



# SEATTLE CITY COUNCIL

## Land Use Committee

### Agenda

Wednesday, September 14, 2022

2:00 PM

### Public Hearing

Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

Dan Strauss, Chair  
Tammy J. Morales, Vice-Chair  
Teresa Mosqueda, Member  
Sara Nelson, Member  
Alex Pedersen, Member

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

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**Land Use Committee**  
**Agenda**  
**September 14, 2022 - 2:00 PM**  
**Public Hearing**

**Meeting Location:**

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

**Committee Website:**

<https://www.seattle.gov/council/committees/land-use>

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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.

Members of the public may register for remote or in-person to provide comments to address the Council. Details on how to provide comments are listed below:

Remote Public Comment - Register online to speak during the Public Comment or Public Hearing period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the 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.

In-Person Public Comment - Register to speak for the Public Comment or Public Hearing on the sign-up sheets located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the each 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)

*Please Note: Times listed are estimated*



**A. Call To Order****B. Approval of the Agenda****C. Public Comment****D. Items of Business**

1.     [CB 120405](#)     **AN ORDINANCE** relating to land use and zoning; amending Section 23.41.010 of the Seattle Municipal Code to approve the Crown Hill Neighborhood Design Guidelines, 2022.

Attachments:   [Att 1 - Crown Hill Neighborhood Design Guidelines, 2022](#)

Supporting

Documents:   [Summary and Fiscal Note](#)

[Director's Report](#)

[Presentation](#)

**Briefing and Public Hearing** (25 minutes)

**Presenters:** Katy Haima and Rawan Hasan, Office of Planning and Community Development; Yolanda Ho, Council Central Staff

2.     [CB 120394](#)     **AN ORDINANCE** relating to land use and zoning; amending Sections 23.45.508, 23.45.512, 23.45.518, 23.45.536, 23.53.015, 23.53.020, 23.53.025, 23.54.015, 23.54.030, 23.84A.024, 23.86.007, 23.86.014, and 23.86.015 of the Seattle Municipal Code; and adding a new Section 23.53.002 to the Seattle Municipal Code; to implement changes to support the development of townhouses and rowhouses.

Supporting

Documents:   [Full Text: CB 120394 v1](#)  
                  [Director's Report](#)  
                  [Summary and Fiscal Note](#)  
                  [Presentation](#)  
                  [Central Staff Memo](#)

**Briefing and Public Hearing** (25 minutes)

**Presenters:** Brennon Staley, Office of Planning and Community Development; Lish Whitson, Council Central Staff

3.     [CB 120401](#)     **AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.**

Attachments:   [Full Text: CB 120401 v1](#)

Supporting

Documents:   [Summary and Fiscal Note](#)

[Director's Report](#)

**Briefing and Public Hearing** (25 minutes)

**Presenters:** Mike Podowski and Emily Lofstedt, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

4.     [CB 120400](#)     **AN ORDINANCE** relating to land use and zoning; updating regulations to allow virtual meetings for the Design Review program and other land use permit processes following the termination of the civil emergency proclaimed by the Mayor on March 3, 2020, and discontinuation of temporary modifications of procedures enacted in Ordinance 126188; amending Sections 23.41.008, 23.42.057, 23.76.011, 23.76.012, 23.76.015, 23.76.016, 23.76.024, 23.76.046, 23.76.052, and 23.84A.025 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

Supporting

Documents:

[Summary and Fiscal Note](#)

[Director's Report](#)

[Central Staff Memo](#)

**Public Hearing and Vote** (25 minutes)

**Presenters:** Gordon Clowers and Shelly Bolser, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

5.     [Res 32068](#)     **A RESOLUTION** relating to proposed Comprehensive Plan amendments proposed to be considered for possible adoption in 2023; requesting that the Office of Planning and Community Development and the Seattle Department of Transportation consider the proposed amendments as part of the development of the One Seattle update to the Comprehensive Plan and the Seattle Transportation Plan.

Supporting

Documents:

[Summary and Fiscal Note](#)

**Discussion and Possible Vote** (10 minutes)

**Presenter:** Lish Whitson and Eric McConaghy, Council Central Staff

6. [CF 314447](#)      **Application of Isola Homes to rezone a portion of a split zoned site located at 7012 Roosevelt Way NE from Lowrise 1 multifamily residential with an M Mandatory Housing Affordability (MHA) suffix (LR1 (M)) to Neighborhood Commercial 2 with a 55 foot height limit and M1 MHA suffix (NC2 55 (M1)) (Project 3035227-LU; Type IV).**

Attachments:    [3035227-LU Rezone Material](#)  
                         [3034865-LU Rezone Application](#)  
                         [3034865-LU ADR REZONE MAP](#)  
                         [3034865-LU Decision](#)  
                         [3034865-LU Rezone Decision Notice](#)  
                         [Hearing Examiner Findings and Recommendation](#)  
                         [Hearing Exhibit List](#)

Supporting  
Documents:    [Presentation](#)  
                         [Memo](#)

**Briefing and Discussion** (25 minutes)

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

## E. Adjournment



## Legislation Text

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**File #:** CB 120405, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to land use and zoning; amending Section 23.41.010 of the Seattle Municipal Code to approve the Crown Hill Neighborhood Design Guidelines, 2022.

WHEREAS, Crown Hill was designated as an Urban Village by the City Council when it adopted Seattle's

Comprehensive Plan in 1994; and

WHEREAS, in 1998 the community completed the Crown Hill/Ballard Neighborhood Plan, and through

Ordinance 119111 the City adopted the Crown Hill/Ballard Neighborhood-Specific Goals and Policies;

and

WHEREAS, in 2018 the Office of Planning and Community Development (OPCD) completed a community planning practice and prioritization report, identifying Crown Hill as a priority planning area; and

WHEREAS, from 2018 to 2019, OPCD, in partnership with the Department of Neighborhoods (DON) and Seattle Department of Transportation (SDOT), conducted public outreach in the Crown Hill Urban Village; and

WHEREAS, over 300 residents, business owners, property owners, and stakeholders engaged in four public workshops and four online surveys to create the Crown Hill Urban Village Action Plan, and additional public engagement included door-to-door outreach and direct outreach to residents of the Labateyah Youth Home; and

WHEREAS, in 2021, after completing a public engagement process, OPCD presented a final Crown Hill Action Plan to the City Council Land Use and Neighborhoods Committee on December 3, 2021; and

WHEREAS, the Crown Hill Urban Village Action Plan recommends numerous implementation measures, including creation of neighborhood design guidelines to help realize the community’s vision by shaping new development in the neighborhood; and

WHEREAS, in a statement of legislative intent for the 2022 budget, the City Council asked OPCD and the Seattle Department of Construction and Inspections (SDCI) to convene a stakeholder group to conduct a Racial Equity Toolkit (RET) review of the design review program, and the RET process is currently underway and could result in recommendations for improvements to design review that would further racially equitable outcomes; and

WHEREAS, OPCD conducted another online survey specifically on neighborhood design guidelines and conducted in-person engagement at the Crown Hill Street Festival in June 2022, and input from the survey and in-person engagement is incorporated into the proposed neighborhood design guidelines; NOW, THEREFORE,

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

Section 1. Subsection 23.41.010.B of the Seattle Municipal Code, which section was last amended by Ordinance 125844, is amended as follows:

**23.41.010 Design review guidelines**

\* \* \*

B. The following neighborhood design guidelines are approved. These neighborhood design guidelines apply in the areas shown on the map included in the guidelines.

1. “Admiral Design Guidelines, 2013”;
2. “Ballard Neighborhood Design Guidelines, 2019”;
3. “Belltown Urban Center Village Design Guidelines, 2004”;
4. “Capitol Hill Neighborhood Design Guidelines, 2019”;
5. “Central Area Design Guidelines, 2018”;

6. “Crown Hill Neighborhood Design Guidelines, 2022”;
- ((6)) 7. “Green Lake Design Guidelines, 2013”;
- ((7)) 8. “Greenwood/Phinney Design Guidelines, 2013”;
- ((8)) 9. “Morgan Junction Design Guidelines, 2013”;
- ((9)) 10. “Mount Baker Town Center Design Guidelines, 2017”;
- ((10)) 11. “North Beacon Hill Design Guidelines, 2013”;
- ((11)) 12. “North District/Lake City Design Guidelines, 2013”;
- ((12)) 13. “Northgate Design Guidelines, 2013”;
- ((13)) 14. “Othello Design Guidelines, 2013”;
- ((14)) 15. “Pike/Pine Design Guidelines, 2017”;
- ((15)) 16. “Roosevelt Design Guidelines, 2013”;
- ((16)) 17. “South Lake Union Design Guidelines, 2018”;
- ((17)) 18. “University District Design Guidelines, 2019”;
- ((18)) 19. “Upper Queen Anne Design Guidelines, 2013”;
- ((19)) 20. “Uptown Design Guidelines, 2019”;
- ((20)) 21. “Wallingford Design Guidelines, 2013”; and
- ((21)) 22. “West Seattle Junction Design Guidelines, 2013.”

\* \* \*

Section 2. 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 \_\_\_\_\_, 2022, and signed by  
me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

(Seal)

**Attachments:**

Attachment 1 - Crown Hill Neighborhood Design Guidelines, 2022



# Crown Hill

## NEIGHBORHOOD DESIGN GUIDELINES



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# Introduction to Design Guidelines

## What are Neighborhood Design Guidelines?

Design guidelines are the primary tool used in the review of proposed private projects by Seattle Department of Construction & Inspections (SDCI) staff for administrative design review, or the Design Review Boards. Design guidelines define the qualities of architecture, urban design, and outdoor space that make for successful projects and communities. There are two types of design guidelines used in the Design Review Program:

- **Seattle Design Guidelines** - apply to all areas of the city except for downtown, historic districts, and the International Special Review District (ISRD); informally called 'citywide guidelines'.
- **Neighborhood Design Guidelines** - apply to a specific geographically-defined area, usually within a residential urban village or center.

Once a set of Neighborhood Design Guidelines is adopted by City Council, they are used in tandem with the Seattle Design Guidelines for the review of all projects within that designated neighborhood design guideline boundary. Not all neighborhoods within the city have neighborhood-specific guidelines, but for those that do, applicants and Design Review Board members are required to consult both sets of design guidelines. The Neighborhood Design Guidelines take precedence over the Seattle Design Guidelines in the event of a conflict between the two. Neighborhood Design Guidelines offer additional guidance on the features and character of a particular neighborhood, and are very helpful to all involved in the design review process.

Neighborhood Design Guidelines reveal the character of the neighborhood as known to its residents and business owners. The Neighborhood Design Guidelines help to reinforce existing character and promote the qualities that neighborhood residents value most in the face of change. Thus, Neighborhood's Design Guidelines, in conjunction with the Seattle Design Guidelines, can increase overall awareness of responsive design and involvement in the design review process.

## Reader's Guide

This document is organized around the larger themes and format of the Seattle Design Guidelines with distinct topics and directives specific to the Crown Hill neighborhood. Photos and graphics that illustrate selected guidelines are presented, in addition to the text which explains design intent and/or provides background information. Photos not individually credited are City of Seattle file photos.

These Neighborhood Design Guidelines have purview over all physical design elements within the private property lines. Additionally, some Neighborhood Design Guidelines (especially under the Context & Site category) may comment about design features outside the private property, pertaining to adjacent sidewalks and landscaping; these comments are advisory. All elements within the right-of-way (ROW) are under the purview of the Seattle Department of Transportation (SDOT), which must review and approve all physical elements in the ROW. In the event of contradictory design guidance, SDOT regulations, standards and interpretations shall prevail.

# All Design Guidelines at a Glance

The Crown Hill Neighborhood Design Guidelines work together with the Seattle Design Guidelines, which remain applicable on all projects subject to Design Review. See SMC 23.41.004 for information on Design Review thresholds.

Below is a list of the 11 Seattle Design Guidelines. The column to the right indicates if these Neighborhood Design Guidelines provide supplemental guidance for that topic. A **“YES”** means both Seattle Design Guidelines and Neighborhood Design Guidelines are applicable; a **“NO”** means only the Seattle Design Guidelines apply.

## Seattle Design Guidelines

## Neighborhood Design Guidelines

### CONTEXT & SITE (CS)

<b>CS1</b>	<b>Natural Systems and Site Features</b> Use natural systems and features of the site and its surroundings as a starting point for design	<b>YES</b>
<b>CS2</b>	<b>Urban Pattern and Form</b> Strengthen the most desirable forms, characteristics and patterns of the surrounding area	<b>YES</b>
<b>CS3</b>	<b>Architectural Context and Character</b> Contribute to the architectural character of the neighborhood	<b>NO</b>

### PUBLIC LIFE (PL)

<b>PL1</b>	<b>Connectivity</b> Complement, connect and contribute to the network of open spaces around the site	<b>YES</b>
<b>PL2</b>	<b>Walkability</b> Create a safe and comfortable walking environment, easy to navigate and well connected	<b>NO</b>
<b>PL3</b>	<b>Street-Level Interaction</b> Encourage human interaction and activity at the street-level, including entries and edges	<b>YES</b>
<b>PL4</b>	<b>Active Transportation</b> Incorporate features that facilitate active transport such as walking, bicycling and transit use	<b>NO</b>

### DESIGN CONCEPT (DC)

<b>DC1</b>	<b>Project Uses and Activities</b> Optimize the arrangement of uses and activities on site	<b>NO</b>
<b>DC2</b>	<b>Architectural Concept</b> Develop a unified, functional architectural concept that fits well on the site and its surroundings	<b>YES</b>
<b>DC3</b>	<b>Open Space Concept</b> Integrate building and open space design so that each complements the other	<b>YES</b>
<b>DC4</b>	<b>Exterior Elements and Finishes</b> Use appropriate and high-quality elements and finishes for the building and open spaces	<b>YES</b>

See the below link for a complete version of the Seattle Design Guidelines, and a complete list of all Neighborhood Design Guidelines:

<http://www.seattle.gov/dpd/aboutus/whoweare/designreview/designguidelines/default.htm>

# Crown Hill Neighborhood Context and Priority Issues

Areas in the Crown Hill Urban Village were zoned at higher intensities in 2019 as part of the Mandatory Housing Affordability (MHA) legislation. As growth continues, Crown Hill is likely to experience a period of redevelopment. The Crown Hill Guidelines help ensure new development achieves community priorities, and continues to grow Crown Hill into a welcoming, inclusive neighborhood designed and built at a human scale. The area of the neighborhood design guidelines is the extent of the Crown Hill Urban Village, as designated in Seattle's Comprehensive Plan.

The Crown Hill Neighborhood Design Guidelines outline specific qualities for the design of buildings and the public realm that achieve a high standard of design excellence and contribute positively to the identity and quality of the Crown Hill neighborhood. The Crown Hill Neighborhood Design Guidelines contain specific strategies and approaches to achieve the following principles, which the community has articulated as priorities for guiding new development within the Crown Hill Neighborhood Guideline Area (see Map A).

## Community Priorities in Crown Hill

- **Improve pedestrian connectivity and walkability:**

New development is expected to contribute to a pleasant and comfortable walking experience for pedestrians. Many existing buildings along the 15th Ave NW/Holman Road corridor are auto-oriented in nature, with large parking lots abutting the sidewalk. Crown Hill neighbors are excited for new development to contribute to a more comfortable walking experience, including lush landscaping, a continuous streetwall, open spaces that contribute to the public realm and street life, and more visually engaging design at the street level.

- **Support community placemaking and public life:**

Crown Hill community members encourage new development to contribute to a robust network of pedestrian-priority outdoor spaces that act as a "front yard" for Crown Hill communities. Streetscapes and open spaces (public and privately owned) should serve as an outdoor living room for daily life with building designs that maximize social interaction with more spaces within the public realm to accommodate the range of needs for the growing population. Public and private outdoor space is especially important for people living in

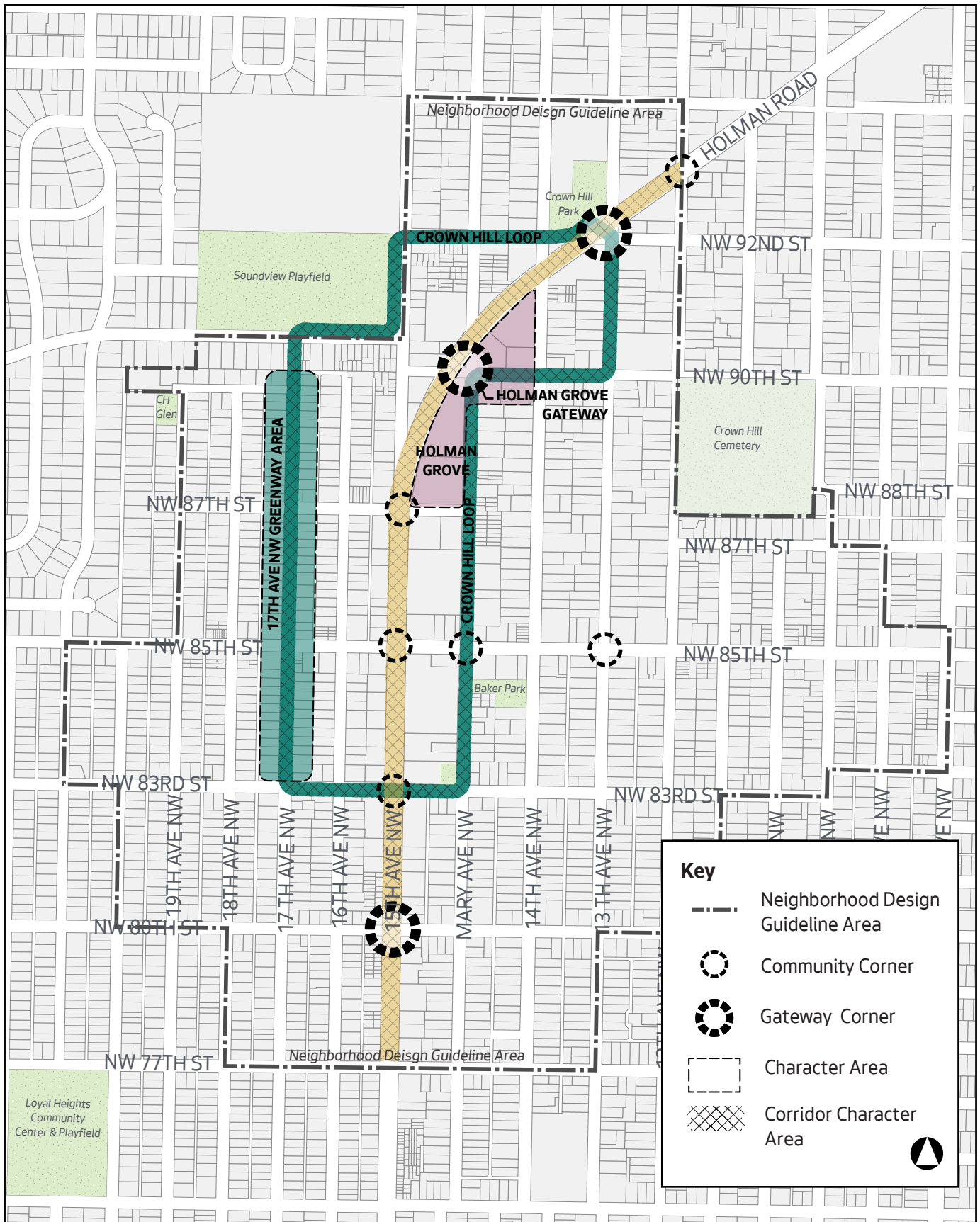
smaller dwellings, to provide a variety of passive and active areas for children and young people to play, and to improve overall livability and community cohesion.

- **Shape and encourage the creation of a vibrant, pedestrian-scaled commercial district & community gathering space:** The Crown Hill community came together to work towards building a community center dubbed "Holman Grove" around the intersection of NW 90th Street and Mary Ave NW. The community desires this area to transform into a walkable, pedestrian-priority neighborhood retail hub that features small storefronts with local businesses, places in the public realm to sit and gather, and a central space for holding community events and street festivals. Design of new buildings adjacent to Holman Grove should emphasize human-scaled design and generate pedestrian activity to foster an engaging public realm. The community places a high priority on creating a welcoming, walkable, pedestrian-oriented urban streetscape in the vicinity of Holman Grove.
- **Incorporate trees and landscaping:** The Crown Hill community values the environmental, public health, and psychological benefits of an urban environment with landscaping and trees. New development is expected to contribute to the overall canopy cover and green space in the neighborhood through incorporating space for large shade and conifer trees, layered and lush landscaping in amenity areas and in the right-of-way, and using native species that provide habitat and food for pollinators, especially along the Crown Hill walking loop that includes the 17th Ave Greenway.



# Crown Hill Neighborhood Design Guidelines

Map A: Character Areas, Gateways, and Community Corners



Note: Design Review does not apply to all projects. See the Seattle Municipal Code, Section 23.41.004 for more details.

# CS1

## CONTEXT & SITE

### Natural Systems & Site Features

#### Seattle Design Guideline:

Use natural systems and features of the site and its surroundings as a starting point for project design.

#### Crown Hill Supplemental Guidance

##### 1. Trees & Habitat

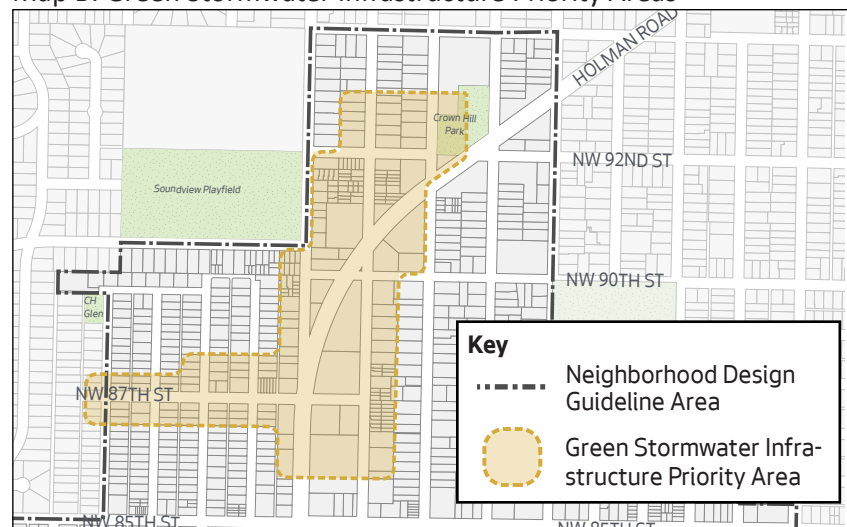
- Incorporate existing and new trees:** Site buildings and design massing to preserve and incorporate existing mature trees. Where removal is unavoidable, configure on site open space to accommodate large shade and coniferous trees that replace those removed.
- Pollinator & native plantings:** Choose landscaping plants that provide refuge habitat and food sources for wildlife in multiple seasons, especially for projects abutting the Crown Hill Loop identified on Map A.

- Green Stormwater Infrastructure (GSI):** Infill development sites within the Priority Area shown on Map B may be particularly good candidates for partnering with Seattle Public Utilities (SPU) to incorporate GSI that goes beyond basic Stormwater Code requirements. One option for decreasing Crown Hill flooding risks is distributed installation of GSI features that enhance streetscape character and site design while reducing stormwater runoff. Designers are encouraged to consult with SDCI and SPU early in the process to determine the potential for GSI strategies and partnership potential.



A wide planting strip with Green Stormwater infrastructure provides habitat, reduces runoff, and contributes to a visually-engaging and comfortable walking experience.

Map B: Green Stormwater Infrastructure Priority Areas





# CS2

CONTEXT & SITE

## Urban Pattern & Form

### Seattle Design Guideline:

Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

### Crown Hill Supplemental Guidance

#### 1. Character Areas & Corridor Character Areas

For projects within the areas identified on Map A, design projects to contribute to the quality of place and community identity.

- a. **Holman Grove:** Design projects that contribute to a vibrant, pedestrian-oriented neighborhood commercial core and social spaces. Prioritize the pedestrian experience with human-scaled design, a high degree of visual interest, an inviting public realm, and spaces that support a mix of small and local businesses.

1. Mary Ave NW and/or NW 90th Street frontage are the primary small-scale commercial frontages. For sites that abut both 15th Ave NW/Holman Road and Mary Ave or NW 90th Street, arrange uses to locate small retail bays and frequent entries on the Mary Ave NW or NW 90th Street frontage instead of prioritizing commercial frontages that face 15th Ave./Holman Rd. Strive to create a walkable, pedestrian-scaled commercial area that is tucked away from on 15th Ave. NW/Holman Road.

2. Provide a variety of spaces that contribute to the public realm at multiple levels and scales, including balconies or terraces; setbacks to provide wide sidewalks and spaces along building edges for seating and vending; plazas and spaces for neighbors to gather and for community events; interactive elements for children; and public art.

3. Design projects to create a “room” from building edge to building edge, not just to the street edge, and consider how the project can contribute to creating ‘slow streets’ with opportunities for holding community events. Projects are encouraged to create a wide promenade on the west side of Mary Ave, either by incorporating building setbacks or utilizing the flex zone to provide active pedestrian uses, with SDOT concurrence. Consider opportunities to incorporate plazas or a ROW design that creates flexible space for community festivals.

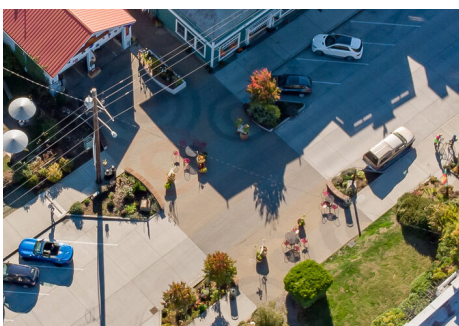
- b. **15th Ave NW/Holman Road Corridor:** The 15th Ave NW/Holman Road is the spine of the neighborhood and an important connector with heavy traffic. Frontages on this corridor are more suitable for larger retail bays and commercial spaces. Design projects to improve the pedestrian experience along this corridor.



A corner development incorporates small retail spaces, a community gathering area, and human-scaled design details that contribute to a welcoming public realm.



Pedestrian-scaled storefronts and a wide seating area create a vibrant public realm. Trees are integrated into the design without a continuous planting barrier to create a permeable street edge that creates a pedestrian-priority space from building edge to building edge.



A plaza extends across the right-of-way to create a space for community events while also slowing traffic on non-event days.



A wide sidewalk and landscaping buffer with layered plantings and new shade trees provides a comfortable pedestrian experience..



Ground-level setback zone with residential patios and wide planting strips with new shade trees



A small setback at the corner creates space for seating and a sculpture.



Public art installation by Indigenous artists

1. Provide small courtyards, plazas, and other pedestrian spaces that abut the streetscape, and arrange active uses at grade that are lit at night.
2. Set back building edges to provide wide sidewalks and wide planting buffers that enhance pedestrian comfort and create a 'room' between the street and building.
3. Incorporate midblock pedestrian pathways to enhance permeability and east-west connections on long blocks, especially for sites that have long frontages of over 150' on 15th Ave. NW / Holman Rd.

c. **Crown Hill Walking Loop:** Design projects to contribute to a landscaped, pedestrian-friendly walking loop around the neighborhood.

1. Minimize curb cuts or other interruptions of the pedestrian realm and sidewalk, particularly along the 17th Ave Greenway and in Holman Grove.
2. Provide individual unit entries, patios, balconies, or stoops where residential uses are located at grade. Avoid privacy fences over 4' tall in front yards/setbacks.
3. **17th Ave Greenway:** Incorporate visually attractive plantings, pollinator plants, and large trees into GSI features and create a garden-like appearance. Design landscaping and building frontages to create a fine-grained, human-scaled environment that contributes to the pedestrian- and bike-priority nature of the streetscape.

## 2. Gateways & Community Corners

a. **Gateways** identified on Map A are significant entry points into the Crown Hill Neighborhood.

1. **Holman Grove Gateway:** Provide generous space and features that reinforce this area as a multi-generational community gathering and event space, such as seating, plazas, gardens, public art, signage, and interactive elements for kids.
2. Express a sense of arrival with distinct architectural forms, unique design concepts and materials. Consider existing or potential future development across streets to frame entries and create cohesive gateway features.

b. **Community Corners** identified on Map A are key nodes of pedestrian activity areas within the Crown Hill Neighborhood.

1. Provide generous space for movement and activity and amenities appropriate to the interest of the local community, such as gardens, plazas, seating, tot lots, and other family-oriented activities.
2. Create visual interest that enhances Crown Hill's identity with integrated art features, paving, surface treatments, landscaping, and interactive elements.



# PL1

PUBLIC LIFE

## Connectivity

### Seattle Design Guideline:

Complement and contribute to the network of open spaces around the site and the connections among them.

### Crown Hill Supplemental Guidance

#### 1. Network of open spaces

Developing an active and vibrant open space network that provides space for community activity is a community priority.

- a. **Include open space at grade that physically or visually engages the public realm:** Ensure exclusive rooftop, private, or gated open spaces are not the only form of open space provided. Prioritize common, accessible, ground level open space at the building street fronts and/or with courtyards that are not hidden from street views.

- b. **Variety of programmed spaces:** Create a variety of open space types throughout the neighborhood that respond to specific user groups, community desires, and the immediate context. Provide cultural and place-specific open spaces or indoor community meeting spaces that can be used for a variety of uses including social gathering, festivals, and other larger celebrations.

- 2. **Projects located in Holman Grove (Map A):** Incorporate multiple types of open spaces and private amenity spaces that abut or address the public realm, including balconies; pocket plazas; setbacks for seating; upper level terraces; individual unit entries, stoops, or patios; and wide sidewalks.

- 3. **Projects on Crown Hill Loop:** Create a linear network of green space and landscaping that includes gardens, pollinator plants, shade trees and/or conifer trees, green roofs, and urban farming opportunities. Consider integrating these elements both at grade and on the roof of larger buildings.

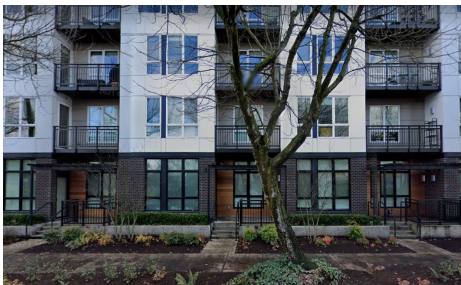
- 4. **Mid-block Pedestrian Connections:** Provide pedestrian connections through long blocks and through large sites that would otherwise inhibit walkability. East west mid-block connections from street to street are strongly encouraged on blocks within the "Mid-block Pedestrian Pathway Priority Area on Map B below.

- a. **Design facades adjacent to mid-block pedestrian connections as a second "front" with activating uses:**

- 1. Locate active ground-level uses along pedestrian pathways, including secondary entrances for businesses and individual unit entries.



A courtyard plaza connected to the sidewalk provides a space for seating, food kiosks, community and cultural events and festivals.



Residential units at grade with stoops and upper level units with balconies add vibrancy and activity to the public realm.



A corner plaza provides space for landscaping, shade trees, seating, and public art.

## Att 1 - Crown Hill Design Guidelines, 2022



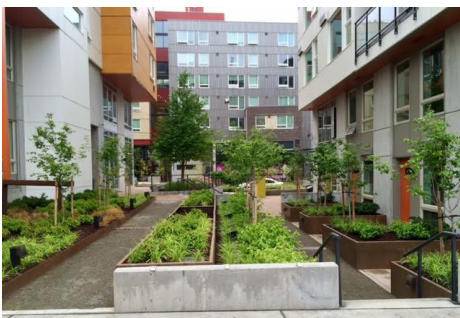
A mid-block pathway is lined with shops, windows, seating, and landscaping to make it welcoming and pedestrian-friendly.



A mid-block pathway through a development is lined with individual unit entries, public art, and upper level balconies.



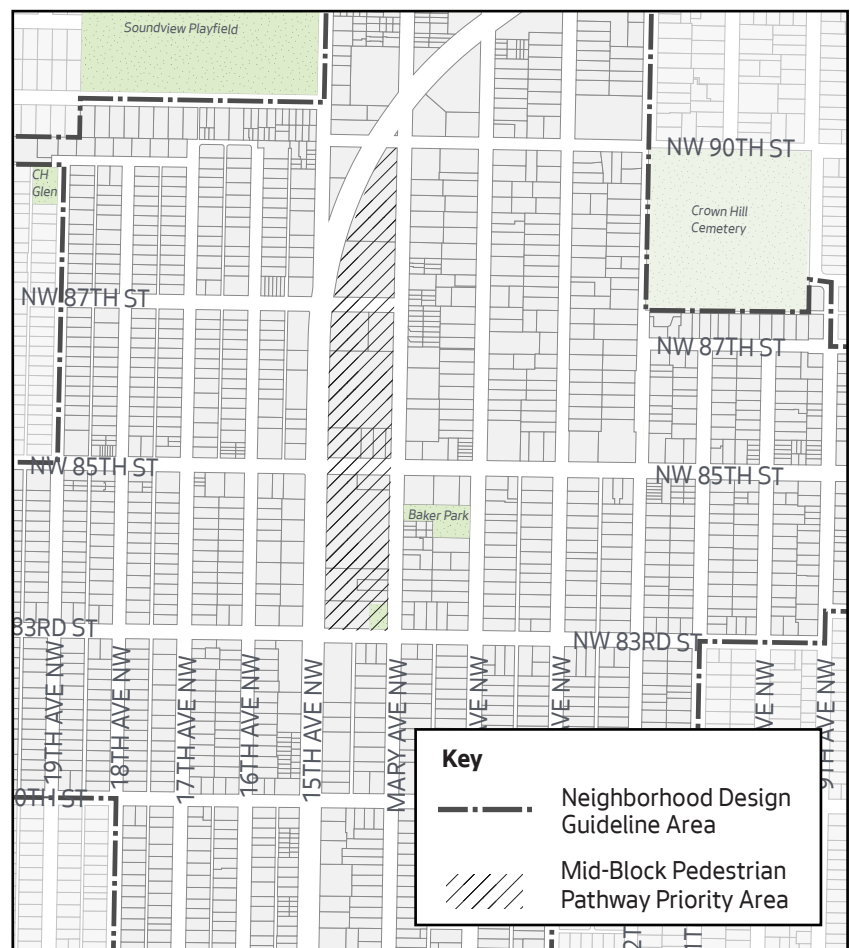
Buildings adjacent to a mid-block pathway incorporate balconies and windows for passive surveillance.



A mid-block pathway through a residential development is lined with unit entries, planters, and windows. A change in paving signifies the transition to semi-private space.

2. Avoid long blank walls. Where unavoidable due to service uses, treat blank walls with artwork, interesting materials, lighting, and or architectural features.
- b. **Create usable, comfortable, people-priority spaces:**
  1. Include upper level balconies or terraces to contribute to the public realm and create occupiable spaces overlooking mid-block connections
  2. Incorporate secondary spaces for social gathering, play, outdoor seating, bike racks, and landscaping.
  3. Design mid-block pedestrian pathways for pedestrian and bicycle uses, avoiding vehicular access. Where accommodating vehicular access is unavoidable, utilize a curbless 'woonerf' design that prioritizes pedestrian movement, and allows vehicles to move at a slow speed. Consider elements such as fine-grained paving, narrow vehicular travel lanes, and amenities that contribute to pedestrian activity such as seating, frequent entries, landscaping, and lighting.

### Map C: Mid-Block Pedestrian Pathway Priority Area





# PL3

PUBLIC LIFE

## Street-Level Interaction



Residential uses at grade are set back from the sidewalk to provide transitional space and landscaping. The use of brick, awnings, and individual unit entries are engaging to passers-by.



Individual patios provide private open space, passive surveillance, and enhance the relationship with the public realm.



One development incorporates multiple storefront designs in 20-40' intervals to break down the scale of the building and demarcate businesses. Setbacks create additional space for seating and public art.

### Seattle Design Guideline:

Encourage human interaction and activity at the streetlevel with clear connections to building entries and edges.

### Crown Hill Supplemental Guidance

#### 1. Entries

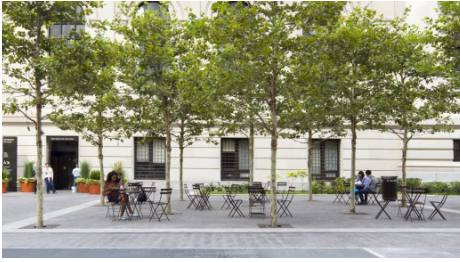
- a. **Avoid below-grade separations at commercial entries** along the sidewalk by stepping building floor plates along sloped sites or incorporating vertical circulation inside the commercial space.
- b. **Courtyard entries should be physically and visually accessible** from the street. Units facing the courtyard should have a porch, stoop, or deck associated with the dwelling unit to support community interaction. Any fences or gates should be set back from the sidewalk to incorporate a semi-public transitional space.

#### 2. Ground level residential design:

- a. **Provide exterior access to ground floor residential units.** Incorporate transitional spaces, such as stoops, porches, patios, or yards that are large enough to accommodate seating. Buffer these spaces from public sidewalk with low walls, planting and landscaping that defines private space yet allows for conversations, avoiding tall privacy walls or fences.
- b. **Articulate individual dwelling units** with architectural detailing that expresses a residential use, and appropriately scaled materials. Provide opportunities for personalization.
- c. **Include a generous main entry with occupiable shared space** or forecourt to create a “front porch” for residents where direct-unit entries are challenging due to a site’s physical constraints. Provide ample space for bicycles, seating, furniture, and planters.

#### 3. Holman Grove

- a. **Provide frequent entrances and expressed breaks along storefronts** through columns or pilasters at regular intervals of 20-40' to create a human-scaled experience and accommodate and encourage smaller retailers and community oriented businesses.
- b. **Maximize active uses at grade, avoiding residential and live/work uses.** Minimize size and presence of residential lobbies and other non-activating uses to maintain the commercial intensity and viability of commercial core.



A generous and flexible public realm provides space for shade trees, seating, and small events.



A setback at the street level provides space for seating and an engaging edge, while a corner plaza adds outdoor dining and vibrancy to the public realm.



Stand-alone live-work units designed for commercial uses at grade, with living spaces above.

- c. **Encourage activation of planter and flex zone** to include community oriented and social uses, such as seating, street trees, public art, and pathways that contribute to slowing traffic and a pedestrian-priority experience (with SDOT concurrence)
- d. **Design a porous, engaging edge for all commercial uses at street-level.** Design street-level facades that open to or near sidewalk level allowing uses to spill out, and provide areas for outdoor seating.
- 4. **Retail & Commercial Edges**  
Development along the 15th Ave NW/Holman Road NW corridor and the NW 85th Street corridor should contribute to a comfortable pedestrian experience.
- a. **Create a wide pedestrian environment and sidewalk zone with lush planting buffers** by setting back building edges where necessary. Maintain a well-defined street-wall with strategic setbacks and open spaces at corners, entries, and fronting commercial spaces to provide space for pedestrian amenities, seating, usable open space, and landscaping.
- 5. **Live/Work Edges**
  - a. **Design live/work spaces to activate street frontages and maintain transparency.** Arrange interior uses to separate living spaces from work spaces, with all residential uses on a second level or not visible directly from street or from the internal work spaces.
  - b. **Support future arts-related or maker-type uses**, such as artist studios, by providing features such as wall-sized operable/garage doors and high ceilings at the ground level.
  - c. **Avoid locating live-work uses at the base of mixed-use projects**, opting for traditional retail, office, or manufacturing spaces in Holman Grove and along the 15th Ave NW/Holman Road. Live-work units are appropriate for side streets, mid-block passages, and alleys, not major pedestrian or retail corridors.

# DC2

DESIGN CONCEPT

## Architectural Concept

### Seattle Design Guideline:

Develop a unified, functional architectural concept that fits well on the site and its surroundings.

### Crown Hill Supplemental Guidance

#### 1. Layout & massing

- a. **Reduce the bulk and scale of large buildings:** A large building should be legible as a series of discrete forms at multiple scales to reduce perceived bulk, create interest, and help users understand how the building is occupied.
  1. Break up larger development into multiple buildings and smaller masses with pass-throughs and pathways.
  2. Alternatively, give the impression of multiple, smaller-scale buildings by employing different facade treatments at intervals that complement the context by articulating the building at regular intervals.
  3. Employ purposeful modulation that is meaningful to the overall composition and building proportion, or that expresses individual units or modules. Avoid over-modulation. Changes in color and material should typically be accompanied by a legible change in plane and/or design language.
- b. **Holman Grove:** Articulate building massing and/or design styles at 40-80' intervals to reinforce a human-scaled experience. Arrange units to provide space for recessed or protruding occupiable balconies to provide depth, activity, and visual interest
- c. **Townhouses & Residential Small Lot Development**
  1. Incorporate a transition in massing and scale between the tallest portion of the structure and the sidewalk, such as stepbacks, porches, generous stoops, or protruding entry elements.
  2. Limit blank walls at street level, ensuring adequate transparency to enhance the residential character of the streetscape.
  3. On corner lots, design the corner unit to "front" both streetscapes using a consistent pattern of doors, windows, and materials.
  4. Utilize fine-grained materials and detailing, such as brick or lap siding, avoiding large metal or cementitious panels.

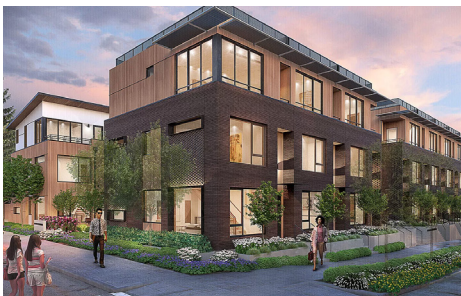


A large building is broken down by employing modulation that corresponds to distinct, yet related design languages. The use of punched windows, brick, and wood adds a layer of complexity and depth to the facade.

Block 136 by Mithun



A full-block development is broken into two distinct and complimentary buildings with a mid-block pedestrian pathway.



A townhouse development with an upper level setback, fine-grained materials, stoops, and transparency on all facades.





Depth and complexity is added to a simple form with the use of recessed balconies.



Multiple elements are layered to enhance the pedestrian experience through detailing and visual interest.

BumbleBee, Rom Levy



A party wall adjacent to an underdeveloped site uses local artists to provide visual interest and contribute to placemaking



The exterior of ʔálʔal features layered Native designs in the brickwork, from the rain above to canoes in the water below.

## 2. Architectural Concept & Facade Composition

- a. **Reinforce the massing and design concept with consistent and cohesive design language(s)** that uses a deliberate palette of materials, colors, and fenestration sizes and patterns.
- b. **Saturated colors are preferred** over extensive use of muted greys and whites.
- c. **Use brick, stone or other high-quality, durable, and nonmonolithic materials** as the predominant base material to reinforce a strong base massing.
- d. **Avoid expanses of large panels with minimal detailing**, and do not rely on the use of colored cladding alone to provide visual interest. Break down large masses or facades by using quality materials or detailing that provides relief and interest through shadow lines, depth of fenestration, and other architectural details.
- e. **Incorporate depth into building facades**, especially those with minimal modulation and boxy massing. Integrate facade depth and shadow casting detail, including balconies and expression of window reveals to add visual richness and interest.
- f. **Collaborate with local communities to integrate the full diversity of community context and cultures into the project design.** Consider how the design concept, material and color palette, architectural form, or other design elements can authentically represent local underrepresented cultures and communities to enhance a sense of inclusivity and belonging.



# DC3

DESIGN CONCEPT

## Open Space Concept



Residential uses fronting a shared space incorporate high-quality materials, entries with stoops, and landscaping to create a pedestrian-friendly shared space.



Residential uses along a curbless shared space that incorporates pedestrian-scaled materials, spaces for large trees, and allows for movement of vehicles while prioritizing pedestrians and bicycles.



A shared amenity area incorporates area for trees and play space for kids, with direct sightlines to units and covered patios.

### Seattle Design Guideline:

Integrate building and open space design so that each complements the other.

### Crown Hill Supplemental Guidance

#### 4. Open Space Organization & Site Layout

- a. **Prioritize open space as an organizing element within the development.** Use outdoor amenity areas, open space, and pedestrian pathways to break up large sites, create central social spaces, and foster permeability.
- b. **Arrange buildings on site to consolidate open space areas** into designed, usable shared spaces or places for large trees instead of “leftover” spaces or drive lanes.
- c. **Provide cultural and place-specific open spaces that can be used for a variety of uses** including social gathering, festivals, and other larger celebrations.

#### 5. On Site Open Space & Circulation

- a. **Minimize vehicular circulation and surface parking on site. Design any access drives as curbless shared space** or ‘woonerfs’ that prioritize seamless pedestrian movement and provide maximum flexibility for pedestrian uses and amenities. Incorporate design treatments that slow vehicular traffic, such as narrow lanes, permeable edges, and human-scaled paving patterns, lighting, and details. Include entries, stoops, windows, landscaping- for units or uses that face internal pathways

#### 6. Residential Open Space:

- a. **Provide a variety of types of outdoor private amenity space** instead of only locating private amenity space on rooftops. Include usable patios, terraces, and balconies; opt for usable projecting or recessed balconies instead of flush railings.
- b. **Design shared play areas for children** with sightlines to units. Incorporate seating for caretakers.

#### 7. Street-Level Open Space

- a. **Limit the height and use of tall privacy fences and walls** to four feet high or less along streets, open spaces, and in other areas of the public realm. Design screening to allow for views in and out of the site and visual interaction with the public realm.

# DC4

## DESIGN CONCEPT

### Exterior Elements & Finishes

#### Seattle Design Guideline:

Use appropriate and high-quality elements and finishes for the building and open spaces.

#### Crown Hill Supplemental Guidance

##### 1. Durable & Permanent:

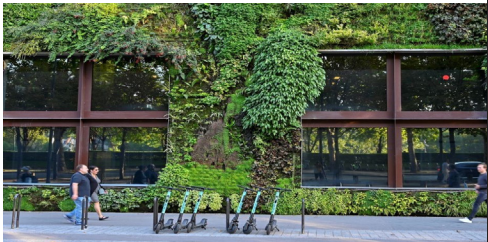
- a. **Use materials that provide and evoke durability and permanence:** Avoid thin materials that do not age well in Seattle's climate, including those that deform or warp, weather quickly, or require paint as a finish. Use materials in locations that have a durability appropriate for an urban application, especially near grade.
- b. **Brick or materials with inherent texture and complexity are the preferred materials,** especially for the first 30-50 feet from grade.
- c. **Limit the use of large panels or materials that require few joints, reveals, or minimal detailing.** Use materials that provide purposeful transitions and reinforce the design concept and building proportions.

##### 2. Hardscaping & Landscaping

- a. **Incorporate artistic, historical, or other unique elements into landscape materials** to define spaces and contribute to placemaking, including mosaics, wayfinding elements, reused materials, and lighting.
- b. **Integrate artwork into publicly accessible areas of a building and landscape** that evokes a sense of place and contributes to a sense of belonging for the full diversity of the community.
- c. **Use hardscape materials that contribute a fine-grained texture** through joint patterns, scoring, or inherent material qualities. Avoid areas with minimal texture, especially in areas with pedestrian traffic.
- d. **Design green walls to be structurally and conceptually integrated into the project** to avoid appearing "tacked on" as an afterthought or blank wall treatment. To maximize plant survival and potential for success, provide permanent irrigation and choose locations with appropriate growth conditions.



The use of bricks evoke a sense of durability, permanence, and fine-grained complexity. Punched windows with operable shutters add depth and scale with an ever-changing facade.



An integrated living wall adds texture and ecological benefits to the urban environment.



Public art focused on healing, restoring, and celebrating Black and Pan-African communities in the Central District

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Office of Planning and Community Development (OPCD)	Katy Haima 206-727-3886 & Rawan Hasan 206-684-3985	Christie Parker 206-684-5211

*\* 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; amending Section 23.41.010 of the Seattle Municipal Code to approve the Crown Hill Neighborhood Design Guidelines, 2022.

**Summary and Background of the Legislation:**

The ordinance establishes neighborhood-specific Design Guidelines for the Crown Hill Urban Village Neighborhood for the first time. These guidelines are consistent with and supplemental to the Citywide Design Guidelines. These specific design guidelines will shape development projects subject to design review within the Crown Hill Urban Village Neighborhood. The purpose of the Crown Hill Neighborhood Design Guidelines is to provide design guidance to new development to enhance the character of the neighborhood and promote favorable qualities in the built environment.

### **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?**

SDCI staff time will be required to prepare training materials, create and update guideline checklists and train both planners and Design Review Board members. These costs will be absorbed within already established budgets. See below for the cost estimate.

Cost Estimate for Implementing New Design Guidelines

<b>Task</b>	<b>Planning Staff</b>	<b>Hours</b>	<b>Cost Estimate</b>
Design Review Training Prep*	1	15	\$1,395

Design Review Staff Training*	18	2	\$2,916
Design Review Board Training*	2	5	\$805
Update and Create Design Guidelines Checklists (short and long form)*	1	20	\$1,620
			\$500
Website & Graphics Update*	1	10	\$810
<b>TOTAL</b>		<b>44</b>	<b>\$8,046</b>

\* Hourly Rate:  
 Manager: \$93  
 Support: \$68  
 Staff: \$81

**Are there financial costs or other impacts of *not* implementing the legislation?**

There is no cost of not implementing the legislation.

#### 4. OTHER IMPLICATIONS

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

This legislation will adopt Crown Hill Neighborhood Design Guidelines, which will inform projects undergoing design review which is administered by SDCI.

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

Yes, this legislation amends Chapter 23 of the Seattle Municipal Code and will require that the City Council hold a public hearing prior to approving the legislation.

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

Yes.

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

This legislation will affect all properties in the Crown Hill Urban Village Neighborhood if they are proposing a redevelopment subject to the City's Design Review Program.

**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 guidelines have resulted from community engagement processes that involved a diversity of stakeholder groups. In general, the design guidelines do not directly address RSJ

issues. However, the guidelines are intended to support a safe and healthy environment for all.

**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)?**

This is not a new initiative or programmatic expansion.

**Summary Attachments:** None.

## Director's Report and Recommendation

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### Crown Hill Neighborhood Design Guidelines

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July 6, 2022

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#### PROPOSAL SUMMARY

This proposal is a legislative action to amend Section 23.41.010.B of the Seattle Municipal Code, adopting neighborhood design guidelines for the Crown Hill Urban Village.

The purpose of these guidelines is to provide supplemental guidance to the overarching city-wide design guidelines. Neighborhood specific design guidelines are an important tool for the Design Review Boards in their review of proposed new development. The guidelines provide direction with the goal of fostering urban design excellence in new multifamily and commercial projects.

#### BACKGROUND AND ANALYSIS

The Office of Planning and Community Development (OPCD) worked with other City Departments (Seattle Department of Construction and Inspections, Seattle Department of Transportation, Department of Neighborhoods) and community stakeholders to complete a community planning initiative. This initiative resulted in development of a Community Action Plan for the Crown Hill Urban Village, which was expanded and rezoned in the spring of 2019 as part of the Mandatory Housing Affordability implementation.

This proposal submitted for City Council review and action includes new Neighborhood Design Guidelines for the Crown Hill Urban Village.

Through the planning process, residents, businesses, and property owners in the neighborhood, identified potential strategies, actions, and urban design recommendations to guide the future development of the neighborhood as a walkable, mixed-use, pedestrian environment. Design guidelines for Crown Hill are intended to promote new development that enhances pedestrian comfort and walkability, adds local destinations, creates a neighborhood commercial and community hub, balances open space with density, and contributes to public life. These proposed design guidelines carry forward ideas from the Crown Hill Action Plan completed in 2021.

## **Public Engagement**

The Crown Hill Neighborhood Design Guidelines are a product of a multi-year planning process that also resulted in the Crown Hill Action Plan.

In developing these guidelines, the City continued its engagement with the community to ensure the proposed guidelines reflect the community's vision for new development. Many of the ideas and concepts were the result of earlier outreach efforts which included creation of stakeholder groups, convening of four community workshops, and four online surveys. In preparing the guidelines the City conducted an online survey to confirm previous design input, as well as solicit new ideas. During the SEPA process, notice emails announcing the availability of the draft guideline update and the opportunity to review and comment were sent to a Crown Hill contact list of over 200 hundred community stakeholders.

### ***OPCD Proposal and Analysis***

The Crown Hill neighborhood does not currently have neighborhood-specific guidelines. As the rezones to implement MHA increased development capacity in the neighborhood, the Crown Hill community articulated the desire to ensure that new development would contribute to the vibrancy and walkability of Crown Hill.

The proposed guidelines offer additional detail and direction for creating design excellence when developing new multifamily and mixed-use buildings. The guidelines also provide guidance for the relationship of new development to character areas and corridors, gateways, and community corners, and allow for flexible design solutions that will better achieve neighborhood objectives. In addition, the proposed guidelines' specific subareas are identified and guidance is provided about how buildings are to relate and contribute to the public realm in each subarea.

### ***Comprehensive Plan and Neighborhood Plan Consistency***

The Crown Hill Neighborhood Design Guidelines are consistent with the City's Comprehensive Plan (2017) and the Crown Hill Urban Village Action Plan (2021). The Comprehensive Plan Neighborhood Plan Element, Crown Hill/Ballard goals and policies include the following:

**CH/B-P2** Improve the attractiveness of the business areas in the Ballard Hub Urban Village and the Crown Hill Residential Urban Village to businesses, residents, and shoppers through creation of pleasant streetscapes and public spaces.

**CH/B-P3** Strive to create a mix of locally owned, unique businesses and regional and national retailers.

**CH/B-G3** A civic complex in the core of the Ballard Hub Urban Village that incorporates moderate-density housing as well as public open space and other public and private services.

**CH/B-P9** Preserve the function of 15th Avenue NW as a principal arterial and a major truck street, but strive to overcome the street as a barrier that isolates the neighborhood areas to the east and west from each other and to improve its contribution to the visual character of Crown Hill and Ballard.

**CH/B-P21** Define and promote Crown Hill/Ballard's identity by establishing a series of welcoming gateways, such as landscaped areas or artworks, at key entry points to the neighborhood.

## **RECOMMENDATION**

OPCD recommends approval of the Crown Hill Neighborhood Design Guidelines. This action will provide the Design Review Program with clearer direction to implement the community's vision for the built and natural environments. The design guidelines reflect the community's values for design excellence for multi-family and commercial buildings. In making the proposed recommendations to adopt updated design guidelines, OPCD has considered comments from citizens, affected departments, and other agencies and interests. These comments, as well as all environmental documentation that was prepared relevant to the proposed amendments, are available upon request.



# Crown Hill

## Neighborhood Design Guidelines

9/14/2022

Seattle City Council  
Land Use Committee

Office of Planning & Community Development



City of Seattle 35

# Design Review Program

## Purpose

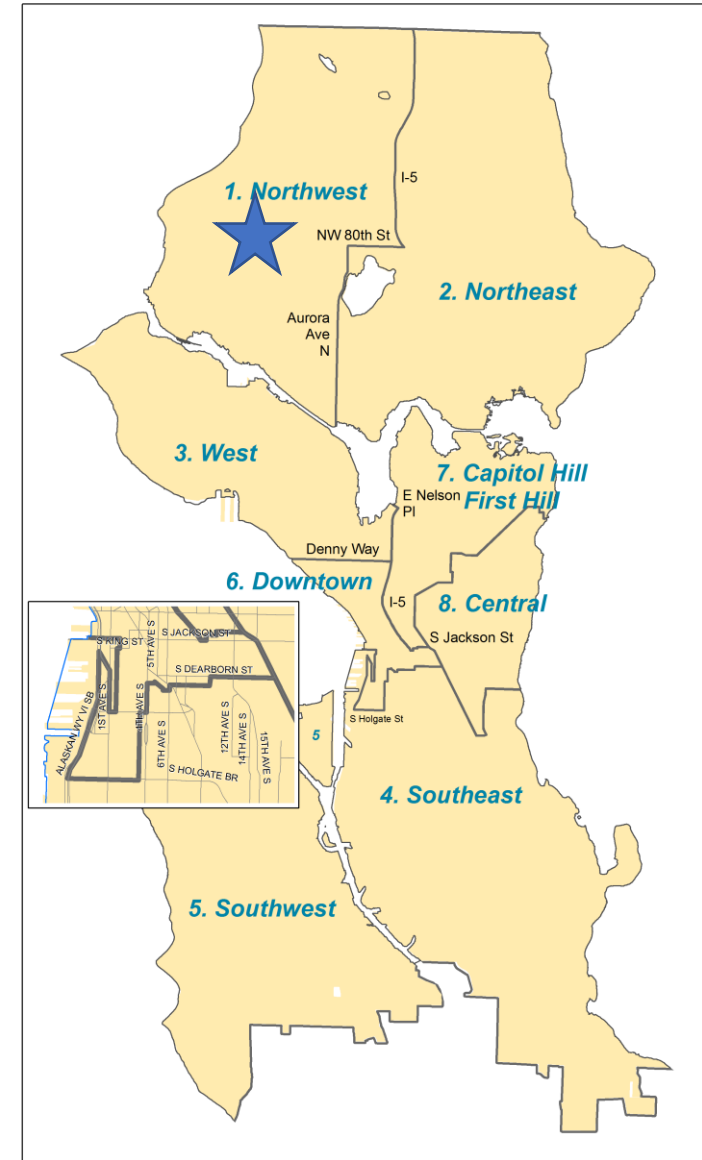
- Encourage better design and site planning to ensure new development sensitively fits into neighborhoods.
- Provide flexibility in the application of development standards to better meet the intent of the Land Use Code.
- Improve communication and understanding among developers, neighborhoods and the City.





# Boards & Districts

- Northwest Board covers Crown Hill
- Volunteers appointed by Mayor and Council
- Duties include
  - synthesizing community input
  - providing early design guidance
  - recommending conditions of approval
  - ensuring fair and consistent application of design guidelines



# Design Guidelines

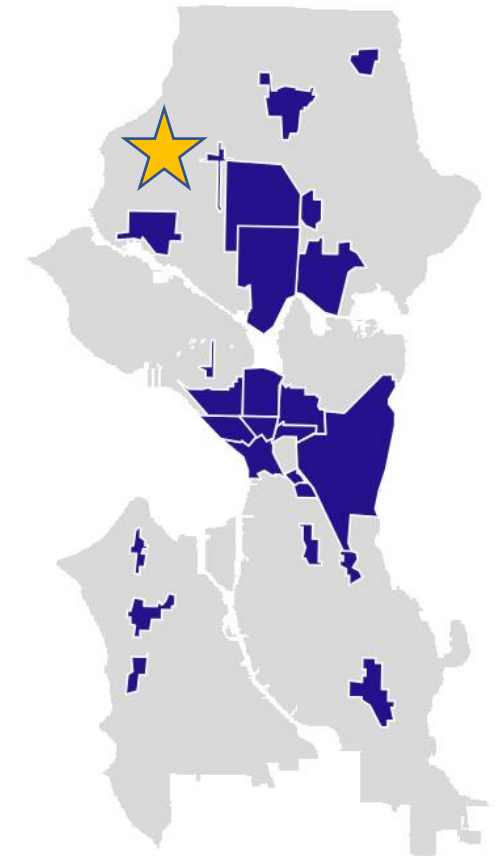
## Citywide

Apply to all areas of the city

## Neighborhood Specific

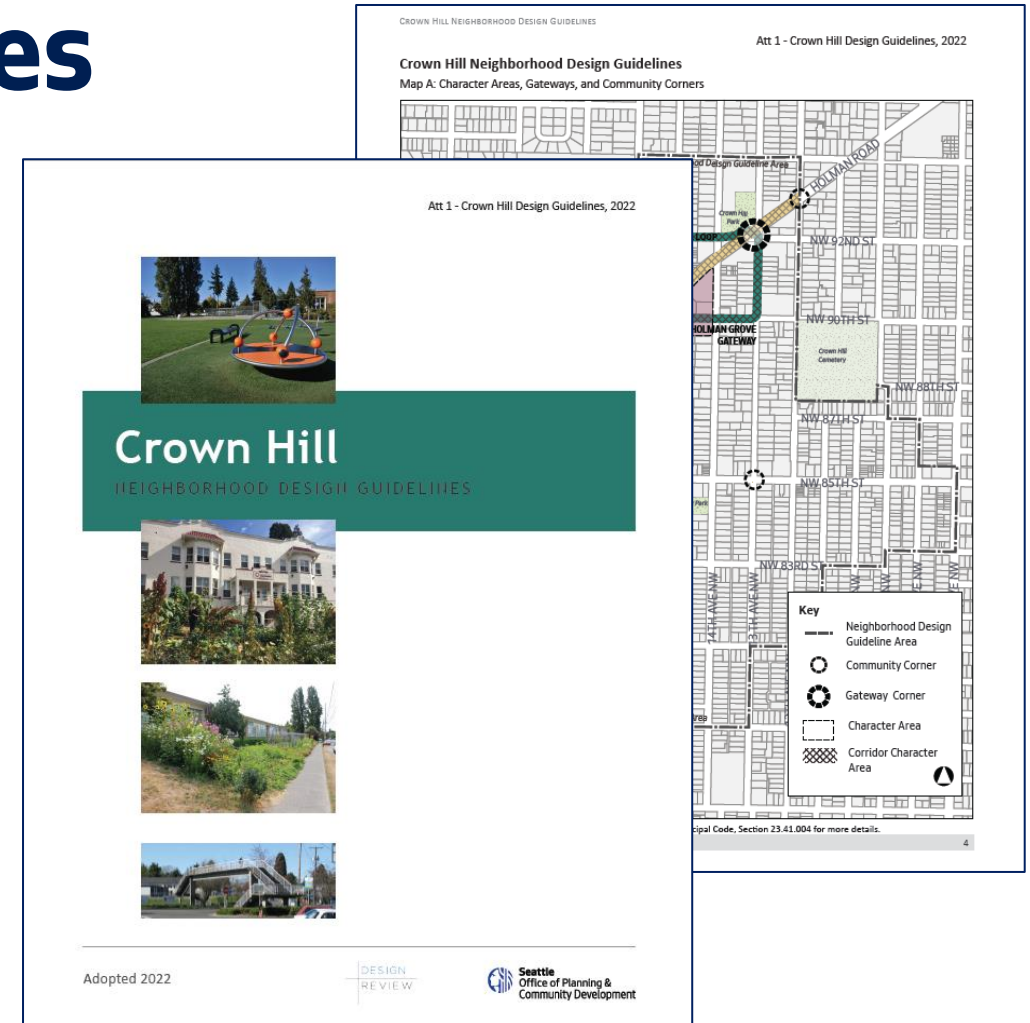
Apply to a specific geographically-defined area, usually within an urban village or center.

Intended to supplement the Citywide Design Guidelines to provide direction unique to the neighborhood context and community vision.



# Crown Hill Design Guidelines

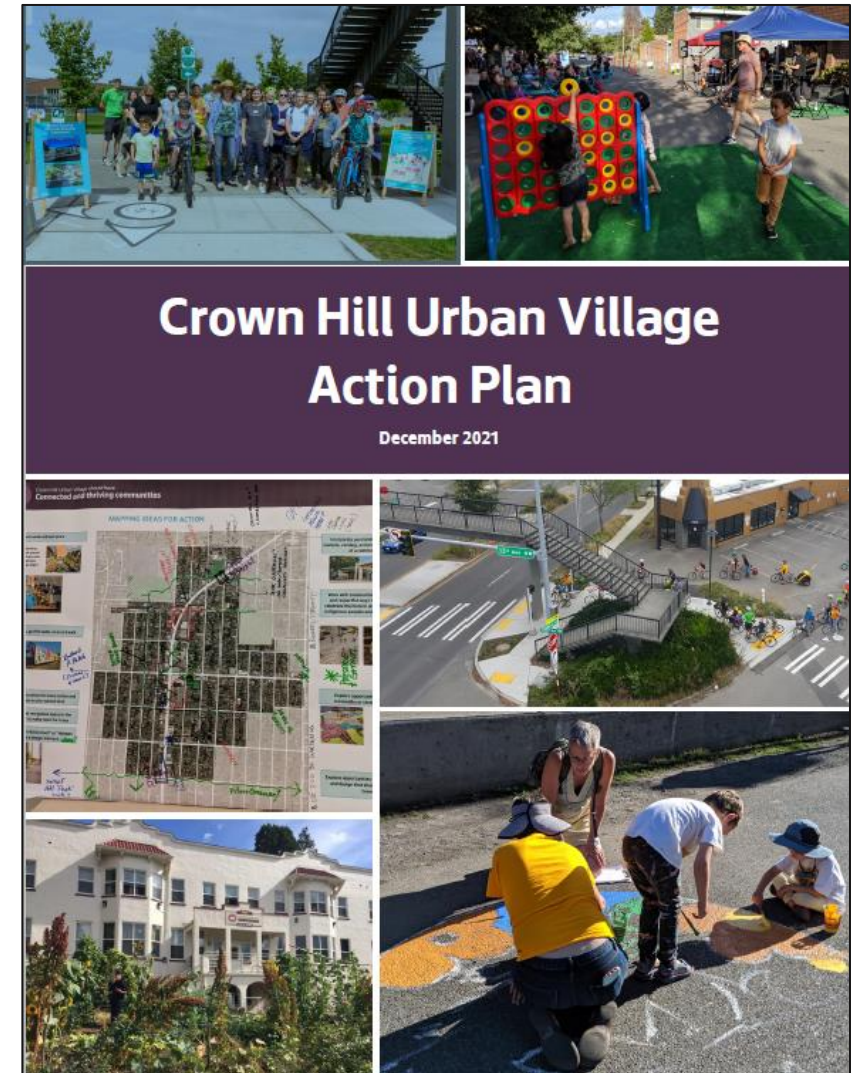
- No existing neighborhood specific guidelines
- Mandatory Housing Affordability allows more height and density
- Guidance to address bulk and street level design
- Desire for more vibrant public realm & community spaces



# Crown Hill Action Plan

## Community Priorities

1. A distinct neighborhood with great destinations and a vibrant public realm
2. Streets that encourage walking and make it easy to get around
3. Connected, engaged, and thriving communities





# Public Engagement

- 4 community workshops
- Online surveys
- Focus groups
- Phone interviews
- Door-knocking
- Online mapping
- Tabling at events



# Priority Design Issues

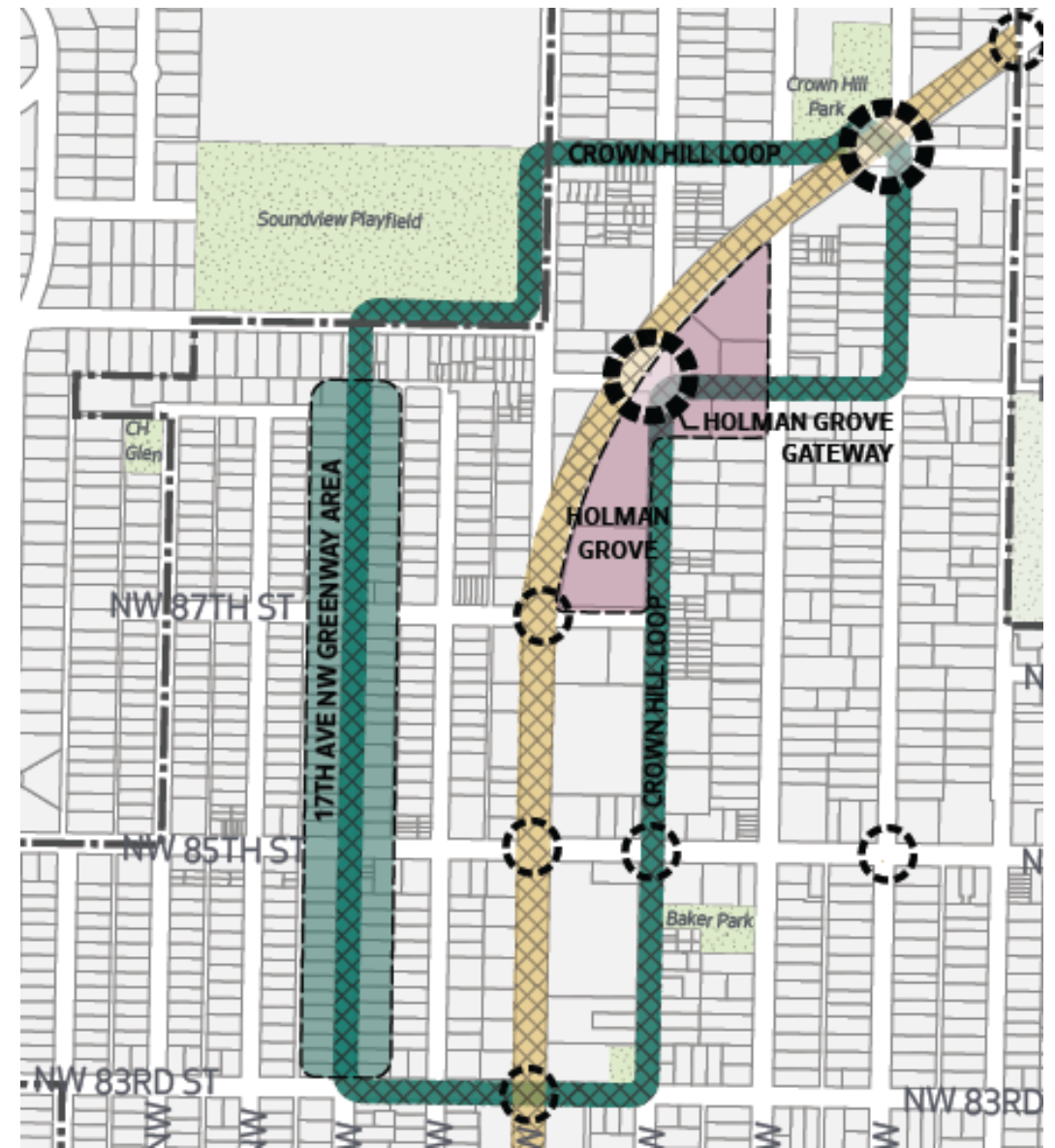
- Improve pedestrian connectivity & walkability
- Support community placemaking and public life
- Incorporate trees and landscaping





# Enhancing Places

- Holman Grove
- 15<sup>th</sup> Ave NW/Holman Road
- Crown Hill Walking Loop
- Gateways & Community Corners
- 17<sup>th</sup> Ave NW Greenway

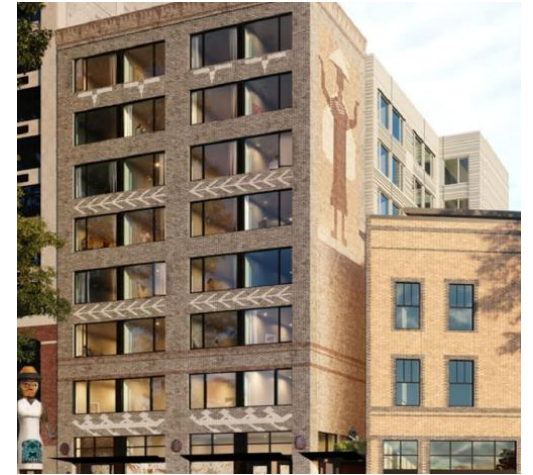


# Equity in the Design Guidelines

Encourage artwork that contributes to a sense of belonging for the full diversity of the community

Authentically reflect underrepresented cultures and communities in design concepts, materials, architectural form

Provide cultural and place-specific open spaces or indoor community meeting spaces





**Thank you!**

SEATTLE  
CITY HALL





## Legislation Text

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**File #:** CB 120394, **Version:** 1

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AN ORDINANCE relating to land use and zoning; amending Sections 23.45.508, 23.45.512, 23.45.518, 23.45.536, 23.53.015, 23.53.020, 23.53.025, 23.54.015, 23.54.030, 23.84A.024, 23.86.007, 23.86.014, and 23.86.015 of the Seattle Municipal Code; and adding a new Section 23.53.002 to the Seattle Municipal Code; to implement changes to support the development of townhouses and rowhouses. Full text of the legislation can be found as an attachment to this file.

**CITY OF SEATTLE**

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

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

..title

AN ORDINANCE relating to land use and zoning; amending Sections 23.45.508, 23.45.512, 23.45.518, 23.45.536, 23.53.015, 23.53.020, 23.53.025, 23.54.015, 23.54.030, 23.84A.024, 23.86.007, 23.86.014, and 23.86.015 of the Seattle Municipal Code; and adding a new Section 23.53.002 to the Seattle Municipal Code; to implement changes to support the development of townhouses and rowhouses.

..body

WHEREAS, the typical value of a home in Seattle has roughly doubled after adjusting for inflation over the last ten years; and

WHEREAS, the typical single-family home value, as estimated by Zillow, is over \$1 million; and

WHEREAS, homeownership options such as townhouses, rowhouses, and condominiums represented only about ten percent of total housing production from 2010 through 2019; and

WHEREAS, townhouses and rowhouses can provide an opportunity for homeownership that is lower in cost than a detached home; NOW, THEREFORE,

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

Section 1. Subsection 23.45.508.J of the Seattle Municipal Code, which section was last amended by Ordinance 125791, is amended as follows:

**23.45.508 General provisions**

\* \* \*

J. If more than one category of residential use is located on a lot, and if different development standards apply to the different categories of use, then each category's percentage of the total limit imposed by the development standard shall be calculated ((according to the

~~formula for floor area ratio (FAR) in subsection 23.86.007.E.)~~ based on each category's  
percentage of total structure footprint area, as follows:

1. Calculate the footprint, in square feet, for each category of residential use. For  
purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior  
walls of the structure.

2. Calculate the total square feet of footprint of all categories of residential uses  
on the lot.

3. Divide the square footage of the footprint for each category of residential  
structure in subsection 23.45.508.J.1 by the total square feet of footprints of all residential uses in  
subsection 23.45.508.J.2.

4. Multiply the percentage calculated in subsection 23.45.508.J.3 for each housing  
category by the area of the lot. The result is the area of the lot devoted to each housing category.

5. The total limit for each category of residential use is the applicable limit for  
that use multiplied by the percentage calculated in subsection 23.45.508.J.4.

