adjacent uses and the layout of the  
13 project;

14 c. promote green stormwater infrastructure and other measures to reduce  
15 stormwater runoff; or

16 d. maintain a compatible scale and design with the surrounding  
17 community.

18 \* \* \*

19 Section 53. Section 23.44.028 of the Seattle Municipal Code, last amended by Ordinance  
20 124378, is amended as follows:

21 **23.44.028 Structures unsuited to uses permitted outright**

22 A. Uses not otherwise permitted in the zone may be permitted as an administrative  
23 conditional use in structures unsuited to uses permitted outright in ((single-family))

1 neighborhood residential zones. The determination that a use may be permitted shall be based on  
2 the following factors:

- 3 1. The design of the structure is not suitable for conversion to a use permitted  
4 outright in a ((~~single-family~~)) neighborhood residential zone; and
- 5 2. The structure contains more than 4,000 square feet; and
- 6 3. The proposed use will provide a public benefit.

7 \* \* \*

8 Section 54. Section 23.44.034 of the Seattle Municipal Code, last amended by Ordinance  
9 125791, is amended as follows:

10 **23.44.034 Planned residential development (PRD)**

11 Planned residential developments (PRDs) may be permitted in ((~~SF 5000, SF 7200, and SF~~  
12 ~~9600~~)) NR1, NR2, and NR3 zones as a council conditional use. A PRD is intended to enhance  
13 and preserve natural features, encourage the construction of affordable housing, allow for  
14 development and design flexibility, promote green stormwater infrastructure and protect and  
15 prevent harm in environmentally critical areas. PRDs shall be subject to the following  
16 provisions:

17 A. Site requirements

18 1. The minimum size of a PRD is two acres, excluding submerged land and any  
19 land designated as an environmentally critical area or buffer due to the presence of a riparian  
20 corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09,  
21 Regulations for Environmentally Critical Areas.

22 2. The area of the site devoted to single-family uses at the time of application,  
23 calculated by multiplying the number of such uses by the minimum lot area for the zone, shall

1 not exceed 20 percent of the area of the entire site.

2           3. Land that is designated as an environmentally critical area or buffer due to the  
3 presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer  
4 according to Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land  
5 shall be excluded from the land used to calculate permitted density in a PRD.

6           4. Land may be excluded from a PRD by the Director if it is separated from the  
7 site by topography, if it has a poor functional relationship with the site, or if including the land  
8 would have a negative impact on adjacent ((single-family)) neighborhood residential zoned lots.

9           5. Where portions of a site are designated as an environmentally critical area or  
10 buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep  
11 slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the  
12 conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this  
13 Section 23.44.034.

14           B. Type of housing permitted

15           1. Only single-family dwelling units are permitted within 100 feet of a PRD lot  
16 line that abuts or is directly across the street from a ((single-family)) neighborhood residential  
17 zoned lot, except as provided in this subsection 23.44.034.B.

18           2. Single-family dwelling units, cottage housing developments, rowhouse  
19 developments, and townhouse developments are permitted within 100 feet of a lot line of a PRD  
20 that does not abut and is not across a street from a ((single-family)) neighborhood residential  
21 zoned lot, or that is separated from the ((single-family)) neighborhood residential zoned lot by  
22 physical barriers, such as bodies of water, ravines, greenbelts, freeways, expressways, and other  
23 major traffic arterials or topographic breaks that provide substantial separation from the



1 structures shall vary depending on the design of the facing facades as follows:

2 a. Walls shall be at least 10 feet apart.

3 b. A principal entrance to a structure shall be at least 15 feet from the  
4 nearest interior facade that does not have a principal entrance.

5 c. A principal entrance to a structure shall be at least 20 feet from the  
6 nearest interior facade with a principal entrance.

7 7. The Director may modify the minimum required setbacks or require alternate  
8 spacing or placement of structures in order to preserve or enhance topographical conditions,  
9 enhance the relationship with adjacent uses or the layout of the project, promote green  
10 stormwater infrastructure and other measures to reduce stormwater runoff, or maintain a  
11 compatible scale and design with the surrounding community.

12 \* \* \*

13 Section 55. Section 23.44.035 of the Seattle Municipal Code, last amended by Ordinance  
14 116596, is amended as follows:

15 **23.44.035 Communication utilities.**

16 Communication utilities may be permitted in (~~(single-family)~~) neighborhood residential zones  
17 subject to the provisions of section 23.57.010.

18 Section 56. Section 23.44.036 of the Seattle Municipal Code, last amended by Ordinance  
19 123478, is amended as follows:

20 **23.44.036 Public facilities**

21 Public facilities may be permitted in (~~(single-family)~~) neighborhood residential zones according  
22 to the provisions of Section 23.51A.002 and the provisions of Chapter 23.76, Subchapter III,  
23 Council Land Use Decisions. Public facilities include, but are not limited to, police precinct

1 stations, fire stations, public boat moorages, and utility services uses.

2 Section 57. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance  
3 126157, is amended as follows:

4 **23.44.041 Accessory dwelling units**

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

7 1. Number of accessory dwelling units allowed on a lot

8 a. In an ((~~SF 5000, SF 7200, or SF 9600~~)) NR1, NR2, and NR3 zone, a lot  
9 with or proposed for a principal single-family dwelling unit may have up to two accessory  
10 dwelling units, provided that the following conditions are met:

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

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

14 a) The second accessory dwelling unit is added by  
15 converting floor area within an existing structure; or

16 b) For a new structure, the applicant makes a commitment  
17 that the new principal structure containing an attached accessory dwelling unit or the new  
18 accessory structure containing a detached accessory dwelling unit will meet a green building  
19 standard and shall demonstrate compliance with that commitment, all in accordance with  
20 Chapter 23.58D; or

21 c) the second accessory dwelling unit is a rental unit  
22 affordable to and reserved solely for "income-eligible households," as defined in Section  
23 23.58A.004, and is subject to an agreement specifying the affordable housing requirements under





1           A. Solar collectors are permitted outright as an accessory use to any principal use  
2 permitted outright or to a permitted conditional use subject to the following development  
3 standards:

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

6                   2. Solar collectors except solar greenhouses attached to principal use structures  
7 may exceed the height limits of ~~((single-family))~~ neighborhood residential zones by four (4) feet  
8 or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing  
9 grade to the top of the solar collector may not extend more than nine (9) feet above the height  
10 limit established for the zone (see Exhibit 23.44.046 A). A solar collector which exceeds the  
11 height limit for ~~((single-family))~~ neighborhood residential zones shall be placed so as not to  
12 shade an existing solar collector or property to the north on January 21st, at noon, any more than  
13 would a structure built to the maximum permitted height and bulk.

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

17                           a. In a side yard, no closer than three (3) feet from the side property line;

18 or

19                           b. In a rear yard, no closer than fifteen (15) feet from the rear property line  
20 unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen  
21 (15) feet from the centerline of the alley; or

22                           c. In a front yard, solar greenhouses which are integrated with the  
23 principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet

1 into the front yard. In no case shall the greenhouse be located closer than five (5) feet from the  
2 front property line.

3 \* \* \*

4 Section 59. Section 23.44.060 of the Seattle Municipal Code, last amended by Ordinance  
5 123046, is amended as follows:

6 **23.44.060 Uses accessory to parks and playgrounds**

7 \* \* \*

8 C. Storage structures and areas and other structures and activities customarily associated  
9 with parks and playgrounds are subject to the following development standards in addition to the  
10 general development standards for accessory uses:

11 1. Any active play area shall be located 30 feet or more from any lot in a ((single-  
12 family)) neighborhood residential zone.

13 2. Garages and service or storage areas shall be located 100 feet or more from any  
14 other lot in a residential zone and obscured from view from each such lot.

15 Section 60. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance  
16 125791, is amended as follows:

17 **23.45.514 Structure height**

18 \* \* \*

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

22 1. This height exception does not apply to portions of lots that are within 50 feet  
23 of a ((single-family)) neighborhood residential zone boundary line, unless the lot in the LR zone



|   |                                |   |                         |  |
|---|--------------------------------|---|-------------------------|--|
| Front   | 7 average;<br>5 minimum        | 5 minimum   | 7 average;<br>5 minimum | 5 minimum  |
| Rear  | 0 with alley;<br>7 if no alley | 0 with alley;<br>With no alley:<br>7 average;<br>5 minimum  | 7 average;<br>5 minimum | 10 minimum<br>with alley;<br>15 minimum if<br>no alley |
| Side setback for<br>facades 40 feet<br>or less in length <sup>1</sup>         | 5                              | 0 where abutting<br>another<br>rowhouse<br>development <sup>2</sup> ,<br>otherwise 3.5,<br>except that on<br>side lot lines that<br>abut a (( <del>single-<br/>family</del> ))<br><u>neighborhood<br/>residential zone</u> ,<br>the setback is 5                          | 5                       | 5  |
| Side setback for<br>facades greater<br>than 40 feet in<br>length <sup>3</sup> | 5 minimum                      | 0 where abutting<br>another<br>rowhouse<br>development <sup>2</sup> ,<br>otherwise 3.5,<br>except that on<br>side lot lines that<br>abut a (( <del>single-<br/>family</del> ))<br><u>neighborhood<br/>residential zone</u> ,<br>the setback is 7<br>average;<br>5 minimum | 7 average;<br>5 minimum | 7 average;<br>5 minimum                                |

Footnotes to Table A for 23.45.518

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

<sup>2</sup> 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.

<sup>3</sup> 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~~) neighborhood residential 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.

1 \* \* \*

2 Section 62. Section 23.45.527 of the Seattle Municipal Code, enacted by Ordinance  
3 123495, is amended as follows:

4 **23.45.527 Structure width and façade length limits in LR zones**

5 \* \* \*

6 B. Maximum façade length in Lowrise zones.

7 1. The maximum combined length of all portions of façades within 15 feet of a lot  
8 line that is neither a rear lot line nor a street or alley lot line shall not exceed 65 percent of the  
9 length of that lot line, except as specified in subsection 23.45.527.B.2.

10 2. For a rowhouse development on a lot that abuts the side lot line of a lot in a  
11 ~~((single family))~~ neighborhood residential zone, the maximum combined length of all portions of  
12 façades within 15 feet of the abutting side lot line is 40 feet.

13 Section 63. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance  
14 125791, is amended as follows:

15 **23.45.536 Parking location, access, and screening**

16 A. Off-street parking spaces are required to the extent provided in Chapter 23.54.

17 B. Location of parking

18 1. If parking is required, it shall be located on the same lot as the use requiring the  
19 parking, except as otherwise provided in this subsection 23.45.536.B.

20 2. Surface parking

21 a. Except as otherwise provided in this subsection 23.45.536.B, surface  
22 parking may be located anywhere on a lot except:

- 23 1) Between a principal structure and a street lot line;



1 Section 64. Section 23.45.550 of the Seattle Municipal Code, enacted by Ordinance  
2 126384, is amended as follows:

3 **23.45.550 Alternative development standards for low-income housing on property owned**  
4 **or controlled by a religious organization**

5 In lieu of meeting development standards contained in subsections 23.45.510.B and 23.45.510.C  
6 (floor area), subsections 23.45.512.A and 23.45.512.B (density), and subsections 23.45.514.A  
7 and 23.45.514.B (height), a proposed development that meets the requirements of Section  
8 23.42.055 may elect to meet the alternative development standards in this Section 23.45.550.

9 A. Floor area

10 1. Development permitted pursuant to Section 23.42.055 is subject to the FAR  
11 limits as shown in Table A for 23.45.550.

| Table A for 23.45.550<br>FAR limits for development permitted pursuant to Section 23.42.055 |          |  |
|---|----------|--|
| Zone  | Base FAR | Maximum additional exempt FAR <sup>1</sup> |
| LR1   | 1.5      | 0.3  |
| LR2   | 1.8      | 0.3  |
| LR3 outside urban centers and urban villages  | 2.5      | 0.5  |
| LR3 inside urban centers and urban villages   | 3.25     | 0.5  |
| MR  | 5.0      | 0.5  |
| HR  | 16       | 1.0  |

Footnote to Table A for 23.45.550  
<sup>1</sup> Gross floor area for uses listed in subsection 23.45.550.B.2 are exempt from FAR calculations up to this amount.

12  
13 2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional  
14 FAR exemption up to the total amount specified in Table A for 23.45.550 is allowed for any  
15 combination of the following floor area:

1 a. Floor area in units with two or more bedrooms and a minimum net unit  
2 area of 850 square feet;

3 b. Floor area of a religious facility; and

4 c. Floor area in a structure designated as a Landmark pursuant to Chapter  
5 25.12; and

6 d. Any floor area in a development located within 1/4 mile (1,320 feet) of  
7 a transit stop or station served by a frequent transit route as defined in subsection 23.54.015.B.4.

8 3. Split-zoned lots

9 a. On lots located in two or more zones, the FAR limit for the entire lot  
10 shall be the highest FAR limit of all zones in which the lot is located, provided that:

11 1) At least 65 percent of the total lot area is in the zone with the  
12 highest FAR limit;

13 2) No portion of the lot is located in a ((single-family))  
14 neighborhood residential zone; and

15 3) A minimum setback of 10 feet applies for any lot line that abuts  
16 a lot in a ((single-family)) neighborhood residential zone.

17 b. For the purposes of this subsection 23.45.550.A.3, the calculation of the  
18 percentage of a lot or lots located in two or more zones may include lots that abut and are in the  
19 same ownership at the time of the permit application.

20 B. Maximum height

21 1. Development permitted pursuant to Section 23.42.055 is subject to the height  
22 limits as shown in Table B for 23.45.550.

|   |
|---|
| Table B for 23.45.550<br>Structure height for development permitted pursuant to Section 23.42.055 |
|---|

| Zone   | Height limit (in feet) |
|--|------------------------|
| LR1  | 40                     |
| LR2  | 50                     |
| LR3 outside urban centers and urban villages | 55                     |
| LR3 inside urban centers and urban villages  | 65                     |
| MR   | 95                     |
| HR   | 480                    |

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2. Split-zoned lots

a. On lots located in two or more zones, the height limit for the entire lot shall be the highest height limit of all zones in which the lot is located, provided that:

1) At least 65 percent of the total lot area is in the zone with the highest height limit;

2) No portion of the lot is located in a ~~((single family))~~ neighborhood residential zone; and

3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a ~~((single family))~~ neighborhood residential zone.

b. For the purposes of this subsection 23.45.550.B.2, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

C. Density limits. Development permitted pursuant to this Section 23.45.550 is not subject to the standards of subsections 23.45.512.A and 23.45.512.B.

Section 565. Section 23.45.578 of the Seattle Municipal Code, enacted by Ordinance 123209, is amended as follows:

**23.45.578 Public or private parks and playgrounds**

\* \* \*

1 C. Storage structures and areas and other structures and activities customarily associated  
2 with parks and playgrounds are subject to the following development standards in addition to the  
3 general development standards for accessory uses:

4 1. Any active play area shall be located 30 feet or more from any lot in a ((single-  
5 family)) neighborhood residential zone.

6 2. Garages and service or storage areas shall be screened from view from abutting  
7 lots in residential zones.

8 Section 66. Section 23.47A.014 of the Seattle Municipal Code, last amended by  
9 Ordinance 125791, is amended as follows:

10 **23.47A.014 Setback requirements**

11 A. Rooftop features are not allowed in setbacks, except that for upper-level setbacks:

12 1. Open railings may extend up to 4 feet above the height at which the setback  
13 begins.

14 2. Parapets may extend up to 2 feet above the height at which the setback begins.

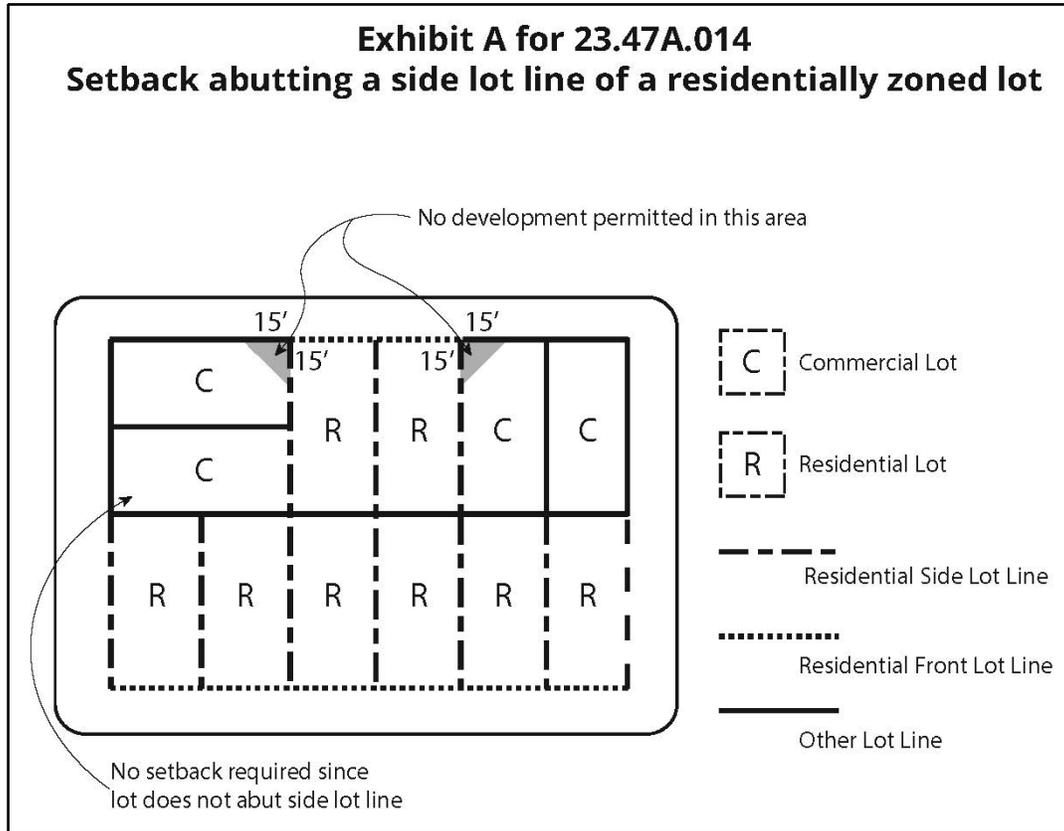
15 B. Setback requirements for lots abutting or across the alley from residential zones

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

**Setback abutting a side lot line of a residentially zoned lot**



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2. An upper-level setback is required along any rear or side lot line that abuts a lot in an LR, MR, or HR zone or that abuts a lot that is zoned both commercial and 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).

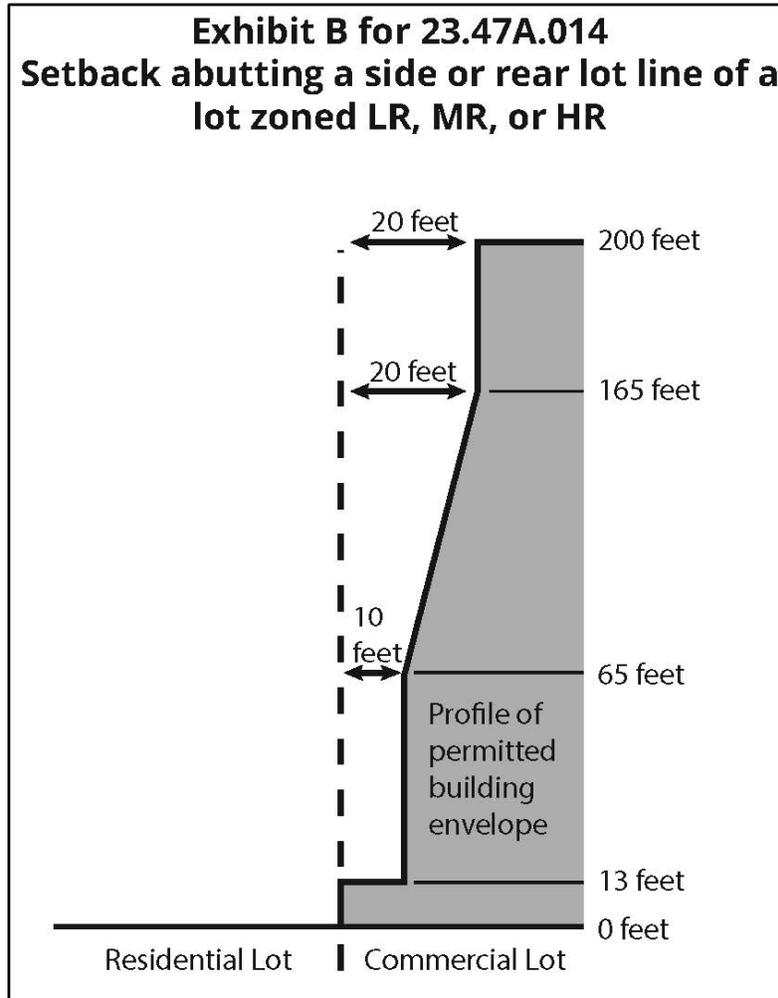
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**Exhibit B for 23.47A.014**

3

**Setback abutting a side or rear lot line of a lot zoned LR, MR, or HR**



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3. An upper-level setback is required along any rear or side lot line that abuts a lot

6

in a ~~((single-family))~~ neighborhood residential zone, that is across an alley from a lot in a

7

~~((single-family))~~ neighborhood residential zone, or that abuts a lot that is zoned both commercial

8

and ~~((single-family))~~ neighborhood residential if the commercial zoned portion of the abutting

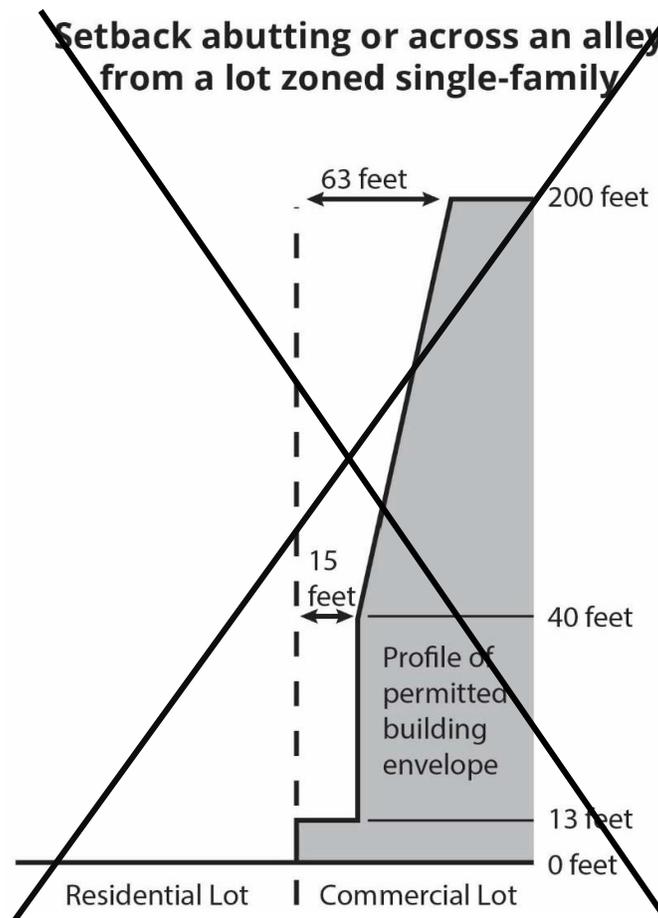
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lot is less than 50 percent of the width or depth of the lot as follows:

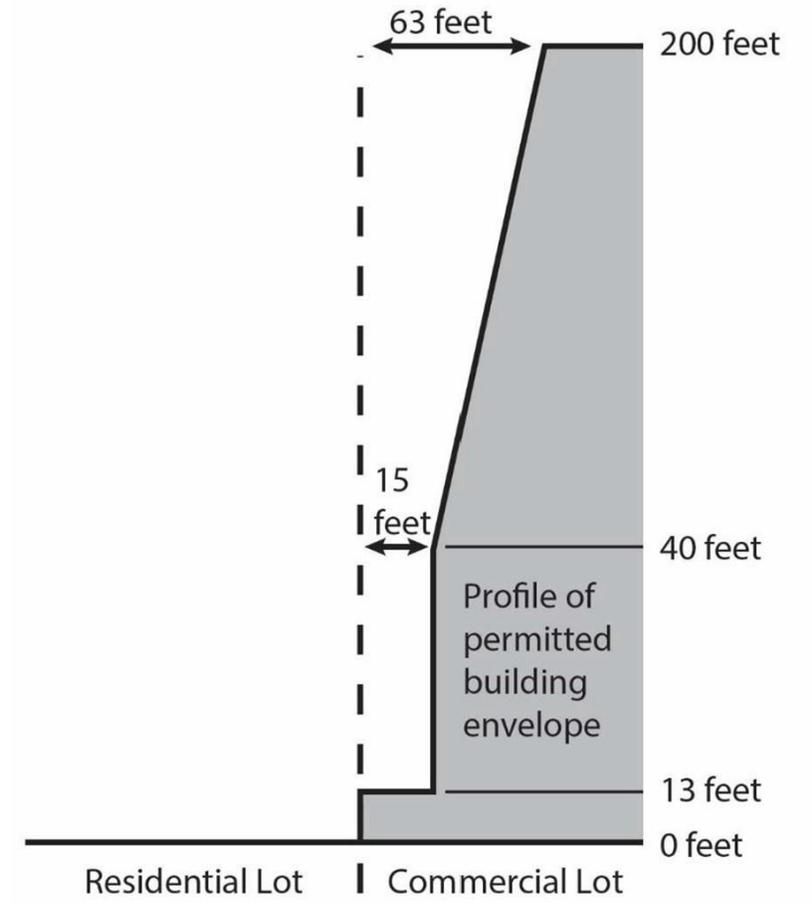
- 1 a. Fifteen feet for portions of structures above 13 feet in height to a  
2 maximum of 40 feet; and  
3 b. For each portion of a structure above 40 feet in height, additional  
4 setback at the rate of 3 feet of setback for every 10 feet by which the height of such portion  
5 exceeds 40 feet (Exhibit C for 23.47A.014).

6  
7 **Exhibit C for 23.47A.014**

8 **Setback abutting or across an alley from a lot zoned ((single-family)) neighborhood**  
9 **residential**



### Setback abutting or across an alley from a lot zoned neighborhood residential



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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.

\* \* \*

1 Section 67. Section 23.47A.040 of the Seattle Municipal Code, enacted by Ordinance  
2 125125126384, is amended as follows:

3 **23.47A.040 Alternative development standards for low-income housing on property owned**  
4 **or controlled by a religious organization**

5 In lieu of meeting development standards contained in subsections 23.47A.012.A (height) and  
6 23.47A.013.A (floor area), a proposed development that meets the requirements of Section  
7 23.42.055 may elect to meet the alternative development standards in this Section 23.47A.040.

8 A. Maximum height

9 1. The applicable height limit for development permitted pursuant to Section  
10 23.42.055 in NC zones and C zones as designated on the Official Land Use Map, Chapter 23.32  
11 is increased as shown in Table A for 23.47A.040.

| Table A for 23.47A.040<br>Additional height for development permitted pursuant to Section 23.42.055 |                        |
|---|------------------------|
| Mapped height limit (in feet)   | Height limit (in feet) |
| 30  | 55                     |
| 40  | 75                     |
| 55  | 85                     |
| 65  | 95                     |
| 75  | 95                     |
| 85  | 145                    |
| 95  | 145                    |
| 145   | 200                    |
| 200   | 240                    |

12  
13 2. Split-zoned lots

14 a. On lots located in two or more zones, the height limit for the entire lot  
15 shall be the highest height limit of all zones in which the lot is located, provided that:

16 1) At least 65 percent of the total lot area is in the zone with the  
17 highest height limit;



1                   2. In addition to the FAR exemptions in subsection 23.47A.013.B, an additional  
2 FAR exemption up to the total amount specified in Table B for 23.47A.040 is allowed for any  
3 combination of the following floor area:

4                   a. Floor area in units with two or more bedrooms and a minimum net unit  
5 area of 850 square feet;

6                   b. Floor area of a religious facility;

7                   c. Floor area in a structure designated as a Landmark pursuant to Chapter  
8 25.12; and

9                   d. Any floor area in a development located within 1/4 mile (1,320 feet) of  
10 a transit stop or station served by a frequent transit route as defined in subsection 23.54.015.B.4.

11                   3. Split-zoned lots

12                   a. On lots located in two or more zones, the FAR limit for the entire lot  
13 shall be the highest FAR limit of all zones in which the lot is located, provided that:

14                               1) At least 65 percent of the total lot area is in the zone with the  
15 highest FAR limit;

16                               2) No portion of the lot is located in a ~~((single family))~~  
17 neighborhood residential zone; and

18                               3) A minimum setback of 10 feet applies for any lot line that abuts  
19 a lot in a ~~((single family))~~ neighborhood residential zone.

20                   b. For the purposes of this subsection 23.47A.040.B.3, the calculation of  
21 the percentage of a lot or lots located in two or more zones may include lots that abut and are in  
22 the same ownership at the time of the permit application.

1 C. Upper-level setback. An upper-level setback of 8 feet from the lot line is required for  
2 any street-facing facade for portions of a structure exceeding the mapped height limit designated  
3 on the Official Land Use Map, Chapter 23.32.

4 Section 68. Section 23.50.024 of the Seattle Municipal Code, last amended by Ordinance  
5 123649, is amended as follows:

6 **23.50.024 Industrial Buffer—Structure height**

7 \* \* \*

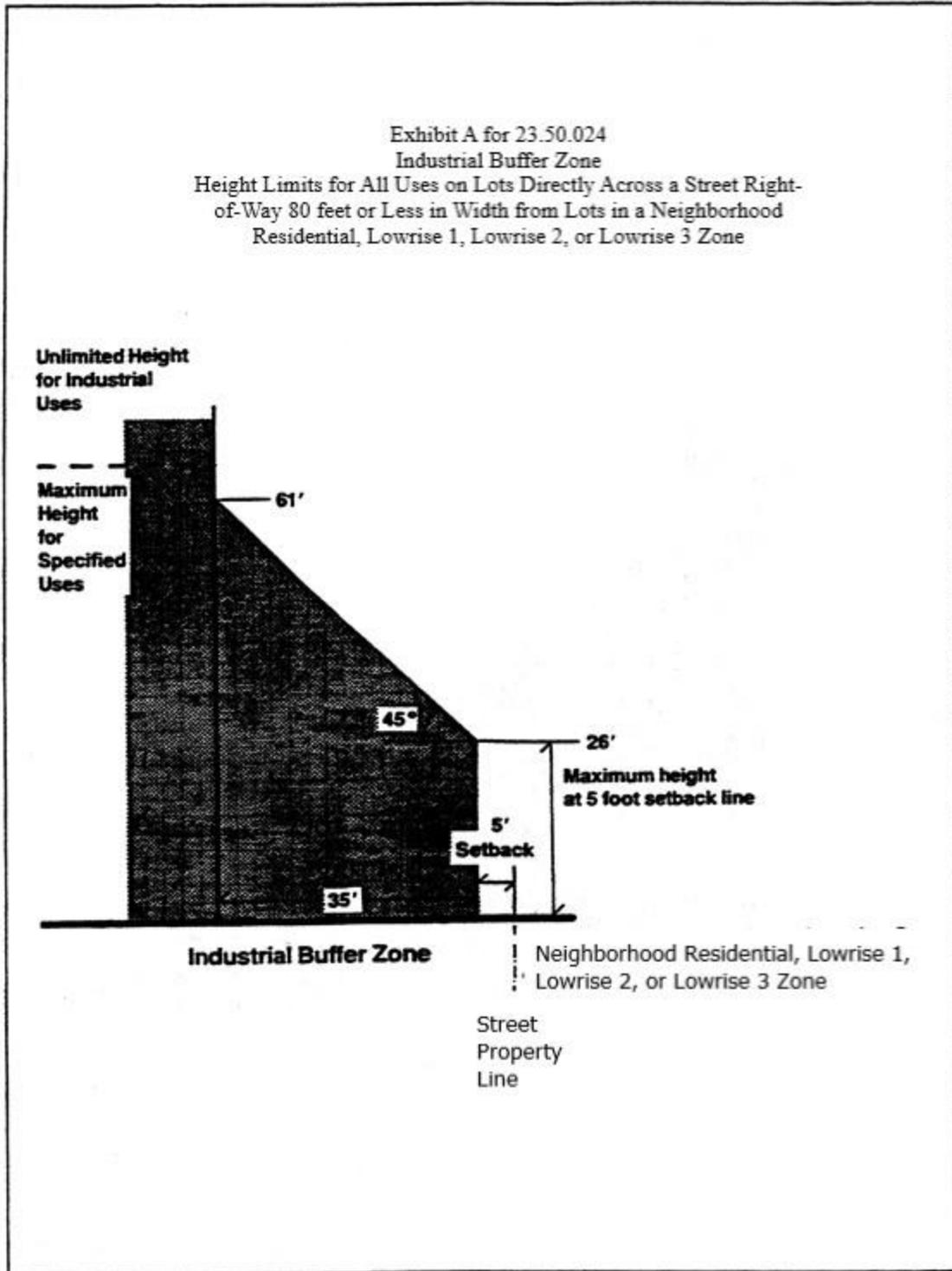
8 C. The following height limits shall apply to all uses, in addition to the maximum  
9 permitted heights for uses listed in subsection B, on lots directly across a street right-of-way  
10 eighty (80) feet or less in width from lots in a ((~~Single-family~~)) neighborhood residential,  
11 Lowrise 1, Lowrise 2, or Lowrise 3 zone:

12 1. All structures shall be set back five (5) feet from the street lot line opposite lots  
13 zoned ((~~Single-family~~)) neighborhood residential, Lowrise 1, Lowrise 2, or Lowrise 3. A  
14 maximum height of twenty-six (26) feet shall be permitted at the setback line.

15 2. Beginning at the five (5) foot setback line and continuing for thirty-five (35)  
16 feet, permitted height shall increase at a forty-five (45) degree angle from the twenty-six (26)  
17 foot height allowed at the setback line. (See Exhibit A for 23.50.024((A)))

18 Exhibit A for 23.50.024: Industrial Buffer Zone Height Limits for All Uses on Lots Directly  
19 Across a Street Right-of-Way 80 feet or Less in Width from Lots in a Neighborhood Residential,

20 Lowrise 1, Lowrise 2, or Lowrise 3 Zone



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3. The height permitted beyond forty (40) feet from the street lot line shall be the same as the maximum height designated on the Official Land Use Map.

1                   4. Exceptions for rooftop features, Section 23.50.020 A, shall not apply in the area  
2 within forty (40) feet of the street lot line.

3                   D. The following height limits shall apply to all lots directly across an alley from lots in a  
4 ~~((Single-family))~~ neighborhood residential, Lowrise 1, Lowrise 2, or Lowrise 3 zone:

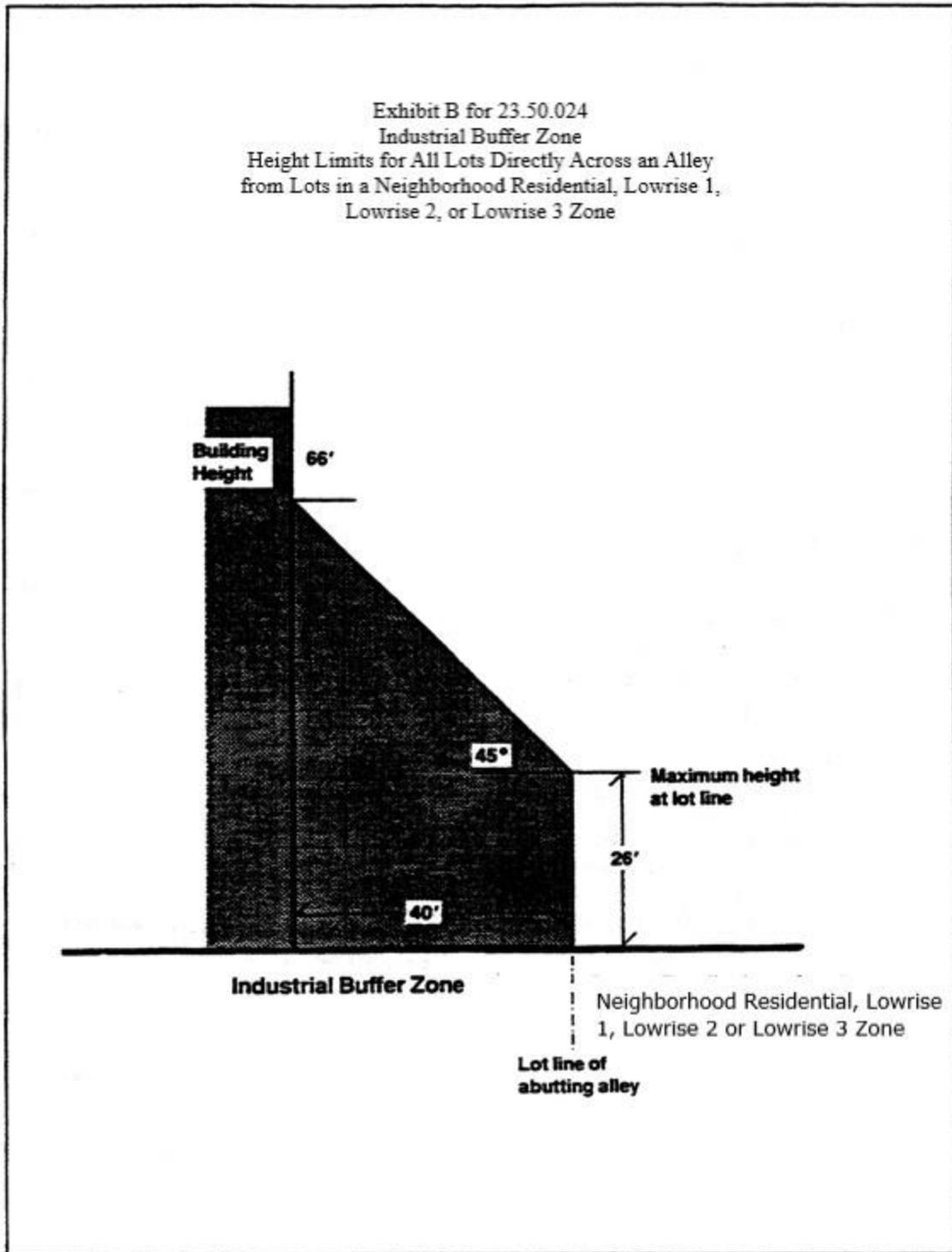
5                   1. A maximum height of twenty-six (26) feet shall be permitted on alley lot lines.

6                   2. For the area within forty (40) feet of the lot line, permitted height shall increase  
7 at a forty-five (45) degree angle from the twenty-six (26) foot height allowed at the alley lot line.

8 (See Exhibit B for 23.50.024(~~(B)~~))

9 Exhibit B for 23.50.024: Industrial Buffer Zone Height Limits for All Lots Directly Across an

10 Alley from a Lot in a Neighborhood Residential, Lowrise 1, Lowrise 2, or Lowrise 3 Zone



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3. The height permitted beyond forty (40) feet from the alley lot line shall be the same as the maximum height designated on the Official Land Use Map.

1                   4. Exceptions for rooftop features, Section 23.50.020 A, shall not apply for the  
2 area within forty (40) feet of the alley lot line.

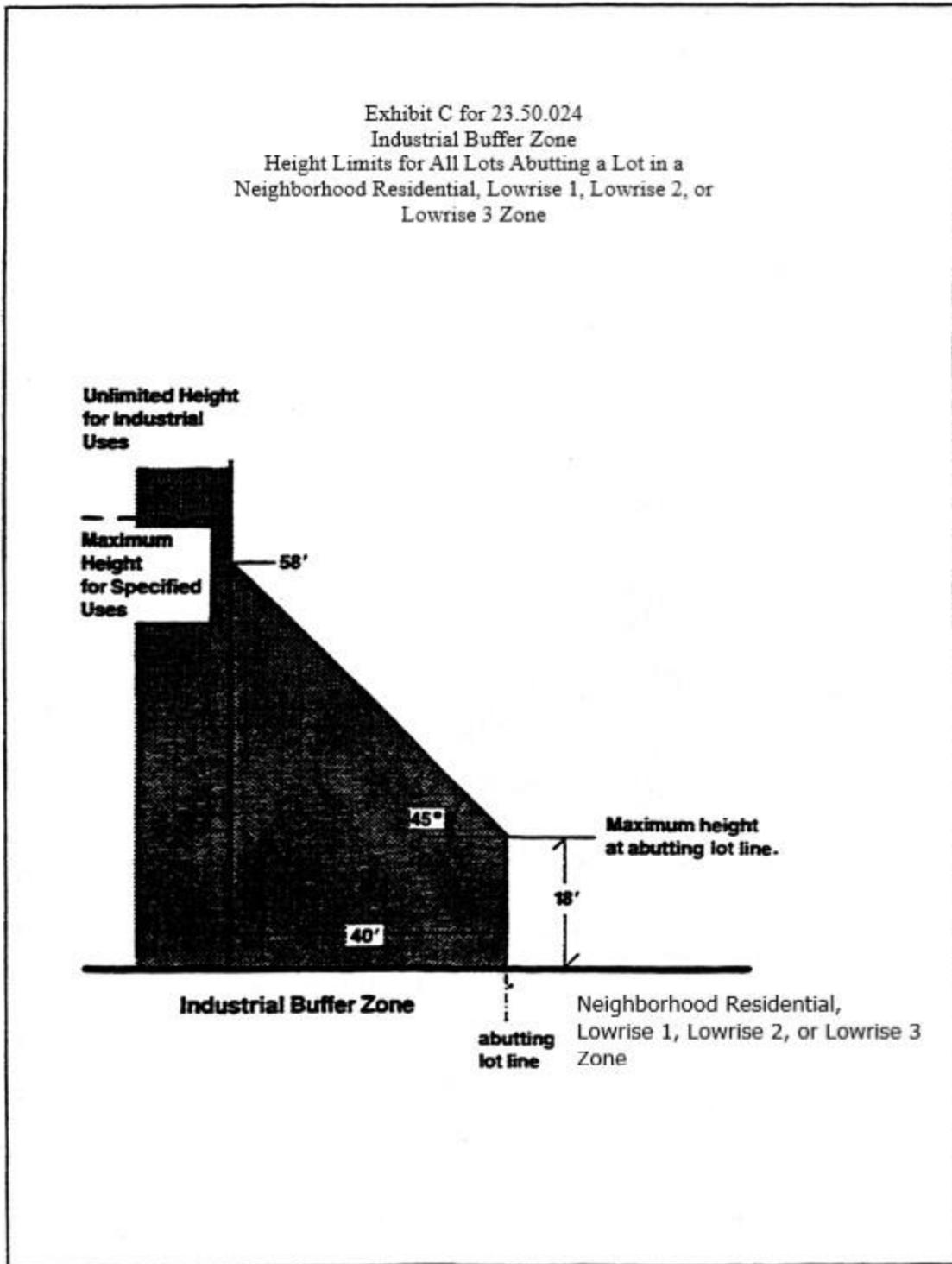
3                   E. The following height limits shall apply to all lots abutting a lot in a ~~((Single family))~~  
4 neighborhood residential, Lowrise 1, Lowrise 2, or Lowrise 3 zone:

5                   1. A maximum height of eighteen (18) feet shall be permitted on abutting lot  
6 lines.

7                   2. For the area within forty (40) feet of the lot line, permitted height shall increase  
8 at a forty-five (45) degree angle from the eighteen (18) foot height allowed at the abutting lot  
9 line. (See Exhibit C for 23.50.024(~~(-C-)~~))

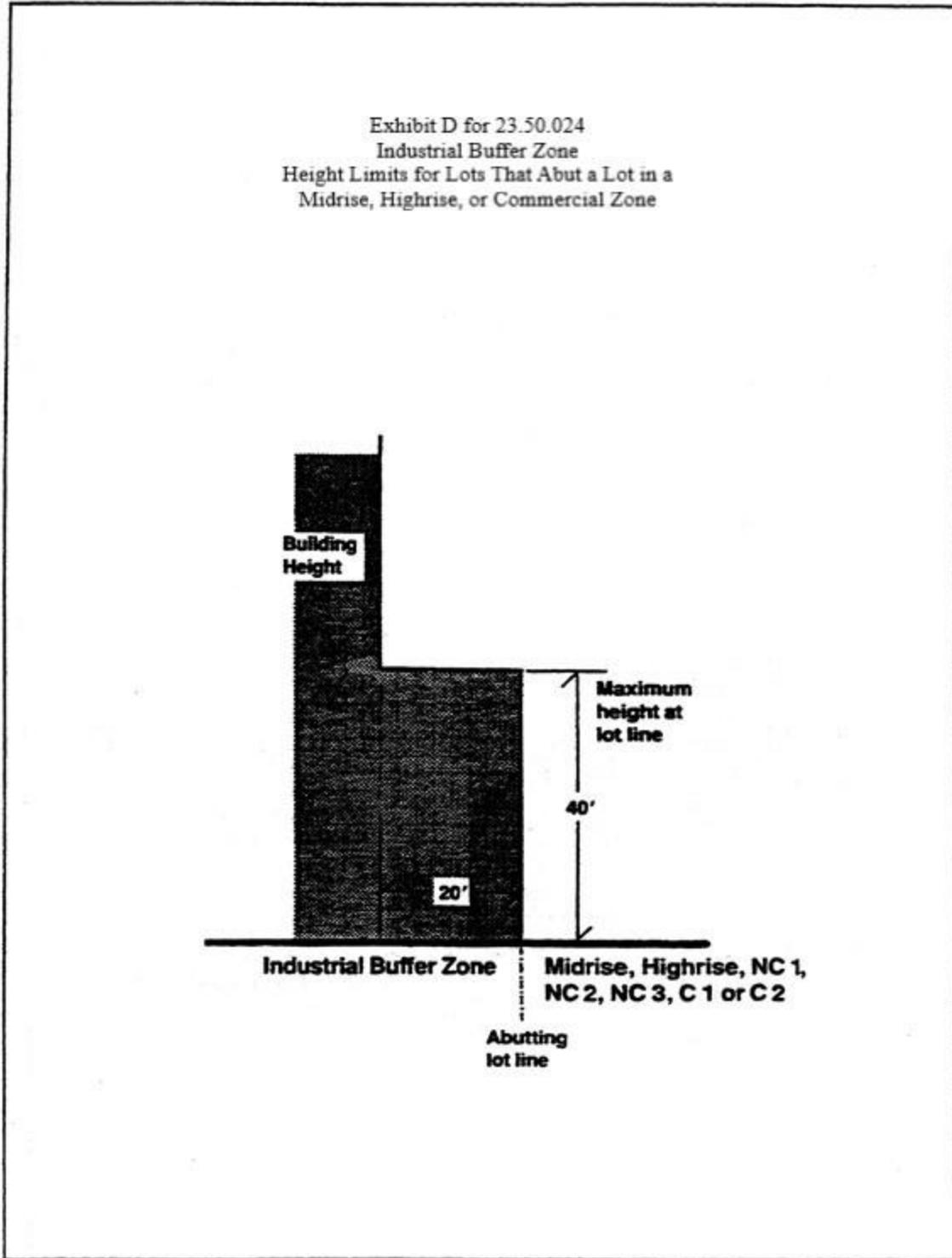
10                   Exhibit C for 23.50.024: Industrial Buffer Zone Height Limits for All Lots Abutting a Lot in a  
11                   Neighborhood Residential, Lowrise 1, Lowrise 2 or Lowrise 3 Zone

Exhibit C for 23.50.024  
Industrial Buffer Zone  
Height Limits for All Lots Abutting a Lot in a  
Neighborhood Residential, Lowrise 1, Lowrise 2, or  
Lowrise 3 Zone



- 1
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3. The height permitted beyond forty (40) feet from the abutting lot line shall be the same as the maximum height designated on the Official Land Use Map.





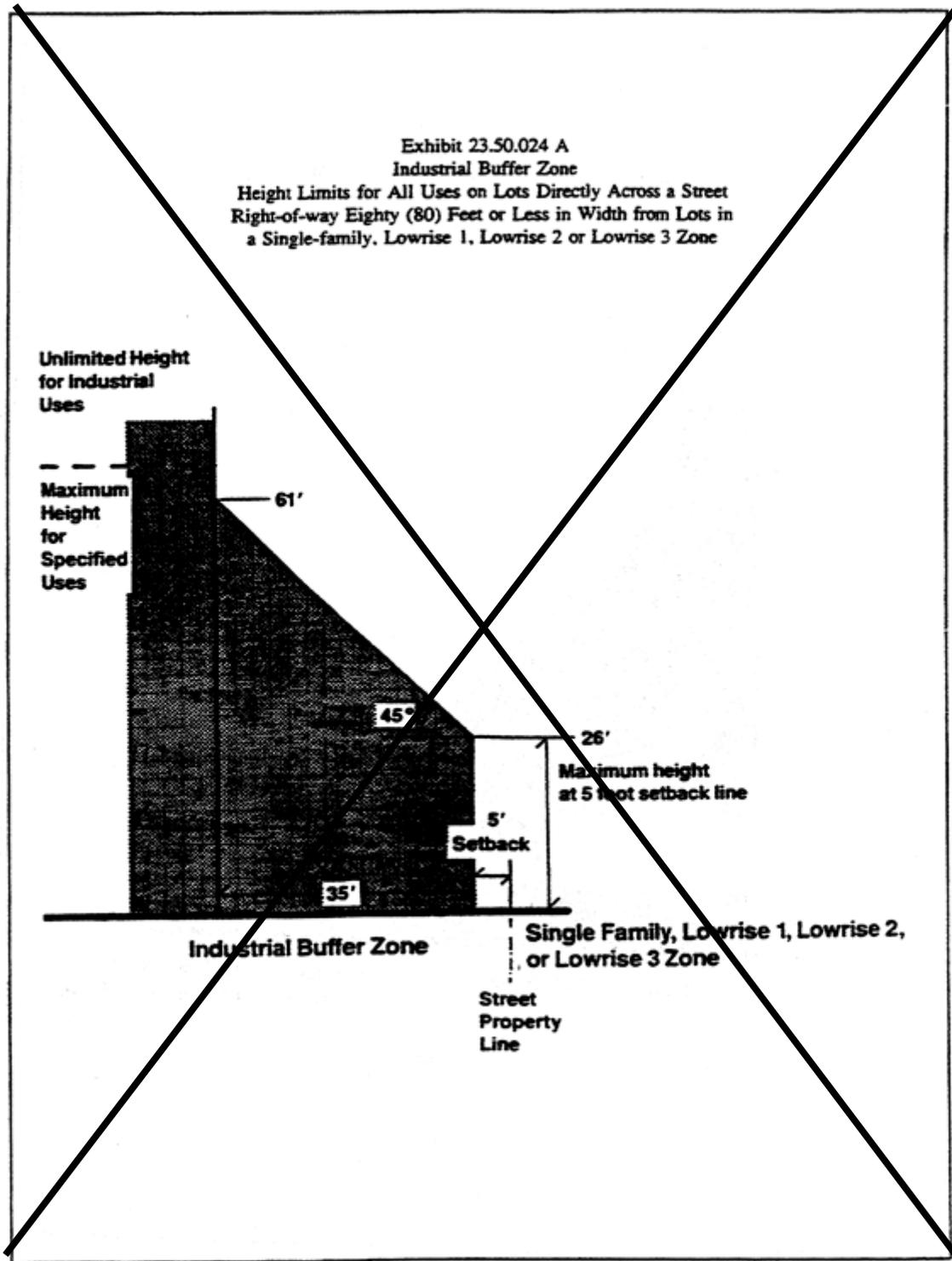
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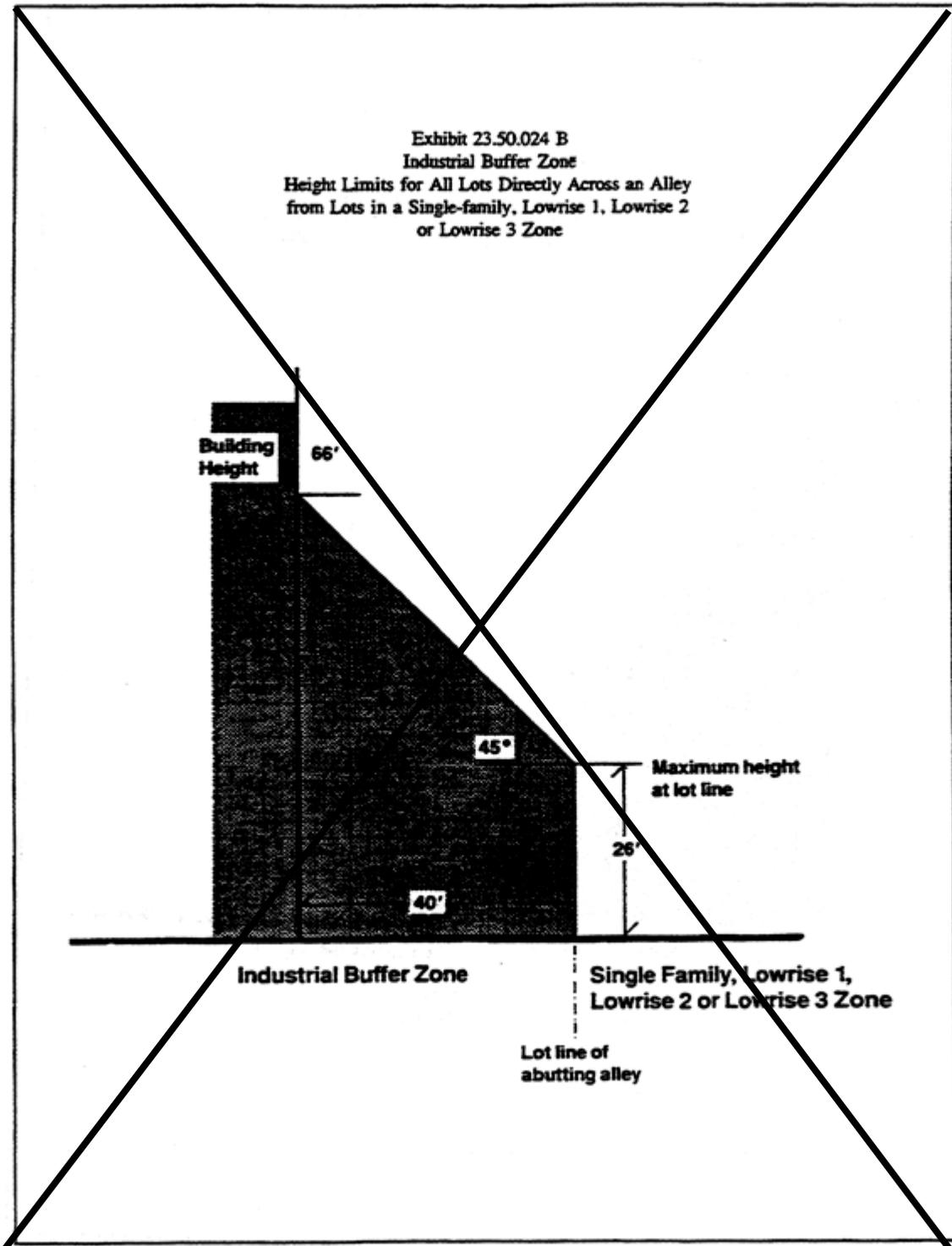
2. The height permitted beyond twenty (20) feet from the abutting lot lines shall be the same as the maximum height designated on the Official Land Use Map.





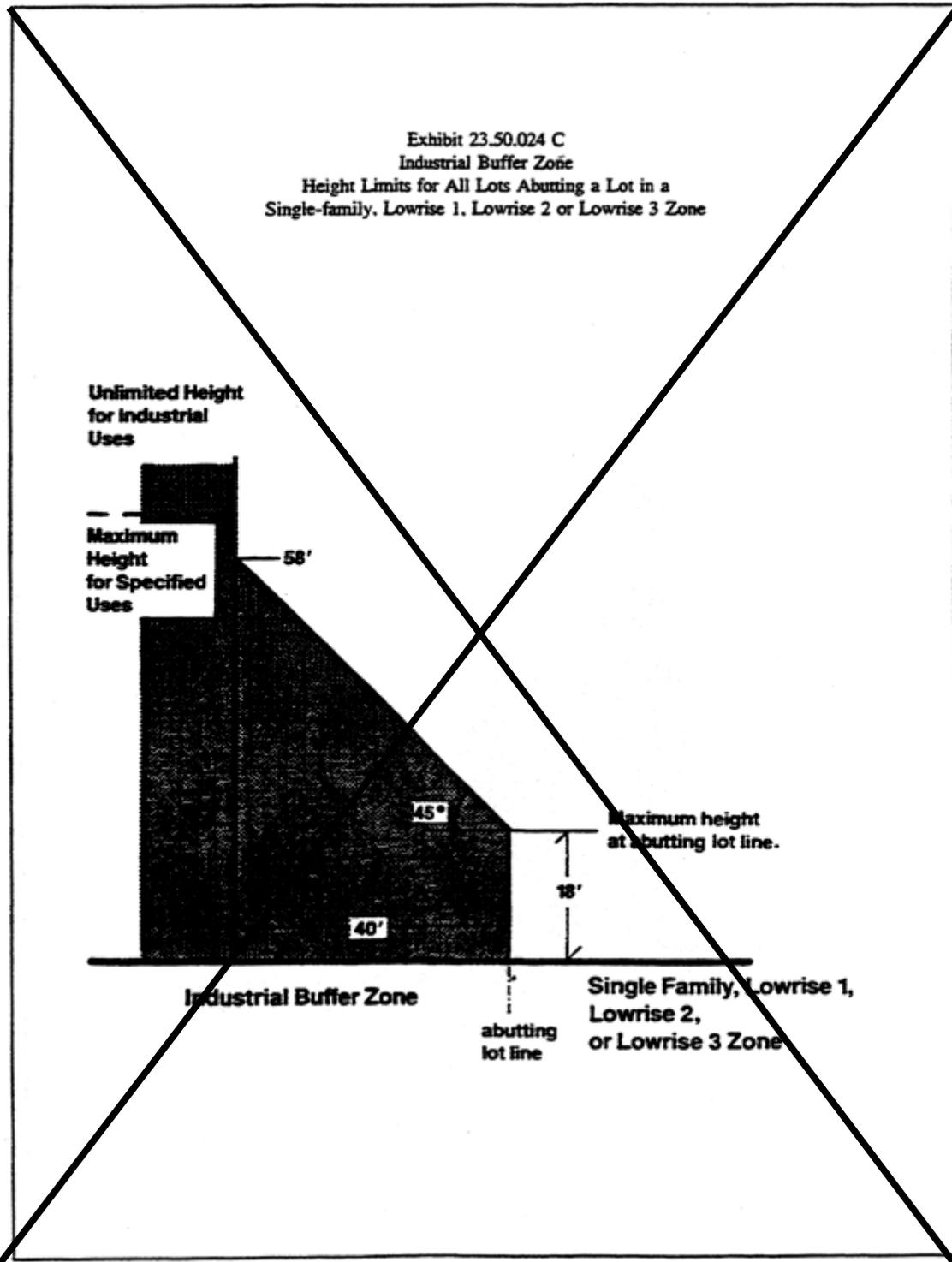
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((Exhibit 23.54.024B))



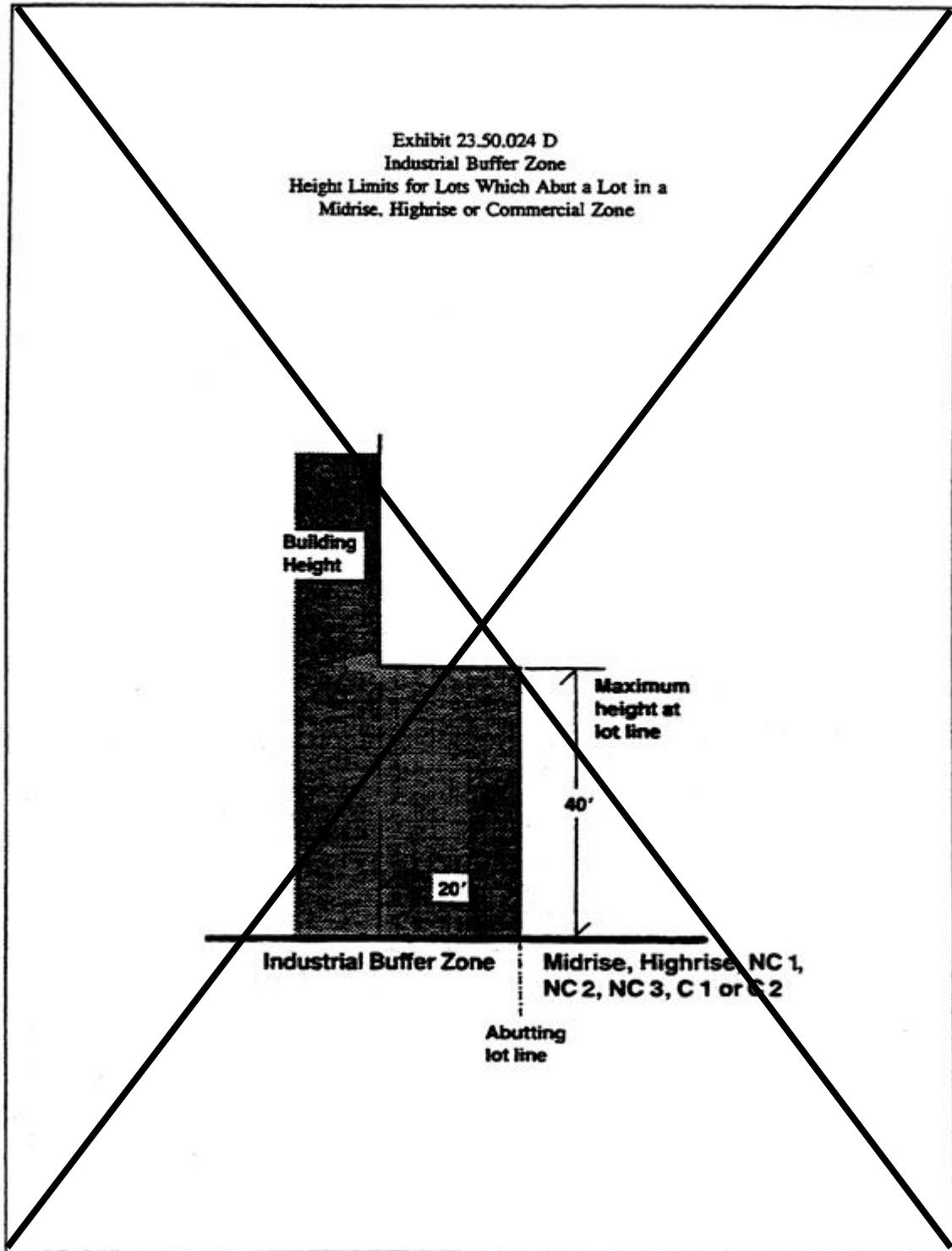
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((Exhibit 23.54.024C))



1  
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((Exhibit 23.54.024D))



1  
2 Section 69. Section 23.50.030 of the Seattle Municipal Code, last amended by Ordinance  
3 125603, is amended as follows:

1 **23.50.030 Industrial Buffer—Setback requirements**

2 A. Setbacks shall be required in the Industrial Buffer (IB) zone according to the  
3 provisions of subsections B, C and D of this section. All required setbacks shall be landscaped  
4 according to the provisions of Section 23.50.036.