\* \* \*

Section 2. Subsection 23.45.512.A of the Seattle Municipal Code, which section was last  
amended by Ordinance 125791, is amended as follows:

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

**A. Density limits**

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

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

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

2. Development described in subsection 23.45.512.A.1 shall not exceed a density of one dwelling unit per ~~((1,300))~~ 1,150 square feet of lot area, except that apartments in LR3 zones that do not have a mandatory housing affordability suffix shall not exceed a density limit of one dwelling unit per 800 square feet.

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

4. Density exception for certain types of low-income multifamily residential uses

a. The exception in this subsection 23.45.512.A.4 applies to low-income residential uses operated by a public agency or a private nonprofit corporation.

b. The uses listed in subsection 23.45.512.A.4.a shall have a maximum density of one dwelling unit per 400 square feet of lot area if a majority of the dwelling units are designed for and dedicated to tenancies of at least three months, and the dwelling units remain in low-income residential uses for the life of the structure.

\* \* \*

Section 3. Subsection 23.45.518.I of the Seattle Municipal Code, which section was last amended by Ordinance 126509, is amended as follows:

**23.45.518 Setbacks and separations**

\* \* \*

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

1. Detached garages, carports, or other accessory structures (~~((may be located))~~) are allowed in required separations and required rear or side setbacks, subject to the following requirements:

a. Any accessory structure located between a principal structure and a side lot line shall provide the setback required for the principal structure;

b. Any portion of an accessory structure located more than 25 feet from a rear lot line shall be set back at least 5 feet from the side lot line;

c. Accessory structures shall be set back at least 7 feet from any lot line that abuts a street; and

d. Accessory structures shall be separated by at least 3 feet from all principal structures, including the eaves, gutters, and other projecting features of the principal structure.

2. Ramps or other devices necessary for access for the disabled and elderly that meet the Seattle Residential Code, Chapter 3, or Seattle Building Code, Chapter 11, Accessibility, are (~~((permitted))~~) allowed in any required setback or separation.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or less in width, are (~~((permitted))~~) allowed in any required setback or separation.

4. Underground structures are (~~((permitted))~~) allowed in any required setback or separation.

5. Solar collectors (~~((may be permitted in))~~) are allowed in any required ((setbacks or separations)) setback or separation, pursuant to the provisions of Section 23.45.545.



6. Freestanding (~~structures,~~) signs, bike racks, and similar unenclosed structures that are 6 feet or less in height above existing or finished grade, whichever is lower, (~~may be erected in each~~) are allowed in any required setback or separation, provided that signs meet the provisions of Chapter 23.55, Signs.

#### 7. Fences

a. Fences no greater than 6 feet in height are (~~permitted~~) allowed in any required setback or separation, except that fences in the required front setback extended to side lot lines or in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is (~~permitted~~) allowed, if the architectural features are predominately open.

c. Fence height may be averaged along sloping grades for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height (~~permitted~~) allowed by subsection 23.45.518.I.7.a is 6 feet, or 6 feet in height when the height (~~permitted~~) allowed by subsection 23.45.518.I.7.a is 4 feet.

#### 8. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade (~~may be placed in each required setback~~) are allowed in any required setback if they are limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of January 3, 1997.

1                               b. Bulkheads and retaining walls used to protect a cut into existing grade  
2 may not exceed the minimum height necessary to support the cut or 6 feet measured from the  
3 finished grade on the low side, whichever is greater. If the bulkhead is measured from the low  
4 side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle  
5 Residential Code or Seattle Building Code requirements may be placed on top of the bulkhead or  
6 retaining wall. Any fence shall be set back a minimum of 3 feet from such a bulkhead or  
7 retaining wall.

8                               9. Arbors (~~((may be permitted in))~~) are allowed in any required ((setbacks)) setback  
9 or separation under the following conditions:

10                              a. In each required setback or separation, an arbor may be erected with no  
11 more than a 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a  
12 maximum height of 8 feet. At least 50 percent of both the sides and the roof of the arbor shall be  
13 open, or, if latticework is used, there shall be a minimum opening of 2 inches between  
14 crosspieces.

15                              b. In each required setback abutting a street, an arbor over a private  
16 pedestrian walkway with no more than a 30-square-foot footprint, measured on the horizontal  
17 roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. At least 50  
18 percent of the sides of the arbor shall be open, or, if latticework is used, there shall be a  
19 minimum opening of 2 inches between crosspieces.

20                              10. Above-grade green stormwater infrastructure (GSI) features are allowed  
21 (~~((without))~~) in any required setback or separation (~~((restrictions))~~) if:

22                              a. Each above-grade GSI feature is no more than 4.5 feet tall, excluding  
23 piping;

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

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

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

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

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

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

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

13. Detached, unenclosed accessory structures up to 8 feet in height and used exclusively for required bike parking are allowed in any required setback or separation.

14. Detached accessory structures up to 10 feet in height and used exclusively for required bike parking are allowed in required separations.

\* \* \*

Section 4. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.45.536 Parking location, access, and screening**

A. Off-street parking spaces are required to the extent provided in Chapter 23.54.

B. Location of parking

1. If parking is required, it shall be located on the same lot as the use requiring the parking, except as otherwise provided in this subsection 23.45.536.B.

2. Surface parking

a. Except as otherwise provided in this subsection 23.45.536.B, surface parking may be located anywhere on a lot except:

1) ~~((Between a principal structure and street lot line))~~ In the required front setback;

2) In the required ~~((front setback or))~~ side street side setback as extended from side lot line to side lot line; and

3) Within 20 feet of any street lot line.

b. If access is taken directly from an alley, surface parking may be located anywhere within ~~((25))~~ 28 feet from an alley lot line provided it is no closer than 7 feet to any street lot line. Additionally, for lots with only alley frontage, surface parking may be located within the front setback.

3. Parking in a structure. Parking may be located in a structure or under a structure, provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the street-level, street-facing facade of the structure in which it is located~~((;))~~ .

4. On a through lot, parking may be located between the structure and one front lot line. The front setback in which the parking may be located will be determined by the Director based on the prevailing character and setback patterns of the block.

5. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water, as required by Chapter 23.60A, Shoreline Master Program Regulations.

6. Parking that is required and accessory to a residential or non-residential use may be located on a lot within 800 feet of the lot where the use that requires the parking is located, provided that:

- a. The lot is not located in a neighborhood residential zone; and
- b. The requirements of Section 23.54.025 for required parking are met.

\* \* \*

Section 5. A new Section 23.53.002 is added to the Seattle Municipal Code as follows:

**23.53.002 Scope of provisions**

In addition to the provisions of this Chapter 23.53, other regulations including but not limited to the Seattle Fire Code (Chapter 22.600) may apply to development proposals.

Section 6. Subsection 23.53.015.C of the Seattle Municipal Code, which section was last amended by Ordinance 125681, is amended as follows:

**23.53.015 Improvement requirements for existing streets in residential and commercial zones**

\* \* \*



1 C. Improvements to ~~((Non-arterial Streets))~~ non-arterial streets. Except as provided in  
2 subsection ~~((D of this section))~~ 23.53.015.D, non-arterial streets shall be improved according to  
3 the following requirements:

4 1. Non-arterial ~~((Streets With Right-of-Way Greater Than or Equal to the~~  
5 ~~Minimum Right-of-Way Width.))~~ streets with right-of-way greater than or equal to the minimum  
6 right-of-way width

7 a. Improvement requirements. When an existing non-arterial street right-  
8 of-way is greater than or equal to the minimum right-of-way width established in subsection  
9 ~~((A6))~~ 23.53.015.A.6, a paved roadway with pedestrian access and circulation as required by  
10 Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot  
11 is located shall be provided, as specified in the Right-of-Way Improvements Manual.

12 b. Fire ~~((Access))~~ apparatus access. If the lot does not have vehicular  
13 access from a street or private easement that meets the regulations for fire apparatus access roads  
14 in ~~((Chapter 10 of the Seattle Fire Code))~~ Chapter 22.600, such access shall be provided. When  
15 an existing street does not meet these regulations, the Chief of the Fire Department may approve  
16 an alternative that provides adequate emergency vehicle access.

17 c. Dead-end ~~((Streets))~~ streets. Streets that form a dead end at the property  
18 to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance  
19 with the Right-of-Way Improvements Manual. The Director, in consultation with the Director of  
20 Seattle Department of Transportation, shall determine whether the street has the potential for  
21 being extended or whether it forms a dead end because of topography and/or the layout of the  
22 street system.

2. Non-arterial (~~((Streets With Less Than the Minimum Right-of-Way Width.))~~)

streets with less than the minimum right-of-way width

a. Dedication (~~((Requirement))~~) requirement. When an existing non-arterial street has less than the minimum right-of-way width established in subsection (~~((A6 of this section))~~) 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection (~~((A6 of this section))~~) 23.53.015.A.6 is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

b. Improvement (~~((Requirement))~~) requirement. A paved roadway with pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

c. Fire (~~((Access))~~) apparatus access. If the lot does not have vehicular access from a street or private easement that meets the regulations for fire apparatus access roads in (~~((Chapter 10 of the Seattle Fire Code))~~) Chapter 22.600, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative that provides adequate emergency vehicle access.

d. Dead-end (~~((Streets))~~) streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, in consultation with the Director of the Seattle Department of Transportation, shall determine whether the street has the potential for

being extended or whether it forms a dead end because of topography and/or the layout of the street system.

\* \* \*

Section 7. Section 23.53.020 of the Seattle Municipal Code, last amended by Ordinance 125681, is amended as follows:

**23.53.020 Improvement requirements for existing streets in industrial zones**

\* \* \*

C. General Industrial 1 and General Industrial 2 (IG1 and IG2) zones. Except as provided in subsection 23.53.020.E, the following improvements shall be required in IG1 and IG2 zones, in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further improvements may be required on streets designated in subsection 23.53.020.B.

1. Setback requirement. When the right-of-way abutting a lot has less than the minimum width established in subsection 23.53.020.A.6, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.020.A.6 is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Seattle Department of Transportation.

2. Grading requirement. When an existing street abutting a lot is less than the width established in subsection 23.53.020.A.6, all structures shall be designed and built to accommodate the grade of the future street improvements.

1                   3. Fire apparatus access. If the lot does not have vehicular access from a street or  
2 private easement that meets the regulations for fire apparatus access roads in ((Chapter 10 of the  
3 ~~Seattle Fire Code~~)) Chapter 22.600, such access shall be provided. When an existing street does  
4 not meet these regulations, the Chief of the Fire Department may approve an alternative that  
5 provides adequate emergency vehicle access.

6                   4. Dead-end streets. Streets that form a dead end at the property to be developed  
7 shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-  
8 Way Improvements Manual. The Director, after consulting with the Director of the Seattle  
9 Department of Transportation, shall determine whether the street has the potential for being  
10 extended or whether it forms a dead end because of topography and/or the layout of the street  
11 system.

12                   5. No-protest agreement requirement. When a setback is required by subsection  
13 23.53.020.C.1, or a pedestrian walkway is required as specified in Section 23.53.006, a no-  
14 protest agreement to future street improvements shall be required, as authorized by chapter 35.43  
15 RCW. The agreement shall be recorded with the King County Recorder.

16                   D. Industrial Buffer (IB) and Industrial Commercial (IC) zones. Except as provided in  
17 subsection 23.53.020.E, the following improvements are required in IB and IC zones, in addition  
18 to the pedestrian access and circulation requirements of Section 23.53.006. Further  
19 improvements may be required on streets designated in subsection 23.53.020.B.

20                   1. The requirements of this subsection 23.53.020.D.1 shall apply when projects  
21 are proposed on lots in IB zones that are directly across a street from, or that abut, a lot in a  
22 residential or commercial zone ((;)) and to all projects in IC zones:

a. Improvements to arterials

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

2) If necessary to accommodate the right-of-way widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

b. Improvements to non-arterial streets

1) Non-arterial streets with right-of-way greater than or equal to the minimum right-of-way width.

a) Improvement requirements. When an existing non-arterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection 23.53.020.A.6, a paved roadway with pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

b) Fire apparatus access. If the lot does not have vehicular access from a street or private easement that meets the regulations for fire apparatus access roads in ~~((Chapter 10 of the Seattle Fire Code))~~ Chapter 22.600, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative that provides adequate emergency vehicle access.



1 c) Dead-end streets. Streets that form a dead end at the  
2 property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as  
3 specified in the Right-of-Way Improvements Manual. The Director, after consulting with the  
4 Director of the Seattle Department of Transportation, shall determine whether the street has the  
5 potential for being extended or whether it forms a dead end because of topography or the layout  
6 of the street system.

7 2) Non-arterial streets with less than the minimum right-of-way  
8 width

9 a) Dedication requirement. When an existing non-arterial  
10 street has less than the minimum right-of-way established in subsection 23.53.020.A.6,  
11 dedication of additional right-of-way equal to half the difference between the current right-of-  
12 way width and the minimum right-of-way width established in subsection 23.53.020.A.6 is  
13 required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the  
14 block shall not be required to dedicate more than that amount of right-of-way.

15 b) Improvement requirement. A paved roadway with  
16 pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any  
17 landscaping required by the zone in which the lot is located shall be provided in the portion of  
18 the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

19 c) Fire apparatus access. If the lot does not have vehicular  
20 access from a street or private easement that meets the regulations for fire apparatus access roads  
21 in (~~Chapter 10 of the Seattle Fire Code~~) Chapter 22.600, such access shall be provided. When  
22 an existing street does not meet these regulations, the Chief of the Fire Department may approve  
23 an alternative that provides adequate emergency vehicle access.

d) Dead-end streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Seattle Department of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography or the layout of the street system.

2. When projects are proposed on lots in IB zones that are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection 23.53.020.C shall be met.

\* \* \*

Section 8. Section 23.53.025 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.53.025 Access easement standards**

If access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Right-of-Way Improvements Manual.

A. Vehicle access easements serving one or two single-family dwelling units or one multifamily residential use with a maximum of two units shall meet the following standards:

1. Easement width shall be a minimum of 10 feet, ~~((, or 12 feet if required by the Fire Chief due to distance of the structure from the easement, or a minimum width as needed to meet the driveway standards of subsection 23.54.030.D.1.))~~

2. No maximum easement length shall be set. If easement length is more than 150 feet, a vehicle turnaround shall be provided.

3. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

B. Vehicle ~~((Access Easements Serving at Least Three (3) but Fewer Than Five (5) Single-Family Dwelling Units.))~~ access easements serving at least three but fewer than five single-family dwelling units

1. Easement width shall be a minimum of ~~((twenty (20) feet.))~~ 10 feet.

2. The easement shall provide a hard-surfaced roadway at least ~~((twenty (20) feet.))~~ 10 feet wide. ~~((;))~~

3. No maximum easement length shall be set. If the easement is over ~~((six hundred (600)))~~ 600 feet long, a fire hydrant may be required by the Director. ~~((;))~~

4. A turnaround shall be provided unless the easement extends from street to street. ~~((;))~~

5. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

C. Vehicle access easements serving at least five but fewer than ten single-family dwelling units, or at least three but fewer than ten multifamily dwelling units

1. Easement width, surfaced width, length, turn around, and curbcut width shall be as required in subsection 23.53.025.B. ~~((;))~~

2. No single-family structure shall be closer than 5 feet to the easement, except that structural features allowed to extend into required yards under subsection 23.44.014.C.6 are also allowed to extend into the 5-foot setback from an easement.

\* \* \*

Section 9. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.54.015 Required parking and maximum parking limits**

\* \* \*

K. Bicycle parking. The minimum number of parking spaces for bicycles required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015, one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle parking is required, except single-family residential use is exempt from bicycle parking requirements. The minimum requirements are based upon gross floor area of the use in a structure minus gross floor area in parking uses, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

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

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

a. Provide secure locations and arrangements of long-term bicycle parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking

1 should be installed in a manner that avoids creating conflicts with automobile accesses and  
2 driveways.

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

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

9 d. If short-term bicycle parking facilities are not clearly visible from the  
10 street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate  
11 amounts and in highly visible locations in a manner that promotes easy wayfinding for bicyclists.

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

14 f. Long-term bicycle parking shall be located where bicyclists are not  
15 required to carry bicycles on exterior stairs with more than five steps to access the parking. The  
16 Director, as a Type I decision, may allow long-term bicycle parking for rowhouse and townhouse  
17 development to be accessed by stairs with more than five steps, if the slope of the lot makes  
18 access with five or fewer steps infeasible.

19 g. Where practicable, long-term bicycle parking shall include a variety of  
20 rack types to accommodate different types of bicycles.

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

i. Provide full weather protection for all required long-term bicycle parking.

3. Location of bicycle parking

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

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

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

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

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



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

- 3                   a. On the lot; or
- 4                   b. For a functionally interrelated campus containing more than one  
5 building, in a shared bicycle parking facility within 600 feet of the lot; or
- 6                   c. Short-term bicycle parking may be provided in an adjacent right-of-  
7 way, subject to approval by the Director of the Seattle Department of Transportation.

8                   7. For non-residential uses on a functionally interrelated campus containing more  
9 than one building, both long-term and short-term bicycle parking may be located in an off-site  
10 location within 600 feet of the lot, and short-term public bicycle parking may be provided in a  
11 right-of-way, subject to approval by the Director of the Seattle Department of Transportation.  
12 The Director of the Seattle Department of Transportation may consider whether bicycle parking  
13 in the public place shall be sufficient in quality to effectively serve bicycle parking demand from  
14 the site.

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

9. Bicycle parking spaces within dwelling units (~~(, other than a private garage,)~~) or on balconies do not count toward the bicycle parking requirement, except if the bike parking spaces are located:

a. In a private garage; or

b. Within the ground floor of a dwelling unit in a townhouse or rowhouse development.

\* \* \*

**Table D for 23.54.015  
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

**Table D for 23.54.015  
Parking for Bicycles <sup>1</sup>**

Use		Bike parking requirements	
		Long-term	Short-term
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 <u>other than townhouse and rowhouse developments</u> <sup>4, 5</sup>	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None
D.4.	<u>Townhouse and rowhouse developments</u> <sup>5</sup>	<u>1 per dwelling unit</u>	<u>None</u>
<del>(D.4))</del> D.5.	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 ((%)) percent of projected AM peak period daily ridership <sup>6</sup>	Spaces for 2 ((%)) percent 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))  
Table D for 23.54.015.

**Table D for 23.54.015**  
**Parking for Bicycles <sup>1</sup>**

Use	Bike parking requirements	
	Long-term	Short-term
<p><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.</p> <p><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.</p> <p><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.</p> <p><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.</p> <p><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)) <u>area</u> 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.</p>		

Section 10. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.54.030 Parking space and access standards**

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

**A. Parking space dimensions**

1. “Large vehicle” means the minimum size of a large vehicle parking space shall be 8.5 feet in width and 19 feet in length.

2. “Medium vehicle” means the minimum size of a medium vehicle parking space shall be 8 feet in width and 16 feet in length.

3. “Small vehicle” means the minimum size of a small vehicle parking space shall be 7.5 feet in width and 15 feet in length.

4. “Barrier-free parking” means a parking space meeting the following standards:

a. Parking spaces shall not be less than 8 feet in width and shall have an adjacent access aisle not less than 5 feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less than 8 feet in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that aisles will not be used as parking space.

b. A minimum length of 19 feet or when more than one barrier-free parking space is provided, at least one shall have a minimum length of 19 feet, and other spaces may be the lengths of small, medium, or large spaces in approximate proportion to the number of each size space provided on the lot.

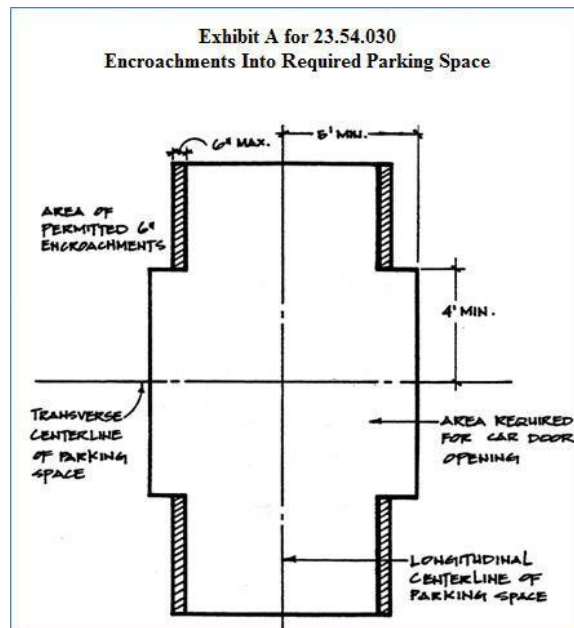
5. “Tandem parking” means a parking space equal to the width and ~~((2))~~ two times the length of the vehicle size standards in subsections 23.54.030.A.1, 23.54.030.A.2, and 23.54.030.A.3 for the size of the vehicle to be accommodated.

6. Columns or other structural elements may encroach into the parking space a maximum of 6 inches on a side, except in the area for car door opening, 5 feet from the longitudinal centerline, or 4 feet from the transverse centerline of a parking space (see Exhibit A for 23.54.030). No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening.

7. If the parking space is next to a lot line and the parking space is parallel to the lot line, the minimum width of the space is 9 feet.

#### Exhibit A for 23.54.030

#### Encroachments Into Required Parking Space



B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or non-residential use. In structures

1 containing residential uses and also containing either non-residential uses or live-work units,  
2 parking that is clearly set aside and reserved for residential or live-work use shall meet the  
3 standards of subsection 23.54.030.B.1. (~~(; parking)~~) Parking for all other uses within the structure  
4 shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free  
5 accessible parking if required by the Building Code, Subtitle I of Title 22, or the Residential  
6 Code, Subtitle IA of Title 22.

7 1. Residential uses

8 a. When five or fewer parking spaces are provided, the minimum required  
9 size of a parking space shall be for a medium vehicle, as described in subsection 23.54.030.A.2,  
10 except as provided in subsection 23.54.030.B.1.d.

11 b. When more than five parking spaces are provided, a minimum of 60  
12 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a  
13 medium parking space shall also be the maximum size. Forty percent of the parking spaces may  
14 be striped for any size category in subsection 23.54.030.A, provided that when parking spaces  
15 are striped for large vehicles, the minimum required aisle width shall be as shown for medium  
16 vehicles.

17 c. Assisted living facilities. Parking spaces shall be provided as in  
18 subsections 23.54.030.B.1.a and 23.54.030.B.1.b, except that a minimum of two spaces shall be  
19 striped for a large vehicle.

20 d. Townhouse units. For an individual garage serving a townhouse unit,  
21 the minimum required size of a parking space shall be for a (~~(large)~~) medium vehicle, as  
22 described in subsection 23.54.030.A.



2. Non-residential uses

a. When ten or fewer parking spaces are provided, a maximum of 25 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the spaces shall be striped for large vehicles.

b. When between 11 and 19 parking spaces are provided, a minimum of 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

c. When 20 or more parking spaces are provided, a minimum of 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at least one floor, and there shall be at least one direct entrance from the street that is at least 6 feet 9 inches in height for all parking garages accessory to non-residential uses and live-work units and for all flexible-use parking garages.

3. Live-work uses. The first required parking space shall meet the parking standards for residential use. Additional required parking for a live-work use shall meet the parking standards for non-residential use.

\* \* \*

Section 11. Section 23.84A.024 of the Seattle Municipal Code, last amended by Ordinance 125483, is amended as follows:

**23.84A.024 “L”**

\* \* \*

“Lot” means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, and a sending lot for open space TDR, a parcel of land that qualifies for separate development or has been separately developed. A lot is the unit that the development standards of each zone are typically applied to. A lot shall abut upon and be accessible from a private or public street sufficiently improved for vehicle travel or abut upon and be accessible from an ~~((exclusive,))~~ unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit A for 23.84A.024).

1. For purposes of a TDR sending lot for Landmark TDR, “lot” means the parcel described in the ordinance approving controls for the sending lot.

2. For purposes of a sending lot for housing TDR, “lot” means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after January 4, 1993, that contain the structure or structures that make the TDR eligible for transfer.

3. For purposes of a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, “lot” means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after March 31, 2011, that contain the contributing structure or structures that make the TDR or TDP eligible for transfer.

4. For purposes of a sending lot for open space TDR, the definition of lot in  
Section 23.49.017 applies.

\* \* \*

Section 12. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance  
126509, is amended as follows:

**23.86.007 Floor area and floor area ratio (FAR) measurement**

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

1. Floor area contained in stories above and below grade;
2. The area of stair penthouses, elevator penthouses, and other enclosed rooftop  
features;

3. The area of motor vehicle and bicycle parking that is enclosed; and
- ~~((3))~~ 4. The area of motor vehicle parking that is ~~((enclosed or))~~ covered by a  
structure or portion of a structure containing enclosed floor area, excluding motor vehicle  
parking in neighborhood residential and multifamily zones that is only covered by one of the  
following:

- a. Projections containing enclosed floor area of up to 4 feet; or
- b. Projections containing enclosed floor area of up to 6 feet for the area of  
parking accessed from an alley and located directly adjacent to an alley.

\* \* \*

H. Measuring the area of motor vehicle parking. For the purposes of subsection  
23.86.007.A.4, the “area of motor vehicle parking” shall include parking aisles, maneuvering

space, and any adjacent areas physically accessible to vehicles, but shall not include driveways.  
Areas that are separated from all parking stalls by a garage door shall be considered part of the  
driveway and not part of the area of motor vehicle parking.

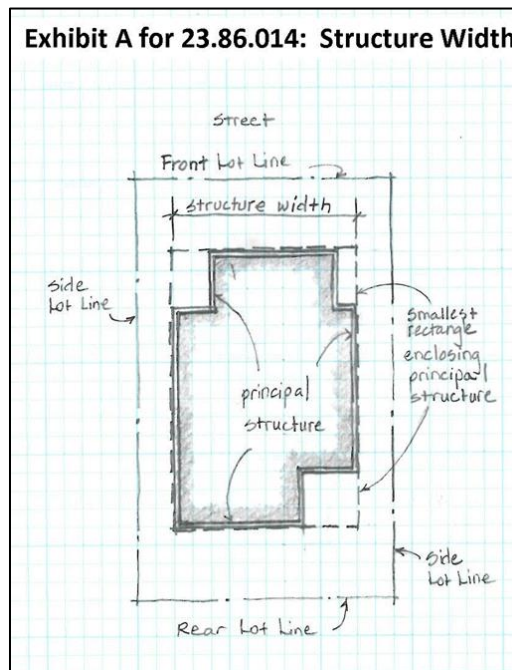
Section 13. Section 23.86.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.86.014 Structure width measurement**

A. Structure width is measured as follows:

1. Draw the smallest rectangle that encloses the principal structure.
2. Structure width is the length of the side of that rectangle most closely parallel to the front lot line (Exhibit A for 23.86.014).

**Exhibit A for 23.86.014: Structure Width**



B. Portions of a structure considered part of the principal structure for the purpose of measuring structure width are as follows:

1 1. Carports and garages attached to the principal structure, unless they are  
2 attached by a structural feature not counted in structure width under subsection ((23.86.014. C))

3 23.86.014.C;

4 2. Accessory structures, other than carports and garages, that are not listed in  
5 subsection 23.86.014.C, if they are less than 3 feet from the principal structure at any point;

6 3. Exterior corridors, hallways, and open, above-grade walkways;

7 4. Enclosed porches, decks, balconies and other enclosed projections; and

8 5. Projecting segments of a facade unless they are not counted in structure width  
9 in subsection ((23.86.014. C)) 23.86.014.C.

10 C. Portions of a structure that are not considered part of the principal structure for the  
11 purpose of measuring structure width are as follows:

12 1. The first 4 feet of cornices, eaves, ((~~cornices, and~~)) gutters, roofs, and other  
13 forms of weather protection that project from an exterior wall;

14 2. The first 18 inches of chimneys that project from an exterior wall;

15 3. Attached solar greenhouses meeting minimum energy standards administered  
16 by the Director;

17 4. The first 4 feet of unenclosed decks, balconies, and porches, unless located on  
18 the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1;

19 5. Arbors, trellises, and similar features;

20 6. Detached accessory structures used exclusively for bike parking, even when  
21 they are less than 3 feet from the principal structure at any point; and

22 ((6)) 7. In LR zones, portions of a structure that are exempt from FAR limits  
23 pursuant to subsection 23.45.510.D.5.

Section 14. Section 23.86.015 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.86.015 Maximum facade length measurement**

A. In Lowrise zones, the length of certain facades is limited by development standards. Facade length is measured as follows:

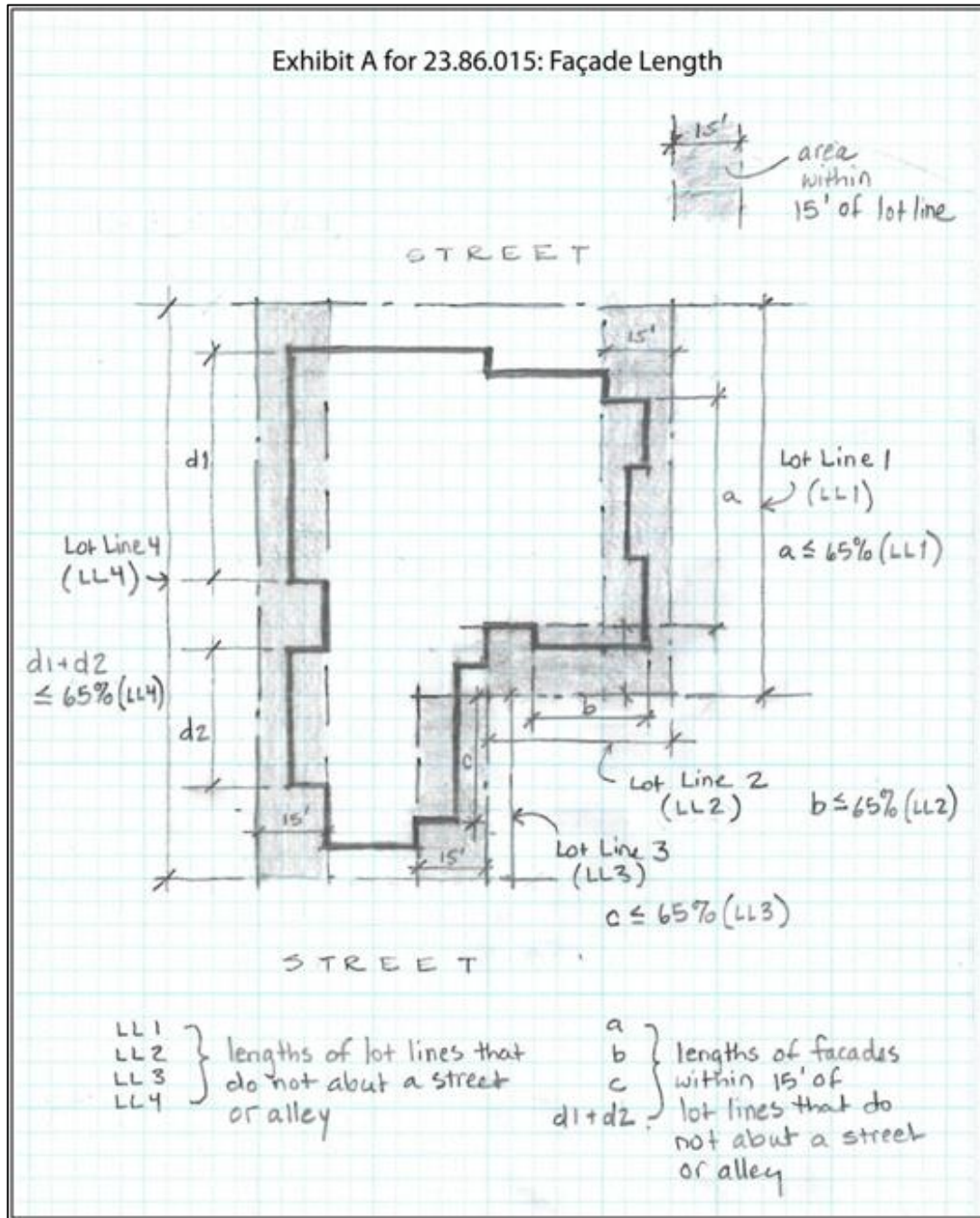
1. Draw a line parallel to, and 15 feet from, the lot line along which the length of a facade is limited.

2. For each portion of a structure that is located between the line drawn in subsection 23.86.015.A.1 and the lot line, mark the points at which that portion of the structure crosses the line drawn in subsection 23.86.015.A.1, and measure the distance between those points.

3. The facade length limit applies to the sum of the lengths of the portions of structure(s) measured in subsection 23.86.015.A.2 (see Exhibit A and Exhibit B for 23.86.015).

1

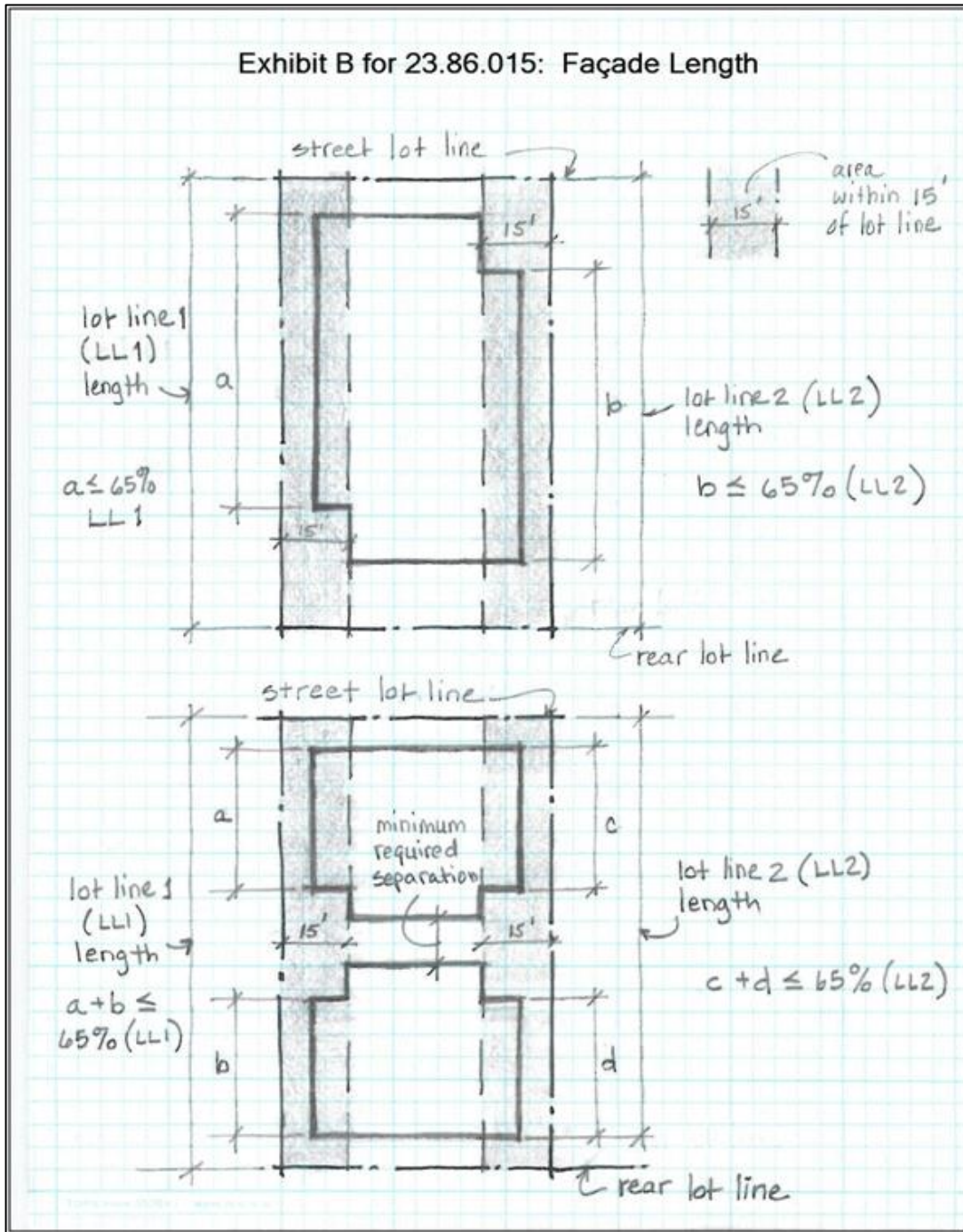
# Exhibit A for 23.86.015: Facade Length



2



## Exhibit B for 23.86.015: Façade Length



B. Portions of a structure that are included in ((~~facade~~)) facade length measurement include:

1 1. Carports and garages attached to the principal structure, unless they are  
2 attached by a structural feature not counted in structure width under subsection 23.86.015.C;

3 2. Accessory structures, other than carports and garages, that are not listed in  
4 subsection 23.86.014.C, if they are less than 3 feet from the principal structure at any point;

5 3. Exterior corridors, hallways, and open, above-grade walkways;

6 4. Projecting segments of a facade unless they are not counted in structure width  
7 in subsection 23.86.014.C; ((-))

8 ((4)) 5. Enclosed porches, decks, balconies and other enclosed projections; and

9 ((5)) 6. Projecting segments of a facade unless excluded in subsection  
10 23.86.015.C.

11 C. Portions of a structure that are not included in facade length measurement include:

12 1. ((~~Eaves, cornices, and~~)) Cornices, eaves, gutters, roofs, and other forms of  
13 weather protection;

14 2. The first 18 inches of chimneys that project from an exterior wall;

15 3. Attached solar greenhouses meeting minimum energy standards administered  
16 by the Director;

17 4. The first 4 feet of unenclosed decks, balconies, and porches, unless located on  
18 the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1;

19 5. Arbors, trellises, and similar features;

20 6. Detached accessory structures used exclusively for bike parking, even when  
21 they are less than 3 feet from the principal structure at any point; and

22 ((6)) 7. In LR zones, portions of a structure that are exempt from FAR limits  
23 pursuant to subsection 23.45.510.D.5.

Section 15. 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 \_\_\_\_\_, 2022,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved /    returned unsigned /    vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Elizabeth M. Adkisson, Interim City Clerk

(Seal)

## **Director's Report**

### **Townhouse Reforms Legislation**

#### **May 2022**

### Introduction

The Office of Planning and Community Development (OPCD) seeks to implement legislation to support the development of townhouse and rowhouses. Townhouses and rowhouses represent one of the few opportunities for creating new homeownership opportunities in Seattle; however, this type of housing is becoming increasingly difficult to build as it is subject to most of the permitting and regulatory standards as apartment building development but it often doesn't have a large enough project scale to bear those costs. The proposed legislation would modify development standards for townhouse and rowhouse development on a number of topics including density limits, bike parking, and access easements. The intent of these changes is to encourage the creation of more homeownership opportunities by modifying development standards to support increased production of townhouse and rowhouse developments without increasing their current scale or impact.

### Background

Seattle is experiencing a crisis in housing affordability. Despite record housing production, we still aren't producing enough housing to keep up with increasing demand. Between 1995 and 2020, Seattle gained about two net new jobs for every one net new housing unit. To maintain the 1.6 jobs to housing ratio we had in 1995, we would have needed to produce an additional 21,500 housing units. This underproduction is particularly acute for homeownership options. From 2010 through 2019, homeownership options such as townhouses, rowhouses, and condos represented only about 10% of total housing production. This lack of production of ownership options is likely due to a combination of factors including a limited supply of land zoned for this type of housing; increasing construction costs; longer permitting times; and increasing regulatory burden.

High demand and limited supply have resulted in dramatic increases in the cost of housing. Over the last 10 years, the typical value of a home in Seattle has roughly doubled after adjusting for inflation. Today, the typical single-family home value is roughly \$1 million as estimated by Zillow. Increasingly, buying a home in Seattle is only available to very wealthy households. The exclusiveness of home ownership in Seattle is particularly impactful for people of color. White households are more than twice as likely to own their own home than Black households. Increasing costs are making it increasingly difficult to address this disparity.

Townhouses and rowhouses offer an opportunity for home ownership that is lower cost than detached homes. As part of a Housing Choices survey conducted in 2019, 70% of people under the age of 35 ranked townhouses as the number one type of housing that they would like to see more of in Seattle

out of eight options. At the same time, permit data and interviews with building industry professionals suggest that townhouse development is decreasing and will likely continue to decrease due, in part, to increasing regulatory requirements, which are especially challenging for smaller, non-luxury developments.

In 2019, OPCD and partner departments convened an Affordable Middle Income Housing Advisory Council to develop options for addressing the underproduction of market-rate and income-restricted housing in Seattle. The group issued a [report](#) in January 2020 with nearly 40 recommendations. Modifications to existing regulations for townhouses and rowhouses was identified as a small but important step that could start to address the problem. A specific proposal was developed in 2020. While the project was delayed during the pandemic, work was restarted in late 2021, leading to this proposed legislation.

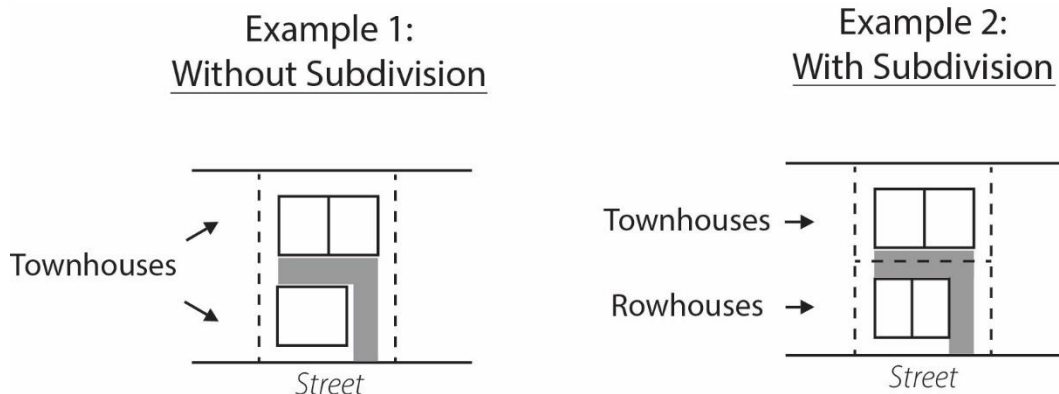
## Proposal Summary

This proposal includes the following changes:

### 1. Modify the Density Limit in Lowrise 1 Zones

**Background:** Lowrise 1 (LR1) zones are the primary zone where townhouse and rowhouse development occurs. Townhouses and rowhouses are very similar styles of housing, with minor design differences between them. Townhouse development in LR1 zones is subject to a density limit which limits the number of housing units allowed. Density limits do not, however, currently apply to small apartments, cottage housing, and most rowhouse development.

On interior lots, developers that want to build townhouses or rowhouses have the choice of either developing the entire lot with townhouses (Example 1) or subdividing the property parallel to the street and developing townhouses on the back lot and rowhouses on the front lot (Example 2). Because rowhouses are exempt from density limits, subdividing allows more units to be built. Since the floor area limit are the same in both cases, the resulting rowhouse units are smaller and less expensive.



While we don't know the exact number of projects that have chosen to subdivide to achieve more units, an informal review of permits suggests that a significant number of projects are choosing to subdivide, particularly on lots greater than 6,000 square feet.

Current regulations result in outcomes that are not ideal for the City, homeowners, or developers. Developers must choose between building fewer, larger townhouses or undergoing a substantially more complicated and time-consuming process. In particular, subdividing a property requires additional documentation and review but also results in two separate building permits (one for the townhouses and one for the rowhouses). The additional permitting process takes up more city staff time, but also adds to the cost of the resulting homes. If a developer doesn't subdivide the property, they end up building larger units that are substantially more expensive. For example, on a 5,000 square foot lot, the current townhouse density limit would allow 3 townhouses (each roughly 1,800 sf and selling for around \$880,000) instead of 4 townhouses (each roughly 1,400 square feet and selling for around \$660,000). Lastly, the regulations are very confusing for community members.

Proposal: The proposal would implement two changes:

1. Lower the density limit for townhouses from 1 unit per 1,300 square feet of lot to 1 unit per 1,150 square feet of lot, similar to what is achieved today when the lot is subdivided. A review of recent permit data found that development on larger interior lots is frequently developed below 1 unit per 1,300, but infrequently developed below 1 unit per 1,150 square feet.
2. Apply this density limit to all rowhouses on interior lots.

Together, these changes would continue to allow development consistent with what is occurring today but would substantially reduce complexity and delay in the permitting process. It would also remove the incentive to subdivide the lot to achieve higher densities. The proposal would not modify the total floor area or lot coverage allowed in these projects.

## **2. Update Requirements for Bike Parking**

Background: In 2018, the City quadrupled the number of long-term bike parking stalls required for residential projects and added a new requirement for public short-term bike parking. The short-term bike parking requirement was designed for apartments where most of the first floor and basement are common areas. This requirement has been problematic for townhouses and rowhouses because this development type has limited open space and common area. To meet the requirement, many developments must use the front yard of one unit as a common bike storage area, reducing the green space and privacy for the future homeowner.

While the bike parking update substantially increased the amount of bike parking required, it did not update the standards for where bike parking is allowed. Consequently, developers have a difficult time locating bike parking on-site, especially for townhouse and rowhouse projects that don't have garages.

Proposal: The proposal would remove the short-term bike parking requirement for townhouses and rowhouses and make it easier to accommodate long-term bike parking through the following changes:

1. Allow bike parking in a dwelling unit of a townhouse or rowhouse development
2. Allow bike lockers and sheds in certain setbacks and separations
3. Clarify that enclosed bicycle parking does not count toward floor area if it is in a freestanding structure used exclusively for bike parking, and
4. Clarify that weather protection and freestanding structures used exclusively for bike parking don't count in measuring building length and width.

### **3. Right-size Access Easement Requirements**

Background: The Land Use Code currently requires a 20 foot-wide access easement to serve a development with three to nine units, which aligned with previous guidance in the Seattle Fire Code. However, the Fire Code now allows easements to be 10 feet (standard driveway size) as SFD feels they can access smaller sites on foot to provide fire protection and respond to medical emergencies.

Proposal: This legislation reduces the easement requirement in the Land Use Code to 10 feet, to match standard driveway width and the Fire Code requirement. This allows greater flexibility in the design of projects and provide an opportunity for additional housing.

### **4. Implement Minor Modifications and Clarifications**

Background: There are multiple areas where the Land Use Code is unclear or having unintended consequences.

Proposal: The proposal would implement the following additional modifications and clarifications:

1. Exclude from floor area calculations any surface parking in single-family and multifamily zones that is only covered by projections containing enclosed floor area of up to 4 feet; or up to 6 feet parking off an alley. This change would allow minor overhangs that could help reduce the amount of the property that is taken up by surface parking.
2. Modify an existing provision that allows parking off an alley within 7 feet of a side property line so that parking can occur within 28 feet of the alley property line rather than 25 feet. Under some alley configurations, it is not possible to accommodate a full parking stall within the first 25 feet when factoring in required turning radii.
3. Change the minimum size of parking spaces in the individual garage of a townhouse from large to medium. Large parking spaces are not required for any other type of housing.
4. Clarify how development standards such as density limits apply to lots with multiple development types.

## **Findings and Recommendation**

OPCD finds that this proposal would help to create development standards that maintain consistency with the current scale of townhouse and rowhouse development and encourage increased production of homeownership opportunities.



The proposed code changes would be consistent with goals and policies in the Comprehensive Plan including but not limited to:

- Housing Goal 2: Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.
- Housing Goal 3: Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.
- Land Use Policy 5.2: Develop and apply appropriate development standards that provide predictability regarding the allowed intensity of development and expected development types for each zone.

The proposed legislation was formulated based on input from knowledgeable stakeholders in the design and development professions as a part of the Affordable Middle Income Housing Advisory Council, and on input from community members through a Housing Choices survey and interview series.

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed legislation was issued by OPCD in November 2021. The SEPA DNS was appealed. After an appeal hearing during late February, the City Hearing Examiner upheld OPCD's determination in March of 2022. The SEPA process is complete.

OPCD recommends that City Council conduct a public hearing and proceed towards adoption of the proposed legislation.

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Office of Planning & Community Development (OPCD)	Brennon Staley/ 206-684-4625	Christie Parker/ 206-684-5211

*\* 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; amending Sections 23.45.508, 23.45.512, 23.45.518, 23.45.536, 23.53.015, 23.53.020, 23.53.025, 23.54.015, 23.54.030, 23.84A.024, 23.86.007, 23.86.014, and 23.86.015 of the Seattle Municipal Code; and adding a new Section 23.53.002 to the Seattle Municipal Code; to implement changes to support the development of townhouses and rowhouses.

**Summary and Background of the Legislation:** This legislation implements a variety of changes to support the development of townhouses and rowhouses. This proposal was developed based on the recommendations of the Affordable Middle Income Housing Advisory Council.

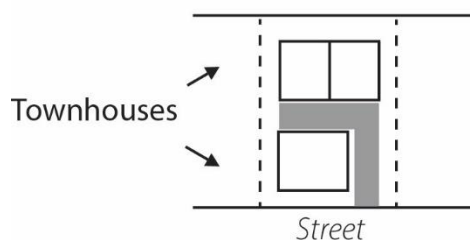
This proposal includes the following changes:

#### **1. Modify the Density Limit in Lowrise 1 Zones**

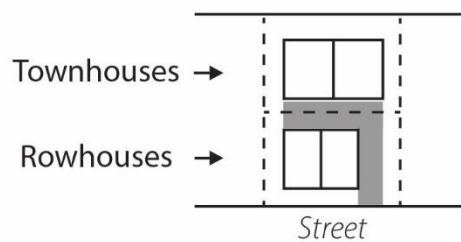
**Background:** Lowrise 1 (LR1) zones are the primary zone where townhouse and rowhouse development occurs. Townhouses and rowhouses are very similar styles of housing, with just minor design differences between them. Townhouse development in LR1 zones is subject to a density limit which limits the number of housing units allowed. Density limits do not, however, currently apply to small apartments, cottage housing, and most rowhouse development.

On lots in the interior of a block, developers that want to build townhouses or rowhouses have the choice of either developing the entire lot with townhouses (Example 1) or subdividing the property parallel to the street and developing townhouses on the back lot and rowhouses on the front lot (Example 2). Because rowhouses are exempt from density limits, subdividing allows more units to be built. Since the floor area limit is the same in both cases, the resulting rowhouse units are smaller and less expensive.

**Example 1:**  
Without Subdivision



**Example 2:**  
With Subdivision



While we don't know the exact number of projects that have chosen to subdivide to achieve more units, an informal review of permits suggests that a significant number of projects are choosing to subdivide, particularly on lots greater than 6,000 square feet.

Changes: The legislation implements two changes:

1. Increases the density limit in LR1 zones for townhouses from 1 unit per 1,300 square feet of lot to 1 unit per 1,150 square feet of lot, similar to what is achieved today when the lot is subdivided. A review of recent permit data found that development on larger interior lots is frequently developed below 1 unit per 1,300 square feet, but infrequently developed below 1 unit per 1,150 square feet.
2. Apply this density limit to all rowhouses on interior lots.

Together, these changes will continue to allow development consistent with what is occurring today and substantially reduce complexity and delay in the permitting process. It also removes the incentive to subdivide the lot to achieve higher densities. The proposal does not modify the total floor area or lot coverage allowed in these projects.

## **2. Update Requirements for Bike Parking**

Background: In 2018, the City quadrupled the number of long-term bike parking stalls required for residential projects and added a new requirement for public short-term bike parking. The short-term bike parking requirement was designed for apartments where most of the first floor and basement are common areas. This requirement has been problematic for townhouses and rowhouses because this development type has limited open space and common area. To meet the requirement, many developments must use the front yard of one unit as a common bike storage area, reducing the green space and privacy for the future homeowner.

While the bike parking update substantially increased the amount of bike parking required, it did not update the standards for where bike parking is allowed. Consequently, developers have a difficult time locating bike parking on site, especially for townhouse and rowhouse projects that don't have garages.

Changes: The legislation removes the short-term bike parking requirement for townhouses and rowhouses and makes it easier to accommodate long-term bike parking through the following changes:

1. Allow bike parking on the ground floor of a dwelling unit of a townhouse or rowhouse development to count toward the bicycle parking requirement
2. Allow bike lockers and sheds in certain setbacks and separations
3. Clarify that enclosed bicycle parking does not count toward floor area if it is in a freestanding structure used exclusively for bike parking
4. Clarify that weather protection and freestanding structures used exclusively for bike parking don't count in measuring building length and width, and
5. Clarify that short-term bike parking is not required for townhouses and rowhouses.

## **3. Right-size Access Easement Requirements**

Background: The Land Use Code currently requires a 20-foot-wide access easement to serve a development with three to nine units, which aligned with previous guidance in the Seattle Fire

Code. However, the Fire Code now allows easements to be 10 feet (standard driveway size) as SFD feels they can access smaller sites on foot to provide fire protection and respond to medical emergencies.

Change: This legislation reduces the easement requirement in the Land Use Code to 10 feet, to match standard driveway width and the Fire Code requirement. This allows greater flexibility in the design of projects and provides an opportunity for additional housing.

#### **4. Implement Minor Modifications and Clarifications**

Background: There are multiple areas where the code is unclear or having unintended consequences.

Changes: The legislation implements the following additional modifications and clarifications:

1. Exclude from floor area calculations any surface parking in single-family and multifamily zones that is only covered by:
  - projections of up to 4 feet; or
  - projections of up to 6 feet for the area of parking accessed from an alley and located directly adjacent to an alley.
2. Modify an existing provision that prohibits surface parking between a principal structure and street line so that it is only prohibited in the required front and side setbacks in order to address issues on corner lots.
3. Modify an existing provision that allows parking off an alley within 7 feet of a side property line so that parking can occur within 28 feet of the alley property line rather than 25 feet.
4. Change the minimum size of parking spaces in the individual garage of a townhouse from large to medium.
5. Clarify how development standards such as density limits apply to lots with multiple development types.

## **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?**

This legislation could encourage additional housing development projects which could increase the number of Master Use and Building Permits that are submitted to the City for review. Additionally, this legislation could result in very minor decreases in the time it takes to review projects in LR1 zones as it would discourage subdividing parcels to avoid density limits in certain situations. The cost of additional review time would be paid for by additional permit fees.

**Are there financial costs or other impacts of *not* implementing the legislation?**

Not implementing this legislation could result in fewer townhouse units.

**4. OTHER IMPLICATIONS**

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

The legislation would affect the Seattle Department of Construction and Inspections (SDCI) due to potential small increases in the number of permits submitted.

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

Yes. A public hearing is expected to be held in 2022.

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

Publication is required in the Daily Journal of Commerce.

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

The legislation will apply to certain development in multi-family and single-family zones as well as townhouse and rowhouse development in other zones.

**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 legislation will encourage the production of additional housing units and will encourage housing units that are smaller and less expensive. New housing production is required to contribute to affordable housing through Mandatory Housing Affordability and will help slow or prevent increasing housing prices by increasing the supply of housing.

**f. Climate Change Implications**

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

This legislation will tend to encourage housing within Seattle compared to areas outside of Seattle. Consequently, it will help to reduce carbon emissions from transportation by locating new households in areas of transit, employment, and amenities.

**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 is not expected to substantially affect Seattle's resiliency.

**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 major programmatic expansion is proposed.

# Townhouse Reforms Legislation

Office of Planning and Community Development

Sept 2022



City of Seattle **93**





# Background

- Mayor Durkan's Affordable Middle Income Housing Advisory Council published recommendations in January 2020, which included reforming townhouse regulations
- Project was put on hold during pandemic
- OPCD published SEPA in Nov 2021 which was appealed
- Appeal was resolved in City's favor in March 2022

# High Interest in Townhouses

- Townhouses are a relatively lower-cost ownership option as home prices rise
- In 2019 survey, 70% of people under 35 ranked townhouses as the number one type of housing that they would like to see more of in Seattle

## Low Production

- Applications for new townhouse projects have been decreasing in last three years
- Many townhouse developers appear to be moving toward more single-family and apartment construction







# Proposed Land Use Legislation

Goal is to remove code barriers to townhouse construction

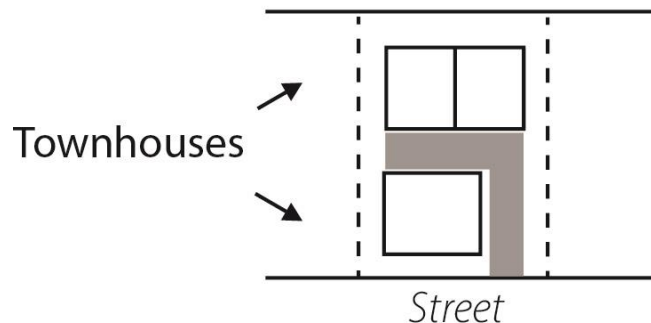
Three key changes:

1. Modify the density limit in Lowrise 1 zones
2. Update requirements for bike parking
3. Make easement requirements consistent with Fire Department standards

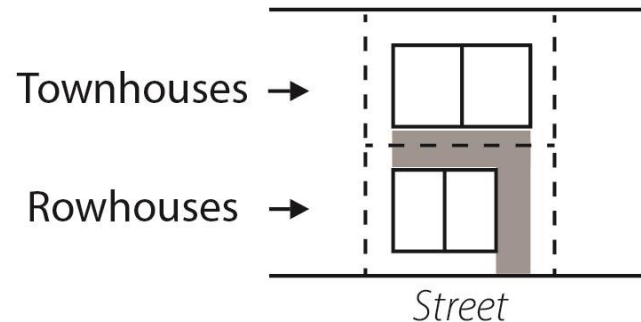
# 1. Density Limit in Lowrise 1 zones

- Currently, townhouses are subject to a density limit, but apartments, cottage housing, and most rowhouses are not
- Developers either:
  1. build larger sized townhouses
  2. subdivide lot and do rowhouses in front and townhouses in back

Example 1:  
Without Subdivision



Example 2:  
With Subdivision



# 1. Density Limit in Lowrise 1 zones

Proposal is to:

1. increase the density limit to from 1 dwelling unit/1,300 sq. ft. to 1 dwelling unit/1,150 sq. ft. so it is consistent with what can already be built by subdividing; and
2. apply the density limit to rowhouse development on interior lots to remove the incentive to subdivide

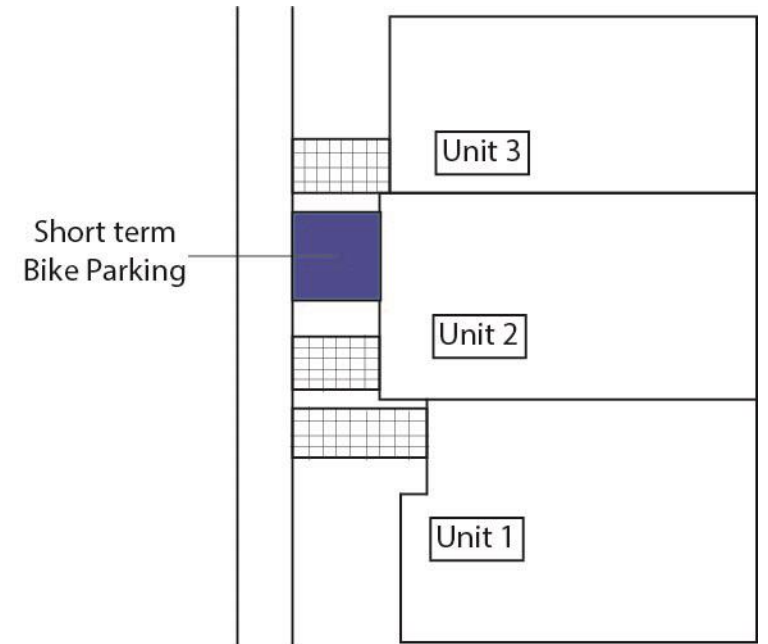
Benefits:

- Developers could continue to build lower cost homes. On 5,000 sf lot, 4 units at \$800,000 instead of 3 units at \$1,060,000
- Reduced time and cost for developers and City without subdivision

## 2. Bike parking

- In 2018, the City increased the amount of long-term bike parking required and added a new requirement for short-term public bike parking.
- The short-term requirement was designed for apartments and has been problematic for townhouses.
- Proposal is to:
  - Remove short-term bike parking requirement
  - Make it easier to accommodate bike parking in setbacks, between buildings, and within townhouse units

Example from Recent Project





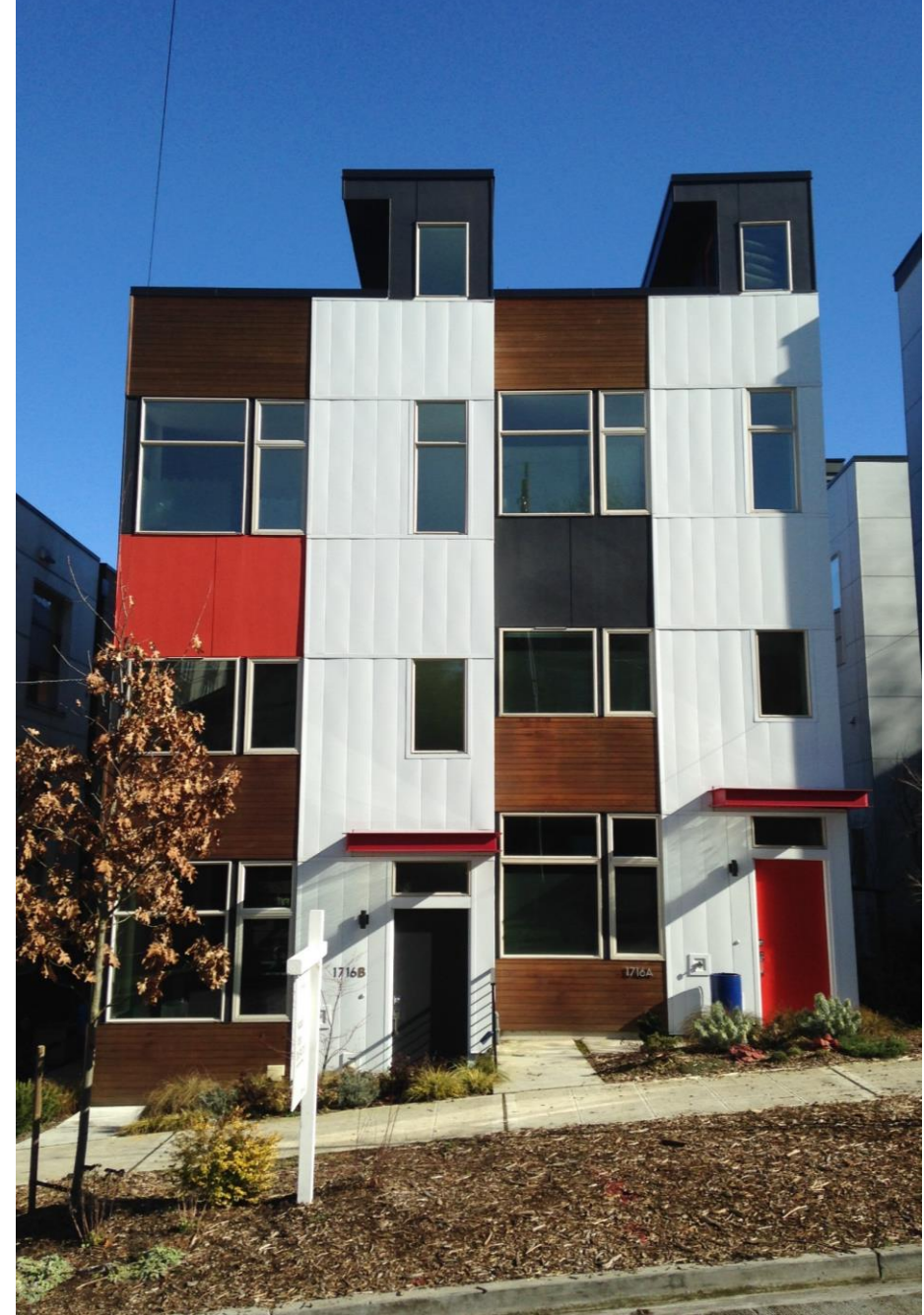
### 3. Easement Requirements

- Currently, the Land Use Code requires a 20-foot-wide access easement for development with 3 to 9 housing units
- Fire Department has reduced their requirement from 20 feet to 10 feet as they no longer feel they need to drive a truck into the middle of the property
- Proposal is to reduce land use easement to 10 feet consistent with updated Fire Department guidance

# Minor Modifications

- Allow minor overhangs over surface parking without counting surface parking in floor area calculations
- Modify an existing provision for parking off an alley to account for different alley sizes
- Change the minimum size of parking spaces in the individual garage of a townhouse from large to medium
- Clarify how development standards such as density limits apply to lots with multiple development types

# Questions?



September 6, 2022

## MEMORANDUM

**To:** Land Use Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120394: Townhouse Land Use Reforms

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On September 14, the Land Use Committee (Committee) will receive a briefing and hold a public hearing on [Council Bill \(CB\) 120394](#), which would amend the Land Use Code, Title 23 of the Seattle Municipal Code, (Code) to remove impediments to the development of townhouses and other multifamily uses. In summary, the bill would:

1. Modify the density limits for townhouses and rowhouses in Lowrise 1 (LR1) zones;
2. Update bicycle parking requirements and development standards;
3. Align access easement dimensions with the Fire Code and driveway requirements; and
4. Implement other minor modifications or clarifications to the Code, including:
  - a. Excluding surface parking that is only covered by projections from Floor Area Ratio limits in single-family and multifamily zones;
  - b. Modifying the maximum size of surface parking areas off alleys to allow parking off alleys in more circumstances;
  - c. Changing the minimum size of parking spaces in townhouse garages from large to medium; and
  - d. Clarifying how development standards such as density limits apply to lots with multiple types of residential structures.

This memorandum (1) describes townhouses and their differences from rowhouses under Seattle's zoning; (2) describes the proposed bill; (3) identifies issues for Councilmembers to consider, and (4) discusses next steps.

### Townhouses and Rowhouses

Under Seattle's zoning, townhouses and rowhouses are very similar development types. Each is a multifamily housing type consisting of units that (1) occupy the space between the ground and the sky and the roof without another unit above or below it<sup>1</sup> and (2) share a common wall or walls with abutting units.

The sole difference between the two housing types is their relation to the street. Rowhouses are required to have a visually prominent pedestrian entry with access directly to the street. No other unit may be located between any unit and the street faced by the front of that unit.

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<sup>1</sup> Exceptions are made for accessory units and shared common below-grade garages.

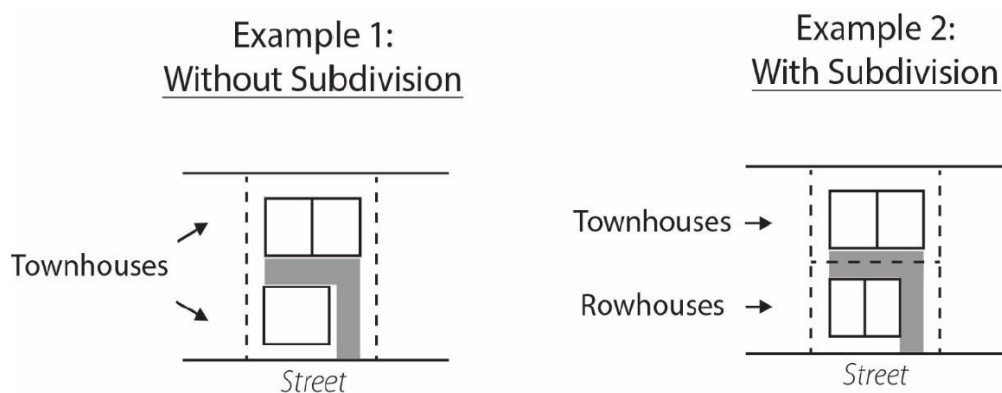
Townhouses may be oriented toward a shared common amenity area, rather than the street, if that amenity area is visible from and accessible from the street via a pedestrian path.

Because street-oriented units create more vibrant streetscapes by encouraging residents to use their front doors to access their community thus increasing pedestrian activity at multiple points along the street front, and by providing eyes on the street that make the neighborhood feel safer and more active, the Code provides incentives for the development of rowhouses rather than townhouses.<sup>2</sup> Among those incentives provided for rowhouses are:

1. Reduced front, rear, and side setback requirements;
2. No limit on the width of buildings; and
3. No density limit in LR1 zones for lots over 3,000 square feet. In LR1 zones, townhouses have a density limit of one unit per 1,300 square feet.<sup>3</sup>

In response to the combination of the density incentives and the requirement that there be no units between the street and any unit on a lot with rowhouses, developers have taken to subdividing lots. This allows rowhouses to be built on a lot abutting the street and townhouses on a separate lot behind the rowhouses. If the lot containing the rowhouses is at least 3,000 square feet, there will be no density limit on the rowhouses whereas townhouses have a density limit of at least one unit per 1,300 square feet. Figure 1, taken from the Office of Planning and Community Development (OPCD) [Director's Report](#) on CB 120394, shows this approach.

*Figure 1. Examples of townhouse/rowhouse development with and without subdividing a LR1 lot under current zoning.*



<sup>2</sup> Townhouse developments are required to provide at least 20% of each street-facing façade as doors and transparent windows.

<sup>3</sup> There is a density limit for rowhouses of 1 unit per 1,300 for interior lots that are 3,000 square feet or smaller. Interior lots are lots that are not located on a corner.

## **Council Bill 120394**

CB 120394 makes several changes to the regulation of multifamily zones. These amendments to the Code address (1) density limits; (2) bicycle parking; (3) access easements; and (4) other minor changes to residential development standards.

### Density Limits

The bill recognizes that most developers of LR1 lots are choosing to subdivide their lots, adding additional time and costs to development. The bill would lower the LR1 density limit on townhouses to one unit per 1,150 square feet, rather than the current one unit per 1,300 square feet. This is similar to the densities that are being achieved on townhouse/rowhouse projects that have been subdivided. A one unit per 1,150 square feet density limit would also apply to all rowhouses on interior lots. No changes are proposed to the total floor area or lot coverage allowed, and consequently this amendment will not increase the bulk of development. It should have the effect of encouraging the development of slightly more but narrower townhouses in the LR1 zone, and could encourage the development of more townhouses and fewer rowhouses on interior lots.

### Bicycle Parking

The code requires that one long-term bicycle parking space<sup>4</sup> be provided for every multifamily unit, including townhouses and rowhouses, and that an additional short-term bicycle parking space be provided for each 20 units. Bicycle parking requirements are rounded up, so a two-unit townhouse or rowhouse development would be required to provide at least one short-term bicycle parking space in addition to two long-term parking spaces. CB 120394 would remove the short-term bicycle parking requirement for rowhouses and townhouses. The requirement that each townhouse or rowhouse have one long-term bicycle parking space would remain.

Other changes would (1) allow required bicycle parking to be located on the ground floor within a townhouse or rowhouse unit; (2) exclude unenclosed bicycle parking from calculation of the amount of floor area on any multifamily lot; (3) allow detached sheds or lockers for required bicycle parking in required setbacks or separations on any multifamily lot; and (4) clarify that detached bicycle parking structures aren't counted toward the width of a building on any lot where there is a limit on building width.

### Access Easements

When a multifamily structure does not have street or alley access, access may be provided by an easement. For projects with between three and nine multifamily units, that easement is currently required to be 20 feet wide, based on previous versions of the Seattle Fire Code. The

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<sup>4</sup> "Long-term bicycle parking" is designed for bicycles that will be parked for four hours or longer, with an emphasis on security and weather protection. "Short-term bicycle parking" is designed for bicycles that will be parked for less than four hours, with an emphasis on visibility and ease of access.

current Fire Code requires that easements be at least 10 feet wide. CB 120394 would align the Land Use Code's requirement with the new 10 foot requirement.

#### Other minor changes

Other changes included in CB 120394 would amend the code to (1) address vehicular parking development standards, (2) update calculations used to determine the appropriate development standards when there are multiple types of housing on one lot, and (3) exempt overhead weather protection from calculations of the width of a structure.

#### *Automobile Parking*

The bill would make a few changes to the regulation of automobile parking accessory to townhouses and rowhouses, as follows:

- a. Parking areas covered by building overhangs are often considered part of the building's floor area. For neighborhood residential and multifamily zones, CB 120394 would exempt outdoor parking areas covered by building overhangs that extend up to four feet from a building, or six feet from a building when adjacent to an alley. This is intended to reduce the amount of impervious area used solely for parking.
- b. Slightly enlarge the area where parking can be located when accessed off an alley. The current rule is that parking must be located within 25 feet of an alley. CB 120394 would increase that to 28 feet to better accommodate vehicle turning needs.
- c. When a lot does not have street access, but abuts an alley, the area adjacent to the alley is considered the lot's front yard. Typically, parking is not allowed in front yards. CB 120394 would allow parking in front yards that abut alleys.
- d. Reduce the minimum required size of parking for townhouses to "medium" from "large." Medium parking spaces are at least eight feet wide by 16 feet long. Large parking spaces are eight and a half feet by 19 feet. Medium spaces are the standard required for rowhouses and single family development.

#### *Calculations*

Occasionally a development will include more than one category of housing on a lot. For example, an existing single-family house may be retained with new townhouses built behind the house. The code currently uses the floor area planned for each use to determine how to divide the lot for the purposes of applying development standards. CB 120394 returns to an earlier way to calculate this split, which the Seattle Department of Construction and Inspections finds easier to apply. Under CB 120394, the area of the footprint of structures in each use would be used to divide the lot for the purposes of applying development standards.



### *Weather Protection*

CB 120394 would also clarify that in addition to cornices, eaves and gutters, roofs and other forms of weather protection are exempt from calculation of façade length or structure width. Many zones have limits on the maximum façade length or width of structures to reduce the appearance of bulk. This bill would exempt weather protection from those calculations. This change would apply to all zones with a structure width or facade length limit.

### **Potential Issues**

#### Density limits

CB 120369 would amend the Land Use Code to adjust the density limits for townhouses and rowhouses in LR1 zones. For a 5,000 square foot lot, current LR1 zoning limits a townhouse project to one unit for every 1,300 square feet, or three units.<sup>5</sup> Under the proposed bill, townhouse projects would be able to build one unit for every 1,150 square feet, or four units.

The bill is likely to reduce the number of times developers seek to subdivide property to create separate townhouse and rowhouse parcels, and increase the number of townhouse-only projects. Some townhouse units may also be smaller or narrower than they are under today's regulations.

For interior lots, the bill is likely to reduce the number of rowhouses that could be developed on some lots. Whereas today there is no density limit for rowhouses on an interior lot that is 3,000 square feet or larger, the proposed bill would add a limit of one unit per 1,150 square feet to rowhouse developments on interior lots regardless of lot size.

Depending on their policy goals, Councilmembers may want to consider one of the following amendments which both would maintain a small incentive for rowhouse development:

1. Removing the proposed density limit on rowhouses on interior lots greater than 3,000 square feet in LR1, allowing them to be built at densities higher than 1 unit per 1,150 square feet; or
2. Retaining existing density limits on townhouses, requiring them to be built at densities lower than one unit per 1,300 square feet.

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<sup>5</sup> Multifamily zoning uses a rounding threshold of 0.85 to determine how many units are permitted on a lot. For a 5,000 square foot lot with a 1,300 square foot per unit density limit, the density limit is 3.846 units. Because the remainder is less than or equal to 0.85, three units are permitted. Under these requirements, a parcel needs to be 5,006 square feet or larger to have four units.

## Bicycle Parking

Section 3 of CB 120369 would amend multifamily zone regulations related to setbacks and separations<sup>6</sup> to allow structures used exclusively for required bicycle parking to be placed in required setbacks or separations as follows:

13. Detached, unenclosed accessory structures up to 8 feet in height and used exclusively for required bike parking are allowed in any required setback or separation.

14. Detached accessory structures up to 10 feet in height and used exclusively for required bike parking are allowed in required separations.

The bicycle parking requirement in multifamily zones is one bicycle parking space per unit. Many prefabricated bicycle parking structures are designed to accommodate multiple bicycles, and their capacity may not match the number of bicycle parking spaces required for a project. Often households that own bicycles own more than one bicycle, while their neighbors may not own a bicycle. Under the proposed language, only one bicycle from each unit could be stored in these structures.

Councilmembers may want to consider amending these provisions to remove the word “required” preceding “bike parking” from these sections, allowing any number of bikes to use structures in required setbacks or separations. This could result in bulkier bike parking structures being located in setbacks or separations.

## **Next Steps**

The Committee will hold a public hearing on CB 120369 at its September 14 meeting. It may vote on the bill as early as its next meeting. Under the Growth Management Act, amendments to the bill may require additional public notice and ability to comment prior to final Council action. Please let me know if you are interested in pursuing an amendment to the bill as soon as possible.

cc: Esther Handy, Director  
Aly Pennucci, Deputy Director  
Yolanda Ho, Lead Analyst

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<sup>6</sup> Setbacks are required spaces between structures and property lines, intended to provide light and air to the street or adjacent properties and privacy to residents of the project. Separations are required spaces between buildings on the same property, intended to provide light, air, and privacy to residents of the project.



## Legislation Text

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**File #:** CB 120401, **Version:** 1

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AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.

Full text of the legislation is attached.

**CITY OF SEATTLE**

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

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

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.

..body

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

Section 1. Section 22.900G.010 of the Seattle Municipal Code, last amended by Ordinance 126213, is amended as follows:

**22.900G.010 Fees for Department of Neighborhoods review**

The following fees shall be collected by the Director of the Department of Neighborhoods and deposited in the General Fund unless otherwise specified.

\* \* \*

C. Public School ((~~Citizen~~)) Advisory Committee fees. There is a charge of \$123 an hour for convening and staffing School Use ((~~Citizen~~)) Advisory Committees and School Departure Citizen Advisory Committees.

D. Major Institution ((~~Citizen~~)) Advisory Committee fees. The fee for convening and staffing of ((~~Citizen Advisory Committees~~)) advisory committees for the routine annual review

of approved master plans and/or the review of master plan amendments is \$123 an hour. The fee for convening and staffing of (~~Citizen Advisory Committees~~) advisory committees for new master plans and for amendments to master plans is \$123 an hour.

\* \* \*

Section 2. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.24.040 Criteria for approval**

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

\* \* \*

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

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

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

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

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

d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.

B. Special exception. The Director may modify the standards of subsection ~~((23.24.040.A.8))~~ 23.24.040.A.9, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:

\* \* \*

Section 3. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.40.060 Living Building Pilot Program**

A. Applications

1. Enrollment period. The enrollment period for the Living Building Pilot Program expires on the earlier of December 31, ~~((2025))~~ 2030, or when applications meeting

the requirements of subsection 23.40.060.A.2 have been submitted for 20 Living Building Pilot projects from ~~((the date of the ordinance introduced as Council Bill 118783))~~ September 6, 2016.

2. Application requirements. In order to qualify for the Living Building Pilot Program, an applicant shall submit a complete Master Use Permit application pursuant to Section 23.76.010 and ~~((a plan demonstrating))~~ shall demonstrate how the project will meet the provisions of subsection 23.40.060.B on plans and documents. The applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage Living Buildings in the city.

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

\* \* \*

2. ~~((Total annual building energy use that is 25 percent less than a baseline defined as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code Section C401.3))~~ The project shall comply with the requirements of the Target Performance Path in Section C401.3 of the Seattle Energy Code and decrease the building performance factor by at least 25 percent below that defined in the Target Performance Path  
Section C401.3.1.1;

\* \* \*



Section 4. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.41.004 Applicability**

A. Design review required

\* \* \*

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

6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014. If a development proposal in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. A development proposal in a Master Planned Community zone, which includes a request for departures and provides affordable housing per subsection 23.41.004.A.5, shall be subject to administrative design review according to Section 23.41.016.

\* \* \*

Section 5. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

**23.41.016 Administrative design review process**

\* \* \*

**B. Community Outreach**

\* \* \*

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the ~~((scheduling of the))~~ early design guidance ~~((meeting))~~ review. The Director shall make the documentation available to the public. The documentation shall include:

\* \* \*

**C. Early design guidance process**

1. Following a preapplication conference, an applicant may apply to begin the early design guidance process.

2. The purpose of the early design guidance process is to identify concerns about the site and proposed development, receive written comments from the public, review the design guidelines applicable to the site, identify guideline priorities, and explore conceptual design or siting alternatives.

3. The Director may establish, by rule, the information that the applicant shall ~~((present at))~~ provide with the early design guidance ~~((meeting))~~ application.

\* \* \*

Section 6. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

**23.41.018 Streamlined administrative design review (SDR) process**

\* \* \*

**B. Community Outreach**

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while Ordinance 126188 is in effect, a high impact electronic or digital outreach method from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its successor rule, that is not already being used to meet the electronic or digital outreach requirement, shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may proceed to the early design guidance process, notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the ~~((scheduling of the))~~ early design guidance ~~((meeting))~~ review. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the

development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

C. Early design guidance process

1. Following a preapplication conference, an applicant may apply to begin the early design guidance process.

2. The purpose of the early design guidance process is to receive written comments from the public, identify concerns about the site and proposed development, review the design guidelines applicable to the site, identify guideline priorities, explore conceptual design or siting alternatives, and identify and document proposed development standard adjustments, which may be approved as a Type I decision pursuant to subsection 23.41.018.D, or departures, which may be approved as a Type II decision pursuant to Section 23.41.016.

3. The Director may establish, by rule, the information that the applicant shall ~~((include for))~~ provide with the early design guidance ~~((process))~~ application.

\* \* \*

Section 7. Section 23.42.038 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

**23.42.038 Uses allowed on vacant and underused lots in certain zones**

A. Permitted uses. ~~((On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or Commercial zone, except for NC1 zones and lots in landmark and special review districts, a Type I))~~ A Master Use Permit may be issued for the following uses, pursuant to the provisions of subsections 23.42.038.B through 23.42.038.E:

1 1. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial, or Commercial  
2 zone, except for NC1 zones and lots in landmark and special review districts, a Type I Master  
3 Use Permit may be issued for the following uses:

4 ((4)) a. General retail sales and services in a kiosk or similar temporary  
5 structure;

6 ((2)) b. Mobile food or other vendors using a cart, trailer, van, or similar  
7 vehicle;

8 ((3)) c. Displays or installations of art;

9 ((4)) d. Entertainment uses that are outdoors;

10 ((5)) e. Horticulture use; or

11 ((6)) f. Any similar use or activity that is determined by the Director to  
12 have the likelihood of attracting and increasing pedestrian activity in the area.

13 2. In a Neighborhood Residential or Lowrise zone on a lot owned by the City, a  
14 Type 1 Master Use Permit may be issued for any use otherwise allowed as a conditional use,  
15 when proposed by an arts or cultural organization and in partnership with a City agency.

16 B. Requirements

17 1. A permit for the uses permitted by subsection 23.42.038.A shall be authorized  
18 for a period of three years and may be renewed for additional three-year terms at the discretion  
19 of the Director.

20 2. Permits under this Section 23.42.038 may not be issued for property that is  
21 located within a riparian corridor, a shoreline habitat, a shoreline habitat buffer, a wetland, a  
22 wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter  
23 25.09. (~~(Regulations for Environmentally Critical Areas.)~~)

3. For entertainment uses that are outdoors, hours of operation shall be between 7 a.m. and 10 p.m. and the area of use shall be at least 50 feet from a residential zone. ((;))

C. Waiver of development standards. The Director may waive development standards for the uses allowed pursuant to subsection 23.42.038.A, except measures shall be incorporated to shield vehicle lights to minimize glare on nearby uses.

D. The uses permitted by Section 23.42.038 do not interrupt any legally established permanent use of a property or create, expand, or extend any nonconformity to development standards by an existing use.

E. For all uses authorized by Section 23.42.038, appropriate measures shall be taken to control queuing on or other blocking of an adjacent sidewalk or right-of-way.

\* \* \*

Section 8. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

**23.42.040 Intermittent, temporary, and interim uses**

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

A. Intermittent ~~((Uses:))~~ uses

1. A Master Use Permit for a time period of up to one year may be authorized for any use that occurs no more than two days per week and does not involve the erection of a permanent structure, provided that:

a. The use is not materially detrimental to the public welfare; and

b. The use does not result in substantial injury to the property in the vicinity; and

c. The use is ~~((be))~~ consistent with the spirit and purpose of the Land Use Code.

\* \* \*

Section 9. Section 23.42.055 of the Seattle Municipal Code, last amended by Ordinance 126445, is amended as follows:

**23.42.055 Low-income housing on property owned or controlled by a religious organization**

\* \* \*

E. Applicability. The alternative development standards for low-income housing on property owned or controlled by a religious organization that are available in each zone may be applied to projects that vested according to Section 23.76.026, prior to August 9, 2021, in accordance with subsection ~~((23.76.026.G))~~ 23.76.026.E.

\* \* \*

Section 10. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.42.106 Expansion of nonconforming uses**

\* \* \*

B. In addition to the standards in subsection 23.42.106.A, a structure in a neighborhood residential zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040. ~~((or Section 23.44.015.))~~



2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040; ~~((or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval;))~~ if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.

3. An expansion of no more than 500 square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.

4. An expansion greater than 500 square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by the Seattle Department of Construction and Inspections through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

- a. Architectural character;
- b. Existing streetscape and pattern of yards; and
- c. Scale and proportion of principal structures.

5. If an addition proposed under subsection 23.42.106.B.3 or 23.42.106.B.4 would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

\* \* \*

Section 11. Section 23.42.112 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.42.112 Nonconformity to development standards**

\* \* \*

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

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

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

3. ~~((Nonconforming development that is not structural, including but not limited to access or location of parking, may be maintained if a structure is rebuilt according to the requirements of))~~ Existing access or location of parking may be maintained for single-family structures in neighborhood residential and multifamily zones when the single-family structure is being rebuilt according to this subsection 23.42.112.B.

\* \* \*

Section 12. Section 23.44.009 of the Seattle Municipal Code, last amended by Ordinance 126384, is amended as follows:

**23.44.009 Design standards in RSL zones**

In RSL zones, the following provisions apply:

\* \* \*

B. Each dwelling unit with a street-facing facade or each apartment structure with a street-facing facade, that is located within 40 feet of a street lot line shall have a pedestrian entry or front door on that street-facing facade. For dwelling units or apartment structures on corner lots, a pedestrian entry or front door is required on only one of the street-facing facades.

The pedestrian entry or front door shall be marked with a covered stoop, porch, or other similar architectural entry feature.

\* \* \*

Section 13. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

### **23.44.010 Minimum lot area and lot coverage**

\* \* \*

#### D. Lot coverage exceptions

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

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

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

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

a. Access bridges

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

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

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

a. Access bridges

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

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

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

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

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

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

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

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

\* \* \*

Section 14. Section 23.44.011 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.44.011 Floor area in neighborhood residential zones**

\* \* \*

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

1. All stories, or portions of stories, that are underground.
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
3. In NR1, NR2, and NR3 zones:
  - a. Any floor area contained in an accessory dwelling unit;
  - b. Either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.
4. In RSL zones, 50 percent of the chargeable floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

\* \* \*

Section 15. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.44.014 Yards**

\* \* \*

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

\* \* \*

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 detached 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, may extend no more than 18 inches into any required yard, starting a minimum of 30 inches above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

d. The combined area of features permitted by subsections 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 facade.

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

1 existing or finished grade, whichever is lower. The roof over such decks or patios shall not be  
2 used as a deck.

3 \* \* \*

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

7 \* \* \*

8 11. Decks in yards. ~~((Decks))~~ Except for decks allowed as a part of a detached  
9 accessory dwelling unit, decks no higher than 18 inches above existing or finished grade,  
10 whichever is lower, may extend into required yards.

11 \* \* \*

12 Section 16. Section 23.44.015 of the Seattle Municipal Code, last amended by Ordinance  
13 122311, is repealed:

14 ~~**((23.44.015 Allowance for larger households.**~~

15 ~~The Director may allow larger numbers of unrelated persons to live together in a household~~  
16 ~~than would otherwise be permitted in two situations: (1) through a grant of special~~  
17 ~~accommodation, available only to domestic violence shelters as defined in Chapter 23.84A, and~~  
18 ~~(2) through a grant of reasonable accommodation, available only to persons with handicaps as~~  
19 ~~defined by federal law.~~

20 ~~A. The Director may grant special accommodation to individuals who are residents of~~  
21 ~~domestic violence shelters in order to allow them to live together in groups of between nine (9)~~  
22 ~~and fifteen (15) persons in single family dwelling units, according to the following:~~



1                   ~~1. An application for special accommodation must demonstrate to the~~  
2 ~~satisfaction of the Director:~~

3                             ~~a. That the needs of the residents of the domestic violence shelter make it~~  
4 ~~necessary for the residents to live together in a group of the size proposed; and~~

5                             ~~b. That adverse impacts on the neighborhood from the increased density~~  
6 ~~will be mitigated.~~

7                   ~~2. The Director shall take into account the size, shape and location of the~~  
8 ~~dwelling unit and lot, the traffic and parking conditions on adjoining and neighboring streets,~~  
9 ~~the vehicle usage to be expected from residents, staff and visitors, and any other circumstances~~  
10 ~~the Director determines to be relevant as to whether the proposed increase in density will~~  
11 ~~adversely impact the neighborhood.~~

12                   ~~3. An applicant shall modify the proposal as needed to mitigate any adverse~~  
13 ~~impacts identified by the Director or the Director shall deny the request for special~~  
14 ~~accommodation.~~

15                   ~~4. A grant of special accommodation permits a dwelling to be inhabited only~~  
16 ~~according to the terms and conditions of the applicant's proposal and the Director's decision. If~~  
17 ~~circumstances materially change or the number of residents increases, or if adverse impacts~~  
18 ~~occur that were not adequately mitigated, the Director shall revoke the grant of special~~  
19 ~~accommodation and require the number of people in the dwelling to be reduced to eight unless~~  
20 ~~a new grant of special accommodation is issued for a modified proposal.~~

21                   ~~5. A decision to grant special accommodation is a Type 1 Master Use Permit~~  
22 ~~decision (See Chapter 23.76) that shall be recorded with the King County Division of Records~~  
23 ~~and Elections.~~

1       ~~B. The Director may grant reasonable accommodation to individuals who are~~  
2 ~~handicapped within the meaning of 42 U.S.C. 3602, in order for them to live in a household of~~  
3 ~~more than eight (8) persons, according to the following:~~

4               ~~1. An applicant for reasonable accommodation must demonstrate to the~~  
5 ~~satisfaction of the Director that the handicap of the proposed residents makes it necessary for~~  
6 ~~them to live in a household of the size proposed in order to have equal opportunity to use and~~  
7 ~~enjoy a dwelling.~~

8               ~~2. The Director shall determine what adverse land use impacts, including~~  
9 ~~cumulative impacts, if any, would result from granting the proposed accommodation. The~~  
10 ~~Director shall take into account the size, shape and location of the dwelling unit and lot; the~~  
11 ~~traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be~~  
12 ~~expected from residents, staff and visitors; and any other circumstances the Director~~  
13 ~~determines to be relevant.~~

14               ~~3. The Director shall consider the applicant's need for accommodation in light~~  
15 ~~of the anticipated land use impacts, and the Director may impose conditions in order to make~~  
16 ~~the accommodation reasonable in light of those impacts.~~

17               ~~4. A grant of reasonable accommodation permits a dwelling to be inhabited only~~  
18 ~~according to the terms and conditions of the applicant's proposal and the Director's decision. If~~  
19 ~~the Director determines that the accommodation has become unreasonable because~~  
20 ~~circumstances have changed or adverse land use impacts have occurred that were not~~  
21 ~~anticipated, the Director shall rescind or modify the decision to grant reasonable~~  
22 ~~accommodation.~~

1                   ~~5. A decision to grant reasonable accommodation is a Type 1 Master Use Permit~~  
2 ~~decision (see Chapter 23.76) that shall be recorded with the King County Division of Records~~  
3 ~~and Elections.~~

4                   ~~6. Nothing herein shall prevent the Director from granting reasonable~~  
5 ~~accommodation to the full extent required by federal or state law.))~~

6                                   \* \* \*

7                   Section 17. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance  
8 126509, is amended as follows:

9 **23.44.016 Parking and garages**

10                                  \* \* \*

11                   B. Access to parking

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

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

16                                  \* \* \*

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

19                                  \* \* \*

20                   F. Appearance of garages ((entrances))

21                                  \* \* \*

22                   Section 18. Section 23.44.017 of the Seattle Municipal Code, last amended by Ordinance  
23 126509, is amended as follows:

**23.44.017 Density limits**

\* \* \*

B. The following provisions apply in RSL zones:

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

2. Except as provided in subsection 23.44.017.B.3, when calculation of the number of dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

3. For lots in existence on ~~((the effective date of the ordinance introduced as Council Bill 119444))~~ April 19, 2019, if the number of dwelling units allowed according to subsection ~~((23.44.017.B.2))~~ 23.44.017.B.1 equals less than two, two units are allowed.

\* \* \*

Section 19. Section 23.44.018 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

**23.44.018 Maximum dwelling unit size in RSL zones**

The maximum net unit area of any dwelling unit in RSL zones, including any floor area in an accessory dwelling unit, is 2,200 square feet, except as provided in subsection 23.44.018.B.

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

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

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

B. Certain additions ((-))

1. The limit of (~~(subsection 23.44.018.A)~~) this Section 23.44.018 shall not apply to an addition to single-family residences existing on (~~(the effective date of the ordinance introduced as Council Bill 119444)~~) April 19, 2019, if the addition:

a. Adds floor area equal to or less than 20 percent of the floor area that existed on (~~(the effective date of the ordinance introduced as Council Bill 119444)~~) April 19, 2019; or ((-))

b. Adds floor area only by adding or expanding a second-story, provided that the second-story addition is directly above a portion of the dwelling unit that existed prior to (~~(the effective date of the ordinance introduced as Council Bill 119444)~~) April 19, 2019. For purposes of this subsection (~~(23.44.018.B.2)~~) 23.44.018.B.1, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, shall not be considered in the calculation of the number of stories.

((3)) 2. Only one addition to any single-family residence may be exempted under this subsection 23.44.018.B.

\* \* \*

Section 20. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.44.041 Accessory dwelling units**

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

\* \* \*

~~((3. In an NR1, NR2, and NR3 zone, any number of related persons may occupy each unit on a lot with one or more accessory dwelling units. If unrelated persons occupy any dwelling unit, the total number of persons occupying all dwelling units may not altogether exceed eight if there is one accessory dwelling unit on the lot. If two accessory dwelling units exist on the lot, the total number of unrelated persons occupying all units may not altogether exceed 12.~~

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

~~((5))~~ 3. In NR1, NR2, and NR3 zones, accessory dwelling units are subject to the tree requirements in subsection 23.44.020.A.2.

~~((6))~~ 4. No off-street parking is required for accessory dwelling units. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot.

\* \* \*

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

Table A for 23.44.041 Development standards for detached accessory dwelling units <sup>1, 2</sup>	
* * *	
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and <u>exterior-only accessed</u> storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor

	area calculation for a detached accessory dwelling unit. ((The bicycle parking area shall be provided in a safe and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.))			
* * *				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. <sup>4, 5, 6, 11</sup>			
* * *				
k. Maximum height limits <sup>7, 8, 9</sup>	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) <sup>10, 11</sup>	14	16	18	18
* * *				
l. Minimum separation from principal structure	5 feet <u>including eaves and gutters of all structures</u>			
* * *				
Footnotes to Table A for 23.44.041				
<sup>1</sup> The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.				
* * *				
<sup>10</sup> Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.				
<sup>11</sup> <u>Attached decks that are portions of a detached accessory dwelling unit are allowed in the required rear yard and up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.</u>				

- 1 \* \* \*
- 2 2. Conversion of accessory structures. An existing accessory structure that is not
- 3 located in a required front yard, or that is located in a front yard where Section 23.40.030 or
- 4 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure
- 5 complies with the minimum standards set forth in Sections ~~((22.206.010))~~ 22.206.020 through
- 6 22.206.140 ~~((of the Housing and Building Maintenance Code))~~ and with the Seattle Residential



Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in standards a through f, and h through k, listed in Table A for 23.44.041. ~~((, provided the conversion does not increase the structure's nonconformity with the standard.))~~ These exceptions also apply to any additions to an existing accessory structure. An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure existed prior to December 31, 2017, as an accessory structure. If an accessory structure existing prior to December 31, 2017, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.C.2. For purposes of this subsection 23.44.041.C.2, the term "conversion" means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

\* \* \*

Section 21. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.45.514 Structure height**

\* \* \*

**I. Rooftop features**

\* \* \*

4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and 23.45.514.F, if the combined total coverage of

all features in subsections ((~~23.45.514.J.4.a~~)) 23.45.514.I.4.a through ((~~23.45.514.J.4.f~~))  
23.45.514.I.4.f does not exceed 15 percent of the roof area (or 20 percent of the roof area if the  
total includes screened mechanical equipment):

- a. Stair penthouses, except as provided in subsection 23.45.514.I.6;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing that encloses it, if the fencing is  
at least 5 feet from the roof edge;
- d. Chimneys;
- e. Wind-driven power generators; and
- f. Minor communication utilities and accessory communication devices,  
except that height is regulated according to the provisions of Section 23.57.011.

\* \* \*

Section 22. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance  
126509, is amended as follows:

**23.45.518 Setbacks and separations**

A. LR zones

\* \* \*

2. Upper-level setbacks in LR2 and LR3 zones

a. An upper-level setback of 12 feet from the front lot line is required for  
all portions of a structure above the following height:

- 1) Forty-four feet for zones with a height limit of 40 feet; and
- 2) Fifty-four feet for zones with a height limit of 50 feet.

b. An upper-level setback of 12 feet from each side or rear lot line that abuts a lot zoned single-family is required for all portions of the structure above 34 feet in height.

c. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

d. Structures allowed in subsection (~~(23.45.518.J)~~) 23.45.518.I are not allowed in upper-level setbacks.

e. Rooftop features are not allowed in upper-level setback except as follows:

1) A pitched roof, other than a shed roof or butterfly roof, is allowed in the upper-level setback if all parts of the roof are pitched at a rate of not less than 6:12 and not more than 12:12.

2) Open railings may extend up to 4 feet above the height at which the setback begins.

3) Parapets may extend up to 2 feet above the height at which the setback begins.

## B. MR zones

\* \* \*

### 2. Upper-level setbacks in MR zones

a. For lots abutting a street that is less than 56 feet in width, all portions of the structure above 70 feet in height must be set back 15 feet from the front lot line abutting that ~~((right-of-way))~~ street.

b. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

c. Structures allowed in subsection ((~~23.45.518.J~~)) 23.45.518.I are not allowed in upper-level setbacks.

d. Rooftop features are not allowed in upper-level setback except as follows:

1) Open railings may extend up to 4 feet above the height at which the setback begins.

2) Parapets may extend up to 2 feet above the height at which the setback begins

\* \* \*

Section 23. Section 23.45.524 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

**23.45.524 Landscaping standards**

**A. Landscaping requirements**

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, number of plants, spacing of plants, depth and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

**2. Green Factor requirement**

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot within an LR zone if construction of more than one new dwelling unit or a congregate residence is proposed on the site. The addition of any new dwelling unit that does not increase the floor area on the site is

1 exempt from the Green Factor requirement. (~~Vegetated walls may not count towards more than~~  
2 ~~25 percent of a lot's Green Factor score.~~))

3 b. Landscaping that achieves a Green Factor score of 0.5 or greater,  
4 determined as set forth in Section 23.86.019, is required for any lot within an MR or HR zone if  
5 construction of more than one new dwelling unit or a congregate residence is proposed on the  
6 site. The addition of any new dwelling unit that does not increase the floor area on the site is  
7 exempt from the Green Factor requirement.

8 \* \* \*

9 Section 24. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance  
10 125791, is amended as follows:

11 **23.45.529 Design standards**

12 \* \* \*

13 D. Treatment of side facades that are not street-facing. For the purposes of this subsection  
14 23.45.529.D, a side facade that is not street-facing includes all vertical surfaces enclosing interior  
15 space, including gables and dormers, as shown in Exhibit A for 23.45.529, if located within 10  
16 feet of a side lot line.

17 1. If the side facade of a structure that is not street-facing exceeds 1,000 square  
18 feet in area, one of the following must be met:

19 a. A portion of the side facade with a minimum area of 250 square feet and  
20 a maximum area of 750 square feet shall project or be recessed from abutting facade planes by a  
21 minimum depth of 18 inches; or

22 b. The side facade shall include vertical or horizontal variations in  
23 building materials or color, covering a minimum of 25 percent of the facade surface.

2. Structures shall be designed to maintain the privacy of dwelling units by minimizing placement of proposed windows where they would directly align with windows on the side facade of a structure on an abutting lot located within 20 feet of the side property line or by use of fencing, screening, landscaping, or translucent windows to create privacy between buildings.

\* \* \*

#### G. Design standards for townhouse developments

1. Building orientation. Townhouse developments shall maximize the orientation of individual units to the street by complying with one of the following conditions:

a. ~~((At))~~ When multiple buildings are located on a lot, at least 50 percent of the townhouse units shall be located so that there is no intervening principal structure between the unit and the street, unless the intervening principal structure was established under permit as of October 31, 2001, or was granted a permit on October 31, 2001, and the permit has not expired; or

b. All townhouse units without a street-facing facade shall have direct access to a common amenity area meeting the requirements of Section 23.45.522 that either abuts the street or is visible and accessible from the street by a clear pedestrian pathway.

2. Pedestrian pathway. A clear pedestrian pathway from the street to the entrance of each townhouse unit shall be provided. The pedestrian pathway may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique. Signage identifying townhouse unit addresses and the directions to the unit entrance(s) from the street shall be provided.

3. Pedestrian entry. Each townhouse unit with a street-facing facade shall have a pedestrian entry on the street-facing facade that is designed to be a visually prominent feature through the use of covered stoops, porches, or other architectural entry features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features, such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

\* \* \*

Section 25. A new Section 23.45.600 is added to the Seattle Municipal Code as follows:

**23.45.600 Major Phased Developments in Midrise zones**

A. In a Midrise zone, an applicant may seek approval of a Major Phased Development. A Major Phased Development proposal is subject to the provisions of the zone and shall meet the following thresholds:

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

2. The proposed project at time of application is a single, functionally interrelated campus, contains more than one building, with a minimum total number of 500 dwelling units, and will meet Mandatory Housing Affordability requirements pursuant to Section 23.58C.005 using the performance option on site.

3. The first phase of the development consists of at least 100 dwelling units.

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

5. The site shall be within 2,640 feet of an existing or planned light rail station.

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

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

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit, or any such impacts have been addressed through the State Environmental Policy Act (SEPA).

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

C. Changes to the approved Major Phased Development

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



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

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

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

3) No significantly greater impact would occur.

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

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

\* \* \*

Section 26. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 126548, is amended as follows:

**23.47A.012 Structure height**

\* \* \*

C. Rooftop features

\* \* \*

3.Solar collectors

a. In zones with mapped height limits of 30 ~~((or 40))~~ to 55 feet, solar collectors may extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

b. In zones with height limits of 65 feet or more, solar collectors may extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

\* \* \*

Section 27. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.47A.014 Setback requirements**

\* \* \*

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

\* \* \*

2. An upper-level setback is required along the portion of any rear or side lot line that abuts a lot or portion of a lot in an LR, MR, or HR zone or that abuts a portion of a lot that is zoned ~~((both))~~ commercial. If the abutting lot is zoned both commercial and LR, MR, or HR ~~((if))~~ and the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, the upper-level setback is measured perpendicular to the abutting lot line, as follows:

1 a. Ten feet for portions of structures above 13 feet in height to a maximum  
2 of 65 feet; and

3 b. For each portion of a structure above 65 feet in height, additional  
4 setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion  
5 exceeds 65 feet, up to a maximum setback of 20 feet (Exhibit B for 23.47A.014).

6 \* \* \*

7 Section 28. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance  
8 125792, is amended as follows:

9 **23.48.040 Street-level development standards**

10 \* \* \*

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

17 \* \* \*

18 2. There is no minimum frontage requirement for street-level uses provided at  
19 locations where they are not required but are exempt from FAR calculations under the provisions  
20 of subsections 23.48.220.B.2, 23.48.620.B.2, 23.48.720.C.4, or 23.48.820.B.

21 \* \* \*

22 Section 29. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance  
23 126157, is amended as follows:

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

\* \* \*

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

\* \* \*

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

\* \* \*

Section 30. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

**23.48.620 Floor area ratio in SM-U zones**

\* \* \*

D. Additional increment of chargeable floor area above the maximum FAR. For all SM-U zones, an additional increment of ((0.5)) 1.0 FAR is permitted above the maximum FAR of the zone for a lot that includes residential dwelling units that comply with all of the following conditions:

1. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

a. The amenity area has a minimum area of 1,300 square feet and a minimum horizontal dimension of 20 feet; and

b. The amenity area must be common amenity area, except that up to 40 percent of the amenity area may be private provided that the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

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

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

\* \* \*

Section 31. Section 23.48.622 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

**23.48.622 Extra floor area in SM-U zones**

A. Means to achieve extra floor area above the base FAR, or above the additional increment of chargeable floor area allowed above the base FAR by subsection 23.48.620.B

1. General. The applicant shall:

a. Achieve 65 percent of the extra floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014 or bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024; and

b. Achieve 35 percent of the extra floor area through the use of one or more of the following options:

1) Acquiring open space, Landmark, or vulnerable masonry TDR or TDP according to Sections 23.48.623 and 23.58A.042; or

2) Providing open space amenities according to Sections 23.48.624 and 23.58A.040.

2. Extra floor area in mixed-use projects. In a project that exceeds the base FAR, or exceeds the increment of additional chargeable floor area allowed above the base FAR under subsection 23.48.620.B, and that includes both residential and non-residential uses, the amount of extra residential floor area and extra non-residential floor area to be obtained shall be calculated as follows:

a. Relative to the total chargeable gross floor area of all uses in the project, determine the percentage that is in residential use and the percentage that is in non-residential use.

b. Determine the total amount of extra floor area in the project above the base FAR, or above the increment of additional chargeable floor area allowed above the base FAR under subsection 23.48.620.B, and, using the percentages derived in subsection ~~((23.48.622.B.1))~~ 23.48.622.A.2.a, divide this total amount to determine the share of extra floor area that is to be obtained as extra residential floor area and the share that is to be obtained as extra non-residential floor area according to the applicable provisions of the zone.

\* \* \*

Section 32. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

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

\* \* \*

B. Additional increment of floor area above the maximum FAR. On lots that include uses or features specified in this subsection 23.48.720.B, an additional amount of chargeable floor area is permitted above the maximum FAR as follows:

\* \* \*

4. For all SM-UP zones, an additional increment of up to ~~((.5))~~ 1.0 FAR is permitted above the maximum FAR of the zone for a lot that includes residential dwelling units that comply with all of the following conditions:

a. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

b. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

1) The amenity area has a minimum area of 1,300 square feet and a minimum horizontal dimension of 20 feet; and

2) The amenity area must be common amenity area, except that up to 40 percent of the amenity area may be private provided that the private and common amenity area are contiguous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

3) The common amenity area includes children's play equipment; and

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

Section 33. Section 23.49.181 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

**23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone**

\* \* \*

**B. Permitting ((Conditions)) conditions**

1. Master Use Permit. The Master Use Permit application to establish any bonus floor area under this Section 23.49.181 shall include a calculation of the total amount of bonus floor area sought and shall identify the quantity and type of affordable housing to be provided to satisfy the conditions to such bonus floor area. The application shall include the proposed location of the affordable housing. If any of the affordable housing is proposed to be within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the location of the affordable housing within that area and its distribution within the proposed building(s). If any of the affordable housing is not to be provided within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the address, legal description, dimensions and ownership of the other lot(s), and the approval of the Director of Housing for the affordable housing to be provided on the other lot(s), pursuant to subsection 23.49.181.E.3. The Director shall, at the time of issuance of any Master Use Permit decision approving any bonus floor area, issue a Type I decision as to the amount of bonus floor area to be allowed and the conditions to such bonus floor area. A declaration signed by the applicant and any other owners of the lot(s) on which the project using the bonus floor area is to be built and any other owners, or persons with control, of



1 the lot(s) where the affordable housing will be located, on a form approved by the Director,  
2 specifying the amount of bonus floor area, the legal descriptions of the lot where the bonus floor  
3 area will be used and each other lot where affordable housing will be located, and the conditions,  
4 must be executed and recorded as a condition to issuance of the Master Use Permit for a  
5 development to include bonus floor area. If a change in the total bonus floor area to be  
6 developed, or a change in the location of the affordable housing approved by the Director of  
7 Housing pursuant to subsection 23.49.181.E.3, results in adjustment to one or more conditions,  
8 the declaration and any related conditions of the Master Use Permit may be amended, with the  
9 written approval of the Director, as a Type I decision. In requesting amendment of a declaration  
10 under this subsection 23.49.181.B and any related conditions of the Master Use Permit, the  
11 applicant may elect, consistent with subsection ((~~23.76.026.G~~)) 23.76.026.E, that the provisions  
12 of this Section 23.49.181 as in effect on the date of the Director's action on that request, rather  
13 than any earlier date applicable under Section 23.76.026, apply for purposes of the amendment to  
14 the Master Use Permit.

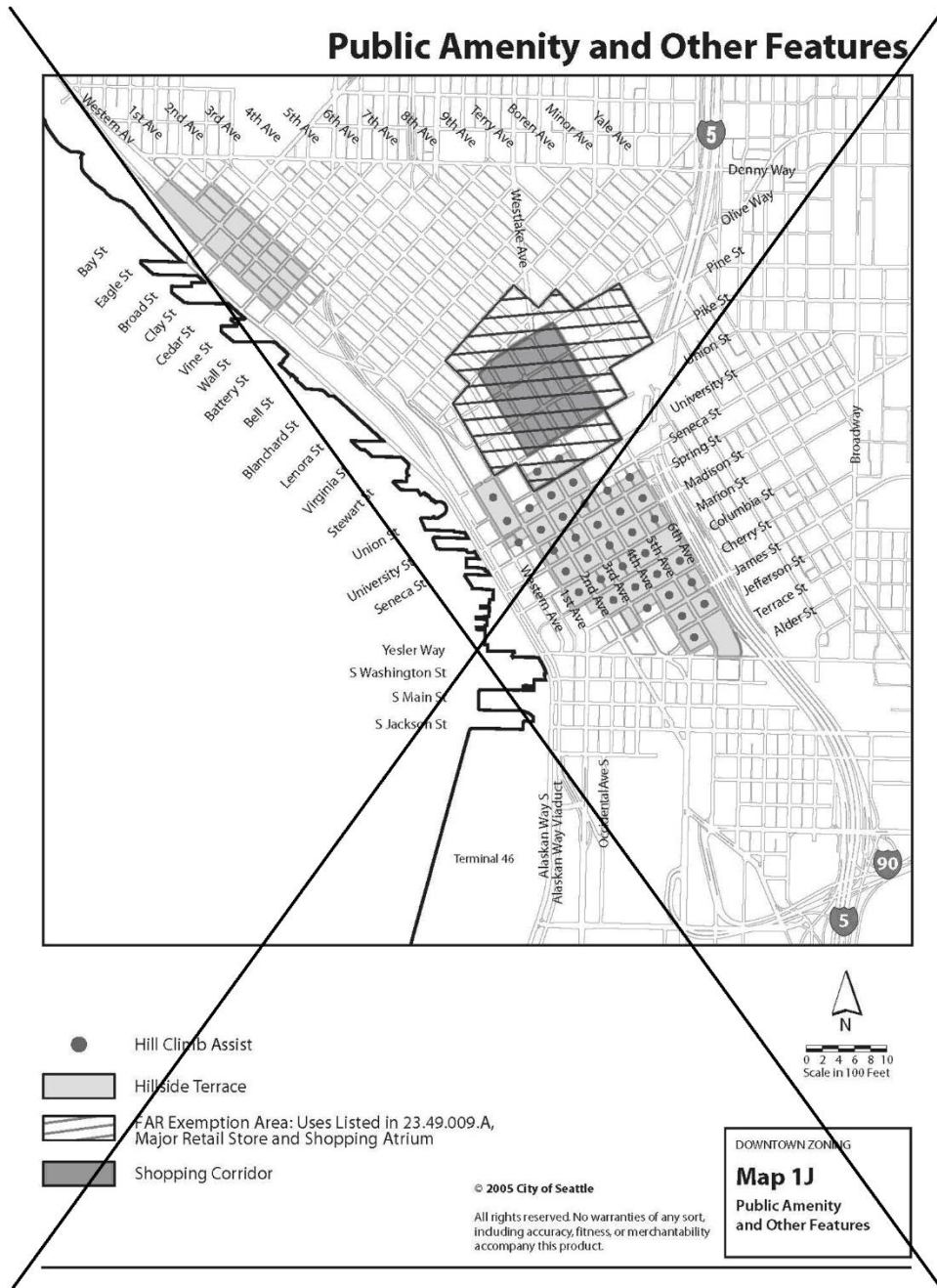
15 \* \* \*

16 Section 34. Map 1J for Chapter 23.49 of the Seattle Municipal Code, last amended by  
17 Ordinance 124680, is amended as follows:

18 \* \* \*

1




## Map 1J: Public Amenity Features



2

# Public Amenity and Other Features



- Hill Climb Assist
-  FAR Exemption Area: Uses Listed in 23.49.009.A, Major Retail Store and Shopping Atrium
-  Hillside Terrace
-  Shopping Corridor

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DOWNTOWN ZONING  
**Map 1J**  
Public Amenity and  
Other Features

1

2

\* \* \*

Section 35. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

**23.50.014 Conditional uses**

\* \* \*

C. Administrative Conditional Uses/Queen Anne Interbay Area. Within the area shown on ~~((Exhibit 23.50.014 A))~~ Map A for 23.50.014.C, the uses listed in subsections 23.50.014.C.1 and 23.50.014.C.2 ~~((of this section))~~ shall be administrative conditional uses and may be permitted by the Director when the provisions of ~~((this section and))~~ subsection 23.50.014.A ~~((of Section 23.50.014))~~ and 23.50.014.C are met: ~~((See Exhibit 23.50.014 A:))~~

1. Heavy ~~((Manufacturing))~~ manufacturing uses may be permitted as a conditional use according to the following criteria:

a. Except shipbuilding, the use shall be located within an enclosed building;

b. The hours of operation for all process creating any adverse impacts on residentially or commercially zoned land shall be limited;

c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and

e. The use shall not produce sustained or recurrent vibrations exceeding 0.002 g acceleration as measured on lots in nonindustrial zones.

2. Power plants may be permitted as a conditional use according to the following criteria:

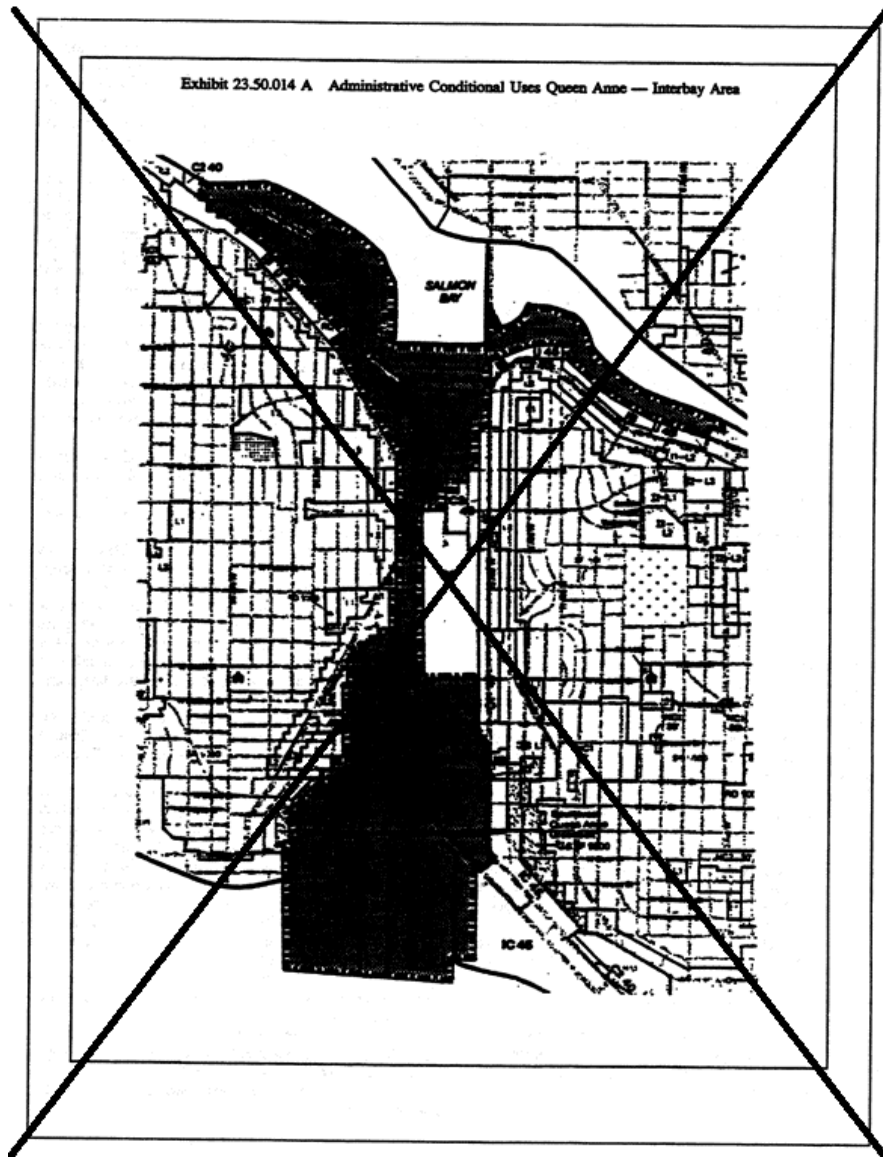
1 a. The lot is located so that large concentrations of people, particularly in  
2 residential and commercial areas, are not exposed to unreasonable adverse impacts;

3 b. A facility management and transportation plan may be required. The  
4 level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or  
5 scale of the proposed facility, and may include discussion of transportation, noise control, and  
6 hours of operation;

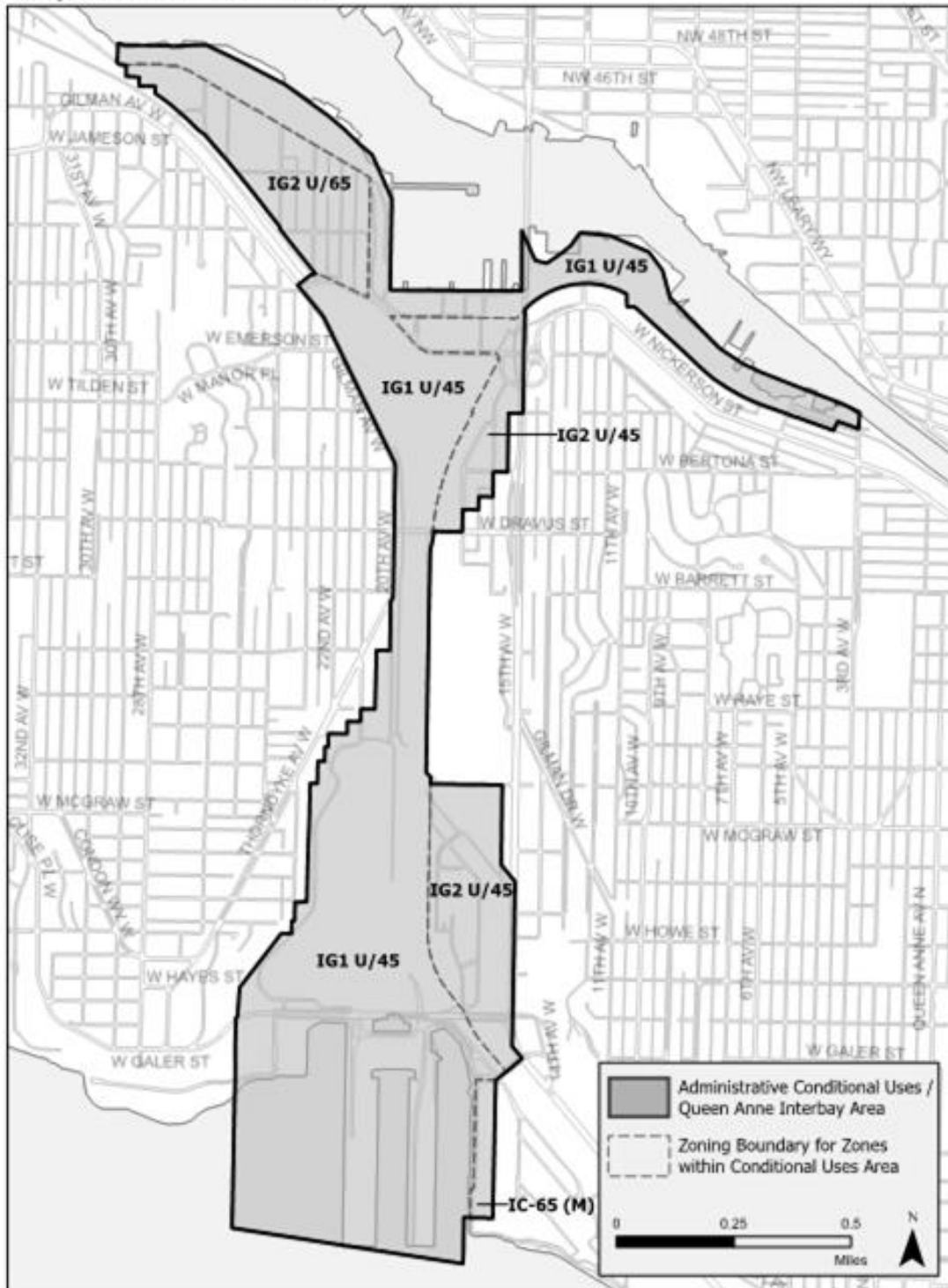
7 c. Measures to minimize potential odor emission and airborne pollution  
8 shall meet standards of and be consistent with the Puget Sound Clean Air Agency (PSCAA), and  
9 shall be incorporated into the design and operation of the facility; and

10 d. Landscaping and screening, separation from less-intensive zones, noise,  
11 light and glare controls, and other measures to insure the compatibility of the use with the  
12 surrounding area and to mitigate adverse impacts shall be incorporated into the design and  
13 operation of the facility.

14 \* \* \*



**Map A for 23.50.014.C**



1

2

\* \* \*

Section 36. Section 23.50.027 of the Seattle Municipal Code, last amended by Ordinance 126452, is amended as follows:

**23.50.027 Maximum size of nonindustrial use**

**A. Applicability**

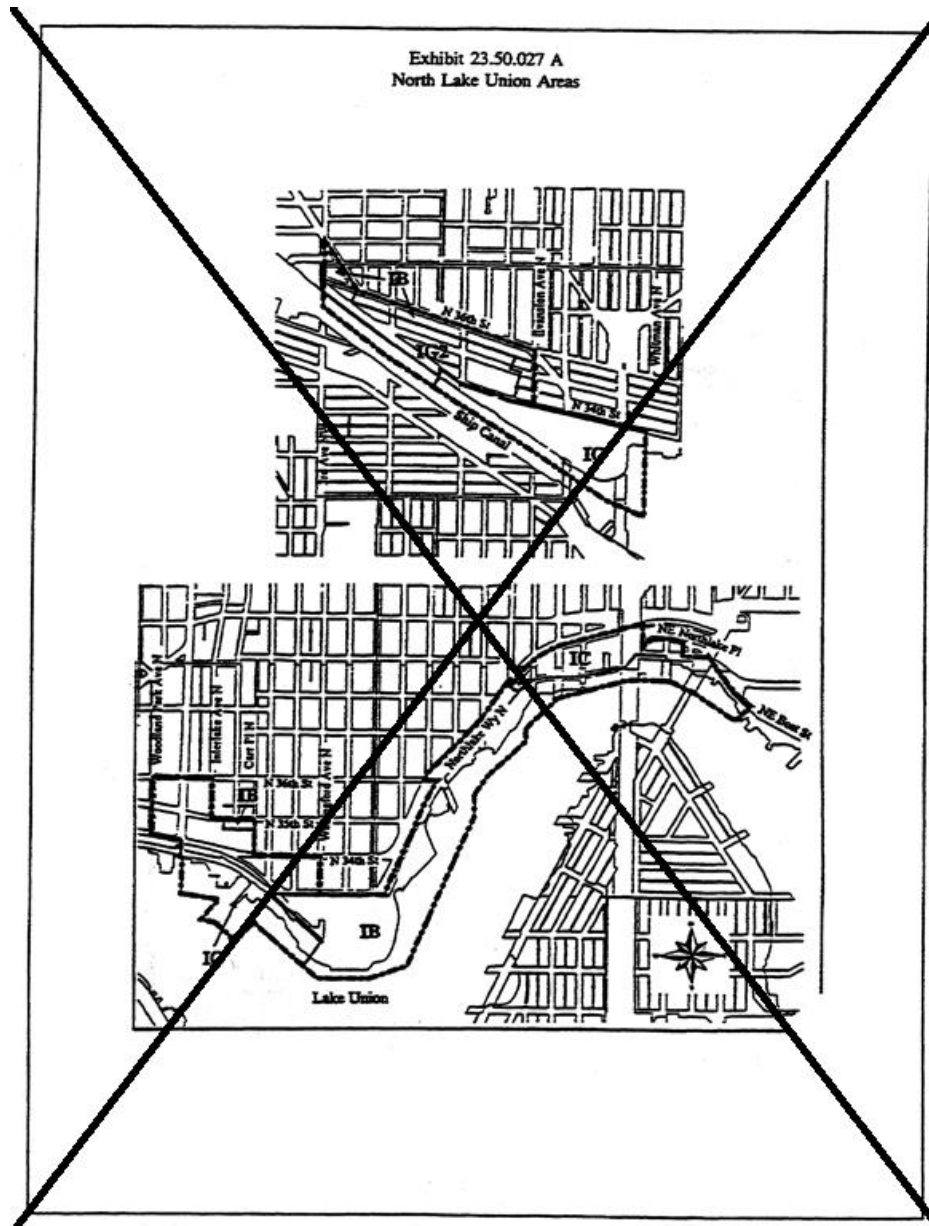
1. Except as otherwise provided in this Section 23.50.027, the maximum size of use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot, and apply separately to the categories of uses. The total gross floor area occupied by uses limited under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, IB, or IC zone.

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified in Table A for 23.50.027.

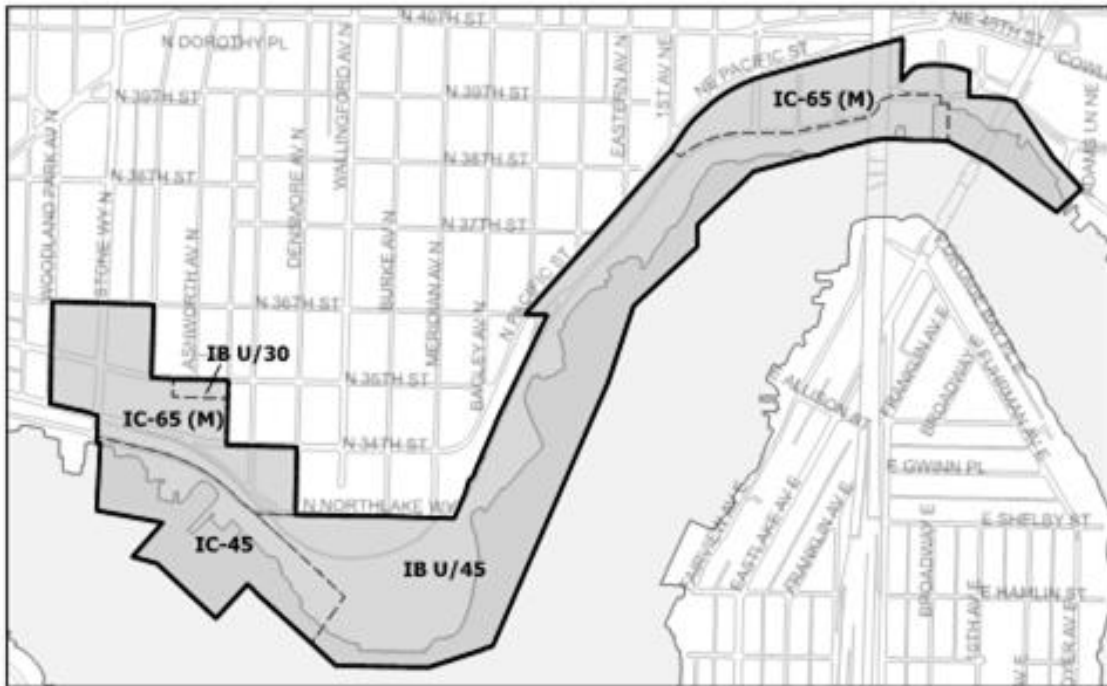
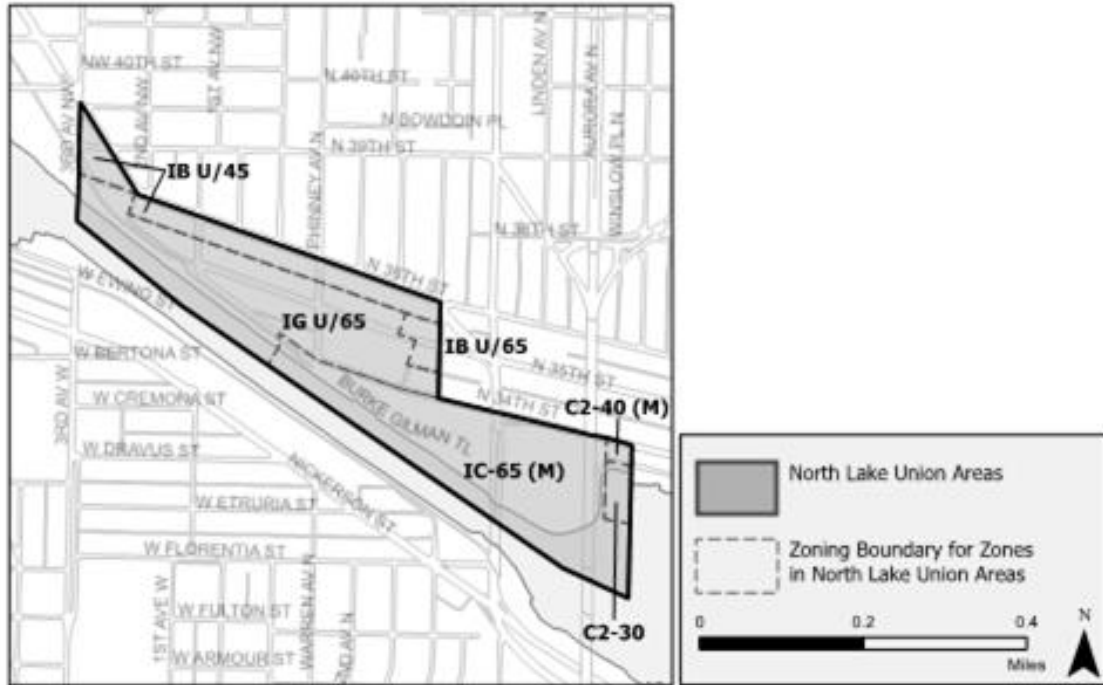
3. The maximum size of use limits in Table A for 23.50.027 do not apply to the North Lake Union area identified in ((~~Exhibit~~)) Map A for 23.50.027. In that area no single non-office use listed in Table A for 23.50.027 may exceed 50,000 square feet in size.

\* \* \*





**Map A for 23.50.027**



\*\*\*

Section 37. Section 23.50.038 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**23.50.038 Industrial Commercial—Screening and landscaping**

\* \* \*

C. Additional ~~((Screening and Landscaping Requirements for Specific Uses.))~~ screening and landscaping requirements for specific uses

1. Surface ~~((Parking Areas for More Than Five Vehicles.))~~ parking areas for more than five vehicles

\* \* \*

e. Surface parking areas for ten or fewer cars shall be screened by 3-foot-high screening along the street lot line.

f. Surface parking areas for more than ten cars shall be screened by 3 foot high screening and ~~((street))~~ trees along the street lot lines.

g. Surface parking areas for more than 50 cars shall provide 3 foot high screening and ~~((street))~~ trees along the street lot lines, as well as interior landscaping.

\* \* \*

8. Screening and location of parking in an IC ~~((85-160))~~ 85-175 zone. Those developments that gain extra floor area above the base FAR in an IC ~~((85-160))~~ 85-175 zone are subject to the following, in addition to any other applicable parking screening requirements in this subsection 23.50.038.C.

\* \* \*

Section 38. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 126518, is amended as follows:

**23.51A.002 Public facilities in neighborhood residential zones**

\* \* \*

**C. Expansion of uses in public facilities**

1. Major ~~((Expansion))~~ expansion. Major expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B 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 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 ~~((40))~~ ten 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))~~ expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B 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~~)) 23.76.026.E.

\* \* \*

Section 39. Section 23.51B.002 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.51B.002 Public schools in residential zones**

Public schools in all neighborhood residential and multifamily zones are subject to the following development standards unless otherwise indicated:

\* \* \*

**E. Setbacks**

**1. General ((~~Requirements~~)) requirements**

\* \* \*

d. The exceptions of subsections ((~~23.44.014.D.5, D.6, D.7, D.8, D.9, D.10, D.11 and D.12~~)) 23.44.014.C.5, 23.44.014.C.6, 23.44.014.C.7, 23.44.014.C.8, 23.44.014.C.9, 23.44.014.C.10, 23.44.014.C.11, and 23.44.014.C.12 apply.

\* \* \*

Section 40. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.53.006 Pedestrian access and circulation**

\* \* \*

C. Within urban centers and urban villages, ~~((1-))~~ Within urban centers and urban villages, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short subdivision platting process or when development is proposed on a lot that abuts any existing street ~~((without a sidewalk))~~ in any zone, except as specified in subsection 23.53.006.F. If the existing street includes sidewalks, curbs, curb ramps, and accessible crossings that do not comply with the Streets Illustrated Right-of-Way Improvements Manual or successor rule, they shall be brought into compliance.

~~((2. Within urban centers and urban villages, if the existing sidewalks, curbs, curb ramps, and accessible crossings do not comply with the Right of Way Improvements Manual, they shall be brought into compliance when new lots, other than unit lots, are created through the full or short subdivision process or when development is proposed that abuts any existing street in any zone, except as specified in subsection 23.53.006.F.))~~

\* \* \*

Section 41. Section 23.53.010 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.53.010 Improvement requirements for new streets in all zones**

\* \* \*

B. Required right-of-way widths for new streets ~~((7-))~~

Table A for Section 23.53.010	
Zone Category	Required Right-of-Way Width
1. NR, LR1, NC1	50 feet
2. LR2, LR3, NC2	56 feet
3. MR, HR, NC3, C1, C2, <del>((SCM))</del> <u>SM</u> , IB, IC	60 feet
4. IG1, IG2	66 feet

\* \* \*

Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.54.015 Required parking and maximum parking limits**

\* \* \*

**B. Required parking for specific zones and areas**

1. Parking in downtown zones is regulated by Chapters 23.49 and 23.66, and not by this Section 23.54.015.

2. Parking in the MPC-YT zone is regulated by Section 23.75.180 and not by this Section 23.54.015.

3. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016.

4. The Director shall adopt by rule a map of frequent transit service areas based on proximity to a transit station or stop served by a frequent transit route. The determination whether a proposed development site is in a scheduled frequent transit service area shall be based on the frequent transit service area map adopted by rule that exists on the date a project vests according to the standards of Section 23.76.026, provided that a rule that takes effect on a date after the project vests may be applied to determine whether the site is in a scheduled frequent transit service area, at the election of the project applicant in accordance with ((Section 23.76.026.G)) subsection 23.76.026.E.

**Table B for 23.54.015**

**Required parking for residential uses**

Use		Minimum parking required
* * *		
J.	Nursing homes <sup>((2))</sup>	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K.	Single-family dwelling units <sup>((3))</sup> <sup>2</sup>	1 space for each dwelling unit
* * *		

**II. Residential use requirements for specific areas**

* * *		
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, 3</sup> <sup>((4))</sup>	No minimum requirement
* * *		

**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> <sup>4</sup>	No minimum requirement
* * *		

**Footnotes to Table B for 23.54.015**

\* \* \*

~~((<sup>2</sup> For development within 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>) <sup>2</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>) <sup>3</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.~~



**Table B for 23.54.015**

**Required parking for residential uses**

<sup>((5)) 4</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.

\* \* \*

**Table C for 23.54.015**

**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, 10</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>((+)) 2, 3, 10</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
* * *		
N.	Schools, public elementary and secondary <sup>5, 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
* * *		

**Footnotes for Table C for 23.54.015**

<sup>1</sup> When this use is permitted in a 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 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.

<sup>10</sup> The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers 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.

\* \* \*

Section 43. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.54.030 Parking space and access standards**

**A. Parking space dimensions**

\* \* \*

6. No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening. Columns or other structural elements may encroach into the parking

space a maximum of 6 inches on a side, except in the area for car door opening ((~~7~~)) 5 feet from the longitudinal centerline or 4 feet from the transverse centerline of a parking space (see Exhibit A for 23.54.030). (~~No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening.~~)

\* \* \*

B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or non-residential use. In structures containing residential uses and also containing either non-residential uses or live-work units, parking that is clearly set aside and reserved for residential or live-work use shall meet the standards of subsection 23.54.030.B.1; parking for all other uses within the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Seattle Building Code (~~(, Subtitle I of Title 22,)~~) or the Seattle Residential Code (~~(, Subtitle IA of Title 22,)~~)

\* \* \*

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

1. Residential uses

a. Number of curb cuts

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

**Table A for 23.54.030**

**Curb cuts for ~~((non-arterial street))~~ lots not located on a principal arterial or easement frontage**

Street or easement frontage of the lot	Number of curb cuts permitted
80 feet or less	1
Greater than 80 feet up to 160 feet	2
Greater than 160 feet up to 240 feet	3
Greater than 240 feet up to 320 feet	4
For lots with frontage in excess of 320 feet, the pattern established above continues.	

\* \* \*

J. The Director may, as a Type I decision, ~~((reduce))~~ modify any required dimension or distribution percentage of parking spaces identified in subsection 23.54.030.B.2 for nonresidential uses and live-work units ~~((up to 3 percent))~~ to allow more efficient use of a surface parking area or parking garage, ~~((except for the dimensions of parking spaces and aisles for small vehicles))~~ when the parking area or parking garage provides adequate and safe circulation.

\* \* \*

Section 44. Section 23.55.002 of the Seattle Municipal Code, last amended by Ordinance 125869, is amended as follows:

**23.55.002 Scope of provisions**

\* \* \*

C. Signs are also regulated by the provisions of Chapter 31 of the Seattle Building Code, ~~((as adopted by Chapter 22.100,))~~ including the permit requirements of Title 22.

\* \* \*

Section 45. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.55.015 Sign kiosks and community bulletin boards**

\* \* \*

C. Development standards for sign kiosks

1. Design and construction

\* \* \*

h. All sign kiosks shall be designed, constructed, and maintained in accordance with Section 3107 of the ~~((2015))~~ Seattle Building Code.

\* \* \*

Section 46. Section 23.55.056 of the Seattle Municipal Code, enacted by Ordinance 125869, is amended as follows:

**23.55.056 Application of regulations**

Land located within the Seattle Center Sign Overlay District, as shown on Map A for 23.55.054, is subject to the sign regulations of Chapter 23.55, except as provided in this Part 4 of Chapter 23.55. In the event of a conflict between the provisions of this Part 4 of Chapter 23.55 and other provisions of Chapter 23.55, the provisions of this Part 4 of Chapter 23.55 apply. For a project that vested to Chapter 23.55 prior to ~~((the effective date of the ordinance introduced as Council Bill 119543))~~ August 25, 2019, the provisions of this Part 4 of Chapter 23.55 may be applied to the project at the election of the project applicant as provided by subsection ~~((23.76.026.G))~~ 23.76.026.E.

\* \* \*

Section 47. Section 23.58B.050 of the Seattle Municipal Code, last amended by Ordinance 125835, is amended as follows:

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

A. Performance option

\* \* \*

2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than three units of housing required to meet the standards of subsection 23.58B.050.B, using a conversion factor for unit size as determined by the Director, the applicant shall either round up to three units or provide a cash contribution using the payment option according to subsection 23.58B.040.A.

\* \* \*

Section 48. Section 23.58D.006 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.58D.006 Penalties**

\* \* \*

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

\* \* \*

Section 49. Section 23.69.002 of the Seattle Municipal Code, last amended by Ordinance 120691, is amended as follows:

**23.69.002 Purpose and intent ((:))**

The purpose of this ~~((chapter))~~ Chapter 23.69 is to regulate Seattle's major educational and medical institutions in order to:

\* \* \*

F. Encourage significant community involvement in the development, monitoring, implementation and amendment of major institution master plans, including the establishment of ~~((citizen's))~~ advisory committees containing community and major institution representatives;

\* \* \*

Section 50. Section 23.69.032 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.69.032 Master plan process**

\* \* \*

**B. Formation of a ~~((Citizens))~~ Development or Implementation Advisory Committee**

1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a ~~((Citizens))~~ Development Advisory Committee of at least six, but no more than 12 members. In addition, all institutions with adopted master plans shall have ~~((a standing))~~ an Implementation Advisory Committee.

2. Where there is more than one Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one institution may be permitted.

3. The institution, in consultation with the Director of the Department of Neighborhoods, shall ~~((develop a list of potential members to serve on the Advisory~~



1 ~~Committee))~~ notify individuals and organizations directly affected by the actions of the  
2 institution of the opportunity. ~~((Groups from which members may be selected for appointment~~  
3 ~~to the advisory committee shall include area community groups, residents, property owners,~~  
4 ~~and business persons; consumer groups using the services of the institution; and any other~~  
5 ~~persons or organizations directly affected by the actions of the institution. One member of the~~  
6 ~~Advisory Committee shall be selected from persons in the area participating in neighborhood~~  
7 ~~planning. One member of the Advisory Committee shall be a general community or citywide~~  
8 ~~organization representative.))~~ To the extent possible, members of the Advisory Committee  
9 should possess ~~((expertise or))~~ experience in such areas as ~~((neighborhood organization and~~  
10 ~~issues))~~ consensus building, community organizing, land use and zoning, architecture or  
11 landscape architecture, economic development, ~~((building))~~ real estate development, and  
12 educational or medical services. A nonmanagement representative of the institution shall be  
13 included.

14 4. Members of the Advisory Committee shall have no direct economic  
15 relationship with the institution except as provided in subsection 23.69.032.B.3.

16 5. The Director of the Department of Neighborhoods shall review the list of  
17 potential advisory committee members and recommend to the Council those individuals  
18 appropriate to achieve a balanced, independent, and representative ~~((committee))~~ Development  
19 Advisory Committee. After the recommendation has been submitted, the Department of  
20 Neighborhoods may convene the Development Advisory Committee. The Council may  
21 confirm the Development Advisory Committee composition, make changes in the size and/or  
22 composition of the Development Advisory Committee, or remand the matter to the Director of  
23 the Department of Neighborhoods for further action. The Council shall establish the final

1 composition of the ((~~committee~~)) Development Advisory Committee through a memorandum  
2 of agreement with the institution, prepared by the Department of Neighborhoods and adopted  
3 by resolution.

4 6. Four nonvoting, ex-officio members of the Advisory Committee shall represent  
5 the Major Institution, the Seattle Department of Construction and Inspections, the Department of  
6 Neighborhoods, and the Seattle Department of Transportation.

7 7. The ((~~Committee~~)) advisory committee shall be staffed by the Department of  
8 Neighborhoods with the cooperation and assistance of the Major Institution. Technical  
9 assistance to the committee shall be provided by the Seattle Department of Construction and  
10 Inspections, the Seattle Department of Transportation, and the Department of Neighborhoods.

11 8. During the master plan review and adoption process, the Council may, in the  
12 interest of ensuring representative community participation on the Implementation Advisory  
13 Committee, amend the size and/or composition of the Implementation Advisory Committee.

14 9. The City-University Community Advisory Committee (CUCAC) shall serve  
15 as the Development and Implementation Advisory Committee for the University of  
16 Washington.

17 10. The Director of the Department of Neighborhoods shall promulgate rules  
18 applicable to Major Institution advisory committees, including terms of office, selection of  
19 chairpersons, and methods of conflict resolution.

20 \* \* \*

21 Section 51. Section 23.69.034 of the Seattle Municipal Code, last amended by Ordinance  
22 118362, is amended as follows:

**23.69.034 Effect of master plan adoption ((:))**

\* \* \*

F. Following adoption of a master plan, ~~((the citizens advisory committee))~~ an Implementation Advisory Committee shall continue to advise the institution and the City regarding implementation or renewal of the master plan or amendments to the master plan. If more than one ~~((4))~~ major institution is designated within the same general area, individual advisory committees may be consolidated into one ~~((4))~~ committee. The ~~((committee))~~ Implementation Advisory Committee shall meet as necessary but no less than once annually to review the status of the master plan.

G. When a master plan has been adopted prior to the effective date of these provisions and there is no ~~((standing advisory committee))~~ Development Advisory Committee, ~~((an advisory committee))~~ a Development Advisory Committee shall be established in accordance with the provisions of subsection ~~((B of Section))~~ 23.69.032.B at the time an application for an amendment to the master plan, requiring Council approval, is made.

H. The Implementation Advisory Committee and ~~((the neighborhood planning group from the surrounding area, if applicable))~~ organizations directly affected by the actions of the institution, will be notified of ~~((master use permit))~~ Master Use Permit (MUP) applications for Major Institution uses within the Major Institution Overlay (MIO) District and for Major Institution structures outside of but within ~~((two thousand five hundred feet (2,500'),))~~ 2,500 feet of the MIO District boundaries, and shall have an opportunity to review and comment on the applications if there is a discretionary decision and formal comment period as part of the MUP.

1 I. The institution shall provide an annual status report to the Director and ~~((the))~~ its  
2 Development or Implementation Advisory Committee which shall detail the progress the  
3 institution has made in achieving the goals and objectives of the master plan. The annual report  
4 shall contain the following information:

5 1. The status of projects ~~((which))~~ that were initiated or under construction during  
6 the previous year;

7 2. The institution's land and structure acquisition, ownership, and leasing activity  
8 outside of but within ~~((two thousand five hundred feet (2,500')))~~ 2,500 feet of the MIO District  
9 boundary;

10 3. Progress made in achieving the goals and objectives contained in the  
11 transportation management program towards the reduction of single-occupant vehicle use by  
12 institution employees, staff and/or students; and

13 4. Progress made in meeting conditions of master plan approval.

14 \* \* \*

15 Section 52. Section 23.71.044 of the Seattle Municipal Code, last amended by Ordinance  
16 125272, is amended as follows:

17 **23.71.044 Standards for residential uses in commercial zones within the Northgate Overlay**  
18 **District**

19 \* \* \*

20 B. When permitted, structures with residential uses exceeding 20 percent of the street-  
21 level street-facing facade are subject to the following development standards:

22 1. In all C and NC zones with a height limit of 40 feet or less, the development  
23 standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. In all C and NC zones with a height limit of 55 feet up to 65 feet, the development standards for residential structures in Midrise zones, except that no front setback is required.

\* \* \*

Section 53. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.72.004 Sand Point Overlay District established**

\* \* \*

B. Additional regulations, including Certificate of Approval reviews, as applicable to the Sand Point Overlay District are found in Chapter 25.30. In any case where the provisions of the overlay district conflict with the provisions of the Sand Point Naval Air Station Landmark District, the Landmark district provisions shall apply.