5 B. A five (5) foot setback shall be required from all street lot lines which are across a  
6 street right-of-way eighty (80) feet or less in width from a lot in a ((~~Single family~~))  
7 neighborhood residential, Lowrise 1, Lowrise 2 or Lowrise 3 zone.

8 \* \* \*

9 Section 70. Section 23.51A.002 of the Seattle Municipal Code, last amended by  
10 Ordinance 125603, is amended as follows:

11 **23.51A.002 Public facilities in ((~~single family~~)) neighborhood residential zones**

12 A. Except as provided in subsections B, D and E of this Section 23.51A.002, uses in  
13 public facilities that are most similar to uses permitted outright or permitted as an administrative  
14 conditional use under Chapter 23.44 are also permitted outright or as an administrative  
15 conditional use, subject to the same use regulations, development standards and administrative  
16 conditional use criteria that govern the similar use. The City Council may waive or modify  
17 applicable development standards or administrative conditional use criteria according to the  
18 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
19 considered as Type IV quasi-judicial decisions and City facilities considered as Type V  
20 legislative decisions.

21 B. Permitted Uses in Public Facilities Requiring City Council Approval. The following  
22 uses in public facilities in ((~~single family~~)) neighborhood residential zones may be permitted by  
23 the City Council, according to the provisions of Chapter 23.76, Procedures for Master Use

1 Permits and Council Land Use Decisions:

- 2 1. Police precinct station;
- 3 2. Fire station;
- 4 3. Public boat moorage;
- 5 4. Utility services use; and
- 6 5. Other similar use.

7 The proponent of any such use shall demonstrate the existence of a public necessity for the  
8 public facility use in a (~~(single family)~~) neighborhood residential zone. The public facility use  
9 shall be developed according to the development standards for institutions (Section 23.44.022),  
10 unless the City Council makes a determination to waive or modify applicable development  
11 standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use  
12 Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities  
13 considered as Type V legislative decisions.

14 C. Expansion of Uses in Public Facilities.

15 1. Major Expansion. Major expansions may be permitted to uses in public  
16 facilities allowed in subsections 23.51A.002.A and B above according to the same provisions  
17 and procedural requirements as described in these subsections. A major expansion of a public  
18 facility use occurs when the proposed expansion would not meet development standards or  
19 would exceed either 750 square feet or 10 percent of its existing area, whichever is greater,  
20 including gross floor area and areas devoted to active outdoor uses other than parking.

21 2. Minor Expansion. When an expansion falls below the major expansion  
22 threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public  
23 facilities allowed in subsections 23.51A.002.A and B above according to the provisions of

1 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I  
2 Master Use Permit when the development standards of the zone in which the public facility is  
3 located are met.

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

9 1. Applicable procedures. The decision on an application for the expansion or  
10 reconfiguration of a sewage treatment plant is a Type IV Council land use decision. If an  
11 application for an early determination of feasibility is required to be filed pursuant to subsection  
12 23.51A.002.D.2, the early determination of feasibility will also be a Council land use decision  
13 subject to Sections 23.76.038 through 23.76.056.

14 2. Need for feasible alternative determination. The proponent shall demonstrate  
15 that there is no feasible alternative location in a zone where establishment of the use is permitted.

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

21 b. The determination of feasibility may be the subject of a separate  
22 application for a Council land use decision prior to submission of an application for a project-  
23 specific approval if the Director determines that the expansion or reconfiguration proposal is

1 complex, involves the phasing of programmatic and project-specific decisions or affects more  
2 than one site in a (~~single-family~~) neighborhood residential zone.

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

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

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

10 3) Information on the overall sewage treatment system that  
11 outlines the interrelationship of facilities in (~~single-family~~) neighborhood residential zones and  
12 in zones where establishment of the use is permitted;

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

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

19 3. Conditions for Approval of Proposal.

20 a. The project is located so that adverse impacts on residential areas are  
21 minimized;

22 b. The expansion of a facility does not result in a concentration of  
23 institutions or facilities that would create or appreciably aggravate impacts that are incompatible

1 with single-family residences.

2 c. A facility management and transportation plan is required. The level  
3 and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale  
4 of the proposed facility, and shall at a minimum include discussion of sludge transportation,  
5 noise control, and hours of operation. Increased traffic and parking expected to occur with use of  
6 the facility shall not create a serious safety problem or a blighting influence on the  
7 neighborhood;

8 d. Measures to minimize potential odor emission and airborne pollutants  
9 including methane shall meet standards of and be consistent with best available technology as  
10 determined in consultation with the Puget Sound Clean Air Agency (PSCAA), and shall be  
11 incorporated into the design and operation of the facility;

12 e. Methods of storing and transporting chlorine and other hazardous and  
13 potentially hazardous chemicals shall be determined in consultation with the Seattle Fire  
14 Department and incorporated into the design and operation of the facility;

15 f. Vehicular access suitable for trucks is available or provided from the  
16 plant to a designated arterial improved to City standards;

17 g. The bulk of facilities shall be compatible with the surrounding  
18 community. Public facilities that do not meet bulk requirements may be located in ~~((single-~~  
19 ~~family)) neighborhood residential ((areas)) zones if there is a public necessity for their location  
20 there;~~

21 h. Landscaping and screening, separation from less intensive zones, noise,  
22 light and glare controls and other measures to ensure the compatibility of the use with the  
23 surrounding area and to mitigate adverse impacts shall be incorporated into the design and

1 operation of the facility.

2 i. No residential structures, including those modified for nonresidential  
3 use, are demolished for facility expansion unless a need has been demonstrated for the services  
4 of the institution or facility in the surrounding community.

5 4. Substantial Conformance. If the application for a project-specific proposal is  
6 submitted after an early determination that location of the sewage treatment plant is not feasible  
7 in a zone where establishment of the use is permitted, the proposed project must be in substantial  
8 conformance with the feasibility determination. Substantial conformance shall include, but not  
9 be limited to, a determination that:

10 a. There is no net substantial increase in the environmental impacts of the  
11 project-specific proposal as compared to the impacts of the proposal as approved in the  
12 feasibility determination.

13 b. Conditions included in the feasibility determination are met.

14 E. Prohibited Uses. The following public facilities are prohibited in ~~((single family))~~  
15 neighborhood residential zones:

- 16 1. Jails;
- 17 2. Metro operating bases;
- 18 3. Park and ride lots;
- 19 4. Establishment of new sewage treatment plants;
- 20 5. Solid waste transfer stations;
- 21 6. Animal control shelters;
- 22 7. Post Office distribution centers; and
- 23 8. Work-release centers.

1 F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed  
2 according to the provisions of Chapter 23.80, Essential Public Facilities.

3 Section 71. Section 23.51B.002 of the Seattle Municipal Code, last amended by  
4 Ordinance 123495, is amended as follows:

5 **23.51B.002 Public schools in residential zones**

6 Public schools in all ((~~single family~~)) neighborhood residential and multifamily zones are subject  
7 to the following development standards unless otherwise indicated:

8 A. New public schools or additions to existing public schools and accessory uses  
9 including child care centers that meet the applicable development standards of this Chapter  
10 23.51B are permitted outright.

11 B. Departures from development standards may be permitted or required pursuant to  
12 procedures and criteria established in Chapter 23.79, Establishment of Development Standard  
13 Departure for Public Schools.

14 C. Lot Coverage in ((~~Single Family~~)) Neighborhood Residential Zones

15 1. For new public school construction on new public school sites the maximum lot  
16 coverage permitted for all structures is 45 percent of the lot area for one story structures or 35  
17 percent of the lot area if any structure or portion of a structure has more than one story.

18 2. For new public school construction and additions to existing public school  
19 structures on existing public school sites, the maximum lot coverage permitted is the greater of  
20 the following:

21 a. The lot coverage permitted in subsection 23.51B.002.C.1; or

22 b. The lot coverage of the former school structures on the site, provided  
23 that the height of the new structure or portion of structure is no greater than that of the former

1 structures when measured according to Section 23.86.006.F, and at least 50 percent of the  
2 footprint of the new principal structure is constructed on a portion of the lot formerly occupied  
3 by the footprint of the former principal structure.

4 3. Departures from lot coverage limits may be granted or required pursuant to the  
5 procedures and criteria set forth in Chapter 23.79. Up to 55 percent lot coverage may be allowed  
6 for single-story structures, and up to 45 percent lot coverage for structures of more than one  
7 story. Lot coverage restrictions may be waived by the Director as a Type I decision when waiver  
8 would contribute to reduced demolition of residential structures.

9 4. The exceptions to lot coverage set forth in subsection 23.44.010.D apply.

10 D. Height

11 1. (~~Single Family~~) Neighborhood Residential and Lowrise Zones

12 a. For new public school construction on new public school sites, the  
13 maximum permitted height is 30 feet plus 5 feet for a pitched roof. For gymnasiums and  
14 auditoriums that are accessory to the public school, the maximum permitted height is 35 feet plus  
15 10 feet for a pitched roof if all portions of the structure above 30 feet are set back at least 20 feet  
16 from all lot lines. All parts of a pitched roof above the height limit must be pitched at a rate of  
17 not less than 4:12. No portion of a shed roof on a gymnasium or auditorium is permitted to  
18 extend above the 35 foot height limit under this provision.

19 b. For new public school construction on existing public school sites, the  
20 maximum permitted height is 35 feet plus 15 feet for a pitched roof. All parts of the roof above  
21 the height limit must be pitched at a rate of not less than 4:12. No portion of a shed roof is  
22 permitted to extend beyond the 35 foot height limit under this provision.

23 c. For additions to existing public schools on existing public school sites,

1 the maximum height permitted is the height of the existing school or 35 feet plus 15 feet for a  
2 pitched roof, whichever is greater. When the height limit is 35 feet, the ridge of the pitched roof  
3 on a principal structure may extend up to 15 feet above the height limit, and all parts of the roof  
4 above the height limit must be pitched at a rate of not less than 4:12. No portion of a shed roof is  
5 permitted to extend beyond the 35 foot limit under this provision.

6           2. Midrise and Highrise Zones. The maximum permitted height for any public  
7 school located in a MR or HR zone is the base height permitted in that zone for multifamily  
8 structures.

9           3. In Lowrise zones, departures from height limits may be granted or required  
10 pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new  
11 structures on new and existing public school sites to the extent not otherwise permitted outright,  
12 the maximum height that may be granted as a development standard departure is 35 feet plus 15  
13 feet for a roof pitched at a rate of not less than 4:12 for elementary schools and 60 feet plus 15  
14 feet for a roof pitched at a rate of not less than 4:12 for secondary schools. No departures may be  
15 granted for a portion of a shed roof to extend beyond 35 feet in height under this provision.

16           4. Height maximums in all residential zones may be waived by the Director as a  
17 Type I decision when the waiver would contribute to reduced demolition of residential  
18 structures.

19           5. The provisions of subsection B of Section 23.44.012 and the exemptions of  
20 subsection C of Section 23.44.012 apply.

21           6. Light Standards

22           a. Light standards for illumination of athletic fields on new and existing  
23 public school sites may be allowed to exceed the maximum permitted height, up to a maximum

1 height of 100 feet, if the Director determines that the additional height is necessary to ensure  
2 adequate illumination and that impacts from light and glare are minimized to the greatest extent  
3 practicable. The applicant must submit an engineer's report demonstrating that impacts from light  
4 and glare are minimized to the greatest extent practicable. When proposed light standards are  
5 reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies  
6 and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the  
7 additional height contributes to a reduction in impacts from light and glare.

8                   b. When proposed light standards are not included in a proposal being  
9 reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special  
10 exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
11 Decisions.

12                               1) When seeking a special exception for taller light standards, the  
13 applicant must submit an engineer's report demonstrating that the additional height contributes to  
14 a reduction in impacts from light and glare. When the proposal will result in extending the  
15 lighted area's duration of use, the applicant must address and mitigate potential impacts,  
16 including but not limited to, increased duration of noise, traffic, and parking demand. The  
17 applicant also shall conduct a public workshop for residents within 1/8 of a mile of the affected  
18 school in order to solicit comments and suggestions on design as well as potential impacts.

19                               2) The Director may condition a special exception to address  
20 negative impacts from light and glare on surrounding areas, and conditions may also be imposed  
21 to address other impacts associated with increased field use due to the addition of lights,  
22 including, but not limited to, increased noise, traffic, and parking demand.

23                   E. Setbacks

1                                    1. General Requirements

2                                    a. No setbacks are required for new public school construction or for  
3 additions to existing public school structures for that portion of the site across a street or an alley  
4 or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an alley  
5 from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting  
6 residential zones, as provided in subsections E.2 through E.5 of this Section 23.51B.002.

7 Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC)  
8 zones are based upon the residential zone classification of the RC lot.

9                                    b. The minimum setback requirement may be averaged along the structure  
10 facade with absolute minimums for areas abutting lots in residential zones as provided in  
11 subsections E.2.b, E.3.b and E.4.b of this Section 23.51B.002.

12                                    c. Trash disposals, operable windows in a gymnasium, main entrances,  
13 play equipment, kitchen ventilators or other similar items shall be located at least 30 feet from  
14 any (~~single family~~) neighborhood residential zoned lot and 20 feet from any multi-family  
15 zoned lot.

16                                    d. The exceptions of subsections 23.44.014.D.5, D.6, D.7, D.8, D.9, D.10,  
17 D.11 and D.12 apply.

18                                    2. New public school construction on new public school sites.

19                                    a. New public school construction on new public school sites across a  
20 street or alley from lots in residential zones shall provide minimum setbacks according to the  
21 height of the school and the designation of the facing residential zone, as shown in Table A for  
22 23.51B.002:

23 **Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located Across a**

1 **Street or Alley from a Residential Zone**

|                          | Minimum Setbacks Across a Street or Alley from the Following Zones (in feet): |         |    |    |
|--------------------------|---|---------|----|----|
| Height                   | ((SF)) NR/L1  | LR2/LR3 | MR | HR |
|                          | Average   |         |    |    |
| 20 or less               | 15  | 10      | 5  | 0  |
| Greater than 20 up to 35 | 15  | 10      | 5  | 0  |
| Greater than 35 up to 50 | 20  | 15      | 5  | 0  |
| Greater than 50          | 35  | 20      | 10 | 0  |

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b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the height of the school and the designation of the abutting residential zone, as shown in Table B for 23.51B.002:

Table B for 23.51B.002: Minimum Setbacks for a New Public School Site Abutting a Residential Zone

|                          | Minimum Setbacks Abutting the Following Zones (in feet): |         |        |    |
|--------------------------|--|---------|--------|----|
| Height                   | ((SF)) NR/L1   | LR2/LR3 | MR     | HR |
|                          | Average (minimum)  |         |        |    |
| 20 or less               | 20 (10)  | 15 (10) | 10 (5) | 0  |
| Greater than 20 up to 35 | 25 (10)  | 15 (10) | 10 (5) | 0  |
| Greater than 35 up to 50 | 25 (10)  | 20 (10) | 10 (5) | 0  |
| Greater than 50          | 30 (15)  | 25 (10) | 15 (5) | 0  |

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3. New public school construction on existing public school sites.  
 a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the facing residential zone as shown in Table C for 23.51B.002, whichever is less:

**Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located Across a Street or Alley from a Residential Zone**

|  | Minimum Setbacks If Across a Street or Alley from the Following Zones (in feet): |  |  |  |
|--|--|--|--|--|
|--|--|--|--|--|

| Façade Height            | ((SF)) NR/L1 | LR2/LR3 | MR | HR |
|--------------------------|--------------|---------|----|----|
| Average                  |              |         |    |    |
| 20 or less               | 10           | 5       | 5  | 0  |
| Greater than 20 up to 35 | 10           | 5       | 5  | 0  |
| Greater than 35 up to 50 | 15           | 10      | 5  | 0  |
| Greater than 50          | 20           | 15      | 10 | 0  |

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b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone, as shown in Table D for 23.51B.002, whichever is less:

**Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a Residential Zone**

| Minimum Setbacks Abutting the Following Zones (in feet): |              |         |        |       |
|--|--------------|---------|--------|-------|
| Façade Height  | ((SF)) NR/L1 | LR2/LR3 | MR     | HR    |
| Average (minimum)  |              |         |        |       |
| 20 or less   | 15 (10)      | 10 (5)  | 10 (5) | 0 (0) |
| Greater than 20 up to 35                                 | 20 (10)      | 15 (10) | 10 (5) | 0 (0) |
| Greater than 35 up to 50                                 | 25 (10)      | 20 (10) | 10 (5) | 0 (0) |
| Greater than 50  | 30 (15)      | 25 (10) | 15 (5) | 0 (0) |

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the facing residential zone as shown in Table E for 23.51B.002, whichever is less:

**Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located Across a Street or Alley**

|  |  |
|--|--|
|  | Minimum Setbacks (in feet) If Located Across a Street or Alley from: |
|--|--|

| Façade Height            | ((SF)) NR/L1 | LR2/LR3 | MR | HR |
|--------------------------|--------------|---------|----|----|
| Average                  |              |         |    |    |
| 20 or less               | 5            | 5       | 5  | 0  |
| Greater than 20 up to 35 | 10           | 5       | 5  | 0  |
| Greater than 35 up to 50 | 15           | 10      | 5  | 0  |
| Greater than 50          | 20           | 15      | 10 | 0  |

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b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as shown in Table F for 23.51B.002, whichever is less:

**Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Abutting a Residential Zone**

| Minimum Setbacks by Abutting Zone (in feet): |              |         |        |       |
|--|--------------|---------|--------|-------|
| Façade Height                                | ((SF)) NR/L1 | LR2/LR3 | MR     | HR    |
| Average (minimum)                            |              |         |        |       |
| 20 or less                                   | 10 (5)       | 10 (5)  | 10 (5) | 0 (0) |
| Greater than 20 up to 35                     | 15 (5)       | 10 (5)  | 10 (5) | 0 (0) |
| Greater than 35 up to 50                     | 20 (10)      | 20 (10) | 10 (5) | 0 (0) |
| Greater than 50                              | 25 (10)      | 25 (10) | 15 (5) | 0 (0) |

5. Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to 10 feet and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to 15 feet and the minimum setback to 5 feet for structures or portions of structures abutting lots in residential zones.



1 full or short subdivision platting process or when development is proposed. Sidewalks, curbs,  
2 and curb ramps are required only for the portion of the lot that abuts the arterial.

3 4. In ~~((single family))~~ neighborhood residential zones, sidewalks, curbs, and curb  
4 ramps are required when ten or more lots are created through the full subdivision platting process  
5 or when ten or more dwelling units are developed.

6 5. Outside of ~~((single family))~~ neighborhood residential zones, except in IG1 and  
7 IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a  
8 residential or commercial zone, sidewalks, curbs, and curb ramps are required when six or more  
9 lots, other than unit lots, are created through the full or short subdivision platting process or  
10 when six or more dwelling units are developed.

11 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not  
12 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,  
13 curbs, and curb ramps are required when the following non-residential uses are developed:

14 a. Seven hundred and fifty square feet or more of gross floor area of major  
15 and minor vehicle repair uses and multi-purpose retail sales; or

16 b. Four thousand square feet or more of non-residential uses not listed in  
17 subsection 23.53.006.D.6.a.

18 \* \* \*

19 Section 73. Section 23.53.010 of the Seattle Municipal Code, last amended by Ordinance  
20 123495, is amended as follows:

21 **23.53.010 Improvement requirements for new streets in all zones**

22 A. General Requirements. New streets created through the platting process or otherwise  
23 dedicated shall meet the requirements of this chapter and the Right-of-Way Improvements

1 Manual.

2 B. Required right-of-way widths for new streets.

3 1. Arterial and downtown streets. New streets located in downtown zones, and  
4 new arterials, shall be designed according to the Right-of-Way Improvements Manual.

5 2. Nonarterials not in downtown zones.

6 a. The required right-of-way widths for new nonarterial streets not located  
7 in downtown zones shall be as shown on Table A for Section 23.53.010:

8 **Table A for Section 23.53.010**

| Zone Category                       | Required Right-of-Way Width |
|-------------------------------------|-----------------------------|
| 1. ((SF)) NR, LR1, NC1              | 50 feet                     |
| 2. LR2, LR3, NC2                    | 56 feet                     |
| 3. MR, HR, NC3, C1, C2, SCM, IB, IC | 60 feet                     |
| 4. IG1, IG2                         | 66 feet                     |

9

10 b. If a block is split into more than one zone, the required right-of-way  
11 width is determined based on the requirement in Table A for Section 23.53.010 for the zone  
12 category with the most frontage. If the zone categories have equal frontage, the one with the  
13 wider requirement shall be used to determine the minimum right-of-way width.

14 3. Exceptions to required right-of-way widths. The Director, after consulting with  
15 the Director of Transportation, may reduce the required right-of-way width for a new street if its  
16 location in an environmentally critical area or buffer, disruption of existing drainage patterns, or  
17 the presence of natural features such as significant trees makes the required right-of-way width  
18 impractical or undesirable.

19 Section 74. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance  
20 125681, is amended as follows:

21 **23.53.015 Improvement requirements for existing streets in residential and commercial**

1 **zones**

2 \* \* \*

3 D. Exceptions

4 1. Streets with existing curbs

5 a. Streets with right-of-way greater than or equal to the minimum right-of-  
6 way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than  
7 or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is  
8 less than the minimum established in the Right-of-Way Improvements Manual, the following  
9 requirements shall be met:

10 1) All structures on the lot shall be designed and built to  
11 accommodate the grade of the future street improvements.

12 2) A no-protest agreement to future street improvements is  
13 required, as authorized by chapter 35.43 RCW. The agreement shall be recorded with the King  
14 County Recorder.

15 3) Pedestrian access and circulation are required as specified in  
16 Section 23.53.006.

17 b. Streets with less than the minimum right-of-way width. If a street with  
18 existing curbs abuts a lot and the existing right-of-way is less than the minimum width  
19 established in subsection 23.53.015.A.6, the following requirements shall be met:

20 1) Setback requirement. A setback equal to half the difference  
21 between the current right-of-way width and the minimum right-of-way width established in  
22 subsection 23.53.015.A.6 is required; provided, however, that if a setback has been provided  
23 under this provision, other lots on the block shall provide the same setback. In all residential

1 zones except Highrise zones, an additional 3-foot setback is also required. The area of the  
2 setback may be used to meet any development standard, except that required parking may not be  
3 in the setback. Underground structures that would not prevent the future widening and  
4 improvement of the right-of-way may be permitted in the required setback by the Director after  
5 consulting with the Director of Transportation. Encroachments into this setback shall not be  
6 considered structural building overhangs, but the encroachment is limited to the standards set  
7 forth in Section 23.53.035.

8                                   2) Grading requirement. If a setback is required, all structures on  
9 the lot shall be designed and built to accommodate the grade of the future street, as specified in  
10 the Right-of-Way Improvements Manual.

11                                   3) No-protest agreement requirement. A no-protest agreement to  
12 future street improvements is required, as authorized by chapter 35.43 RCW. The agreement  
13 shall be recorded with the King County Recorder.

14                                   4) Pedestrian access and circulation are required as specified in  
15 Section 23.53.006.

16                                   2. Projects with reduced improvement requirements

17                                   a. One or two dwelling units. If no more than two new dwelling units are  
18 proposed to be constructed, or no more than two new ~~((single-family))~~ neighborhood residential  
19 zoned lots are proposed to be created, the following requirements shall be met:

20                                   1) If there is no existing hard-surfaced roadway, a crushed-rock  
21 roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements  
22 Manual.

23                                   2) All structures on the lot(s) shall be designed and built to



1 nonresidential use is less than specified in subsections 23.53.015.D.2.b.1.b and  
2 23.53.015.D.2.b.1.c;

3 e) Remodeling and use changes within existing structures;

4 f) Additions to existing structures that are exempt from  
5 environmental review; and

6 g) Expansions of surface parking, outdoor storage, outdoor  
7 sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales  
8 or display area or number of parking spaces.

9 2) Paving requirement. For the types of projects listed in  
10 subsection 23.53.015.D.2.b.1, the streets abutting the lot shall have a hard-surfaced roadway at  
11 least 18 feet wide. If there is not an 18-foot wide hard-surfaced roadway, the roadway shall be  
12 paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street meeting this  
13 requirement, or 100 feet, whichever is less. Streets that form a dead end at the property to be  
14 developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the  
15 Right-of-Way Improvements Manual. As a Type 1 decision, the Director, after consulting with  
16 the Director of Transportation, shall determine whether the street has the potential for being  
17 extended or whether it forms a dead end because of topography or the layout of the street system.

18 3) Other requirements. The requirements of subsection  
19 23.53.015.D.1.b shall also be met.

20 3. Exceptions from required street improvements. As a Type 1 decision, the  
21 Director, in consultation with the Director of Transportation, may waive or modify the  
22 requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, and  
23 landscaping if one or more of the following conditions are met. The waiver or modification shall

1 provide the minimum relief necessary to accommodate site conditions while maximizing access  
2 and circulation.

3 a. Location in an environmentally critical area or buffer, disruption of  
4 existing drainage patterns, or removal of natural features such as significant trees or other  
5 valuable and character-defining mature vegetation makes widening or improving the right-of-  
6 way impractical or undesirable.

7 b. The existence of a bridge, viaduct, or structure such as a substantial  
8 retaining wall in proximity to the project site makes widening or improving the right-of-way  
9 impractical or undesirable.

10 c. Widening the right-of-way or improving the street would adversely  
11 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City  
12 plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict  
13 with the stated goals of such a plan.

14 d. Widening or improving the right-of-way would preclude vehicular  
15 access to an existing lot.

16 e. Widening or improving the right-of-way would make building on a lot  
17 infeasible by reducing it to dimensions where development standards cannot reasonably be met.

18 f. One or more substantial principal structures on the same side of the  
19 block as the proposed project are in the area needed for future expansion of the right-of-way and  
20 the structure(s)' condition and size make future widening of the remainder of the right-of-way  
21 unlikely.

22 g. Widening or improving the right-of-way is impractical because  
23 topography would preclude the use of the street for vehicular access to the lot, for example due

1 to an inability to meet the required 15 percent maximum driveway slope.

2 h. Widening or improving the right-of-way is not necessary because it is  
3 adequate for current and potential vehicular traffic, for example, due to the limited number of  
4 lots served by the development or because the development on the street is at zoned capacity.

5 Section 75. Section 23.53.030 of the Seattle Municipal Code, last amended by Ordinance  
6 125603, is amended as follows:

7 **23.53.030 Alley improvements in all zones**

8 \* \* \*

9 B. New alleys

10 1. New alleys created through the platting process shall meet the requirements of  
11 Subtitle II of this Title 23.

12 2. The required right-of-way widths for new alleys shall be as shown on Table A  
13 for Section 23.53.030.

| Table A for Section 23.53.030: Width of New Alley Rights-of-Way  |                    |
|--|--------------------|
| Zone Category  | Right-of-Way Width |
| 1. ((SF)) NR, LR1, NC1   | 12 feet            |
| 2. LR2, LR3, NC2   | 16 feet            |
| 3. MR, HR, NC3, C1, C2, SM and all Industrial and Downtown zones | 20 feet            |

14  
15 3. If an alley abuts lots in more than one zone category, the minimum alley width  
16 shall be determined based on the requirements in Table A for Section 23.53.030 for the zone  
17 category with the most frontage excluding Zone Category 1. If the zone categories have equal  
18 frontage, the one with the wider requirement shall be used to determine the minimum alley  
19 width.

20 C. Definition of improved alley. In certain zones, alley access is required if the alley is

1 improved. For the purpose of determining if access is required, the alley will be considered  
2 improved if it meets the standards of this subsection 23.53.030.C.

3 1. Right-of-way width

4 a. The minimum width for an alley to be considered to be improved shall  
5 be as shown on Table B for Section 23.53.030.

| Table B for Section 23.53.030: Right-of-Way Width for Alleys Considered to be Improved |                    |
|--|--------------------|
| Zone Category  | Right-of-Way Width |
| 1. ((SF)) NR, LR1, LR2, LR3, NC1   | 10 feet            |
| 2. MR, HR, NC2   | 12 feet            |
| 3. NC3, C1, C2 and SM  | 16 feet            |

6  
7 b. If an alley abuts lots in more than one zone category, the minimum alley  
8 width shall be determined based on the requirements in Table B for the zone category with the  
9 most frontage excluding Zone Category 1. If Zone Categories 2 and 3 have equal frontage, the  
10 minimum alley width shall be 16 feet.

11 2. Paving. To be considered improved, the alley shall be paved.

12 D. Minimum widths established.

13 1. The minimum required width for an existing alley right-of-way shall be as  
14 shown on Table C for Section 23.53.030.

| Table C for Section 23.53.030:<br>Required Minimum Right-of-Way Widths for Existing Alleys |                    |
|--|--------------------|
| Zone Category  | Right-of-Way Width |
| 1. ((SF)) NR and LR1   | No minimum width   |
| 2. LR2, NC1  | 12 feet            |
| 3. LR3, MR, HR, NC2  | 16 feet            |
| 4. NC3, C1, C2, SM, all downtown zones   | 20 feet            |
| 5. All industrial zones  | 20 feet            |

15  
16 2. If an alley abuts lots in more than one zone category, the minimum alley width

1 shall be determined based on the requirements in Table C for Section 23.53.030 for the zone  
 2 category with the most frontage excluding Zone Category 1. If the zone categories have equal  
 3 frontage, the one with the wider requirement shall be used to determine the minimum alley  
 4 width.