\* \* \*

Section 54. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 126421, is amended as follows:

**23.76.004 Land use decision framework**

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

\* \* \*

**Table A for 23.76.004**  
**LAND USE DECISION FRAMEWORK <sup>1</sup>**

<b>Director's and Hearing Examiner's Decisions Requiring Master Use Permits</b> <b>TYPE I</b> <b>Director's Decision</b> (Administrative review through land use interpretation as allowed by Section 23.88.020 <sup>2</sup> )	
* * *	
(( <del>8</del> ))	(( <del>Special accommodation</del> ))

\* \* \*

Section 55. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 126421, is amended as follows:

**23.76.006 Master Use Permits required**

\* \* \*

B. The following decisions are Type I:

- \* \* \*
- ~~((9. Special accommodation pursuant to Section 23.44.015;~~
  - ~~40))~~ 9. Reasonable accommodation;
  - ~~((11))~~ 10. Minor amendment to Major Phased Development Permit;
  - ~~((12))~~ 11. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;
  - ~~((13))~~ 12. Shoreline special use approvals that are not part of a shoreline substantial development permit;
  - ~~((14))~~ 13. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

1                   ((15)) 14. Decision to approve, condition, or deny, based on SEPA policies, a  
2 permit for a project determined to be consistent with a planned action ordinance;

3                   ((16)) 15. Determination of requirements according to subsections  
4 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b,  
5 and 23.58C.030.A.2.c;

6                   ((17)) 16. Decision to increase the maximum height of a structure in the DOC2  
7 500/300-550 zone according to subsection 23.49.008.F;

8                   ((18)) 17. Decision to increase the maximum FAR of a structure in the DOC2  
9 500/300-550 zone according to subsection 23.49.011.A.2.n;

10                   ((19)) 18. Minor revisions to an issued and unexpired MUP that was subject to  
11 design review, pursuant to subsection 23.41.008.G;

12                   ((20)) 19. Building height departures for minor communication facilities in  
13 downtown zones, pursuant to Section 23.57.013;

14                   ((21)) 20 Additional interim street-level-uses pursuant to Section 23.42.041; and

15                   ((22)) 21. Other Type I decisions.

16   \* \* \*

17                   Section 56. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance  
18 123963, is amended as follows:

19 **23.76.010 Applications for Master Use Permits**

20   \* \* \*

21                   D. All applications shall contain the submittal information required by the applicable  
22 sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Title 22, Subtitle  
23 VIII, Stormwater Code; Chapter 25.05, Environmental Policies and Procedures; Chapter 25.09,

Regulations for Environmentally Critical Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable and necessary for review by the Director. All shoreline substantial development, conditional use, or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The Director shall make available, in writing, a general list of submittal requirements for a complete application.

\* \* \*

Section 57. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

**23.76.026 Vesting**

A. Master Use Permit components other than subdivisions and short subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for all Master Use Permit components other than subdivisions and short subdivisions shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date:

\* \* \*

~~((D. Areas in all multifamily zones within the Plat of New Rainier Vista, recorded in Volume 217 of Plats, Pages 52 through 99, records of King County, Washington (as amended) and the Plat of the High Point Community, recorded in Volume 221 of Plats, Pages 4 through 35, records of King County, Washington may be developed according to the provisions of the Seattle~~



~~Land Use Code (Title 23) in effect on April 18, 2011 and any conditions of rezone approval.  
This subsection 23.76.026.D shall expire on December 31, 2018.))~~

~~((E))~~ D. If an applicant elects a date for consideration of an application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after notice of the application required by Section 23.76.012 has been given, notice of the application and an opportunity to comment shall be repeated according to Section 23.76.012.

~~((F. Applicants whose applications vest after April 19, 2011 but prior to or on October 7, 2011 may elect to have the old height measurement technique applied to the projects, as reflected in Section 23.86.006, Structure Height, as it existed immediately prior to April 19, 2011. Projects where the applicant has chosen this option may also take advantage of exceptions to height limits provided in this Title 23 at that time.))~~

~~((G))~~ E. Notwithstanding any other provision of this Section 23.76.026 or this Chapter 23.76, an applicant may elect, at such time and in such manner as the Director may permit, that specific Land Use Code provisions that became effective after the applicant's application vested may nonetheless be applied to the application, pursuant to authorization for such election set forth elsewhere in this Title 23.

\* \* \*

Section 58. Section 23.76.032 of the Seattle Municipal Code, last amended by Ordinance 126042, is amended as follows:

**23.76.032 Expiration and renewal of Type I and II Master Use Permits**

A. Type I and II Master Use Permit expiration

1. An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

1 a. A Master Use Permit with a shoreline component expires pursuant to  
2 WAC 173-27-090.

3 b. A variance component of a Master Use Permit expires as follows:

4 1) Variances for access, yards, setback, open space, or lot area  
5 minimums granted as part of a short plat or lot boundary adjustment run with the land in  
6 perpetuity as recorded with the King County Recorder.

7 2) Variances granted as separate Master Use Permits pursuant to  
8 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as  
9 described in Section 23.76.028 or on the effective date of any text amendment making more  
10 stringent the development standard from which the variance was granted, whichever is sooner.  
11 If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in  
12 the preceding sentence, the variance expires on the expiration date of the Master Use Permit.

13 c. The time during which pending litigation related to the Master Use  
14 Permit or the property subject to the permit made it reasonable not to submit an application for  
15 a building permit, or to establish a use if a building permit is not required, is not included in  
16 determining the expiration date of the Master Use Permit.

17 d. Master Use Permits with a Major Phased Development or Planned  
18 Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015  
19 expire as follows:

20 1) For the first phase, the expiration date shall be three years from  
21 the date the permit is approved for issuance;

22 2) For subsequent phases, the expiration date shall be determined  
23 at the time of permit issuance for each phase, and the date shall be stated in the permit.

1 e. Permits for uses allowed under Section 23.42.038, temporary or  
2 intermittent use permits issued pursuant to Section 23.42.040, and transitional encampment  
3 interim use permits issued under Section 23.42.056 expire on the date stated in the permit.

4 f. Except as otherwise provided in this subsection 23.76.032.A.1.f,  
5 Master Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on  
6 the date set by the Director in the Master Use Permit decision, which date may be a maximum  
7 of 15 years from the date the Master Use Permit is approved for issuance. The Director shall  
8 consider the complexity of the project, economic conditions of the area in which the project is  
9 located, and the construction schedule proposed by the applicant in setting the expiration date.  
10 If no expiration date is set in the Master Use Permit decision, the expiration date is three years  
11 from the date a permit is approved for issuance.

12 1) In order for the Director to set the Master Use Permit  
13 expiration date, the applicant shall:

14 a) Submit with the application a site plan showing a level  
15 of detail sufficient to assess anticipated impacts of the completed project; and

16 b) Submit a proposed schedule for complying with the  
17 conditions necessary to gain the amount of extra floor area and the extra height sought for the  
18 project.

19 2) The expiration date of the Master Use Permit may be extended  
20 past the expiration date set in the Master Use Permit decision or the date established in this  
21 subsection 23.76.032.A.1.f if:

22 a) On the expiration date stated in the Master Use Permit  
23 decision, a building permit for the entire development has been issued, in which case the

Master Use Permit is extended for the life of the building permit if the Master Use Permit would otherwise expire earlier, or

b) A complete application for a building permit that either is for the entire development proposed pursuant to Section 23.49.180, or is for construction to complete the entire development proposed pursuant to Section 23.49.180, is:

i. Submitted before the expiration date of the Master Use Permit; and

ii. Made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code, or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shell of the building, in either case before the expiration date of the Master Use Permit, in which case the Master Use Permit is extended for the life of the building permit issued pursuant to the application if the Master Use Permit would otherwise expire earlier.

g. The permit expires earlier pursuant to Section 22.800.100.

h. The time during which the property subject to the Master Use Permit is used for a transitional encampment interim use is not included in determining the expiration date of the Master Use Permit.

\* \* \*

Section 59. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.84A.004 “B”**

\* \* \*

“Bedroom” means any habitable space primarily used for sleeping that meets applicable requirements of the Seattle Building Code, ~~((SMC 22.100.))~~

\* \* \*

Section 60. Section 23.84A.010 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

**23.84A.010 “E”**

\* \* \*

“Electric vehicle” shall have the same meaning accorded by Article ~~((400))~~ 625 of the Seattle Electrical Code, ~~((as that section currently exists or is hereafter amended.))~~

“Electric vehicle ready” or “EV-ready” means a parking space that is designed and constructed to include a fully-wired circuit with a 208/240-volt, 40-amp electric vehicle charging receptacle outlet or termination point, including conduit and wiring and the electrical service capacity necessary to serve the receptacle, to allow for future installation of electric vehicle supply equipment, as defined by Article ~~((400))~~ 625 of the Seattle Electrical Code.

\* \* \*

Section 61. Section 23.84A.016 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

**23.84A.016 “H”**

\* \* \*

“Household” means a housekeeping unit consisting of any number of non-transient ~~((related))~~ persons ~~((; eight or fewer non-related, non-transient persons; eight or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons.))~~ composing a single living arrangement within a

1 dwelling unit as provided in Section 23.42.048, not otherwise subject to occupant limits in group  
2 living arrangements regulated under state law, or on short-term rentals as provided in Section  
3 23.42.060.

4 \* \* \*

5 Section 62. Section 23.84A.032 of the Seattle Municipal Code, last amended by  
6 Ordinance 126519, is amended as follows:

7 **23.84A.032 “R”**

8 \* \* \*

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

10 \* \* \*

11 10. “Congregate residence” means a use in which rooms or lodging, with or  
12 without meals, are provided for any number of ~~((nine or more))~~ non-transient persons not  
13 constituting a single household. ~~((excluding single-family dwelling units for which special or~~  
14 ~~reasonable accommodation has been granted.))~~

15 \* \* \*

16 Section 63. Section 23.84A.048 of the Seattle Municipal Code, last amended by  
17 Ordinance 126509, is amended as follows:

18 **23.84A.048 “Z”**

19 \* \* \*

20 “Zone, commercial” means a zone with a classification that includes one of the  
21 following: MPC-YT, NC1, NC2, NC3, C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and  
22 SM-NG, any of which classifications also may include one or more suffixes.

23 \* \* \*

Section 64. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.86.006 Structure height measurement**

\* \* \*

H. For projects accepted into the Living Building Pilot Program authorized pursuant to Section 23.40.060, the applicant may choose either the height definition of ~~((Section 502))~~ Chapter 2 of the Seattle Building Code or the height measurement method described in this Section 23.86.006.

\* \* \*

Section 65. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 125387, is amended as follows:

**23.88.020 Land Use Code Interpretations**

\* \* \*

D. Notice of request for interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60A, ~~((Seattle Shoreline Master Program))~~, notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the ~~((Citizens'))~~ Development Advisory Committee for that Major Institution.

E. Notice of interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which

1 the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, ~~((Seattle~~  
2 ~~Shoreline Master Program))~~,)) notice shall be provided to the Washington State Department of  
3 Ecology. If the interpretation is related to a project requiring public notice, the interpretation  
4 shall be published concurrently with other land use decisions relating to that project. Notice of  
5 any interpretation subject to appeal before the Hearing Examiner shall be provided by Land Use  
6 Information Bulletin.

7 \* \* \*

8 Section 66. Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance  
9 125964, is amended as follows:

10 **25.05.680 Appeals**

11 Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, 43.21C.080,  
12 43.21C.420, 43.21C.495, ~~((43.21C.500))~~ and 43.21C.501, and WAC 197-11-680. The following  
13 provisions attempt to construe and interpret the statutory and administrative rule provisions. In  
14 the event a court determines that code provisions are inconsistent with statutory provisions or  
15 administrative rule, or with the framework and policy of SEPA, the statute or rule will control.  
16 Persons considering either administrative or judicial appeal of any decision that involves SEPA  
17 are advised to read the statutory and rule sections cited above.

18 \* \* \*

19 F. RCW 36.70A.070, 36.70A.600 and 43.21C.495 exempt certain Council land use  
20 actions from administrative or judicial appeals, ~~((if the Council land use action is adopted by~~  
21 ~~April 1, 2021,))~~ except as provided in ~~((Section))~~ subsection 25.05.680.G. Environmental  
22 documents and Council land use actions intended to be exempt from SEPA appeals pursuant to  
23 RCW 43.21C.495 should so state.



\* \* \*

H. RCW ~~((43.21C.500))~~ 43.21C.501 exempts a project action pertaining to a residential  
~~((and))~~ or mixed-use development from SEPA appeals on the basis of the evaluation of or  
impacts to ~~((transportation))~~ the following elements of the environment, ((so long as the project  
does not present significant adverse impacts to the state-owned transportation system as  
determined by the Washington State Department of Transportation and the project is:)) if the  
requirements for a particular element of the environment set forth in subsections 25.05.680.H.1  
through 25.05.680.H.3 are met.

1. Transportation. A project action pertaining to a residential or mixed-use  
development is exempt from SEPA appeals on the basis of the evaluation of or impacts to  
transportation elements of the environment, unless the State Department of Transportation has  
found that the project will present significant adverse impacts to the state-owned transportation  
system, so long as the project is:

~~((1))~~ a. Consistent with:

~~((a-))~~ 1) A locally adopted transportation plan; or

~~((b-))~~ 2) The transportation element of the Comprehensive Plan;

and

~~((2))~~ b. A project for which:

~~((a-))~~ 1) Traffic or parking impact fees are imposed pursuant to  
RCW 82.02.050 through 82.02.090; or

~~((b-))~~ 2) Traffic or parking impacts are expressly mitigated by an  
ordinance, or ordinances, of general application.

1                   2. Aesthetics. A project action pertaining to a residential or mixed-use  
2 development is exempt from SEPA appeals on the basis of the evaluation of or impacts to the  
3 aesthetics element of the environment, so long as the project is subject to design review  
4 according to Chapter 23.41.

5                   3. Light and glare. A project action pertaining to a residential or mixed-use  
6 development is exempt from SEPA appeals on the basis of the evaluation of or impacts to the  
7 light and glare element of the environment, so long as the project is subject to design review  
8 according to Chapter 23.41.

9                   ((3)) 4. For purposes of ((this)) subsection ((25.05.680.G)) 25.05.680.H.1,  
10 “impacts to transportation elements of the environment” include: impacts to transportation  
11 systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of  
12 people or goods; and traffic hazards.

13                   \* \* \*

14                   Section 67. Section 25.09.012 of the Seattle Municipal Code, last amended by Ordinance  
15 125292, is amended as follows:

16 **25.09.012 Designation and definitions of environmentally critical areas**

17 The following environmentally critical areas are designated by this Chapter 25.09: geologic  
18 hazard areas, steep slope erosion hazard areas, flood-prone areas, wetlands, fish and wildlife  
19 habitat conservation areas, and abandoned landfills.

20                   \* \* \*

21                   C. Wetlands. Wetlands are those areas that are inundated or saturated by surface water  
22 or ground water at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1. Wetlands generally include:

a. Swamps, marshes, bogs, and similar areas; and

b. Those wetlands intentionally created from nonwetland or former wetland areas to mitigate conversion of wetlands.

2. Wetlands do not include:

a. Those artificial wetlands intentionally created from nonwetland sites and not used for mitigation, including, but not limited to, irrigation and stormwater ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities; or

b. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

3. Determination that an area meets the conditions of subsection 25.09.012.C.2.a or 25.09.012.C.2.b shall be made during the evaluation of an application prior to allowing ~~((the fill of such areas))~~ any land disturbing activity.

~~((4. Identification of wetlands and delineation of their boundaries pursuant to this Chapter 25.09 shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.))~~

4. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

The duration of validity for a wetland designation shall be determined by Director's Rule.

D. Fish and wildlife habitat conservation areas. The following are fish and wildlife habitat conservation areas:

1. Areas defined and/or mapped by the Washington Department of Fish and Wildlife (WDFW) as biodiversity areas and corridors.

2. Areas designated by WDFW as priority habitats and species areas except wetlands, which are defined in subsection 25.09.012.C.

3. Corridors of land or water connecting priority habitats and species areas or habitat areas for species of local importance meeting one of the following criteria:

a. WDFW ~~((or the Department's species habitat management plan))~~ identifies the parcel as part of a corridor connecting habitat areas for priority species or species of local importance;

b. The parcel is adjacent to or connects parcels containing priority species or species of local importance and the Director determines that the parcel is part of a wildlife corridor based on information provided by a qualified wildlife biologist; or

c. The parcel provides fish passage between fish habitat in Type S, F, Np, and Ns waters per WAC 222-16-030 and 222-16-031 upstream and downstream of the parcel, whether that passage is in riparian watercourses, pipes, or culverts.

4. Areas that provide habitat for species of local importance.

5. Riparian corridors

a. Riparian corridors, which are the riparian watercourse and the riparian management area. The riparian watercourse is the watercourse of Type F, Np, and Ns waters defined in WAC 222-16-030 and 222-16-031 that have fish or wildlife habitat. ~~((Pipes, culverts, flow control facilities, water quality facilities, and stormwater conveyances are not~~

1 ~~regulated as riparian watercourses.))~~ The riparian management area is the area within 100 feet  
2 of the riparian watercourse measured horizontally landward from the ordinary high water mark  
3 of the watercourse as surveyed in the field, or from the top of the bank if the ordinary high  
4 water mark cannot be determined. In watercourses with braided channels or alluvial fans, the  
5 ordinary high water mark shall be determined so as to include the entire stream feature.

6                   b. When a pipe or culvert connecting Type S, F, Np, and Ns waters per  
7 WAC 222-16-030 and 222-16-031 that have fish habitat downstream and upstream from the  
8 pipe or culvert is daylighted, the water formerly in the pipe or culvert will be regulated as a  
9 riparian watercourse, and the area adjacent to that watercourse will be regulated as a riparian  
10 management area, as defined in subsection 25.09.012.D.5. This subsection 25.09.012.D.5.b  
11 does not apply when the pipe or culvert is removed to provide a publicly owned facility  
12 designed primarily for water quality treatment, flow control, or stormwater conveyance.

13                   c. Pipes, culverts, flow control facilities, water quality facilities, and  
14 stormwater conveyances are not regulated as riparian watercourses.

15   \* \* \*

16                   Section 68. Section 25.09.015 of the Seattle Municipal Code, last amended by Ordinance  
17 125292, is amended as follows:

18 **25.09.015 Application of chapter**

19   \* \* \*

20                   B. This Chapter 25.09 applies to altering vegetation, trees, or other habitat carried out  
21 by any person on publicly or privately owned parcels within landslide-prone areas, steep slope  
22 erosion hazard areas and buffers, riparian corridors, wetlands, and wetland buffers, except for

1 parcels, including submerged land, in the Shoreline District as defined in Seattle's Shoreline  
2 Master Program, where such actions shall comply with Section 23.60A.190.

3 \* \* \*

4 Section 69. Section 25.09.030 of the Seattle Municipal Code, last amended by Ordinance  
5 126113, is amended as follows:

6 **25.09.030 Location of environmentally critical areas and buffers**

7 A. Environmentally critical areas are defined in Section 25.09.012, and buffers are  
8 described in Sections 25.09.090 and 25.09.160. Environmentally critical areas are mapped by  
9 the Department whenever possible. ~~((These))~~ The Department's maps are advisory except as  
10 follows:

11 1. The maps adopted as designations for geologically hazardous areas in  
12 subsections 25.09.012.A.5, 25.09.012.A.6, and 25.09.012.A.7;

13 2. The FEMA maps showing areas of special flood hazard defined in Section  
14 25.06.030;

15 3. Areas mapped or designated by the Washington Department of Fish and  
16 Wildlife (WDFW) in subsections 25.09.012.D.1 and 25.09.012.D.2; and

17 4. The delineations in the maps for peat settlement-prone areas in subsection  
18 25.09.012.A.5 for parcels 50,000 square feet or less.

19 The Director may update or amend the maps by Director's Rule.

20 \* \* \*

21 Section 70. Section 25.09.040 of the Seattle Municipal Code, last amended by Ordinance  
22 125292, is amended as follows:

**25.09.040 Permits and approvals required**

A. Prior to undertaking development or platting on a parcel containing an environmentally critical area or buffer, the applicant shall:

1. ~~((submit))~~ Submit an application:

a. ~~((for))~~ For a permit that complies with the provisions of Section 25.09.330; or

~~((b. requesting modification of Section 25.09.330 submittal requirements or an approval under Sections 25.09.045 or 25.09.070, or subsections 25.09.090.D or 25.09.160.G, demonstrating compliance with the applicable provisions; and))~~

b. Requesting approval for an exemption according to Section 25.09.045, relief from the prohibition of development according to Section 25.09.090, or a small project waiver demonstrating compliance with applicable provisions according to this Chapter 25.09; and/or

c. Requesting modification of Section 25.09.330 submittal requirements; and

2. ~~((obtain))~~ Obtain a permit or the Director's approval of the application.

\* \* \*

Section 71. Section 25.09.045 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

**25.09.045 Exemptions**

A. General criteria and applications

1. When the Director determines that criteria in subsections 25.09.045.E to 25.09.045.J are met, those activities are exempt from the provisions of this Chapter 25.09,

except for subsections 25.09.045.B, ~~((and))~~ 25.09.045.C, 25.09.065.A, and 25.09.065.B and Sections 25.09.017, ~~((f, j))~~ 25.09.030.B, ~~((25.09.065,))~~ and 25.09.070, and as otherwise provided in this Section 25.09.045.

2. An application for an exemption may be made only as a component of a specific proposed development. The application shall include all portions of the proposed development, including utilities.

### 3. Applications

a. The applicant for an exemption shall provide all information requested by the Director and demonstrate that the work qualifies for the exemption. The Director shall determine whether work is exempt, apply tree and vegetation standards pursuant to subsections 25.09.070.G and 25.09.070.H, and impose conditions on the work to protect environmentally critical areas and buffers or other property, including application of Section 25.09.065.

b. City agencies taking the action under any subsection of this Section 25.09.045 and a public agency taking the action under subsection 25.09.045.J do not need to make an application to the Director, provided that, if no application is made, they shall comply with all provisions of this Section 25.09.045, make all determinations required to be made by the Director, including required conditions, and maintain records documenting compliance with all provisions.

B. All exempt activities shall be undertaken using best management practices as defined by this Chapter 25.09. The applicant shall maintain records documenting compliance with this subsection 25.09.045.B.

\* \* \*



1 F. Maintenance and repair, or interior renovation and interior structural alteration or  
2 window, siding, or roof replacement of existing development if:

3 1. It does not increase the size of the development as determined by the plan  
4 view of the project;

5 2. It does not increase the impact to, including construction impacts, encroach  
6 further within, or further alter an environmentally critical area or buffer; and

7 3. In any five-year period starting from ~~((the effective date of the ordinance~~  
8 ~~introduced as Council Bill 118853))~~ May 14, 2017, the exterior structural alteration to the  
9 existing structure is less than 50 percent, not including window, siding, or roof replacement.

10 \* \* \*

11 H. Utilities, rights-of-way, public and private enhancement projects, and public trails

12 1. Activities identified in subsection 25.09.045.H.3 are exempt, if the applicant  
13 demonstrates:

14 a. The work is not a prerequisite to other development in an  
15 environmentally critical area or buffer;

16 b. No practicable alternative to the work with less impact on the  
17 environmentally critical area or buffer exists pursuant to subsection 25.09.065.B.1.a; and

18 c. The work does not pose an unreasonable threat to the public health,  
19 safety, or welfare or to the environment, on or off the property.

20 \* \* \*

21 2. ~~((The Director's decision shall))~~ For activities identified in subsection  
22 25.09.045.H.3, the Director may require:

1 a. ~~((Include))~~ A site plan showing the approved location and limits of the  
2 work;

3 b. ~~((Require the))~~ The application of mitigation standards as set out in  
4 Section 25.09.065 ~~((and include))~~ including specific mitigation measures for all impacts to  
5 environmentally critical areas and buffers before, during, and after construction; and

6 c. ~~((Require special))~~ Special inspection at the Director's discretion.

7 3. The provisions of this subsection 25.09.045.H apply to the following  
8 activities:

9 a. Relocation of electric facilities, lines, equipment, or appurtenances, not  
10 including substations, with an associated voltage of 55,000 volts or less only when required by a  
11 governmental agency;

12 b. Relocation of natural gas, cable communications, gas, telephone  
13 facilities, and public utility lines, pipes, mains, equipment, or appurtenances only when required  
14 by a governmental agency;

15 c. Installation or construction in improved public road rights-of-way, and  
16 replacement, operation, or alteration, of all electric facilities, lines, equipment, or appurtenances,  
17 not including substations, with an associated voltage of 55,000 volts or less;

18 d. Installation or construction in improved public road rights-of-way, and  
19 replacement, operation, repair, or alteration of all natural gas, cable communications, telephone  
20 facilities, and public utility lines, pipes, mains, equipment, or appurtenances;

21 e. Public or private projects designed exclusively to enhance ecological  
22 function in the Shoreline District or to enhance fish and wildlife habitat conservation areas,  
23 wetlands, and wetland buffers, including stormwater-related functions, that require either a

Hydraulic Project Approval from the Washington Department of Fish and Wildlife, Section 401 Certification or a Section 404 permit under the federal Clean Water Act from the Washington State Department of Ecology or United States Army Corps of Engineers, respectively, or any project funded by the Aquatic Habitat Matching Grant program, established by ~~((City Council))~~ Resolution 30719, if applicable; and

f. Public projects if the purpose for the intrusion into the environmentally critical area or buffer is to benefit the public's passive enjoyment of the environmentally critical area, such as, but not limited to, walking trails providing access to a ~~((creek))~~ riparian corridor or wetland area, when located and designed to minimize environmental disturbance and adverse impacts to the environmentally critical area and buffer. The applicant shall protect vegetation and trees pursuant to a tree and vegetation plan consistent with ~~((best management practices))~~ Section 25.09.070. The plan shall be prepared by a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur. In landslide-prone areas the plan shall also be approved by a geotechnical engineer licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and tree and vegetation removal on steep slope erosion hazard areas. Trail projects shall be:

1) Limited to pervious surface or raised boardwalk, using non-treated wood or other non-toxic material;

2) No more than 5 feet wide;

3) For pedestrian or bicycle use only; and

~~((4) Located in the outer 25 percent of the wetland buffer area;~~

~~and~~

5)) 4) Located to avoid removal of trees.

I. (~~Structure maintenance of~~) Maintenance of structures associated with existing public facilities and utilities. Operation, maintenance, remodeling, repair, and removal of existing public facilities and utilities, if these activities are normal and routine and if these activities do not result in substantial disturbance or adverse impacts of environmentally critical areas or buffers.

\* \* \*

Section 72. Section 25.09.052 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

**25.09.052 Replacing structures in environmentally critical areas and buffers**

\* \* \*

B. Replacing a single-family residence voluntarily in wetlands, wetland buffers, and fish and wildlife habitat conservation areas

1. Replacing a single-family residence and its appurtenant structures and access is allowed in wetlands, wetland buffers, and fish and wildlife habitat conservation areas if the replacement complies with the following:

a. The replacement is in substantially the same location as the original development;

~~((a))~~ b. The area of the footprint of the ~~((replaced residence and existing garage))~~ replacement does not exceed that of the ~~((current residence and current garage))~~ original development;

~~((b))~~ c. The proposed access does not exceed the width and length of necessary access; ~~((and))~~

1 ((e)) d. Lot size

2 1) Riparian watercourse and wetlands. For a single-family  
3 residence located over a riparian watercourse or built in a wetland, the replaced residence and  
4 necessary access meets wetland buffer or riparian management area requirements to the  
5 maximum extent feasible; or

6 2) For all other property, the lot does not have sufficient area to  
7 site a residence with the same area of footprint as existed on ~~((the effective date of the~~  
8 ~~ordinance introduced as Council Bill 118853))~~ May 14, 2017, plus necessary access, consistent  
9 with the regulations for the applicable environmentally critical area and buffer, including  
10 reducing the yard and setback requirements for front and rear yards in Title 23 under Section  
11 25.09.280, except subsection 25.09.280.B.2, to the minimum necessary to accommodate the  
12 residence and necessary access; ~~((:))~~ and

13 ((f)) e. The site for the residence, necessary access, and utilities has the  
14 least impact on the functions and values of the environmentally critical area.

15 2. A structure that is replaced and activities related to replacing the structure  
16 shall:

17 a. Comply with restrictions on flood hazard areas reconstruction, if the  
18 structure is located in a flood-prone area; and

19 b. Comply with the development standards for the environmentally  
20 critical area and buffer in which it is located to the maximum extent feasible, including  
21 requirements for access and shall comply with the standards in Sections 25.09.060, 25.09.065,  
22 and 25.09.070; and

1 c. Mitigate impacts to the functions and values of the environmentally  
2 critical area and buffers, in compliance with Section 25.09.065, including any impacts caused  
3 by removing the residence from its original location, runoff from impervious surfaces, and/or  
4 replacing any portion of the residence within the environmentally critical area or buffer.

5 \* \* \*

6 Section 73. Section 25.09.060 of the Seattle Municipal Code, last amended by Ordinance  
7 126157, is amended as follows:

8 **25.09.060 General development standards**

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

11 \* \* \*

12 D. All ~~((buffers and designated))~~ non-disturbance areas shall be fenced with a highly  
13 visible and durable protective barrier during construction to prevent access and to protect  
14 environmentally critical areas.

15 \* \* \*

16 O. Vegetation removal and disturbance shall be avoided to the extent feasible. Any  
17 vegetation installed within environmentally critical areas and their buffers pursuant to Section  
18 25.09.070 shall be native vegetation.

19 \* \* \*

20 Section 74. Section 25.09.065 of the Seattle Municipal Code, last amended by Ordinance  
21 125292, is amended as follows:

**25.09.065 Mitigation standards**

A. ~~((Regulations set out in this Chapter 25.09 are minimum requirements that shall be supplemented by))~~ All proposed development subject to this Chapter 25.09 is required to document use of mitigation sequencing in this Section 25.09.065 when needed to protect the ecological functions of steep slope erosion hazard areas and their buffers, wetlands, wetland buffers, fish and wildlife habitat conservation areas, and flood-prone areas.

**B. Mitigation sequencing**

1. Mitigation ~~((below))~~ measures shall be undertaken in the following order of priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, best management practices, and/or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and the compensation projects undertaken under subsection 25.09.065.B.1.e and taking appropriate corrective measures.

2. Priority (~~((requirements))~~) mitigation measures. Lower priority measures shall be applied only if (~~((the))~~) higher priority measures ~~((is))~~ are infeasible or inapplicable.

3. Priority for the location of ecological mitigation in relation to compensation required under subsection 25.09.065.B.1.e shall be in the following order and the lower priority restoration location shall be allowed only if the higher priority location is infeasible or the applicant demonstrates that there will be a greater ecological benefit if a lower priority site is used:

- a. At the site;
- b. Within the same creek watershed;
- c. Within Seattle city limits;
- d. Within the same Watershed Resource Inventory Area.

4. If the required mitigation (~~((undertaken))~~) under subsection 25.09.065.B.1.e is infeasible, the applicant shall apply for an exception pursuant to Section 25.09.300 to allow the development.

5. As part of any application for approval of development that requires mitigation, the applicant shall submit a mitigation plan that meets the standards of subsection 25.09.065.C and a maintenance and monitoring plan that meets the standards of subsection 25.09.065.D unless the applicant demonstrates based on (~~((competent scientific evidence))~~) best available science that no impact to the ecological functions of the environmentally critical area or areas will occur as the result of the development or its use, construction, or management. The mitigation plan and the maintenance and monitoring plan must be approved by the Director.

6. Mitigation timing. Mitigation shall be completed prior to issuance of the certificate of occupancy. If that has not occurred or if no certificate of occupancy is needed, the



applicant shall submit plans establishing a specific schedule for completing mitigation, which must be approved by the Director, and shall provide a bond of at least 150 percent of the cost of installation, in addition to the monitoring plan and bond required under subsection 25.09.065.D if the mitigation exceeds \$5,000. No additional bond is required for public agencies.

#### C. Mitigation plan

~~((1. Mitigation plans for tree and vegetation management, and impervious surface management shall include the information required in subsections 25.09.070.G, including and not limited to native plant species, planting location, demonstration of replacement of ecological function, and timing of vegetation removal.~~

#### ~~2. Mitigation for other impacts~~

a)) 1. The Director shall determine the level of detail required in the mitigation plan after considering the location, size, and type of the proposed development and/or the use and type of mitigation proposed, unless a specific timeframe is stated.

~~((b))~~ 2. The mitigation plan shall include the following information:

~~((H))~~ a. An inventory of the existing ecological functions where the impact will occur. ~~((I))~~ Ecological functions to be mitigated include but are not limited to:

- 1) Loss of shading to the aquatic environment;
- 2) Loss of organic inputs critical for aquatic life;
- 3) Loss of the contribution of large, medium, and small wood material into the aquatic environment;
- 4) Loss of habitat for amphibian, avian, and terrestrial species;
- 5) Loss of woody debris inputs to the aquatic environment;
- 6) Loss of soil stabilization functions; and

7) Loss of stormwater filtering, detention, and infiltration:

((2))) b. An analysis of the project's impacts on the existing ecological functions necessary to support existing environmentally critical areas and buffers;

(3) c. Management recommendations or requirements received from federal, state, or local agencies that have been developed ((for)) to protect the ecological functions of environmentally critical areas including protection of avian, terrestrial, wetlands, or aquatic species and habitat on the site and their applicability to the proposal;

((4)) d. Proposed management practices to protect the ecological functions of environmentally critical areas both during construction and during the management of the site;

((5)) e. Measures to avoid and minimize impacts to preserve existing habitats and the ecological functions of environmentally critical areas and buffers;

((6)) f. Proposed measures to compensate for the remaining project impacts after applying avoidance and minimization measures, to ensure protection of the ecological functions of environmentally critical areas; and

((7)) g. Any additional information that the Director requires to determine the impacts of a proposal and required mitigation to offset the impacts.

#### D. Maintenance and monitoring plan

1. Maintenance and monitoring plans shall include:

a. Criteria for determining the success of mitigation and for evaluating the effectiveness of mitigation to ensure protection of the ecological functions of the environmentally critical areas;

b. Contingency actions to be taken if the mitigation fails to meet the established success criteria in subsection 25.09.065.D.1.a; contingency actions shall include additional monitoring if the mitigation fails;

c. Performance bonds for wetlands, wetland buffers, fish and wildlife habitat conservation areas, and flood-prone areas not to exceed a term of five years are required to ensure compliance with the conditions for mitigation if the cost of the mitigation is greater than \$5,000, except for public agencies. The bond shall be in an amount of at least 150 percent of the cost to retain a qualified environmental professional in the appropriate field to assess the mitigation and submit a report to the City at least twice yearly, prior to and near the end of each growing season and shall also provide a bond in an amount sufficient to implement additional restoration measures if the mitigation does not meet the success criteria identified in subsection 25.09.065.D.1.a at the end of five growing seasons; and

d. Any additional information that the Director requires to help ensure the success of the mitigation.

2. Mitigation that includes planting trees and vegetation shall include:

a. Tree and vegetation species, planting location, and soil amendment criteria meeting the standards in subsection ((25.09.070.G.2)) 25.09.065.C.2;

b. Not less than five years of maintenance that ensures 80 percent survival of new trees and vegetation planted at the end of five years;

c. Annual inspections of the plants;

d. Replacement of failed plants;

e. Removal of exotic invasive species that have become established; and

f. Photographic documentation of planting success retained for the five-year period.

E. Additional requirements for steep slope erosion hazard areas. The Director shall require mitigation of all impacts to the natural erosion capacity of the disturbed steep slope erosion hazard area, unless such mitigation would result in adverse impacts to slope stability, in the following order of preference:

1. Removing ivy on site in the remaining steep slope erosion hazard areas and their buffers.

2. Removing other invasive vegetation and planting native trees and vegetation in the remaining steep slope erosion hazard areas and their buffers.

3. Removing ivy on adjacent parcels.

4. Removing other invasive vegetation and planting native trees and vegetation on site in areas outside the steep slope erosion hazard areas and their buffers.

\* \* \*

Section 75. Section 25.09.070 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

**25.09.070 Standards for tree and vegetation and impervious surface management**

\* \* \*

C. If the activities in subsection 25.09.070.A are authorized in compliance with the provisions of this Chapter 25.09 by a permit or the Director's approval that does not require a permit, the following apply, except as provided in subsection 25.09.070.D:

1. A tree and vegetation ((;)) and/or impervious surface plan is required for all authorized activities in subsection 25.09.070.A. The plan shall identify:

1 a. The location and size of the area where the authorized activities will  
2 occur;

3 b. The type and area of the existing ground coverage, including the size,  
4 species, and location of existing trees and vegetation in the proposed work areas; and

5 c. The type and area of final proposed ground coverage, including the  
6 species and location of trees and vegetation.

7 2. Any area cleared of trees and vegetation or disturbed and not to be used for  
8 development shall be planted with native trees and vegetation. Landscaped areas not meeting the  
9 requirements of this Section 25.09.070 are considered development; and

10 3. Mitigation pursuant to (~~subsection 25.09.070.G and Section~~) subsection  
11 25.09.065.C is required.

12 D. (~~Tree and vegetation management, and impervious surface management activities are~~  
13 ~~allowed without complying with subsection 25.09.070.C, if the following best management~~  
14 ~~practices are used;)) The following activities are allowed without a permit or prior authorization~~  
15 from the Director. These activities shall be lawfully maintained prior to May 14, 2017.

16 1. Normal (~~and routine~~) pruning and maintenance of trees, lawns, landscaping  
17 and similar vegetative cover; and (~~vegetation and normal and routine maintenance of existing~~  
18 ~~impervious surface in the following areas:~~

19 a. ~~Trees, lawns, landscaping and similar vegetative cover, and paths,~~  
20 ~~lawfully maintained prior to the effective date of the ordinance introduced as Council Bill~~  
21 ~~118853; and~~

~~b. Steep slope erosion hazard areas described in subsections~~

~~25.09.090.B.2.a, 25.09.090.B.2.b, and 25.09.090.B.2.c, if no adverse impact on the steep slope erosion hazard area will result.~~

~~2. Actions taken under approvals as part of an issued building or grading permit with a landscaping plan prior to the effective date of the ordinance introduced as Council Bill 118853, or otherwise approved by a tree and vegetation plan prior to the effective date of the ordinance introduced as Council Bill 118853 shall comply with the conditions on such permit or plans.))~~

2. Normal pruning and maintenance of trees, shrubs, and other woody plants in steep slope erosion hazard areas described in subsections 25.09.090.B.2.a, 25.09.090.B.2.b, and 25.09.090.B.2.c, and their buffers, if no adverse impact on the steep slope erosion hazard area will result.

3. Normal and routine maintenance of existing impervious surface and paths.

E. Voluntary restoration ((and improvements))

~~1. ((Voluntarily restoring or improving trees and vegetation, including removing non-native vegetation or invasive plants and noxious weeds by hand, to promote maintenance or creation of a naturally functioning condition that prevents erosion, protects water quality, and/or provides diverse habitat))~~ Voluntary restoration is allowed only if intended exclusively to create, enhance, or maintain one or more of the ecological functions listed in subsection 25.09.065.C.2.

Voluntary restoration is allowed if:

~~((a. The work is under 1,500 square feet in area calculated cumulatively over three years, the work complies with subsections 25.09.070.E.2.a and 25.09.070.E.2.b, and a~~

1 ~~plan detailing the proposed work is reviewed and authorized by the Director before the work~~  
2 ~~begins; or~~

3 ~~b. The work is 1,500 square feet or more in area calculated cumulatively~~  
4 ~~over three years, or if the removal of invasive plants or noxious weeds is by machine or~~  
5 ~~chemicals, the work complies with subsections 25.09.070.E.2.b and 25.09.070.E.2.c, the~~  
6 ~~proposal keeps adverse environmental impacts to a minimum, the work is performed by or under~~  
7 ~~the direction of a qualified environmental professional, and a plan detailing the proposed work is~~  
8 ~~reviewed and authorized by the Director before the work begins.))~~

9 ~~a. A plan consistent with subsection 25.09.070.C.1 is reviewed and~~  
10 ~~authorized by the Director before the work begins; and~~

11 ~~b. The area of work exceeds 750 square feet in a landslide-prone area, or if~~  
12 ~~the removal of plants includes grubbing or machinery, the plan shall be approved by a~~  
13 ~~geotechnical engineer licensed in the State of Washington with experience in analyzing~~  
14 ~~geological hazards related to slope stability and tree and vegetation removal on landslide-prone~~  
15 ~~areas; and~~

16 ~~((2. Standards for plans. In addition to complying with the requirements in~~  
17 ~~subsection 25.09.070.C.1, plans shall comply with the following standards as applicable under~~  
18 ~~subsections 25.09.070.E.1:~~

19 ~~a. Plans shall be consistent with the Department's standard tree and~~  
20 ~~vegetation plan and best management practices.~~

21 ~~b. If the area of work exceeds 750 square feet in a landslide-prone area,~~  
22 ~~the plan shall be approved by a geotechnical engineer licensed in the State of Washington with~~

~~experience in analyzing geological hazards related to slope stability and tree and vegetation removal on landslide-prone areas.~~

~~c. Plans shall be prepared by a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur.))~~

c. The work is 1,500 square feet or more in area calculated cumulatively over three years, or if the removal of invasive plants or noxious weeds is by machine or chemicals, the work is performed by or under the direction of a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur.

F. Hazard trees. ~~((Removing a tree that is a hazard tree under Chapter 25.11 must meet the standards of subsections 25.09.070.G and 25.09.070.H.))~~ Hazard tree removal is allowed if:

1. The tree is determined to be high risk by the Director according to the tree hazard evaluation standards established by the International Society of Arboriculture;

2. The feasibility of creation of a wildlife snag is considered as mitigation of the hazard;

3. In landslide-prone areas, the stump remains in place and debris is removed from the area or otherwise managed to avoid adverse impacts to slope stability;

4. Tree replacement is provided at a minimum of a one-to-one ratio; and

5. A plan consistent with subsection 25.09.070.C.1 is reviewed and authorized by the Director before the work begins.

~~((G. Mitigation for tree and vegetation alteration and increase in impervious surface~~

~~1. If trees and vegetation are lawfully altered or removed, other than as allowed in subsection 25.09.070.D, or if work authorized pursuant to this Chapter 25.09 requires increased~~



1 ~~impervious surface, the applicant shall mitigate adverse impacts to ecological functions through~~  
2 ~~the mitigation standards pursuant to Section 25.09.065. Adverse impacts on ecological functions~~  
3 ~~to be mitigated include but are not limited to:~~

- 4 ~~a. loss of shading to the aquatic environment;~~
- 5 ~~b. loss of organic inputs critical for aquatic life;~~
- 6 ~~c. loss of the contribution of large, medium and small wood material into~~  
7 ~~the aquatic environment;~~
- 8 ~~d. loss of habitat for amphibian, avian, and terrestrial species;~~
- 9 ~~e. loss of woody debris inputs to the aquatic environment;~~
- 10 ~~f. loss of soil stabilization functions; and~~
- 11 ~~g. loss of stormwater filtering, detention, and infiltration.~~

12 ~~2. Mitigation to offset the impacts of tree and vegetation management, and~~  
13 ~~impervious surface management shall meet the following criteria, unless the applicant~~  
14 ~~demonstrates that doing so is inapplicable or that an alternative approach will be more effective~~  
15 ~~in mitigating impacts as demonstrated by a report by a qualified environmental professional~~  
16 ~~detailing the mitigation achieved through the proposed alternative approach:~~

- 17 ~~a. Trees and vegetation shall not be removed or otherwise disturbed until a~~  
18 ~~tree and vegetation plan has been approved or authorized.~~
- 19 ~~b. If tree and vegetation management, and impervious surface~~  
20 ~~management results in the removal of mature trees and vegetation, the mitigation proposed shall~~  
21 ~~include an analysis detailing how the specific existing ecological functions impacted will be~~  
22 ~~mitigated.~~

~~e. Mitigation plantings shall be native species suited to specific site conditions.~~

~~d. Plantings provided for mitigation purposes shall be sited as close as practicable to other treed and vegetated areas and to any water body.~~

~~e. Areas that have been cleared, graded, or compacted shall be amended with organic matter prior to planting.~~

~~f. If tree and vegetation management, and impervious surface management, results in a loss of pervious surfaces, mitigation shall create new pervious surfaces that infiltrate water or create areas that replicate the functions of pervious surfaces using Volume 3 of the City of Seattle Stormwater Manual as guidance regarding required the size and design of such areas.~~

~~g. Tree and vegetation, and impervious surface management actions requiring soil disturbance shall use appropriate best management practices to prevent sediment runoff.~~

H)) G. A tree and vegetation maintenance and monitoring ((~~and maintenance~~)) plan approved by the Director that complies with subsection 25.09.065.D is required for trees and vegetation planted pursuant to this Section 25.09.070.

\* \* \*

Section 76. Section 25.09.090 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

**25.09.090 Development standards for steep slope erosion hazard areas**

\* \* \*

**B. Impacts on steep slope erosion hazard areas**

1                   1. Development is prohibited on steep slope erosion hazard areas, unless the  
2 applicant demonstrates that the provisions of subsections 25.09.070.C, 25.09.070.D,  
3 25.09.090.B.2, 25.09.090.D, 25.09.090.E, or 25.09.090.F apply, or the slope is on a parcel in a  
4 Downtown zone or highrise zone.

5                   2. Development is allowed on steep slope erosion hazard areas if the applicant  
6 demonstrates that all other provisions of this Chapter 25.09 and all applicable provisions of  
7 Title 23 and Chapters 22.800 through 22.808 are met, that no adverse impact on the stability or  
8 erosion potential of the steep slope erosion hazard areas will result, and that the development  
9 meets one of the following criteria and the criteria in subsection 25.09.090.B.3. In making this  
10 determination, the Director may require a geotechnical report to verify site conditions and to  
11 evaluate the impacts of the development in the steep slope erosion hazard area and shall  
12 require such a report for criteria in subsections 25.09.090.B.2.c and 25.09.090.B.2.d. The  
13 geotechnical report is subject to the provisions for third party review in subsection  
14 25.09.080.C.

15                   a. Development, lawfully constructed, is located within the footprint of  
16 existing (~~(, lawfully constructed,)~~) structures or existing paved areas, not including landscaped  
17 areas or areas that have been graded;

18                   b. Development is located on a steep slope erosion hazard area that has  
19 been created through previous legal grading activities, including but not limited to rockeries or  
20 retaining walls resulting from right-of-way improvements;

21                   c. Development is located on a steep slope erosion hazard area that is less  
22 than 20 feet in vertical rise and that is 30 feet or more from other steep slope erosion hazard  
23 areas; or

d. Development is a necessary stabilization measure to mitigate an active landslide hazard on the applicant's lot or from an abutting lot, and such development meets the following requirements:

1) The applicant demonstrates that the stabilization is the minimum necessary to mitigate the landslide hazard; and

2) The applicant uses the least intrusive option available to mitigate the landslide hazard.

3. The following activities do not constitute "development" or "disturbance" for the purposes of applying subsection 25.09.090.B.2:

a. Clearing trees and vegetation or any type of tree and vegetation, and site restoration management authorized under this Chapter 25.09.

b. For the purposes of applying subsections 25.09.090.B.2.a, 25.09.090.B.2.b and 25.09.090.B.2.c, stabilization measures to mitigate a landslide hazard authorized under subsection 25.09.090.B.2.d.

\* \* \*

Section 77. Section 25.09.160 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

**25.09.160 Development standards for wetlands and wetland buffers**

A. Wetlands are rated and the habitat function of a wetland is determined according to the Washington State Wetland Rating System for Western Washington ((;)) (Ecology Publication #14-06-029) as amended or updated. The duration of validity of a wetland rating may be determined by Director's Rule. Illegal grading, filling, draining, or other actions or development will not result in a change to that wetland's rating. (~~Wetlands constructed for mitigation or~~

1 ~~replacement purposes))~~ Those wetlands intentionally created from non-wetland or former  
2 wetland areas to mitigate conversion of wetlands are subject to the provisions of this Chapter  
3 25.09.

4 B. Wetland buffer location

5 1. The wetland buffer is measured horizontally and perpendicular to the edges of  
6 the wetland.

7 2. The ~~((size))~~ width of wetland buffers is set out in Table A for 25.09.160 and is  
8 based on the size, category, and habitat function of the wetland.

9 3. Wetland habitat function is as follows:

10 a. High level equals a habitat function score of 8 or 9;

11 b. Moderate level equals a habitat function score of 5, 6 or 7; and

12 c. Low level equals a habitat function score of 3 or 4.

13 ~~((3))~~ 4. Degraded buffers. If a buffer is degraded due to the lack of trees and  
14 vegetation, the presence of invasive or non-native species and/or the presence of impervious  
15 surface or other development, the Director ~~((shall))~~ may require that:

16 a. The degraded portion of the buffer be restored ~~((by removing existing~~  
17 ~~impervious surface and existing nonnative and invasive plant species, and replanting with native~~  
18 ~~trees and vegetation, and providing a five-year monitoring and maintenance plan consistent with~~  
19 ~~the requirements of subsection 25.09.065.D))~~ to the extent commensurate with the impact of the  
20 development on the riparian management area and according to mitigation standards pursuant to  
21 Section 25.09.065; or

22 b. The standard buffer width listed in Table A for 25.09.160 be increased  
23 or other conditions be placed on the development on a case-by-case basis when necessary to

protect wetland functions and values based on best available science and local conditions if it is determined that:

1) A larger buffer is necessary to maintain viable populations or critical habitat of State or federally listed threatened or endangered species living within the subject wetland(s) boundaries;

2) The adjacent land is susceptible to severe erosion, and erosion control measures otherwise required in Section 25.09.080 will not effectively prevent adverse wetland impacts; or

3) A larger buffer maintains connections between other nearby wetlands, flood-prone areas, and/or fish and wildlife habitat conservation areas.

\* \* \*

C. ~~((Impacts to wetlands and wetland buffers))~~ Allowed and prohibited activities in wetlands and wetland buffers

1. Development, including but not limited to grading, filling, draining, or any alteration to the functions and values of the wetland, including but not limited to negative impacts on trees and vegetation, habitat, flood control, and water quality, is prohibited, except as provided in subsection 25.09.160.C.3, within or over:

- a. Category I, II, and III wetlands greater than 100 square feet;
- b. Category IV wetlands 1,000 square feet or greater;
- c. A wetland of any category or size that is part of a larger wetland system or abuts any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031;
- d. Wetland buffers as established in subsection 25.09.160.B, except as provided in subsection 25.09.160.G.

1                   ~~((2. When development is authorized on a parcel containing a wetland and/or~~  
2 ~~wetland buffer it shall comply with subsection 22.805.020.G and all other applicable sections of~~  
3 ~~the Stormwater Code, in addition to the provisions of this Chapter 25.09.))~~

4                   ((3)) 2. The Director may authorize development in a Category IV wetland under  
5 1,000 square feet that does not abut any Type S, F, Np, or Ns water per WAC 222-16-030 and  
6 222-16-031 if mitigation pursuant to subsections 25.09.065.B.1.b through 25.09.065.B.1.f are  
7 met and mitigation is provided according to Table A for 25.09.065.

8                   ((4)) 3. In a wetland of any category or size, and wetland buffer, any action  
9 detrimental to habitat, or trees and vegetation, including but not limited to clearing or removal, is  
10 prohibited, except as provided in Sections 23.60A.190 and 25.09.070.

11                   ((5)) 4. Altering existing wetlands or wetland buffers or increasing the ecological  
12 function of the wetland or wetland buffer is allowed pursuant to subsection 25.09.160.F.

13                   \* \* \*

14                   E. Buffers: averaging, reductions, existing developed streets, and variances

15                   1. Buffer width averaging. The Director may modify the wetland buffer width  
16 required in subsection 25.09.160.B by averaging buffer widths when a qualified environmental  
17 professional for wetlands, demonstrates to the Director's satisfaction that:

- 18                   a. It will not reduce wetland functions or values;
- 19                   b. The total area contained in the buffer area after averaging is no less than  
20 the total area that would be contained within the buffer required in Table A for 25.09.160; and
- 21                   c. The buffer at its narrowest point is never less than 75 percent of the  
22 buffer width required in Table A for 25.09.160.

2. Buffer width reductions. In Category I, II, and III wetlands the Director may reduce a wetland buffer width by 20 percent if a vegetated corridor at least 100 feet wide is protected between the wetland buffer and any other priority habitats as defined by the Washington Department of Fish and Wildlife. In all circumstances where the remaining buffer is degraded as described in subsection ~~((25.09.160.B.3))~~ 25.09.160.B.4, removal of non-native vegetation and planting native trees and vegetation in the degraded portions of the remaining buffer area is required and shall include a five-year monitoring and maintenance plan consistent with the requirements of Section 25.09.065. The corridor must be:

- a. Legally protected by a conservation easement or equivalent; and
- b. Undisturbed except for passive recreational walking trails not exceeding five percent of the area of the corridor and made of pervious material.

\* \* \*

Section 78. Section 25.09.200 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

**25.09.200 Development standards for fish and wildlife habitat conservation areas**

A. Development standards for parcels with riparian corridors

\* \* \*

3. Riparian management area

- a. The riparian management area is defined in subsection 25.09.012.D.5. Existing paved areas of public or private streets are excluded from the regulations for the riparian management area unless the provisions of Chapters 22.800 through 22.808 apply, in which case the Director shall require adequate stormwater detention and treatment to prevent harm from the



street to habitat on the parcel and downstream and to keep degradation of water quality for habitat to a minimum.

b. Development is prohibited in the riparian management area, except as follows:

1) To provide the minimum necessary access if no other access is available to development approved under subsections 25.09.200.A.2 or 25.09.200.A.3.b.3.a;

2) Development allowed under subsections 25.09.200.A.3.c and 25.09.200.A.3.e.

3) On lots existing prior to May 9, 2006, if the applicant demonstrates that:

a) The development is in the limited riparian development area, ~~((which is the area in the riparian management area))~~ and more than 75 feet from the top of the riparian watercourse bank for Type F waters with anadromous fish present for any part of the year ~~((;))~~ or more than 50 feet from the top of the riparian watercourse bank for Type F waters where anadromous fish are not present for any part of the year and ~~((more than 50 feet from the top of the riparian watercourse bank))~~ for Type Np and Ns waters;

~~((b) The development complies with Section 22.805.080 and 22.805.090, regardless of the area of land disturbing activity or the size of the addition or replacement of impervious surface, except as provided in subsection 25.09.200.A.3.b.3.d; and~~

e)) b) Any existing or proposed development, including but not limited to coverage by impervious surface, does not exceed 35 percent of the total area of the limited riparian development area, and provided further that the maximum lot coverage does not exceed that allowed under Title 23, and except as provided in subsection 25.09.200.A.3.b.3.d.

~~((d) When compliance with Sections 22.805.080 and 22.805.090 is required solely based on subsection 25.09.200.A.3.b.3.b, the Director may approve a restoration plan in lieu of requiring compliance with subsections 25.09.200.A.3.b.3.b and 25.09.200.A.3.b.3.c if the applicant demonstrates that the plan meets the following criteria:~~

~~i. The riparian watercourse and/or riparian management area ecological function will be restored so that it prevents erosion, protects water quality, and provides diverse habitat; and~~

ii. ~~The restoration results in greater protection of the riparian watercourse and riparian management area than compliance with subsections 25.09.200.A.3.b.3.b and 25.09.200.A.3.b.3.c.))~~

c. In the riparian management area any action detrimental to habitat and any action affecting trees and vegetation, including but not limited to clearing or removal, are prohibited, except as provided in subsection 25.09.200.A.3.b, 25.09.200.A.4, and Section 25.09.070.

d. The ecological functions of the riparian management corridor include tree and vegetation cover, preventing erosion and protecting water quality.

e. If the riparian management area is degraded due to the lack of trees and vegetation, the presence of invasive or non-native species, and/or the presence of impervious surface or other development, the applicant shall prepare and carry out a restoration plan that restores the ecological function of the riparian management area to the extent commensurate with the impact of the development on the riparian management area and according to mitigation standards pursuant to Section 25.09.065.

1                               (~~(f. If the development is authorized pursuant to Section 25.09.052 the~~  
2 ~~Director shall require that the degraded portion of the riparian management area be restored by~~  
3 ~~removing existing nonnative and invasive plant species, and replanting with native trees and~~  
4 ~~vegetation, and providing a five-year monitoring and maintenance plan consistent with the~~  
5 ~~requirements of subsection 25.09.065.))~~

6                               4. Small project waiver

7                               a. The Director may approve (~~(fences, rockeries, or similar features or~~  
8 ~~temporary disturbance for installation of utility lines)) development in a riparian management~~

9 area if no construction occurs over, in, or within 15 feet of a riparian watercourse or water body,

10 and if the applicant demonstrates that the proposal meets the following criteria:

11                               1) The feature is constructed on a lot that has been in existence as a

12 legal building site prior to October 31, 1992;

13                               2) The feature does not exceed 150 square feet calculated

14 cumulatively from October 31, 1992. If the feature is on a lot that is or has been held in common

15 ownership with a contiguous lot and the lots are or have been used for a single principal use or

16 for a principal use and accessory use, the limitation applies to both lots; and

17                               3) The feature:

18                                       a) Does not contain floor area;

19                                       b) Does not remove trees or native vegetation;

20                                       c) Does not block wildlife movement through the riparian

21 management area; and

22                                       d) Mitigates impacts to ecological functions.

23                               b. The Director's decision shall require:

1 1) The use of fencing with a highly durable protective barrier  
2 during the construction to protect the ((wetland and remainder of the wetland buffer)) riparian  
3 corridor and remainder of the riparian management area.

4 2) Mitigation pursuant to ((Section)) subsection 25.09.065.B to  
5 offset the area of both temporary and permanent development.

6 3) Additional mitigation measures, as appropriate, to protect the  
7 remainder of the riparian corridor.

8 \* \* \*

9 Section 79. Section 25.09.330 of the Seattle Municipal Code, last amended by Ordinance  
10 125292, is amended as follows:

11 **25.09.330 Application submittal requirements**

12 All activities identified in Section 25.09.015 shall meet the following application submittal  
13 requirements in addition to the application submittal requirements specified in other codes,  
14 unless an application is not required under ((subsections)) Section 25.09.040 or an application to  
15 modify application submittal requirements is made under subsection 25.09.040.A.1.b as part of  
16 an approval requested under Section 25.09.045 or subsections 25.09.070.D, 25.09.090.D, ((or))  
17 25.09.160.G, or 25.09.200.A.4:

18 \* \* \*

19 Section 80. Section 25.09.335 of the Seattle Municipal Code, last amended by Ordinance  
20 125292, is amended as follows:

21 **25.09.335 Posting, covenants, and recording conditions**

22 \* \* \*

1           B. The Director (~~((shall))~~) may require (~~((that))~~) a permanent covenant, and a survey if one  
2 has been prepared, (~~((be recorded in the King County Recorder's Office that describes and~~  
3 ~~delineates all required non-disturbance areas, that prohibits development on and any~~  
4 ~~disturbance of them, and that prohibits considering them for development credit in future plats~~  
5 ~~or development proposals))~~) between the owner(s) of the property and the City prior to issuance  
6 of any permit or approval in a fish and wildlife habitat conservation areas and buffers,  
7 wetlands and wetland buffers, or geologic hazard areas and associated buffers. The covenant  
8 shall not be required where the permit or approval is for work done by the City. The covenant  
9 shall be tailored to the specific types of risks presented, shall be signed by the owner(s) of the  
10 property, shall be notarized, shall run with the land, and shall include, but need not be limited  
11 to, the following:

12                   1. A legal description of the property;

13                   2. A description of the property condition making this Section 25.09.335  
14 applicable;

15                   3. For landslide-prone, steep slope erosion hazard, liquefaction-prone, peat  
16 settlement-prone, abandoned landfill, or flood-prone ECA types:

17                           a. As relevant to the property condition, commitment by the owner to  
18 maintain features of the site in such condition and such manner as will prevent harm to the  
19 public; to residents of the property; to nearby property; and to streets, alleys, and drainage  
20 facilities, from the activities to be done pursuant to the permit and from the related changes to  
21 the site, and to indemnify the City and its officers, employees, contractors, and agents from any  
22 claims arising from the failure of the owner to comply with the commitment;

1                   b. A statement that the owner(s) of the property understands and accepts  
2 the responsibility for the risks associated with development on the property given the described  
3 condition, and agrees to inform future purchasers and other successors and assignees of the  
4 risks;

5                   c. A waiver and release of any right of the owner(s), the owner's heirs,  
6 successors, and assigns to assert any claim against the City and its officers, employees,  
7 contractors, and agents by reason of or arising out of issuance of the permit or approval by the  
8 City for the development on the property, or arising out of any inspection, statement,  
9 assurance, delay, act, or omission by or on behalf of the City related to the permit or approval  
10 or the work done thereunder, and agreeing to defend and indemnify the City and its officers,  
11 employees, contractors, and agents for any liability, claim, or demand arising out of any of the  
12 foregoing or out of work done or omitted by or for the owner, except in each case only for such  
13 losses, claims, or demands that directly result from the sole negligence of the City.

14                   4. The application date, type, and number of the permit or approval for which  
15 the covenant is required; and

16                   5. The covenant shall be recorded in the King County Recorder's Office, at the  
17 expense of the owner, to become part of the King County real property records. The covenant  
18 shall include a description and delineation of all required non-disturbance areas that prohibits  
19 development on and any disturbance of them and that prohibits considering them for  
20 development credit in future plats or development proposals.

21                   6. The covenant shall be recorded prior to the issuance of any permit or at the  
22 time a plat is recorded.

23                   \* \* \*

Section 81. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 126278, is amended as follows:

**25.09.520 Definitions**

\* \* \*

“Existing paved areas” means lawfully constructed concrete, asphalt, or brick/paver surfaces constructed as a driveway, walkway, or patio; or concrete or asphalt driving surface. All paved areas must be in use for intended purpose in their current condition. This does not include slab areas of formerly existing structures, abandoned paved areas covered by soil or vegetation, or abandoned slab areas cleared of soil or vegetation.

“Existing structures” means all elements of a lawfully constructed structure that must currently exist including slabs, foundations, walls, floors, and roofs. Existing structures do not include slabs or foundations of structures remaining after other elements have been wholly or partially demolished or destroyed.

\* \* \*

Section 82. Section 25.12.390 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

**25.12.390 Board approval of nomination ((:))**

\* \* \*

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through ~~((25.12.780))~~ 25.12.770 shall apply.

\* \* \*

Section 83. Section 25.12.420 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

**25.12.420 Board meeting on approval of designation ((-))**

~~((Except as otherwise provided in Section 25.12.470 the))~~ The Board may approve or deny designation of a site, improvement, or object only at a public meeting. At the meeting on approval of designation the Board shall receive information and hear comments on whether the site, improvement or object meets the standards for designation of landmarks specified in Section 25.12.350 and merits designation as a landmark.

\* \* \*

Section 84. Section 25.12.845 of the Seattle Municipal Code, last amended by Ordinance 120157, is amended as follows:

**25.12.845 Requests for interpretation ((-))**

\* \* \*

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, ~~((Chapter 22.901E, Table 6))~~ Section 22.900.C.010, Land Use Fees, and shall be collected by the Department of Neighborhoods.

\* \* \*

Section 85. Section 25.12.860 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

**25.12.860 Revision or revocation of designation, controls, incentives ((-))**

At the end of four ~~((4))~~ years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke designation of a site, improvement, or object as a landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections ~~((25.12.380))~~ 25.12.370 through 25.12.640;



provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.

\* \* \*

Section 86. Section 25.16.050 of the Seattle Municipal Code, enacted by Ordinance 105462, is amended as follows:

**25.16.050 District Board—Rules of procedure ((-))**

The District Board shall elect its own ~~((chairman))~~ chairperson and adopt in accordance with ~~((the Administrative Code (Ordinance 102228)))~~ Chapter 3.02 such rules of procedure as shall be necessary in the conduct of its business, including: (A) a code of ethics, (B) rules for reasonable notification of public hearings on applications for certificates of approval and applications for permits requiring certificates of approval in accordance with Sections 25.16.070 through 25.16.110, and (C) rules for reasonable notification of public hearings on development and design review guidelines and amendment thereof. A majority of the currently qualified and acting members of the District Board shall constitute a quorum necessary for the purpose of transacting business. All decisions shall be made by majority vote of those members present, and in case of a tie vote, the motion shall be lost. The District Board shall keep minutes of all of its official meetings, which shall be filed with the Director.

\* \* \*

Section 87. Section 25.16.060 of the Seattle Municipal Code, last amended by Ordinance 115958, is amended as follows:

**25.16.060 District Board—Staffing ((:))**

The District Board shall receive administrative assistance from the Director of the Department of Neighborhoods, who shall assign a member of ~~((his))~~ the Director's staff to provide such assistance. Such staff member shall be the custodian of the records of the District Board, shall conduct official correspondence, and organize and supervise the clerical and technical work of the District Board as required to administer this ~~((chapter))~~ Chapter 25.16.

\* \* \*

Section 88. Section 25.24.050 of the Seattle Municipal Code, last amended by Ordinance 115958, is amended as follows:

**25.24.050 Commission procedures ((:))**

The Commission shall adopt rules and regulations for its own government, not inconsistent with the provisions of this ~~((chapter))~~ Chapter 25.24 or any other ordinance of the City. Meetings of the Commission shall be open to the public and shall be held at the call of the ~~((Chairman))~~ Chairperson and at such other times as the Commission may determine. All official meetings of the Commission shall keep minutes of its proceedings, showing the action of the Commission upon each question, and shall keep records of its proceedings and other official actions taken by it, all of which shall be immediately filed in the Department of Neighborhoods and shall be a public record. All actions of the Commission shall be by resolution which shall include the reasons for each decision. A majority vote shall be necessary to decide in favor of an applicant on any matter upon which it is required to render a decision under this ~~((chapter))~~ Chapter 25.24.

\* \* \*

Section 89. Section 25.30.050 of the Seattle Municipal Code, enacted by Ordinance 124580, is amended as follows:

**25.30.050 Design review guidelines**

\* \* \*

E. In the event of a conflict between the provisions of this Section 25.30.050 and provisions in Chapter 23.72, Chapter 25.30 shall prevail.

\* \* \*

Section 90. Section 25.30.065 of the Seattle Municipal Code, enacted by Ordinance 124850, is amended as follows:

**25.30.065 Relationship between Board review and responsibilities of other City departments**

The function of the Board under Section 25.30.060 is to review public or private applications for certificates of approval to demolish, alter, or construct buildings, structures, and site elements located within the District, for consistency with the landmarks criteria prescribed in Section 25.30.090. It is not the function of the Board to regulate the use of property within the District, which is the responsibility of the Department of ~~((Planning and Development))~~ Construction and Inspections, or to manage the use of City-owned property within the District, which is the responsibility of the Department of Parks and Recreation if the properties are within the boundaries of Warren G. Magnuson Park.

\* \* \*

Section 91. 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 \_\_\_\_\_, 2022,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

(Seal)

Attachments:

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
SDCI	Emily Lofstedt/206-386-0097	Christie Parker/206-684-5211

*\* 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; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.

**Summary and background of the Legislation:** Ongoing maintenance of the Land Use Code and related land use regulations periodically requires amendments that are relatively small scale and have limited scope and impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying existing code provisions, and minor policy changes that don't warrant independent legislation.

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying development regulations is necessary from time to time to correct errors and omissions when they are discovered, and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code. The last omnibus ordinance was adopted in 2019. Examples of proposed amendments include:

- An amendment to design review would provide for more consistency and clarity on when design review is required for additions and expansions on previously developed sites. This is intended to aid applicants and neighbors by providing more predictability in the development process (SMC 23.41.004).
- Several changes are proposed in Single Family zones to clarifying provisions consistent with City Council intent of legislation adopted in 2019 for attached accessory dwelling units, including detached accessory dwelling units (DADUs). Of these changes, the most

notable would clarify when upper story decks and rooftop decks are allowed when located in required yards; and when exceptions that allow the conversion of existing accessory structures to DADUs(SMC 23.44.014).

- Several changes are proposed to clarify vesting rules for projects. The changes would add the term ‘all’ before Master Use Permit components, to provide clarity that Type 1 zoning approvals, typically on construction applications, also vest a project. Other changes strike portions of code that have expired and are no longer applicable (SMC 23.76.026).
- Several administrative changes are proposed to the Environmental Critical Areas (ECA) code, SMC 25.09, to provide for clarity of use and implementation of the requirements. These changes have been identified by staff and applicants and are intended to be consistent with City Council intent when the ECA was last updated in 2017.
- Multiple amendments are proposed to remove existing limits on the number of unrelated people that may occupy a dwelling unit, including dwellings used as short-term rentals. These changes are required by recent state law in Senate Bill 5235 enacted after the 2020 legislative session.

## 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 financial impacts. Failure to adopt the proposed cleanup amendments to the Land Use Code and related regulations would continue lack of clarity and cause ongoing interpretive issues.

## 4. OTHER IMPLICATIONS

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

Department of Neighborhoods staff have identified amendments in this legislation to improve clarity in their operations.

b. Is a public hearing required for this legislation?

Yes. The City Council must hold a public hearing, to be scheduled before the 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. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination will be made in *The Daily Journal of Commerce* and in the Land Use Information Bulletin in November 2021.

**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?**

No implications for RSJI are anticipated. The legislation will not impact vulnerable or disadvantaged communities. No public communications required for this ordinance, unless requested.

**f. Climate Change Implications**

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

This legislation is not proposing development and will not 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 legislation is not proposing development and will not increase or decrease Seattle's resiliency to climate change.

**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

**DIRECTOR'S REPORT AND RECOMMENDATION**  
**2021 Omnibus Ordinance**  
**June 9, 2022**

**Introduction**

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include relatively minor changes that do not warrant independent legislation, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language. Following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

Amendments were made after receiving public comment on the SEPA DNS Determination. The amendments to SMC 23.41.004.A.7, 23.42.060 and SMC 23.53.015.D.1.b were removed from this omnibus. Sections SMC 23.42.038, 23.42.112, 23.44.009, 23.48.620, 23.48.720, , Map 1J for 23.49, 23.54.030 and 25.05.680 were modified and SMC 23.44.015 was repealed. A new section 23.45.600 was added. See memo dated April 20, 2022 for more information on the amendments.

**SMC 22.900G.010 - Fees for Department of Neighborhoods review**

The proposal is to remove the term citizen from Public School and Major Institution Advisory Committees in subsection 22.900G.010.C and D.

**SMC 23.24.040 Short Plats Criteria for approval**

The proposal is to change subsection 23.24.040.A.9 to fix an incorrect cross reference.

**SMC 23.40.060 Living Building Pilot Program**

Two changes are proposed.

The first change, to subsection 23.40.060A.1, will extend the pilot program to 2030. This change will allow continued evaluation of the pilot program and includes additional clarification to demonstrate Living Building requirements in the plans and documents.

The second change, to subsection 23.40.060.B.2, is to update reference of the current Seattle Energy Code

**SMC 23.41.004 – Applicability**

The change to Design Review Applicability, to subsection 23.41.004.A.6, is to include a pathway for affordable housing projects in Master Planned Communities to complete Administrative Design review.



**23.41.016 - Administrative design review process**

The proposal is to change subsections SMC 23.41.016.B and SMC 23.41.016.C, to remove "meeting". Administrative Design Review does not include any meetings, only review.

**23.41.018 - Streamlined administrative design review (SDR) process**

The proposal is to change subsections SMC 23.41.018.B and SMC 23.41.018.C, to remove "meeting". Streamlined Design Review does not include any meetings, only review.

**23.42.038 - Uses allowed on vacant and underused lots in certain zones**

The proposal is a change to subsection SMC 23.42.038.A to allow issuance of a 3-year renewable Type I Master Use Permit to arts and cultural organizations when partnering with a City agency for a use on a City owned lot in neighborhood residential and lowrise zones that would otherwise be allowed as a Type II Conditional Use Permit.

**SMC 23.42.040 - Intermittent, temporary, and interim uses**

The proposal is to change subsection SMC 23.42.040.A.1.c to remove an incorrect "be" from that subsection.

**23.42.055 – Low-income housing on property owned or controlled by a religious organization**

The proposal is to update subsection SMC 23.42.055.E with correct reference to re-lettered subsection in 23.76.026.

**23.42.106 Expansion of nonconforming uses**

The proposal to subsection SMC 23.42.106.B is to remove reference to repealed SMC 23.44.015.

**23.42.112 - Nonconformity to development standards**

The proposal is to clarify subsection SMC 23.42.112.B.3, to describe that a single-family structure's nonconforming access may be maintained.

**23.44.009 – Design standards in RSL zones**

The proposal is to clarify subsection 23.44.009.B, that apartment structures may have one shared entrance facing the street and for dwelling units and apartments, only one entrance is required per street frontage on corner lot situations.

**23.44.010 Minimum lot area and lot coverage**

The proposal to update subsection SMC 23.44.010.D.2.b, with the correct Seattle Building Code reference.

**23.44.011– Floor area in neighborhood residential zones**

The proposal is to clarify subsection SMC 23.44.011.C.4, to accurately describe the existing floor area in single-family dwelling units that is exempt in Residential Small Lot (RSL) zones.

### **23.44.014 - Yards**

Four changes are proposed.

The first change, to subsection 23.44.014.C.6, is to clarify that the yard exception, when related to Accessory Dwelling Units (ADUs), is applicable to Attached Accessory Dwelling Units (AADUs) and not Detached Accessory Dwelling Units (DADUs). This is to recognize that DADUs have existing projection standards in 23.44.041.

The second change, to subsection 23.44.014.C.7, is add to back the term “covered” to covered, unenclosed decks and to only allow covered unenclosed decks and roofs over patios that extend into a required yard on principal structures. A clarification on how to measure these features has also been added.

The third change, to subsection SMC 23.44.014.C.9, is to update reference to the Seattle Building Code

The fourth change, to subsection 23.44.014.C.11, is to except DADUs from deck restrictions in the required yard, as allowed in 23.44.041 consistent with the first change.

### **23.44.015 - Allowance for larger households.**

The proposal is to repeal the entire Section, 23.44.015, as Washington State Senate Bill 5235 removed arbitrary limits on housing options and updated Titles: Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227 to no longer restrict the number of unrelated persons in a household. With this change, no special or reasonable accommodations are required for larger households.