5 \* \* \*

6 Section 76. Tables A, B, C and D for Section 23.54.015 of the Seattle Municipal Code,  
 7 which section was last amended by Ordinance 126287, is amended as follows:

8 **23.54.015 Required parking and maximum parking limits**

9 \* \* \*

| Table A for 23.54.015<br>Required Parking for Non-residential Uses Other Than Institutions |                                |   |   |                                  |
|--|--------------------------------|---|---|----------------------------------|
| Use  |                                | Minimum parking required  |   |                                  |
| I. General Non-residential Uses (other than institutions)                                  |                                |   |   |                                  |
| A.   | AGRICULTURAL USES <sup>1</sup> |   | 1 space for each 2,000 square feet  |                                  |
| B.   | COMMERCIAL USES                |   |   |                                  |
|  | B.1.                           | Animal shelters and kennels                                     | 1 space for each 2,000 square feet  |                                  |
|  | B.2.                           | Eating and drinking establishments                              | 1 space for each 250 square feet  |                                  |
|  | B.3.                           | Entertainment Uses, general, except as noted below <sup>2</sup> | For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats   |                                  |
|  |                                | B.3.a   | Adult cabarets  | 1 space for each 250 square feet |
|  |                                | B.3.b   | Sports and recreation uses  | 1 space for each 500 square feet |
|  | B.4.                           | Food processing and craft work                                  | 1 space for each 2,000 square feet  |                                  |
|  | B.5.                           | Laboratories, research and development                          | 1 space for each 1,500 square feet  |                                  |
|  | B.6.                           | Lodging uses  | 1 space for each 4 rooms;<br>For bed and breakfast facilities in <del>((single-family))</del> neighborhood residential and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms |                                  |
|  | B.7.                           | Medical services  | 1 space for each 500 square feet  |                                  |
|  | B.8.                           | Offices   | 1 space for each 1,000 square feet  |                                  |
|  | B.9.                           | Sales and services, automotive                                  | 1 space for each 2,000 square feet  |                                  |

|   |  |  |                                  |  |
|---|--|--|----------------------------------|--|
|   | B.10.  | Sales and services, general, except as noted below |                                  | 1 space for each 500 square feet   |
|   |  | B.10.a.  | Pet Daycare Centers <sup>3</sup> | 1 space for each 10 animals or 1 space for each staff member, whichever is greater, plus 1 loading and unloading space for each 20 animals   |
|   | B.11.  | Sales and services, heavy                          |                                  | 1 space for each 2,000 square feet   |
|   | B.12.  | Sales and services, marine                         |                                  | 1 space for each 2,000 square feet   |
| C.  | HIGH IMPACT USES   |  |                                  | 1 space for each 2,000 square feet   |
| D.  | LIVE-WORK UNITS  |  |                                  | 0 spaces for units with 1,500 square feet or less;<br>1 space for each unit greater than 1,500 square feet;<br>1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use |
| E.  | MANUFACTURING USES   |  |                                  | 1 space for each 2,000 square feet   |
| F.  | STORAGE USES   |  |                                  | 1 space for each 2,000 square feet   |
| G.  | TRANSITIONAL ENCAMPMENT INTERIM USE  |  |                                  | 1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times  |
| H.  | TRANSPORTATION FACILITIES  |  |                                  |  |
|   | H.1.   | Cargo terminals                                    |                                  | 1 space for each 2,000 square feet   |
|   | H.2.   | Parking and moorage                                |                                  |  |
|   |  | H.2.a.   | Flexible-use parking             | None   |
|   |  | H.2.b.   | Towing services                  | None   |
|   |  | H.2.c.   | Boat moorage                     | 1 space for each 2 berths  |
|   |  | H.2.d.   | Dry storage of boats             | 1 space for each 2,000 square feet   |
|   | H.3.   | Passenger terminals                                |                                  | 1 space for each 100 square feet of waiting area   |
|   | H.4.   | Rail transit facilities                            |                                  | None   |
|   | H.5.   | Transportation facilities, air                     |                                  | 1 space for each 100 square feet of waiting area   |
|   | H.6.   | Vehicle storage and maintenance uses               |                                  | 1 space for each 2,000 square feet   |
| I.  | UTILITIES  |  |                                  | 1 space for each 2,000 square feet   |
| II. Non-residential Use Requirements for Specific Areas |  |  |                                  |  |
| J.  | Non-residential uses in urban centers or the Station Area Overlay District <sup>4</sup>                |  |                                  | No minimum requirement   |
| K.  | Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay |  |                                  | No minimum requirement   |

|    |  |                        |
|----|--|------------------------|
|    | District, if the non-residential use is located within a frequent transit service area. <sup>4</sup> |                        |
| L. | Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.                     | No minimum requirement |

Footnotes for Table A for 23.54.015

<sup>1</sup> No parking is required for urban farms or community gardens in residential zones.

<sup>2</sup> Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

<sup>3</sup> The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

<sup>4</sup> The general minimum requirements of Part I of Table A for 23.54.015 are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for 23.54.015, the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

1

|                                       |                                |
|---------------------------------------|--------------------------------|
| Table B for 23.54.015                 |                                |
| Required parking for residential uses |                                |
| Use                                   | Minimum parking required       |
| I. General residential uses           |                                |
| A.                                    | Adult family homes             |
|                                       | 1 space for each dwelling unit |

|   |   |  |
|---|---|--|
| B.  | Artist's studio/dwellings   | 1 space for each dwelling unit   |
| C.  | Assisted living facilities  | 1 space for each 4 assisted living units;<br>plus<br>1 space for each 2 staff members on-site at peak staffing time; plus<br>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 <sup>1</sup>   | 1 space per dwelling unit, or 1 space for each 2 small efficiency dwelling units   |
| J.  | Nursing homes <sup>2</sup>  | 1 space for each 2 staff doctors; plus<br>1 additional space for each 3 employees;<br>plus<br>1 space for each 6 beds  |
| K.  | Single-family dwelling units <sup>3</sup>   | 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 <sup>1</sup>  | No minimum requirement   |
| 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 a frequent transit service area <sup>1, 4</sup> | No minimum requirement   |
| N.  | Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 <sup>1</sup>  | 1 space per dwelling unit for dwelling units with fewer than 2 bedrooms; plus<br>1.5 spaces per dwelling units with 2 or more bedrooms; plus<br>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 <sup>1</sup>  | 1.5 spaces for each dwelling unit  |
| III. Multifamily residential use requirements with rent and income criteria |   |  |
| P.  | For each dwelling unit rent and income-restricted at or below 80 percent of the median income <sup>1, 5</sup>   | No minimum requirement   |

Footnotes to Table B for 23.54.015

<sup>1</sup> The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply if a use, structure, or development qualifies for a greater or a lesser amount of minimum

parking, including no parking, under any other provision of this Section 23.54.015. If more than one such provision may apply, the provision requiring the least amount of minimum parking applies, except that if item O in Part II of Table B for 23.54.015 applies, it shall supersede any other applicable requirement in Part I or Part II of this Table B for 23.54.015. The minimum amount of parking prescribed by Part III of Table B for 23.54.015 applies to individual units within a use, structure, or development instead of any requirements in Parts I or II of Table B for 23.54.015.

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

<sup>3</sup> 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.

<sup>4</sup> Except as provided in Part III of Table B for 23.54.015, the minimum amounts of parking prescribed by Part 1 of Table B for 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.

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

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| Table C for 23.54.015<br>Required Parking for Public Uses and Institutions |   |
|--|---|
| Use  | Minimum parking required  |
| <b>I. General Public Uses and Institutions</b>                             |   |
| A. Adult care centers <sup>1, 2</sup>                                      | 1 space for each 10 adults (clients) or 1 space for each staff member, whichever is |

|    |   |  |
|----|---|--|
|    |   | greater; plus 1 loading and unloading space for each 20 adults (clients)   |
| B. | Child care centers <sup>1, 2, 3</sup>   | 1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children   |
| C. | Colleges  | A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities |
| D. | Community centers owned and operated by the Seattle Department of Parks and Recreation (SPR) <sup>1, 4</sup>                  | 1 space for each 555 square feet; or for family support centers, 1 space for each 100 square feet  |
| E. | Community clubs, and community centers not owned and operated by SPR <sup>1, 5</sup>  | 1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts                     |
| F. | Hospitals   | 1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds  |
| G. | Institutes for advanced study, except in (( <del>single-family</del> )) <u>neighborhood residential zones</u>                 | 1 space for each 1,000 square feet of offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats  |
| H. | Institutes for advanced study in (( <del>single-family</del> )) <u>neighborhood residential zones</u> (existing) <sup>1</sup> | 3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater  |
| I. | Libraries <sup>1, 6</sup>   | 1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms   |

|  |  |  |
|--|--|--|
| J.   | Museums <sup>1</sup>   | 1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public                                    |
| K.   | Private clubs  | 1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts               |
| L.   | Religious facilities <sup>1</sup>  | 1 space for each 80 square feet of all auditoria and public assembly rooms   |
| M.   | Schools, private elementary and secondary <sup>1</sup>   | 1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member  |
| N.   | Schools, public elementary and secondary <sup>7,8</sup>  | 1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site   |
| O.   | Vocational or fine arts schools  | 1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate |
| <b>II. General Public Uses and Institutions for Specific Areas</b> |  |  |
| P.   | General public uses, institutions and Major Institution uses, except hospitals, in urban centers or the Station Area Overlay District <sup>9</sup>   | No minimum requirement   |
| Q.   | General public uses and institutions, except hospitals, including institutes for advanced study in <del>((single-family))</del> <u>neighborhood residential</u> zones, within urban villages that are not within the Station Area Overlay District, if the use is located within a frequent transit service area | No minimum requirement   |

Footnotes for Table C for 23.54.015

<sup>1</sup> When this use is permitted in a (~~single-family~~) neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.

<sup>2</sup> The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

<sup>3</sup> A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

<sup>4</sup> When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.

<sup>5</sup> Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.

<sup>6</sup> When a library is permitted in a (~~single-family~~) neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements pursuant to subsection 23.44.022.L.

<sup>7</sup> For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.

<sup>8</sup> Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

<sup>9</sup> The general requirements of lines A through O of Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other

provision. To the extent that a general public use, institution, or Major Institution use fits within more than one line in Table C for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

1

| Table D for 23.54.015<br>Parking for bicycles <sup>1</sup> |  |                           |  |
|--|--|---------------------------|--|
| Use  |  | Bike parking requirements |  |
|  |  | Long-term                 | Short-term   |
| <b>A. COMMERCIAL USES</b>                                  |  |                           |  |
| A.1.   | Eating and drinking establishments                                     | 1 per 5,000 square feet   | 1 per 1,000 square feet  |
| A.2.   | Entertainment uses other than theaters and spectator sports facilities | 1 per 10,000 square feet  | Equivalent to 5 percent of maximum building capacity rating                          |
|  | A.2.a Theaters and spectator sports facilities                         | 1 per 10,000 square feet  | Equivalent to 8 percent of maximum building capacity rating <sup>2</sup>             |
| A.3.   | Lodging uses   | 3 per 40 rentable rooms   | 1 per 20 rentable rooms plus 1 per 4,000 square feet of conference and meeting rooms |
| A.4.   | Medical services   | 1 per 4,000 square feet   | 1 per 2,000 square feet  |
| A.5.   | Offices and laboratories, research and development                     | 1 per 2,000 square feet   | 1 per 10,000 square feet   |
| A.6.   | Sales and services, general  | 1 per 4,000 square feet   | 1 per 2,000 square feet  |
| A.7.   | Sales and services, heavy  | 1 per 4,000 square feet   | 1 per 10,000 square feet of occupied floor area; 2 spaces minimum                    |
| <b>B. INSTITUTIONS</b>                                     |  |                           |  |
| B.1.   | Institutions not listed below  | 1 per 4,000 square feet   | 1 per 10,000 square feet   |
| B.2.   | Child care centers   | 1 per 4,000 square feet   | 1 per 20 children. 2 spaces minimum  |
| B.3.   | Colleges   | 1 per 5,000 square feet   | 1 per 2,500 square feet  |
| B.4.   | Community clubs or centers   | 1 per 4,000 square feet   | 1 per 1,000 square feet  |
| B.5.   | Hospitals  | 1 per 4,000 square feet   | 1 per 10,000 square feet   |
| B.6.   | Libraries  | 1 per 4,000 square feet   | 1 per 2,000 square feet  |
| B.7.   | Museums  | 1 per 4,000 square feet   | 1 per 2,000 square feet  |
| B.8.   | Religious facilities   | 1 per 4,000 square feet   | 1 per 2,000 square feet  |
| B.9.   | Schools, primary and secondary   | 3 per classroom           | 1 per classroom  |
| B.10.  | Vocational or fine arts schools  | 1 per 5,000 square feet   | 1 per 2,500 square feet  |

|                                  |  |   |   |
|----------------------------------|--|---|---|
| C. MANUFACTURING USES            |  | 1 per 4,000 square feet   | 1 per 20,000 square feet  |
| D. RESIDENTIAL USES <sup>3</sup> |  |   |   |
| D.1.                             | Congregate residences <sup>4</sup>                                 | 1 per sleeping room   | 1 per 20 sleeping rooms. 2 spaces minimum   |
| D.2.                             | Multi-family structures <sup>4, 5</sup>                            | 1 per dwelling unit   | 1 per 20 dwelling units   |
| D.3.                             | Single-family residences   | None  | None  |
| D.4.                             | Permanent supportive housing                                       | None  | None  |
| E. TRANSPORTATION FACILITIES     |  |   |   |
| E.1.                             | Park and ride facilities on surface parking lots                   | At least 20 <sup>6</sup>  | At least 10   |
| E.2.                             | Park and ride facilities in parking garages                        | At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property | At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property |
| E.3.                             | Flexible-use parking garages and flexible-use parking surface lots | 1 per 20 auto spaces  | None  |
| E.4.                             | Rail transit facilities and passenger terminals                    | Spaces for 5% of projected AM peak period daily ridership <sup>6</sup>  | Spaces for 2% of projected AM peak period daily ridership   |

Footnotes to Table D for 23.54.015:

<sup>1</sup> Required bicycle parking includes long-term and short-term amounts shown in this table.

<sup>2</sup> The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

<sup>3</sup> For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.

<sup>4</sup> For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.

<sup>5</sup> For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or

other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

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

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Section 77. Section 23.54.020 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

**23.54.020 Parking quantity exceptions**

The motor vehicle parking quantity exceptions set forth in this Section 23.54.020 apply in all zones except downtown zones, which are regulated by Section 23.49.019, and Major Institution zones, which are regulated by Section 23.54.016.

\* \* \*

K. Peat Settlement-prone Environmentally Critical Areas. Except in ((~~Single-family, Residential Small Lot,~~)) Neighborhood Residential and Lowrise zones, the Director may reduce or waive the minimum accessory off-street parking requirements to the minimum extent necessary to offset underground parking potential lost to limitations set forth in Section 25.09.110 on development below the annual high static groundwater level in peat settlement-prone areas. In making any such reduction or waiver, the Director will assess area parking needs. The Director may require a survey of on- and off-street parking availability. The Director may

1 take into account the level of transit service in the immediate area; the probable relative  
2 importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use  
3 by employees; hours of operation; and any other factor or factors considered relevant in  
4 determining parking impact.

5 \* \* \*

6 Section 78. Section 23.55.012 of the Seattle Municipal Code, last amended by Ordinance  
7 121477, is amended as follows:

8 **23.55.012 Temporary signs permitted in all zones.**

9 A. Real estate "for sale," "for rent" and "open house" temporary signs, temporary signs  
10 identifying the architect, engineer or contractor for work currently under construction, and  
11 temporary noncommercial messages displayed on fabric signs, flags or rigid signs shall be  
12 permitted in all zones at all times, provided they are not painted with light-reflecting paint or  
13 illuminated. The total area for these types of temporary signs in the aggregate shall not exceed  
14 eight (8) square feet per building lot in (~~single-family~~) neighborhood residential zones, and  
15 twenty-four (24) square feet per building lot in all other zones, except as follows: the total area  
16 allowed for noncommercial messages may increase to a maximum of eight (8) square feet per  
17 dwelling unit for use by the occupant of that dwelling unit; and in buildings where there are eight  
18 (8) dwelling units or more, a real estate banner not exceeding thirty-six (36) square feet may be  
19 permitted for one (1) nine (9) month period starting from the date of the issuance of the  
20 certificate of occupancy.

21 \* \* \*

22 Section 79. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance  
23 125272, is amended as follows:

1 **23.55.015 Sign kiosks and community bulletin boards**

2 A. Sign Kiosks. Sign kiosks are permitted in all zones, except ((single-family))  
3 neighborhood residential zones and multifamily residential zones, provided that a sign kiosk may  
4 abut a park or playground at least one acre in size, or publicly owned community center in all  
5 zones. Sign kiosks are not permitted within fifty (50) feet of a ((single-family)) neighborhood  
6 residential zone or multifamily residential zone.

7 \* \* \*

8 Section 80. Section 23.55.020 of the Seattle Municipal Code, last amended by Ordinance  
9 125272, is amended as follows:

10 **23.55.020 Signs in ((single-family)) neighborhood residential zones**

11 A. Signs shall be stationary and shall not rotate.

12 B. No flashing, changing-image or message board signs shall be permitted.

13 C. No roof signs shall be permitted.

14 D. The following signs are permitted in all ((single-family)) neighborhood residential  
15 zones:

16 1. Electric, externally illuminated or nonilluminated signs bearing the name of the  
17 occupant of a dwelling unit, not exceeding 64 square inches in area;

18 2. Memorial signs or tables, and the name of buildings and dates of building  
19 erection if cut into a masonry surface or constructed of bronze or other noncombustible  
20 materials;

21 3. Signs for public facilities indicating danger and/or providing service or safety  
22 information;

23 4. National, state, and institutional flags;



1 utilities and accessory communication devices: structural alteration to meet safety requirements,  
2 replacement on-site, maintenance, renovation, or repair. The addition of new accessory  
3 communication devices or new minor communication utilities to an existing tower is permitted  
4 outright, except as follows: No more than a total of 15 horn and dish antennas that are over 4 feet  
5 in any dimension may be located on an existing tower, unless the applicant submits copies of  
6 Federal Communications Commission licenses, as provided in subsection 23.57.008.G, showing  
7 that all of the existing 15 horn and dish antennas over 4 feet in any dimension, plus any proposed  
8 additional such horn or dish antennas, are accessory to the communication utility.

9 \* \* \*

10 Section 82. Section 23.57.008 of the Seattle Municipal Code, last amended by Ordinance  
11 124952, is amended as follows:

12 **23.57.008 Development standards**

13 A. In ((~~Single Family, Residential Small Lot~~)) Neighborhood Residential, Lowrise,  
14 Midrise, Highrise, Neighborhood Commercial, and Seattle Mixed zones, physical expansion of a  
15 major communication utility may be permitted only when:

16 1. The expanded facility will be a shared-use utility, and another broadcaster has  
17 contracted to relocate its transmitter to the expanded facility; and

18 2. A different existing tower of similar size in the immediate vicinity will be  
19 removed within six months of issuance of the certificate of occupancy.

20 \* \* \*

21 Section 83. Section 23.57.009 of the Seattle Municipal Code, last amended by Ordinance  
22 120928, is amended as follows:

23 **23.57.009 Permitted and prohibited locations for all minor communication utilities, and**

1 **development standards for minor communication utilities with freestanding transmission**  
2 **towers in all zones.**

3 \* \* \*

4 B. Interior Locations. Minor communication utilities located entirely within the interior  
5 of a structure shall be permitted outright on lots developed with non-single family principal uses  
6 in ~~((single family))~~ neighborhood residential zones, and on all lots in all other zones. The  
7 installation of the utility shall not result in the removal of a dwelling unit in a residential zone.

8 \* \* \*

9 Section 84. Section 23.57.010 of the Seattle Municipal Code, last amended by Ordinance  
10 123649, is amended as follows:

11 **23.57.010 ~~((Single Family and Residential Small Lot))~~ Neighborhood Residential zones**

12 \* \* \*

13 C. Uses Permitted by Administrative Conditional Use.

14 1. The following may be permitted by Administrative Conditional Use, pursuant  
15 to criteria listed in subsection 23.57.010.C.2, as applicable:

16 a. The establishment or expansion of a minor communication utility,  
17 unless the minor communication utility is permitted outright on an existing freestanding major or  
18 minor communication tower, except on lots zoned ~~((single family or Residential Small Lot))~~  
19 neighborhood residential and containing a single family dwelling or no use.

20 b. Mechanical equipment associated with minor communication utilities  
21 whose antennas are located on another site or in the right-of-way, where the equipment is  
22 completely enclosed within a structure that meets the development standards of the zone. The  
23 equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling

1 unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and  
2 conditions contained in Section 15.32.300.

3 2. Administrative Conditional Use Criteria.

4 a. The proposal shall not be significantly detrimental to the residential  
5 character of the surrounding residentially zoned area, and the facility and the location proposed  
6 shall be the least intrusive facility at the least intrusive location consistent with effectively  
7 providing service. In considering detrimental impacts and the degree of intrusiveness, the  
8 impacts considered shall include but not be limited to visual, noise, compatibility with uses  
9 allowed in the zone, traffic, and the displacement of residential dwelling units.

10 b. The visual impacts that are addressed in Section 23.57.016 shall be  
11 mitigated to the greatest extent practicable.

12 c. Within a Major Institution Overlay District, a Major Institution may  
13 locate a minor communication utility or an accessory communication device, either of which  
14 may be larger than permitted by the underlying zone, when:

15 1) The antenna is at least 100 feet from a Major Institution Overlay  
16 District boundary, and

17 2) The antenna is substantially screened from the surrounding  
18 neighborhood's view.

19 d. If the proposed minor communication utility is proposed to exceed the  
20 permitted height of the zone, the applicant shall demonstrate the following:

21 1) The requested height is the minimum necessary for the effective  
22 functioning of the minor communication utility, and

23 2) Construction of a network of minor communication utilities that

1 consists of a greater number of smaller less obtrusive utilities is not technically feasible.

2 e. If the proposed minor communication utility is proposed to be a new  
3 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible  
4 for the proposed facility to be on another existing transmission tower or on an existing building  
5 in a manner that meets the applicable development standards. The location of a facility on a  
6 building on an alternative site or sites, including construction of a network that consists of a  
7 greater number of smaller less obtrusive utilities, shall be considered.

8 f. If the proposed minor communication utility is for a personal wireless  
9 facility and it would be the third separate utility, or any subsequent separate utility after the third  
10 utility, on the same lot, the applicant shall demonstrate that it meets the criteria contained in  
11 subsection 23.57.009.A, except for minor communication utilities located on a freestanding  
12 water tower or similar facility.

13 \* \* \*

14 Section 85. Section 23.58C.050 of the Seattle Municipal Code, last amended by  
15 Ordinance 125835, is amended as follows:

16 **23.58C.050 Affordable housing—performance option**

17 \* \* \*

18 C. Performance requirements. Units provided to comply with this Chapter 23.58C  
19 through the performance option shall meet the following requirements:

20 1. Distribution. Units provided through the performance option shall be generally  
21 distributed throughout each structure in the development containing units.

22 2. Comparability Units provided through the performance option shall be  
23 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

2 sleeping room;

3 b. Number and size of bedrooms and bathrooms;

4 c. Net unit area measured by square feet;

5 d. Access to amenity areas;

6 e. Functionality; and

7 f. Term of the lease.

8 3. Eligible households. Units provided through the performance option shall serve

9 only:

10 a. At initial occupancy by a household:

11 1) For a rental unit with net unit area of 400 square feet or less,

12 households with incomes no greater than 40 percent of median income;

13 2) For a rental unit with net unit area of greater than 400 square

14 feet, households with incomes no greater than 60 percent of median income;

15 3) For an ownership unit, households with incomes no greater than

16 80 percent of median income, and that meet a reasonable limit on assets. The Director of

17 Housing shall establish by rule the method to establish a reasonable limit on assets.

18 b. At the time of annual certification according to subsection

19 23.58C.050.C.6.c:

20 1) For a rental unit with net unit area of 400 square feet or less,

21 households with incomes no greater than 60 percent of median income;

22 2) For a rental unit with net unit area of greater than 400 square

23 feet, households with incomes no greater than 80 percent of median income.

1                   4. Affirmative marketing. Units provided through the performance option shall be  
2 affirmatively marketed to attract eligible households from all racial, ethnic, and gender groups in  
3 the housing market area of the property, particularly to inform and solicit applications from  
4 households who are otherwise unlikely to apply for housing in the development. Proposed  
5 marketing efforts shall be submitted to the Office of Housing for review and approval. Records  
6 documenting affirmative marketing efforts shall be maintained and submitted to the Office of  
7 Housing upon request.

8                   5. Public subsidy. If any public subsidy, including the Multifamily Housing  
9 Property Tax Exemption authorized by Chapter 5.73 and chapter 84.14 RCW, is used for a  
10 development containing units provided through the performance option on the same lot as the  
11 development required to comply with this Chapter 23.58C, and the public subsidy operates  
12 through subjecting some of the units in the development to restrictions on the income levels of  
13 occupants and the rents or sale prices that may be charged, the units provided to comply with this  
14 Chapter 23.58C shall be different units than the units that are subject to such restrictions as a  
15 condition of the public subsidy.

16                   6. Additional requirements for rental units provided through the performance  
17 option

18                   a. Rent levels. Monthly rent shall not exceed 30 percent of 60 percent of  
19 median income or, in the case of rental units with net unit area of 400 square feet or less, 30  
20 percent of 40 percent of median income. For purposes of this subsection 23.58C.050.C.6.a,  
21 "monthly rent" includes a utility allowance for heat, gas, electricity, water, sewer, and refuse  
22 collection, to the extent such items are not paid for tenants by the owner, and any recurring fees  
23 that are required as a condition of tenancy.



1 the owner may accept original documents (pay stubs, W-2, etc.) at the discretion of the Director  
2 of Housing and shall document why third party verification was not available. At the discretion  
3 of the Director of Housing, the owner may accept tenant self-certifications after the initial  
4 income verification and first annual recertification.

5 d. Reporting. At such times as may be authorized by the Director of  
6 Housing, but no less than annually, the owner of the rental unit shall submit to the Director of  
7 Housing a written report, verified upon oath or affirmation by the owner, demonstrating  
8 compliance with this Chapter 23.58C. The written report shall state, at a minimum, the  
9 occupancy and vacancy of each rental unit, the monthly rent charged for the unit, and the income  
10 and size of the household occupying the unit. The Director of Housing may require other  
11 documentation to ensure compliance with this subsection 23.58C.050.C, including but not  
12 limited to documentation of rents, copies of tenant certifications, documentation supporting  
13 determinations of tenant income (including employer's verification or check stubs), and other  
14 documentation necessary to track program outcomes and the demographics of households  
15 served. The first annual report shall include documentation of issuance of the certificate of  
16 occupancy or final building permit inspection for the rental unit. The Director of Housing is  
17 authorized to assess a late fee of \$50 per day, to accrue starting 14 days from the date the Office  
18 of Housing notifies the owner of the rental unit that the report is overdue, until the report is  
19 submitted.

20 e. Annual fee. The owner of the rental unit shall pay the Office of Housing  
21 an annual fee of \$150 per rental unit for the purposes of monitoring compliance with the  
22 requirements according to this Section 23.58C.050. On March 1, 2017, and on the same day each  
23 year thereafter, the annual fee shall automatically adjust in proportion to the annual change for

1 the previous calendar year (January 1 through December 31) in the Consumer Price Index, All  
2 Urban Consumers, Seattle-Tacoma-Bellevue, WA, All Items (1982-1984 = 100), as determined  
3 by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

4 f. Over-income households; unit substitution. If, based on any  
5 certification, a previously eligible household occupying a rental unit provided through the  
6 performance option is determined to be ineligible due to exceeding the income limits according  
7 to subsection 23.58C.050.C.3.b, the owner of the development to which this Chapter 23.58C  
8 applies shall, through the process according to subsection 23.58C.030.A.6, designate a  
9 comparable substitute rental unit within the development, as approved by the Director of  
10 Housing, as soon as such a unit becomes available, and upon such designation the requirements  
11 according to this subsection 23.58C.050.C shall transfer to the substitute unit. Upon such  
12 determination that a previously eligible household is ineligible, the owner shall promptly give the  
13 ineligible household notice of such determination and notice that the requirements according to  
14 this subsection 23.58C.050.C will transfer to a substitute unit when such unit becomes available.  
15 Upon the transfer of the requirements, the owner shall give the ineligible household six months'  
16 notice prior to any rent increase.

17 g. Maintenance, insurance. Rental units provided through the performance  
18 option, and the structure in which they are located, shall be maintained by the owner in decent  
19 and habitable condition, including the provision of adequate basic appliances. The owner shall  
20 keep such units, and the structure in which they are located, insured by an insurance company  
21 licensed to do business in the state of Washington and reasonably acceptable to the City, against  
22 loss by fire and other hazards included with broad form coverage, in the amount of 100 percent  
23 of the replacement value.

1 h. Casualty

2 1) If a rental unit provided through the performance option is  
3 destroyed or rendered unfit for occupancy by casualty that does not affect all of the other units in  
4 the development to which this Chapter 23.58C applies, the owner of the development shall,  
5 through the process according to subsection 23.58C.030.A.6, designate a comparable substitute  
6 rental unit within the development, as approved by the Director of Housing, as soon as such a  
7 unit becomes available, which the tenant household of the unit affected by casualty shall be  
8 allowed to move into, and upon such designation the requirements according to this subsection  
9 23.58C.050.C shall transfer to the substitute unit.

10 2) If all of the units in the development to which this Chapter  
11 23.58C applies are substantially destroyed by casualty, including by earthquake or fire, the  
12 requirements according to this subsection 23.58C.050.C shall terminate.

13 i. Conversion to ownership housing. If all of the units to whose  
14 development this Chapter 23.58C applies according to subsection 23.58C.025.B in a structure are  
15 converted to ownership housing, including through a conversion to condominiums, prior to 75  
16 years from the date of certificate of occupancy or, if a certificate of occupancy is not required,  
17 from the date of the final building permit inspection, for the development to which this Chapter  
18 23.58C applies according to subsection 23.58C.025.B:

19 1) The owner of the development shall, at the time of such  
20 conversion, either pay to the City a payment in lieu of continuing affordability or convert the  
21 rental units provided through the performance option to ownership units provided through the  
22 performance option, as follows:

1 a) Where a payment in lieu of continuing affordability is  
2 made, the amount of the payment shall be equal to the amount of the cash contribution according  
3 to subsection 23.58C.040.A that would have been required at the time of issuance of the first  
4 building permit that includes the structural frame for the structure if the applicant had elected the  
5 payment option, adjusted for each calendar year following issuance of that permit in proportion  
6 to the annual increase in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-  
7 Bellevue, WA, Shelter (1982-1984 = 100), as determined by the U.S. Department of Labor,  
8 Bureau of Labor Statistics or successor index, multiplied times the percentage in Table C for  
9 23.58C.050 that corresponds to the number of years that the rental units provided through the  
10 performance option satisfied the requirements according to this subsection 23.58C.050.C. The  
11 City shall use the payment to support continued housing affordability in The City of Seattle  
12 consistent with applicable statutory requirements.

| Table C for 23.58C.050<br>Payment in lieu of affordability calculation percentages for conversion to ownership housing    |            |
|---|------------|
| Number of years units provided through performance option satisfied the requirements according to subsection 23.58C.050.C | Percentage |
| Less than 7.5   | 100%       |
| Between 7.5 and 15  | 95%        |
| Between 15 and 22.5   | 90%        |
| Between 22.5 and 30   | 85%        |
| Between 30 and 37.5   | 80%        |
| Between 37.5 and 45   | 75%        |
| Between 45 and 52.5   | 65%        |
| Between 52.5 and 60   | 55%        |
| Between 60 and 67.5   | 40%        |
| Between 67.5 and 75   | 20%        |

13  
14 b) Where rental units provided through the performance  
15 option are converted to ownership units provided through the performance option, the converted





1 review by the Director in consultation with the Director of Housing, a comparable substitute  
2 rental unit within the other structures to replace each such unit that is eliminated or, if such  
3 designation is not possible, pay to the City a payment in lieu of continuing affordability  
4 according to subsection 23.58C.050.C.6.j.1.a.

5 c) Demolition or change of use of an individual structure  
6 shall not be a basis for reducing the number of rental units provided through the performance  
7 option in the other structures and any comparable substitute rental units shall be in addition to  
8 any existing rental units provided through the performance option in the other structures.