### **23.44.016 - Parking and garages**

Two changes are proposed.

The first change, subsection SMC 23.44.016.B, is to update reference to the Seattle Building Code.

The second change, subsection 23.44.016.F, is to clarify that the related standards are for all portions of garages, not just their entrances.

### **23.44.017 - Density limits**

The proposal is to fix an incorrect reference in subsection 23.44.017.B and include the date for which lots shall be in existence.

### **23.44.018 – Maximum dwelling unit size in RSL zones**

The proposal is to fix an incorrect reference in subsection 23.44.018.B.1 and to correct the subsection's numbering sequence and include the date for when units are in existence.

### **23.44.041 - Accessory dwelling units**

Six changes are proposed to clarify the requirements for Detached Dwelling units (DADU).

The first change, subsection 23.41.041.A.3 and A.4, is to remove restriction on number of unrelated persons as there is no limit on household. Washington State Senate Bill 5235 removed arbitrary limits on housing options and updated Titles: Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227 to no longer restrict the number of unrelated persons in a household. The subsections numbering sequence has also been updated.

The second change, subsection 23.4.041.C. Table A f., is to clarify that storage areas are exempt from maximum size of DADU's if they are accessed externally only.

The third change, subsection 23.4.041.C. Table A i., is to remove bicycle parking requirements from the maximum size of DADU's section as they are defined in 23.54.015.K and Director's Rule (DR) 6-2020.

The fourth change, subsection 23.4.041.C. Table A l., is to clarify that separation for DADU's includes eaves and gutters.

The fifth change, subsection 23.4.041.C. Table A, is to add a footnote to confirm legislative intent to allow for decks, including rooftop decks on DADUs in certain circumstances mentioned above.

The sixth change, to subsection 23.44.041.C.2, is to align the code to footnote 1 of subsection 23.44.041.C. Table A which allows exceptions to DADU requirements for additions to existing nonconforming accessory structures that are being converted into DADU's.

### **23.45.514 – Structure height**

The proposal is to change subsection 23.45.514.I.4 to fix incorrect reference.

### **23.45.518 - Setbacks and separations**

Three changes are proposed.

The first change, to subsection 23.45.518.A.2.d, to fix an incorrect reference.

The second change, to subsection 23.45.B.2.a, is to provide consistency related to where the upper-level setback shall be taken, from the street not the right-of-way.

The third change, to subsection 23.45.518.B.2.c, to fix incorrect reference.

### **23.45.524- Landscaping standards**

The proposal is to change the section to remove vegetated walls as they no longer are given Green Factor credit in Lowrise, Midrise or Highrise zones.

### **23.45.529 - Design standards**

Three changes are proposed.

The first change, to subsection 23.45.529.D.2, is to add the word “feet”, which is currently missing.

The second change, to subsection 23.45.529.G.1.a, is to clarify that this standard prohibiting intervening structures between the principal structure and the street only applies when multiple buildings are present, not multiple units that are connected.

The third change, to SMC.23.45.529.G.1.b, is to clarify that only units without a street facing facade need to abut a common amenity area. This section does not apply to street facing facades.

### **23.45.600 - Major Phased Developments in Midrise Zones**

The proposed change would add the Major Phased Development (MPD) process, currently only used for nonresidential development in commercial and industrial zones, to certain Midrise multifamily zones for residential development within half mile of an existing or proposed light rail station. Eligible development would need to be on large sites, over 5 acres in area, and include 500 housing units or more. This type of residential development would benefit from the longer Master Use Permit lifespan of 15 years that comes with a MPD to be protected from code changes during the life of the permit and allow time to phase development as funding can be obtained. The change would require an eligible residential development to meet its Mandatory Housing Affordability requirements by providing the affordable housing units on-site. Eligibility for MPD as a development option was last expanded in the 2019/20 Omnibus.

### **23.47A.012 – Structure height**

The proposal is to change subsection 23.47A.012.C.3.a to allow rooftop features specifically solar collectors on roofs in 55-foot height limit zone. The 55-foot height limit was missed during the Mandatory Housing Affordability (MHA) rezone ordinance.

### **23.47A.014 - Setback requirements**

The proposal is to change subsection 23.47A.014.B.2 to clarify the code to require setbacks to a portion of the lot line that abuts a residentially zoned lot, whether the residential zoning on the abutting lot is part of a split-zone, or a portion of a lot, or an entire lot. The proposed language allows the setback to be applied to a portion of the lot only (not the entire lot line) and to clarify how to review split-zone conditions that have both residential and commercial zones abutting the subject lot.

### **23.48.040 – Street-level development standards**

The proposal is to add a reference to subsection 23.48.040.C.2, which apply to Seattle Mixed (SM) zones generally, to confirm that development standards for required street-level uses also apply in the SM-UP zone (in Uptown).

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

The proposal is to correct an incorrect code reference in subsection 23.48.245.B.5.

### **23.48.620 - Floor area ratio in SM-U zones**

The proposal is to correct the additional increment of FAR to 1.0 when providing family sized units in the SM-U zone.

**23.48.622 – Extra floor area in SM-U zones**

The proposal is to correct an incorrect code citation in subsection 23.48.622.A.2.b.

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

The proposal is to correct the additional increment of FAR to 1.0 when providing family sized units in the SM-UP zone.

**23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone**

The proposal is to update subsection 23.49.181.B.1 with the correct reference to SMC 23.76.026.

**Map 1J for Chapter 23.49 -Downtown Overlay Maps**

The proposal is to update Map 1J: Public Amenity and Other Features to expand the FAR Exemption Area: Uses Listed in 23.49.009.A., Major Retail Store and Shopping Atrium which incentivizes additional street level uses in the Downtown Core.

**23.50.014 – Conditional uses**

The proposal is to update the Exhibit A Administrative Conditional Use Queen Anne – Interbay Area with an updated Map A.

**23.50.027 - Maximum size of nonindustrial use**

The proposal is to update Exhibit A of North Lake Union Areas with an updated Map A for improved legibility.

**23.50.038 - Industrial Commercial - Screening and landscaping**

Two changes are proposed.

The first change, to subsections 23.50.038.C.1.f and g is to remove “street.” Since the proposed trees along street frontages are not in fact street trees.

The second change, to subsection 23.50.038.C.8, to update incorrect zone reference from IC 85-160 to IC 85-175. This Section was not updated when the MHA rezones were completed and did not address the height limit changes.

**23.51A.002 Public facilities in neighborhood residential zones**

The proposal is to update subsection 23.51A.002.C with the correct reference to SMC 23.76.026.

**23.51B.002 - Public schools in residential zones**

The proposal is to correct subsection 23.51B.002.E.1.d with an incorrect code citation.

**SMC 23.53.006 - Pedestrian access and circulation**

Proposal is to clarify subsection 23.53.006.C when curbs, sidewalks and curbs ramps are required in urban centers and urban villages.

**SMC 23.53.010 -Improvement requirements for new streets in all zones**

The proposal is to change to subsection 23.53.010.B Table A, to fix incorrect zone name from SCM to SM.

### **SMC 23.54.015 - Required parking and maximum parking limits**

Three changes are proposed to required parking.

The first change, to subsection 23.54.015.A Table B, is to remove footnote 2 as it relates to special accommodations for larger households, which is no longer needed pursuant to recent state law. Subsequent footnotes are renumbered.

The second change, to subsection 23.54.015.A Table C, is to remove footnote reference 1 for child-care centers since they are permitted outright and no longer require conditional use permits to allow reduced parking. A new footnote is added for Adult care and Child care centers to allow for load/unload spaces in the right-of-way the same as is allowed for other institutional uses.

The third change, to subsection 23.54.015.A Table C, is to reference footnote 5 for Schools, public elementary and secondary parking requirements, which relates to calculating parking for proposed indoor gymnasiums.

### **SMC 23.54.030 - Parking space and access standards**

Four changes are proposed.

The first change, to subsection 23.54.030.A.6, is to move placement of the last sentence to clarify those certain obstructions are not permitted within the area of the car door opening.

The second change, to subsection 23.54.030.B, is to update the reference to the correct Seattle Building Code.

The third change, to subsection 23.54.030.F, is to clarify that provisions for curb cuts found in Table A apply to all lots not located on principal arterials.

The fourth change, to subsection 23.54.030.J, is to allow flexibility to modify the required dimensions and distribution percentage of parking spaces for nonresidential uses.

### **23.55.002 Scope of provisions**

The proposal is to update subsection 23.55.002.C, with the correct Seattle Building Code reference.

### **23.55.015 Sign kiosks and community bulletin boards**

The proposal is to update subsection 23.55.015.C.1.h, with the correct Seattle Building Code reference.

### **23.55.056 Application of regulations**

The proposal is to update Section 23.55.056 with an effective date and the correct reference to SMC 23.76.026.

### **SMC 23.58B.050 – Mitigation of impacts – performance option**

The proposal is to change subsection 23.58B.050.A.2, to allow applicants to round up to three units or pay for their MHA contribution if they do not want to round up. As written now, the applicant does not have the option to perform MHA units onsite if their calculation yields less than 3 units even if they want to meet the performance option.

**SMC 23.58D.006 – Penalties**

The proposal is to change subsection 23.58D.006.D, for Green Building penalties to reference correct SDCI Construction and Inspections fund.

**SMC 23.69.002. Purpose and Intent**

The proposal is to change subsection 23.69.002.F, to remove the term “citizen”

**SMC 23.69.032. Master plan process**

Eight changes are proposed.

The first change, to subsection 23.69.032.B, is to remove the term “Citizens” and replace with “Development” Advisory Committee or “Implementation” Advisory Committee when related to adoption of advisory committees.

The second change, to subsection 23.69.032.B.1, is to remove the term “Citizens” Advisory Committee and replace with “Development” Advisory Committee and to remove the term ”standing” advisory committee and replace with “Implementation” Advisory Committee.

The third change, to subsection 23.69.032.B.3, is to clarify community notification practices and desired experience of Advisory Committee Members and align with current practices.

The fourth change, to subsection 23.69.032.B.5, is to clarify that the advisory committee shall reference the “Development” Advisory Committee.

The fifth change, to subsection 23.69.032.B.7, is to clarify that the advisory committee shall reference all “advisory” committees.

The sixth change, to subsection 23.69.032.B.8, is to clarify that the advisory committee shall reference the “Implementation” Advisory Committee.

The seventh change, to subsection 23.69.032.B.9, is to clarify that the City-University Community Advisory Committee shall be the “Development and Implementation” Advisory Committee.

The eighth change, to subsection 23.69.032.B.10, is to clarify that the advisory committees are related to a “Major Institution.”

**SMC 23.69.034. Effect of master plan adoption**

Four changes are proposed.

The first change, to subsection 23.69.034.F, is to remove the term “citizens” and replace with “Implementation” Advisory Committee.

The second change, to subsection 23.69.034.G, is to remove the term ”standing” Advisory Committee and replace with “Development” Advisory Committee.

The third change, to subsection 23.69.034.H, is to is to clarify that the advisory committee shall reference the “Implementation” Advisory Committee.

The fourth change, to subsection 23.69.034.I, it to clarify those institutions could have “Development or Implementation” Advisory Committees.

**SMC 23.71.044 - Standards for residential uses in commercial zones within the Northgate Overlay District**

The proposal is to change subsection 23.71.044.B.2, to include a height limit of 55 feet. This section was not updated when the MHA rezones were completed and did not address the height limit changes.

**SMC 23.72.004 - Sand Point Overlay District established**

The proposal is to change subsection 23.72.004.B, to include reference to the landmark district review in SMC 25.30 .

**SMC 23.76.004 – Land use decision framework**

The proposal is to remove the Type I Decision for Special accommodation, as this decision is no longer applicable pursuant to recent state law updates to households.

**SMC 23.76.006 – Master Use Permits required**

The proposal is to remove the Type I Decision for Special accommodation, as this decision is no longer applicable and renumbered subsequent decision types.

**SMC 23.76.010 - Applications for Master Use Permits**

The proposal is to update subsection 23.76.010.D, to include a reference to the Stormwater Code.

**SMC 23.76.026 – Vesting**

Three changes are proposed.

The first change, to subsection 23.76.026.A, is to add the term “all” before Master Use Permit components, to provide clarity that construction applications also vest a project.

The second and third changes, to subsection 23.76.026.D and 23.76.026.F, are to strike these subsections as they have expired and are no longer current and update lettering of the subsection.



**SMC 23.76.032 – Expiration and renewal of Type I and II Master Use Permits**

The proposal is to provide an exemption for expiration of Master Use Permits for the duration a transitional encampment would occupy a development site for which a MUP has been issued, a building permit has not been accepted by SDCL.

**23.84A.004 “B”**

The proposal is to update the “bedroom” definition with the correct Seattle Building Code reference.

**23.84A.010 “E”**

The proposal is to update the definition of “electric vehicle” and “electric vehicle ready” to reference the correct Seattle Electrical Code references.

**SMC 23.84A.016 – “H”**

The proposal is to change the definition of “household” to remove the restriction on number of persons in a household to align with Washington State Senate Bill 5235, which removed arbitrary limits on housing options and updated Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227.

**SMC 23.84A.032 – “R”**

The proposal is to update the definition of Congregate Residence to remove the number of persons and remove reference to now unnecessary Special and Reasonable Accommodation for larger households.

**SMC 23.84A.048 - “Z”**

The proposal is to include Master Planned Community (MPC)- Yesler Terrace (YT) in the “Zone, commercial” definition since it was not defined and requires designation for clarity of development standards.

**SMC 23.86.006 Structural height measurement**

The proposal is to update subsection 23.86.006.H with the correct Seattle Building Code reference.

**SMC 23.88.020 – Land Use Code Interpretations**

The proposal is to change subsection 23.88.020.D to remove the term “Citizens” related to Advisory committees for Major Institution Master Plan interpretations.

**SMC 25.05.680 – Appeals**

Two changes are proposed.

The first change, to subsection 25.05.680.F, is to make permanent the exemption date from SEPA Appeals for certain Council land use actions and to expand that exemption to cover certain additional types of non project actions. This change is required by recently adopted State Substitute Senate Bill 5818 and was not optional for jurisdictions to adopt.

The second change, to subsection 25.05.680.H, provides that project actions pertaining to residential and mixed-use developments are exempt from SEPA appeals based on the evaluation of the impacts to the "Aesthetics" and "Light and Glare" elements of the environment, as long as the project is subject to design review. This change is required by recently adopted State Substitute Senate Bill 5818 and was not optional for jurisdictions to adopt.

#### **SMC 25.09.012. - Designation and definitions of environmentally critical areas**

Three changes are proposed.

The first change, to subsection 25.09.012.C, is to clarify that land disturbance is not allowed in wetlands and buffers and clarifies the reporting requirements for designation of wetlands and their buffers.

The second change, to subsection 25.09.012.D.3.a, to provide clarity that the Department does not maintain species management plans, but Washington Department of Fish and Wildlife (WDFW) maintains these plans.

The third change, to subsection 25.09.012.D.5, to provide clarity on Riparian Corridors.

#### **SMC 25.09.015 Application of Chapter**

The proposal is to clarify subsection 25.09.015.B, that the application of the Environmental Critical Area (ECA) chapter only applies to the portion of the lot containing an ECA not the entire parcel.

#### **SMC 25.09.030 - Location of environmentally critical areas and buffers**

The proposal is to provide clarification to subsection 25.09.030.A, that the Department maintains maps of the ECA's.

#### **SMC 25.09.040 - Permits and approvals required**

The proposal is to provide clarification to subsection 25.09.040.A.1, of permit application submittal requirements.

#### **SMC 25.09.045 – Exemptions**

Five changes are proposed.

The first change, to subsection 25.09.045.A, to remove incorrect bracket and to clarify which sections of 25.09.065 apply.

The second change, to subsection 25.09.045.B, is to clarify which best management practices apply.

The third change, to subsection 25.09.045.F, is to clarify the effective date of which maintenance and repair of existing development shall apply.

The fourth change, to subsection 25.09.45.H, is to clarify which activities are exempt and what materials are required for review if needed. Additions to clarify what activities are allowed for public projects including clarifying that both pedestrian and bicyclists are the intended users.

The fifth change, to subsection 25.09.045.I, is to clarify that the exemption applies to maintenance of structures associated with public facilities and utilities.

**SMC 25.09.052 - Replacing structures in environmentally critical areas and buffers**

The proposal provides clarity to subsection 25.09.052.B.1, around what structures can be replaced and what date those structures existed.

**SMC 25.09.060 - General development standards**

The proposal is to provide clarity to subsection 25.09.060.D, around what is a general development standard as it relates to ECAs. An addition of a subsection 25.09.060.O, relating to vegetation removal is proposed.

**SMC 25.09.065 - Mitigation standards**

This proposal provides clarity and replaces outdated terminology to improve this Section. Also, the proposal changes one subsection to allow discretion by City geotechnical engineers to not require mitigation on steep slope areas when mitigation would cause adverse impacts to slope stability.

**SMC 25.09.070 - Standards for tree and vegetation and impervious surface management**

This proposal is to improve clarity of this section. As currently written, Section 25.09.070 does not clearly indicate what type of actions are allowed and those that are prohibited. Several subsections are rewritten to improve clarity, correct mistaken citations, and convert complex code into plain language.

**SMC 25.09.090 - Development standards for steep slope erosion hazard areas**

This proposal to subsection 25.09.090.B is to clarify existing structures and existing paved areas. This clarification will help relate to new definitions for “existing structures” and “existing paved areas” being introduced in 25.09.520.

**SMC 25.09.160 - Development standards for wetlands and wetland buffers**

This proposal modifies language in several subsections to provide clarity, add consistency, remove redundancy, and improve usability. It also creates an automatic mechanism to adhere to the most current Wetland Rating System. Additionally, via Director's Rule, it allows for the Director to determine the duration of validity of a wetland rating.

**SMC 25.09.200 - Development standards for fish and wildlife habitat conservation areas**

This proposal modifies language in several subsections to provide clarity, add consistency, remove redundancy, revise citations, and improve usability.

**SMC 25.09.330 – Application submittal requirements**

This proposal includes a missing reference to small project waivers for riparian management areas.

**SMC 25.09.335 – Posting, covenants, and recording conditions**

This proposal includes updates to the ECA covenant requirements and provides for new types of ECA covenants to provide clarity to which ECAs are applicable and at what stage of development.

**SMC 25.09.520 - Definitions**

This proposal includes two new definitions, “existing paved areas” and “existing structures” to provide clarification throughout the ECA code.

**SMC 25.12.390 – Board approval of nomination.**

The proposal is to change subsection 25.12.390.B to remove incorrect code reference.

**SMC 25.12.420 - Board meeting on approval of designation.**

The proposal is to change subsection to remove reference to SMC 25.12.470 since that section was repealed in 1996.

**SMC 25.12.845 - Requests for interpretation.**

The proposal is to subsection 25.12.845.E, to correct code reference to SMC 22.900C.010 for interpretation fees.

**SMC 25.12.860 - Revision or revocation of designation, controls, incentives.**

The proposal is to change the section to update an incorrect code reference.

**SMC 25.16.050 - District Board—Rules of procedure.**

The proposal is to change the section to remove antiquated term “chairman” and replace with chairperson.

**SMC 25.16.060 - District Board—Staffing.**

The proposal is to change the section to remove antiquated term “his” and replace with “the Director’s.”

**SMC 25.24.050 - Commission procedures.**

The proposal is to change the section to remove antiquated term “chairman” and replace with chairperson.

**SMC 25.30.050 – Design Review guidelines**

The proposal is to add a subsection to provide clarity when the Sand Point Naval Air Station Landmark District code prevails.

**SMC 25.30.065 - Relationship between Board review and responsibilities of other City departments**

The proposal is to update the Department name to “Construction and Inspections.”

**Recommendation**

Adoption of these amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.



## Legislation Text

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**File #:** CB 120400, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to land use and zoning; updating regulations to allow virtual meetings for the Design Review program and other land use permit processes following the termination of the civil emergency proclaimed by the Mayor on March 3, 2020, and discontinuation of temporary modifications of procedures enacted in Ordinance 126188; amending Sections 23.41.008, 23.42.057, 23.76.011, 23.76.012, 23.76.015, 23.76.016, 23.76.024, 23.76.046, 23.76.052, and 23.84A.025 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, a civil emergency related to public health proclaimed on March 3, 2020, affected the ability to hold in-person public meetings; and

WHEREAS, Ordinance 126188 enacted temporary modifications of procedures including those relating to holding public meetings using electronic communication methods; and

WHEREAS, those temporary code modifications will be repealed in 2022 and removed from the code; and

WHEREAS, the Seattle Department of Construction and Inspections determines that retaining the ability to hold certain kinds of public meetings using electronic communication tools as an option increases public participation, removes barriers to access, and increases collaboration; NOW, THEREFORE,

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

Section 1. Intent. The civil emergency proclaimed by the Mayor on March 3, 2020, was terminated on [date]. Temporary modifications and suspensions to certain procedures in Seattle Municipal Code Titles 23 and 25 made by Ordinance 126188 will be automatically repealed 60 days after the termination of the civil emergency without City Council action, according to Section 24 of Ordinance 126188. This ordinance is intended to allow electronic and virtual meeting attendance methods prospectively. The City intends to comply

with the Open Public Meetings Act, chapter 42.30 RCW, for all applicable meetings required pursuant to Seattle Municipal Code Title 23.

Section 2. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

**23.41.008 Design Review general provisions**

\* \* \*

E. Meetings of the Design Review Board

1. Notice of Design Review Board meetings shall be given as described in subsection 23.76.015.C.

2. All meetings of the Design Review Board shall be held ~~((in the evening in a location that is accessible and conveniently located in the same design review district as the proposed project, except that the East Board may meet in either the East or Central Area district. Board meetings are open to the general public.))~~ virtually, in-person, or a combination of both as follows:

a. A physical meeting venue option shall be provided for attendance of virtual meetings;

b. Virtual meetings may be offered to supplement in-person meetings;

c. If an emergency makes in-person meetings impracticable as declared by the Mayor, meetings shall be held virtually;

d. In-person meetings shall be accessible; and

e. All in-person or virtual meetings shall be open to the general public.

The actions of the Board are not quasi-judicial in nature.

3. Design Review Board meetings are limited to the maximum number described in Table B for 23.41.008.

Table B for 23.41.008 Maximum		
Type of de	Early design	Recommen
Full design	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 is from a lot in a neighborhood residential zone; The development proposal includes a Type IV or Type V described in Chapter 23.76; or Departures are requested, unless the project applicant elects the MHA per Sections 23.58B.050 or 23.58C.050. <sup>2</sup> The Director may require additional Design Review Board meetings. 23.41.008.E.4.

4. The Director may require additional Design Review Board meetings above the maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review Board needs additional time for deliberation and evaluation of a project due to the size and complexity of the site or proposed development, the amount and content of public comment, an applicant's insufficient response to previous Board direction, or at the applicant's request. If the Design Review Board cannot complete a recommendation, it shall identify reasons why another recommendation meeting is necessary.

\* \* \*

Section 3. Section 23.42.057 of the Seattle Municipal Code, enacted by Ordinance 126287, is amended as follows:

**23.42.057 Permanent supportive housing**

Permanent supportive housing must meet the development standards for the zone in which it is located except as follows:

\* \* \*

C. Community engagement and relations. The applicant shall submit a draft community relations plan in a form acceptable to the Director and the Director of the Office of Housing. The draft community relations plan shall describe the overall community engagement and communication strategy throughout the project's pre-development, design, construction, and operation phases. In addition to compliance with the draft community relations plan, the applicant must hold at least one community meeting in-person, or virtually in the event of an emergency that makes in-person meetings impracticable as declared by the Mayor. Virtual meetings may be offered to supplement in-person meetings. This meeting shall be exclusively about the project and the applicant



must send notice of the meeting to neighbors at least within 500 feet of the site.

Section 4. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

**23.76.011 Notice of design guidance and planned community development process**

\* \* \*

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location, virtual location if applicable, and purpose of the meeting shall be included with the mailed notice.

\* \* \*

Section 5. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

**23.76.012 Notice of application**

\* \* \*

C. Contents of ~~((Notice.))~~ notice

1. The City's official notice of application is the notice placed in the Land Use Information Bulletin, which shall include the following required elements as specified in RCW 36.70B.110:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application, including if applicable:

1) ~~((a))~~ A list of any studies requested by the Director;

2) ~~((a))~~ A statement that the project relies on the adoption of a Type V Council land use decision to amend the text of Title 23;

c. The identification of other permits not included in the application to the extent known

by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request an extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, ((place)) location, virtual location if applicable, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations;

h. A statement that an advisory committee is to be formed as provided in Section 23.69.032, for notices of intent to file a Major Institution master plan application;

i. Any other information determined appropriate by the Director; and

j. The following additional information if the early review DNS process is used:

1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal;

2) A statement that this is the only opportunity to comment on the environment impacts of the proposal;

3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon written request.

2. All other forms of notice, including but not limited to large notice and land use signs, placards, and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection 23.76.012.D. ~~((of this Section 23.76.012.))~~ The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large notice sign, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large notice and land use signs.

\* \* \*

Section 6. Section 23.76.015 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

**23.76.015 Public Meetings for Type II and Type III Master Use Permits**

\* \* \*

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency, and shall do so if requested by the applicant, provided that:

1. The meeting ~~((is))~~ if convened in-person shall be held within the city of Seattle; and
2. The joint meeting can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the meetings.

\* \* \*

Section 7. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

**23.76.016 Public hearings for draft EISs**

A. Draft Environmental Impact Statements (EISs). As required by Section 25.05.535, the Director shall

hold a public hearing on all draft EISs for Master Use Permit applications for which the Department is the Lead Agency. ~~((The))~~ If convened in-person, the Director may hold the hearing near the site of the proposed project.

B. The Director may combine the public hearing on the draft EIS with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ~~((is))~~ if convened in-person shall be held within the city of Seattle; and

2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearings.

Section 8. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**23.76.024 Hearing Examiner open record hearing and decision for subdivisions**

\* \* \*

B. The Hearing Examiner may combine a public hearing on a subdivision application with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ~~((is))~~ if convened in-person shall be held within the city of Seattle; and

2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearings.

\* \* \*

Section 9. Section 23.76.046 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**23.76.046 Public meetings and hearings for draft EISs**

\* \* \*

B. Draft EISs on Type IV and V decisions. The Director shall hold a public hearing on all draft EISs for

Type IV and Type V Council land use decisions for which the Department is the lead agency, pursuant to Section 25.05.535. ~~((The))~~ If convened in-person, the Director may hold the hearing near the site of the proposed project. For Major Institution master plans, the draft EIS hearing shall be combined with a hearing on the draft master plan as required by Section 23.69.032.

C. The Director may combine the public hearing on the draft EIS with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ~~((is))~~ if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the

applicant agrees in writing to additional time, if needed, to combine the hearings.

Section 10. Section 23.76.052 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

**23.76.052 Hearing Examiner open record predecision hearing and recommendation for Type IV Council land use decisions**

\* \* \*

B. The Hearing Examiner may combine a public hearing on a Type IV application with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ~~((is))~~ if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the

applicant agrees in writing to additional time, if needed, to combine the hearings.

\* \* \*

Section 11. Section 23.84A.025 of the Seattle Municipal Code, last amended by Ordinance 125792, is amended as follows:

23.84A.025 “M”

\* \* \*

“Meeting, in-person” means a public meeting that includes a venue for in-person attendance.

“Meeting, public.” See RCW 36.70B.020.

“Meeting, virtual” means a public meeting that includes the use of electronic attendance methods allowing the public to view and participate in real time.

\* \* \*

Section 12. Sections 1 through 11 of this ordinance shall take effect 60 days after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

Section 13. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 14. 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 \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Approved /    returned unsigned /    vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
SDCI	Gordon Clowers/ 206-679-8030	Christie Parker/ 206-684-5211

*\* 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; updating regulations to allow virtual meetings for the Design Review program and other land use permit processes following the termination of the civil emergency proclaimed by the Mayor on March 3, 2020, and discontinuation of temporary modifications of procedures enacted in Ordinance 126188; amending Sections 23.41.008, 23.42.057, 23.76.011, 23.76.012, 23.76.015, 23.76.016, 23.76.024, 23.76.046, 23.76.052, and 23.84A.025 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

**Summary and Background of the Legislation:** The legislation updates the Land Use Code to allow public meetings to be held either in person or electronically, or both, after the Mayor's Proclamation of Civil Emergency related to COVID-19 terminates. The intent is to accommodate multiple possibilities to meet the needs of a wide range of process participants rather than City code indicating or assuming only an in-person meeting is allowed. Experience gained using virtual meetings during the emergency has shown that electronic meetings are an option that allows for an efficient process and meets the needs of the community that were not previously addressed by in-person meetings.

The proposal:

- Allows the option to hold virtual public meetings in addition to physical meeting venues required by the state's Open Public Meetings Act (OPMA), which would allow flexibility and convenient online access to public meetings;<sup>1</sup>
- Allows hosted physical meeting venues related to Design Review to be provided in a central location;
- Allows Design Review meetings to be held at any time of day;
- Clarifies code text to avoid specifying any particular method of holding City Council and Hearing Examiner meetings on a full range of land use decisions, including subdivisions, to quasi-judicial and legislative decisions;
- Eliminates the need for future interim legislative actions if unforeseen events would again preclude in-person public meetings for an extended period.

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<sup>1</sup> When a public meeting during non-emergency times is held virtually, the City anticipates fulfilling the intent of the Open Public Meetings Act by providing staffed physical meeting venues to support in-person viewing and participation in virtual meetings. This would follow existing City policies and practices for which no revisions are necessitated by this legislation.



## 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?**

Yes. The proposal to clarify and accommodate virtual meetings as an option could generate additional costs upon SDCI, most notably related to meetings of Design Review Boards. This relates to arrangements for a physical meeting venue to provide an option for viewing and interacting with virtual meetings. The physical meeting venue is for people who do not have access to virtual meetings, or would prefer this option. This facilitates the City's compliance with the state's OPMA.

SDCI examined the possibility of hosting single or multiple physical meeting venue options where people could attend and interact with virtual public meetings. Multiple venues would accommodate the possible time overlap of two separate Design Review Board meetings that can occur on the same evening. SDCI developed estimates of added staffing costs, room rentals, and equipment, compared to a baseline of pre-COVID-19 in-person meetings. The estimate was based on Design Review Board (DRB) meetings as these are the most common meetings held by SDCI.<sup>2</sup>

The baseline (pre-COVID-19) scenario assumes a little less than 200 in-person DRB meetings throughout the per year, leading to total room rental costs of approximately \$50,000 per year. These DRB meeting costs are partially paid for by applicant fees. Staffing costs for the baseline scenario and the existing virtual meetings scenario are included in the existing Land Use budget.

There are new costs associated with providing physical meeting venues for the public to view virtual meetings in the Seattle Municipal Tower (SMT); these costs include security, and after-hours HVAC, electricity, and janitorial services.

- For the physical meeting venues, SDCI will have 1 to 2 staff alone in the meetings after business hours, when the SMT is vacant. With the potential for upset members of the public to join them in the room, SDCI must provide security in order to create and maintain a safe working environment for staff. The cost estimate for providing security is \$25,800/year, which assumes the 4-hour minimum charge for security staff.
- Building management company CBRE is now charging SDCI to have custodian services, and to operate the HVAC and lights after hours. They are billing SDCI approximately \$21,900/year for this service.

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<sup>2</sup> The Land Use Services Division anticipates the same costs for hosting and staffing an additional 10 virtual public meetings and hearings a year. Since this number is nominal, it was not included in the cost calculations.

Hosting and setting up physical meeting venues to watch and interact with virtual public meetings will result in additional staffing costs. SDCI has determined that two additional staff will be required, due to the two concurrent DRB meetings that are scheduled Mondays through Thursdays each week.

SDCI has concluded that two additional Administrative Specialist III positions will be sufficient to staff the physical meeting venues described above. Each Administrative Specialist III position requires \$105,000. Two positions would require \$210,000 in ongoing budget authority. These positions (and associated costs) will be funded with permit fees. Position authority will be needed beginning in 2022, but budget authority is not needed until 2023. SDCI can absorb the costs associated with these positions in 2022 due to vacancy savings in the department.

Additional equipment costs for these physical meeting venues include two sets of laptops, projectors, screens, and cell phones to provide public comment during the virtual meetings. These scenarios will add approximately \$10,000, compared with a pre-COVID-19 baseline. These costs will be paid for with permit fees.

For the scenarios analyzed by SDCI, providing an option for two physical meeting venues will add approximately \$217,700 in costs compared to the pre-COVID-19 baseline. See summary table below.

**Summary of Estimated Added Costs for Added Venues for  
Design Review Board Meetings, Annually**

	<b><u>Pre-COVID-19 Baseline:</u></b> Multiple venues throughout the city, in-person meetings only	<b><u>Current Condition:</u></b> Virtual meetings only	<b><u>Future Condition:</u></b> Virtual DRB meetings with one or two physical meeting venues (i.e., watching rooms with public comment ability during virtual DRB meeting)
<b>Room rental</b>	\$50,000	\$0	\$47,700
<b>Staffing</b>	Costs included in Land Use budget (including additional time and cost for transportation to/from DRB meetings)	Costs included in Land Use budget (no additional time/cost for transportation to and from DRB meetings)	+\$210,000 for two additional staff (Admin Spec IIIs)
<b>Equipment</b>	--	--	+ \$10,000
<b>TOTAL COST</b>	\$50,000 + Existing staffing costs	Existing staffing costs	Existing staffing costs + \$267,700
<b>Cost compared to Pre-COVID-19 Baseline</b>	--	(\$50,000)	+\$217,700

Notes: Estimates assume almost 200 DRB meetings per year. Staffing and equipment needs will be reviewed in future years to assure appropriate venue and staffing levels.

**Are there financial costs or other impacts of *not* implementing the legislation?**

Once the public emergency order terminates, SDCI anticipates a need to have a physical meeting venue available even though we expect all or most participants to attend a virtual

meeting. This allows us to meet open public meetings requirements. If the legislation is not implemented, this could mean resuming room rental costs for in-person meetings at the full estimate of \$50,000 per year listed above.

Not implementing this legislation could also cause future delays in development permitting, if a future public emergency would preclude virtual meetings and then necessitate new interim emergency legislation.

#### 4. OTHER IMPLICATIONS

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

The proposal relates to public meetings arising from SDCI's review of proposals in relation to Title 23 of the Seattle Municipal Code. The most common type of these meetings would be a Design Review Board on a given development proposal. It could also affect other SDCI meetings held in relation to development projects, such as those held for public comment on Draft Environmental Impact Statements. Other departments and parties indirectly affected by the proposal include:

- Office of Planning and Community Development (OPCD) meetings for planned community development processes;
- Hearing Examiner meetings on subdivisions;
- City Council meetings on quasi-judicial decisions such as land use map amendments, public projects, major institution master plans, and Council conditional use decisions;
- City Council meetings on legislative decisions such as area rezones and changes to the Land Use Code; and
- Community meetings held by applicants for permanent supportive housing.

These meetings have been hosted virtually since 2020 when they were a necessity due to the COVID-19 related public health emergency orders. The proposal would update code text to avoid phrasing that could inadvertently restrict future meeting venue options for the parties identified above. The proposal does not specifically address public meetings hosted by other departments for other purposes.

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

Yes. The hearing will occur during the City Council's deliberations on the proposal in Summer 2022.

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

Yes. Notices will be published in the DJC and the City's Land Use Information Bulletin.

**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 legislation relates to giving choices to SDCI to host public meetings either virtually (electronically and online), in person, or both. In addition to the flexibility afforded to the community in general, the availability of virtual meetings would benefit individuals that may have challenges with in-person meetings but are able to attend meetings virtually. These challenges may include limited transportation options, cost of transportation, people experiencing disabilities that may not be easily accommodated at in-person meeting facilities, people who have caregiving commitments, people with health risks and challenges related to meeting in person, and others. The legislation would expand the convenience of viewing and participating in Design Review meetings.

Holding public meetings only in electronic fashion could make it more difficult (through technological barriers such as lack of reliable access to online service or lack of knowledge to make such access work correctly) for certain people to attend public meetings and/or participate fully in them. This has a potential to affect types of households such as those with older people, the visually impaired, those with less technological capabilities or those lacking reliable or affordable online connections. Such characteristics potentially could lead to differences in opportunities to participate in public meetings for BIPOC and other communities that are vulnerable or historically disadvantaged.

To mitigate potential impact to vulnerable and disadvantaged communities and address open public meeting requirements, the City's practices will continue to include access to SDCI-hosted virtual meetings by hosting physical meeting venues in at least one physical location. This would be available to those interested in going to a venue without worrying about electronic access, and provide the public with the ability to participate in the virtual meeting as it happens. This would maintain traditionally available physical meeting venues that were temporarily suspended due to the COVID-19 health emergency.

The proposal to host a physical meeting venue assumes SDCI will use locations in City buildings, likely Seattle Municipal Tower. Logistical planning for these meetings includes providing access, security, and equipment to display the virtual meeting, and equipment to allow interactions of the audience with the virtual meeting attendees such as Design Review Board members. During the COVID-19 health emergency, other arrangements for meeting spaces, such as reservations in buildings located in the Design Review districts, have lapsed. Also, such in-neighborhood venues have little or no capabilities in their ability to provide electronic meeting hosting features. These kinds of logistical complications would take considerable effort to examine and determine remedies for each Design Review district across the city.

One consequence is that people interested in attending a physical meeting venue would likely need to travel longer distances to the venue than previously, when these meetings were required to be held in places within the Design Review districts. This could place a comparatively higher burden upon these prospective physical venue attendees to travel to Downtown meeting venues hosted by City staff. This is a potentially adverse effect on

vulnerable and historically disadvantaged communities that is acknowledged here. It is partially mitigated by the intent to continue offering virtual meetings. As SDCI continues implementing the Design Review programs, its Racial Equity Toolkit analysis prescribes gathering more information about how these meeting arrangements are working or not working for these communities, and diagnosing what other possible arrangements could be implemented to overcome these difficulties or provide supplemental offerings.

However, the overall conclusion for this proposal regarding meeting accessibility and ability to be informed by and participate in meetings is: offering multiple methods for people to attend meetings virtually or at a physical venue will help to maintain multiple equitable access options to meetings for the greatest number of interested households.

**f. Climate Change Implications**

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

No. However, the ability for interested parties to choose to virtually attend a meeting could encourage fewer overall trips by automobiles to/from public meetings. This could slightly contribute to reductions in carbon emissions overall, even if the difference would not be measurable in the context of overall city carbon emissions performance.

**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 proposed actions could increase resiliency by giving flexibility to continue accommodating public meetings virtually even if scenarios such as storms or other natural events temporarily impaired ease of access to physical meeting venues.

**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 proposal does not introduce a new program or initiative.

**Summary Attachments:**

None

## **Director's Report and Recommendation Flexibility in the Land Use Code for Public Meetings**

### **Background**

This proposal arises due to the anticipated end of the civil emergency declared by the Mayor on March 3, 2020, as part of COVID-19 related public health protection measures. Ordinance 126188 followed in 2020 with temporary modifications of procedures, including authorization for certain public meetings to be conducted virtually. Sixty days after the termination of the civil emergency, the ability established by Ordinance 126188, including the authorization of certain public meetings to be conducted virtually, will be automatically repealed without subsequent action by the City Council.

### **Summary of Proposal**

The proposal would update the Land Use Code to support the continued ability to host certain types of public meetings electronically (“virtually”), in-person, or a combination of both, after the interim provisions of Ordinance 126188 expire. Participants, including SDCI staff, Design Review Board Members, permit applicants, and neighborhood representatives have had positive experiences in terms of convenience and ability to participate in virtual meetings. The proposal would allow SDCI and Office of Housing to hold meetings in a modern, convenient manner, with an option for the public to attend a virtual meeting at a physical meeting venue for people who don’t have access to a computer or prefer an in-person meeting. When a public meeting related to the contents of this bill would be held virtually, the City anticipates fulfilling the intent of the Open Public Meetings Act by providing staffed physical meeting venues to support viewing of, and give assistance in participating in, virtual meetings.

The table below summarizes which sections would be amended, the subjects of those sections, and the nature of the amendment. Most of the affected sections are in Chapter 23.76 of the Land Use Code, Procedures for Master Use Permits and Council Land Use Decisions.

**Summary of Amendments and Affected Land Use Code Sections**

<b>Code section</b>	<b>Subject of section</b>	<b>Nature of code change</b>
23.41.008	Design Review program, location, and time of meetings	Clarify that a virtual meeting is allowed, and that a physical meeting venue would be hosted at a centralized location rather than a location in the Design Review District, and at any time of day. The amendments would also add an option for only virtual meetings if an emergency makes physical meeting venues impracticable.

<b>Code section</b>	<b>Subject of section</b>	<b>Nature of code change</b>
23.42.057	Permanent supportive housing, community engagement and relations, location of meetings	Clarify that virtual meetings are allowed; physical meeting venues would be hosted; and add an option for only virtual meetings if an emergency makes physical meeting venues impracticable.
23.76.011	Planned community development process, notice for meetings held	Clarify notice to identify how to connect to a virtual meeting and the location of the physical meeting venue.
23.76.012	Contents of a public notice of application	Clarify notice to identify how to connect to a virtual meeting and the location of the physical meeting venue.
23.76.015	Public meetings for Type II (Director's) or III (Hearing Examiner's) decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.016	Public hearings for Draft EISs, location of meeting	Edit clarifies and accommodates the possibility of virtual meetings
23.76.024	Hearing examiner hearing for subdivisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.046	Public meetings for Draft EISs and other public hearings, for Type IV (quasi-judicial) or Type V (legislative) decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.052	Hearing examiner hearing for Type IV (quasi-judicial) Council land use decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.84A.025	Definitions – "M"	Add definitions of in-person meeting and virtual meeting

## Analysis

The proposal is intended to preserve the ability to hold public meetings in an electronic, virtual fashion. Since 2020, the City has made strides in how it conducts virtual public meetings, by necessity due to the need generated by the continued public health emergency. Even though no longer necessitated by health concerns solely, this approach has been popular due to its convenience, accessibility, and efficiency.

Advances in electronic access to meetings have helped make such virtual public meetings more feasible and beneficial. For some, the possibility of attending public meetings from home electronically may be more convenient than traveling to physical meeting venues usually during evening hours. A hosted physical meeting venue would also allow for people who have limited or no access to a computer, and for others who may find it more difficult to communicate their thoughts using technology without the help of a meeting host.

For Design Review Board (DRB) meetings, the proposal would allow physical meeting venues to be hosted in a centralized location rather than the current requirement that DRB meetings be held in the same neighborhood where the development is proposed. SDCI is proposing these changes for the following reasons:

1. Many people who will participate in these meetings are now relatively comfortable using electronic interfaces to attend, due to their experiences in the last two years;
2. The total expense of arranging room rentals, transportation to meetings, and provision of meeting-related services in multiple venues across the city are higher than will occur for a centralized in-person public participation venue;
3. A centralized physical meeting venue will establish a new norm – interested parties will know where their meeting will be hosted, regardless of the proposal's exact address.
4. Locations in neighborhoods (such as religious facilities, schools, and community centers) are not equipped in their ability to accommodate electronic virtual-meeting connections, which may lead to technical issues impairing availability of virtual meeting options to the public;
5. Other methods in the City's processes continue to foster local participation and orientation of design review toward neighborhood interests, including use of early neighborhood outreach and neighborhood design guidelines; these and similar elements addressing a development's context will continue to be addressed during virtual Design Review Board meetings combined with physical locations for meetings that are centrally located.
6. Presenting applicants and board members, who may be traveling for work, will be able to participate in meetings without being physically present in Seattle.

The proposal is intended to follow Council's original goal of having Design Review be neighborhood-specific while allowing for recognition of the heavy use in Seattle of technology and virtual communication and participation. Unintended consequences can be avoided or minimized by computer access at local libraries and good transit connections and other ways to access the proposed centralized physical meeting venues. The proposed location for these venues is on the 20<sup>th</sup> floor of the SDCI offices in the Seattle Municipal Tower, where two venues have been set up to handle two possible Design Review Board (DRB) meetings per evening.

In addition, taking this action now to update the code would avoid a potential future need to re-establish emergency or temporary allowances. The legislation notes the City's intent to comply with the Open Public Meetings Act (OPMA). Consistency with the OPMA would be fulfilled in non-emergency times by maintaining City open public meeting practices, such as by offering a physical meeting venue for people to attend the virtual meeting and electronically participate in it if they choose.

This proposal does not pertain to certain other code sections with language referring to public meetings. Most notably, this proposal does not apply to certain chapters in Title 25 within the Department of Neighborhoods' (DON) purview. Additional legislation addressing DON meetings may be forthcoming.



The proposal is exempt from SEPA review because it relates only to governmental procedures with no substantive changes relating to use or modification of the environment (see SEPA 25.05.800.T).

## **Recommendation**

The SDCI Director recommends the proposed legislation to allow the ability to host public meetings in an electronic, virtual setting as an alternative to physical meeting venues.

September 9, 2022

## MEMORANDUM

**To:** Land Use Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill 120400 – Land Use Decision Meetings: Virtual and Hybrid Options

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On September 14, the Land Use Committee (Committee) will have an initial briefing and discussion and will hold a public hearing on [Council Bill \(CB\) 120400](#), which would authorize virtual, in-person, or hybrid in-person / virtual meetings required for land use decisions.

This memo: (1) describes changes to the Open Public Meetings Act (OPMA) that authorize the hybrid meetings; (2) briefly describes what CB 120400 would do; and (2) sets out procedural next steps.

### Changes to the Open Public Meetings Act

In March 2020, Governor Inslee issued Proclamation 20-28 modifying OPMA requirements to allow government to meet virtually during the pandemic. In April 2020, the Council passed [Ordinance 126072](#), invoking the authority in Proclamation 20-28 to authorize virtual meetings for regulatory processes administered by the Seattle Department of Construction and Inspections (SDCI) and the Department of Neighborhoods, such as Design Review Board and Landmark Preservation Board meetings. In October 2020, the Council extended those provisions through [Ordinance 126188](#). Pursuant to ORD 126188, the option for virtual meetings will expire two months after the Mayor terminates the COVID civil emergency.

In March 2022, the Washington State Legislature passed [Engrossed Substitute House Bill \(ESHB\) 1329](#). ESHB 1329 modifies the OPMA to make permanent some of changes necessitated by the COVID-19 pandemic, such as the option for virtual attendance at public meetings.

Among other things, ESHB 1329 authorizes members of governing bodies<sup>1</sup> to attend meetings virtually and encouraged public agencies to provide the public with opportunities for virtual participation, provided that most meetings subject to the OPMA must still have physical location for the public to attend. Changes in ESHB 1329 became effective on June 9, 2022.

### What Would CB 120400 Do?

CB 120400 would amend the Land Use Code to reflect changes to the OPMA. Specifically, the bill would authorize SDCI to hold virtual, in-person, or hybrid meetings required for permitting processes. Those meetings include:

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<sup>1</sup> "Governing body" is defined by the OPMA as any "multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." ([RCW 42.30.020](#))

- Design Review Board meetings,
- Community meetings required for development of permanent supportive housing,
- Meetings for planned community developments,
- Environmental Impact Statement scoping meetings,
- Elective meetings for Master Use Permit and full subdivision applications, and
- Meetings held by the Hearing Examiner on land use decisions.

CB 120400 does not prescribe whether a meeting should be in-person, virtual, or hybrid. It merely authorizes all three possibilities. However, under current conditions SDCI must provide an option for in-person attendance by the public.

The summary and fiscal note to the bill sets out the different estimated annual costs associated with each alternative. Prior to the pandemic, SDCI spent approximately \$50,000 annually for room rentals for public meetings. Since June, SDCI has been providing an in-person attendance option for Design Review Board meetings in the Seattle Municipal Tower.

Continuing that option will require future position and appropriation authority to allow for staffing of in-person locations that did not need to be staffed when those meetings were held entirely virtually. SDCI estimates the cost for that option with an additional in-person meeting space and staffing would be approximately \$217,000 more annually. Those costs would be borne by permit fees from the Construction and Inspections Fund.

The bill includes an intent statement that assumes that the Mayor has terminated the COVID civil emergency proclaimed on March 3, 2020. If the Mayor has not terminated the civil emergency by the date of Council action on the bill, that statement would need to be amended.

### **Next Steps**

The Committee will hold a public hearing on CB 120400 on September 14. Committee discussion and a potential recommendation on the bill to the City Council could occur at the special meeting of the Committee scheduled for September 22.

cc: Esther Handy, Director  
Yolanda Ho, Lead Analyst



## Legislation Text

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**File #:** Res 32068, **Version:** 1

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### CITY OF SEATTLE

#### RESOLUTION \_\_\_\_\_

A RESOLUTION relating to proposed Comprehensive Plan amendments proposed to be considered for possible adoption in 2023; requesting that the Office of Planning and Community Development and the Seattle Department of Transportation consider the proposed amendments as part of the development of the One Seattle update to the Comprehensive Plan and the Seattle Transportation Plan.

WHEREAS, under the Washington State Growth Management Act, chapter 36.70A RCW, The City of Seattle (“City”) is required to have a comprehensive land use plan (“Comprehensive Plan”) and to review that plan on a regular schedule; and

WHEREAS, except in limited circumstances, the Growth Management Act allows the City to amend the Comprehensive Plan only once a year; and

WHEREAS, the City adopted a Comprehensive Plan through Ordinance 117221 in 1994, and most recently adopted amendments to its Comprehensive Plan in October 2021 through Ordinance 126457; and

WHEREAS, Resolution 31807 prescribes the procedures and criteria by which proposals for amendments to the Comprehensive Plan are solicited from the public and selected for analysis and possible adoption, a process known as setting the Comprehensive Plan docket; and

WHEREAS, the Growth Management Act requires the City to update the Comprehensive Plan by December 31, 2024 and every ten years thereafter; and

WHEREAS, the Office of Planning and Community Development is currently at work on its One Seattle Plan major update to the Comprehensive Plan in coordination with the Seattle Department of Transportation, which is developing a new Seattle Transportation Plan; and

WHEREAS, the City Council has reviewed the amendment proposals submitted as part of the 2022-2023

docketing process and has determined that the submitted amendment proposals are generally better addressed through the One Seattle Update to the Comprehensive Plan or through other ongoing planning processes; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

Section 1. Comprehensive Plan annual amendments to be considered as part of the One Seattle Update to the Comprehensive Plan

A. The City Council (“Council”) requests that the Office of Planning and Community Development (“OPCD”) consider the following proposed annual amendments as part of the One Seattle Comprehensive Plan update, including the public and environmental reviews. The Council also requests that OPCD present its analyses and the Mayor’s recommendations to the Seattle Planning Commission and to the Council as part of that planning effort. The full texts of the proposals are contained in Clerk File 322316.

1. Essential Daily Needs. Application to amend the land use element to allow for uses that serve residents’ essential daily needs within a quarter mile of their homes, and

2. Equitable Urban Forest Canopy. Application to provide a comprehensive strategy for an equitable urban forest canopy within all Seattle neighborhoods.

B. The Council requests that OPCD also consider the following amendments previously docketed under Resolution 32010 as part of the One Seattle Comprehensive Plan update, including the public and environmental reviews, if OPCD has not submitted a separate recommendation to the City Council in advance of its completion of the work on the update. The Council also requests that OPCD present its analyses and the Mayor’s recommendations to the Seattle Planning Commission and to the Council as part of that planning effort.

1. South Park. Assess whether the South Park neighborhood meets the criteria for urban village designation and provide a report to Council as described in Resolutions 31870, 31896, 31970, and 32010.

2. N. 130th Street and I-5. Specific to the area surrounding the future light rail station at North

130th Street and Interstate 5, along with other City departments, complete community-based planning and provide a proposal to establish an urban village as described in Resolutions 32010 and 31970.

3. Fossil fuels and public health. In consultation with the Seattle Department of Construction and Inspections, the Office of Sustainability, and the Environmental Justice Committee, draft, evaluate, undertake environmental review and provide recommendations for potential amendments to the Environment, Land Use, or Utilities elements of the Comprehensive Plan that would clarify the City's intent to protect the public health and meet its climate goals by limiting fossil fuel production and storage as described in Resolutions 31896, 31970, and 32010.

4. Maritime and Industrial Policies. Analyze and make recommendations for changes to the Comprehensive Plan to implement the recommendations of the Mayor's Maritime and Industrial Stakeholder Committee as described in the Industrial and Maritime Strategy Council Recommendations of June 2021.

5. Neighborhood connections across highways. Analyze and make recommendations for changes to the Comprehensive Plan to support the use of lids across highways to restore disconnected neighborhoods, expand neighborhoods, and open up hundreds of acres of buildable land for housing and parks, to create safer, healthier, and more vibrant neighborhoods as described in Resolution 32010.

6. Impact fee amendments. In conjunction with the Seattle Department of Transportation's (SDOT's) Seattle Transportation Plan, consider potential amendments to the Comprehensive Plan necessary to support implementation of an impact fee program for public streets, roads, and other transportation improvements. This impact fee work may include amendments to update or replace level-of-service standards or to add impact fee project lists in the Capital Facilities Element and amendments to other elements or maps in the Comprehensive Plan, as appropriate. In addition, consider impact fee amendments related to publicly owned parks, open space, and recreation facilities, and school facilities as discussed in Resolutions 31762, 31970, 32010.

Section 2. Proposals to be considered as part of the development of the Seattle Transportation Plan. The

City Council requests that SDOT consider the following Comprehensive Plan amendment proposals as they develop the Seattle Transportation Plan including the public and environmental reviews. The Council also requests that SDOT present its analyses and the Mayor’s recommendations to the Seattle Planning Commission and to the Council as part of that planning effort.

A. Florentia Street. Application to remove the arterial classification from Florentia Street and West Florentia Street in the Queen Anne neighborhood, as described in Resolution 32010; and

B. Urban Freight Delivery. Application to develop strategies to accommodate urban freight deliveries, as contained in Clerk File 322316.

Section 3. Comprehensive Plan amendments that will not be considered. The Council rejects the following proposed amendments. The full texts of the proposals are contained in Clerk File 322316.

A. Application to amend the Future Land Use Map (“FLUM”) from Neighborhood Residential to Multifamily for the property addressed as 4822 S Holly St.

B. Application to amend the FLUM in Interbay and East Magnolia near the future Dravus light rail station.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

Elizabeth M. Adkisson, Interim City Clerk

(Seal)



## **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

### **1. BILL SUMMARY**

**Legislation Title:** A RESOLUTION relating to proposed Comprehensive Plan amendments proposed to be considered for possible adoption in 2023; requesting that the Office of Planning and Community Development and the Seattle Department of Transportation consider the proposed amendments as part of the development of the One Seattle update to the Comprehensive Plan and the Seattle Transportation Plan.

**Summary and Background of the Legislation:**

This resolution responds to potential Comprehensive Plan amendments proposed to be considered for possible adoption in 2022. The proposals were received from Councilmembers and members of the public as part of an annual amendment process. The full texts of the proposals are contained in Clerk File 322316. The Resolution requests that the Office of Planning and Community Development and Seattle Department of Transportation incorporate appropriate proposals from 2022 and previous years into their work on the One Seattle Comprehensive Plan update and the Seattle Transportation Plan respectively.

### **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

Are there financial costs or other impacts of *not* implementing the legislation?  
None

### **4. OTHER IMPLICATIONS**

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

The Resolution requests that the Office of Planning and Community Development and Seattle Department of Transportation consider proposals as part of their ongoing work on the One Seattle Comprehensive Plan update and Seattle Transportation Plan.

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

A public hearing was held on July 27.

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

Notice of the public hearing was published in the Daily Journal of Commerce.

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

Amendments related to specific pieces of property are not proposed to be docketed.

**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 Essential Daily Needs proposal is intended to increase access to residents' daily needs close to their residences. This will be particularly important for low-income and disabled residents of the City who sometimes have to travel long distances to have their daily needs met. The Equitable Urban Forest Canopy is intended to support the maintenance and growth of the urban forest, in particular in those areas of the City that have fewer trees, which include areas with large BIPOC communities, such as Beacon Hill. Previously docketed items related to South Park and the Maritime/Industrial Strategy would impact the South Park neighborhood and other low-income and BIPOC communities in and near the city's industrial areas.

**f. Climate Change Implications**

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

No. However, potential amendments related to essential daily needs, the urban forest, fossil fuels, a new urban village at N 130th Street and highway crossings could lead to changes that would reduce 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.**

The amendment related to Essential Daily Needs could increase access to resources in residential neighborhoods. The amendment related to the urban forest could increase the ecosystem services that result from a healthy tree canopy.

**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

**Summary Attachments: None**



## Legislation Text

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**File #:** CF 314447, **Version:** 1

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Application of Isola Homes to rezone a portion of a split zoned site located at 7012 Roosevelt Way NE from Lowrise 1 multifamily residential with an M Mandatory Housing Affordability (MHA) suffix (LR1 (M)) to Neighborhood Commercial 2 with a 55 foot height limit and M1 MHA suffix (NC2 55 (M1)) (Project 3035227-LU; Type IV).

The Rezone Material is provided as an attachment.



#3035227-EG  
7012 Roosevelt Way NE  
Early Design Guidance  
03-18- 2020  
Isola Homes





ADDRESS		PROJECT BRIEF	CS2.D.3 – ZONE TRANSITIONS – The building is cut into the sloping site, minimizing height relative to the residential zone to the east. The floor to floor heights are minimized, and the roof parapets are lowered along the east side, further reducing the height of the building. The building steps back from the sidewalk as it approaches the residential zone, creating a graceful transition between zones.	INDEX
7012 Roosevelt Way NE		The proposed project involves the demolition of an existing commercial building and the construction of an apartment building containing approximately 90 residential units. No parking spaces will be provided. As part of the Land-Use review the project is proposing to a rezone a portion of the lot zoned LR1(M) to NC2-55(M) and adjust the boundary of the Station Area Overlay District to include all of the parcels.		
SDCI# 3035227-EG				
PROJECT TEAM		PRIORITY GUIDELINES	CS2.D.5 – RESPECT FOR ADJACENT SITES – The roof deck is orientated away from adjacent neighbors. Most dwelling units face the street, away from other properties. An enlarged lower rear setback allows for a landscape buffer, rather than a blank wall, to face the neighbor to the East.	Project Info / Proposal II
Owner	Isola Homes			
Architect	SHW			
Landscape	Root of Design			
Surveyor	Chadwick & Winters			
Arborist	Bob Layton	CS1: NATURAL SYSTEMS AND SITE FEATURES	CS3: Architectural Context and Character PL1: Connectivity PL2: Walkability	Recent Work 28-29
PROJECT INFO				
Zoning	NC2-55(M) (Pending Rezone)			
Overlays	Roosevelt Station Overlay District Roosevelt Residential Urban Village			
Lot Area	9,800 SF			
Proposed Units	91	ROOSEVELT GUIDANCE CS2.II – ADJACENT SITES, STREETS, AND OPEN SPACES – A large glassy amenity space is provided at the street corner reading as an open space buffer between the street and primary residential use beyond. An additional landscape buffer is incorporated at ground level between the sidewalks and structure.	PL2B.1 – EYES ON THE STREET – The building is strongly oriented to the street, and large amounts of glazing are provided at the lobby and amenity spaces , providing eyes on the street to improve safety and security.	PL2B.3 – STREET LEVEL TRANSPARENCY - Windows and doors are located along the street level to create a connection between the exterior and interior of the building. High activity common spaces are provided at the ground level allowing for larger openings without the concern for privacy associated with private residential uses.
Vehicle Parking	None			
Bicycle Parking	84			
		ROOSEVELT GUIDANCE CS2.III – HEIGHT, BULK, AND SCALE – The building is articulated both horizontally and vertically to create a variety of smaller masses, helping to keep the building in scale with development in the vicinity. Articulation, landscape screening, reduced height, increased setback at ground level, and minimized use of blank walls are all incorporated to transition to the adjacent residential zone.	PL3: Street-Level Interaction PL4: Active Transportation DC1: Project Uses and Activities DC2: Architectural Concept DC4: Exterior Elements and Finishes	
		CS2.C.1 – CORNER SITES – The building is articulated at the corner to create a strong corner for the block. The primary entrance is near, but not at the corner and a large amenity space is provided, concentrating activity near the corner.	ROOSEVELT GUIDANCE DC4.I – EXTERIOR FINISH MATERIALS – High quality, durable, modern finish materials are intended for the building. Colors will be chosen to fit with the neighborhood context.	

ZONING SUMMARY

NC2-55(M)		Roosevelt Station Overlay District, Roosevelt Residential Urban Village
23.47A.008.A.2	Blank façade	blank wall max = 20' segments, 40% of façade between 2' to 8'
23.47A.008D	Res. Use at grade	10' setback, or 4' above / below sidewalk
23.47A.012.A	Height calculations	55' + 4' Height Bonus for 13' F-F at L1
23.47A.012.C.4	Rooftop coverage	Max 20% of roof
23.47A.013.A	FAR	4.25 FAR, Bike Parking, Below Grade Exempt
23.47A.014.B	Setbacks	15' triangular setback required abutting residential zones. Upper level setback required above 65' (not applicable)
23.47A.024.A	Amenity area	5% of Area in Res. Use

PUBLIC OUTREACH - DESIGN RELATED COMMENTS

City of Seattle Required Early Outreach for Design Review. Summary of Comments Heard at the Community Outreach meeting on February 24, 2020 Per Addendum A of the Outreach Packet

- Several attendees wanted to see a design that featured materials that are muted in color (not bright orange) with others suggesting a brick or Tudor elements in the façade
- There were many questions what height was allowed under the zoning; there was some sensitivity about the height being too high relative to the existing single family structures
- Regarding the eastern edge of building, there was support for a design that allowed light to filter to properties to the east with some vegetations between the properties
- There was support to minimize building setbacks on NE 71st, further noting that it would not be desirable to include elements that would attract loitering



Figure - Ground



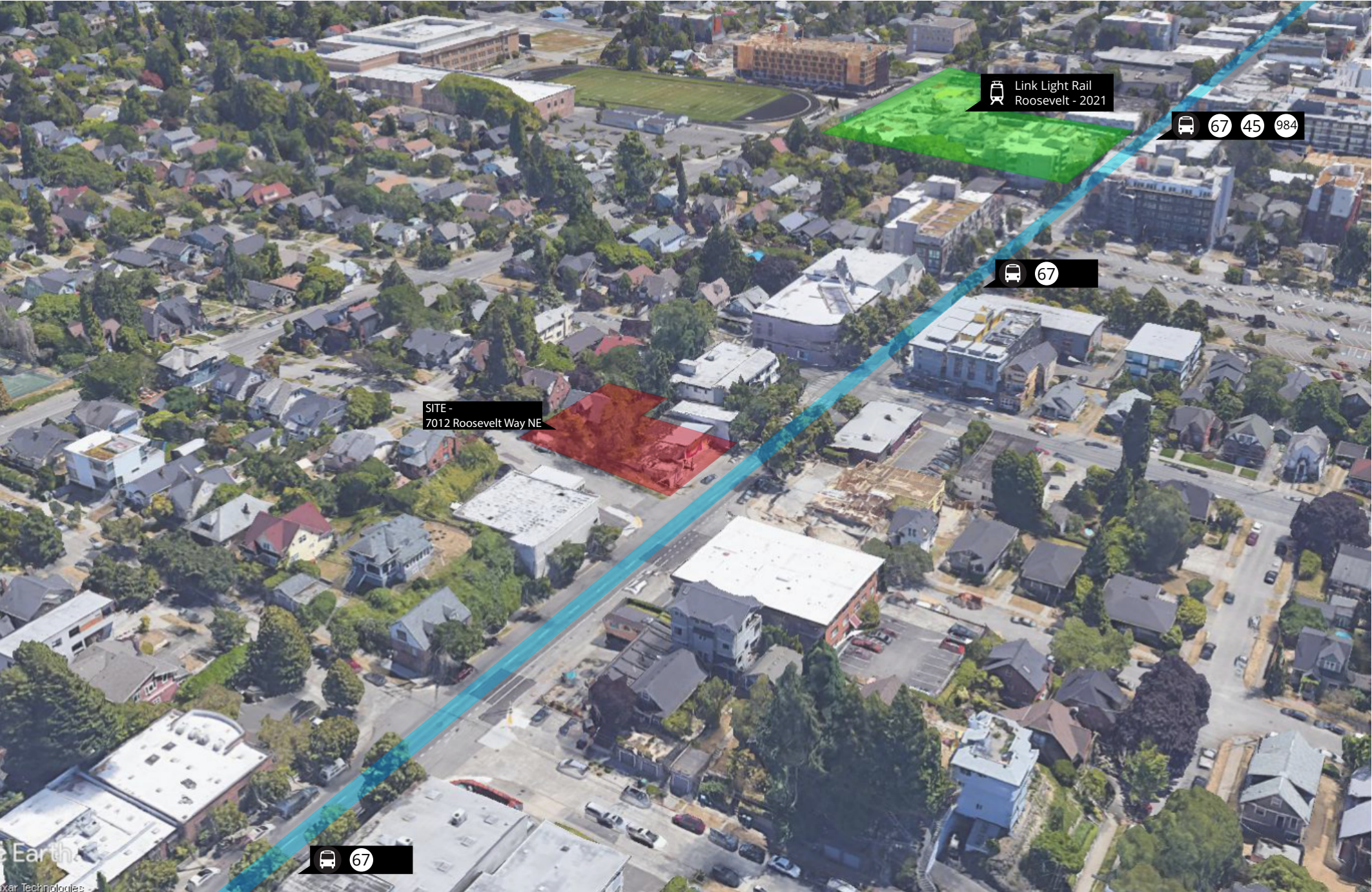
**Zoning**  
The project site is zoned NC2-55(M) and its located on the east side of Roosevelt Way NE, a two lane south bound one way street. The area is mixed corridor with commercial, mixed-use and residential uses.



**Adjacencies & Circulation**  
Roosevelt Way NE provides easy access to University District and Downtown with generous bike lanes and the 66/67 bus route. NE 70th provides good access to Green Lake with a dedicated bike lane and limited interruptions from Interstate-5 interchanges. The Roosevelt Light Rail station is scheduled to open in 2021. Major grocery stores and other retail and commercial amenities are within easy walking distances.



NINE BLOCK 3D VIEW



Looking southeast (Aerial Image: 07/25/2019)





902 NE 65th Street

(Weinstein A+U)



7001 Roosevelt Way NE

(Neiman Taber)



800 NE 67th

(Runberg Architecture Group)



7011 Roosevelt Way NE

(Caron Architecture)



6600 Roosevelt Way NE

(VIA)



STREETSCAPE - ROOSEVELT WAY NE

1. Roosevelt Way NE looking east



2. Roosevelt Way NE looking west





3. NE 71st Street looking south

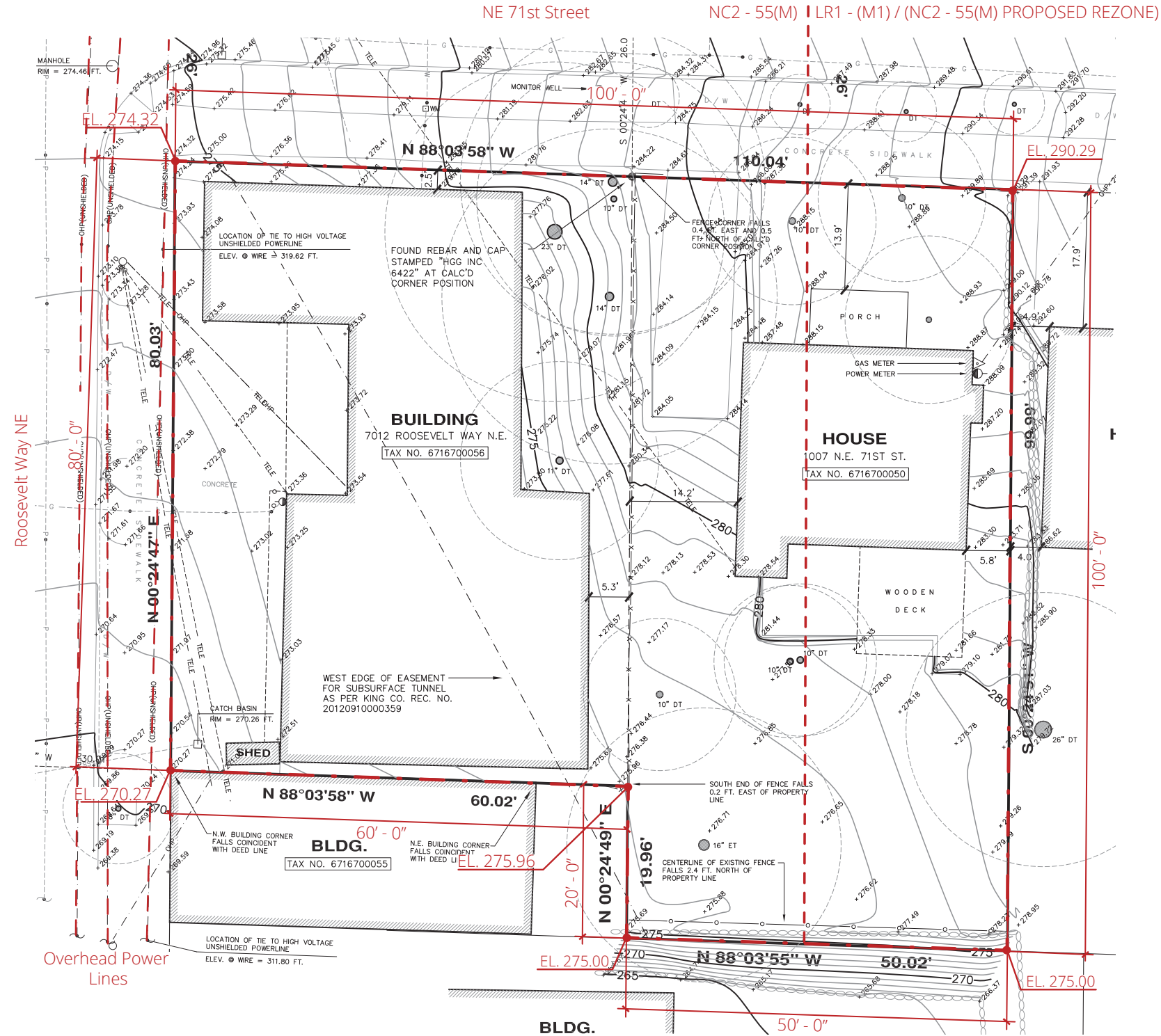


4. NE 71st Street looking north





## EXISTING CONDITIONS - SURVEY



Tax Parcel No. 6716700056

Tax Parcel No. 6716700050

### Legal Description

Parcel no. 6716700050 (4,999 Sq. Ft.)

Lot 10 and 11, block 1, Perkins Green Lake  
addition to the City of Seattle, according to the  
plat thereof recorded under volume 13, of plats,  
page 20, records of King County, WA.

Except the west 10 ft. of said lot 11

Parcel no. 6716700056 (4,802 Sq. Ft.)

The north 80 feet of lots 12 and 13 and the west 10 feet of the north 80 feet of lot 11, block 1, Perkins Green Lake addition to the City of Seattle, according to the plat thereof recorded in volume 13 of plats, page 20, records of King County, WA.

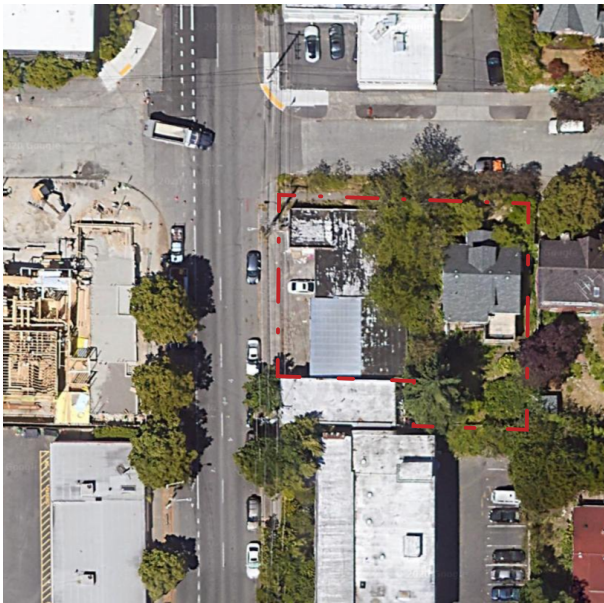
Surveyor: Chadwick & Winters

Date: 08/27/19

No exceptional trees found on site. Arborist report prepared by Layton Tree Consulting to provided at MUP.

— • — • Property Line





Aerial



Looking southeast from Roosevelt Way NE



Looking at northwest corner from Roosevelt Way NE



Looking south from NE 71st Street



Looking east from Roosevelt Way NE



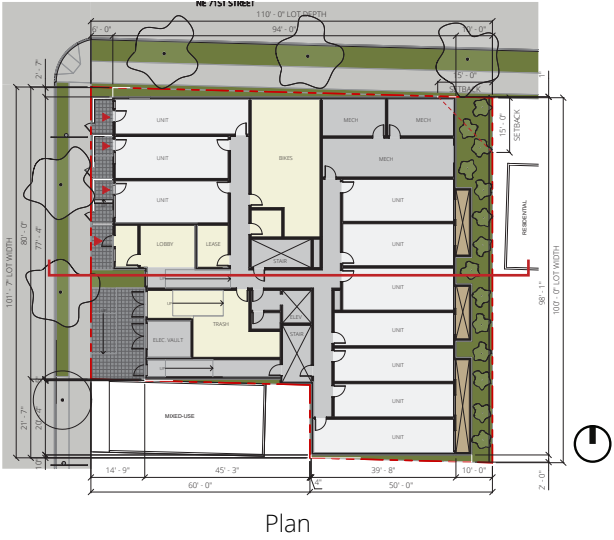
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Scheme Commonalities

All schemes share a few traits that are mandated by specific departments or provided as a benefit that should be included in all three schemes:

- Roosevelt upper level setback. Because of existing power lines that will remain the building steps back to the required 14' from the power lines.
- Trash location: SPU is requiring trash be picked up from Roosevelt Way NE. Because of the location of where the trash would be picked up the room is pushed toward the middle and south end of the site.
- Transformer location: The transformer is located along Roosevelt Way NE due to availability of 3-Phase power at this location.
- All schemes include full frontage improvements.
- All schemes have a higher first floor floor-to-floor height even though this is not required as no commercial use is proposed.

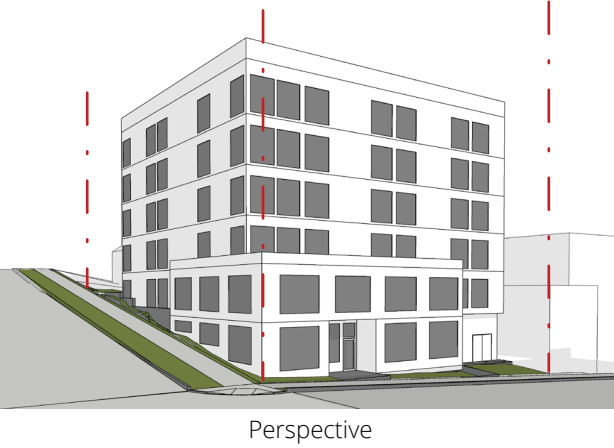
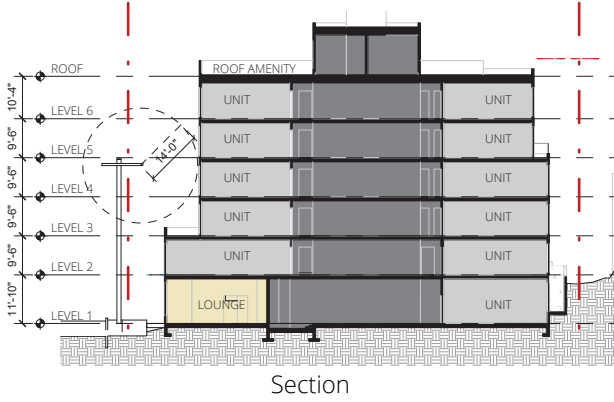
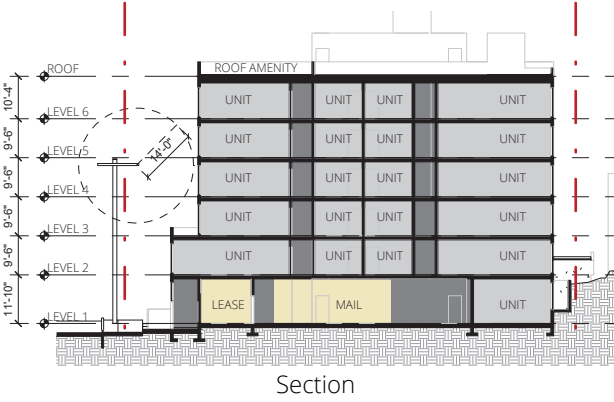
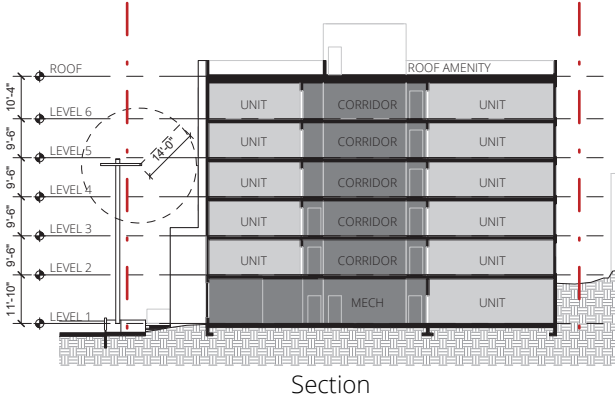
Scheme A



Scheme B



Scheme C - Preferred





SITE PLAN - SCHEME A



Scheme A

Units: 95  
FAR: 4.17  
GFA: 40,875 SF  
GSF: 44,164 SF

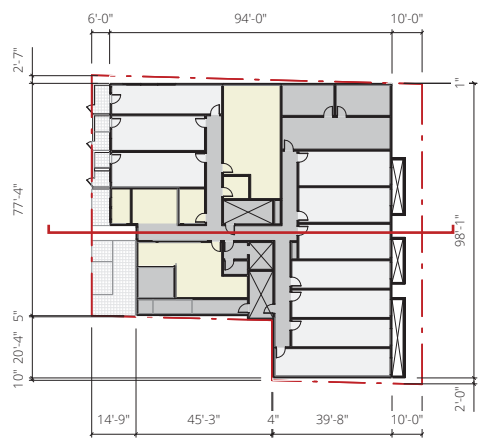
Total Unit Count: 95  
Total GFA: 40,875 SF  
Total GSF: 44,164 SF

Pros:  
• Maximized density

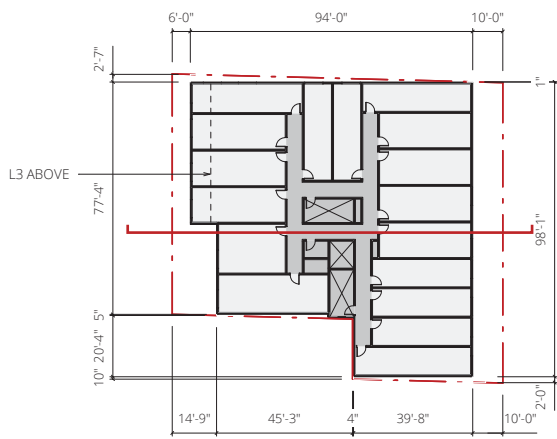
Cons:  
• Residential units at street level adds an overly residential character to the ROW  
• High concentration of units oriented towards East LR lot creating privacy issues  
• Large sections of blank façade @ north and south  
• Minimum setback at east lot line  
• < 2ft. setback at south lot lines  
• Imposing massing on north, south, and east facades  
• Departure required for street level uses  
• Departure required for rear setback

- Residential
- Circulation / Mechanical
- Common Building Services
- Entry

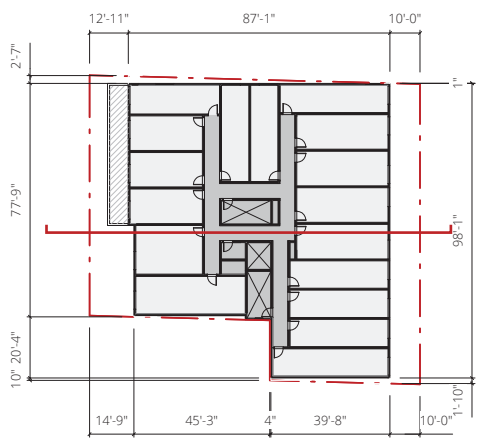
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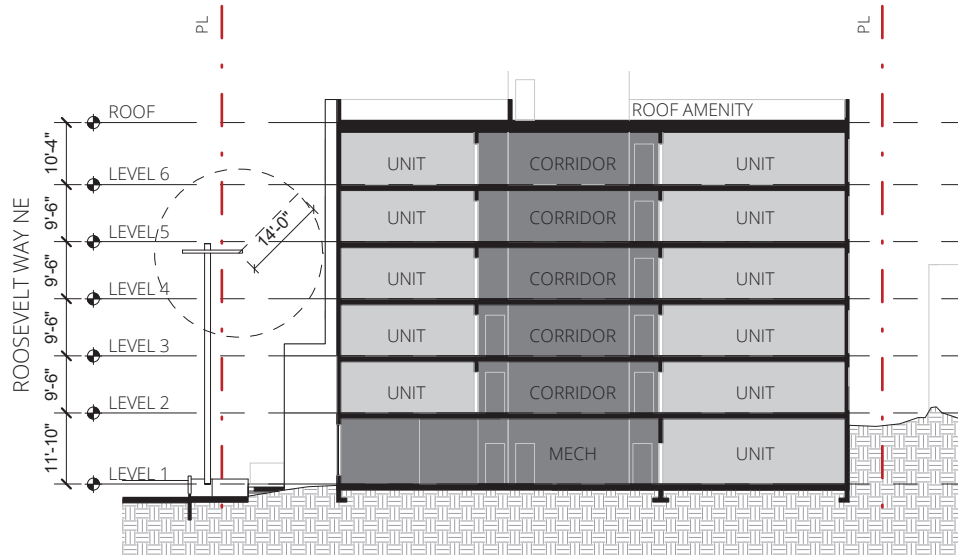
Level 1



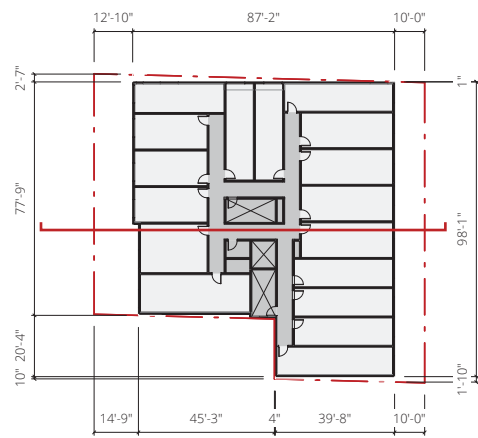
Level 2



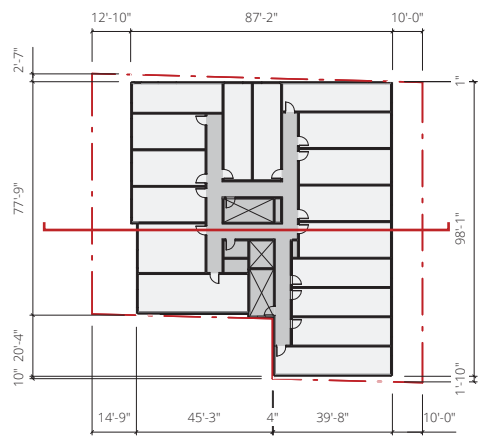
Level 3



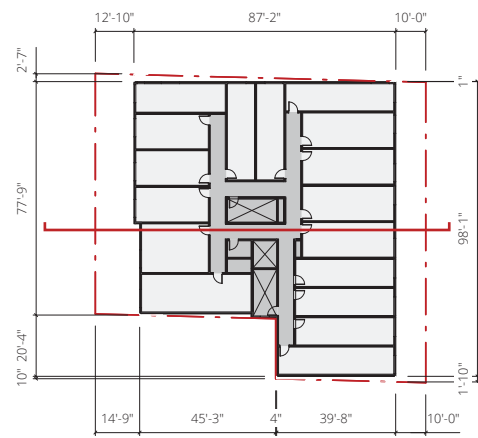
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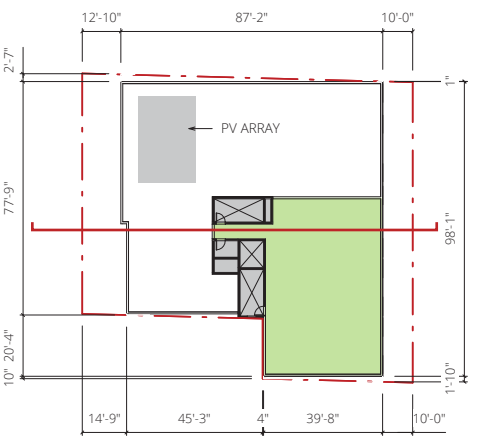
Level 4



Level 5



Level 6

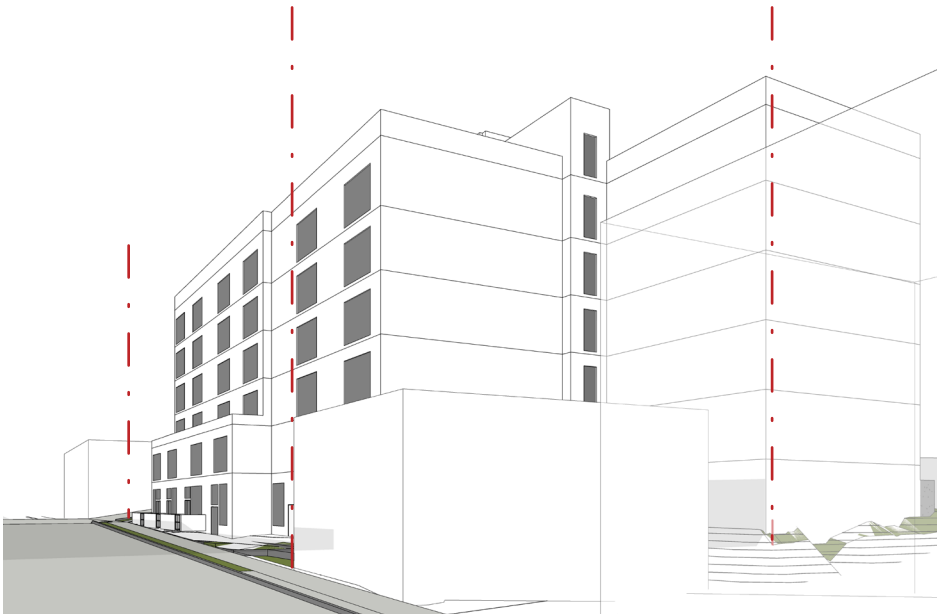


Roof

- Residential
- Circulation / Mechanical
- Common Building Services
- Outdoor Amenity
- Unoccupied Deck

SCALE: 1/64" = 1'-0"





Looking northeast from Roosevelt Way NE



Looking east from Roosevelt Way NE



Looking southwest from NE 71st Street



Looking southwest from Roosevelt Way NE

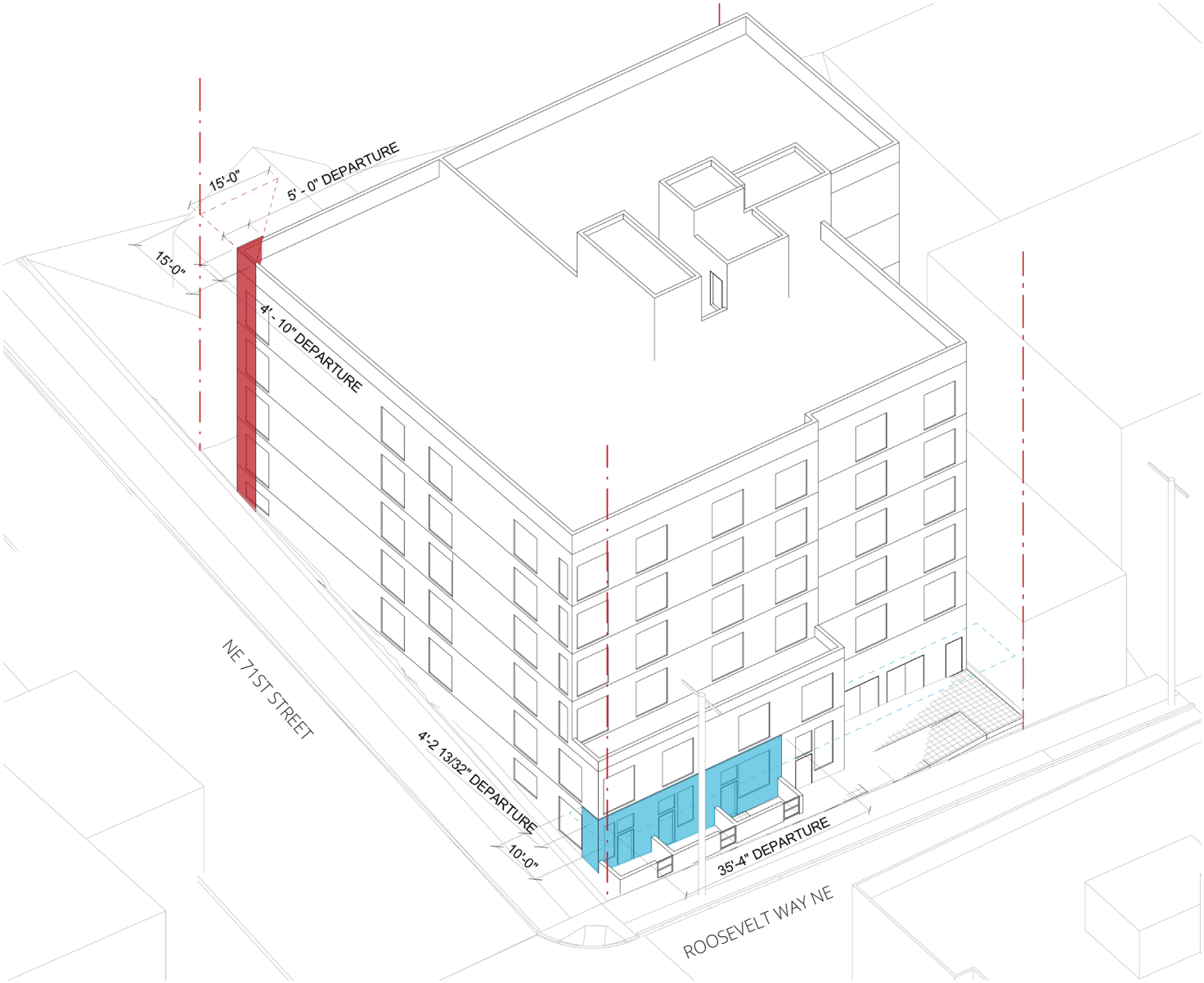
DEPARTURES - SCHEME A

**SMC 23.47A.014.B : SETBACKS**

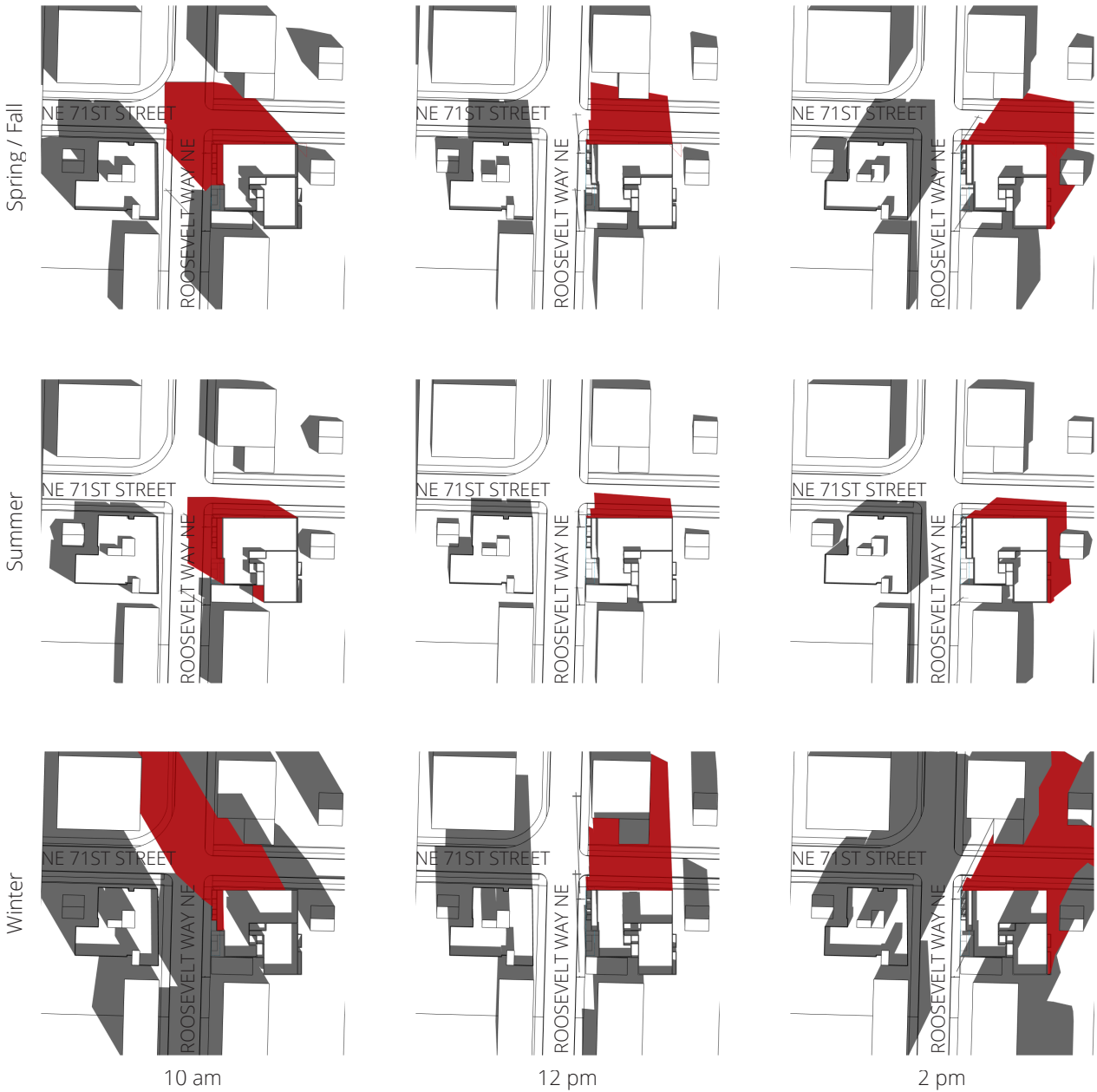
REQUIRED: Triangular setback 15' ea. side of intersection  
PROPOSED: 10'2" X 10'0" (4'10" X 5'0" DEPARTURE)  
Guidelines/Justification:  
Seattle Guidance CS2.A.2 Architectural Presence: Minimizing the setback at the corner creates a strong continuous street edge.  
Seattle Guidance DC2A Massing: Minimizing the setback allows for a cohesive expression of the massing

**SMC 23.47A.008.D: STREET LEVEL DEVELOPMENT STANDARDS**

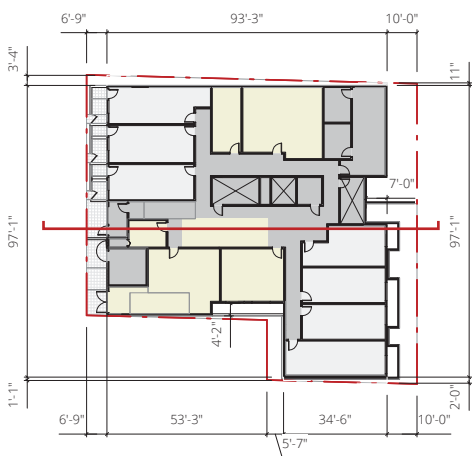
REQUIRED: 10' min. setback for Residential uses  
PROPOSED: 5'10" setback  
Guidelines/Justification:  
Roosevelt Guidance PL2.I.ii Pedestrian Experience: Walk-out units add more pedestrian scale elements at the ROW.  
Seattle Guidance CS2.C.1 Corner Sites: Minimizing setback allows corner to be defined and creates continuity in streetscape at the corner.



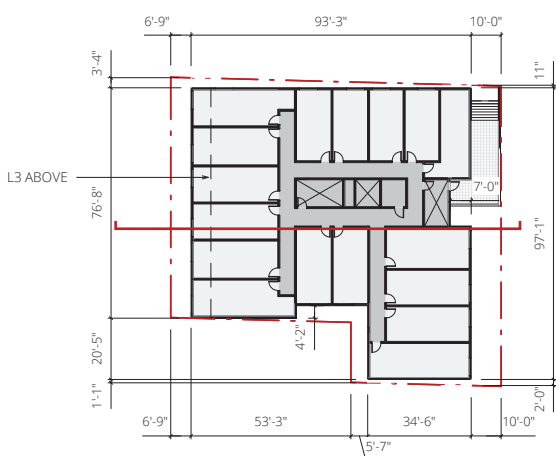
SUN STUDY - SCHEME A



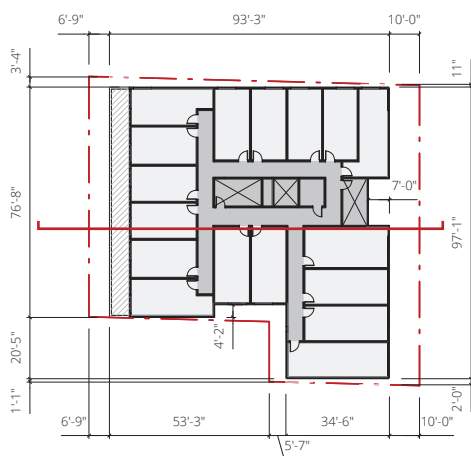




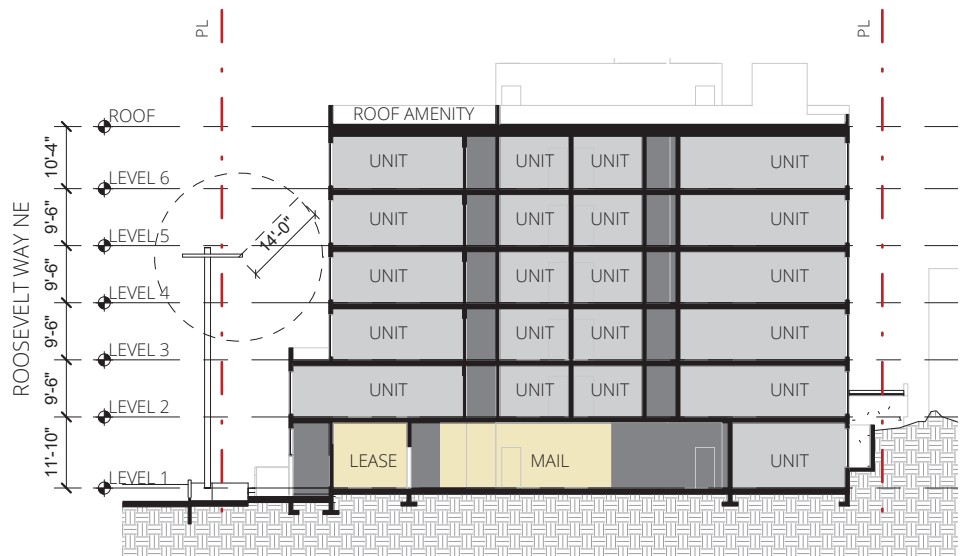
Level 1



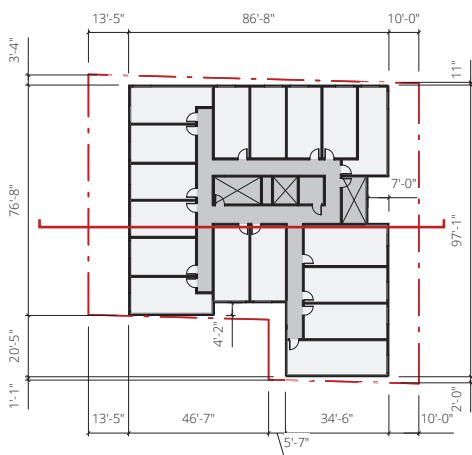
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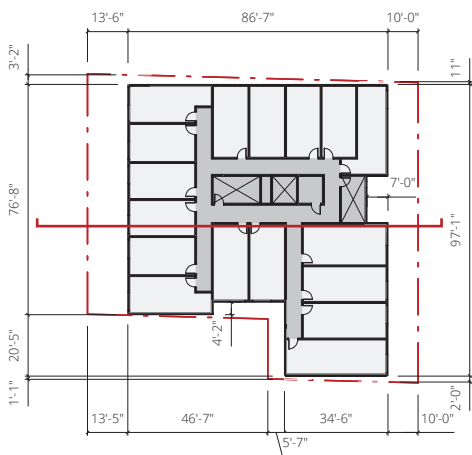
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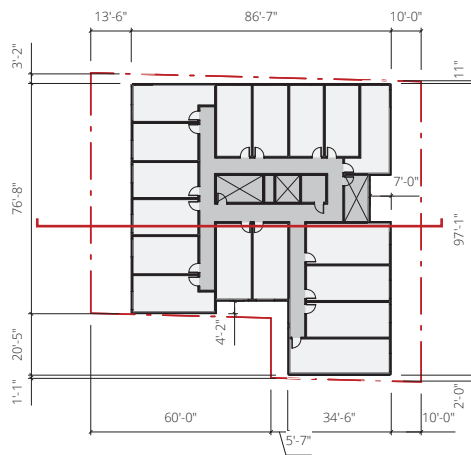
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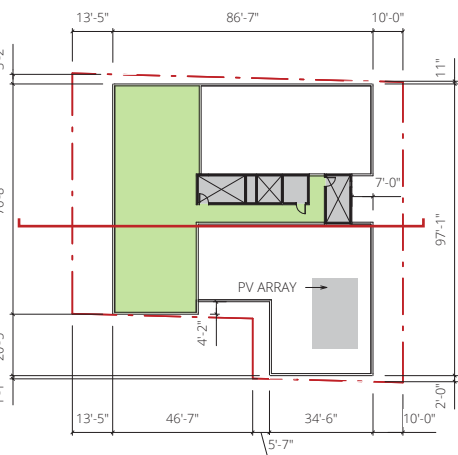
Level 4



Level 5



Level 6



Roof

- Residential
- Circulation / Mechanical
- Common Building Services
- Outdoor Amenity
- Unoccupied Deck

SCALE: 1/64" = 1'-0"



Looking northeast from Roosevelt Way NE



Looking east from Roosevelt Way NE



Looking southwest from NE 71st Street



Looking southwest from Roosevelt Way NE

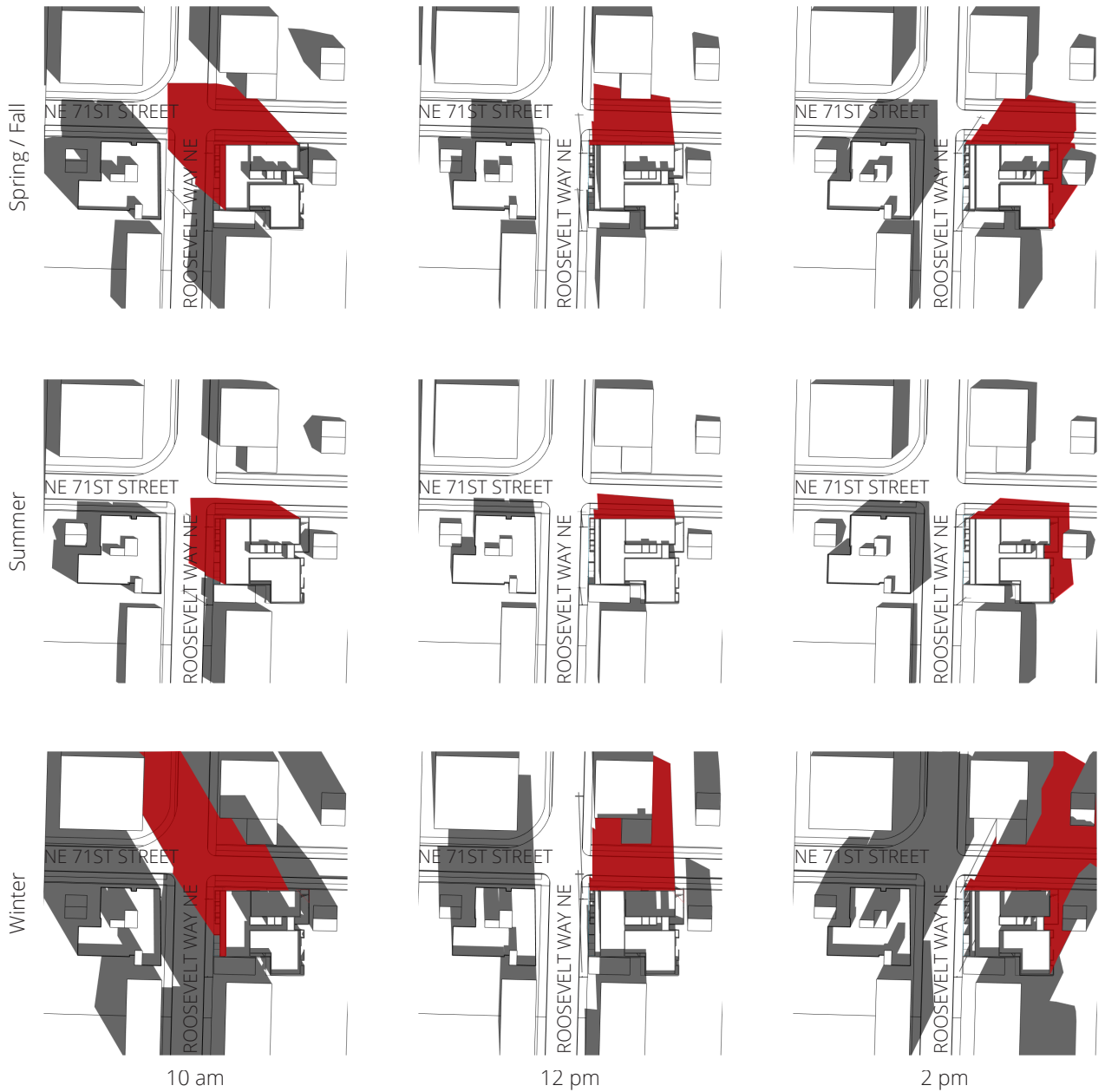
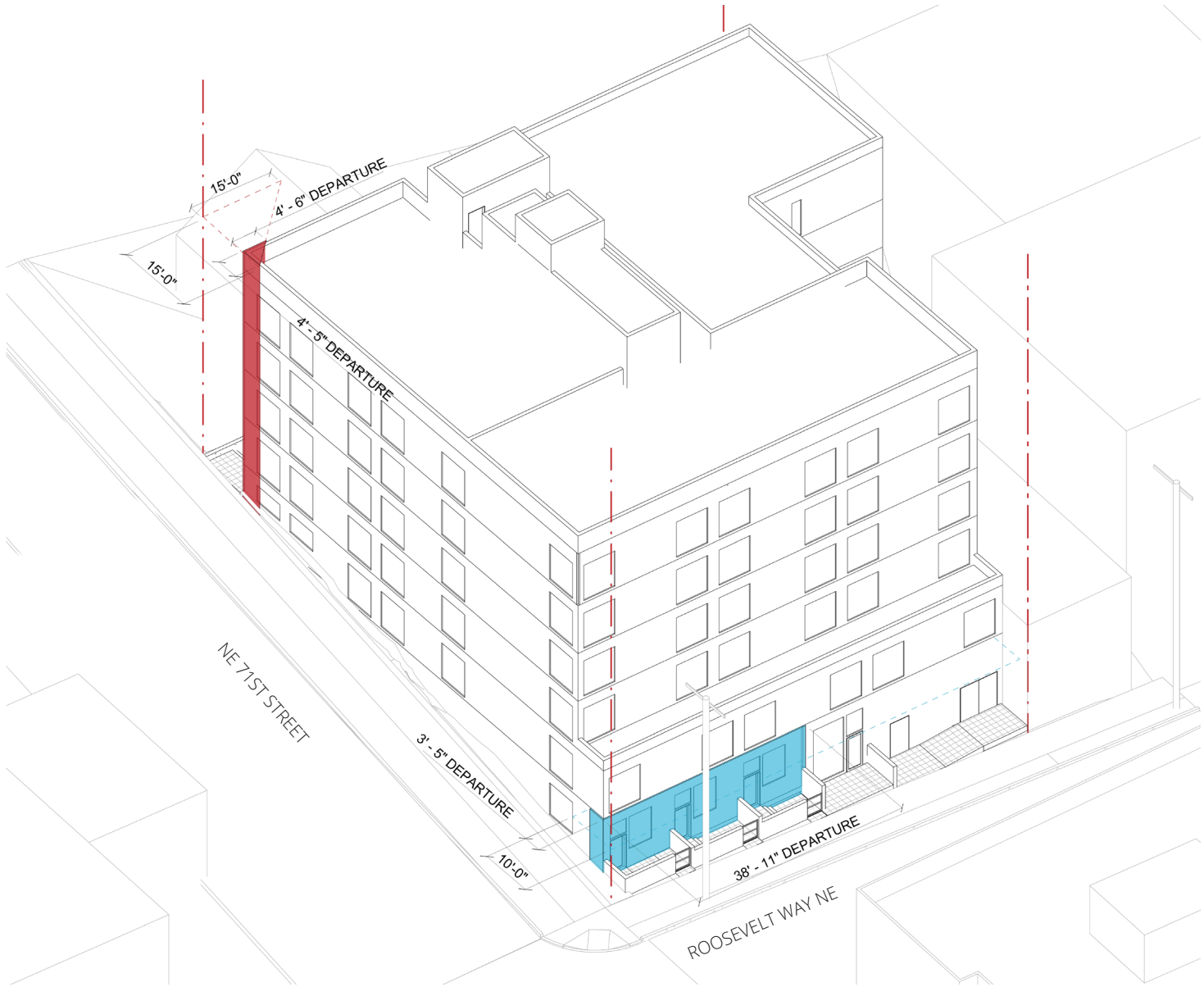


**SMC 23.47A.014.B : SETBACKS**

REQUIRED: Triangular setback 15' ea. side of intersection  
PROPOSED: 10'7" X 10'6" (4'5" X 4'6" DEPARTURE)  
Guidelines/Justification:  
Seattle Guidance CS2.A.2 Architectural Presence: Minimizing the setback at the corner creates a strong continuous street edge.  
Seattle Guidance DC2A Massing: Minimizing the setback allows for a cohesive expression of the massing

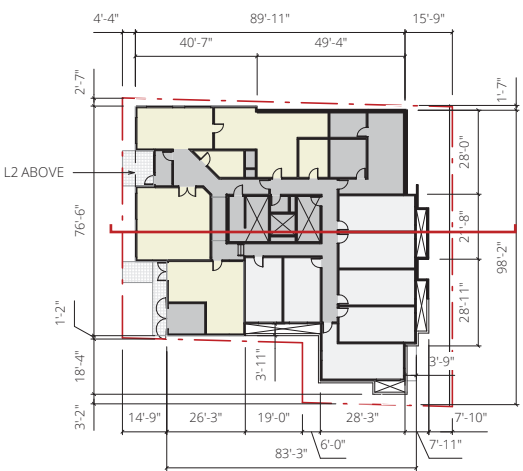
**SMC 23.47A.008.D: STREET LEVEL DEVELOPMENT STANDARDS**

REQUIRED: 10' min. setback for Residential uses  
PROPOSED: 6'7" setback  
Guidelines/Justification:  
Roosevelt Guidance PL2.I.ii Pedestrian Experience: Walk-out units add more pedestrian scale elements at the ROW.  
Seattle Guidance CS2.C.1 Corner Sites: Minimizing setback allows corner to be defined and creates continuity in streetscape at the corner.

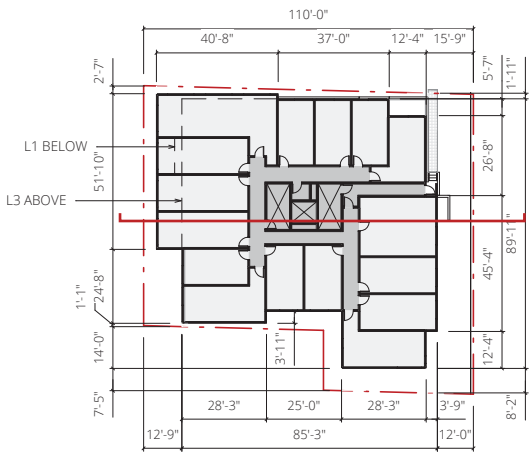




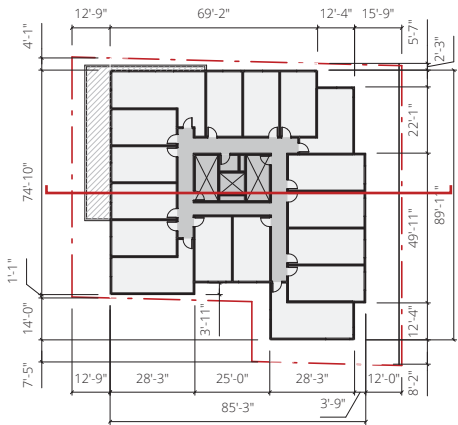




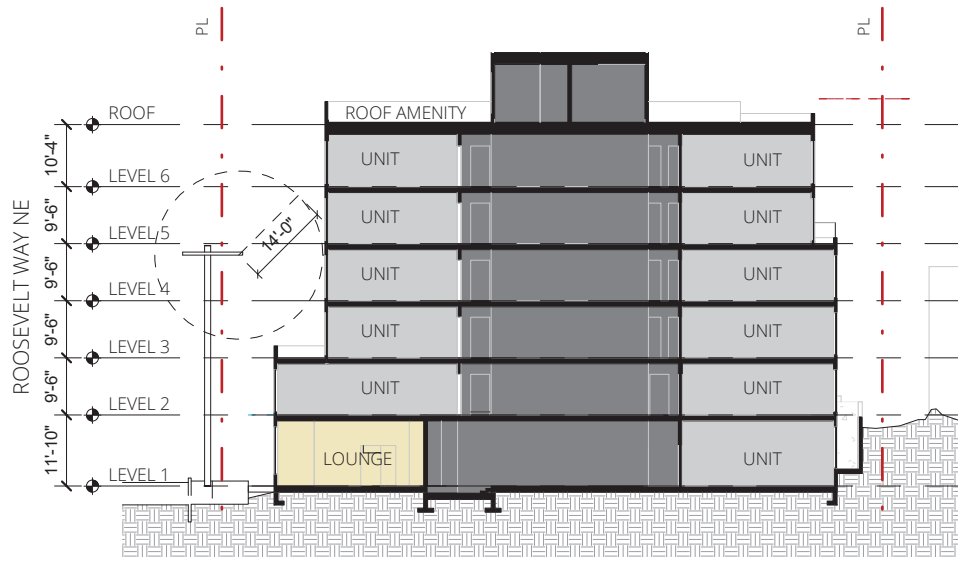
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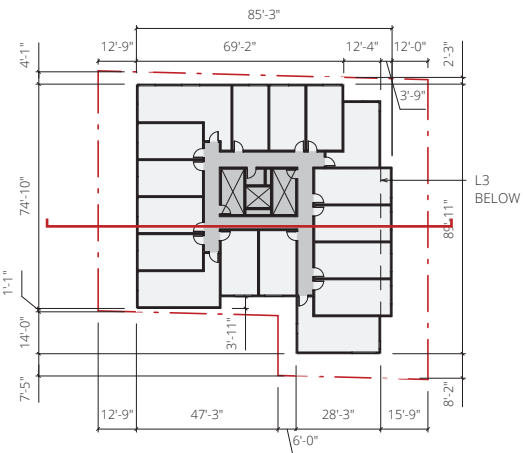
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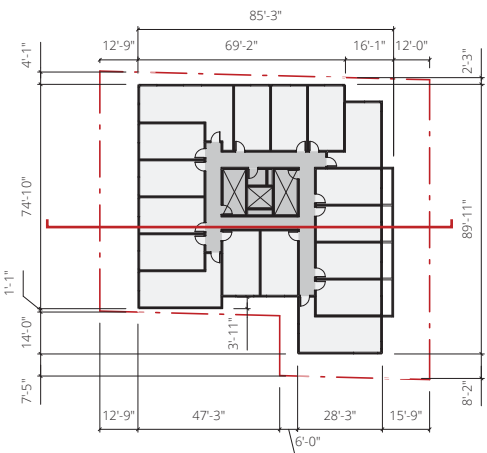
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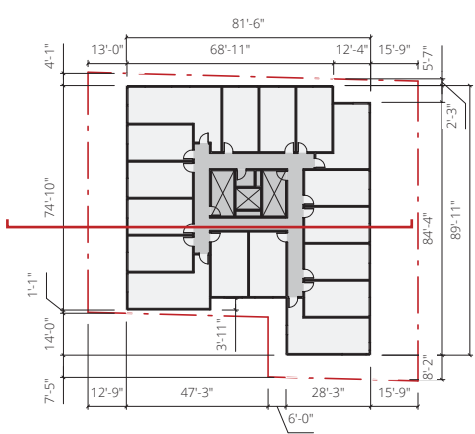
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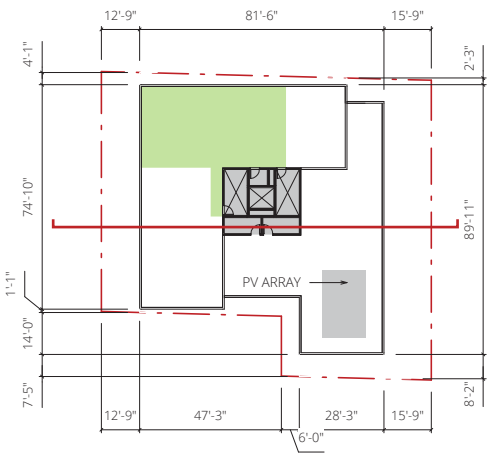
Level 4



Level 5



Level 6



Roof

- Residential
- Circulation / Mechanical
- Common Building Services
- Outdoor Amenity
- Unoccupied Deck

SCALE: 1/64" = 1'-0"





Looking northeast from Roosevelt Way NE



Looking east from Roosevelt Way NE

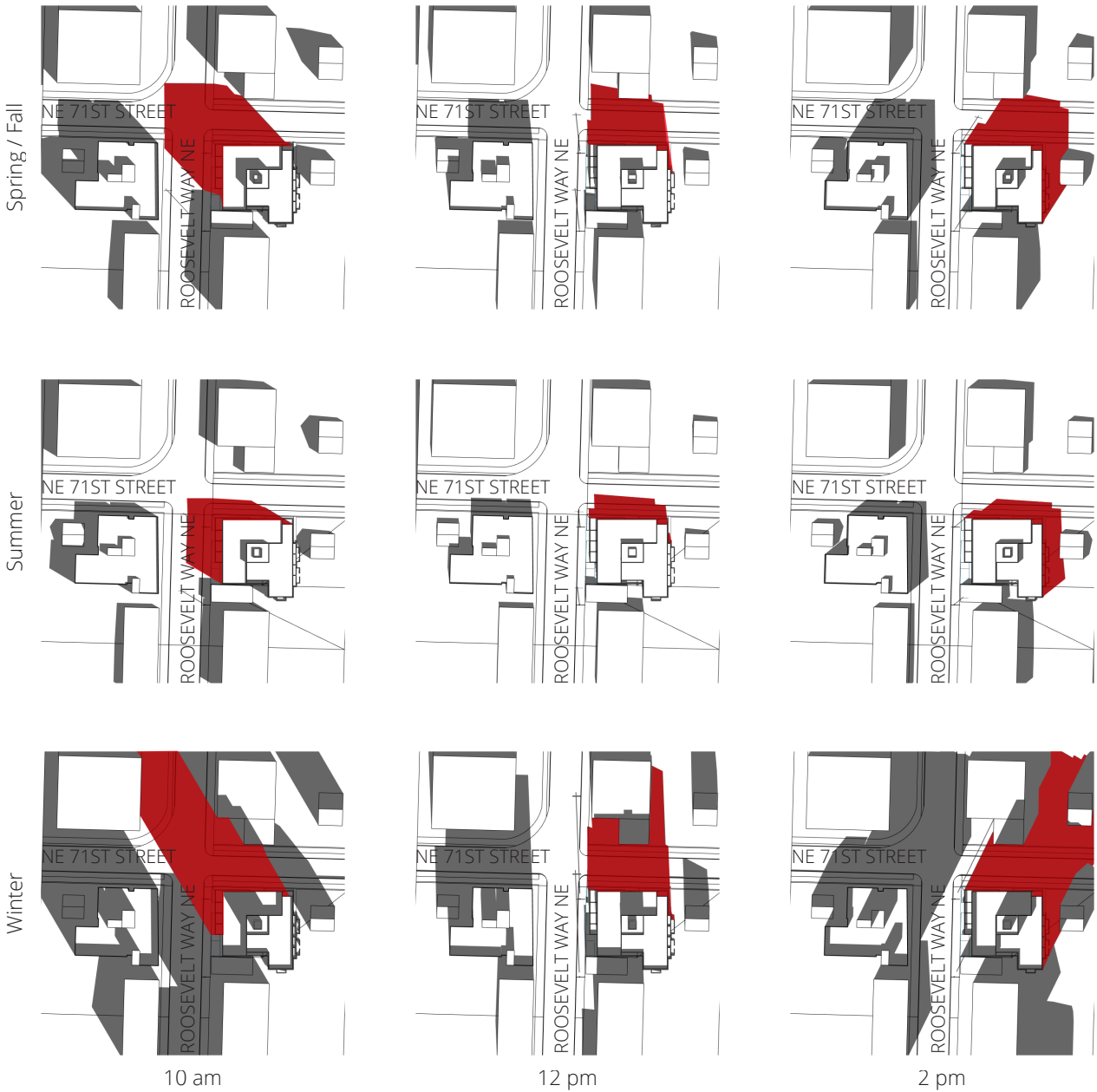


Looking southwest from NE 71st Street



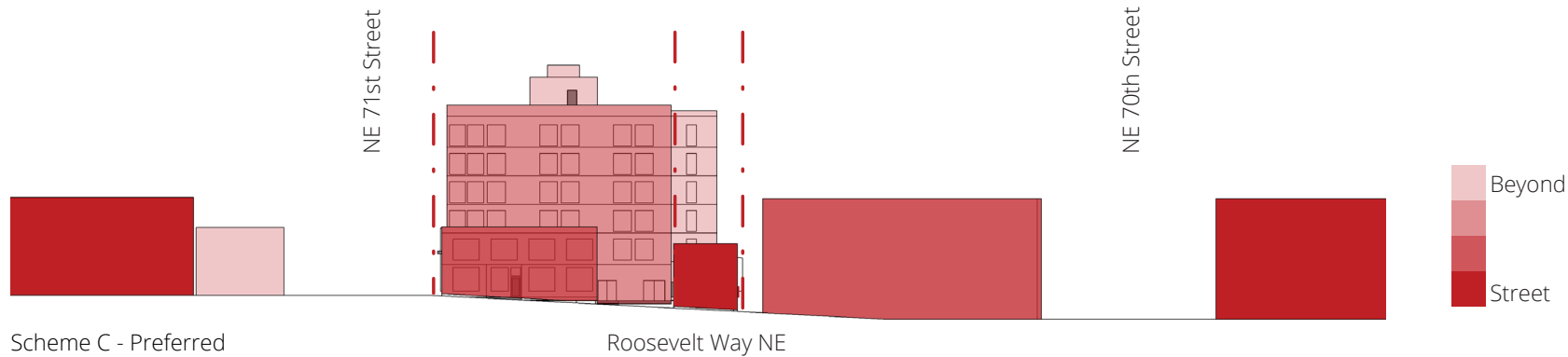
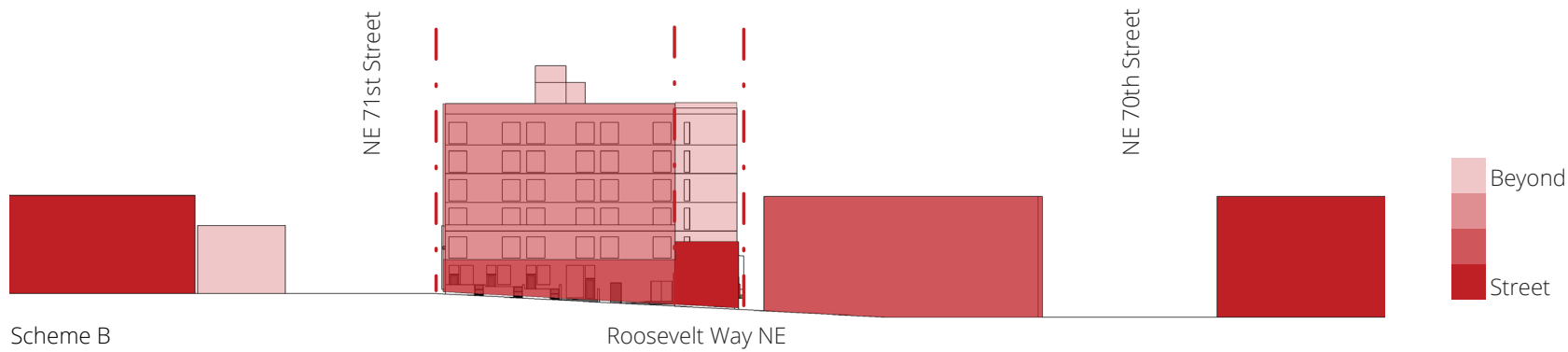
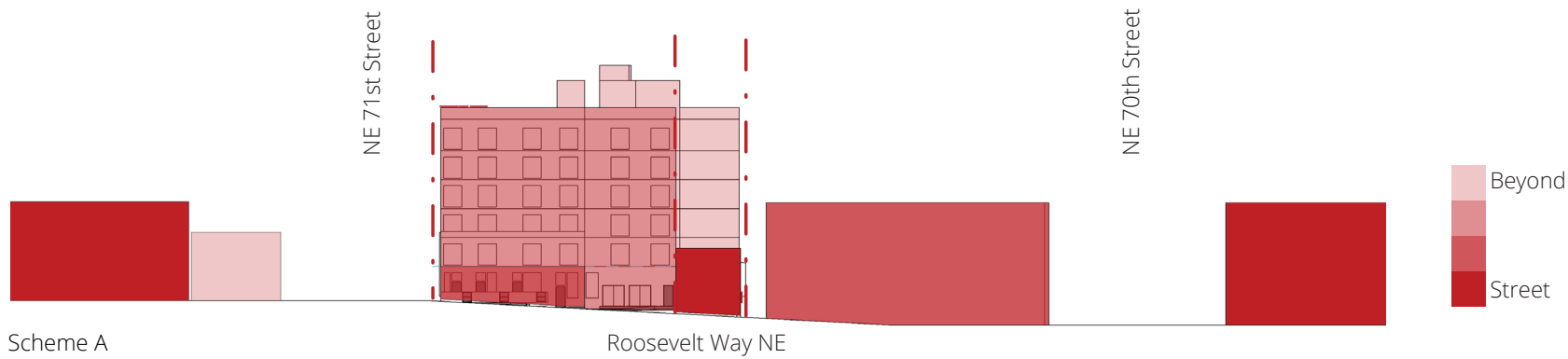
Looking southwest from Roosevelt Way NE

No Departures

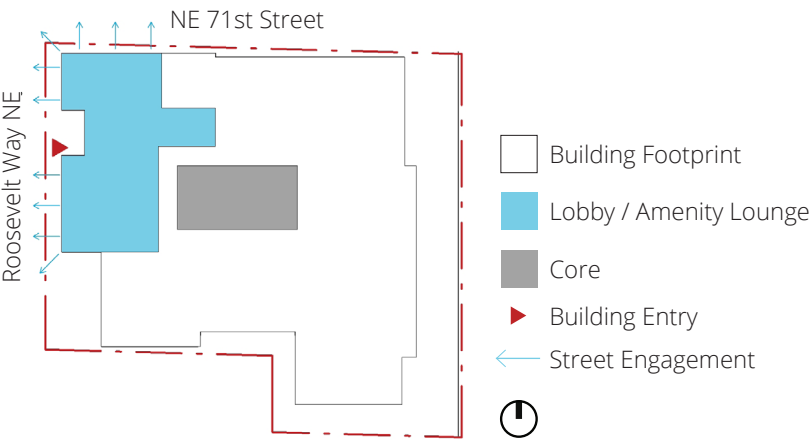
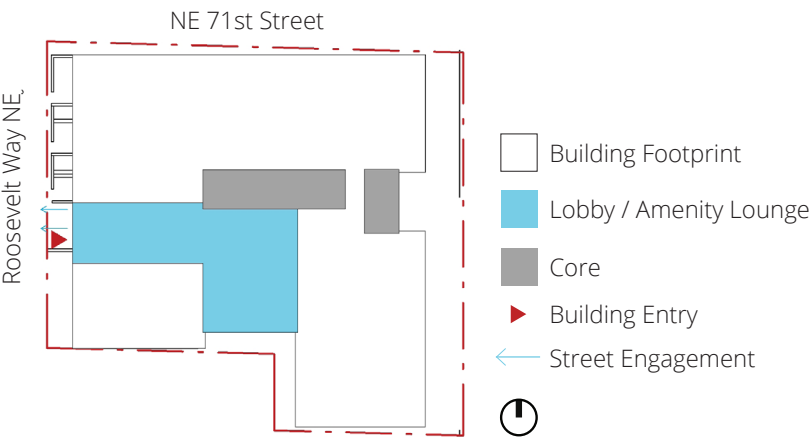
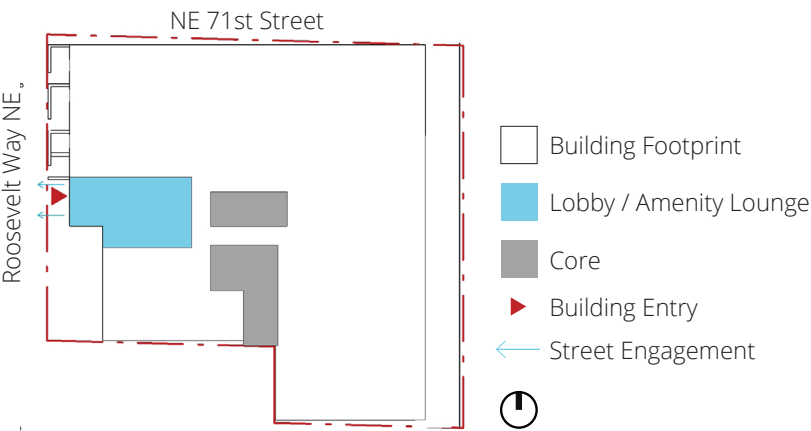


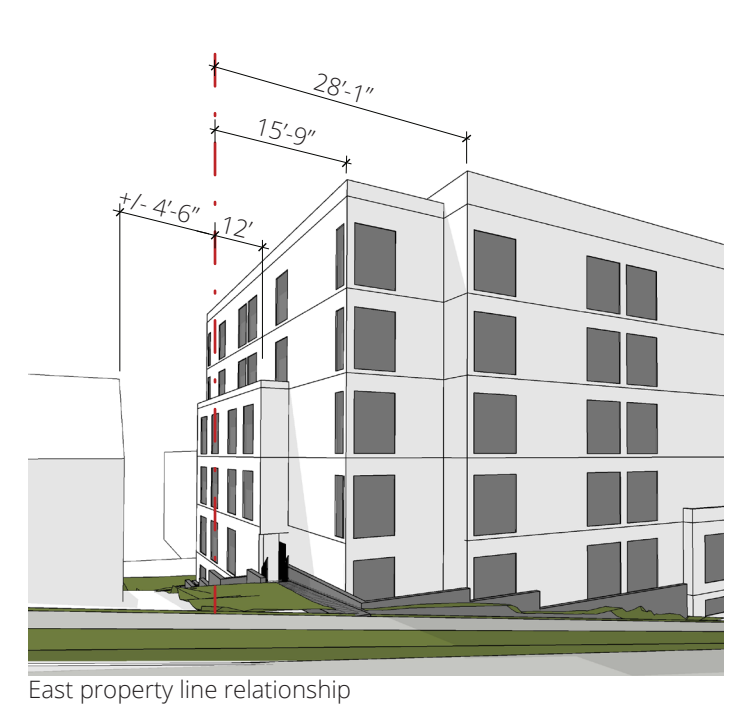
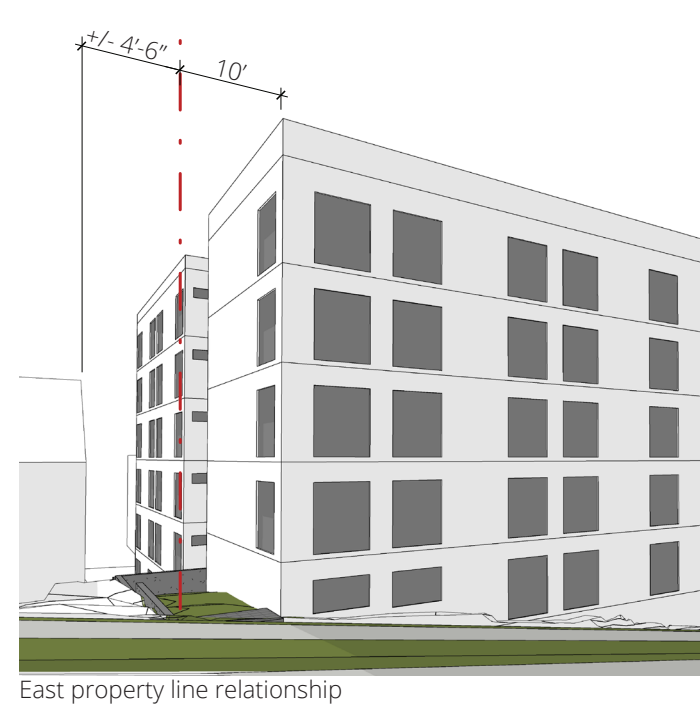
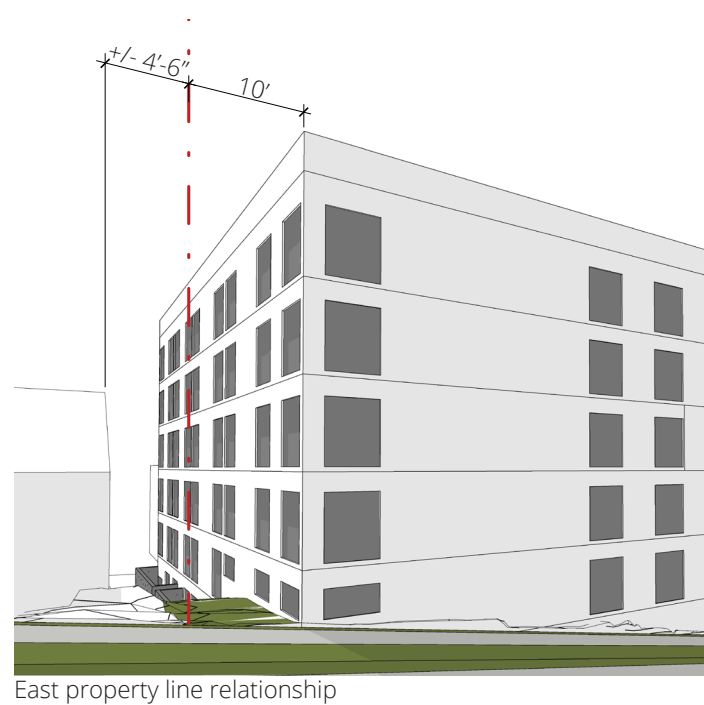
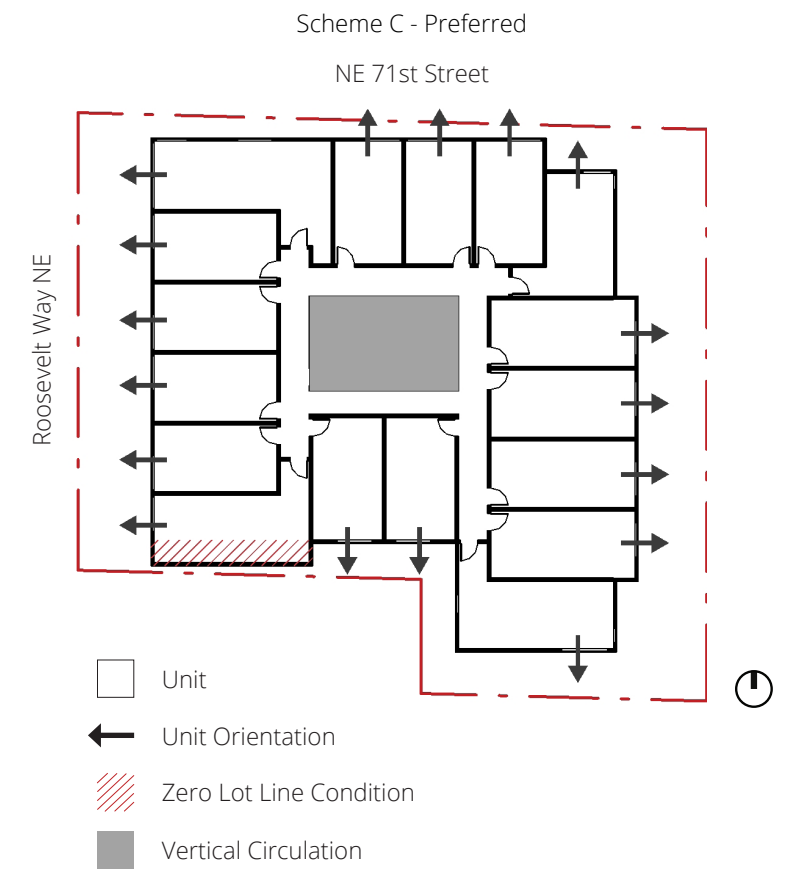
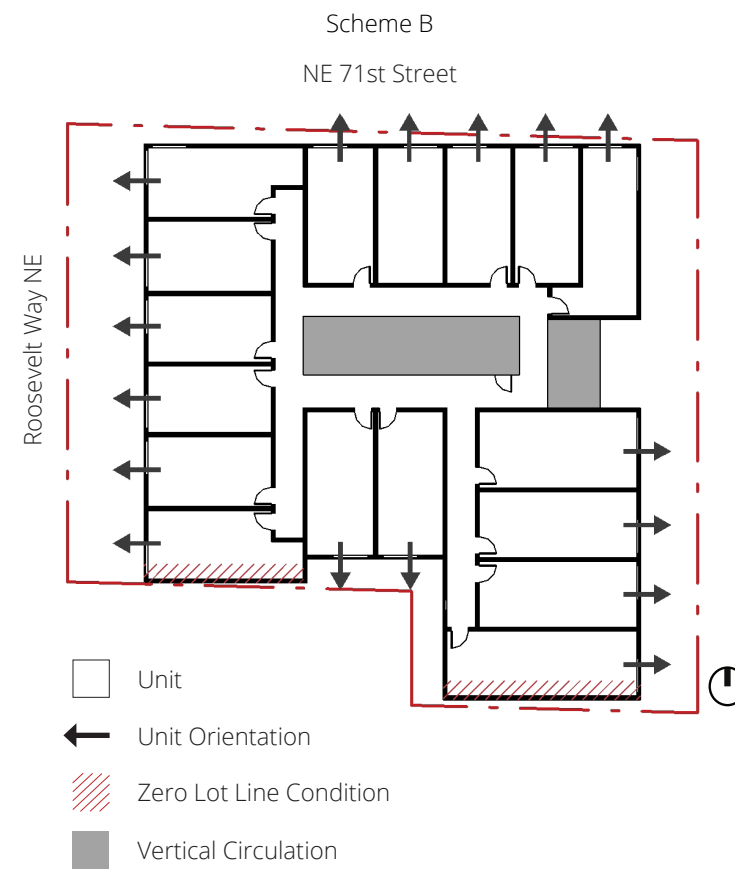
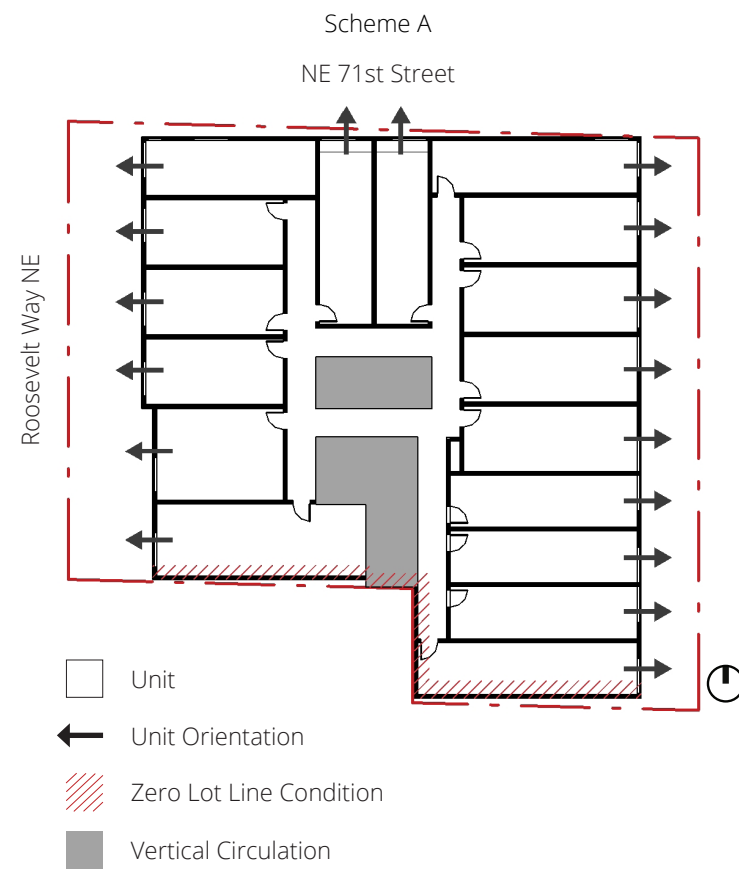
CONCEPT DEVELOPMENT - STREETScape

Street Wall Analysis

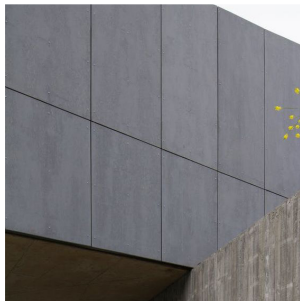


Core / Common Area Orientation

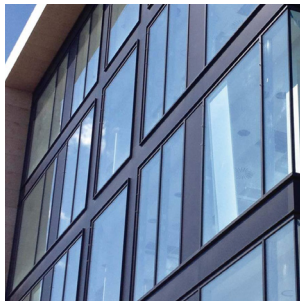








Large Scale Pattern



Rigorous Rhythm



Small Scale Pattern



Looking southwest from Roosevelt Way NE



Planting Texture



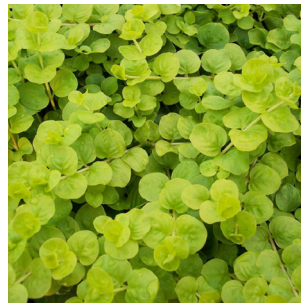
Planting Texture



ROW Planting



Buffer Planting



Contrast Planting



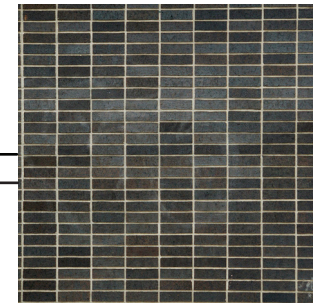
Contrast Planting



Looking southwest from NE 71st Street



Large Scale Pattern



Small Scale Pattern



Medium Scale Pattern





RECENT WORK



4710 20th Ave NE (Under Construction)



5902 22nd Ave NW



5201 Rainier Ave S



600 E Howell St (Under Construction)



1806 23rd Ave



116 13th Ave E





800 5th Ave N (Under Construction)



1728 12th Ave E



2418 NW 58th St



6301 15th Ave NW (Under Construction)



1715 12th Ave E



1404 Boylston Ave





## REZONE APPLICATION SUBMITTAL INFORMATION SHEET

- 1) Project number.  
**3034865-LU**
- 2) Subject property address(es).  
**1007 NE 71<sup>st</sup> St. / 7012 Roosevelt Way NE**
- 3) Existing zoning classification(s) and proposed change(s).  
**1007 NE 71<sup>st</sup> St is currently split zoned LR1 (M1) and NC2-55 (M). The Station Area Overlay District also follows the existing zone boundary. The zone boundary occurs 30 feet from the east property line. The proposal is to rezone the property to NC2-55 (M2).**  
  
**7012 Roosevelt Way NE is currently zoned NC2-55 (M). No change is proposed to the property, but it is part of the proposed Development Site.**
- 4) Approximate size of property/area to be rezoned.  
**1007 NE 71<sup>st</sup> St = approximately 4,999 square feet, 3,000 square feet is proposed for rezone.**

- 5) If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and Tip 103B, *Environmentally Critical Area Site Plan Requirements*.

**A man-made steep slope ECA is on the southern portion of the site. The ECA is outlined on the site plan per TIP 103B. An ECA exemption will be required as part of the Building Permit.**

- 6) Applicant information:

- a. Property owner or owner's representative or

**OWNERS REPRESENTATIVE(S):**

**Hugh Schaeffer**

**SHW**

**1122 E Pike St. #1337**

**Seattle, WA 98122**

**hugh@s-hw.com**

**206-329-1802**

**Sam Jacobs**

**Hellsell Fetterman LLP**

**1001 Fourth Avenue, Suite 4200**

**Seattle, WA 98154**

**206-689-2121**

- b. Other? (Explain)

**Not applicable.**

- 7) Legal description of property(s) to be rezoned (also include on plans – see #16, below).