9 7. Additional requirements for ownership units provided through the performance  
10 option

11 a. Affordable sale price; down payment. The initial sales price for an  
12 ownership unit provided through the performance option shall be an amount according to which  
13 total ongoing housing costs do not exceed 35 percent of 65 percent of median income, in order to  
14 allow for equity growth for individual homeowners while maintaining affordability for future  
15 buyers. The Director of Housing shall establish by rule the method for calculating the initial sales  
16 price including standard assumptions for determining upfront housing costs, including the down  
17 payment, and ongoing housing costs, which shall include mortgage principal and interest  
18 payments, homeowner's insurance payments, homeowner or condominium association dues and  
19 assessments, and real estate taxes and other charges included in county tax billings. The Director  
20 of Housing may establish a maximum down payment amount for eligible households at initial  
21 sale of an ownership unit. The applicant for the development to which this Chapter 23.58C  
22 applies shall be responsible for any costs incurred in the initial sale of an ownership unit

1 necessary to ensure compliance with this Chapter 23.58C, including but not limited to marketing  
2 to eligible households, income verification, buyer education, and verification of buyer financing.

3                   b. Affordable resale price. For an ownership unit provided through the  
4 performance option, the sale price for sales subsequent to the initial sale shall be calculated to  
5 allow modest growth in homeowner equity while maintaining long-term affordability for future  
6 buyers. All buyers of an ownership unit subsequent to the initial sale shall be households with  
7 incomes no greater than 80 percent of median income at initial occupancy. The Director of  
8 Housing shall by rule:

9                                   1) Establish the method for calculating the resale price and may  
10 establish a maximum down payment amount for eligible households at resale,

11                                   2) Establish specific requirements for documents ensuring  
12 affordability requirements are met at resale, and

13                                   3) Provide for recovery of reasonable administrative costs.

14                   c. Other restrictions. An eligible household purchasing an ownership unit  
15 provided through the performance option, either at initial sale or resale, shall:

16                                   1) Occupy the unit as its principal residence for the duration of its  
17 ownership and shall not lease the unit, unless the Director of Housing approves a limited short-  
18 term exception, and

19                                   2) Comply with all other program rules established by the Director  
20 of Housing as necessary to maintain the long-term viability of the unit. Such rules may include,  
21 but are not limited to, refinancing approvals and debt limits; limits on credit for capital  
22 improvements at the time of resale; requirements for basic maintenance, inspections, and  
23 compliance procedures; minimum insurance requirements; obligations to provide information

1 regarding compliance when and as requested; and fees to cover the full costs of calculating the  
2 maximum sales price at resale, marketing to eligible households, and screening and selecting  
3 eligible households to purchase the unit at resale.

4 d. Annual fee. The owner of the ownership unit shall pay the Office of  
5 Housing an annual fee, payable in 12 equal payments, for the purposes of monitoring compliance  
6 with the requirements according to this Section 23.58C.050. The initial fee shall be established  
7 by the Director of Housing by rule. On March 1, 2017, and on the same day each year thereafter,  
8 the annual fee shall automatically adjust in proportion to the annual change for the previous  
9 calendar year (January 1 through December 31) in the Consumer Price Index, All Urban  
10 Consumers, Seattle-Tacoma-Bellevue, WA, All Items (1982-1984 = 100), as determined by the  
11 U.S. Department of Labor, Bureau of Labor Statistics or successor index.

12 e. Ongoing stewardship. Either prior to or subsequent to the initial sale,  
13 the Director of Housing is authorized to designate an agency or organization with sufficient  
14 capacity, as approved by the Director of Housing, to perform ongoing stewardship and  
15 management functions for ownership units provided through the performance option, including  
16 but not limited to the following:

- 17 1) Calculating maximum sale prices;
- 18 2) Marketing sales to eligible households;
- 19 3) Screening, educating, and selecting eligible households;
- 20 4) Approving buyer financing; and
- 21 5) Managing successive resales to eligible households.

22 8. Additional requirements for units provided through the performance option on  
23 a site other than the same lot as the development required to comply with this Chapter 23.58C:



1 units provided through the performance option shall execute a developer's agreement, acceptable  
2 to the Director of Housing, allowing the exclusive use of the units provided through the  
3 performance option to satisfy the requirements according to this Chapter 23.58C in return for  
4 necessary and adequate financial support to the development of those units provided through the  
5 performance option.

6 d. Letter of credit

7 1) If the units provided through the performance option are located  
8 on a site other than the same lot as the development required to comply with this Chapter  
9 23.58C, the owner of the development required to comply with this Chapter 23.58C shall provide  
10 to the Director of Housing an irrevocable bank letter of credit, approved by the Director of  
11 Housing, in the amount according to subsection 23.58C.040.A.

12 2) The Director of Housing may draw on the letter of credit one  
13 year after the date of issuance of the certificate of occupancy, or, if a certificate of occupancy is  
14 not required, the final building permit inspection, for the development required to comply with  
15 this Chapter 23.58C if the certificate of occupancy or final building permit inspection for the  
16 units provided through the performance option has not been issued on or before that date. The  
17 owner of the development required comply with this Chapter 23.58C shall also pay an amount  
18 equal to the interest on the cash contribution, at the rate equal to the prime rate quoted by Bank  
19 of America, or its successor, plus three percent per annum, from the date of issuance of the first  
20 building permit that includes the structural frame for the development required to comply with  
21 this Chapter 23.58C.

22 3) If and when the City becomes entitled to draw on any letter of  
23 credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net

1 of any costs to the City, shall be used in the same manner as cash contributions according to  
2 subsection 23.58C.040.B.

3 \* \* \*

4 Section 86. Section 23.69.024 of the Seattle Municipal Code, last amended by Ordinance  
5 125845, is amended as follows:

6 **23.69.024 Major Institution designation**

7 A. Major Institution designation shall apply to all institutions that conform to the  
8 definition of Major Institution.

9 B. New Major Institutions

10 1. When a medical or educational institution makes application for new  
11 development, or when a medical or educational institution applies for designation as a Major  
12 Institution, the Director will determine whether the institution meets, or would meet upon  
13 completion of the proposed development, the definition of a Major Institution in Section  
14 23.84A.025. Measurement of an institution's site or gross floor area in order to determine  
15 whether it meets minimum standards for Major Institution designation shall be according to the  
16 provisions of Section 23.86.036.

17 2. If the Director determines that Major Institution designation is required, the  
18 Director may not issue any permit that would result in an increase in area of Major Institution  
19 uses until the institution is designated a Major Institution, a Major Institution Overlay District is  
20 established, and a master plan is prepared according to the provisions of Part 2, Major Institution  
21 Master Plan.

22 3. The Director's determination that an application for a Major Institution  
23 designation is required will be made in the form of an interpretation subject to the procedures of



1 123495, is amended as follows:

2 **23.71.012 Special landscaped arterials**

3 A. Special landscaped arterials are those arterials identified on Map A.

4 B. If an owner proposes substantial development on lots abutting special landscaped  
5 arterials, the owner shall provide the following:

6 1. Street trees meeting standards established by the Director of Seattle Department  
7 of Transportation.

8 2. A 6 foot planting strip and 6 foot sidewalk if the lot is zoned (~~(SF)~~) NR, LR1,  
9 or LR2.

10 3. A 6 foot planting strip and a 6 foot sidewalk, or, at the owner's option, a 12 foot  
11 sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, LR3, or MR.

12 4. Pedestrian improvements, as determined by the Director of the Seattle  
13 Department of Transportation, such as, but not limited to special pavers, lighting, benches and  
14 planting boxes.

15 Section 88. Section 23.71.030 of the Seattle Municipal Code, last amended by Ordinance  
16 125791, is amended as follows:

17 **23.71.030 Development standards for transition areas within the Northgate Overlay**

18 **District**

19 \* \* \*

20 B. The requirements of this Section 23.71.030 apply to development on lots in the more  
21 intensive zones under the following conditions:

22 1. Where a lot zoned Midrise (MR) or Highrise (HR) abuts or is across an alley  
23 from a lot zoned (~~(Single-family)~~) neighborhood residential, Lowrise 1 (LR1), or Lowrise 2

1 (LR2); and

2 2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height  
 3 limit of 40 feet or greater abuts or is across an alley from a lot zoned ((~~Single family~~)  
 4 neighborhood residential, Lowrise 1 (LR1), or Lowrise 2 (LR2).

5 \* \* \*

6 Section 89. Section 23.71.036 of the Seattle Municipal Code, last amended by Ordinance  
 7 123495, is amended as follows:

8 **23.71.036 Maximum width and depth of structures**

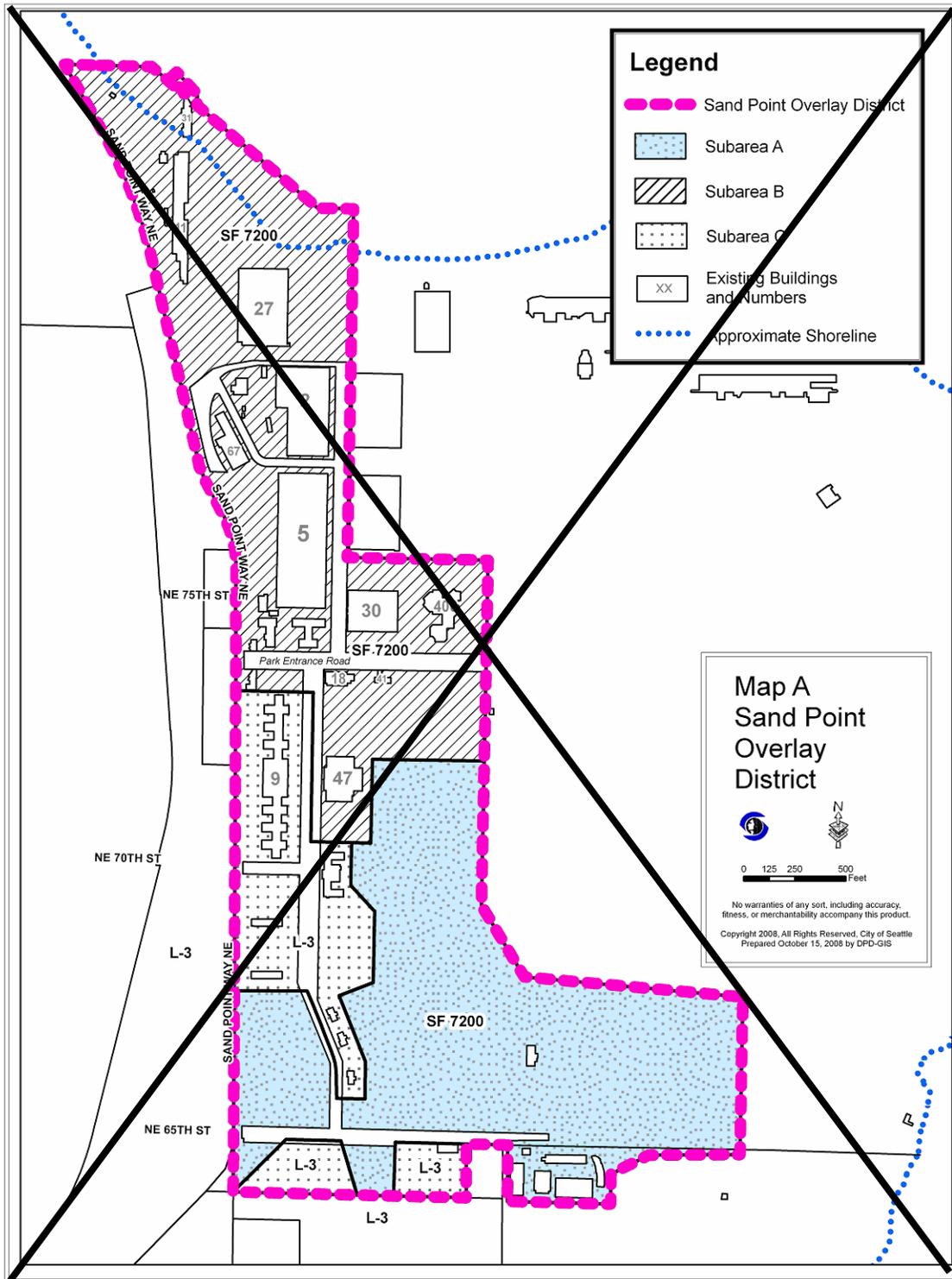
9 The maximum width and depth requirements of this Section 23.71.036 shall apply only to  
 10 portions of a structure within 50 feet of a lot line abutting, or directly across a street right-of-way  
 11 that is less than 80 feet in width, from a less intensive residential zone as provided in Table A for  
 12 23.71.036.

| Table A for 23.71.036: Structure Width and Depth Standards for Transition Areas |   |  |   |
|---|---|--|---|
| Subject Lot   | Abutting Residential zone (or) zone across a street right-of-way less than 80 feet in width | Maximum Width  | Maximum Depth   |
| LR3, MR, MR/85 and HR   | (( <del>Single family</del> )<br><u>Neighborhood residential</u> , LR1 or LR2               | Apartments: 75 feet  | 65% depth of lot with no individual structure to exceed 90 feet |
|   |   | Rowhouse and townhouse developments: 130 feet  |   |
| NC2 and NC3 with 40 feet or greater height limits                               | (( <del>Single family</del> )<br><u>Neighborhood residential</u> , LR1 or LR2               | Above a height of 30 feet, wall length shall not exceed 80% of the length of the abutting lot line, to a maximum of 60 feet. |   |

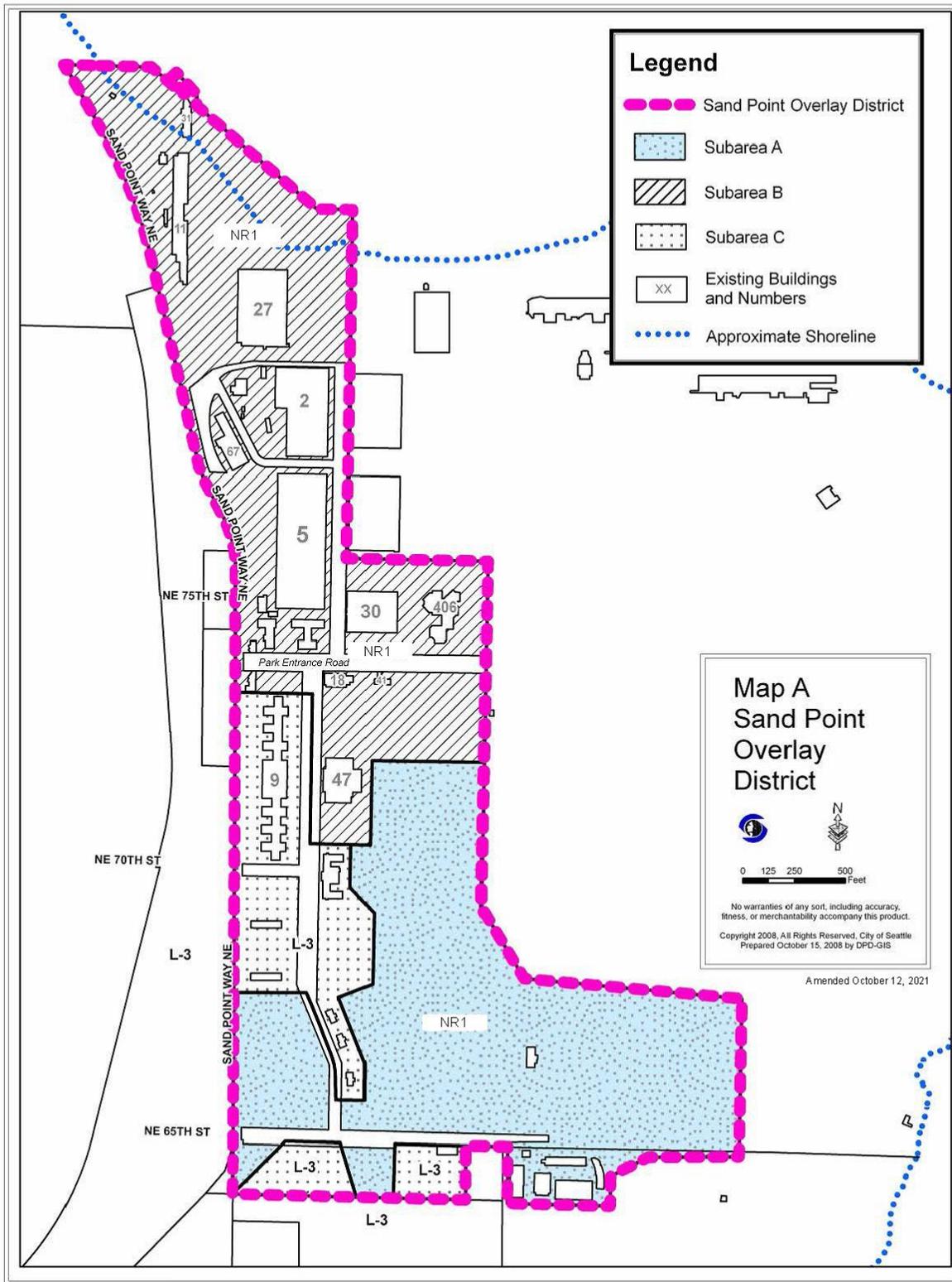
13  
 14 Section 90. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance  
 15 125603, is amended as follows:

16 **23.72.004 Sand Point Overlay District established**





1  
 2



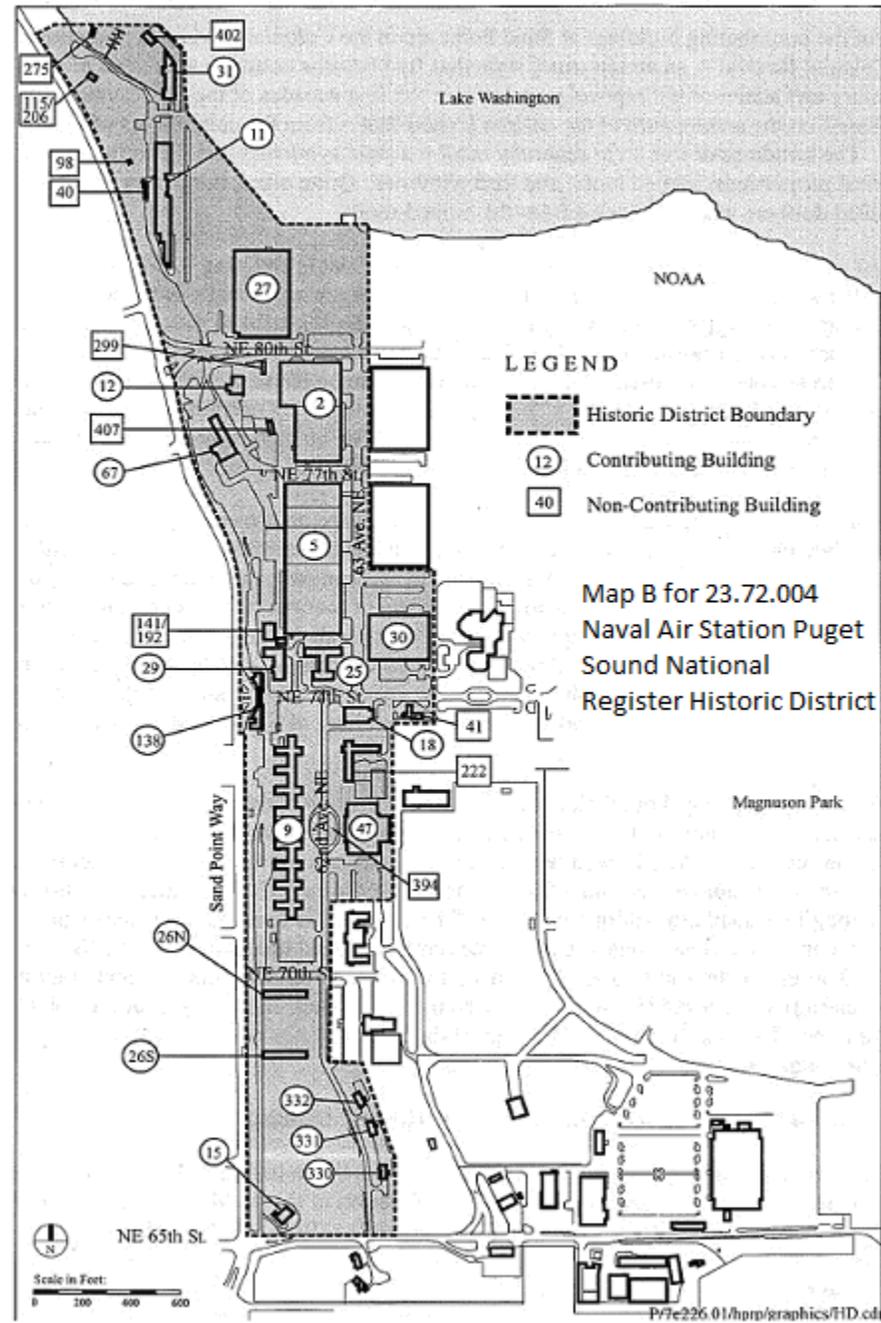
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2

Map B for 23.72.004 – Naval Air Station Puget Sound Sand Point

1

### National Register Historic District



2

3 Section 91. Section 23.72.010 of the Seattle Municipal Code, last amended by Ordinance  
4 124378, is amended as follows;

5 **23.72.010 Development standards**

6 A. Within areas zoned (~~(single-family)~~) neighborhood residential, changes of use within

1 existing structures that are subject to SEPA requirements in Seattle Municipal Code Chapter  
2 25.05 and new structures shall conform to the development standards for ~~((single-family))~~  
3 neighborhood residential development in Chapter 23.44, Neighborhood Residential ~~((Single-~~  
4 ~~family))~~, except as modified in subsections D—H of this section and except as provided in  
5 section 23.72.012.

6 \* \* \*

7 Section 92. Section 23.84A.048 of the Seattle Municipal Code, last amended by  
8 Ordinance 125792, is amended as follows:

9 **23.84A.048 "Z"**

10 \* \* \*

11 "Zone, neighborhood commercial" or "Zone, NC" means a zone with a classification that  
12 includes any of the following: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2  
13 (NC2), or Neighborhood Commercial 3 (NC3), which classification also may include one or  
14 more suffixes.

15 "Zone, neighborhood residential" means a zone with a classification that includes any of  
16 the following: NR1, NR2, NR3, and RSL.

17 "Zone, next more intensive" means, with respect to a zone with one of the following  
18 designations, a zone that has the designation listed immediately after that designation in the  
19 following list:

- 20 1. Neighborhood Commercial 1 (NC1)
- 21 2. Neighborhood Commercial 2 (NC2)
- 22 3. Neighborhood Commercial 3 (NC3)
- 23 4. Commercial 1 (C1)



1                   1. Each structure used for averaging shall be on the same block front as the lot for  
2 which a height limit is being established. The structures used shall be the nearest single-family  
3 structure on each side of the lot, and shall be within 100 feet of the side lot lines of the lot.

4                   2. The height limit for the lot shall be established by averaging the elevations of  
5 the structures on either side in the following manner:

6                   a. If the nearest structure on either side has a roof with at least a 4:12  
7 pitch, the elevation to be used for averaging shall be the highest point of that structure's roof  
8 minus 5 feet.

9                   b. If the nearest structure on either side has a flat roof, or a roof with a  
10 pitch of less than 4:12, the elevation of the highest point of the structure's roof shall be used for  
11 averaging.

12                   c. Rooftop features which are otherwise exempt from height limitations  
13 according to subsection 23.44.012.C, shall not be included in elevation calculations.

14                   d. The two elevations obtained from subsection 23.86.006.B.2.a and/or  
15 subsection 23.86.006.B.2.b shall be averaged to derive the height limit for the lot. This height  
16 limit shall be the difference in elevation between the midpoint of a line parallel to the front lot  
17 line at the required front setback and the average elevation derived from subsection  
18 23.86.006.B.2.a and/or subsection 23.86.006.B.2.b.

19                   e. The height measurement technique used for the lot shall then be the  
20 City's standard measurement technique, subsection 23.86.006.A.

21                   3. If there is no single-family structure within 100 feet of a side lot line, or if the  
22 nearest single-family structure within 100 feet of a side lot line is not on the same block front,  
23 the elevation used for averaging on that side shall be 30 feet plus the elevation of the midpoint of

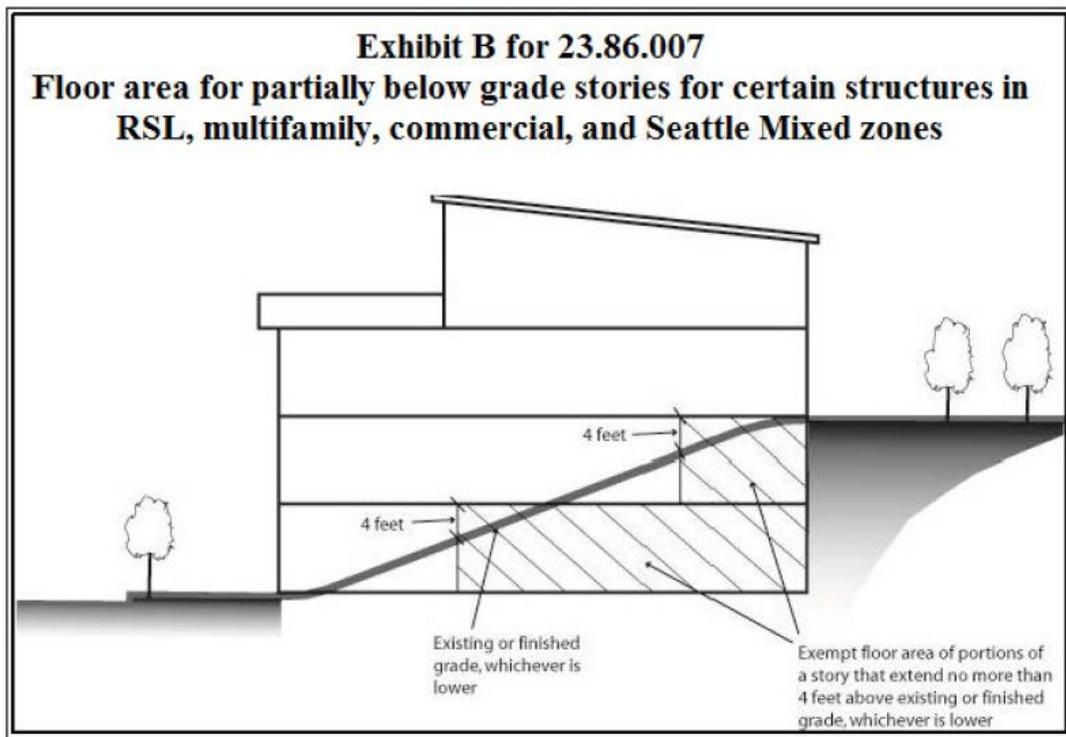


1 determined in subsection 23.86.007.D.1 intersects the abutting corresponding existing or finished  
2 grade elevation, whichever is lower;

3 3. Draw a straight line across the story connecting the two points on the exterior  
4 walls; and

5 4. The gross floor area of the partially below-grade story or portion of a partially  
6 below-grade story is the area of the story that is at or below the straight line drawn in subsection  
7 23.86.007.D.3, excluding openings required by the Building Code for egress. (See Exhibit B for  
8 23.86.007.)

9



10

11

\* \* \*

12 Section 95. Section 23.86.008 of the Seattle Municipal Code, last amended by Ordinance  
13 121476, is amended as follows:

14 **23.86.008 Lot coverage, width and depth.**

\* \* \*

1  
2           B. In ~~((single-family))~~ neighborhood residential zones, lot depth shall be the length of the  
3 line extending between the front lot line or front lot line extended, and the rear lot line or lines,  
4 or in the case of a through lot, between the two (2) front lot lines or lines extended. This line  
5 shall be perpendicular to the front lot line or front lot line extended. Where an alley abuts the rear  
6 of the property, one-half (1/2) of the width of the alley shall be included as a portion of the lot for  
7 determining lot depth.

8           C. Lot Width in ~~((Single-family))~~ Neighborhood Residential Zones:

9           1. When a lot is essentially rectangular, the lot width shall be the mean horizontal  
10 distance between side lot lines measured at right angles to lot depth (Exhibit 23.86.008 B).

11           2. In the case of a lot with more than one (1) rear lot line (Exhibits 23.86.008 C  
12 and 23.86.008 D), the lot width shall be measured according to the following:

13           a. If the distance between the rear lot lines is fifty (50) percent or less of  
14 the lot depth, the lot width shall be measured parallel to the front lot line and shall be the greatest  
15 distance between the side lot lines (Exhibit 23.86.008 C); or

16           b. If the distance between the rear lot lines is greater than fifty (50) percent  
17 of the lot depth, the lot width shall be determined by measuring average lot width according to  
18 Exhibit 23.86.008 D.

19           3. For irregular lots not meeting the conditions of subsections C1 or C2, the  
20 Director shall determine the measurement of lot width.

21           \* \* \*

22           Section 96. Section 23.86.010 of the Seattle Municipal Code, last amended by Ordinance  
23 124843, is amended as follows:

24           **23.86.010 Yards**

\* \* \*

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit B for 23.86.010). If the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit C for 23.86.010).

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards of the nearest single-family structures within 100 feet of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises 20 percent or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under 23.44.016.D, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. If there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes

1 the amount of the dedication shall be subtracted from the front yard depth of the structures on  
2 either side.

3 e. If the first single-family structure within 100 feet of a side lot line of the  
4 lot is not on the same block front, or does not provide its front yard on the same street, or if there  
5 is no single-family structure within 100 feet of the side lot line, the yard depth used for averaging  
6 purposes on that side shall be 20 feet (Exhibits D and E for 23.86.010).

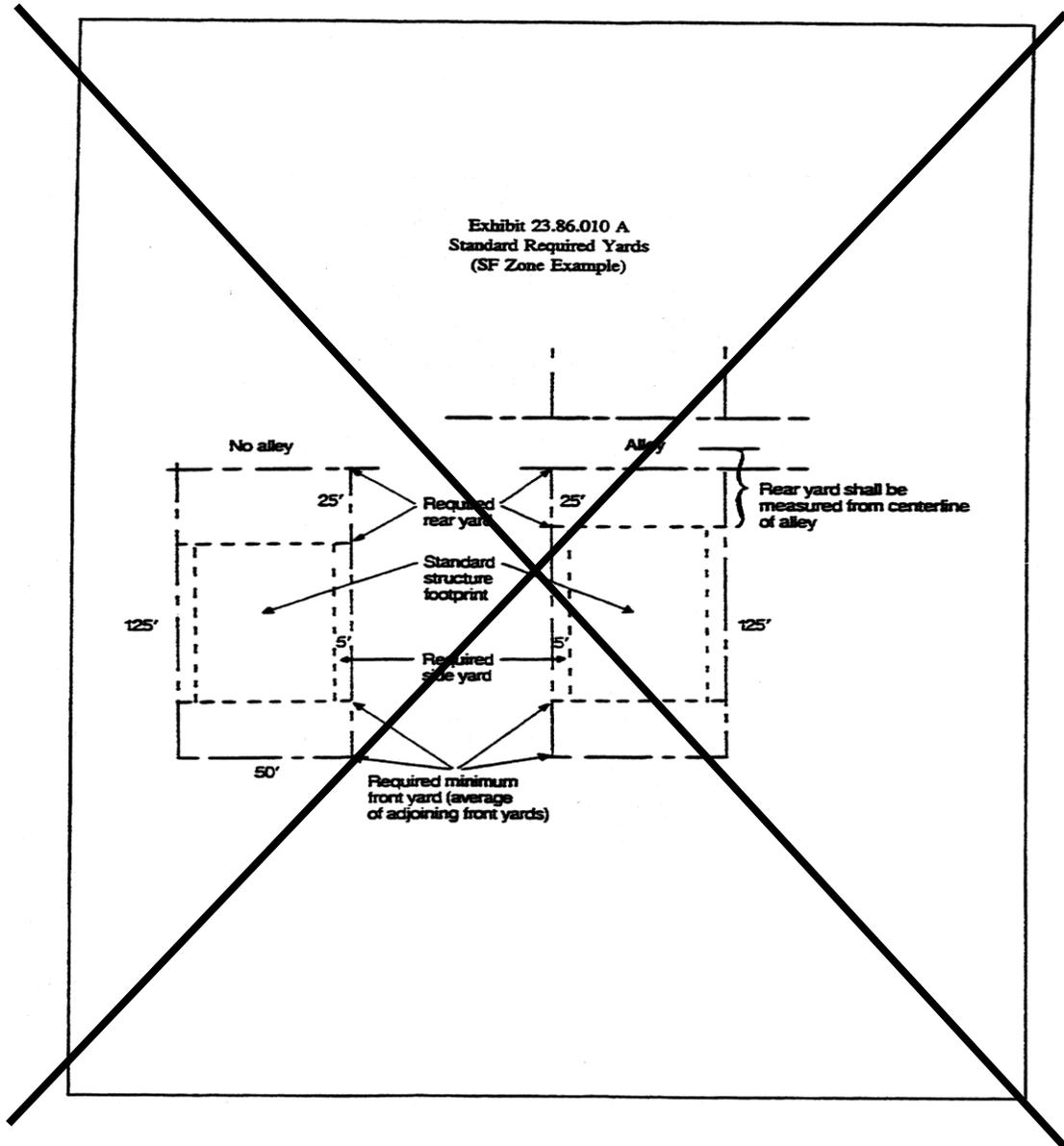
7 f. If the front yard of the first single-family structure within 100 feet of the  
8 side lot line of the lot exceeds 20 feet, the yard depth used for averaging purposes on that side  
9 shall be 20 feet (Exhibit F for 23.86.010).