**1007 NE 71<sup>st</sup> St: Single Family Residential**

**TAX PARCEL NO. 6716700050**

**LOT 10 AND 11, BLOCK 1, PERKINS GREEN LAKE ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED UNDER VOLUME 13, OF PLATS, PAGE 20, RECORDS OF KING COUNTY, WA.**

**EXCEPT THE WEST 10 FT. OF SAID LOT 11**

**7012 Roosevelt Way NE (not subject to rezone, but part of the development proposal)**

**TAX PARCEL NO. 6716700056**

**THE NORTH 80 FEET OF LOTS 12 AND 13 AND THE WEST 10 FEET OF THE NORTH 80 FEET OF LOT 11, BLOCK 1, PERKINS GREEN LAKE ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 20, RECORDS OF KING COUNTY, WA.**

- 8) Present use(s) of property.  
**1007 NE 71<sup>st</sup> St: Single Family Residential**  
**7012 Roosevelt Way NE: Commercial Use (Vacant Auto-body shop)**
- 9) What structures, if any, will be demolished or removed?  
**All structures will be removed.**
- 10) What are the planned uses for the property if a rezone is approved?  
**The proposed building is a 91-unit multifamily residential building.**
- 11) Does a specific development proposal accompany the rezone application? If yes, please provide plans.  
**Yes, the development proposal has completed Early Design Guidance. MUP plans are included in the application.**
- 12) Reason for the requested change in zoning classification and/or new use.  
**The site satisfies the criteria required for the proposed NC2-55 zone and adjusted Station Area Overlay. The proposal resolves a split-zone parcel condition and matches the zoning along the block face.**
- 13) Anticipated benefits the proposal will provide.
- **The proposal provides 91 units of residential housing including 7 units of affordable housing under the City's Mandatory Housing Affordability program.**
  - **The proposal provides housing near transit and the soon to open Roosevelt Light Rail Station.**
  - **The proposal resolves a problematic split zoned situation and create a uniform zone edge.**
  - **The proposal advances the goals of the adopted Neighborhood Plan.**
  - **The proposal develops land where a long vacant auto-body shop sits covered in graffiti and creates a welcoming and activated street edge.**
  - **The proposal will remove multiple curb cuts and add planting strips and street trees.**
  - **The proposed building is primarily clad in brick creating a substantial and high-quality building in the neighborhood.**
  - **The proposal provides a significant stepping in massing and landscape buffer at the zone transition.**

- 14) Summary of potential negative impacts of the proposal on the surrounding area.
- **The project will increase traffic though this will be mitigated by the abundance of transit options including the soon to open Roosevelt Light Rail Station. Project's without parking are 'self-selective' meaning that individuals with cars are unlikely to choose to live in the development.**
  - **The neighbor to the east will have their view impacted though this would be the case even if the split-zoned lot was developed as LR1.**
  - **Additional impacts will be mitigated through the Design Review and SEPA process.**
- 15) List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).  
**Design Review Approval, SEPA Review, Master-Use Permit, Demolition Permits for both structures, Department of Neighborhoods review of both existing structures, Green Stormwater Infrastructure Review, Street Improvement Plans, Building Permit, ECA Exemption, Tenant Relocation**
- 16) Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.  
**See attached.**

**Rezone Criteria: SMC 23.34.008, 23.34.009, 23.34.072, 23.34.076 and 23.34.089**

**Introduction**

We are proposing a contract rezone of approximately 3,000 square feet of land in the 1000 block of NE 71<sup>st</sup> St from its current zoning of LR1(M1) to NC2 55(M2)SAOD to enable the development of approximately 91 units of housing (including 7 designated affordable units under MHA) on the rezone site and the contiguous approximately 6,801 square feet of land. The total development parcel is 9,801 square feet. This rezone will resolve the current, problematic split zoning on the property in question and will create a uniform zone edge between the neighborhood commercial and low-rise zone. See Figures 1 and 2.



Figure 1: Zoning Context



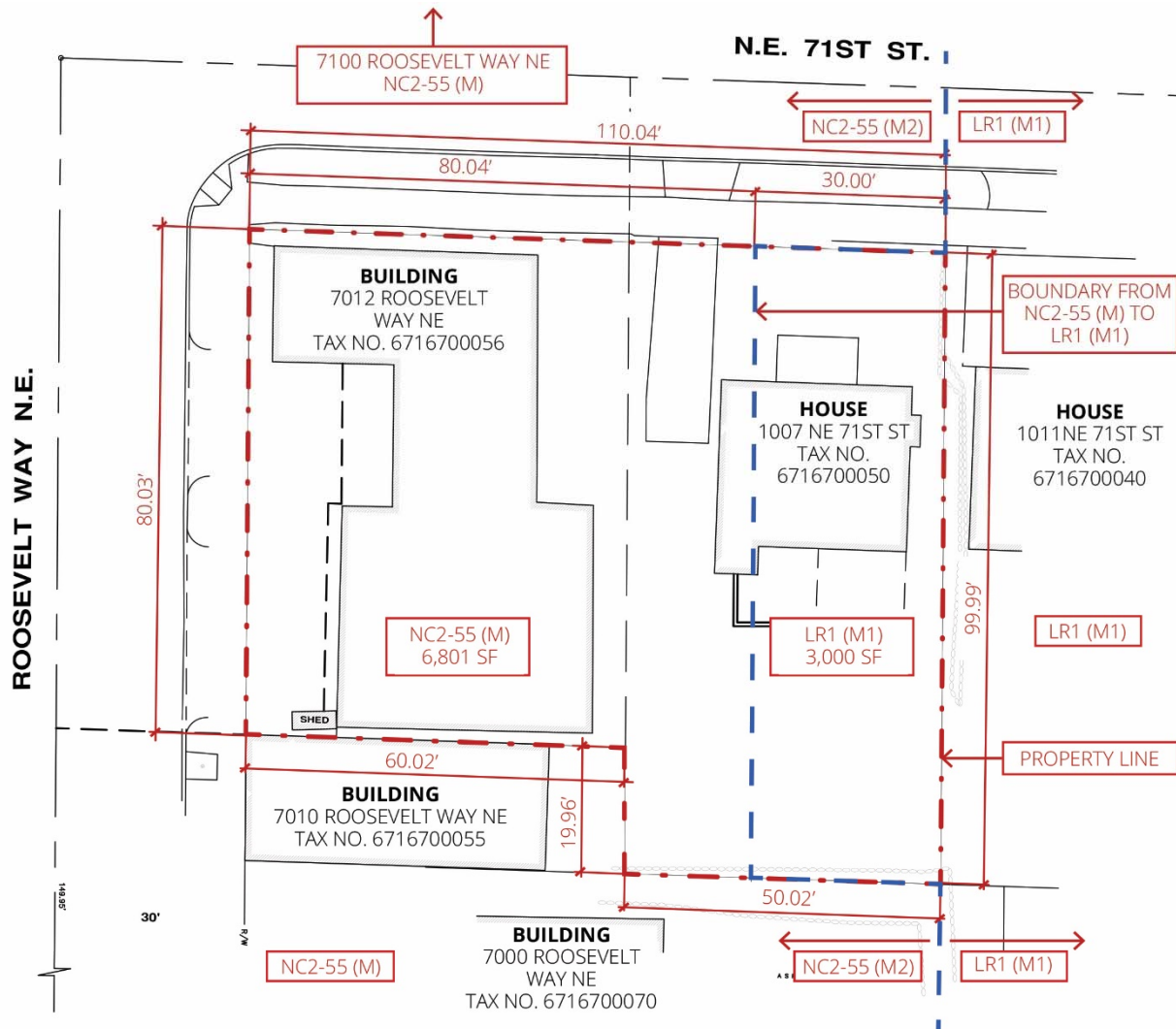


Figure 2: Area of Proposal

As will be described below, this proposed rezone meets the general criteria for a rezone, the locational criteria for Commercial Zoning and Neighborhood Commercial 2 zoning, the height designation criteria and the criteria for a Station Area Overlay District. The proposed rezone site is approximately 85 feet east of Roosevelt Way NE in the Roosevelt Urban Village and comprises the eastern sixty percent of the parcel<sup>1</sup>. The western forty percent of this parcel, and the area west of this parcel to Roosevelt Way NE is currently zoned NC2 55(M)SAOD. The property directly north of the rezone site, on NE 71<sup>st</sup> street is zoned NC2 55(M)SAOD, and the property directly south of the rezone site is also zoned NC2 55(M)SAOD.

The rezoned site is under common ownership with the west forty percent of this parcel and the adjoining property west to Roosevelt Way NE. Our proposal is a contract rezone to

<sup>1</sup> This parcel is comprised of Lot 10 and the east 20 feet of Lot 11 of Block 1 of Perkins Greenlake Addition to Seattle. The parcel contains a single-family house built in 1907 which straddles the lot line. We believe that the parcel has been treated as one site since at least 1907.



develop this entire 9,801 square foot development site with an apartment building containing approximately 7 units of regulated affordable housing under MHA (SMC 23.58C 050) and approximately 84 units of unregulated but affordable workforce housing. See Figure 3 for a breakdown of the anticipated unit count and configuration and the currently anticipated rents. This project received early designed guidance approval on June 18, 2020.

UNIT TYPE	QTY	Size (gsf)	Rent
<b>1 BEDROOM</b>			
UNIT 1.01	4	490.86	\$ 1,700.00
UNIT 1.02	1	662.67	\$ 1,800.00
UNIT 1.03 - TYPE A	1	536.33	\$ 1,725.00
	6	1 MHA unit	\$ 1,200.00
<b>STUDIO</b>			
UNIT 0.03	2	390.07	\$ 1,500.00
UNIT 0.05	5	407.37	\$ 1,525.00
UNIT 0.05_B	1	408.25	\$ 1,525.00
UNIT 0.06	2	370.55	\$ 1,500.00
UNIT 0.07	5	376.69	\$ 1,500.00
UNIT 0.14 - TYPE A	1	388.10	\$ 1,500.00
	16	1 MHA unit	\$ 1,000.00
<b>SEDU</b>			
UNIT 0.01	40	284.87	\$ 1,350.00
UNIT 0.02	7	326.00	\$ 1,275.00
UNIT 0.02_B	3	325.20	\$ 1,375.00
UNIT 0.04	3	292.85	\$ 1,350.00
UNIT 0.08	2	326.57	\$ 1,375.00
UNIT 0.09	1	346.15	\$ 1,385.00
UNIT 0.10	8	348.53	\$ 1,400.00
UNIT 0.11 - TYPE A	3	325.92	\$ 1,375.00
UNIT 0.12	1	333.11	\$ 1,375.00
UNIT 0.13	1	362.68	\$ 1,400.00
	69	5 MHA units	\$ 775.00
Total	91		

*\* MHA rents based on 2019 limits*

Figure 3: Unit Matrix

An analysis of compliance with the applicable rezone criteria follows.

### **Rezone Criteria**

SMC 23.34.008 establishes general rezone criteria. These criteria, along with the criteria for specific height designations in SMC 23.34.009, commercial zoning in SMC 23.34.072, NC 2 zones in SMC 23.34.076 and Stationary Area Overlay Districts in 23.34.089 contain the criteria for approving a rezone.

SMC 23.34.007 establishes the basis for applying the various criteria. Subsection A of that Section states in pertinent part:

“In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.”

Subsection B states:

“No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.”

Therefore, the various rezone criteria provide a general framework for considering a proposed rezone, and none of them are absolute. In addition, where, as is the case here, the rezone is a contract rezone, the criteria are viewed in relation to the development which would be approved as part of the rezone.<sup>2</sup>

#### **23.34.008 - General rezone criteria**

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

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

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

The proposed rezone site currently contains one dwelling unit.<sup>3</sup> The proposed development will contain approximately 91 dwelling units, with approximately 29 dwelling units (or parts thereof) on the proposed rezone site. This substantial net increase in residential units supports the growth estimates of 800 hundred dwelling units in the Comprehensive Plan for the Roosevelt Urban Village

*B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and*

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<sup>2</sup> For each of the criteria, we have reprinted the pertinent code language in italics, followed by our response in regular text. Some Code sections are produced as a whole, with the discussion following. While other Code sections are divided into parts, with a discussion following each part.

<sup>3</sup> Actually, the current single dwelling unit on this site is on the split zoned property. Therefore, the rezone site contains less than one dwelling unit.

*the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

See the discussion of SMC 23.34.009, SMC 23.34.072, 23.34.076 and SMC 23.34.089 below.

*C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

In the 1958 Seattle Zoning Code, which was Seattle's first comprehensive zoning code, the eastern sixty percent of the parcel (the proposed rezone sites) and the area to the east is zoned RS 5000 and the western forty percent of the parcel and the area to the west is zoned CG (commercial zoning). See Figure 4. The existing house on the site was built in 1907, prior to the zoning code establishment, and straddles the zone boundary. The CG zoning applied to the lot directly south of the rezone site, and the lot directly north of the rezone site is zoned RS 5000 in the 1958 Code. That same pattern continued with the creation of the Land Use Code (Title 23 of the Seattle Municipal Code) in 1982, under which the rezone site and the area to the east was zoned RS5000 and the western portion of the parcel and the area to the west, as well as the property directly south of the rezone site, was zoned NC2. At some point, the property directly north of the rezone site was rezoned from single family zoning to commercial zoning. We are not currently aware of the date or circumstances of this rezone.



This pattern continued until 2019 when the rezone site and the area to the east was rezoned to its current designation of LR1(M1) and the western portion of the parcel and the area to the west, as well as the property directly north and south of the rezone site, was rezoned to NC2 55(M) as part of the adoption of the citywide Mandatory Housing Affordability requirements.

The NC2-55 zoned property directly west, north and south of the rezoned site also has a Station Area Overlay District designation.<sup>4</sup> The Station Area Overlay boundary, when established and currently, is also the boundary between the neighborhood commercial and LR1 zoning in this area.

The MHA rezone of this area was part of a city-wide rezone to implement the Mandatory Housing Affordability requirements. Except in rare and isolated instances, these MHA rezones only dealt with rezoning large areas and did not examine site specific issues such as split-zone parcels

The zoning history of the parcel and adjacent areas does not provide a clear history of why the split zoned parcels were created in some places and not in others. Nothing in the zoning history is contrary to this proposed contract rezone.

#### *D. Neighborhood Plans.*

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

In 1999, Seattle enacted Ordinance 119525, which adopted portions of neighborhood plan for the Roosevelt Neighborhood, incorporating portions of the plan into the City's Comprehensive Plan and adopting an amendment to Chapter 23.47 of the Municipal Code, the Commercial Zoning chapter applicable at the time.

Of particular interest in regard to this proposed rezone is the following:

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<sup>4</sup> It appears that this designation was established in 2012 by ordinance 123816.

- The amendments established the Roosevelt Urban Village, which includes the area of this proposed rezone.
- Housing Goal G2 “A Neighborhood with a wide range of housing and family types that support an eclectic and diverse community.”
- Housing Goal P3 “Promote housing opportunities for a wide range of residents.”
- Housing Goal P5 “Encourage future housing development in multi-family structures design to accommodate a wide range of incomes.”
- The adopting ordinance recites “WHEREAS, the Roosevelt Neighborhood plan calls for adjusting the balance between commercial and housing uses in certain commercial zones, by allowing single-purpose residential structures to be permitted outright,” The Approval and Adoption Matrix adopted by the City to implement the Roosevelt Neighborhood Plan, includes strategy ICL-7 to “[a]llow single-use residential development in the NC2 zone along Roosevelt Way NE between NE 70<sup>th</sup> ST and NE 75<sup>th</sup> ST...”
- The ordinance adopting this neighborhood plan also amended Chapter 23.47 of the Municipal Code to allow single purpose residential use in commercial zones in the area which includes the proposed rezone site.
- The Roosevelt Neighborhood portion of the Neighborhood Planning Element of the Seattle Comprehensive Plan, as adopted 2019, includes the following, all of which are supportive of this proposed rezone:
  - Land Use Goal R-LUG2 “Promote the growth of the Roosevelt Urban Village in a manner that concentrates residential and business uses in the commercial core and near the light rail station, with less dense residential, mixed-use, and commercial development along the commercial arterials that extend from the core.”
  - Land Use Policy R-LUP1 “Support a zoning strategy that consolidates similar zoning into whole blocks in and near the urban core and light rail station, to result in more compatible development.”
  - Land Use Policy R-LUP2 “Support the infill development of commercial-zoned properties that are vacant or underutilized.”

- Transportation Policy R-TP2 “Promote sidewalk design on principal and minor arterials to encourage pedestrian use and improve pedestrian safety.”
- Safety Policy R-TP6 “Promote site planning that reduces conflicts between pedestrians and vehicles.”
- Housing Goal R-HG-3 “Accommodate most of the expected residential growth by encouraging larger development in and around the Roosevelt Urban Village’s light rail station and commercial core.”
- Housing Policy R-HP6 “Encourage mixed-use and larger multifamily structures in and immediately surrounding the transit and commercial core to accommodate increased density in our neighborhood.”
- Utilities Goal R-UG2 “Help achieve overall City goals to reduce the use of energy and the production of nonrecyclable waste and to increase the reuse of stormwater and the recycling of solid waste.”
- Economic Development Goal R-EDG1 “Promote the health of the Roosevelt neighborhood commercial core and foster a strong, vibrant, pedestrian-oriented neighborhood business district.”
- Environment Policies R-EP5 “Promote the use of environmentally friendly modes of transportation and other ways of reducing greenhouse gases, such as alternative heating systems and reduced use of gasoline-powered devices.”
- Environment Policies R-EP7 “Promote street and other outdoor lighting fixtures that reduce light pollution, such as through the use of hoods and downward orientation.”

The proposed rezone site is within the Roosevelt Residential Urban Village as adopted as part of the neighborhood plan. While there are no specific policies in the plan which addresses this proposed rezone, the plan is supportive of intensifying development in the Roosevelt neighborhood, particularly around the light rail station and providing housing for a wide range of residents, including residents with lower incomes. The proposed rezone will allow development of the 30-foot strip, along with the adjoining property which extends to Roosevelt Way NE, with denser housing. The proposed rezones site is approximately 1,056 feet from the light rail station which will open in 2021, within 500 feet to south-bound buses on Roosevelt Way NE, 500 feet to north-bound buses on 12<sup>th</sup> Ave NE and adjacent to bike lanes along Roosevelt Way NE, 12<sup>th</sup> Ave NE and NE 70<sup>th</sup> St.



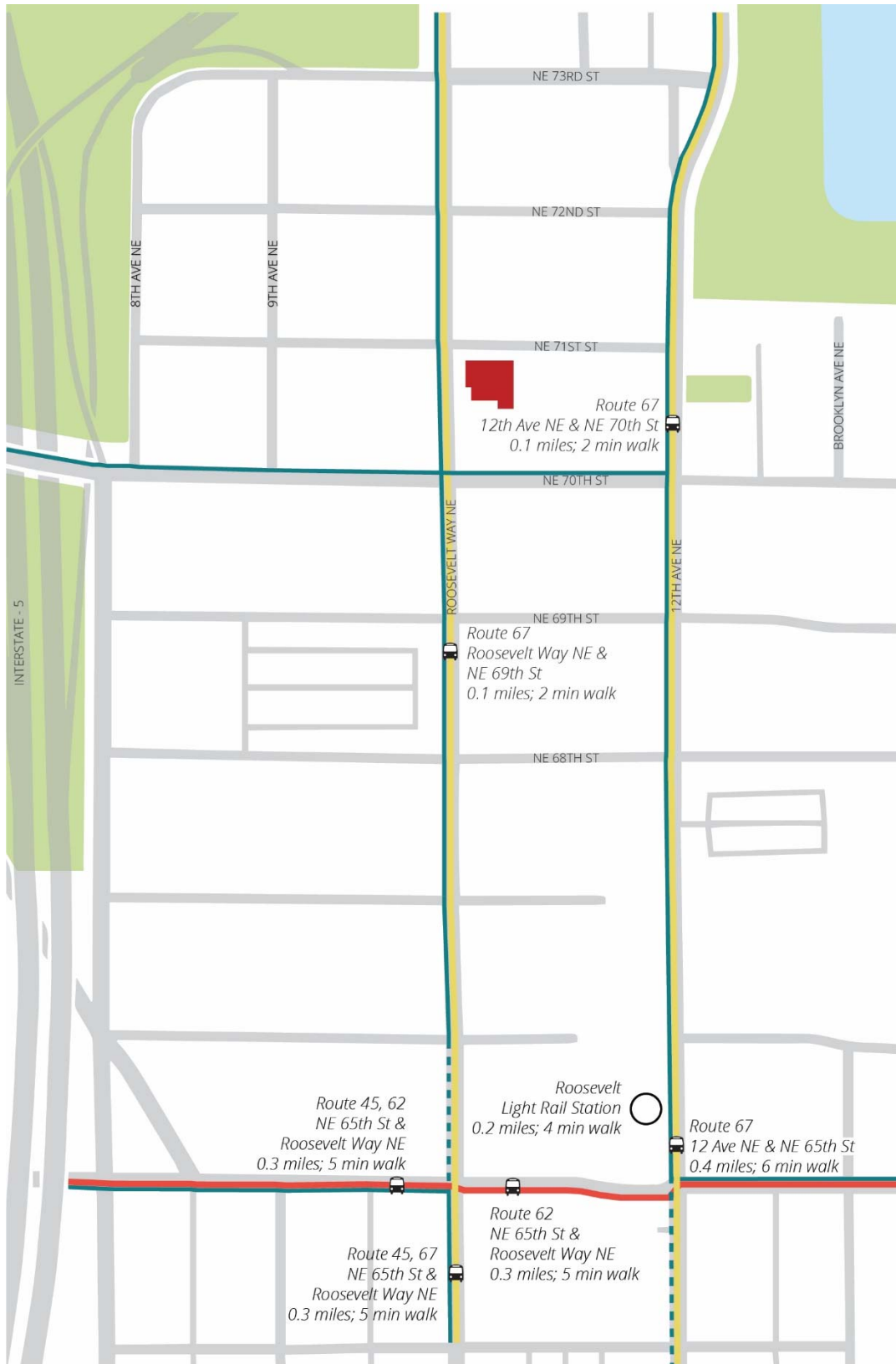


Figure 5: Transit and Bike Map



*E. Zoning principles. The following zoning principles shall be considered:*

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

The proposal is a change from LR1 to NC2-55. The maximum permitted height in LR1 zones is 30 feet, plus allowances for parapets and penthouses. The maximum permitted height in NC2-55 is 55 feet, plus allowances for parapets and penthouses. The change in baseline height from 30 feet to 55 feet currently exists along this block face, but the effect of this zoning change will be mitigated by the proposal.

- The 55' height limit is based on average grade across the property, no stepped height calculations are proposed. The resulting calculations mean the proposed NC2 55 site is measured from a significantly lower level than the abutting LR1 zone. Figure 17 illustrates the height limits.
- NC2 zoning would allow a 0' setback up to 13' above grade at the adjacent LR1 site. The proposal is instead providing an increased setback at the LR1 property (ranging from 12'-6" to 15'-9"), greater than the setback required for LR1 (5'-0"). See Figure 6 and 9.

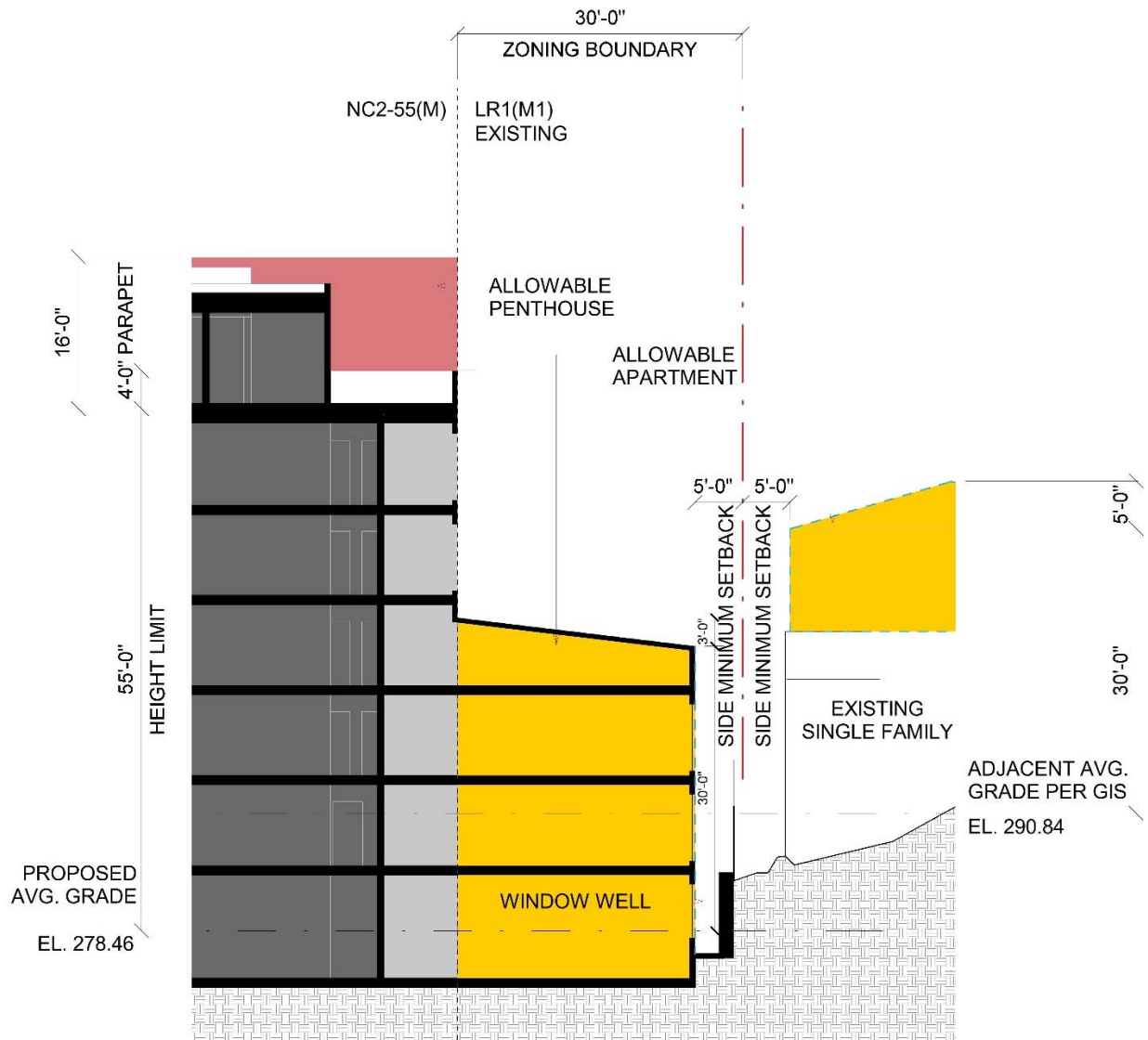


Figure 6: Existing LR1 Zoning Condition (looking north)

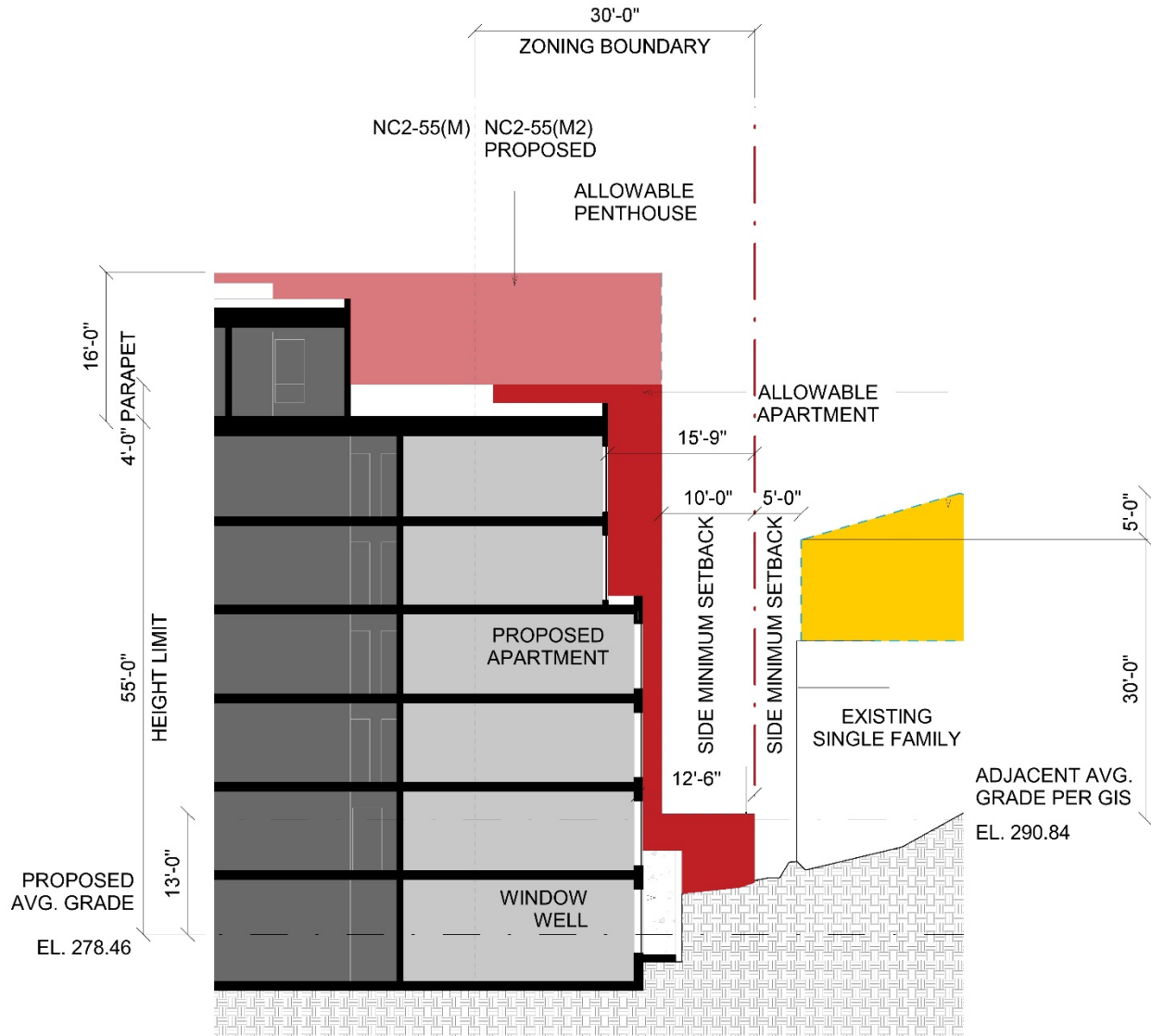


Figure 7: Proposed NC2-55 Zoning Condition (looking north)

- The east façade steps down at level 3 to mitigate the height of the building.
- Parapet heights are reduced along the east façade. No rooftop amenities are proposed facing the east property line.



Figure 8: Perspective From Northeast Corner

- The increased east setback allows for a densely planted buffer to the east neighbor.
- Vertical circulation is consolidated to the center of the building to reduce bulk and shadow impacts on the adjacent property.
- More intensive uses including the primary residential entry and service uses have been located along Roosevelt Way NE.



The topography in the area slopes steeply up from west to east, and crests mid block. As a result, the adjacent LR1 property sits higher than the rezone site, establishing a natural buffer.



Figure 10: Topography in Vicinity

The proposed development site is a corner parcel, but primarily fronts on Roosevelt. Parcels along NE 71<sup>st</sup> face the street. The proposed rezone is consistent with the block orientation.



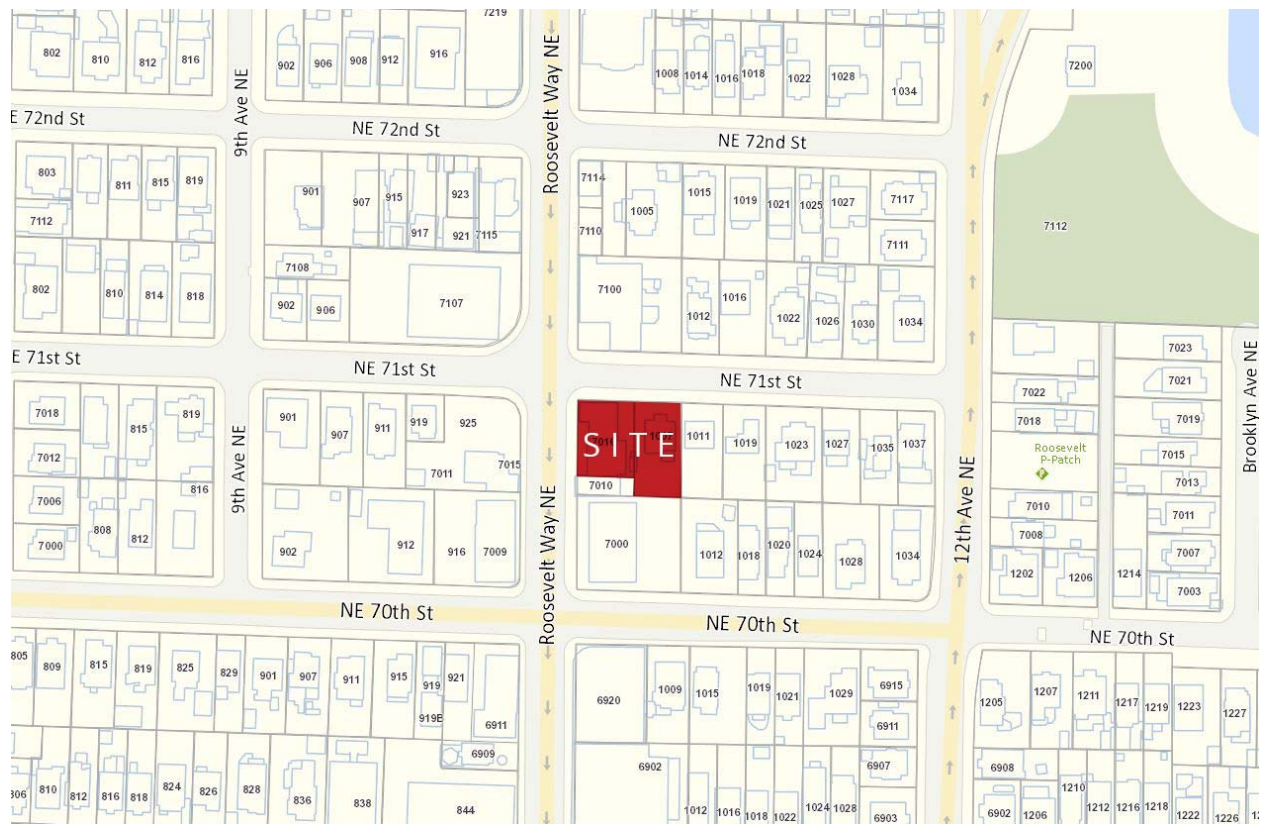


Figure 11: Parcel Pattern in Vicinity

An increased setback to the east neighbor provides a dense landscape buffer. See above for more detail.

### 3. Zone boundaries

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

*1) Physical buffers as described in subsection 23.34.008.E.2; and*

*2) Platted lot lines.*

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

Physical buffers are described in subsection E2 above. The parcel, as well as the other properties in the area, do not follow platted property lines: As an example, all of the properties on this block face, except one, contain portions of platted lots and appear to have been developed and conveyed in this pattern for many decades. This proposed contract rezone will follow the platted lot line. Perhaps more importantly, it will follow the established development site boundary which has existed for over a hundred years. Currently, the parcel is split zoned. This contract rezone will correct that.

Currently the rezone site is across from NC zoned property. This proposed rezone will correct the misalignment, and will be consistent with the policy. The proposal also locates the primary entry and service areas along Roosevelt Way NE, away from residential areas as outlined above.

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

The proposed height designation is 55 feet, consistent with the existing adjacent NC2 zoning height designation, within this Urban Village, thereby satisfying this rezone criteria.

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

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

*a. Housing, particularly low-income housing;*

Currently, a single-family residence is on the parcel, the east portion of which is proposed to be rezoned. Median sale prices of single-family houses in this area of Seattle in 2020 were approximately \$825,000. The proposed rezone will facilitate development of an apartment building on the rezone site and adjoining property. As stated above, some of these rental units will be regulated pursuant to MHA and the others are anticipated to be affordable work-force housing. As such, this rezone supports the development of housing, particularly affordable housing, see Figure 3 above.

*b. Public services;*

The proposal will increase demand on public services, as is consistent with a proposal of this size.

*c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

- Noise and air impacts will be evaluated through SEPA review and standard City of Seattle requirements.
- Water quality will adhere to City of Seattle Green Stormwater Infrastructure requirements.
- Flora and fauna will be enhanced with new street trees and planting areas.
- Some glare may be anticipated on the east facade during limited periods of the morning. The resulting glare would be similar to development under the existing zoning.
- A shadow study has been completed. Shadows may impact the adjacent LR1 parcel, primarily during the winter months.



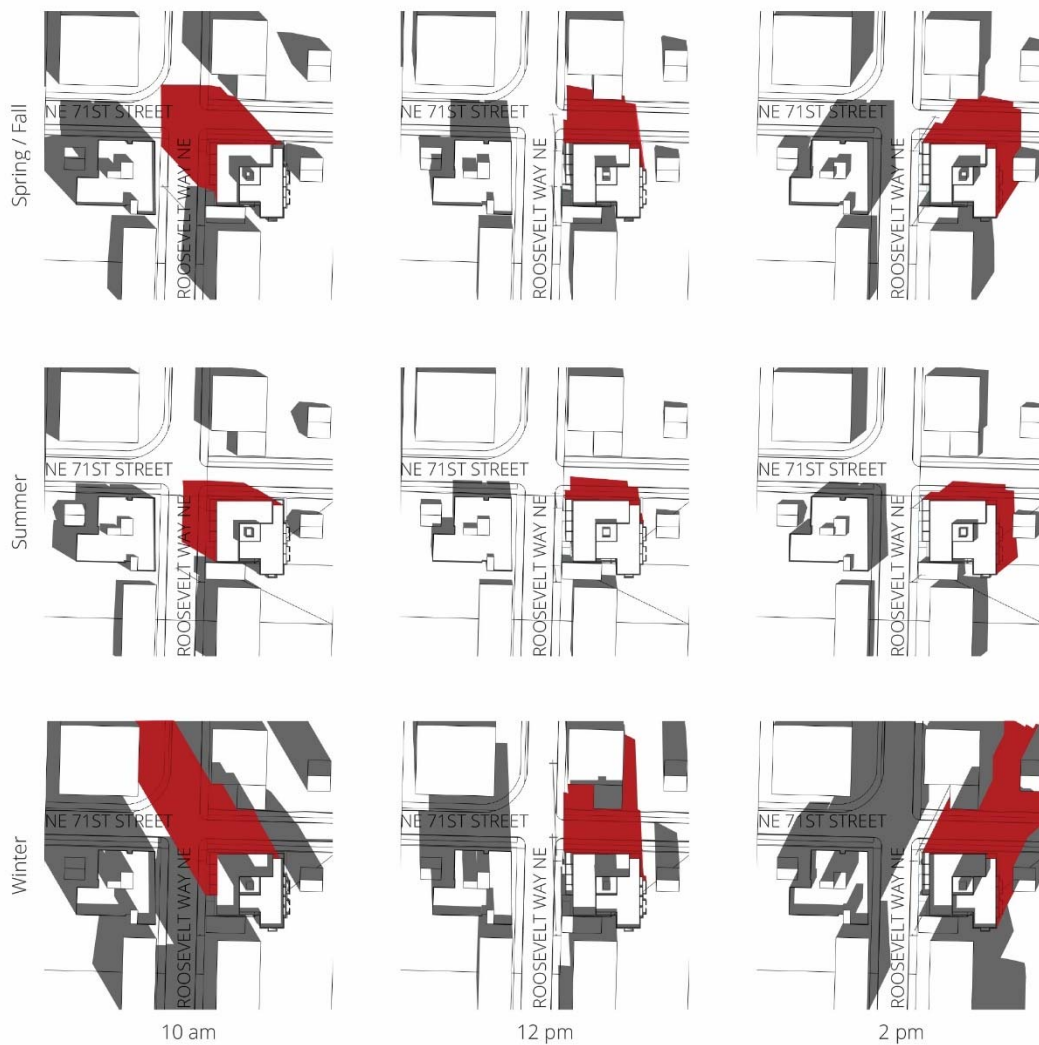


Figure 12: Shadow Study

- The proposal will be code compliant to Seattle Energy Code requirements.

*d. Pedestrian safety;*

The development proposal will close a continuous curb cut along Roosevelt Way NE, and a second curb cut along NE 71<sup>st</sup> St. A SDOT required setback along Roosevelt will allow for wider sidewalks, and the sidewalk along NE 71<sup>st</sup> St will meet current SDOT standards. Planting strips will be provided along both frontages. ADA curb ramps will be provided at the corner of Roosevelt Way NE & NE 71<sup>st</sup> St. Lighting will be provided along both frontages for safety and security.



Figure 13: Street Elevation along NE 71<sup>st</sup> St (looking south)



Figure 14: Street Elevation along Roosevelt Way NE (looking east)





Figure 15: Site photo looking at corner on Roosevelt Way NE & NE 71<sup>st</sup> St



Figure 16: Site photo looking at northeast corner on NE 71<sup>st</sup> St

*e. Manufacturing activity;*

Not applicable.

*f. Employment activity;*

Not applicable.

*g. Character of areas recognized for architectural or historic value;*

The immediate vicinity is an evolving neighborhood that is changing in character.

*h. Shoreline view, public access, and recreation.*

Not applicable.

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

*a. Street access to the area;*

The area is served by southbound Roosevelt Way NE, northbound 12<sup>th</sup> Ave NE, and east/west bound NE 71<sup>st</sup> St.

*b. Street capacity in the area;*

Roosevelt Way NE is a Principal Arterial and is designated an Urban Village Main street. NE 71<sup>st</sup> St. is a Non-Arterial, and is designated an Urban Village Neighborhood Access street. The potential impacts, if any, will be evaluated through the SEPA review process.

*c. Transit service;*

The proposal is located near several transit options including the Light Rail Station (4-minute walk), and routes 45, 62, and 67 (all within 5 minutes).

*d. Parking capacity;*

No parking is proposed, per Seattle Municipal Code. Impacts, if any, on on-street parking will be evaluated through the SEPA review process.

*e. Utility and sewer capacity;*

The proposal will be serviced by Seattle City Light (electrical), Seattle Public Utilities (water & sewer), Puget Sound Energy (natural gas). Each utility will review the project for demand.

*f. Shoreline navigation.*

Not applicable.

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

The opening of the Roosevelt District light rail station in 2021 is a changed circumstance further supporting this proposed rezone. Please see the discussion under SMC 23.34.089 for more information.

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

Similarly, the discussion under SMC 23.34.089 provides information regarding the criteria for applying the Station Area Overlay District designation to the rezone site.

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

The City's GIS map indicates that a small area on the eastern portion of the rezone site is designated as a steep slope. The topographic survey of the site does not support this designation. However, the topographic survey indicates that a small portion on the southern portion of the site meets the definition of a steep slope. This steep slope portion of the site appears to be entirely manmade many years ago and therefore qualifies for relief under SMC Chapter 25.09. This will be evaluated as part of the development permit review. **23.34.009 - Height limits of the proposed rezone**

*If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:*

*A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

Part of the function for NC2 zone under SMC 23.34.076 is to accommodate housing uses in pedestrian-oriented shopping areas in an atmosphere attractive to pedestrians. Establishing a 55-foot height limit will support development of medium to high density residential development in this pedestrian oriented area, in close proximity to the light rail station which will open next year.

*B. Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The topography rises up from west to east; the LR1 property to the east sits higher than the proposal. The 55' height limit is based on average grade across the property, no stepped height calculations are proposed. Due to the slope on site the resulting building is less than 55' tall at the east edge. The actual building height at the northeast corner is 45'-7". The property slopes up an additional 2' to the property corner, creating a perceived height of 43'-3" at the east property line.





Figure 17: North Elevation

### C. Height and scale of the area

1. The height limits established by current zoning in the area shall be given consideration.
2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

As described above, the proposed height is consistent with the zoning along the block face.

### D. Compatibility with surrounding area

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.
2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.D.2, are present.

As described above, the proposed height is consistent with the zoning along the block face and is mitigated with multiple strategies to transition to the less intense zone. Additionally, the primary building entry and service areas are located along Roosevelt Way NE, further reducing the level of activity along NE 71<sup>st</sup> St as described above.

**Editor's note**— Subsection 23.34.009.D.2 refers to 23.34.008.D.2. The correct reference is subsection 23.34.008.E.2.

*E. Neighborhood plans*

*1. Particular attention shall be given to height recommendations in business district plans or 1. neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

*2. Neighborhood plans adopted or amended by the City Council after January 1, 1995, may require height limits different than those that would otherwise be established pursuant to the provisions of this Section 23.34.009 and Section 23.34.008.*

The adopted plan does not give any recommendations for height limits.

**23.34.072 - Designation of commercial zones.**

*A. The encroachment of commercial development into residential areas shall be discouraged.*

*B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

*C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

*D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

*E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

While this proposed rezone will extend into an area currently zoned for low-rise development, it will create a more rational zone boundary and create a compact and concentrated commercial area and facilitate the improvement of the existing commercially zoned property to the west.

**23.34.076 - Neighborhood Commercial 2 (NC2) zones, function and locational criteria.**

*A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved;:*

- 1. A variety of small to medium-sized neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot line.*

3. *An atmosphere attractive to pedestrians;*
4. *Shoppers can drive to the area, but walk from store to store.*

In this case, City Council has made the policy determination regarding the most appropriate commercial zoning for this area by designating the area immediately adjoining to the west, including the west portion of this parcel, as well as the property directly north and south of the rezone site, as NC2-55(M)SAOD, the same zoning classification proposed in this rezone. See Figure 1. These criteria are viewed in the context of this policy determination by City Council regarding the appropriate commercial zoning category in this area.

The proposal reinforces the pedestrian character of the zone by providing a strong street edge along both frontages. The Roosevelt frontage features large windows, a clear lobby entry, and activated interior uses. The entry level has increased floor to floor height to reflect a commercial volume with the residential uses.

*B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*
2. *Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*
3. *Lack of strong edges to buffer the residential areas;*
4. *A mix of small and medium sized parcels;*
5. *Limited or moderate transit service.*

As a contract rezone, the rezone site will function as, and be part of, the development of the adjacent property to the west which already has the proposed zoning designation. This area is continuous with and part of the business district along Roosevelt Way NE in this residential urban village. Roosevelt Way NE is an arterial, and this rezone will provide a better edge between the commercial and residential areas. As shown on Figure 11 above, there are a variety of lot sizes in the area. Currently, there is extensive transit service with the bus lines along Roosevelt Way NE and 12<sup>th</sup> Ave NE, which will significantly increase in 2021 when the planned light rail station opens approximately 1,056 feet away from the rezone site.

#### **23.34.089 - Locational criteria—Station Area Overlay District.**

*A. Establishing a Station Area Overlay District. In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall be considered:*

1. *Function. To preserve or encourage a diverse, mixed-use community with a pedestrian orientation around proposed light rail stations or access to other*



*high capacity transit, where incompatible automobile-oriented uses are discouraged and transit-oriented use and development is encouraged.*

As outlined above, the site is located within 1,056 feet from the Roosevelt Sound Transit Light Rail Station, scheduled to open in 2021. The west portion of the parcel is already included within the SAOD; the proposed rezone extends the SAOD to the remainder of the parcel to support more housing in proximity to the high capacity transit system.

*2. Desired Characteristics. The Station Area Overlay District designation is most appropriate in areas generally characterized by one or more of the following:*

- a. High levels of pedestrian activity at street level in commercial and mixed-use zones; or*
- b. Presence of a wide variety of retail/service activities in commercial and mixed-use zones; or*
- c. Minimal pedestrian-auto conflicts; or*
- d. Medium to high residential density in close proximity to light rail stations or access to other high capacity transit.*

The area already has a high level of pedestrian activity primarily along Roosevelt Way NE, and this pedestrian activity will undoubtedly increase with the opening of the light rail station. The Roosevelt community includes a variety of retail and service activity with sidewalks, crosswalks and other transportation devices to minimize pedestrian and auto conflicts. The proposed design reduces potential pedestrian-auto conflicts by closing multiple curb cuts.

*3. Physical Conditions Favoring Designation as Station Area Overlay District. The Station Area Overlay District shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following:*

- a. Presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit;*
- b. Presence of a commercial or mixed-use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;*
- c. Opportunities for new development to access transit, bicycle and pedestrian modes of transportation;*
- d. Opportunities for construction of new development that will support transit;*

*e. Properties zoned Single-family may only be included within the overlay district when it can be demonstrated that the criteria for Single-family designation cannot be satisfied.*

The proposed rezone will provide medium to high density residential zoning in close proximity to the light rail station and a mixed-use area where goods and services are available. The proposed development facilitated by this rezone will support new development with access to transit.

*B. Revising the Boundaries of a Station Area Overlay District.*

*1. When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function of and locational criteria for a commercial or multifamily zone designation.*

*2. When a proposal is made to remove land from an existing Station Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.*

As outlined above, the proposed rezone is contiguous to other properties included in the SAOD.

### **Conclusion**

The applicable rezone criteria provide a general framework for reviewing any proposed rezone. The proposed rezone criteria need to be looked at as a whole, and in light of the proposed development that would be facilitated by this proposed contract rezone. This proposed rezone is consistent with the applicable criteria, will rectify the anomalous situations of having split zoned property and an irregular zoned boundary and will facilitate development of much needed affordable housing in this designated urban village in very close proximity to a light rail transit stop opening, in all likelihood, before the project is physically completed.



# 3034865-LU ADR REZONE

7012 ROOSEVELT WAY NE  
MAP PAGE:43



Feet

0

150





**CITY OF SEATTLE  
ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Project Number:** 3034865-LU  
**CF Number:** 314447  
**Applicant Name:** Hugh Schaeffer, SHW  
**Address of Proposal:** 7012 Roosevelt Way NE

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to rezone a 3,000 sq. ft. portion of land from Lowrise 1 (M1) (LR1(M1)) to Neighborhood Commercial 2-55 (M2) (NC2-55(M2)) within a Station Area Overlay District. Project includes a 6-story, 91-unit apartment building (69 small efficiency dwelling units, 16 efficiency dwelling units, 6 apartments). No parking proposed. Existing buildings to be demolished. Early Design Guidance conducted under 3035227-EG.

\*Note – The project description has been revised from the following original notice of application: Council Land Use Action to rezone a parcel of land from Low-rise 1 (M1) (LR1(M1)) to Neighborhood Commercial 2-55 (NC2-55(M2)). Project includes a 6-story, 91-unit apartment building (69 small efficiency dwelling units, 16 efficiency dwelling units, 6 apartments). No parking proposed. Existing buildings to be demolished. Administrative Design Guidance conducted done under 3035227-EG.

The following decisions and recommendations are required:

**Administrative Design Review (Seattle Municipal Code (SMC) 23.41)**

**Contract Rezone (SMC 23.34):** From Lowrise 1 (M1) (LR1(M1)) to Neighborhood Commercial 2-55 (M2) (NC2-55(M2)), Station Area Overlay District –  
Recommendation to the Hearing Examiner

**SEPA - Environmental Determination (SMC 25.05):** Substantive SEPA  
Review/Conditioning – Recommendation to City Council

**SEPA DETERMINATION:**

**Determination of Non-significance**

- ☐ No mitigating conditions of approval are recommended.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, conditions are recommended to mitigate environmental impacts.

## **BACKGROUND**

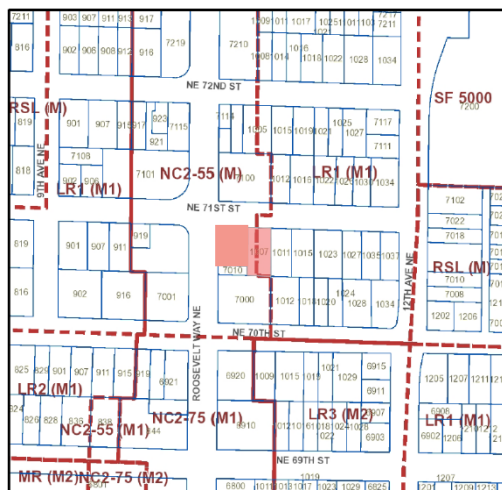
### **Mandatory Housing Affordability for Residential Development**

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004.

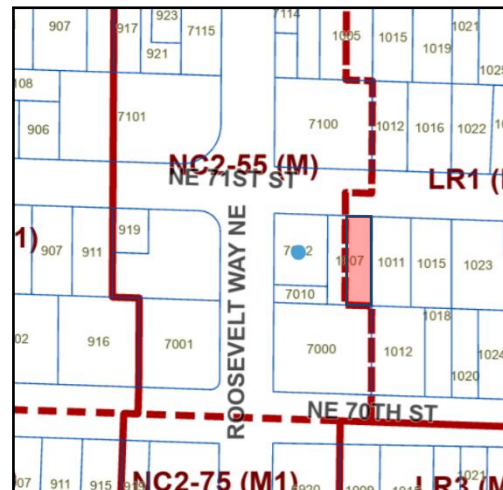
Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the subject site's zone from Neighborhood Commercial 2 (NC2-40) and Single Family 5000 (SF 5000) to NC2-55(M) and LR1(M1) respectively. The project has been designed to comply with the standards of NC2-55(M) and NC2-55(M2) effective as of the date of this document, including the applicable MHA provisions of SMC 23.58C.

### **Proposal Site Information**

The development site is a unification of two properties addressed as 7012 Roosevelt Way NE (Parcel Identification Number (PIN) 671670-0056) and 1007 NE 71<sup>st</sup> St (PIN 671670-0050). The maps below illustrate the development site, existing zoning delineation and the portion of the development site that is proposed to be rezoned.



*Overall Development Site*



*Rezone Area*

7012 Roosevelt Way NE is currently zoned NC2-55(M). No zoning change is proposed to this parcel.

1007 NE 71<sup>st</sup> St (PIN 671670-0050) is a split-zoned property with the following legal description identified on the survey:

- LOT 10 AND 11, BLOCK 1, PERKINS GREEN LAKE ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED UNDER VOLUME 13, OF PLATS, PAGE 20, RECORDS OF KING COUNTY, WA.  
EXCEPT THE WEST 10 FT. OF SAID LOT 11

The east 30 feet of this parcel (Lot 10) is zoned LR1(M1) and the west 20 feet of this parcel (portion of Lot 11) is zoned NC2-55(M). The Roosevelt Station Area Overlay District also follows the existing zone boundary. The proposal is to eliminate the split-zoning condition and rezone the approximately 3,000 square foot eastern portion of the consolidated proposal site (Lot 10) to NC2-55(M2) and within the Roosevelt Station Area Overlay District.

#### Environmental Critical Area

The site was granted relief from prohibition on development in steep slope and their buffers by the SDCI Geotechnical Engineer on January 6, 2021 under 6813119-EX: *“Environmentally Critical Areas (ECAs) geotechnical review for this project is required. Both topographic survey and geotechnical report are required for building permit application.*

*The project is described as “Construction of an apartment building containing 91 residential units. Existing structures to be demolished”. Based on a review of the submitted information the project appears to quality for criteria established in the Critical Areas Regulations, SMC 25.09.090.B2c. Further, geotechnical report by PanGeo Inc., dated on November 10, 2020, implied that granting relief from prohibition on steep slope development will not result in adverse impacts on this site and adjacent properties. For this reason, the required ECA Steep Slope Variance associated with subsequent SDCI building application is waived.*

*The approval of building permit application is conditioned upon a design that demonstrates that the proposed development will be completely stabilized in accordance with the geotechnical engineer’s recommendations and provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard development standards still apply for this development.”*

#### Site And Vicinity

Site Zone: Neighborhood Commercial 2 with a 55’ height limit (NC2-55(M)) & Lowrise 1 (LR1 (M1))

Zoning Pattern:

North:	NC2-55(M)
South:	NC2-55(M)
West:	LR1(M1)
East:	NC2-55(M)

Environmentally Critical Areas: Steep Slope

Lot Area: 9,801 square feet (sq. ft.)

#### Current and Surrounding Development; Neighborhood Character; Access

The subject site is comprised of two existing tax parcels totaling 9,801 square feet (sq. ft.) in area, currently developed with a commercial structure built in 1930 and a single family residence built in 1907. The site slopes downward northeast to southwest approximately 20 feet.



The subject site is located at the southeast corner of NE 71<sup>st</sup> St and Roosevelt Way NE in the Roosevelt Residential Urban Village. Surrounding uses in proximity to the site are commercial structures to the north and south, a single family residence to the east, and a mixed-use multifamily residential/commercial structure to the west.

Existing vehicular access to the development property is via curb cuts along Roosevelt Way NE and NE 71<sup>st</sup> St. Roosevelt Way NE is a principal arterial street serving as a primary residential and commercial corridor providing vehicular and pedestrian circulation. The properties east and west of the Roosevelt Way NE corridor abutting NE 71<sup>st</sup> St are primarily single family residences within multifamily zoning (LR1(M1)). NE 71<sup>st</sup> St is a non-arterial street.

I-5 is two blocks west of the site and Lake City Way NE is three blocks to the north. Notable attractions nearby include the Roosevelt P-Patch Community Garden, Roosevelt High School, and the Roosevelt Link Light Rail Station.

The neighborhood is in transition as older single-family residences and low-scaled commercial structures are being replaced with larger townhouse and mixed-use residential/commercial developments. Newer mixed-use developments on Roosevelt Way NE feature ground-level glazing and pedestrian scaled landscaping while reducing the perceived mass by breaking up the building mass into at least two volumes. By contrast, existing one-to-two-story single family residences are characterized by stoops or front porches at the entries with material combinations of lap siding and shingle accents on the facades. Structures are generally low-scaled, ranging from one to four stories in height.

#### Public Comment

The public comment period ended on August 31, 2020. In addition to the comment(s) received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to tree protection; parking impacts; view impacts; height, bulk and scale impacts; shadow impacts; construction impacts; impacts to steep slope stability; climate and pollution impacts; impacts to public services; and compliance with rezone criteria and Roosevelt Neighborhood Plan recommendations, impacts to property value, unit type/mix, the lack of commercial uses, housing affordability and impacts to neighborhood character. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

## **I. ANALYSIS – DESIGN REVIEW**

### **ADMINISTRATIVE EARLY DESIGN GUIDANCE June 16, 2020**

#### **Public Comment**

SDCI staff received the following design related comments:

- Stated that a 55-foot tall building abutting a 30-40-foot building is incompatible and inconsistent with the Roosevelt neighborhood.
- Concerned about reduced sunlight to neighboring single-family homes.

- Stated that a building of the proposed rezone size/height would be overwhelmingly out of scale and devastating visually.
- Anticipated that a project of this size would literally be a wall at the west end of the block.
- Encouraged a design which allows garbage pick-up and delivery service to be provided from the Roosevelt Way side of the property.
- Encouraged a thoughtfully designed building with interesting elements, not just a large box.
- Requested a neutral color palette that is not too dark (such as the black and dark gray colors shown in the packet) and no bright colors (such as orange).
- Opposed the proposed project.
- Concerned with impacts to trees on-site and on neighboring properties and whether replacement trees would be viable.
- Concerned with impacts to the neighboring home to the east.

SDCI received non-design related comments concerning the proposed rezone, parking, affordability, diversity, unit types, views, property value, steep slope impacts, environmental impacts, and property upkeep.

The Seattle Department of Transportation (SDOT) offered the following comments:

- Noted the required 4' right-of-way (ROW) setback on Roosevelt Way NE is not called out on the preferred option site plan.
- Expressed tentative support for a waste access ramp on Roosevelt Way NE due to concerns that the grade on NE 71<sup>st</sup> St precludes collection from the preferred non-arterial frontage.

One purpose of the design review process is for the City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

## **Priorities & Recommendations**

After visiting the site, considering the analysis of the site and context provided by the proponents, and reviewing public comment, Staff provided the following siting and design guidance.

- 1. Massing Options.** Staff supports the applicant's preferred massing option #3 as the basis for further development, noting the following strengths:
  - a. Option #3 places more active common spaces along the Roosevelt Way street frontage as opposed to residential units proposed in options #1 and #2. (CS2-I-I Sense of Place, DC1-I-i Arrangement of Interior Spaces, CS2-B-2 Connection to the Street)
  - b. The proposed layout allows more units to be oriented away from the single family home to the east. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)



- c. The location of the stair and elevator tower at the center of the massing pulls the added bulk to the interior. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
  - d. The modulation of the massing and setbacks along the east property line begin to create a transition in bulk and scale to the neighboring structures. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
- 2. Zone Transition.** A transition from NC2-55 zoning to LR1 zoning is proposed to occur at the site's east property line. Continue to develop the proposal to respond to the zone transition:
- a. Staff acknowledges public comments received regarding the height, bulk and scale of the proposal in relationship to the adjacent single family neighborhood and echoes these concerns. The step down of the massing at the east property line is beginning to respond to the zone transition but is not yet sufficient to mitigate the bulk of the 5-story massing at the property line. Further break down the perceivable bulk at the zone transition and create a scalable volume which better relates to the proportions of development permitted in the adjacent zone. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale, DC2-D-2 Reducing Perceived Mass)
  - b. Carefully compose the east façade to minimize privacy impacts and window overlap with the adjacent structure. At the Recommendation phase provide window overlap and privacy studies illustrating impacts. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
  - c. Develop a landscape buffer between the LR1 zone which is lush, dense, includes plantings at a variety of heights and provides year-round screening. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
  - d. Maintain the location of the roof deck at the northwest corner to minimize noise and privacy impacts to the residential neighborhood to the east. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
  - e. Utilize high quality materials and detailing on the east façade which are compatible with the scale and character of the adjacent residential development. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
- 3. Arrangement of Interior Uses and Street Activation.** The surrounding context along Roosevelt Way NE has a commercial character and includes many mixed-use structures.
- a. The Roosevelt Neighborhood Design Guidelines recommend vibrant commercial uses along the commercial Roosevelt Way NE arterial. Placing the mail room at the street corner appears to be a missed opportunity to activate the street and respond to the commercial context. Develop an arrangement of ground floor uses that will most activate the street frontage. At the Recommendation phase provide study of different layouts considered. If uses such as the mail room continue to be proposed at the street frontage, provide details on the interior layout demonstrating how the use will activate the street. (CS2-I-I Sense of Place, DC1-I-i Arrangement of Interior Spaces, CS2-B-2 Connection to the Street, PL1-B-3 Pedestrian Amenities)
  - b. Articulate the Roosevelt Way NE street level frontage with a commercial language, including maintaining the amount of glazing indicated on pg. 27 of the EDG packet. (DC2-II-i Architectural and Façade Composition)
  - c. Staff encourages designing the ground level with flexibility to allow for potential conversion to commercial use in the future, including a 13' floor-to-floor height. The

- height of the ground level should not be reduced less than the 11'-10" proposed in the EDG packet. (DC1-I-I Arrangement of Interior Spaces, DC1-A-3 Flexibility)
- d. Minimize the frontage and appearance of the trash storage and utility room at the Roosevelt Way NE street frontage as much as possible. Staff acknowledges public comments supporting the location of this use and the constraints of the site which make this the best location for this use (NE 71<sup>st</sup> St is steeply sloped and there is no alley adjacent to the site). However, the street frontage will need to be designed to enhance the pedestrian experience. Where blank facades are unavoidable, utilize human scaled design treatments to minimize the appearance. (DC2-B-2 Blank Walls, DC2-II-i Architectural and Façade Composition)
  - e. Considering the likely high pedestrian volumes along Roosevelt Way due to the nearby light rail station, staff questions whether a landscape buffer is appropriate within the required 4' right-of-way setback as opposed to hardscaping. Please provide study of different treatment options for the 4' setback area at the Recommendation phase. (PL1-B-2 Pedestrian Volumes)
  - f. Develop a strong and identifiable residential entry that includes the ensemble of design elements described in PL3-A. (PL3-A Entries)

#### **4. Architectural Concept and Response to Context**

- a. It is unclear from the EDG packet how the project is responding to the architectural character of the surrounding neighborhood. At the Recommendation phase, provide analysis and study which clearly articulates how the design concept is informed by the context. (DC2-C-1 Fit with Neighboring Buildings)
- b. Staff supports the concept illustrated on pgs. 26 and 28 of the EDG packet, utilizing materials which relate to the scale of the massing volumes. Select durable, high quality, textured, integral color materials. (DC4-I Exterior Finish Materials, DC2-D-2 Texture)
- c. Staff supports the simple massing and restrained façade articulation indicated on pgs. 26-28 of the EDG packet, provided legible façade depth is created through textured materials, recessed windows, and secondary architectural features. (DC2-C-1 Visual Depth and Interest, DC2-B-1 Façade Composition)

### **ADMINISTRATIVE RECOMMENDATION June 8, 2021**

#### **Public Comment**

SDCI staff received the following design related comments:

- Concerned with impacts to mature trees on the site and adjacent sites.
- Concerned with impacts to the single family character of the neighborhood.
- Concerned with height, bulk and scale impacts.
- Concerned with impacts to views.
- Concerned with impacts to solar access of surrounding properties.
- Concerned with the lack of commercial uses.

SDCI staff received non-design related comments concerning the proposed rezone, parking, construction impacts, slope stability, unit types, affordability, and impacts to property value.

One purpose of the design review process is for the City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable

Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number: <http://web6.seattle.gov/dpd/edms/>

## **SDCI Preliminary Recommendations & Conditions**

SDCI visited the site, considered the analysis of the site and context by the proponents, and considered public comment. SDCI design recommendations are summarized below.

### **1. Massing and Zone Transition**

- a. The project developed the preferred massing from EDG, maintaining elements which were supported including the location of the core, orientation of units to minimize the amount facing the zone transition, and location of the roof deck. Staff recommends approval of the overall massing form. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)
- b. At EDG staff supported the stepping of the façade along NE 71<sup>st</sup> St and provided guidance to further develop the massing response to the zone transition. The proposal maintained the stepped massing and refined the zone transition response as outlined below:
  - Increased the rear setback from 11'-4" to 12'-6". The setbacks proposed exceed the minimum code requirements of no setback up to 13'-0" and a 10'-0" setback above 13'-0".
  - Adjusted the entry grade of the building, pushing the building down by 1'.
  - Removed the private decks and associated guardrail at the eastern units.
  - Lowered the parapets at the east massing on all levels.
  - Adjusted the proportion of the openings on the east façade to a smaller scale, ensuring minimal window overlap with the adjacent structure.
  - Applied brick to the lowest east massing to provide a smaller scale and texture.
  - The brick volume was raised one level, modifying the proportion of the transition so the dark upper massing appears to recede and the perceived transition is more gradual to the east.
  - Developed a landscape buffer along the east property line which provides added privacy and additional transition in scale.
  - Provided a 6' privacy fence along the east property line.

Staff recommends approval of these elements and the zone transition response. (CS2-III Multifamily/Residential Zone Edges, CS2-D Height, Bulk and Scale)

### **2. Architectural Character and Materials**

- a. Staff is concerned that the proposal appears as a commercial building and lacks a residential character to respond to the character of the adjacent single family neighborhood. The applicant provided studies on pg. 37 of the packet which increased the amount of brick at the northwest corner. While increasing the amount of brick begins to enhance the residential character, further development is needed. Staff recommends a condition to further develop the residential character of the building, including increasing the amount of brick. Study could include incorporating brick

- detailing, incorporating secondary architectural features such as balconies, and studying the overall brick proportions and window placement. (DC2-C-1 Fit with Neighboring Buildings, DC2-C-1 Visual Depth and Interest, DC2-B-1 Façade Composition, CS3-A Emphasizing Positive Neighborhood Attributes)
- b. The proposed material palette includes the primary use of brick and metal panel on street facing elevations and at the zone transition. These materials are high quality and provide texture to the elevations. Staff recommends a condition to maintain the proposed materials. (DC4-I Exterior Finish Materials, DC2-D-2 Texture)

### **3. Street Level**

- a. Staff recommends approval of the revised ground level layout, which locates the more active lounge area at the northwest corner. (CS2-I-I Sense of Place, DC1-I-i Arrangement of Interior Spaces, CS2-B-2 Connection to the Street, PL1-B-3 Pedestrian Amenities)
- b. While commercial uses are not proposed, staff recommends approval of the large windows and two-story glazing which create a commercial language at the street as recommended at EDG. (DC2-II-i Architectural and Façade Composition)
- c. Staff recommends a condition to further study methods to emphasize a pedestrian scale and human character along the Roosevelt frontage, such as incorporating canopies along the sidewalk. (CS2-I-I Sense of Place, DC1-I-i Arrangement of Interior Spaces, CS2-B-2 Connection to the Street, PL1-B-3 Pedestrian Amenities, DC2-II-i Architectural and Façade Composition)
- d. A fence and small landscape buffer are proposed to screen the trash room and electric vault from the sidewalk. Staff recommends a condition to demonstrate that the minimum required clearances are provided for access to the trash room and electric vault to maximize the area dedicated to landscaping. (DC1-C-4 Service Uses, DC2-B-2 Blank Walls)

### **4. Landscape Concept**

- a. Staff recommends approval of the landscape buffer along the east property line which includes plantings to provide a year-round, dense landscape buffer to the neighboring structure. (CS2-III Multifamily/Residential Zone Edges, DC4-D-1 Choice of Plant Materials, DC4-D-4 Long Range Planning)
- b. Staff notes the fast-growing nature of bamboo proposed to screen the utility area and the small planter area and recommends a condition to study whether native plants would be appropriate in this location to provide an effective buffer and screen. (DC4-D-1 Choice of Plant Materials, DC4-D-4 Long Range Planning)

### **5. Signage**

- a. Staff recommends approval of the proposed signage which is appropriately scaled and complimentary to the overall character of the project. (DC4-B Signage, DC4-II Signs)

### **6. Lighting**

- a. Staff recommends approval of the lighting plan, which provides lighting to enhance pedestrian safety and highlight the primary entry. (DC4-C Lighting)

## **DEVELOPMENT STANDARD DEPARTURES**

At the time of the RECOMMENDATION review, no departures were requested.

## DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by Staff as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

### CONTEXT & SITE

**CS1 Natural Systems and Site Features:** Use natural systems/features of the site and its surroundings as a starting point for project design.

#### CS1-A Energy Use

**CS1-A-1. Energy Choices:** At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

#### CS1-B Sunlight and Natural Ventilation

**CS1-B-1. Sun and Wind:** Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

**CS1-B-2. Daylight and Shading:** Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

**CS1-B-3. Managing Solar Gain:** Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

#### CS1-C Topography

**CS1-C-1. Land Form:** Use natural topography and desirable landforms to inform project design.

**CS1-C-2. Elevation Changes:** Use the existing site topography when locating structures and open spaces on the site.

#### CS1-D Plants and Habitat

**CS1-D-1. On-Site Features:** Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

**CS1-D-2. Off-Site Features:** Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

#### CS1-E Water

**CS1-E-1. Natural Water Features:** If the site includes any natural water features, consider ways to incorporate them into project design, where feasible

**CS1-E-2. Adding Interest with Project Drainage:** Use project drainage systems as opportunities to add interest to the site through water-related design elements.

### *Roosevelt Supplemental Guidance:*

#### CS1-I Energy Use

**CS1-I-i. Outdoor Spaces:** Consider the placement of outdoor spaces facing south with good access to winter sun. Potential shadowing of open or green spaces could be acceptable if the development provides off-setting improvements over conventional building systems, such as renewable energy and water reuse.

**CS1-I-ii. Exterior Insulation:** A reduction in setback may be allowed for additional exterior insulation.

**CS1-I-iii. Trellis Features:** Shading or other trellis features may be allowed in the setbacks.

**CS1-II Sunlight and Natural Ventilation**

**CS1-II-i. Shadows on Public Spaces:** Minimize shadow impacts on key public spaces and streetscapes. Such places include identified gateway intersections particularly NE 65th St. and Roosevelt Way NE; plaza spaces near the Light Rail station; Roosevelt High School grounds and athletic fields; and identified green streets and/or greenways.

**CS1-III Topography**

**CS1-III-i. Views:** Roosevelt generally features a consistent gentle south and southwest sloping topography. Consider using the site's topography to consider ways to respect views of downtown/the Seattle skyline and the Olympic Mountains, particularly along Brooklyn Ave NE, 14th Ave NE, 15th Ave NE, and 12th Ave NE (north-south avenues that have more grade change), north of Cowen Park.

**CS1-IV Water**

**CS1-IV-i. Drainage Pattern:** Seek ways to express the historic drainage pattern to the creek. Roosevelt's historic drainage pattern consisted of flows draining to Ravenna Creek. Incorporating water is encouraged into Ravenna Park and along green streets as a visible design element, especially for sites that had been components of the neighborhood's natural drainage system.

**CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.**

**CS2-A Location in the City and Neighborhood**

**CS2-A-1. Sense of Place:** Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

**CS2-A-2. Architectural Presence:** Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

**CS2-B Adjacent Sites, Streets, and Open Spaces**

**CS2-B-1. Site Characteristics:** Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

**CS2-B-2. Connection to the Street:** Identify opportunities for the project to make a strong connection to the street and public realm.

**CS2-B-3. Character of Open Space:** Contribute to the character and proportion of surrounding open spaces.

**CS2-C Relationship to the Block**

**CS2-C-1. Corner Sites:** Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

**CS2-C-2. Mid-Block Sites:** Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

**CS2-C-3. Full Block Sites:** Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

## **CS2-D Height, Bulk, and Scale**

**CS2-D-1. Existing Development and Zoning:** Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

**CS2-D-2. Existing Site Features:** Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

**CS2-D-3. Zone Transitions:** For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

**CS2-D-4. Massing Choices:** Strive for a successful transition between zones where a project abuts a less intense zone.

**CS2-D-5. Respect for Adjacent Sites:** Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

### ***Roosevelt Supplemental Guidance:***

#### **CS2-I Sense of Place**

**CS2-I-i. Commercial Arterials:** Focus vibrant commercial uses and a strong continuous street wall facing the commercial arterials: NE 65th St., Roosevelt, Way NE, and 12th Ave NE (in the commercial areas).

**CS2-I-ii. Fabric of Connected Buildings:** Develop a fabric of connected buildings through streetscapes rather than a series of isolated structures.

#### **CS2-II Adjacent Sites, Streets and Open Spaces**

**CS2-II-i. Private Open Spaces:** Consider incorporating private open spaces between the street and residences and between adjacent properties. This is especially important for multifamily developments west of Roosevelt Way, and for the frontages of developments in neighborhood commercial zones that face non-arterial streets.

**CS2-II-ii. Ground-Level Landscaping:** Ground-level landscaping should be used between the structure(s) and sidewalk in multi-family areas.

**CS2-II-iii. Gateway Feature Design:** Gateway features should include a variety of design elements that enhance the prominent neighborhood intersections identified below. The following design elements are encouraged:

- Sidewalk awning (transparent);
- Special paving or surface treatments;
- Outdoor art;
- Special landscaping;
- Pedestrian lighting;
- Seating; and
- Trash & recycling collection.

The following locations have been identified as key gateways and key locations for the neighborhood (see Map 2, page 5).

#### **CS2-III Height, Bulk and Scale**

**CS2-III-i. Commercial Core:** New development in the commercial core should consider the following techniques:

- a. Encourage buildings of varying heights within the same block to reduce the “box” look along blocks. New development that aggregates one half block or more, should take steps to recall historic, smaller-scale development patterns. Existing height restrictions in NC-65’ zones may be departed from up to an additional 3’ in exchange for design improvements, such as additional upper-level setbacks.



b. Break the massing of new buildings on large sites into smaller components to avoid a scale that is out of proportion with surrounding development; especially where new buildings abut existing older storefront facades. Examples include the Eleanor and plans for the “fruit-stand” block.

c. Retain alleyways or incorporate new through-ways in full-block developments to help preserve a well-connected pedestrian grid. Encourage public use of the alley west of Roosevelt Way NE by incorporating amenities for the public.