10 g. In cases where the street is very steep or winding, the Director shall  
11 determine which adjacent single-family structures should be used for averaging purposes.

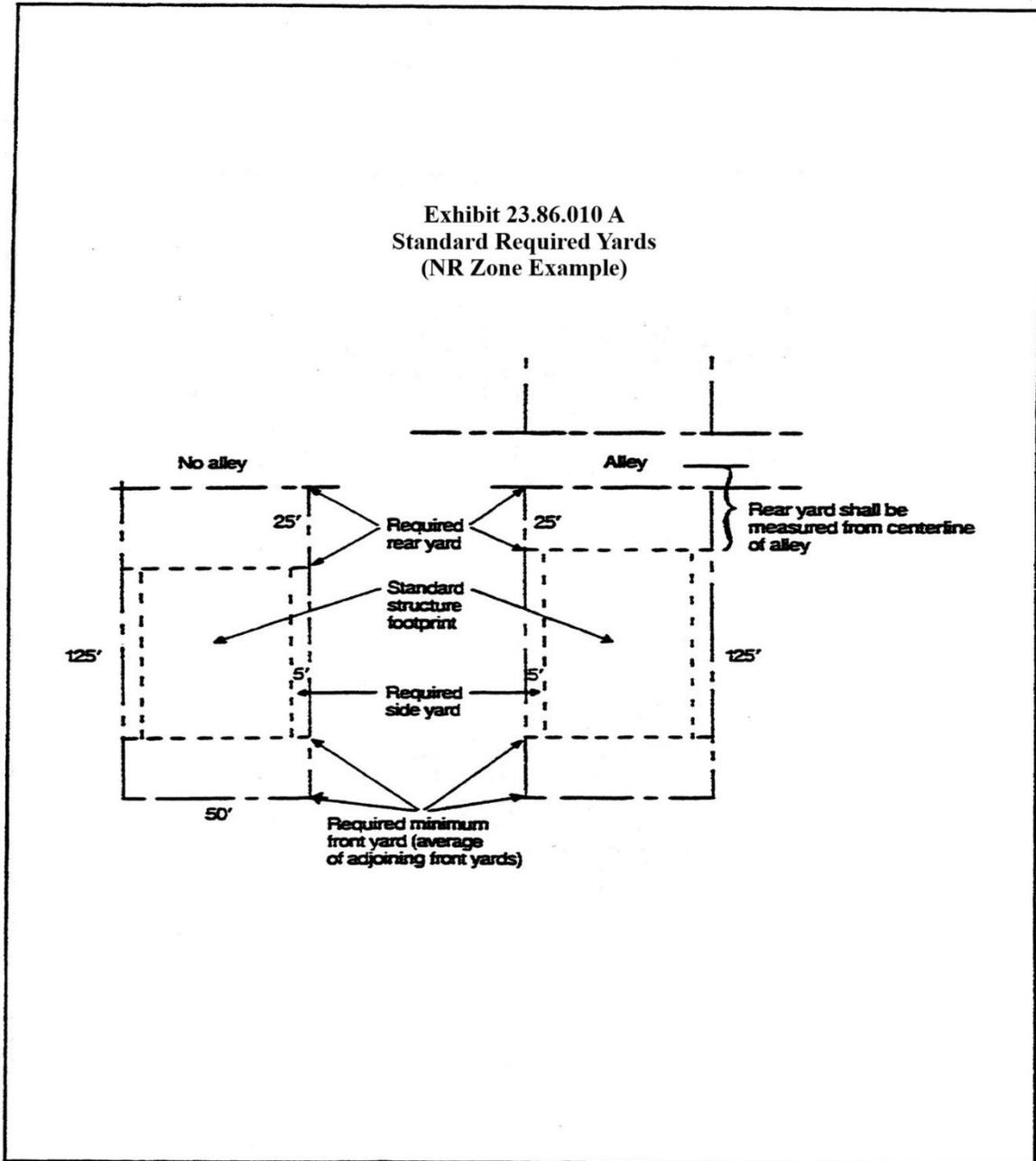
12 2. Sloped Lots in ((Single-family)) Neighborhood Residential Zones. For a lot in a  
13 ((single-family)) neighborhood residential zone, reduction of the required front yard is permitted  
14 at a rate of 1 foot for every percent of slope in excess of 35 percent. For the purpose of this  
15 provision the slope shall be measured along the centerline of the lot. In the case of irregularly  
16 shaped lots, the Director shall determine the line along which slope is calculated.

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\* \* \*

Section 97. Section 23.90.019 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**23.90.019 Civil penalty for unauthorized dwelling units in ((single-family)) neighborhood**

1 **residential zones**

2 In addition to any other sanction or remedial procedure that may be available, the following  
3 penalties apply to unauthorized dwelling units in (~~(single-family)~~) neighborhood residential  
4 zones in violation of Section 23.44.006. An owner of a (~~(single-family)~~) neighborhood  
5 residential zoned lot that has more than one single-family dwelling unit and who is issued a  
6 notice of violation for an unauthorized dwelling unit, is subject to a civil penalty of \$5,000 for  
7 each additional dwelling unit, unless the additional unit is an authorized dwelling unit in  
8 compliance with Section 23.44.041, is a legal non-conforming use, or is approved as part of an  
9 administrative conditional use permit pursuant to Section 25.09.260. Penalties for violation of  
10 Sections 23.44.006 and 23.44.041, except for violations of subsection 23.44.041.C or except for  
11 those violations subject to subsection 23.90.018.B, shall be reduced from \$5,000 to \$500 if, prior  
12 to the compliance date stated on the notice of violation for an unauthorized dwelling unit, the  
13 dwelling unit is removed or authorized in compliance with Section 23.44.041, is a legal non-  
14 conforming use, or is approved as part of an administrative conditional use permit pursuant to  
15 Section 25.09.260.

16 Section 98. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance  
17 125791, is amended as follows:

18 **23.91.002 Scope of this Chapter 23.91**

19 A. Violations of the following provisions of this Title 23 shall be enforced under the  
20 citation or criminal provisions set forth in this Chapter 23.91:

21 1. Junk storage in residential zones (Chapter 23.44, Chapter 23.45, Chapter 23.46,  
22 Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a  
23 vacant structure subject to the vacant building maintenance standards contained in subsection

1 22.206.200.A and a notice of violation has been issued requiring compliance with subsection  
2 22.206.200.F;

3           2. Construction or maintenance of structures in required yards or setbacks in  
4 residential zones (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV,  
5 and Chapter 23.49 Subchapter VII);

6           3. Parking of vehicles in a (~~single family~~) neighborhood residential zone  
7 (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building  
8 maintenance standards contained in subsection 22.206.200.A;

9           4. Keeping of animals (Section 23.42.052); and

10           [5. Reserved.]

11           6. The following violations of the Shoreline District, Chapter 23.60A:

12               a. Discharging, leaking, or releasing solid or liquid waste and untreated  
13 effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

14               b. Releasing debris and other waste materials from construction,  
15 maintenance, repair, or in operation or management of a property, into any water body  
16 (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U);

17               c. Conducting activity in or over water outside the allowed work windows  
18 (subsection 23.60A.152.J); and

19               d. Closing required public access (Section 23.60A.164).

20           B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect,  
21 limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken  
22 pursuant to Chapter 23.90.

23           Section 99. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance

1 125964, is amended as follows:

2 **25.05.800 Categorical exemptions**

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

6 A. Minor new construction; flexible thresholds

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

- 13 a. Is undertaken wholly or partly on lands covered by water;
- 14 b. Requires a license governing discharges to water that is not exempt  
15 under RCW 43.21C.0383;
- 16 c. Requires a license governing emissions to air that is not exempt under  
17 RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or
- 18 d. Requires a land use decision that is not exempt under subsection  
19 25.05.800.F.

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

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

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

Footnotes to Table A for 25.05.800

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan

<sup>1</sup> Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center or in an urban village is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

- 1
- 2                                   b. The construction of a barn, loafing shed, farm equipment storage
- 3 building, produce storage or packing structure, or similar agricultural structure, covering 10,000
- 4 square feet or less, and to be used only by the property owner or the property owner's agent in
- 5 the conduct of farming the property. This exemption does not apply to feed lots;
- 6                                   c. The construction of office, school, commercial, recreational, service, or
- 7 storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800
- 8 below:

| Table B for 25.05.800<br>Exemptions for non-residential uses |
|--|
|--|

| Zone                            | Exempt area of use (square feet of gross floor area) |   |   |
|---------------------------------|--|---|---|
|                                 | Outside urban centers and hub urban villages         | Within urban centers and hub urban villages where growth estimates have not been exceeded | Within urban centers and hub urban villages where growth estimates have been exceeded |
| ((SF)) NR, RSL, and LR1         | 4,000  | 4,000   | 4,000   |
| LR2 and LR3                     | 4,000  | 12,000 <sup>1</sup> or 30,000 <sup>2</sup>  | 12,000  |
| MR, HR, NC1, NC2, and NC3       | 4,000  | 12,000 <sup>1</sup> or 30,000 <sup>2</sup>  | 12,000  |
| C1, C2, and Seattle Mixed zones | 12,000   | 12,000 <sup>1</sup> or 30,000 <sup>2</sup>  | 12,000  |
| Industrial zones                | 12,000   | 12,000  | 12,000  |
| MPC-YT                          | NA   | 12,000  | 12,000  |
| Downtown zones                  | NA   | 12,000 <sup>1</sup> or 30,000 <sup>2</sup>  | 12,000  |

Footnotes to Table B for 25.05.800

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan

<sup>1</sup> 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).

<sup>2</sup> 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 or in a hub urban village is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

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

4 e. Any fill or excavation of 500 cubic yards or less throughout the total  
 5 lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt  
 6 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  
 7 shall be exempt;

8 f. Mixed-use construction, including but not limited to projects combining  
 9 residential and commercial uses, is exempt if each use, if considered separately, is exempt under  
 10 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in

1 combination may have a probable significant adverse environmental impact in the judgment of  
2 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

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

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

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

14 j. The Director shall monitor residential and employment growth and  
15 periodically publish a determination of growth for each urban center and urban village.

16 Residential growth shall include, but need not be limited to, net new units that have been built  
17 and net new units in projects that have received a building permit but have not received a  
18 certificate of occupancy. Per implementation guidance established by rule, if the Director  
19 determines that exemption limits have been reached for an urban center or urban village  
20 subsequent development will be subject to the lower thresholds as set forth in Table A for  
21 25.05.800 and Table B for 25.05.800.

22 B. Other minor new construction

23 1. The exemptions in this subsection 25.05.800.B apply to all licenses required to

1 undertake the following types of proposals except when the project:

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

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

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

7 d. Requires a land use decision that is not exempt under subsection  
8 25.05.800.F.

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

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

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

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

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

- 1                                   c. Temporary traffic controls and detours;
- 2                                   d. Correction of substandard curves and intersections within existing
- 3 rights-of-way or widening of a highway by less than a single lane width where capacity is not
- 4 significantly increased and no new right-of-way is required;
- 5                                   e. Adding auxiliary lanes for localized purposes (e.g., weaving, climbing,
- 6 and speed change), where capacity is not significantly increased and no new right-of-way is
- 7 required;
- 8                                   f. Channelization, rechannelization, elimination of sight restrictions at
- 9 intersections, street lighting, guard rails, and barricade installation;
- 10                                  g. Installation of catchbasins and culverts for the purposes of road and
- 11 street improvements;
- 12                                  h. Reconstruction of existing roadbed (existing curb-to-curb in urban
- 13 locations), including adding or widening of shoulders where capacity is not increased and no
- 14 new right-of-way is required;
- 15                                  i. Addition of bicycle lanes, paths and facilities, and pedestrian walks and
- 16 paths including sidewalk extensions, but not including additional automobile lanes;
- 17                                  5. Grading, excavating, filling, septic tank installations, and landscaping
- 18 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B, as
- 19 well as fencing and the construction of small structures and minor accessory facilities;
- 20                                  6. Additions or modifications to or replacement of any building or facility
- 21 exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or
- 22 replacement will not change the character of the building or facility in a way that would remove
- 23 it from an exempt class<sup>1</sup>;

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

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

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

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

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

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

17                  <sup>1</sup> Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that  
18 involve structures that exceed the following thresholds in Table A or B for Footnote (1) for  
19 25.05.800.B.6 and 25.05.800.B.7 and that appear to meet criteria set forth in Chapter 25.12 for  
20 Landmark designation are subject to referral to the Department of Neighborhoods pursuant to  
21 Section 25.12.370:

| Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7<br>Residential uses threshold for referral to Department of Neighborhoods (DON) |  |
|--|--|
| Zone   | Permit applications for additions, modifications, demolition,<br>or replacement of structures with more than the following |

|  | number of dwelling units are referred to DON for landmark review: |
|--|---|
| <del>((SF))</del> NR, RSL LR1, NC1, NC2, NC3, C1, C2, and Industrial zones | 4   |
| LR2  | 6   |
| LR3  | 8   |
| MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Downtown zones        | 20  |

1

| Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7<br>Non-residential uses threshold for referral to Department of Neighborhoods (DON) |   |
|--|---|
| Zone   | Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review: |
| C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Industrial zones  | 12,000  |
| All other zones  | 4,000   |

2

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\* \* \*

4

Section 100. Section 25.08.225 of the Seattle Municipal Code, last amended by

5

Ordinance 122311, is amended as follows:

6

**25.08.225 Residential disturbance.**

7

"Residential disturbance" means a gathering of more than one (1) person at a residential property

8

located in a ~~((single family))~~ neighborhood residential or multifamily zone, as defined in SMC

9

Section 23.84A.048 between the hours of ten o'clock (10:00) p.m. (eleven o'clock (11:00) p.m.

10

on Friday and Saturday nights) and seven o'clock (7:00) a.m. at which noise associated with the

11

gathering is frequent, repetitive or continuous and is audible to a person of normal hearing at a

12

distance of seventy-five (75) feet or more from the property.

13

Section 101. Section 25.09.240 of the Seattle Municipal Code, last amended by

1 Ordinance 125292, is amended as follows:

2 **25.09.240 Short subdivisions and subdivisions**

3 \* \* \*

4 D. Development standards for new lots in (~~Single-Family~~) neighborhood residential  
5 zones. If new lots are created in (~~Single-Family~~) neighborhood residential zones by short  
6 subdivision or subdivision, the following development standards apply based on the area of each  
7 new lot that is outside the environmentally critical areas listed in subsection 25.09.240.A, plus  
8 environmentally critical areas in which development is allowed pursuant to subsections  
9 25.09.240.B.1, 25.09.240.B.2, and 25.09.240.B.3:

10 1. Lot coverage and lot coverage exceptions according to subsections 23.44.010.C  
11 and 23.44.010.D.

12 2. Height limits according to Section 23.44.012, including the requirements of  
13 subsection 23.44.012.A.3 if the area of the largest rectangle or other quadrilateral that can be  
14 drawn within the lot lines of the new lot outside the environmentally critical areas is less than  
15 3,200 square feet.

16 \* \* \*

17 G. In computing the number of lots a parcel in a (~~Single-Family~~) neighborhood  
18 residential zone may contain, the Director shall exclude the following areas:

19 1. The environmentally critical areas and buffers identified in subsection  
20 25.09.240.A, unless:

21 a. The environmentally critical areas and buffers are on a lot that meets the  
22 provisions of subsection 25.09.240.B; or

23 b. The applicant obtains an administrative conditional use under Section

1 25.09.260, if it is not practicable to meet the requirements of subsection 25.09.240.B considering  
2 the parcel as a whole.

3 Section 102. Section 25.09.260 of the Seattle Municipal Code, last amended by  
4 Ordinance 125292, is amended as follows:

5 **25.09.260 Environmentally critical areas administrative conditional use**

6 A. Administrative conditional use

7 1. In ~~((Single-Family))~~ neighborhood residential zones the Director is authorized  
8 to approve an environmentally critical areas administrative conditional use pursuant to Section  
9 23.42.042 and this Section 25.09.260 for one or both of the following purposes:

10 a. In calculating the maximum number of lots and units allowed on the  
11 entire parcel under subsection 25.09.240.G, the Director may count environmentally critical  
12 areas and/or buffers, except the open water area of a wetland or riparian corridor, that would  
13 otherwise be excluded, if an applicant is unable to demonstrate compliance with the requirements  
14 of subsection 25.09.240.B for the entire parcel proposed to be subdivided.

15 b. For the entire parcel proposed to be subdivided, the Director may  
16 approve development of single family residences that meet the development standards of  
17 subsection 25.09.260.B.3 and the platting conditions in subsections 25.09.260.B.1 and  
18 25.09.260.C.2.b. Except as specifically superseded by the development standards of subsection  
19 25.09.260.B.3 and the platting conditions of subsection 25.09.260.C.2.b, all applicable  
20 regulations of Title 23 shall also apply to the entire parcel. The entire parcel is designated as the  
21 site.

22 2. Process. If an administrative conditional use application includes an application  
23 to authorize development in a steep slope erosion hazard area or buffer, the application is not

1 required to include an application for the variances allowed under Sections 25.09.280 or  
2 25.09.290, but the application must address the criteria listed in subsection 25.09.260.B.1.c.

3 B. Criteria. An application under this Section 25.09.260 shall provide information  
4 sufficient to demonstrate that the proposal meets the following criteria:

5 1. Environmental impacts on environmentally critical areas and buffers

6 a. No development is in a biodiversity area or corridor, riparian corridor,  
7 wetland, or wetland buffer.

8 b. No riparian management area or wetland buffer is reduced.

9 c. No development is on a steep slope erosion hazard area or its buffer  
10 unless either the proposed development meets the criteria of subsections 25.09.090.B.2.a,  
11 25.09.090.B.2.b, or 25.09.090.B.2.c or the property is a lot in existence as a legal building site  
12 prior to October 31, 1992, is predominantly characterized by steep slope erosion hazard areas,  
13 and the following criteria are met:

14 1) The proposed development shall be located away from steep  
15 slope erosion hazard areas and buffers to the extent practicable.

16 2) The Director shall require clear and convincing evidence that  
17 the provisions of this subsection 25.09.260.B are met if development is located on steep slope  
18 erosion hazard areas and buffers with these characteristics:

19 a) A wetland over 1,500 square feet in size or a watercourse  
20 designated part of a riparian corridor;

21 b) An undeveloped area over 5 acres characterized by steep  
22 slope erosion hazard areas; or

23 c) Areas designated by the Washington Department of Fish

1 and Wildlife (WDFW) as biodiversity areas and corridors, or areas identified by the Director  
2 with significant tree and vegetation cover providing wildlife habitat.

3 3) If the application includes a proposal to develop in a steep slope  
4 erosion hazard area or buffer, the development in the steep slope erosion hazard area or buffer  
5 shall be the minimum necessary to achieve the number of single family dwelling units that would  
6 be allowed on the original entire parcel according to the calculation for subdivision required  
7 under subsection 25.09.240.G in the following order of priority:

8 a) The proposal reduces the front and/or rear yards pursuant  
9 to subsection 25.09.260.B.3.b.1 and complies with the building separation standards of  
10 subsections 25.09.260.B.3.b.2 and 25.09.260.B.3.b.3;

11 b) The proposal reduces the steep slope erosion hazard area  
12 buffer; and

13 c) The proposal intrudes into not more than 30 percent of  
14 the steep slope erosion hazard area.

15 d. The proposal protects WDFW priority species and maintains wildlife  
16 habitat.

17 e. The proposal does not result in unmitigated negative environmental  
18 impacts pursuant to Section 25.09.065, including drainage and water quality, erosion, loss of  
19 trees and vegetation, and slope stability on the identified environmentally critical area and buffer.

20 f. The proposal promotes expansion, restoration, or enhancement of the  
21 identified environmentally critical area and buffer.

22 2. General environmental impacts and site characteristics

23 a. The proposal minimizes potential negative effects of the development

1 on the undeveloped portion of the site and preserves topographic features.

2                   b. The proposal retains and protects trees and vegetation on designated  
3 non-disturbance areas, protects stands of mature trees, minimizes tree removal, removes noxious  
4 weeds and non-native vegetation and replaces this vegetation with native trees and vegetation,  
5 and protects the visual continuity of treed and vegetated areas and tree canopy.

6                   3. Development standards

7                   a. The total number of single-family dwelling units permitted through the  
8 environmentally critical areas conditional use regulations shall not exceed the number that would  
9 be allowed based on compliance with the use regulations of Section 23.44.008, and the minimum  
10 lot area standards of the underlying ((~~Single-Family~~)) neighborhood residential zone, and shall  
11 be established only on the site comprised of the original entire parcel, with subdivision of the  
12 original entire parcel allowed only as unit lots approved through the unit lot subdivision process  
13 in Section 25.09.260.C.2.b.2.

14                   b. Single-family dwelling units shall be the sole type of principal use  
15 permitted through the environmentally critical areas conditional use regulations and shall meet  
16 the development standards of Chapter 23.44, except that the following standards apply instead of  
17 the standards in Chapter 23.44, as applicable:

18                               1) Front and rear yards required by subsections 23.44.014.A and  
19 23.44.014.B may be reduced to no less than 10 feet each and 30 feet for the sum of both yards if  
20 the reduction would minimize or eliminate any intrusion into the steep slope erosion hazard area  
21 or required buffer;

22                               2) Front and rear building separations between proposed single  
23 family residences shall be a minimum of 25 feet;

1 3) Side building separations shall be a minimum of 10 feet;

2 4) The maximum lot coverage shall be calculated by deducting  
3 required non-disturbance areas from total lot size; and

4 5) Front, rear, and side separations shall be determined by the  
5 Director, based on location of the building in relation to other buildings and the front lot line.

6 \* \* \*

7 Section 103. Section 25.11.040 of the Seattle Municipal Code, last amended by  
8 Ordinance 125791, is amended as follows:

9 **25.11.040 Restrictions on tree removal**

10 A. Tree removal or topping is prohibited in the following cases, except as provided in  
11 Section 25.11.030, or where the tree removal is required for the construction of a new structure,  
12 retaining wall, rockery, or other similar improvement that is approved as part of an issued  
13 building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080:

14 1. All trees 6 inches or greater in diameter, measured 4.5 feet above the ground,  
15 on undeveloped lots;

16 2. Exceptional trees on undeveloped lots; and

17 3. Exceptional trees on lots in Lowrise, Midrise, commercial, and ~~((single-~~  
18 ~~family)) neighborhood residential zones.~~

19 B. Limits on Tree Removal. In addition to the prohibitions in subsection 25.11.040.A, no  
20 more than three trees 6 inches or greater in diameter, measured 4.5 feet above the ground, may  
21 be removed in any one-year period on lots in Lowrise, Midrise, commercial, and ~~((single-~~  
22 ~~family)) neighborhood residential zones, except when the tree removal is required for the  
23 construction of a new structure, retaining wall, rockery, or other similar improvement that is~~

1 approved as part of an issued building or grading permit as provided in Sections 25.11.060,  
2 25.11.070, and 25.11.080.

3 C. Tree removal in Environmentally Critical Areas shall comply with the provisions of  
4 Section 25.09.070.

5 Section 104. Section 25.11.050 of the Seattle Municipal Code, last amended by  
6 Ordinance 124919, is amended as follows:

7 **25.11.050 General Provisions for exceptional tree determination and tree protection area**  
8 **delineation in ((~~Single-family, Residential Small Lot~~)) Neighborhood Residential, Lowrise,**  
9 **Midrise, and Commercial zones.**

10 A. Exceptional trees and potential exceptional trees shall be identified on site plans and  
11 exceptional tree status shall be determined by the Director according to standards promulgated  
12 by the Seattle Department of Construction and Inspections.

13 \* \* \*

14 Section 105. Section 25.11.060 of the Seattle Municipal Code, last amended by  
15 Ordinance 125791, is amended as follows:

16 **25.11.060 Tree protection on sites undergoing development in ((~~single-family~~))**  
17 **neighborhood residential zones**

18 A. Exceptional trees

19 1. The Director may permit a tree to be removed only if:

20 a. The maximum lot coverage permitted on the site according to Title 23  
21 cannot be achieved without extending into the tree protection area or into a required front and/or  
22 rear yard to an extent greater than provided for in subsection 25.11.060A.2; or

23 b. Avoiding development in the tree protection area would result in a





## SUMMARY and FISCAL NOTE\*

| <b>Department:</b> | <b>Dept. Contact/Phone:</b> | <b>CBO Contact/Phone:</b> |
|--------------------|-----------------------------|---------------------------|
| Legislative        | Lish Whitson/206-615-1674   | N/A                       |

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

#### **Legislation Title:**

AN ORDINANCE relating to land use and zoning; renaming Single-Family zones to Neighborhood Residential zones; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 1 through 107, 111 through 114, 117 through 126, 131 through 140, 142 through 214, and 216 through 221 of the Official Land Use Map; renaming Chapter 23.44 of the Seattle Municipal Code; and amending Sections 6.600.080, 11.16.240, 15.16.040, 15.17.100, 15.17.120, 15.17.150, 15.32.200, 15.32.300, 22.801.200, 22.900C.010, 23.04.010, 23.30.010, 23.30.030, 23.34.006, 23.34.010, 23.34.011, 23.34.012, 23.34.013, 23.34.014, 23.34.018, 23.34.072, 23.34.089, 23.40.006, 23.41.004, 23.41.008, 23.42.052, 23.42.056, 23.42.058, 23.42.106, 23.42.108, 23.42.110, 23.42.112, 23.42.122, 23.42.124, 23.42.130, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.011, 23.44.012, 23.44.013, 23.44.014, 23.44.016, 23.44.017, 23.44.019, 23.44.020, 23.44.021, 23.44.022, 23.44.024, 23.44.028, 23.44.034, 23.44.035, 23.44.036, 23.44.041, 23.44.046, 23.44.060, 23.45.514, 23.45.518, 23.45.527, 23.45.536, 23.45.550, 23.45.578, 23.47A.014, 23.47A.040, 23.50.024, 23.50.030, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.53.015, 23.53.030, 23.54.015, 23.54.020, 23.55.012, 23.55.015, 23.55.020, 23.57.005, 23.57.008, 23.57.009, 23.57.010, 23.58C.050, 23.69.024, 23.71.012, 23.71.030, 23.71.036, 23.72.004, 23.72.010, 23.84A.048, 23.86.006, 23.86.007, 23.86.008, 23.86.010, 23.90.019, 23.91.002, 25.05.800, 25.08.225, 25.09.240, 25.09.260, 25.11.040, 25.11.050, and 25.11.060 of the Seattle Municipal Code.

#### **Summary and background of the Legislation:**

This bill would implement Ordinance 126456 by making a series of changes to the Seattle Municipal Code to rename single-family zones to neighborhood residential zones. Ordinance 126456 made related changes to the City’s Comprehensive Plan, changing “single-family areas” to “neighborhood residential areas.” Zoning district names would be updated on the zoning map and in the Land Use Code (Title 23 of the Seattle Municipal Code (SMC)), short-term rental regulations (SMC 6.600), traffic administration regulations (SMC 11.16), street use regulations (SMC Title 15), building and construction codes (SMC Title 22), and all environmental regulations (SMC Title 25) except the Shoreline Code. Under the proposed bill:

- Single-Family 9600 (SF 9600) zones would be renamed “Neighborhood Residential 1” (NR1);
- Single-Family 7200 (SF 7200) zones would be renamed “Neighborhood Residential 2” (NR2);
- Single-Family 5000 (SF 5000) zones would be renamed “Neighborhood Residential 3” (NR3); and

- Residential Small Lot (RSL) zones would be renamed “Neighborhood Residential Small Lot” (RSL).

No substantive effect is anticipated or intended from these changes.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? \_\_\_ Yes  No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Is there financial cost or other impacts of *not* implementing the legislation?

No

## 4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No

b. Is a public hearing required for this legislation?

Yes, a public hearing will be scheduled held in the City Council’s Land Use and Neighborhoods Committee.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Notice will be published in the Daily Journal of Commerce.

d. Does this legislation affect a piece of property?

While the proposal would change the name of areas on the zoning map, no substantive affects would result from the proposal.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The proposed bill is intended to be an initial step in addressing the segregation that has resulted in keeping most of the City’s residential land in single-family land use. The intent of the bill is to provide a more expansive term for zones currently called single-family in order

to allow for a broader and deeper dialogue regarding the future of the City’s residential neighborhoods as part of the City’s next major update to the Comprehensive Plan and to better reflect the mix of uses in these areas. This discussion will need to grapple with the racist history of “single-family” zoning and its role in the displacement of BIPOC households. As part of its work leading the major update of the Comprehensive Plan, OPCD is preparing an outreach and engagement plan that will include language access.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

Not applicable

**List attachments/exhibits below:**

None

December 1, 2021

**MEMORANDUM**

**To:** Land Use and Neighborhoods Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120214: Neighborhood Residential Code Amendments

On December 3, 2021, the Land Use and Neighborhoods Committee will discuss [Council Bill \(CB\) 120214](#), which would amend the Seattle Municipal Code (SMC) to rename “Single-family” zones “Neighborhood Residential.” A public hearing and possible vote are scheduled for Wednesday, December 8.

This bill follows the adoption of [Ordinance 120155](#), which amended the Seattle Comprehensive Plan to replace the term “single-family residential area” with “neighborhood residential area,” as shown on the [Future Land Use Map](#). This memorandum briefly summarizes CB 120214 and identifies next steps with the legislation.

**CB 120214**

Seattle’s zoning (aka the Land Use Code) implements the Comprehensive Plan’s land use policies, including implementation of the official zoning maps that divide the city geographically into zoning districts (e.g., single-family residential, multifamily residential, commercial, industrial, etc.). It divides neighborhood residential areas into four zones, based on minimum required lot sizes: Single-family 9600 (SF 9600), Single-family 7200 (SF 7200), Single-family 5000 (SF 5000), and Residential Small Lot (RSL). The proposed bill would rename these zones as shown in Table 1. Attachment 1 shows the location of these zones.

*Table 1. Zoning Name Changes*

| Existing Zone (Abbreviation)             | New Zone (Abbreviation)                  |
|--|--|
| Single-family Residential 9600 (SF 9600) | Neighborhood Residential 1 (NR1)         |
| Single-family Residential 7200 (SF 7200) | Neighborhood Residential 2 (NR2)         |
| Single-family Residential 5000 (SF 5000) | Neighborhood Residential 3 (NR3)         |
| Residential Small Lot (RSL)              | Neighborhood Residential Small Lot (RSL) |

CB 120214 would update these names throughout the SMC. Zoning district names would be updated: (1) on the [Official Land Use Map/Seattle Zoning Maps](#); (2) throughout the Land Use Code (SMC [Title 23](#)); (3) in short-term rental licensing regulations (SMC [Chapter 6.600](#)); (4) in traffic administration regulations (SMC [Chapter 11.16](#)) and street use regulations (SMC [Title 15](#)); (5) in building and construction codes (SMC [Title 22](#)); and (6) in environmental regulations (SMC [Title 25](#)). The bill would only update these names and add definitions for these new names, no other changes are made.

The only code sections that currently refer to single-family zones that CB 120214 would not update are SMC [Chapter 23.60A](#), the Seattle Shoreline Master Program Regulations. Amendments to shoreline regulations require approval by the State and extensive targeted outreach to shoreline stakeholders. After consultation with the Washington State Department of Ecology, it was determined that the best approach to updating this chapter of the SMC would be to make changes to references to single-family zones in the Shoreline Chapter as part of the next general update to the City's Shoreline regulations. Both Ordinance 120155 and Council Bill 120214 have been drafted to retain references to single-family zones to maintain consistency in this case.

CB 120214 would be effective 180 days after adoption to provide the Seattle Department of Construction and Inspections (SDCI) sufficient time to update the City's zoning maps, SDCI's Director Rules, and other documents that reference single-family zones.

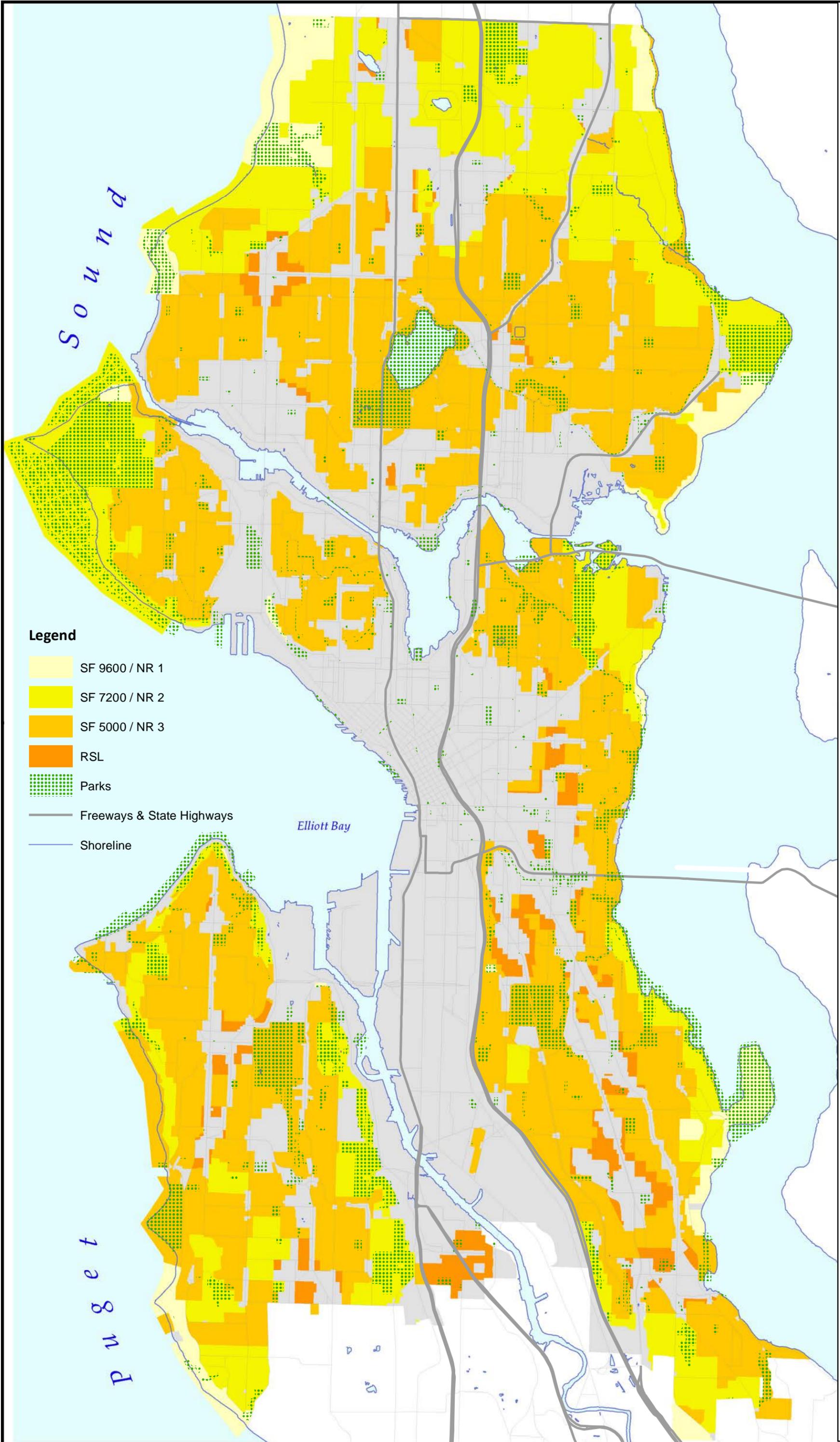
### **Next Steps**

A briefing is scheduled for December 3 with a public hearing scheduled for the December 8 Committee meeting. If the Committee decides to vote at that meeting, it should waive the Council Rule that limits votes the same day as a public hearing. A vote at the December 8 Committee would enable Council action at the December 13 meeting.

### **Attachments:**

1. Map of Single-family/Neighborhood Residential Zones

cc: Esther Handy, Director  
Aly Pennucci, Policy and Budget Manager



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City of Seattle, City Council.  
Prepared November 29, 2021 by  
ncil Central Staff-GIS.

# Single-family (SF) / Neighborhood Residential (NR) Zones



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# Neighborhood Residential Code Amendments (CB 120214)

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LISH WHITSON, LEGISLATIVE ANALYST

LAND USE AND NEIGHBORHOODS COMMITTEE

DECEMBER 3, 2021

# Proposed Changes

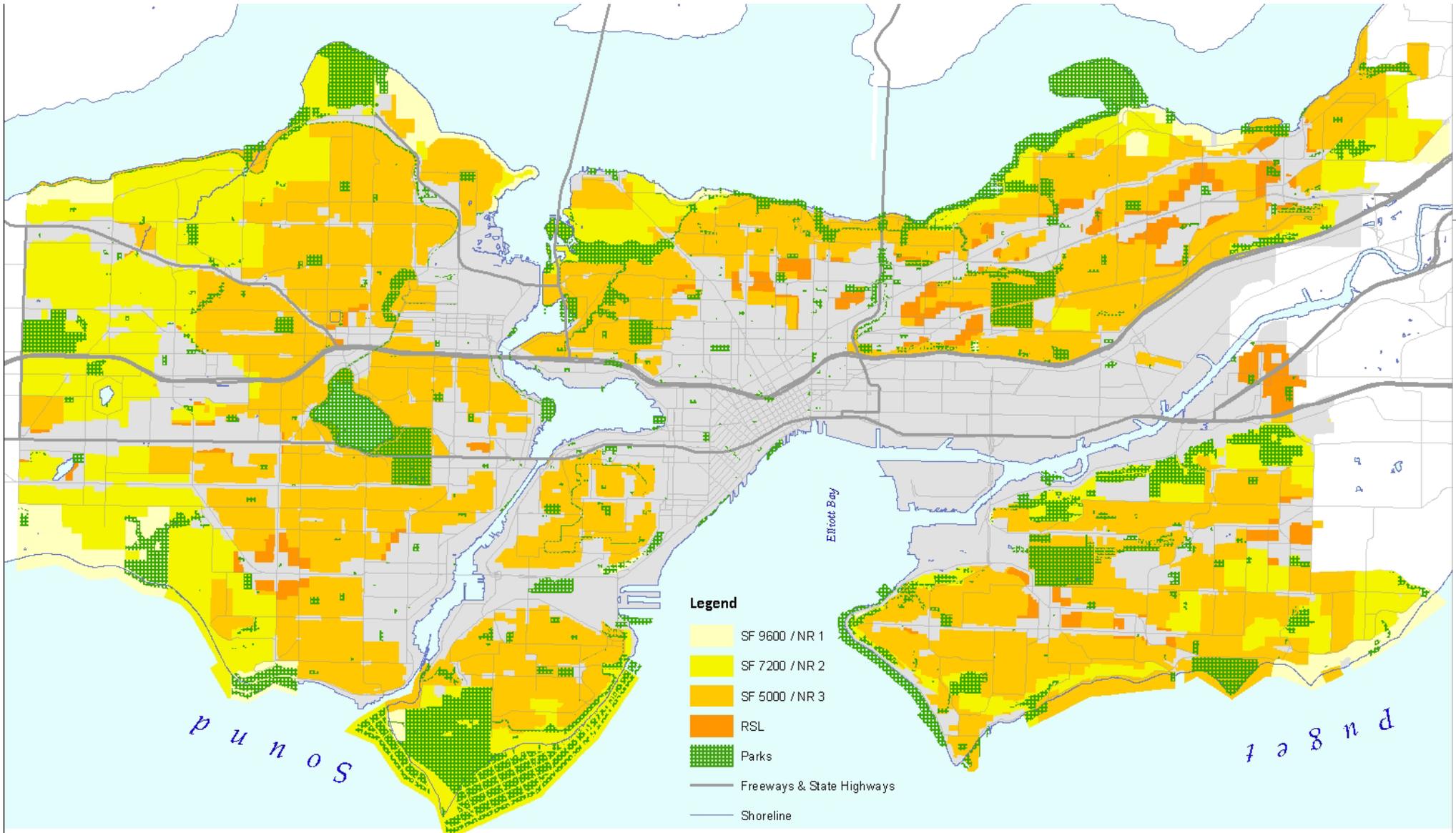
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| Existing Zone Name (Abbreviation)        | New Zone Name (Abbreviation)             |
|--|--|
| Single Family Residential 9600 (SF 9600) | Neighborhood Residential 1 (NR1)         |
| Single Family Residential 7200 (SF 7200) | Neighborhood Residential 2 (NR2)         |
| Single Family Residential 5000 (SF 5000) | Neighborhood Residential 3 (NR3)         |
| Residential Small Lot (RSL)              | Neighborhood Residential Small Lot (RSL) |

# Sections of Seattle Municipal Code Changed

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- Official Land Use Map
- Land Use Code (Title 23)
- Short-Term Rental Code (Chapter 6.600)
- Traffic Administration Code (Chapter 11.16)
- Street Use Code (Title 15)
- Building and Construction Code (Title 22)
- Environmental Regulations (Chapter 25)



# Single-family/Neighborhood Residential Zones

# Questions?



Legislation Text

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**File #: CB 120235, Version: 1**

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to historic preservation; imposing controls upon 802 16th Avenue, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (“Board”), after a public meeting on January 20, 2021, voted to approve the nomination of the improvement located at 802 16th Avenue and the site on which the improvement is located (which are collectively referred to as “802 16th Avenue”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on March 17, 2021, the Board voted to approve the designation of 802 16th Avenue under SMC Chapter 25.12; and

WHEREAS, on May 19, 2021, the Board and 802 16th Avenue’s owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives; NOW, THEREFORE,

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

Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the

Landmarks Preservation Board (“Board”) of the improvement located at 802 16th Avenue and the site on which the improvement is located (which are collectively referred to as “802 16th Avenue”) is acknowledged.

A. Legal Description. 802 16th Avenue is located on the property legally described as:

Lot 1, Block 23, Supplementary Plat of Edes & Knight Addition to the City of Seattle, according to the plat thereof recorded in Volume 2, Page 194 in King County, Washington.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of 802 16th Avenue:

1. The site.
2. The exterior of the house (including the stained glass windows).

C. Basis of Designation. The designation was made because 802 16th Avenue is more than 25 years old; has significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or the ability to convey its significance; and satisfies the following SMC 25.12.350 provisions:

1. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation (SMC 25.12.350.C).
2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

Section 2. Controls. The following controls are imposed on the features or characteristics of 802 16th Avenue that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the

features or characteristics of 802 16th Avenue that were designated by the Board for preservation.

2. No Certificate of Approval is required for the following:

a. Any in-kind maintenance or repairs of the features or characteristics of 802 16th Avenue that were designated by the Board for preservation.

b. Removal of trees that are not included in any of the following categories:

1) Significant to the property's history or design, as outlined in the nomination application.

2) A designated Heritage Tree on the City of Seattle/Plant Amnesty list.

3) An Exceptional Tree per City of Seattle regulations.

c. Planting of new trees in locations that will never obscure the view of designated features of the landmark, nor physically undermine a built feature of the landmark.

d. Planting or removal of shrubs, perennials, or annuals, in locations that will never obscure the view of designated features of the landmark, nor physically undermine a built feature of the landmark.

e. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.

f. Installation, removal, or alteration of the following site furnishings: benches, chairs, tables, swings, movable planters, and trash/recycling receptacles.

g. Installation or removal of interior, temporary window shading devices that are operable and do not obscure the glazing when in the open position.

**B. City Historic Preservation Officer (CHPO) Approval Process.**

1. The CHPO may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:

a. The owner shall submit to the CHPO a written request for the alterations or significant

changes, including applicable drawings or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.

2. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of 802 16th Avenue that were designated by the Board for preservation is available for the following:

a. The installation, removal, or alteration of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.

b. Removal of trees more than 6 inches in diameter measured 4-1/2 feet above ground, when identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist, and not already excluded from review in subsection 2.A.2.b of this ordinance.

c. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment. If proposed equipment is similar in size and location to existing, staff may be able to determine it to be in-kind maintenance, provided the fixture or equipment does not obscure designated features and is attached to a material that is easily repairable.

d. Installation, removal, or alteration of exterior building and site signage.

e. Installation of improvements for safety or accessibility compliance.

f. Installation, removal, or alteration of fire and life safety equipment.

g. Changes to exterior paint colors when painting a previously painted material. If the

proposed color is similar to the existing, staff may be able to determine it to be in-kind maintenance.

h. Replacement of non-original windows and doors when located in original openings.

i. Emergency repairs or measures (including immediate action to secure the area, install temporary equipment, and employ stabilization methods as necessary to protect the public's safety, health, and welfare) to address hazardous conditions with adverse impacts to the buildings or site as related to a seismic or other unforeseen event. Following such an emergency, the owner shall adhere to the following:

1) The owner shall immediately notify the City Historic Preservation Officer and document the conditions and actions the owner took.

2) If temporary structural supports are necessary, the owner shall make all reasonable efforts to prevent further damage to historic resources.

3) The owner shall not remove historic building materials from the site as part of the emergency response.

4) In consultation with the City Historic Preservation Officer and staff, the owner shall adopt and implement a long-term plan to address any damage through appropriate solutions.

Section 3. Incentives. The following incentives are granted on the features or characteristics of 802 16th Avenue that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued under SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code and the Seattle Energy Code, adopted by SMC Chapter 22.101, may be authorized according to the applicable provisions.

C. Special tax valuation for historic preservation may be available under chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated landmark structure may be permitted under SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. 802 16th Avenue is added alphabetically to Section I, Residences, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed to provide a certified copy of this ordinance to 802 16th Avenue's owner.

Section 7. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

| <b>Department:</b> | <b>Dept. Contact/Phone:</b> | <b>CBO Contact/Phone:</b>   |
|--------------------|-----------------------------|-----------------------------|
| Neighborhoods      | Erin Doherty/206-684-0380   | Miguel Jimenez/206-684-5805 |

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE relating to historic preservation; imposing controls upon 802 16th Avenue, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

**Summary and background of the Legislation:**

The attached legislation acknowledges the designation of 802 16th Avenue as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds 802 16th Avenue to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

Construction of the house at 802 16th Avenue began in 1900. The property is located in the Central District neighborhood. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the site and the exterior of the house, but do not apply to any in-kind maintenance or repairs of the designated features.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?      \_\_\_ Yes X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget?      \_\_\_ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

Is there financial cost or other impacts of *not* implementing the legislation?  
No.

**4. OTHER IMPLICATIONS**

a. Does this legislation affect any departments besides the originating department?  
No.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

Yes, see attached map.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This building was home to the Sisters of Immaculate Conception Church from 1919-1972, and their legacy is still remembered in the community. The public noted the convent's significance to the neighborhood, and the importance of preserving this residence as so many in the neighborhood have been demolished. The legislation does not have a negative impact on vulnerable or historically disadvantaged communities. A language access plan is not anticipated.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

This legislation supports the sustainable practice of preserving historic buildings and their embodied energy. Reuse and restoration of a building or structure reduces the consumption of new natural resources, and the carbon emissions associated with new construction. Preservation also avoids contributing to the ever-growing landfills.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

Many historic buildings possess materials and craftsmanship that cannot be duplicated today. When properly maintained and improved, they will benefit future generations, and surpass the longevity of most of today's new construction. They can also support upgraded systems for better energy performance, and these investments typically support local or regional suppliers, and labor industries.

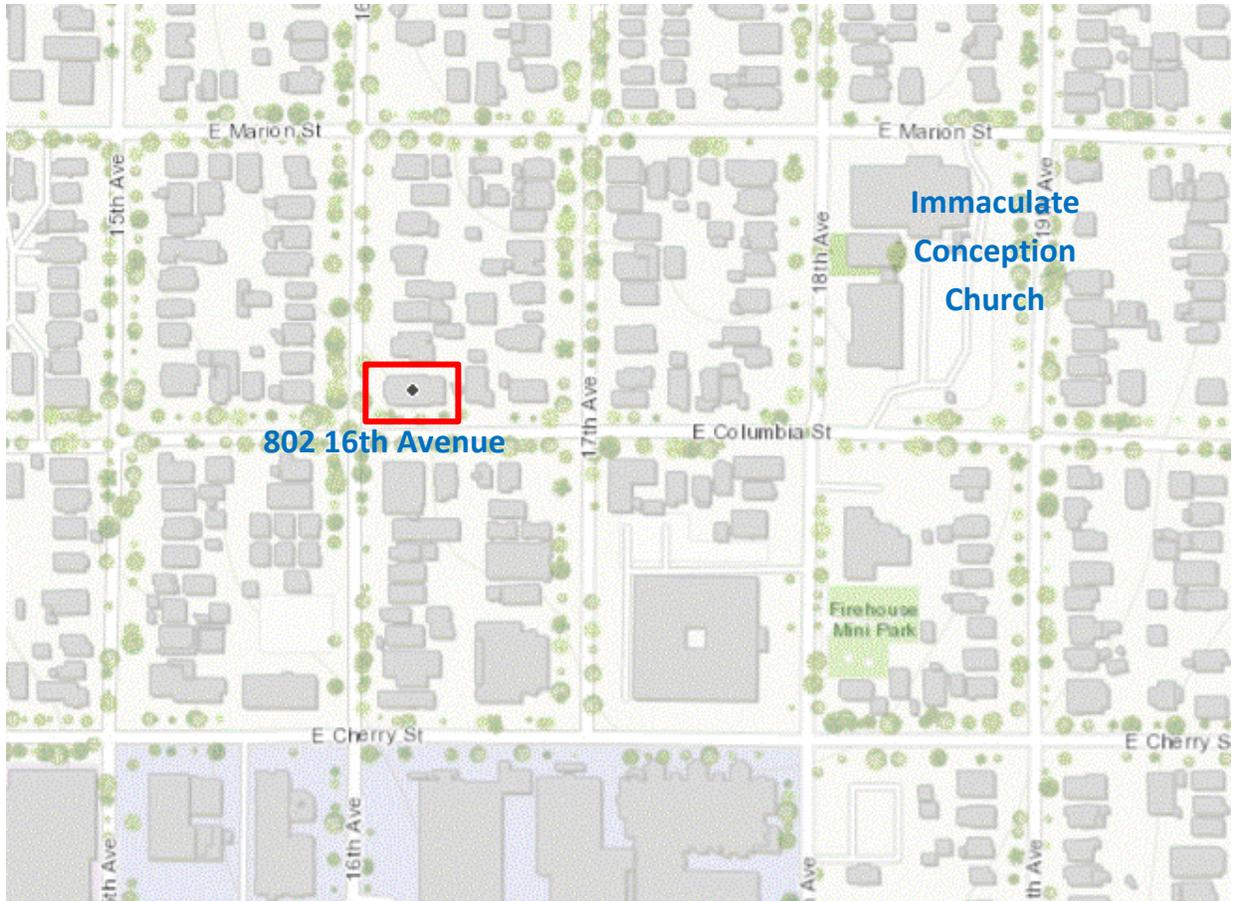
**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

No new initiative or programmatic expansion.

**List attachments/exhibits below:**

Summary Exhibit A – Vicinity Map of 802 16th Avenue

Summary Ex A – Vicinity Map of 802 16th Avenue  
V1a



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



The City of Seattle

## Landmarks Preservation Board

Mailing Address: PO Box 94649, Seattle WA 98124-4649

Street Address: 600 4th Avenue, 4th Floor

LPB 132/21

### REPORT ON DESIGNATION

Name and Address of Property: **802 16<sup>th</sup> Avenue**  
**Immaculate Conception Convent /**  
**Considine House / Cohen House**

Legal Description: Lot 1, Block 23, Supplementary Plat of Edes & Knight Addition to the City of Seattle, according to the plat thereof recorded in Volume 2, Page 194 in King County, Washington.

At the public meeting held on March 17, 2021 the City of Seattle's Landmarks Preservation Board voted to approve designation of 802 16<sup>th</sup> Avenue as a Seattle Landmark based upon satisfaction of the following standard for designation of SMC 25.12.350:

- C. *It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation.*
- D. *It embodies the distinctive visible characteristics of an architectural style, or period, or a method of construction.*
- E. *It is an outstanding work of a designer or builder.*

### DESCRIPTION

#### *Location*

The Immaculate Conception Convent, for which construction began in 1900 (the Seattle Daily Times published an announcement of the building permit in its December 17 edition), is currently a four-unit residential multiplex (approximately 5,909 square feet on a 7, 690-

**Administered by The Historic Preservation Program**  
**The Seattle Department of Neighborhoods**

"Printed on Recycled Paper"

square-foot lot) located on the northeast corner lot of 16th Avenue and East Columbia St in Seattle's Central District.

To the north of the house sits the former site of the Buford family house, home of local jazz legend Vernon "Pops" Buford (Beers, 1994). In the summer of 2018, the house was sold by the family to DEP developers. It was demolished in December of 2018. To the south (across E Columbia Street) there is a large apartment building, and a newly renovated single-family home, which is currently for sale. To the west (across 16th Avenue) there is an occupied single-family home, 801 16th Avenue. To the east sits a vacant single-family home, with the address 1614 E. Columbia (constructed in 1907, according to the King County Assessor). The landscaping is overgrown, blocking the facade.

The property slopes sharply up from the sidewalk along 16th Avenue to the concrete and brick landing at the front of the house. The slope is covered in well-established shrubs. The rest of the lot is relatively flat, with the exception of a small sloping path at the back of property.

The property has five well-established conifers around the house, two in the parking strip along 16th Avenue on the west side of the property, and three along the southern facade on E Columbia St. Three adolescent birch trees were planted in the parking strip on the corner of E Columbia St and 16th Avenue in 2008 by current owners Sue and John Perry.

The immediate surroundings are residential, with the exception of several houses of worship. The neighborhood has become a strange mix of old and new homes in various styles.

### ***Description of Original Form and Alterations***

The original main portion of the 1900 house was two stories, approximately 37-feet wide and 46-feet deep, with a full attic and basement. In 1922, a 9-foot by 36-foot "sleeping porch" was added, according to permit records. A 36-foot x 26-foot, two-story, flat roofed addition was built on the east end of the residence in 1925, for expansion of the convent. In 1937, the second floor was expanded on the west side, enclosing the upper northwest and southwest balconies.

### ***Exterior***

The stately building can be described as Neoclassical in style with beveled cedar siding and original brick foundation. The striking main entrance on 16th Avenue opens into the lower front apartment via full width porch, floored with tongue and groove fir. It features two monumental smooth shaft Corinthian columns at the top of the steps on either side. These full-height columns pass in front of the second-floor sun porch/solarium, which are living spaces for the upper front apartment. There are also four smaller columns at each corner of the porch. The front door (fir with ½ glass window) appears to be original with sidelights and pilasters on either side. Large square windows (some original, some replaced) sit in parlors on

either side of first and second floor living spaces, and  $\frac{2}{3}$  top to bottom windows enclose the front of the second-floor solarium.

### ***Entrance Doors***

The main entrance to 802 is located on 16th Avenue. Eight concrete stairs lead to a concrete landing and small brick patio, and five wooden stairs allow access to the wooden deck and front door.

A brick pathway leads along the north side of the house to a side door on the north facade. Just inside this door one can observe the mailboxes formerly used by the nuns who resided in the home. This entrance is used by the residents of the upstairs apartments, and allows access to the main staircase, and the stairs to the basement. Directly above the door, large windows offer a glimpse of the staircase and the second-floor landing.

The entrance to the owner's apartment (Lower Rear Apartment) is located on E Columbia St. A stone pathway laid by the current owners leads to a wooden gate which opens onto the back patio and garden. Double doors up at the top of four wooden stairs on the southern corner of the east facade serve as the apartment's primary entrance. Another double door with a classical portico is located up two wooden steps at the northern corner of the east facade. This door leads into a room used by the current owners as an office and library, but which was originally used as a dressing room for Catholic priest who led mass for the resident nuns.

### ***Windows***

Most exterior windows are original wood windows, including the large yellow slag glass on the South side of the lower rear apartment. These were removed/stolen by an antiques dealer during a period when the house was uninhabited, and remarkably were located, purchased, and re-installed by Anthony Ventura after he and Norman Glassman purchased the house in the late 1970s. Original curved glass windows line the South exterior wall of the master bedroom in the lower rear apartment, and most of the large rectangular exterior windows throughout the house are also original. There are also several exterior stained glass windows which were created and installed by John Oliver Perry after he and his wife Sue Perry (current owner) purchased the house in 1988.

### ***Roof Form and Material***

The portions of the roof that are low pitch or flat have a torch down surface with CertainTeed brand white gravel. This work was done in 2014. The pitched parts of the roof are a 30-year laminate surface with a CertainTeed brand silver birch color. It has black metal W valleys and black metal venting. The roof was finished in 2016.

### ***Yard and Garden***

The yard surrounding 802 is filled with well-established shrubs and flowers. Evergreen shrubs and hedges line the north side of the house up to the property line. The back of the house (which serves as the front of the owner's apartment) boasts an impressive annual flower garden that is built into the stone patio, and refreshed every year by a local gardener. Perennial flowers and small shrubs line the north side of this yard.

John and Sue Perry also participated in the pilot program of the Seattle's Pollinator Pathway, the brainchild of design thinker Sarah Bergmann. The Perrys turned several yards of their parking strip on E Columbia St into a lush sampling of perennial flowers, one of 20 pollinator landing pads between 12th and 29th Avenue on Columbia Street. This parking strip still contains the majority of the plants that were installed here, a testament to Bergmann's vision, and the Perrys dedication to their community and to sustainability.

### ***Interior Layout***

The interior of the house is divided into four apartments (lower front, lower rear, upper front, and upper rear). A main staircase on the North side of the house provides interior access to each of the four apartments, as well as the basement and attic. The North exterior door opens into a room with slate tile flooring (installed in the early 90s). This room contains the basement access door, a small original closet which still has original mail cubbies for the Nunnery, and a small staircase up to the first landing, which has doors into both lower apartments. The railing from the first landing to the second landing is not original. Ornate, hand carved railings from the second landing up to the third and final landing (where three doors provide access to both upper apartments and the attic) are original, but may have been moved/shifted during construction. Throughout the hallways, staircases, apartments, attic, and basement, are original ornate radiators. Many have been restored (scraped and repainted) by hand, and are still in use as the main heat throughout the building. The flooring throughout most of the living spaces in each unit is original tongue and groove fir, which has been refinished a number of times.

### ***Lower Front Apartment***

The lower front apartment, originally the entrance hall to the single-family residence, opens into a small entryway room with original windows and hand carved fir trim. A bedroom/office on the south side contains a newly installed murphy bed in an original closet with original sliding fir doors. A nearly identical room on the North side is a living space with original hand carved fir and tile fireplace. The door to the north room has been removed but is on site. Both rooms feature original ornate plaster detail designs on the ceilings and hand carved ornate gold painted picture molding. The central hallway contains a railroad kitchen with newly installed granite countertops and leads to a newly remodeled white hex tile bathroom with walk in closet. The kitchen ceiling features mock plaster detail done to match the rooms on

either side, completed by Anthony Ventura in the late 1970s. The apartment features original, ornate, hand carved fir trim throughout.

### ***Lower Rear Apartment***

The lower rear apartment is partially an addition to the building, constructed in the late 1920s. This unit is currently occupied by the homeowner, Sue Perry, and has three exterior access doors as well as an interior door into the main stairway. The main exterior entry (originally created as the priest's entrance) opens to a tongue and groove fir platform with a single step down into the main living space. Featured on the South wall is a wood stove which sits atop a brick platform flanked by two halves of an original staircase post from the lower front apartment. This room provides access to the master bedroom, the main bathroom, and has an open floor plan into the dining room on the North side of the apartment. The Northeast corner of the living room contains a small open room (originally used as the priest's dressing room) with blue ceramic tile flooring, wood panel walls, and a spiral staircase which leads up to a large room (currently used as Sue Perry's oil painting studio). There is a built-in fir wall cabinet in the studio that Sue Perry now uses for art supplies. We believe the priest might have kept his robes and supplies there.

The master bedroom is located on the South side of the apartment and is accessed via original door to a small hallway, which is lined with a narrow closet on the North side and original windows as well as John Perry's stained glass on the South side. It also contains a small, newly remodeled tile bathroom featuring a walk-in shower and sink with new granite countertop. The bedroom features an original curved window bay on the South side of the room with two sets of original curved windows and wooden blinds. The pull chain light fixture in the center of the room is likely original to the house, and the room also features built in bookshelves on the North wall which was once an access point to another apartment. This bedroom was part of the original floorplan of the house, and has embellished hand carved trim around the doorways. Two small nooks/bump outs are located on either side of the West wall.

The main/guest bathroom of this apartment features tongue and groove fir flooring, blue toilet, blue Jacuzzi tub, and 4" blue tiling. The top edge of the East wall is lined with John Perry's blue stained glass windows.

The dining room sits on the North side of the apartment with John Perry's 1990s stained glass as well as leaded glass windows on the North exterior wall. The West side of the room features a built-in fir China Cabinet with original glass doors, as well as a kitchen access door. The Southeast corner of the room contains a door that leads to another bedroom/study, which has one of the three exterior access doors. The Southwest corner of the room contains a walk-in coat closet.

The kitchen, which provides access to the building's main staircase on the West wall, also contains a small mudroom through an open entryway on the North wall. The mudroom has

an exterior door on the East end of the room which opens to cement steps into the garden area. The kitchen and mudroom are both floored with Saltea tiles. The counters are lined with 4" ceramic tiles and embellished with ornate Japanese tiles. The brick section of the South wall was originally the chimney for the cook stove in the kitchen, which has since been removed from the roof.

### ***Upper Front Apartment***

The upper front apartment is accessed via the West door on the top landing of the building's main staircase. This door opens into the apartment's main living room, which features original fir doors to a main bedroom, a bathroom, and two small closets. Original fir curved archway doors with full length glass open into the solarium on the West side of the house (this is located directly above the main front entrance porch). The solarium contains a small bedroom on the South end (newly remodeled with original door), and a kitchen on the North end features new granite countertops. A central window seat in the solarium provides a view of Capitol Hill. This apartment features tongue and groove fir flooring throughout, except in the bathroom and main bedroom. The main bedroom is accessed via original door on the North side of the living room, and was redone with laminate tiles in the 1970s. The bathroom, accessed via original door on the East side of the living room, is newly remodeled. It features the original claw-foot tub and rounded window bay on the South exterior wall, a new walk in shower with glass door on the North wall, a new toilet and sink on the East wall, and white hex tiles across the floor.

### ***Upper Rear Apartment***

The upper rear apartment is accessed via the East door on the top landing of the building's main staircase. This door opens into a hallway which provides access to a large bedroom with attached deck on the North side of the building, a main living room and smaller bedroom to the East, a small central kitchen, and a bathroom (remodeled in the 1990s) which contains a North exterior window. This apartment features tongue and groove fir flooring throughout the main living spaces/bedrooms, and large original exterior windows in bedrooms/living spaces.

### ***Attic***

The attic is accessed via the North door on the top landing of the building's main staircase. This door opens into a narrow staircase which leads to a large open high-ceilinged room, also lined with tongue and groove fir (unfinished). This area of the building was plumbed with plans to convert it into a living space, but construction was halted because of zoning restrictions. This is believed to have happened in the 1980s. The space has recently been converted into an art studio with a large bathroom on the South wall. There is a newly installed glass roof hatch on the East roof/wall, which opens onto the flat roof above the oil painting studio in the lower rear apartment.

## ***Basement***

The basement is accessed via a staircase in the main tenant entrance on the ground floor. The exterior walls are comprised of the original double layer brick foundation, suspected to be structurally sound after a recent inspection. Floors and upper walls are concrete. There are five doorways off of the main area at the bottom of the basement stairs, which lead to the paint room, the laundry room, two tenant storerooms, and the furnace room. The furnace room contains a clothesline with labels/instructions for doing laundry in the original Convent. Also located in the furnace room are the main breaker boxes (converted to modern wiring from the original knob and tube), and a brick square on the floor which once supported the original coal furnace (now converted to gas). Large main pipes located on the basement ceilings were originally wrapped with asbestos and recently replaced with new plaster wrapping. Nearly all galvanized water pipes have been replaced with copper, and drainpipes include original cast iron as well as new ABS plastic.

## **SIGNIFICANCE**

### ***Introduction***

Construction of the house at 802 16th Avenue began in December 1900 when Thomas J. Considine, stage manager of the People's Theater, envisioned a grand home for his family. His dreams were reflective of the building boom that took place in Seattle after the Great Fire of 1889, and the growing success of his brother, John W. Considine's vaudeville and gambling empire (Nard, 1972). Unfortunately for Considine, a failure to compensate his sub-contractors coupled with the scandal surrounding the murder of former Seattle police chief William Meredith, meant he would never see the house finished.

Considine sold the house to Aaron L. Cohen, a tobacco shop owner and future Seattle City Councilor in 1904. Cohen lived at 802 with his wife, Ida, and their two children, Joseph and Lottie for 15 years. In 1919, the house was purchased by the Immaculate Conception Church--located three blocks northeast of 802 at 18th Avenue and E Marion Street--as a convent for the nuns who taught at the Immaculate Conception School. 802 remained a convent for 53 years during which time the church commissioned several changes to the building including constructing a sleeping porch, and updating the wiring throughout the house.

In 1972 the Immaculate Conception Church put The Convent on the market. However, the redlining of the 1960s, and lingering racist attitudes about the Central District made finding a buyer impossible. The house sat empty for six years, during which time some of the original fixtures were removed from the house, and sold to antiques dealers. Neighborhood children roller-skated through the vacant rooms, and musicians--including local celebrity Jimi Hendrix--met for practices (Interview with Ronetta Buford).

Fashion designer Toni Ventura and therapist Norman Glassman purchased 802 in 1978. They prioritized restoring the original fixtures of the house, and were able to track down the slag glass windows that had been removed from the former chapel during the house's vacancy. They did not alter the exterior of the building, but they did divide the house into four units to provide separate living spaces and counseling offices for Glassman.

In 1988, after Glassman moved his practice out of 802 and Ventura got divorced, the two decided to sell the property. It was purchased by Sue and John Perry, who moved into the lower rear unit. Sue's daughter, Amy Hagopian, moved into the lower front unit in 2013. John Perry died in 2016. He passed away in the living room of his apartment, surrounded by friends and family. Sue and Amy continue to reside at 802. They currently rent out the upper two units.

### ***Neighborhood Context***

The land on which 802 sits was platted in 1870 with a rectangular street grid and a pattern of rectangular lots and blocks. When this area first developed around 1900, large houses

surrounded by small lawns lined the north-south avenues. Over time some of the lots have been subdivided, but the early pattern of lots and houses is still discernible. Some of the houses, such as 802 have been converted to multi-family use, but their consistency with the single-family scale of the neighborhood remains largely intact. Over time the lots were planted, so the vegetation today on many lots consists of mature trees and shrubs giving the neighborhood a comfortable, settled aspect.

The early residential construction in the neighborhood was wood frame with wood siding. Many of the houses from the early years of the twentieth century present variations on the classical styles. 802 16th Avenue is an example of a Neoclassical house. However, many houses have been altered whereas 802 16th, although converted to multi-family use, retains a surprising amount of its original fabric.

802 can easily be classified as one of the oldest and grandest houses in the surrounding blocks. The residential area contains mostly single-family homes built in the 20th century, which are rapidly being replaced by modernist homes and, even more commonly multi-unit dwellings and large apartment buildings. However, there are a handful of other large, neoclassical buildings surrounding 802. With each passing year, these gorgeous testaments to Seattle's history are sold, falling into disrepair before they are torn down and replaced with new-builds.

### ***History of Ownership & Renovation***

#### **The Considine Family**

Construction on 802 16th Avenue began in 1900, when Thomas J. Considine, stage manager of the city's famous People's Theater, commissioned a home for his family from well-known architect Edwin W. Houghton (*The Daily Bulletin*, 1900).

Completion was delayed because of conflicts between the builder and the Considine family, ending in a lawsuit and a change of contractors. Under the 'Chamber of Commerce' heading in the Tuesday, August 6th, 1901 edition of the *Seattle Daily Times*, Thomas Considine's issue with his builder, M.J. Gallagher, can be seen under the subheading 'Alleged Violation of Contract.' The *Daily Times* reports that: "Thomas J. Considine has instituted an action against M.J. Gallagher and the United States Fidelity and Guarantee Company... for failure to comply with terms of a building contract... it is alleged that in April last Gallagher abandoned the contract and that the plaintiff was required to finish the building" (*Seattle Daily Times*, 1901).

On July 14th, 1902, the *Seattle Daily Times* announced that "the case of Tom Considine vs. M. J. Gallagher is on trial today in Judge Bell's court. In this case Considine sues for the recovery of some \$2,500 alleged to be due from Mr. Gallagher for failure to complete the construction of a house on Sixteenth Avenue last year" (*Seattle Daily Times*, 1902).

The Considine family was very prominent in Seattle in the late 19th and early 20th centuries. Tom's brother, John W. Considine, became the manager of the People's Theater in 1891, and the two initially found their work there to be very lucrative. The theater and vaudeville circuit in Seattle was booming, and the Considines were at the forefront (Elliott, 1944).

Once close friends, William L. Meredith, former Seattle police chief, and John Considine had a falling out when Meredith started work as a detective with the Seattle police department. When Meredith was made acting police chief in November 1900, he began targeting John Considine's businesses, enforcing laws (mostly about serving liquor and employing women) that were actively ignored by the police in other parts of the city. Before long, allegations of corruption were brought against Meredith, and Mayor Thomas Humes told Meredith to resign or he'd be fired. Meredith quit on June 22nd, 1901, believing vehemently that John Considine was to blame for his disgrace. On June 25th, 1901, Thomas and John Considine were confronted by Meredith, who had armed himself with a shotgun and a revolver. Meredith shot twice at John Considine, but missed him. John ran at Meredith and attempted to subdue him, and Tom managed to take Meredith's revolver from him. He began hitting Meredith over the head with the butt of the revolver, fracturing his skull. With Meredith incapacitated, John Considine drew his own revolver, and shot Meredith three times, killing him (Dougherty, 2014).

John and Tom Considine were both tried for 1st degree murder. Although both were famous and well-liked within the vaudeville circuit, many Seattle citizens did not look favorably on the brothers' professions and were vehemently opposed to their presence in the city after the incident with Meredith. John's trial lasted three weeks, at the end of which he was acquitted, and charges against Tom were dropped. Despite this outcome, the event did take a social and financial toll, and likely influenced Tom's sale of the subject property (Dougherty, 2014).

### The Cohen Family

A mention in the January 1, 1904, *Seattle Times* indicated that Tom Considine had sold the property to A. L. Cohen, "the well-known cigar dealer of Seattle," for \$10,000. Cohen's purchase of the property marked the influx of a wealthy Jewish population into the neighborhood. The proximity of the house to Cohen's downtown cigar shops, as well as the local synagogue made it the perfect hub from which commute to his businesses and spend time with this family. According to the 1910 US Census, at that time Aaron L. "Lou" and Ida Cohen lived in the house with their grown children Joseph (age 23) and Lottie (age 20), along with Lottie's new husband Benjamin [sic] Harris, Ida's widowed mother, and two servants.

The Cohens prospered during their time in the house. Aaron's cigar and tobacco business flourished and expanded, and he began to get involved in local politics. Cohen was a 2-term Seattle city councilman in the 1920s, and state legislator for two terms in the 1930s.

Mr. Cohen joined the American Federation of Labor in 1883, just two years after its founding, and was named as a personal friend of the AFL's founder, Samuel Gompers. Cohen was also

president of the Seattle Baseball Club 1903-1906. In his 1952 obituary, Aaron Cohen was described as a pioneer labor union official.

In the 15 years that they spent at 802 Aaron and Ida's children, Joseph and Lottie, grew up and started professions and families of their own (Polk's Seattle Directory, 1904-1919).

### Immaculate Conception Convent

The significance of the house in the context of the neighborhood changed drastically in 1919, when the Cohens sold their property to the Immaculate Conception Church to be used as a residence for the Sisters of the order who taught at the nearby Immaculate School. The church is a Seattle Landmark that stands at its original location at 820 18th Avenue, and still hosts services and community events. The church runs along the length of E Marion Street between 18th and 19th Avenues. The Catholic Church's purchase of the house marked the beginning of the extensive remodel which resulted in the house's current footprint, and a building with approximately twice the square footage of the original dwelling. The original façade was not modified, but it was during this time that most of the lower rear apartment was constructed, and the solarium in the upper front apartment was closed in as an interior living space. In addition to providing kitchen, laundry, and sleeping facilities for the nuns, space was allocated for a roomy chapel, community gathering space, and music classrooms.

The decades that the Sisters resided at "The Convent" marked hugely significant changes to the neighborhood's demographics. When the nuns first moved in, most of the parishioners at the Immaculate Conception Church were wealthy and white. Then began a gradual influx of Irish and Italian immigrants, who altered the socioeconomic makeup of the community. The neighborhood was comprised largely of white, working-class families, who also made up the Immaculate Conception Congregation during the 1940s and 50s (Tu & Mayo, 2011).

In the 1950s African American, Japanese, and Filipino families began to move into the neighborhood, and the demographics of the congregation changed once again. By 1960 the neighborhood was 64% Black, and by 1970 it was 79% Black. Many of the white community members who had lived in the area for decades were growing old and dying. Fueled by racism, the majority of remaining white families relocated to the suburbs (Tu & Mayo, 2011).

The convent housed 19 religious sisters who staffed the Immaculate Conception School. These women were prominent in the civil rights struggle for equity and inclusion that characterized the Central District generally. Dr. Dorothy Cordova's history of the Central Area and Immaculate Conception Parish, prepared for the Filipino American National Historical Society, is full of stories of the convent and the teachers it housed, along with stories of students and the community.

The Sisters continued to reside at the convent until 1972. According to Sister Kay Burton, who lived at the house during this period, the church intended to sell the property and use the proceeds to preserve the Immaculate Conception Church. However, the hideous and racist

practice of banker “Redlining” in the Central District meant that no one could get a loan to purchase the property, and the house ended up sitting vacant, gradually falling into disrepair.

### Vacancy

Although no one lived in “The Convent” between 1972 and 1978, it was rarely free of visitors. Ronnie Buford, son of famous jazz musician Vernon “Pops” Buford, liked to rollerblade through the big, empty rooms. Local bands used the house for practice space. It was rumored that Jimi Hendrix played there a time or two, as confirmed by Ronnetta Buford, granddaughter of Pops. The Bufords moved in 1946 to Seattle, where Pops - named for his take-charge manner, according to historian Paul de Barros - played all the old swing clubs, from Fort Lewis to Pioneer Square. Pops died in 1994, a year after he was awarded a certificate of recognition in a Jazz Pioneers Reunion at the Museum of History and Industry. He is mentioned prominently in de Barros' book "Jackson Street After Hours." And his first instrument was on view at Columbia Seafirst Tower (Beers, 1994). There was also some looting that occurred at the house during this period. One of the most notable elements that was removed was the yellow slag glass windows that were used in the chapel. When Pops' wife Lillian died in 2017, the neighboring Buford family lost the home to developers, who now have built four modern box structures on the site, obliterating the Buford family home and its history.

### Ventura & Glassman

In the late 1970s the Seattle City Council finally took a stand against Redlining, but it wasn't until 1978 that Anthony Ventura and his business partner, Norman Glassman, were able to secure a loan and purchase the house for \$30,000. Ventura and Glassman went to great lengths to restore the house in the vision of Considine and Cohen. They removed the buff-blend imitation brick that had been added to the entire exterior as insulation during the nuns' residence, revealing the original beveled cedar siding, which was still sporting its original coat of paint. They restored the claw-foot tub--which was being stored in the basement--to the front upstairs apartment, and, incredibly, were able to track down the original yellow slag glass windows that had been stolen from the house while it sat empty.

The new owners preserved most features, with the exception of the interior of the fireplace itself, which was replaced. The building was converted to a four-unit multiplex, with the lower front section used as a counseling center, and the rest of the building used as living spaces for the owners and a series of tenants. At this time, the kitchen in the upper front apartment's solarium was added, and the main staircase for the building was reconfigured to remove the “Servant's Staircase” and close off the opening to the lower front apartment where there is now a kitchen. The original railings were preserved, though may have been shifted. This was also the time period during which the original yellow slag windows were reclaimed and reinstalled in the South wall of the lower rear apartment's living room.

Ventura and Glassman spent years restoring and updating the house according to antique aesthetics and modern codes and sensibilities. They converted the house into a 4-plex with office space in the lower front unit for Grossman's counseling practice, and residential apartments in the former chapel and second story.

In 1988, the arrangement of owners sharing the building broke down, and the entire building was sold to the current owners, who made minor changes to the makeup of the four apartments between 1988 and 1990. Also, during this time, the spiral staircase in the lower rear apartment was added, and the painting studio it leads to was walled off from one of the upper apartments. The second-floor space currently used as a painting studio still contains built-in fir furniture which may have been used to store the priest's vestments.

### Sue & John Perry

Sue Perry, the current owner of The Convent, is an accomplished oil painter. She spends much of her time pictorially documenting the demolition of the Central District's single-family homes and cultural landmarks. She and her late husband, John Oliver Perry, purchased the house from Ventura in 1988. They have gone to great lengths to preserve the historically significant elements of the house, and are dedicated to maintaining its integrity for years to come.

The Perrys made only minor changes to the makeup of the four apartments between 1988 and 1990. No significant changes occurred for the two front apartments constituted from the original Cohen spaces, and the rest of the former convent. Some interior traces remain of the presence of the nuns, most obviously the conversion of the chapel with a priest's entrance into a large living room with a main entry for the lower rear apartment, which is now occupied by owner Sue Perry (and has distinct address of 1606 East Columbia Street).

### ***Architectural Style and Significance***

The building can be classified as a Neoclassical style home. Its striking facade features two-story Corinthian columns, and an elaborate pedimented portico combined with a full story full width porch. Houses of this style often feature porticos rather than full facade porches to emphasize the size of their surrounding columns and increase the sense of grandeur (Swope, 2005). This architectural style was very popular in the first half of the 20th century, and can still be seen in many of the larger Seattle homes built during this period. Architectural history professor Caroline Swope writes: "Unlike the Colonial Revival style, Neoclassical houses are usually grand, and smaller vernacular examples are almost unknown" (Swope, 2005). Neoclassical homes tend to feature symmetrical facades, and side gabled or hipped roofs. They are often characterized by large front porches, and symmetrically placed windows and doors (Swope, 2005). 802 remains one of the largest and grandest homes in the neighborhood, and is the primary example of Neoclassical architecture in the area.

### ***Edwin W. Houghton, Architect***

Thomas Considine commissioned the stately mansion from prominent Seattle architect Edwin W. Houghton, who designed many well-known homes, hotels, and theaters--including the Moore and the Majestic--in and around Seattle (Ochsner, 2014). Houghton is listed as the architect in the Seattle Daily Bulletin article of December 17, 1900. This listing can be found under the 'Building News' heading, in the "Building Permits, Contracts, Etc." section of this issue. The Daily Bulletin reports: "Architect Houghton has... completed plans for... handsome residence for Considine to be erected at Sixteenth avenue and Columbia street. Excavations are now being made..." (*The Daily Bulletin*, 1900).

University of Washington architecture professor Jeffrey Karl Ochsner, editor of *Shaping Seattle Architecture : a historical guide to the architects*, has written about the importance of this architect. Edwin Walker Houghton (1856-1927) was a leading designer of theaters in the Pacific Northwest during the early 20th century. Born in England to a family of architects and surveyors, Houghton received his architectural training in the practices of his family members. He emigrated to western Texas during the mid-1880s, before moving to California, where he established an independent architecture practice in Pasadena. He eventually came to Seattle, perhaps through his association with Seattle architect Charles Saunders, who had also been working in Pasadena, in 1889. Their partnership, Saunders & Houghton, dissolved in September 1891, after which E. W. Houghton practiced independently. Houghton worked with theater proprietor John Cort to design Seattle's Grand Opera House, 1898-1900, and went on to design a number of theaters throughout the Pacific Northwest, including the downtown Moore Theater and Hotel, 1903, and the Majestic Theatre, 1908-9. Houghton was a founding member of the Washington State Chapter of the AIA in 1894 (Archives West, Creative Commons Licenses).

Houghton's role in Seattle's early theater scene definitely would have put him on the radar of the Considine brothers. Thomas's older brother, John W. Considine, owned the People's Theater (where Thomas Considine worked as the stage manager), which was located just a few blocks from the Grand Opera House (Seattle Department of Neighborhoods, Historical Sites). The Opera House was gutted in a 1913 fire.

### ***M.J. Gallagher, Builder***

In the summer of 1901, Considine brought legal action against his builder, Gallagher, who was ordered (August of 1901) to finish Considine's project. In July of the next year, Tom Considine sued the builder for failing to complete the project. Gallagher's history is unknown.

### ***Closing***

The property at 802 16th Avenue has borne witness to almost 120 years of social and cultural evolution in the heart of Seattle's Central District. Since its construction in the early 1900s, the house has served as a reflection of the diverse and ever-changing neighborhood.

Commissioned by a prominent figure in Seattle's early art scene, and designed by an architect whose buildings remain well known landmarks, 802 has held the dreams of hundreds of the city's movers and shakers. The house has been home to multiple prominent figures in Seattle's history, as well as a residence to members of a religious institution that continues to shape the community around it. It shaped the people who in turn shaped the city that we know today.

Although it was originally intended to be a single-family residence, 802 has been utilized in myriad ways, indicative of the needs of its community. Even during the periods that it sat empty, 802 was a playground for local children and a creative space for artists and musicians. Today it stands amidst a sea of newly constructed box-style housing, and a smattering of older single-family homes, whose future existence becomes less certain by the day.

It is crucial for the survival of the historic roots of the neighborhood, for this, the keystone building, to remain in place. Its grand stature and central location bind together the community. The rich history of this structure and its imposing visual presence maintains the atmosphere of historical grandeur which makes this area of Seattle such a treasure to its residents, and to everyone who witnesses it.

## BIBLIOGRAPHY

Ancestry.com. Genealogical research for Cohen and Considine families.

Archives West, Creative Commons Licenses. "E.W. Houghton Architectural Drawings, 1904-1910." 2014, modified 2018.  
<http://archiveswest.orbiscascade.org/ark:/80444/xv78274>

Elliot, Eugene C. *A History of Variety-Vaudeville in Seattle from the Beginning*. Seattle, WA: University of Washington Press, 1944.

*The Daily Bulletin* (December 17, 1900). "Building News: Building Contracts, Permits, Etc."

Dougherty, Phil. "Seattle's newly resigned police chief William Meredith is killed in a sensational shootout in Seattle on June 25, 1901." Historylink.org Essay 161.

Jones, Nard. *Seattle*. Chapter 10, "The Big Fire." Garden City, NY: Doubleday and Company, 1972.

King County Property Record Card (c. 1938-1972), Washington State Archives.

Mayo, Justin & Tu, Janet. "Census: Racial Makeup of Central Area, Landmark Church Diverge." Seattle Times, April 12 2011.

*New York Times* (July 26, 1901). "FATAL DUEL IN SEATTLE.; John Considine Kills ex-Chief of police Meredith -- Considine Slightly Wounded." pg. 3

Ochsner, Jeffrey Karl. *Shaping Seattle Architecture: A Historical Guide to the Architects*. Seattle, WA: University of Washington Press, 2014.

Pacific Coast Architecture Database (PCAD), c. 2008-2015 Alan Michelson. "Houghton, Edwin W., Architect (Practice)." <http://pcad.lib.washington.edu/firm/1112/>

R.L. Polk. City Directory, Seattle, 1901 - 1988.

Seattle Department of Neighborhoods, Seattle Historical Sites.  
<http://web6.seattle.gov/DPD/HistoricalSite/QueryResult.aspx?ID=-714972743>

Seattle Public Library, Seattle Room. Architect Card Catalogue, Architects Scrapbooks, Biography and Subject Card Catalogues.

*Seattle Daily Times* (August 6, 1901). "Chamber of Commerce -- Alleged Violation of Contract."

*Seattle Daily Times* (July 14, 1902). "King Co. Courts."  
*Seattle Daily Times* (January 1, 1904). "Buys Considine's Home."

Seattle Department of Neighborhoods, Seattle Historical Sights. Summary for 213 Cherry ST / Parcel ID 0939000090, "Grand Opera House." C. 1995-2015, City of Seattle.  
<https://web6.seattle.gov/DPD/HistoricalSite/QueryResult.aspx?ID=-982020016>

Seattle Department of Neighborhoods, Seattle Historical Sites, Summary for 802 16th AVE / Parcel ID 2254501865. C. 1995-2015, City of Seattle.  
<https://web6.seattle.gov/DPD/HistoricalSite/QueryResult.aspx?ID=-714972743>

*Seattle Times* (March 6, 2011). "Census: Racial makeup of Central Area, landmark church Diverge"

Swope, Caroline. *Classic Houses of Seattle, High Style to Vernacular, 1870-1950*. Portland, OR: Timber Press, 2005.

Taylor, Quintard. *The Forging of a Black Community: Seattle's Central District from 1870 Through the Civil Rights Era*. Seattle, WA: University of Washington Press, 1994.

Interviews:

- Amy Hagopian (current resident of 802, daughter of Sue Perry)
- Marcia Arunga (niece of the Bufords - former neighbors of 802 16th Ave)
- Sister Kay Burton (Immaculate Conception Church, former resident of The Convent)
- Steve Ludwig (head contractor for post-1988 construction)
- Sue Perry (current owner)

**The features of the Landmark to be preserved include:** *the site, and the exterior of the house (including the stained glass windows).*

Issued: March 25, 2021



Sarah Sodt  
City Historic Preservation Officer

Cc: Sue Perry  
Amy Hagopian  
Sarah Greiner  
Jordan Kiel, Chair, LPB  
Nathan Torgelson, SDCI  
Katrina Nygaard, SDCI  
Ken Mar, SDCI



802 16th Avenue (Considine-Cohen House / Immaculate Conception Convent), 2019



802 16th Avenue (Considine-Cohen House / Immaculate Conception Convent), 1938

# Landmark Designation

HISTORIC PRESERVATION



# Designation Standards

In order to be designated, the building, object, or site must be at least 25 years old and must meet at least one of the six standards for designation outlined in the Seattle Landmarks Preservation Ordinance ([SMC 25.12.350](#)):

- a) It is the location of, or is associated in a significant way with, a historic event with a significant effect upon the community, City, state, or nation; or
- b) It is associated in a significant way with the life of a person important in the history of the City, state, or nation; or
- c) It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation; or

# Designation Standards, cont.

- d) It embodies the distinctive visible characteristics of an architectural style, or period, or a method of construction; or
- e) It is an outstanding work of a designer or builder; or
- f) Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or the City.

In addition to meeting at least one of the above standards, the object, site, or improvement must also possess integrity or the ability to convey its significance.

# 802 16<sup>th</sup> Avenue

Considine-Cohen House /  
Immaculate Conception Church Convent

**Designation:** March 17, 2021

**Standard:** C, D and E

**Controlled features:**

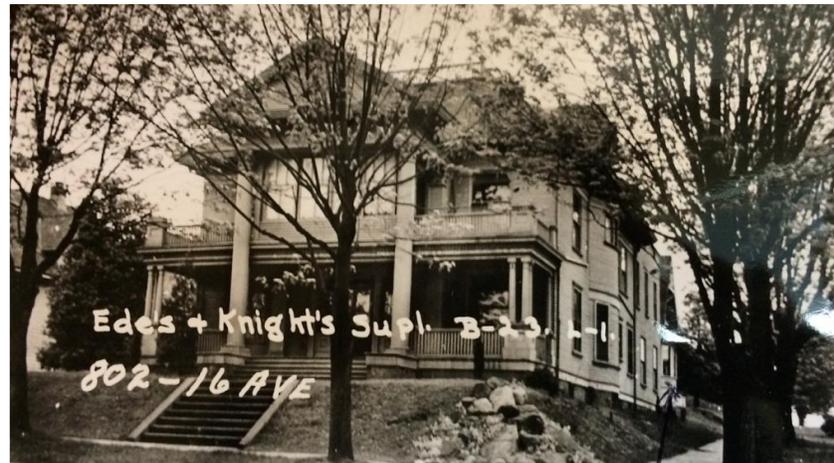
- the site
- the house exterior including stained glass windows

**Date Built:** began 1900

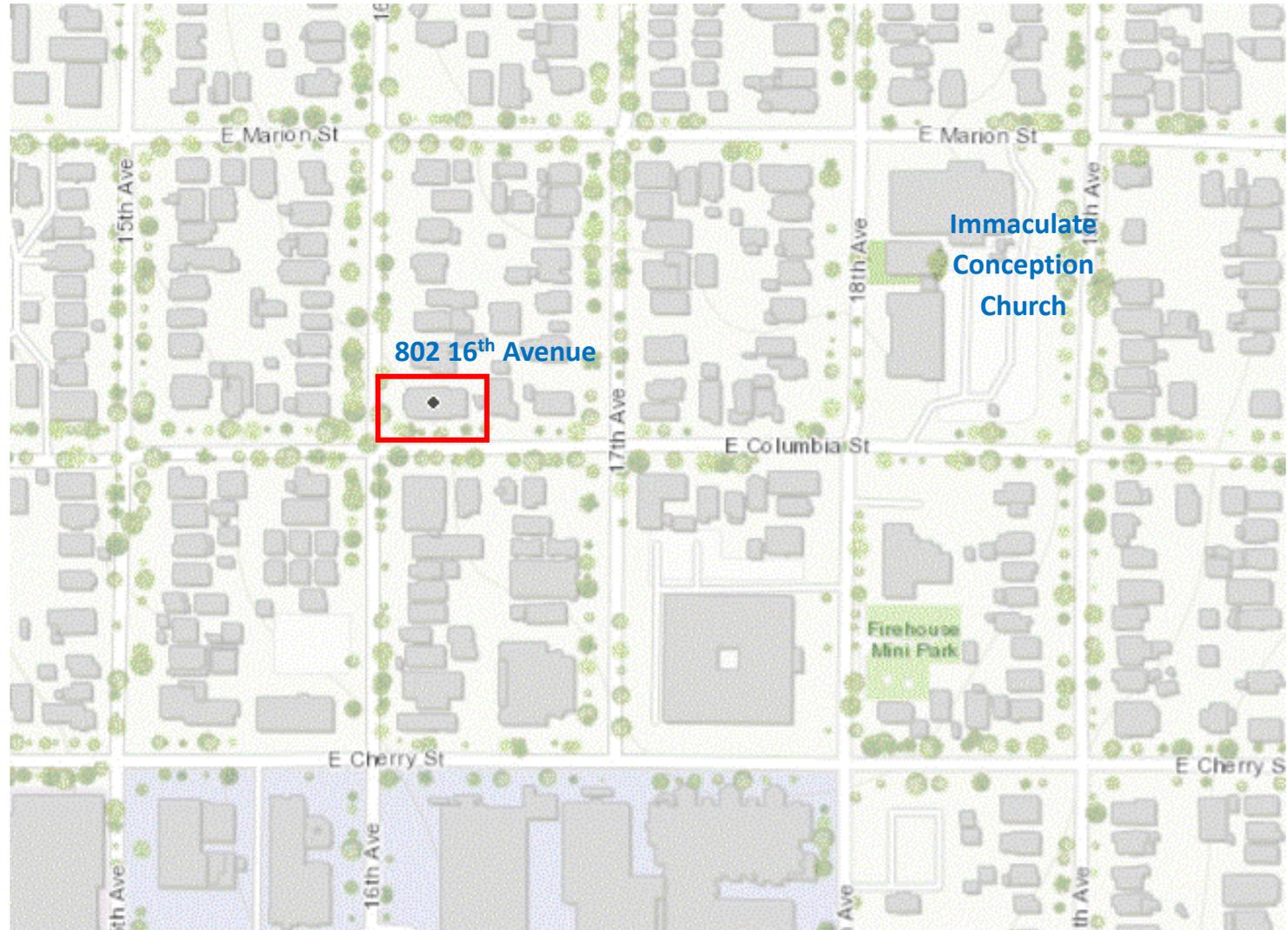
**Architect:** Edwin W. Houghton



Contemporary photo, 2019



Historic photo, 1938





Legislation Text

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**File #:** Inf 1953, **Version:** 1

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Seattle Department of Construction and Inspections (SDCI) and Office of Sustainability and Environment (OSE) Quarterly Tree Report