**CS2-III-ii. Through-Block Development:**

a. Avoid monolithic development on through lots. New developments on through-block lots should be carefully designed for compatibility with this established fabric. Observe in new through-block projects the original platting and development pattern, which is generally characterized by structures limited to a half-block in depth, with widths of 50 to 60 foot increments along the street.

b. In the area bounded by NE 65th St., NE 68th St., Roosevelt Way NE, and 8th Ave NE consider providing through-block connections. As more intensive development occurs over time, through-block connections can contribute to a more complex, intimate pedestrian environment.

c. Make through-block connections clearly identifiable, accessible, and attractive. Create focal points to draw pedestrians into and along through-block pathways. Encourage uses that will promote public access into through-block connections during appropriate hours to activate space.

**CS2-III-iii. Multi-Family/Residential Zone Edges:** Careful siting, building design and building massing should be used to achieve an integrated neighborhood character in multi-family zones. Some of the techniques preferred in Roosevelt include:

a. Increasing building setbacks from the zone edge at ground level;

b. Reducing the bulk of the building’s upper floors;

c. Reducing the height of the structure;

d. Use of landscaping or other screening (such as a 5-foot landscape buffer);

e. Modulation of bays;

f. Stepping down the height of structures to 40’ – 45’ at the zone edge to provide transition to the height of traditional single-family areas; and

g. Minimizing use of blank walls.

**CS2-III-iv. Roosevelt High School Architectural Heritage:**

a. Massing void of variation is discouraged on properties adjacent to the high school in order to avoid a monolithic look.

b. Preserve specific views corridors to and from the high school, arrange the massing in a way that references the prominent high school structure.

**CS2-III-v. Olympic Promenade:**

a. Encourage preservation of westward views of the Olympic Mountains along NE 66th St. and from Roosevelt High School to allow for an ‘Olympic promenade’ and more light and air to reach right of way landscape features.

Consider upper-level setbacks of new multi-family and commercial buildings that flank the NE 66th St. corridor.

**CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.**

**CS3-A Emphasizing Positive Neighborhood Attributes**

**CS3-A-1. Fitting Old and New Together:** Create compatibility between new projects, and existing architectural context, including historic and modern designs, through



building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

**CS3-A-2. Contemporary Design:** Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

**CS3-A-3. Established Neighborhoods:** In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

**CS3-A-4. Evolving Neighborhoods:** In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

### **CS3-B Local History and Culture**

**CS3-B-1. Placemaking:** Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

**CS3-B-2. Historical/Cultural References:** Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

### ***Roosevelt Supplemental Guidance:***

#### **CS3-I Emphasizing Positive Neighborhood Attributes**

**CS3-I-i. Roosevelt High School Architectural Heritage:** Roosevelt High School Architectural Heritage: New buildings built adjacent to the high school (particularly on the blocks immediately south of the school) should complement and defer to the architectural prominence of the school, and contribute to a campus-like setting in the immediate school vicinity.

**CS3-I-ii. Vibrant Streetscape:** Reinforce a vibrant streetscape:

- a. Apply a pedestrian-oriented design;
- b. Include multiple recessed entries; and
- c. Considering offering commercial and residential units of different sizes and at a range of price points.

**CS3-I-iii. Streetwalls:** Street walls facing arterial streets (NE 65th St., Roosevelt Way, and 12th Ave NE) in the Commercial Core should be designed to incorporate traditional commercial façade components: lower base course, upper-level façade and cap.

## **PUBLIC LIFE**

### **PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.**

#### **PL1-A Network of Open Spaces**

**PL1-A-1. Enhancing Open Space:** Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

**PL1-A-2. Adding to Public Life:** Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

#### **PL1-B Walkways and Connections**

**PL1-B-1. Pedestrian Infrastructure:** Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

**PL1-B-2. Pedestrian Volumes:** Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

**PL1-B-3. Pedestrian Amenities:** Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

#### **PL1-C Outdoor Uses and Activities**

**PL1-C-1. Selecting Activity Areas:** Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

**PL1-C-2. Informal Community Uses:** In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

**PL1-C-3. Year-Round Activity:** Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

#### ***Roosevelt Supplemental Guidance:***

##### **PL1-I A Network of Public Spaces**

**PL1-I-i. Public Open Space:** If public space is included, the design should complement and create a network of open space, including pedestrian connections to light-rail facilities, greenways, green streets, or public spaces in the neighborhood.

**PL1-I-ii. Massing:** Arrange new buildings' massing to support street-level open spaces and streetscape concepts, including station-related amenity areas, especially on green-streets and greenways.

**PL1-I-iii. Near Roosevelt High School:** On the blocks adjacent to the high school, anticipate the movement of large groups between the school grounds and commercial areas in order to design for pedestrian safety along 12th Avenue NE and NE 65th St.; the key arterials traversed by sometimes distracted students. Anticipate use of gathering spaces by groups of students. Incorporate trash collection and recycling accommodations as appropriate.

#### **PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.**

##### **PL2-A Accessibility**

**PL2-A-1. Access for All:** Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

**PL2-A-2. Access Challenges:** Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

##### **PL2-B Safety and Security**

**PL2-B-1. Eyes on the Street:** Create a safe environment by providing lines of sight and encouraging natural surveillance.

**PL2-B-2. Lighting for Safety:** Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

**PL2-B-3. Street-Level Transparency:** Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

##### **PL2-C Weather Protection**

**PL2-C-1. Locations and Coverage:** Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

**PL2-C-2. Design Integration:** Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

**PL2-C-3. People-Friendly Spaces:** Create an artful and people-friendly space beneath building.

#### **PL2-D Wayfinding**

**PL2-D-1. Design as Wayfinding:** Use design features as a means of wayfinding wherever possible.

#### ***Roosevelt Supplemental Guidance:***

##### **PL2-I Pedestrian Experience**

**PL2-I-i. Sidewalks and Small Open Spaces:** Consider providing wider sidewalks in the commercial core along streets with high volumes of auto use. Small open spaces, such as gardens, courtyards, or plazas that are visible or accessible to the public are encouraged.

**PL2-I-ii. Pedestrian Lighting:** Provide pedestrian scaled lighting on streets with direct access to the light rail station, near the High School, and on neighborhood green streets and/or greenways. These streets include 12th Ave NE, NE 66th, NE 67th, and NE 68th Streets.

**PL2-I-iii. Pedestrian Amenities:** Pedestrian amenities are encouraged where appropriate along side-walks within the commercial core. Amenities should be placed within setbacks. Examples of amenities include:

- Trash & recycling
- Canopies
- Seating
- Drinking water fountains
- Artwork
- Special surface treatments
- Plantings
- Pedestrian scaled lighting
- Courtyards

**PL2-I-iv. Sidewalk Obstructions:** Minimize sidewalk obstructions, especially in consideration of non-sighted pedestrians.

**PL2-I-v. Adjacent to Bike Facilities:** If adjacent to an existing or planned bicycle facility, such as a cycle track, design building facades and streetscape improvements to minimize conflicts between transportation modes.

#### **PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.**

##### **PL3-A Entries**

**PL3-A-1. Design Objectives:** Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

**PL3-A-2. Common Entries:** Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

**PL3-A-3. Individual Entries:** Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

**PL3-A-4. Ensemble of Elements:** Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

### **PL3-B Residential Edges**

**PL3-B-1. Security and Privacy:** Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

**PL3-B-2. Ground-level Residential:** Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

**PL3-B-3. Buildings with Live/Work Uses:** Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

**PL3-B-4. Interaction:** Provide opportunities for interaction among residents and neighbors.

### **PL3-C Retail Edges**

**PL3-C-1. Porous Edge:** Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

**PL3-C-2. Visibility:** Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

**PL3-C-3. Ancillary Activities:** Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

### ***Roosevelt Supplemental Guidance:***

#### **PL3-I High school, Green Streets, and Green Ways**

**PL3-I-i. Residential Environment:** Provide a more intimate, smaller-scale residential environment on the blocks adjacent to the high school by providing landscaping, stoops, porches, etc.

#### **PL3-II Human and Commercial Activity**

**PL3-II-i. Ground-Level Setbacks:** Provide opportunities for increased pedestrian activity along sidewalks with high pedestrian traffic within the Commercial Core by increasing setbacks; this is especially important because some sidewalks along Roosevelt Way and 65th Ave are considered too narrow. Increase the ground level setbacks in order to accommodate pedestrian traffic and amenity features.

**PL3-II-ii. Private Open Space:** Encourage the incorporation of private open spaces between the residential uses and the sidewalk, especially for multi-family development west of Roosevelt Way, and for the frontages of development in neighborhood commercial zones that face nonarterial streets. Ground-level landscaping should be used between the structure(s) and sidewalk.

### **PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.**

#### **PL4-A Entry Locations and Relationships**

**PL4-A-1. Serving all Modes of Travel:** Provide safe and convenient access points for all modes of travel.

**PL4-A-2. Connections to All Modes:** Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

#### **PL4-B Planning Ahead for Bicyclists**

**PL4-B-1. Early Planning:** Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

**PL4-B-2. Bike Facilities:** Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

**PL4-B-3. Bike Connections:** Facilitate connections to bicycle trails and infrastructure around and beyond the project.

#### **PL4-C Planning Ahead For Transit**

**PL4-C-1. Influence on Project Design:** Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

**PL4-C-2. On-site Transit Stops:** If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

**PL4-C-3. Transit Connections:** Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

#### ***Roosevelt Supplemental Guidance:***

##### **PL4-I Transit Supportive Design**

**PL4-I-i. Transit Stop Amenities:** When adjacent to transit stops and/or facilities, particularly along NE 65th St., Roosevelt Way NE, and 12th Ave NE, where transit will connect to the light rail station, encourage the following: Expand sidewalk areas where possible;

- Encourage integration of rider waiting facilities into adjacent buildings;
- Provide overhead weather protection;
- Provide lighting and street furniture; and
- Accommodate smaller scale retail services.

**PL4-I-ii. Bike Connections:** Anticipate greater use of bicycles, especially along newly designated neighborhood greenways, and in conjunction with the future light rail station in order to minimize conflicts with other transportation modes. This may include siting building entrances to accommodate bicycle parking and storage facilities while simultaneously addressing pedestrian access and movement.

#### **DESIGN CONCEPT**

##### **DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.**

##### **DC1-A Arrangement of Interior Uses**

**DC1-A-1. Visibility:** Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

**DC1-A-2. Gathering Places:** Maximize the use of any interior or exterior gathering spaces.

**DC1-A-3. Flexibility:** Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

**DC1-A-4. Views and Connections:** Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.



## **DC1-B Vehicular Access and Circulation**

**DC1-B-1. Access Location and Design:** Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

**DC1-B-2. Facilities for Alternative Transportation:** Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

## **DC1-C Parking and Service Uses**

**DC1-C-1. Below-Grade Parking:** Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

**DC1-C-2. Visual Impacts:** Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

**DC1-C-3. Multiple Uses:** Design parking areas to serve multiple uses such as children's play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

**DC1-C-4. Service Uses:** Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

## ***Roosevelt Supplemental Guidance:***

### **DC1-I Arrangement of Interior Spaces**

**DC1-I-i. Small Retail Spaces:** Encourage small retail spaces to help bolster local businesses and create a greater variety of street-level interaction. Multiple entrances, non-continuous facades, and the ability to delineate or re-size smaller spaces within larger ones should be considered. Dedicating 25% of retail space to commercial use in spaces that are less than 1,000 square feet in size or incorporating at least one retail space that is less than 1,000 square feet is encouraged.

**DC1-I-ii. Family-Friendly Units:** A variety of residential unit types and sizes is encouraged, particularly family-friendly units and facilities/amenities, such as private open space/play areas, storage, accessible entries, and washer/dryer hook ups will make it possible for new families to live in this neighborhood.

### **DC1-II Gathering Spaces**

**DC1-II-i. Informal Open Spaces:** Provide informal open spaces along designated Green Streets and in the commercial core.

## **DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.**

### **DC2-A Massing**

**DC2-A-1. Site Characteristics and Uses:** Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

**DC2-A-2. Reducing Perceived Mass:** Use secondary architectural elements to reduce the perceived mass of larger projects.

### **DC2-B Architectural and Facade Composition**

**DC2-B-1. Façade Composition:** Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

**DC2-B-2. Blank Walls:** Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

#### **DC2-C Secondary Architectural Features**

**DC2-C-1. Visual Depth and Interest:** Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

**DC2-C-2. Dual Purpose Elements:** Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

**DC2-C-3. Fit With Neighboring Buildings:** Use design elements to achieve a successful fit between a building and its neighbors.

#### **DC2-D Scale and Texture**

**DC2-D-1. Human Scale:** Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

**DC2-D-2. Texture:** Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

#### **DC2-E Form and Function**

**DC2-E-1. Legibility and Flexibility:** Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

### ***Roosevelt Supplemental Guidance:***

#### **DC2-I Massing**

**DC2-I-i. Small Retail Spaces:** In the commercial core encourage façade detail and street-facing glazing that compliment character of the neighborhood’s historic architectural icons to reduce the perception of bulk.

#### **DC2-II Architectural and Façade Composition**

**DC2-II-i. Major Arterials:** Along Major Arterials:

- a. Maximize the retail and street-level transparency (commercial zones);
- b. Maximize the quality of exterior finish, especially at the base;
- c. Incorporate a series of storefronts along the commercial street frontages.

**DC2-II-ii. Green Streets, Greenways, Non-Arterial Streets:** Along Green Streets, Greenways, and Non-Arterial Streets:

- a. Maximize modulation, courtyards, human interaction;
- b. Incorporate high quality materials, a mix of informal planting, and integration of natural materials, especially at the entries.

### **DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.**

#### **DC3-A Building-Open Space Relationship**

**DC3-A-1. Interior/Exterior Fit:** Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

### **DC3-B Open Space Uses and Activities**

**DC3-B-1. Meeting User Needs:** Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

**DC3-B-2. Matching Uses to Conditions:** Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

**DC3-B-3. Connections to Other Open Space:** Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

**DC3-B-4. Multifamily Open Space:** Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

### **DC3-C Design**

**DC3-C-1. Reinforce Existing Open Space:** Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

**DC3-C-2. Amenities/Features:** Create attractive outdoor spaces suited to the uses envisioned for the project.

**DC3-C-3. Support Natural Areas:** Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

### ***Roosevelt Supplemental Guidance:***

#### **DC3-I Open Space Character**

**DC3-I-i. Views and Solar Access:** Larger developments should consider views and solar access through the property:

- a. To the west (Olympic Promenade along NE 66<sup>th</sup>);
- b. To the High School from NE 65<sup>th</sup> and 15<sup>th</sup> Ave NE;
- c. To downtown; and
- d. Through-blocks.

**DC3-I-ii. Visible Water Systems:** Consider opportunities to incorporate visible water systems into the landscape design, such as reference to the historic movement of water from Green Lake through Ravenna Park.

#### **DC3-II Street Planting & Landscape to Enhance the Building and/or Site**

**DC3-II-i. Natural Systems:** Use designs that enhance and build upon the natural systems of the neighborhood, such as storm water drainage, and aquifer re-charge strategies, habitat enhancement, solar access, food production, etc.

**DC3-II-ii. Trees and Other Landscaping:** Landscaping should be employed as both a design feature and an environmental enhancement. Dominant street tree varieties from the neighborhood should be incorporated into the plan.

**DC3-II-iii. Existing Trees:** Consider maintenance and revitalization of existing trees.

#### **DC3-III Residential Open Space**

**DC3-III-i. Ground-Related Common Open Space:** Include, where possible, open spaces at street-level for residents to gather.



### **DC3-IV Landscape Heritage**

**DC3-IV-i. Informal Groupings:** Visible and accessible examples of the Olmsteads' design should be delineated by employing informal groupings of large and small trees and shrubs at key locations.

### **DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.**

#### **DC4-A Exterior Elements and Finishes**

**DC4-A-1. Exterior Finish Materials:** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

**DC4-A-2. Climate Appropriateness:** Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

#### **DC4-B Signage**

**DC4-B-1. Scale and Character:** Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

**DC4-B-2. Coordination with Project Design:** Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

#### **DC4-C Lighting**

**DC4-C-1. Functions:** Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

**DC4-C-2. Avoiding Glare:** Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

#### **DC4-D Trees, Landscape, and Hardscape Materials**

**DC4-D-1. Choice of Plant Materials:** Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

**DC4-D-2. Hardscape Materials:** Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

**DC4-D-3. Long Range Planning:** Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

**DC4-D-4. Place Making:** Create a landscape design that helps define spaces with significant elements such as trees.

#### **DC4-E Project Assembly and Lifespan**

**DC4-E-1. Deconstruction:** When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

### ***Roosevelt Supplemental Guidance:***

#### **DC4-I Exterior Finish Materials**

**DC4-I-i. Masonry:** In the commercial core consider including masonry materials befitting the heritage of early 20th century commercial structures in the neighborhood (e.g. Roosevelt High School's masonry façade).

**DC4-I-ii. Cladding Materials:** The use of high-quality cladding materials, such as brick and terra cotta masonry; tile; natural and cast stone is strongly encouraged along commercial frontages, and scaled to pedestrian activity and scale, especially at the base and ground-levels. Concrete Masonry Units and high-quality concrete are also preferred over wood, metal, or cement-board claddings.

**DC4-I-iii. Colors:** Colors should be consistent with and chosen based on existing architectural cues and should be considered in terms of their relationship to neighboring structures.

**DC4-I-iv. Natural and Modern Elements:** The use of more natural elements, such as brick, wood, etc. that feels welcoming to pedestrians (see Ballard Ave. as example) or high quality, durable modern elements is encouraged.

**DC4-I-v. Transparent Windows:** Transparent, rather than reflective, windows facing the street are preferred.

**DC4-I-vi. Transparent Awnings:** Use of transparent awnings is preferred in the commercial core.

#### **DC4-II signs**

**DC4-II-i. Preferred Sign Types:** Preferred sign types include pedestrian-oriented and small signs incorporated into the building's architecture. A sign band or a blade-signs hung from beneath an awning or marquee are preferred within the Commercial Core Area, along with neon signs.

**DC4-II-ii. Inappropriate Sign Types:** Large illuminated box signs, canopy-signs, super graphics and back-lit awnings or canopies are not appropriate in the Roosevelt area.

#### **DC4-III Right of Way Fixtures and Elements**

**DC4-III-i. Campus-Like Lighting and Street Furniture:** When adding new fixtures and features in streetscapes, designers are encouraged to contribute to the campus-like setting of the Roosevelt neighborhood, especially in close proximity to the high school. This may inform selection of lighting fixtures, as well as street furniture.

#### **DC4-IV Landscaping Materials**

**DC4-IV-i. Historical Landscape Elements:** Neighborhood plant choices should consider historical landscape elements.

**DC4-IV-ii. Preferred Species:** Preferred species for street trees are Tupelo 'Afterburner' or, in powerline locations, Dogwood 'White Wonder' or Katsura.

**DC4-IV-iii. Indigenous Trees:** Indigenous trees should be planted to maintain and reinvigorate a verdant tree canopy within the neighborhood.

### **RECOMMENDATIONS**

The analysis summarized above was based on the design review packet dated Wednesday, May 05, 2021. After considering the site and context, considering public comment, reconsidering the previously identified design priorities and reviewing the materials, the Recommendation phase of the subject design is APPROVED with the following preliminary conditions:

1. Further develop the residential character of the building, including increasing the amount of brick. Study could include incorporating brick detailing, incorporating secondary architectural features such as balconies, and studying the overall brick proportions and window placement. (DC2-C-1 Fit with Neighboring Buildings, DC2-C-1 Visual Depth and Interest, DC2-B-1 Façade Composition, CS3-A Emphasizing Positive Neighborhood Attributes)

2. Maintain the proposed materials. (DC4-I Exterior Finish Materials, DC2-D-2 Texture)
3. Further study methods to emphasize a pedestrian scale and human character along the Roosevelt frontage, such as incorporating canopies along the sidewalk. (CS2-I-I Sense of Place, DC1-I-i Arrangement of Interior Spaces, CS2-B-2 Connection to the Street, PL1-B-3 Pedestrian Amenities, DC2-II-i Architectural and Façade Composition)
4. Demonstrate that the minimum required clearances are provided for access to the trash room and electric vault to maximize the area dedicated to landscaping. (DC1-C-4 Service Uses, DC2-B-2 Blank Walls)
5. Study whether native plants would be an appropriate buffer to the utility area. (DC4-D-1 Choice of Plant Materials, DC4-D-4 Long Range Planning)

*The design packets include materials presented through the design review process and are available online by entering the record numbers (3035227-EG & 3034865-LU) at this website: [Permit and Property Records](#)*

*The packets are also available to view in the file, by contacting the Public Resource Center at SDCI:*

**Mailing   Public Resource Center**  
**Address:** 700 Fifth Ave., Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019

**Email:** [PRC@seattle.gov](mailto:PRC@seattle.gov)

## **ANALYSIS & DECISION – DESIGN REVIEW**

### Director's Analysis

The design review process prescribed in Section 23.41.016.G of the Seattle Municipal Code describing the content of the SDCI Director's administrative design review decision reads as follows:

1. A decision on an application for a permit subject to administrative design review shall be made by the Director.
2. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall be based on the extent to which the proposed project meets the guideline priorities and in consideration of public comments on the proposed project.

Subject to the preliminary conditions identified during the recommendation phase of review, the design of the proposed project was found by the SDCI Staff to adequately conform to the applicable Design Guidelines.

Staff identified elements of the Design Guidelines which are critical to the project's overall success.

SDCI staff worked with the applicant to update the submitted plans to address the preliminary design review conditions identified during the recommendation phase of review.

Applicant response to the preliminary Design Review Conditions:

1. The proposal was revised to include Juliette balconies on the north and west elevations. Sheets A2.01-A2.05 and A3.00-A3.01 of the plan set dated 10/29/2021 reflect these changes. This response satisfies the preliminary condition #1 from the design recommendation phase of review for the MUP decision.
2. The plan set maintains the proposed materials which are identified on A3.00-A3.01 of the plan set dated 10/29/2021. This response satisfies the preliminary condition #2 from the design recommendation phase of review for the MUP decision. (DC4-I Exterior Finish Materials, DC2-D-2 Texture)
3. The proposal has been revised to provide additional planting between the Roosevelt sidewalk and building edge and a glass canopy has been added at the residential entry. Sheets A1.00, A3.01, L1 and L2 of the plan set dated 10/29/2021 reflect these changes. This response satisfies the preliminary condition #3 from the design recommendation phase of review for the MUP decision.
4. The plans included a diagram on sheet A1.01 of the plan set dated 10/29/2021 demonstrating that the proposal does not exceed the minimum required clearances for access to the utility area. This response satisfies the preliminary condition #4 from the design recommendation phase of review for the MUP decision.
5. The plans were revised to replace the bamboo in in the utility area landscape buffer with native 'Pacific Wax Myrtle'. Sheets L1 & L2 of the plan set dated 10/29/2021 reflects this change. This response satisfies the preliminary condition #5 from the design recommendation phase of review for the MUP decision.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI finds that the proposal is consistent with the City of Seattle Design Review Guidelines.

## **DIRECTOR'S DECISION**

The Director **CONDITIONALLY APPROVES** the proposed design with conditions listed at the end of this document.

## **II. ANALYSIS – REZONE**

Seattle Municipal Code (SMC) Chapter 23.34, *Amendments to Official Land Use Map (Rezoning)*, allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, *Procedures for Master Use Permits and Council Land Use Decisions*. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

The applicable requirements for this rezone proposal are stated in SMC sections:

- 23.34.004, Contract rezones;
- 23.34.006, Application of MHA suffixes in Type IV rezones;
- 23.34.007, Rezone evaluation;

- 23.34.008, General rezone criteria;
- 23.34.009, Height limits of the proposed rezone;
- 23.34.013, Designation of multifamily zones
- 23.34.018, Lowrise 2 (LR2) zone, function and locational criteria;
- 23.34.020, Lowrise 3 (LR3) zone, function and locational criteria;
- 23.34.024, Midrise (MR) zone, function and locational criteria;
- 23.34.070, Residential-Commercial (RC) zone, function and locational criteria;
- 23.34.072, Designation of commercial zones;
- 23.34.074, Neighborhood Commercial 1 (NC1) zones, function and locational criteria;
- 23.34.076, Neighborhood Commercial 2 (NC2) zones, function and locational criteria; and
- 23.34.089, Locational criteria—Station Area Overlay District.

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

**SMC 23.34.004 Contract rezones**

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA should require that development of the rezoned property is in substantial conformance with the approved plans for Master Use Permit number 3034865-LU.

- B. *Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

The development site is currently subject to the provisions of SMC 23.58B and SMC 23.58C due to the existing zoning designation of LR1(M1) and NC2-55(M2). The rezoned portion of the property is also subject to Chapters 23.58B and/or SMC 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004. Chapter 23.58C has been amended to provide payment and performance amounts. There are three tiers of MHA requirements, with contributions increasing with additional development capacity potential; the tiers are identified as M, M1 and M2 suffixes to be attached to the zoning designation. The proposed zoning change from LR1(M1) to NC2-55 is a change from Category 2 to Category 3 per Table A for 23.34.006. Therefore, because the rezone is to another zone that is one category higher than the existing

zone, the new zone should have an (M2) suffix since it currently has an (M1) suffix. Pursuant to SMC 23.34.006.B.2.b, SDCI recommends that rezone proposal include the M2 suffix. A PUDA will be executed and recorded as a condition of the contract rezone and shall require that the rezoned property be subject to the applicable requirements of SMC 23.58B or 23.58C.

- C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

A PUDA will be executed and recorded as a condition of the contract rezone with the condition that the development shall be in substantial conformance with the approved plans for Master Use Permit number 3034865-LU. The recorded condition will facilitate the use of an MHA suffix and any associated development standards identified in the Code for NC2-55(M2) zones with a 55-height limit.

- D. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

At the time of recommendation from the Seattle Department of Construction and Inspections (SDCI), no waivers to specific bulk or off-street parking and loading requirements were requested. Any departures from Code standards are addressed through the Design Review process or Type 1 administrative waivers available through the Master Use Permit process. No departures were requested.

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

- A. When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C.*

<i>Table A for 23.34.006 MHA Zone Categories</i>	
<i>Category Number</i>	<i>Zones</i>
<i>Category 1</i>	<i>Single-family zones</i>
<i>Category 2</i>	<i>LR1, LR2</i>
<i>Category 3</i>	<i>LR3, C or NC zones with a height limit of 30, 40, or 55 feet</i>
<i>Category 4</i>	<i>Zones with height limits greater than 55 feet and equal to or less than 95 feet</i>
<i>Category 5</i>	<i>Zones with heights greater than 95 feet<sup>1</sup></i>
<i>Footnote to Table A for 23.34.006</i> <sup>1</sup> <i>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.</i>	

This criterion is not pertinent since Chapters 23.58B and 23.58C are applicable to the current LR1(M1) zoning of the proposed rezone portion of the site.

- B. When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:*
- 1. If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
  - 2. If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
    - a. Have a (M1) suffix if it currently has an (M) suffix; or*
    - b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
  - 3. If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The rezoned property is subject to Chapters 23.58B and SMC 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004. There are three tiers of MHA requirements, with contributions increasing with additional development capacity potential; the tiers are identified as M, M1 and M2 suffixes to be attached to the zoning designation. The proposed zoning change from LR1(M1) to NC2-55 is a change from Category 2 to Category 3 per Table A for 23.34.006. Therefore, because the rezone is to another zone that is one category higher than the existing zone, the new zone should have an (M2) suffix since it currently has an (M1) suffix. Pursuant to SMC 23.34.007.B.2.b, SDCI recommends that rezone proposal include the M2 suffix.

#### **SMC 23.34.007 Rezone evaluation**

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

This rezone is not proposed to correct a mapping error; therefore, the provisions of this chapter apply. In evaluating the proposed rezone, the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the site. All applicable rezone criteria are considered in this application to allow for a balanced evaluation.

This analysis evaluates the applicable criteria called for and outlined in SMC 23.34, *Amendments to Official Land Use Map (Rezoning)*, as they apply to the subject rezone (listed at the beginning of this “Analysis” section) and subject to the applicable requirements of SMC 23.58B and 23.58C.

- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.*

The subject property is not located in the shoreline environment and the proposed rezone does not propose a shoreline environment redesignation. Therefore, the Comprehensive Plan Shoreline Environment Policies are not applicable and were not used in this analysis. The proposed rezone does not require an amendment to the Comprehensive Plan, is consistent with applicable provisions of SMC 23.34, and is thereby consistent with this criterion.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The development site is located within an urban village boundary (Roosevelt Residential Urban Village) established in the Comprehensive Plan. The provisions of this chapter that pertain to areas within urban villages are applicable to the proposal.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The subject site is not in the shoreline environment and the proposed rezone is not a shoreline environment redesignation. Thus, the procedures and criteria in Sections 23.60A.042, 23.60A.060 and 23.60A.220 do not apply.

- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

**SMC 23.34.008 General rezone criteria.**

- A. To be approved a rezone shall meet the following standards:*
  - 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*



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

The subject development site, inclusive of the portion of the site proposed to be rezoned, is in the Roosevelt Residential Urban Village as stated in response to SMC 24.34.007.D.

The estimated housing unit growth target for this Residential Urban Village in the Growth Strategy Appendix of the 2035 Comprehensive Plan is a density of 800 housing units at a growth rate of 50% between the years of 2015 to 2035. The established growth accommodation for residential urban villages in the 2035 Comprehensive Plan is zoning that permits at least 12 dwelling units per gross acre. According to the SDCI Urban Center/Village Housing Unit Growth Report (dated January 24, 2022), the Roosevelt Residential Urban Village has currently achieved 98.3% of its residential growth target.

The proposed rezone will not reduce the zoned capacity for the Roosevelt Urban Village. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The proposed rezone site currently contains a portion of one residential dwelling unit. The proposed development will provide a total 91 dwelling units, with approximately 29 dwelling units (or parts thereof) on the proposed rezone site.

The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the 2035 Comprehensive Plan growth target.

This rezone is also consistent with SMC 23.34.008.A.2 because the proposed change would not result in less density for this zone than the density established in the Growth Strategy Element of the Comprehensive Plan.

- B. *Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

This rezone does include a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required and is provided below. Based on the analysis in the responses below, the project site is best suited for the proposed NC2 designation.

- C. *Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

The zoning history for that portion of the property seeking a rezone (east 30 feet of PIN 671670-0050) is as follows:

- 1923 - Area District "A"
- 1958 – RS5000
- 1994 – Single Family 5000 (SF 5000)
- 2019 – LR1 (M1)

The zoning history for the remainder portion of the subject parcel not included in the rezone request (west 20 feet of PIN 671670-0050) is as follows:

- 1923 – Area District “C”
- 1958 – Commercial General (CG)
- 1982 – Neighborhood Commercial 2 (NC2)
- 1994 – Neighborhood Commercial 2 with height limit of 40’ (NC2-40)
- 2019 - Neighborhood Commercial 2 with height limit of 55’ (NC2-55) (M)

The existing residential structure on the site was constructed in 1907. With the establishment of the 1958 Seattle Zoning Code, Seattle’s first comprehensive zoning code, the eastern sixty percent of parcel (the proposed rezone area), and the area to the east of the site was zoned RS 5000 and the western forty percent of the parcel and the area to the west of the site was zoned CG. The existing home straddled the established zone boundary, and the split-zoning designation of the parcel has continued since.

In 1982, the same designation pattern continued with the area of the proposed rezone and adjoining properties to the east zoned RS5000. The remaining western portion of the parcel and properties to the west and south were zoned NC2. At some point, the property directly north was rezoned from RS5000 to NC2.

In 1994, the proposed rezone area and adjoining properties to the east were zoned SF 5000. The remaining western portion of the parcel and properties to the west, north and south were zoned NC2-40’.

In 2011, the western half of the parcel not subject to the proposed rezone was rezoned to include the Station Area Overlay Designation (SAOD), which followed the established boundary between the neighborhood commercial and residential zoning in the area.

The zoning designation most recently changed in 2019 after adoption of the citywide Mandatory Housing Affordability (MHA) requirements. In 2015, the Housing Affordability and Livability Agenda (HALA) Advisory Committee delivered a set of recommendations to the Mayor and City Council that included mandatory housing affordability for residential and commercial development. Included were area-wide zoning map changes, expansions of some urban village boundaries, modifications to development standards and other actions to implement MHA requirements for multifamily and commercial development in certain areas.

In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.

On November 9, 2017, the City issued the MHA SEPA Final Environmental Impact Statement (FEIS). The citywide rezone was adopted, effective April 19, 2019, changing the zoning designation of the eastern portion of the parcel subject to the proposed rezone and area to the east

from SF 5000 to its current designation of LR1(M1). The western portion of the parcel and the parcels directly to the west, north and south of the rezone site were rezoned to NC2-55(M) from NC2-40. The MHA zoning changes generally rezoned large areas and did not examine the site-specific issue of this split-zoned parcel.

There is no history of previous contract rezones in the vicinity, nor are other contract rezones currently proposed in the vicinity. The proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

*D. Neighborhood Plans*

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The subject site is located within the area of the Roosevelt Neighborhood Plan. In 1999, Ordinance 119525 was enacted which adopted portions of the neighborhood plan for the Roosevelt Neighborhood, incorporating portions of the plan into the City's Comprehensive Plan (Adopted Neighborhood Plans section).

Applicable plan policies and goals from the Roosevelt Neighborhood Plan portion of the Comprehensive Plan include:

Land Use Goal R-LUG2 "Maintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as cottages, townhouses, and low-rise apartments. Provide appropriate transitions from these areas to more dense uses."

Land Use Goal R-LUG2 "Promote the growth of the Roosevelt Urban Village in a manner that concentrates residential and business uses in the commercial core and near the light rail station, with less dense residential, mixed-use, and commercial development along the commercial arterials that extend from the core."

Land Use Policy R-LUP1 "Support a zoning strategy that consolidates similar zoning into whole blocks in and near the urban core and light rail station, to result in more compatible development."

Land Use Policy R-LUP2 "Support the infill development of commercial-zoned properties that are vacant or underutilized."

Land Use Policy R-LUP3 “Promote the development of new multifamily dwellings, in properly zoned areas, that will buffer neighborhood residential areas from the commercial core, freeway, and commercial corridors.”

Transportation Policy R-TP2 “Promote sidewalk design on principal and minor arterials to encourage pedestrian use and improve pedestrian safety.”

Safety Policy R-TP6 “Promote site planning that reduces conflicts between pedestrians and vehicles.”

Housing Goal R-HG2 “Create housing types that can provide housing opportunities for a wide range of residents and households with varying incomes and housing needs.”

Housing Goal R-HG-3 “Accommodate most of the expected residential growth by encouraging larger development in and around the Roosevelt Urban Village’s light rail station and commercial core.”

Housing Policy R-HP2 “Encourage an appropriate fit of scale and architectural character in all new developments.”

Housing Policy R-HP6 “Encourage mixed-use and larger multifamily structures in and immediately surrounding the transit and commercial core to accommodate increased density in our neighborhood.”

Utilities Goal R-UG2 “Help achieve overall City goals to reduce the use of energy and the production of nonrecyclable waste and to increase the reuse of stormwater and the recycling of solid waste.”

Economic Development Goal R-EDG1 “Promote the health of the Roosevelt neighborhood commercial core and foster a strong, vibrant, pedestrian-oriented neighborhood business district.”

Economic Development Goal R-EDG2 “Take advantage of the location of the light rail station by promoting mixed-use development that includes both businesses and multifamily housing near the station to serve the diverse population of the Roosevelt neighborhood.”

While there are no specific policies in the Roosevelt Neighborhood plan which address the proposed rezone, the plan is overall supportive of intensifying development in the Roosevelt Urban Village, particularly near the light rail station, and providing housing for a wide range of residents. The proposed rezone will allow development of the 30’ portion of the parcel, along with the adjoining property to the west, with denser housing.

*E. Zoning Principles. The following zoning principles shall be considered:*

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

Neighborhood Commercial (NC2-55) zoning continues north and south along Roosevelt Way NE. One block to the south the height limit increases to 75’. Immediately east of the project site

the zoning designation shifts to multifamily lowrise (LR1) before transitioning to single family zoning the next block to the east.

The proposed rezone shifts the existing height transition from multifamily LR1 zoning to NC2 commercial zoning from the middle of the lot to the eastern boundary of the subject parcel. The maximum permitted height in LR1 zones is 30 feet and the maximum permitted height in the NC2 zone is 55 feet, both including allowances for parapets and penthouses. As noted, this change in height already exists under current zoning, but the impact of the rezone has been mitigated through the proposed design to create a gradual transition between zoning categories as discussed below.

The 55' height limit of the proposed structure is calculated based on the average grade across the property with no stepped height calculations being utilized. Due to the slope of the site, the actual building height at the northeast corner of the structure is 45'-7". The property slopes up an additional 2' to the property corner, creating a perceived height of 43'-3" at the east property line. This proposed height provides a gradual transition to the LR1 zone.

The proposed design also provides an increased setback from the adjacent LR1 property to the east which ranges from 12'-6" at the ground level to 15'-9" at the third level. Under the current LR1 zoning, a 5' minimum setback would be required. This increased setback allows for a densely planted landscape buffer to the east neighbor.

In addition to the additional setback at level three as described, the transition is further mitigated by reduced parapet heights along the east façade, and no rooftop amenities face the east property line. Overall, the proposal provides a gradual transition to the adjacent LR1 properties.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
  - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
  - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
  - c. *Distinct change in street layout and block orientation;*
  - d. *Open space and greenspaces;*

The topography of the area slopes upwards from west to east. Per the site topographic survey map, the site generally slopes downwards from northeast to southwest with an overall grade change of approximately 20' occurring across the site. The topography continues to rise to the east until approximately midblock, with the adjacent LR1 property sitting higher than the proposal which establishes a natural buffer and transition. As described above, the perceived height of the proposal is 43'-3" at the east property line, which reinforces the natural topography of the area. An increased setback as described above provides a landscaped buffer from the adjacent property.

Additionally, the proposed rezone includes a specific proposed development that has gone through the Administrative Design Review process consistent with SMC 23.41. The design that has been recommended for approval includes design strategies to minimize the appearance of height, bulk, and scale. The design review process also considered the transition to adjacent properties to mitigate the impacts of the zone edge facing the neighboring properties. The details of that process and analysis are described in the Design Review section of this document.

3. *Zone Boundaries*

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

- (1) Physical buffers as described in 23.34.008e.2; and;*
- (2) Platted lot lines.*

The physical buffer at the proposed zone boundary is described above. The subject parcel, as well as the other properties in the area, do not follow platted property lines. All of the properties on this particular block face except one contain portions of platted lots and appear to have been developed and conveyed in this pattern for many decades. This proposed contract rezone will establish a zone boundary which follows the current property line boundary.

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

Commercially zoned property (NC2-55(M)) is located to the north across NE 71<sup>st</sup> Street from the subject site. The proposal would align the zoning boundary so that commercially zoned areas face each other across the street, consistent with this policy.

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

The proposed height designation is 55 feet, consistent with the existing adjacent NC2 zoning height designation within the Roosevelt Residential Urban Village, thereby satisfying this rezone criteria.

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

1. *Factors to be examined include, but are not limited to, the following:*
  - a. *Housing, particularly low-income housing;*

The future project will have a positive impact on the supply of housing on the site and its surroundings by providing 91 new residential dwelling units. The PUDA will ensure that the property is subject to the applicable provisions of Chapters 23.58B and 23.58C. Since residential development is proposed, participation in the program will yield affordable housing within the project or an equivalent in lieu payment. The MUP plan set demonstrates compliance with the provisions of SMC 23.58C providing affordable housing within the project.

- b. *Public services;*

The residential proposal will increase demand on public services which is consistent with a proposal of this size. Public services will be available to the project due to its location in a highly developed urban area. Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services.

*c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

During any site construction, there would be a temporary increase in noise, exhaust, and dust associated with construction activities. These impacts have been analyzed through the SEPA review process and associated impacts such as noise would be mitigated with appropriate maintenance, BMPs, or adherence to the City's, state and federal ordinances and guidelines.

No noticeable long term noise impacts are anticipated from the change in zone. Noise will be limited to that typically generated by residential activities, as is permitted with the current zoning. As stated above, construction will be required to comply with the applicable requirements of codes such as the Noise Ordinance (SMC 25.08) and Street Use Ordinance (SMC Title 15).

No noticeable change in air quality will result from the change in zoning of the 3,000 square foot rezone area. Air quality measures will be required to comply with applicable Federal, State, and City emission control requirements.

No noticeable change in water quality impacts will result from the proposed change in zoning. Stormwater runoff from the development will be infiltrated or conveyed to a city drainage system. The Stormwater Code includes requirements for Green Storm Water Infrastructure (GSI), which includes pervious concrete paving, rain gardens, and green roofs. Stormwater collection and management would be required to be in conformance with City of Seattle standards.

No significant impacts to flora and fauna will result from a change in zoning. Existing landscaping and one existing tree on the rezone area are proposed for removal, but the removal and additional vegetation proposed complies with Land Use Code requirements and the Tree Ordinance. In addition to other planting areas, new street trees will be provided along Roosevelt Way NE and NE 71<sup>st</sup> St.

No noticeable change in glare or odor impacts will result from a change in zoning.

The proposed zoning change will result in additional shadows. The applicant submitted shadow studies, massing diagrams, and related materials demonstrating potential impacts from possible future development. Shadow impacts from the rezone site will impact the existing LR1 zoned property abutting to the east, primarily in the afternoon in the winter months. The proposal is subject to the Design Review process (SMC 23.41) and SEPA analysis (SMC 25.05) which included consideration and potential mitigation of shadow impacts.

No noticeable change in energy impacts will result from a change in zoning. The proposed development will be required to comply with the City of Seattle energy codes and may perform better than the code requirements due to available programs that incentivize improved energy performance.

*a. Pedestrian safety*

No noticeable change in pedestrian safety impacts will result from a change in zoning. The proposal will comply with the requirements of SMC 23.53 (Requirements for Streets, Alleys, and Easements). Public right-of-way improvements for pedestrian safety including closing a continuous curb cut along Roosevelt Way NE and a second curb cut along NE 71<sup>st</sup>, providing

ADA compliant curb ramps at the corner of Roosevelt Way NE & NE 71<sup>st</sup> St, and lighting will be provided along both frontages for safety and security. In addition, the width of the sidewalk along Roosevelt Way NE will be increased and planting strips will be provided along both frontages.

*b. Manufacturing activity;*

No noticeable change in manufacturing activity will result from the change in zoning. The existing zoning prohibits manufacturing activity at the site. The proposed zoning would allow light manufacturing uses up to 10,000 square feet in area, however the development does not include manufacturing uses.

*c. Employment activity;*

No noticeable change in employment activity will result from the change in zoning. While commercial uses would be permitted through the change in zoning, no commercial uses are proposed through the development.

*d. Character of areas recognized for architectural or historic value;*

The site is not within or near a character area recognized for architectural or historic value.

*e. Shoreline view, public access and recreation.*

There is no opportunity for shoreline views at the site.

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

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*

The development site abuts Roosevelt Way NE and NE 71<sup>st</sup> St., with the rezone portion of the site abutting NE 71<sup>st</sup> St. only. The applicant submitted a transportation analysis (7012 Roosevelt Way NE Traffic Impact Analysis, Gibson Traffic Consultants (GTC), February 2021). Street access, street capacity, transit service, and parking capacity are discussed therein, and were reviewed by the SDCI Transportation Planner. Additional analysis is provided in the SEPA analysis below.

Overall, the project is not expected to generate a significant amount of net new traffic. Per the transportation study, the volume-to-capacity ratio (v/c) for the future development was less than the level of service (LOS) standard for the applicable screenline where the project is anticipated to add measurable trips. Therefore, no system concurrency mitigation is required. Additional analysis is provided in the SEPA analysis below.

The King County Metro Trip Planner tool shows existing transit routes with stops in the vicinity are King County Metro Routes: 67, 73 and 322. Six bus stops are located within a quarter of a



mile of the site, two of which are located on Roosevelt Way NE. Furthermore, the development is within ¼ mile of the Roosevelt Light Rail Station.

The proposal is anticipated to result in an on-street parking utilization of 78%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 88% within 800' of the site.

Overall, the proposed rezone will not exceed the service capacities in the area.

*e. Utility and sewer capacity;*

Seattle Public Utilities (SPU) has indicated that the existing sewer and water utility systems in this area have capacity for the proposed development at this site. The proposal is required to meet all applicable City of Seattle standards, codes and/or ordinances. No adverse impacts to utility and sewer capacity are anticipated.

*f. Shoreline navigation*

The area of the rezone is not located within a shoreline environment; therefore, shoreline navigation is not applicable to this rezone.

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

As mentioned above, in November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity. Chapter 23.58B and 23.58C are applicable as follows: where the provisions of a zone specifically refer to Chapter 23.58C; or through the terms of a contract rezone in accordance with Section 23.34.004. Subsequently, a citywide rezone was adopted, effective April 19, 2019, changing the subject rezone area's zone from SF-5000 to LR1(M). Since the area-wide rezone in 2019, the Roosevelt Light Rail Station opened in October of 2021. The impact of this change is discussed in the relevant zone and overlay designation as analyzed below.

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

The area of the proposed rezone is not currently located within an overlay district defined in the Land Use Code including:

- Shoreline SMC (23.60A)
- Station Area Overlay SMC (23.61)

- Airport Height Overlay District (SMC 23.64)
- Special Review Districts (SMC 23.66)
- Southeast Seattle Reinvestment Area (SMC 23.67)
- Major Institution Overlay (SMC 23.69)
- Northgate Overlay District (SMC 23.71)
- Sand Point Overlay (SMC 23.72)
- Pike/Pine Conservation Overlay District (SMC 23.73)
- Stadium Transition Area Overlay District (SMC 23.74)

The existing boundary of the Roosevelt Station Area Overlay currently follows the split-zone designation of the site, with the parcel addressed as 7012 Roosevelt Way NE and the western 20' of the parcel not proposed for the rezone located within the Roosevelt Station Area Overlay. The application proposes to extend the boundaries of the Roosevelt Station Area Overlay to align with the property boundaries, as analyzed below.

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

A steep slope critical area is mapped at the eastern edge of the rezone site. The site was granted relief on steep slope development by the SDCI Geotechnical Engineer on January 6, 2021 under 6813119-EX per the criteria in SMC 25.09.090.B2c. The geotechnical report by PanGeo Inc., dated on November 10, 2020, implied that granting relief from prohibition on steep slope development will not result in adverse impacts on the project site or adjacent properties. The SDCI Geotechnical Engineer determined that no steep slope variance is required and development may occur within the steep slope critical area. The rezone will not impact the critical areas.

**SMC 23.34.009 Height limits of the proposed rezone**

*Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:*

- A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

Per SMC 23.34.076, the function of NC2 zones is to support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where characteristics such as varied sized neighborhood businesses, continuous storefronts, attractive pedestrian atmospheres and transportation alternatives to shoppers can be achieved.

The existing zoning of the easterly portion of the split-zoned development site is LR1(M1). The proposed rezone for this 3,000 sq. ft. area of the development site to NC2 zoning would accommodate other uses that are currently permitted on the easterly portion of the project site that is zoned NC2-55. The proposed 55' height limit is consistent with the intended pedestrian-oriented scale of the NC2 zone and the existing height limit of the western portion of the

development site. Establishing a 55' height limit will support development of medium to high density residential development in this pedestrian oriented area, in proximity to the Roosevelt Light Rail Station. The rezone does not result in a displacement of preferred uses.

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The natural topography of the area and its surroundings rises from west to east and from south to north, with an approximately 22' grade change upward from Roosevelt Way NE along NE 71<sup>st</sup> St cresting midblock and gently downwards to 12<sup>th</sup> Avenue NE. This change in grade provides a natural transition from the 55' height limits along both sides of Roosevelt Way NE, easterly upwards to the mid-block LR1 zoned properties with height limits at 30'. The proposed 55' height limit of the portion of plan requested to be rezoned will reinforce the topography of the area and its surroundings.

The topography of the development site rises up from west to east, with an overall grade change of approximately 20'. The topography continues to rise to the east until approximately midblock, with the neighboring LR1 property sitting higher than the proposal. The proposed 55' height limit of the structure is calculated based on the average grade across the property with no stepped height calculations utilized. Due to the slope on site, the actual building height at the northeast corner is 45'-7". The property slopes up an additional 2' to the property corner, creating a perceived height of 43'-3" at the east property line.

The proposed structure will impact some territorial views from adjacent properties, particularly the LR1 zoned properties to the east and north which are currently primarily developed with existing low-scaled single family residences. Some private territorial views from surrounding commercial and residential properties could change as a result of the increased development and building heights allowed from the entire development site. View blockage will be minimized by the topography in the area. City view protection policies focus on public views. The City attempts to address public and private views generally through height and bulk controls. The proposed rezone includes a specific proposed development, 55-feet in height, that has gone through Design Review per SMC 23.41. The Design Review process recommended a design with specific strategies to reduce the impacts of additional height, bulk, and scale to the adjacent sites.

- C. Height and Scale of the Area.*

- 1. The height limits established by current zoning in the area shall be given consideration.*
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

The existing zoning for a predominant portion of the development site is NC2-55(M). The proposed zoning for the easterly portion of the development site (3,000 sq. ft.) is NC2-55(M2). Current zoning in the area for properties abutting Roosevelt Way NE provides for heights of 55' to 75' with allowances for some rooftop features, such as elevator penthouses and mechanical equipment, to exceed this limit. Zoning review for compliance with all building height provisions in SMC 23.47A.012 is a Type I review as defined in SMC 23.76.004.

The proposed 55' height limit is consistent with the 55' height limit of the western NC2 zoned portion of the development site. Nearby zones include height limits of 30', 40', 55' and 75'. The proposed development would be compatible with the predominant height and scale of nearby

newer development abutting Roosevelt Way NE (ranging 40' to 75'), which is representative of the area's overall development potential. The predominant existing development east, southeast and northeast, including the immediately adjacent structure, is primarily one and two-story single family residences which are not a good measure of the area's overall development potential under the current LR1 zoning designation which has a 30' height limit. The perceived 43'-3" height of the structure at the eastern property line is a compatible transition to existing development and the 30' height limit of the LR1 zone.

*D. Compatibility with Surrounding Area.*

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D.2, are present.*

*(Editor's note— Subsection 23.34.009.D.2 refers to 23.34.008.D.2. The correct reference is subsection 23.34.008.E.2.)*

The subject property is not in or near a Major Institution. The proposed 55' height limit is consistent with the 55' height limit permitted for the majority of the development site and adjacent/immediate existing properties to the north, west and south that is zoned NC2-55(M).

The physical buffers are described in response to SMC 23.34.008.E.2. As described above, the proposed height is compatible with the actual and zoned heights along the block face and is mitigated with multiple strategies to provide a gradual transition in height and scale to the less intense zone.

*E. Neighborhood Plans.*

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

The adopted Roosevelt Neighborhood Plan does not give any recommendations for height limits.

**SMC 23.34.013 - Designation of multifamily zones**

*An area zoned single-family that meets the criteria of Section 23.34.011 for single-family designation may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.*

The proposed rezone site is not currently zoned single family.

**SMC 23.34.018 Lowrise 2 (LR2) zone, function and locational criteria**

*A. Functions. The dual functions of the LR2 zone are to:*

- 1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and*

2. *Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.*

While the 3,000 square foot rezone site is located within an urban village, the small size of the site does not allow for a variety of housing types.

*B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:*

1. *The area is either:*
  - a. *located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or*
  - b. *located in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:*
    - 1) *small-scale structures generally no more than 35 feet in height that are compatible in scale with SF and LR1 zones;*
    - 2) *the area would provide a gradual transition between SF or LR1 zones and more intensive multifamily or neighborhood commercial zones; and*
2. *The area is characterized by local access and circulation conditions that accommodate low density multifamily development;*
3. *The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and*
4. *The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The proposed rezone site does meet some of the LR2 locational criteria, including the location within an urban village, providing a graduation transition between LR1 zones and more intensive neighborhood commercial zones, access to arterial streets, and being well supported by facilities and services. However, LR2 zoning would maintain the split-zoning designation of the site and introduce a new zoning designation for a small 3,000 square foot site which would not be contiguous with the adjacent properties. Were the rezone area to be developed separately, if even feasible, it would not allow for as compatible a transition in scale from the proposed development to the adjacent LR1 zone. As analyzed below, when all provisions are weighed and balanced together, the LR2 zoning designation is not the most appropriate zone designation for the site.

**SMC 23.34.020 Lowrise 3 (LR3) zone, function and locational criteria**

- A. *Functions. The dual functions of the LR3 zone are to:*
  1. *Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and*
  2. *Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.*

As described above, while the 3,000 square foot rezone site is located within an urban village, the small size of the site does not allow for a variety of housing types.

*B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:*

- 1. The area is either:*
  - a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or*
  - b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*
- 2. The area is near neighborhood commercial zones with comparable height and scale;*
- 3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*
- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*
- 5. The area is well served by public transit;*
- 6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;*
- 7. The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The proposed rezone site does meet some of the LR3 locational criteria, including the location within an urban village, providing a graduation transition between LR1 zones and more intensive neighborhood commercial zones, access to arterial streets, being well-served by transit, and being well supported by facilities and services. However, LR3 zoning would maintain the split-zoning designation of the site and introduce a new zoning designation for a small 3,000 square foot site which would not be contiguous with the adjacent properties. Were the rezone area to be developed separately, if even feasible, it would not allow for as compatible a transition in scale from the proposed development to the adjacent LR1 zone. As analyzed below, when all provisions are weighed and balanced together, the LR3 zoning designation is not the most appropriate zone designation for the site.

*C. The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area, as shown in Map A for 23.34.020, provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

The proposed rezone site is not located in the Delridge High Point Neighborhood Revitalization Area.

*D. Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:*

- 1. was created by human activity, or*
- 2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.*

The proposed rezone site is designated as a steep slope environmentally critical area. While the proposal was granted relief from the prohibition on steep slope development, the environmentally critical area was not created by human activity.

**SMC 23.34.024 Midrise (MR) zone, function, and locational criteria**

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

The subject site is located in a pedestrian-oriented urban neighborhood with convenient access to the Roosevelt Light Rail Station and a range of services and amenities.

*B. Locational criteria*

- 1. Threshold conditions. Subject to subsection 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:*
  - a. Properties already zoned Midrise;*
  - b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or*
  - c. Properties within an urban center or urban village.*
- 2. Environmentally critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:*
  - a. Was created by human activity, or*
  - b. Is a designated peat settlement; liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.*
- 3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:*
  - a. Properties that are adjacent to business and commercial areas with comparable height and bulk;*
  - b. Properties in areas that are served by major arterials and where frequent transit service and street capacity could absorb the traffic generated by midrise development;*
  - c. Properties in areas that are in close proximity to major employment centers;*
  - d. Properties in areas that are in close proximity to open space and recreational facilities;*

- e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;*
- f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;*
- g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;*
- h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and*
- i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.*

As described above, the 3,000 square foot rezone site is located within an urban village and is designated as a steep slope environmentally critical area. Although the proposal was granted relief from the prohibition on steep slope development, the environmentally critical area was not created by human activity.

While the subject rezone site does meet the functional criteria of the midrise (MR) zoning designation, the 80' height limit and 4.5 floor area ratio (FAR) permitted in midrise zones allows more intense development than the 55' height limit and 4.25 permitted FAR in the existing neighborhood commercial zoning designation and Station Area Overlay District to the west which is proposed. The proposed rezone site is not in close proximity to any major employment centers or major open space recreational facilities. The topographic features of the proposed rezone site and the surrounding area do not particularly fit any of the locational criteria for midrise zones.

**SMC 23.34.070 Residential-Commercial (RC) zone, function and locational criteria**

**A. Function.**

**1. Purposes. Areas that serve as the following:**

- a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*
- b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*
- c. To provide opportunities for needed parking in areas where spillover parking is a major problem;*
- d. As a means of supporting an existing commercial node.*

**2. Desired Characteristics. Areas that provide the following:**

- a. Physical appearance resembling the appearance of adjacent residential areas;*
- b. Mixed use with small commercial uses at street level.*

This proposed rezone is not a downzoning of existing commercially zoned property. Residential-Commercial (RC) zoning is not used within the area to transition commercial to residential.



*B. Location Criteria.*

- 1. Requirement. A residential-commercial designation shall be combined only with a multifamily designation.*
- 2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:*
  - a. Existing Character.*
    - (1) Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or*
    - (2) Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.*
  - b. Physical Factors Favoring RC Designation.*
    - (1) Lack of edges or buffer between residential and commercial uses;*
    - (2) Lack of buffer between major arterial and residential uses;*
    - (3) Streets with adequate access and circulation;*
    - (4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.*

There is an established edge between the commercial and residential zones in the area, and this proposed rezone will reinforce that edge. The area of the proposed rezone site is not primarily residential in character, as the property immediately to the south and north are currently developed in commercial uses. However, the properties west and east of the development site comprise of mixed residential/commercial and residential respectively. As RC zoning must be combined with a multifamily residential designation, the analysis of the LR2 and LR3 criteria above are also relevant, which determined that these designations are not the most appropriate zoning designation for the site.

**SMC 23.34.072 - Designation of commercial zones**

- A. The encroachment of commercial development into residential areas shall be discouraged.*
- B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*
- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*
- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*
- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

While this proposed rezone will extend into an area currently zoned for residential development, the proposal does not include commercial uses and will create a more rational zone boundary facilitating the improvement of the existing commercially zoned property to the west.

**SMC 23.34.074 Neighborhood Commercial 1 (NC1) zones, function and locational criteria**

- A. *Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:*
1. *A variety of small neighborhood-serving businesses;*
  2. *Continuous storefronts built to the front lot line;*
  3. *An atmosphere attractive to pedestrians;*
  4. *Shoppers walk from store to store.*

An isolated pocket of Neighborhood Commercial 1 (NC1) zoning on a 30' wide site would not allow for a variety of small neighborhood serving businesses.

- B. *Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:*
1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*
  2. *Located on streets with limited capacity, such as collector arterials;*
  3. *No physical edges to buffer the residential areas;*
  4. *Small parcel sizes;*
  5. *Limited transit service.*

The subject site does not meet the NC1 zoning designation locational criteria. The proposed rezone site is within an urban village and is not isolated and peripheral to the primary business district along Roosevelt Way NE. There is an established edge between the commercial and residential zones in the area, and this proposed rezone will reinforce that edge. The site is also not located on a collector arterial and the area is very well served by transit.

**SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria**

- A. *Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*
1. *A variety of small to medium-sized neighborhood-serving businesses;*
  2. *Continuous storefronts built to the front lot line;*
  3. *An atmosphere attractive to pedestrians;*
  4. *Shoppers can drive to the area, but walk from store to store.*

As discussed earlier, in April of 2019 a citywide MHA rezone was adopted changing the zoning designation of the western portion of the parcel and the parcels directly to the west, north and south of the rezone site from NC2-40 to NC2-55(M). These criteria are viewed in the context of this policy determination by City Council regarding the appropriate commercial zoning category in this area.

The rezone proposal supports the function of the NC2 zoning designation by accommodating residential uses which support the retail character of the area. The proposal reinforces the pedestrian character of the zone by providing a strong street edge and an overall atmosphere which is attractive to pedestrians.

- B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*
- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*
  - 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*
  - 3. Lack of strong edges to buffer the residential areas;*
  - 4. A mix of small and medium sized parcels;*
  - 5. Limited or moderate transit service.*

As a contract rezone, the rezone site will function as and be part of the development of the western 20' of the parcel and the adjacent property to the west which are already zoned NC2. This area is continuous with and part of the business district along Roosevelt Way NE in the Roosevelt Residential Urban Village. Roosevelt Way NE is designated as a primary arterial with good transportation capacity as described. The proposed development has been designed to provide a buffer from the adjacent residential uses. The surrounding area includes a mix of small and medium sized parcels. The area is well served by transit, with bus lines along Roosevelt Way NE and 12<sup>th</sup> Ave NE and the Roosevelt Light Rail Station located approximately 1,056 feet away from the rezone site.

**SMC 23.34.089 Locational criteria—Station Area Overlay District**

- A. Establishing a Station Area Overlay District. In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall be considered:*
- 1. Function. To preserve or encourage a diverse, mixed-use community with a pedestrian orientation around proposed light rail stations or access to other high capacity transit, where incompatible automobile-oriented uses are discouraged and transit-oriented use and development is encouraged.*

The proposed rezone site is located within 1,056 feet of the recently completed Roosevelt Sound Transit Light Rail Station. The west portion of the parcel is already included within the Roosevelt Station Area Overlay District. The proposed rezone extends the Station Area Overlay District (SAOD) to the remainder of the parcel to support more housing in proximity to the high capacity transit system.

- 2. Desired Characteristics. The Station Area Overlay District designation is most appropriate in areas generally characterized by one or more of the following:*
  - a. High levels of pedestrian activity at street level in commercial and mixed-use zones; or*
  - b. Presence of a wide variety of retail/service activities in commercial and mixed-use zones; or*
  - c. Minimal pedestrian-auto conflicts; or*
  - d. Medium to high residential density in close proximity to light rail stations or access to other high capacity transit.*

The area already has a high level of pedestrian activity primarily along Roosevelt Way NE. The Roosevelt neighborhood includes a variety of retail and service activity with sidewalks, crosswalks and other transportation devices to minimize pedestrian and auto conflicts. The proposed design reduces potential pedestrian-auto conflicts by removing multiple existing curb cuts.

3. *Physical Conditions Favoring Designation as Station Area Overlay District. The Station Area Overlay District shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following:*
  - a. *Presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit;*
  - b. *Presence of a commercial or mixed-use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;*
  - c. *Opportunities for new development to access transit, bicycle and pedestrian modes of transportation;*
  - d. *Opportunities for construction of new development that will support transit;*
  - e. *Properties zoned Single-family may only be included within the overlay district when it can be demonstrated that the criteria for Single-family designation cannot be satisfied.*

The proposed rezone will provide medium to high density residential zoning in close proximity to the Roosevelt Sound Transit Light Rail Station and a mixed-use area where goods and services are available. The proposed development facilitated by this rezone will support new development with access to transit.

- B. *Revising the Boundaries of a Station Area Overlay District.*
  1. *When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function of and locational criteria for a commercial or multifamily zone designation.*
  2. *When a proposal is made to remove land from an existing Station Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.*

As outlined above, the proposed rezone is contiguous to other properties included in the SAOD, is consistent with the criteria prescribed in subsection A and is consistent with the function and locational criteria for commercial zoning designation as described above.

## **CONCLUSION & RECOMMENDATION – REZONE**

The application proposes to rezone a 3,000 square foot portion of a split-zoned site from LR1(M1) to NC2-55(M2), Station Area Overlay District. While the rezone site does meet some of the functional and locational criteria of the other zones analyzed such LR2 and LR3, it would not be appropriate to rezone the 3,000 square foot site to a zoning designation which would not be contiguous with the adjacent properties. Because of the different permitted uses and development standards, it is difficult to effectively develop split-zoned property. Were the rezone site to be developed separately, if even feasible due to the small size, it would not allow for as compatible a transition in scale to the adjacent LR1 zone as the development proposal provides.

As proposed, the site will function with the remainder of the parcel and adjacent property to the west as part of one development, matching the zoning designation of the properties located to the north and south of the project site. As proposed, the site has been designed to provide a gradual transition to the adjacent LR1 zone. The proposed rezone corrects the split-zoning designation and creates a uniform boundary for the NC2 zoning designation which aligns with the established property boundaries.

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from LR1(M) to NC2-55(M2), Station Area Overlay District be conditionally approved.

The Director recommends conditions to be included in the PUDA; these are listed at the end of this report.

### **III. ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 29, 2020. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the project file submitted by the applicant or agents, and pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short Term Impacts**

Construction and demolition activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use

Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions, construction traffic and parking impacts, construction-related noise, earth, environmental health impacts, as well as mitigation.

#### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

#### Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials (Roosevelt Way NE, 12<sup>th</sup> Avenue NE, NE 70<sup>th</sup> St). Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan (CMP) is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a CMP include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

#### Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones.

If extended construction hours are need for an emergency, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first demolition/building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise

Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

### Earth / Soils

The ECA Ordinance and Director's Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Report Proposed Development 1007 NE 71<sup>st</sup> Street & 7012 Roosevelt Way NE Seattle, Washington Project No. 20-147 July 2020, PanGEO Incorporated; Updated Geotechnical Report Proposed Development 1007 NE 71<sup>st</sup> Street & 7012 Roosevelt Way NE Seattle, Washington Project No. 20-147 November 2020, PanGEO Incorporated). These studies have been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

### Environmental Health

The existing structures to be demolished were constructed in 1907 and 1930. Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

### Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, land use, parking, and traffic warrant further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Historic Preservation

The existing structures on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on the development site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 302/20, August 12, 2020). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

### Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The proposal includes a contract rezone which will allow additional building mass and an additional 25' height at this site. The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

### Land Use

Per SMC 25.05.675.J, it is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in the Land Use Element and Growth Strategy Element and Shoreline Element of the Seattle Comprehensive Plan for the area in which the project is located.



The application proposes to rezone a 30' wide portion of the development site from LR1(M) to NC2-55(M2). The proposed residential use is not incompatible with the existing adjacent uses. As described under Section II (Rezone Analysis) of this decision, the proposal is consistent with the Land Use and Growth Strategy Elements of the Comprehensive Plan. The proposal is also consistent with the applicable City land use regulations. No adverse land use impacts are anticipated and mitigation is not warranted under SMC 25.05.675.J.

### Parking

The contract rezone will allow for more density and may generate more parking demand. The proposed development includes 91 residential units with no off-street vehicular parking spaces. The traffic and parking analysis (7012 Roosevelt Way NE Traffic Impact Analysis, Gibson Traffic Consultants (GTC), February 2021) indicates a peak demand for approximately 24 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 72% within 800' of the site. The proposed development peak demand of 24 parking spaces would not be accommodated by the proposed development, resulting in a spillover demand for 24 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an estimated on-street utilization of 78%. Total cumulative parking demand of the proposal and other projects in the vicinity would result in a potential on-street parking utilization of 88% within 800' of the site. Without the proposal, the expected on-street parking utilization as a result of pipeline projects is expected to be 82% within 800' of the project site.

SDCI has reviewed the transportation material and concurs with GTC findings. Additionally, SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of development parking impacts in Station Area Overlay Districts and portions of Urban Villages within 1,320 feet of frequent transit service. A majority of the subject site is located within the Roosevelt Station Area Overlay District. This entire site is located in the Roosevelt Residential Urban Village within 1,320 feet of frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate residential impacts of parking demand from this proposal.

### Transportation

The increase in density allowed by the contract rezone could impact traffic patterns in vicinity of the proposal site. The transportation information (7012 Roosevelt Way NE Traffic Impact Analysis, GTC, February 2021) indicated that the project is expected to generate a net new total of 162 daily vehicle trips, with 9 net new PM Peak Hour trips and 13 new AM Peak Hour trips. The additional trips are expected to distribute on various roadways near the project site, including Roosevelt Way NE and NE 65<sup>th</sup> St and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **CONDITIONS – DESIGN REVIEW**

#### **For the Life of the Project**

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation phase of review and in the materials submitted after the Recommendation phase of review, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, [tami.garrett@seattle.gov](mailto:tami.garrett@seattle.gov)) or a SDCI assigned Land Use Planner.

### **RECOMMENDED CONDITIONS – SEPA**

#### **Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit**

2. Provide a Construction Management Plan that has been approved by Seattle Department of Transportation (SDOT). The submittal information and review process for Construction Management Plans are described on the SDOT website at:  
<http://www.seattle.gov/transportation/cmp.htm>.

### **RECOMMENDED CONDITIONS – REZONE**

The Director recommends approval of the contract rezone from LR1(M1) to NC2-55(M2), Station Area Overlay District subject to the following conditions, which shall be contained in the Property Use and Development Agreement (PUDA):

#### **Prior to Issuance of a Master Use Permit**

3. The rezone includes a Mandatory Housing Affordability designation of M2.
4. The rezoned property shall be subject to the provisions of SMC Chapter 23.58C.
5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

Tami Garrett, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: May 2, 2022



May 2, 2022

NOTICE OF DECISIONS AND RECOMMENDATION OF THE SEATTLE DEPARTMENT OF  
CONSTRUCTION AND INSPECTION AND CITY OF SEATTLE HEARING EXAMINER  
PUBLIC HEARING

Project Number: 3034865-LU

Clerk File Number: 314447

The Director of the Seattle Department of Construction and Inspections (SDCI) has issued decisions and recommendations regarding the following project:

Council Land Use Action to rezone a 3,000 sq. ft. portion of land from Lowrise 1 (M1) (LR1(M1)) to Neighborhood Commercial 2-55 (M2) (NC2-55(M2)) within a Station Area Overlay District. Project includes a 6-story, 91-unit apartment building (69 small efficiency dwelling units, 16 efficiency dwelling units, 6 apartments). No parking proposed. Existing buildings to be demolished. Early Design Guidance conducted under 3035227-EG.

Copies of the Director's decision and recommendation and the project application materials and plans are available in SDCI's online Permit and Property Records Seattle Services Portal (<https://cosaccela.seattle.gov/portal/welcome.aspx>). Questions may be directed to SDCI Planner, Tami Garrett, (206) 233-7182, [tami.garrett@seattle.gov](mailto:tami.garrett@seattle.gov).

ADMINISTRATIVE DESIGN REVIEW

The Director **conditionally approves** the proposed design.

ENVIRONMENTAL DETERMINATIONS

The Director has determined that the proposed project is not likely to result in significant, adverse environmental impacts and has issued a Determination of Non-Significance (DNS).

DECISIONS APPEALABLE TO THE SEATTLE HEARING EXAMINER

The decisions to **conditionally approve** Administrative Design Review and to issue a Determination of Non-Significance **with conditions** are appealable to the Seattle Hearing Examiner.

HOW TO APPEAL THE DIRECTOR'S FINDINGS AND DECISION

Appeals of the Director's Decision must be received by the Hearing Examiner no later than 5:00 p.m., **May 16, 2022**.

Appeals may be filed online at [www.seattle.gov/examiner/efile.htm](http://www.seattle.gov/examiner/efile.htm), or mailed to the City of Seattle Hearing Examiner, PO Box 94729, Seattle, WA 98124-4729 (delivery of appeals filed by any form of USPS mail service may be delayed by several days: allow extra time if mailing an appeal). An appeal form is available at <http://www.seattle.gov/hearing-examiner/citations/public-guide-and-forms>.

Appeals must be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle, by credit/debit card (Visa and MasterCard only) in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship.)

The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner" are available at [www.seattle.gov/examiner/guide-toc.htm](http://www.seattle.gov/examiner/guide-toc.htm).

DIRECTOR'S RECOMMENDATION

The SDCI Director recommends that the Seattle City Council approve the rezone with conditions. Conditions are contained in the Director's Recommendation Report (attached).

The Director recommends that the Seattle City Council approve the rezone with conditions.

The recommended conditions include:

1. The rezone includes a Mandatory Housing Affordability designation of M2.
2. Development of the rezoned property be subject to the requirements of SMC 23.58.C.
3. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

PUBLIC HEARING

A public hearing to take public comment on the Director's recommendations and to establish the record for this application will be held at **9:00 a.m. on July 6, 2022** at the Office of the Hearing Examiner (address below). The Office of the Hearing Examiner provides barrier free access.

Any appeal of the Directors decision to issue a DNS will be heard at this hearing.

Topic: 3034865-LU (Hugh Schaeffer ,CF Rezone #314447) Public Hearing  
Time: Jul 6, 2022 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/89736609886>

Meeting ID: 897 3660 9886  
One tap mobile  
+12532158782, 89736609886# US (Tacoma)  
+13462487799, 89736609886# US (Houston)

Dial by your location  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)  
Meeting ID: 897 3660 9886  
Find your local number:  
<https://us02web.zoom.us/j/89736609886>

WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for **July 5, 2022**. Comments should be sent to:

City of Seattle - Hearing Examiner  
700 5th Avenue, Suite 4000  
PO Box 94729  
Seattle, WA 98124-4729  
[www.seattle.gov/examiner](http://www.seattle.gov/examiner)

Those persons who want to receive a copy of the Hearing Examiner's recommendation should specify that request in their comment letter.

«ADDRESSEE»  
«ADDRESSEE2»  
«ADDRESS»  
«CITYSTATE» «ZIP»

XX

If you wish to file written comments and/or receive a notice of the decision, please return this completed form with any written comments you have to: Department of Construction & Inspections, 700 Fifth Ave., Suite 2000, P.O. Box 34019, Seattle, WA 98124-4019 or e-mail [www.seattle.gov/project/comment](http://www.seattle.gov/project/comment)

Project: #3034865-LU Tami Garrett, (206) 233-7182 Floor SMT #19

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Comment: \_\_\_\_\_

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**FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

**CF-314447**

**HUGH SCHAEFFER, SHW**

Department Reference:  
3034865-LU

for a contract rezone for property located  
at 7012 Roosevelt Way Northeast

**Introduction**

Hugh Schaeffer, for Sand H Works, ("Applicant") applied for a rezone of property located at 7012 Roosevelt Way NE, from Lowrise 1 (M1) ("LRI (M1)"), to Neighborhood Commercial 2-55 (M2) ("NC2-55 (M2)"). The Director of the Department of Construction and Inspections ("SDCI" or "Director") submitted a report recommending that the rezone be approved. The Director's report included a SEPA Determination of Non-significance ("DNS"), which was not appealed.

A hearing on the rezone application was held before the Hearing Examiner on July 6, 2022. The Applicant was represented by Brandon Gribben, attorney-at-law, and the Director was represented by Tami Garrett, Senior Land Use Planner. The Hearing Examiner visited the site following the hearing on July 20, 2022, and the record closed on that date.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code") unless otherwise indicated. Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the rezone application.

**Findings of Fact**

Site and Vicinity

1. The development site is a unification of two properties addressed as 7012 Roosevelt Way NE and 1007 NE 71st St totaling 9,801 square feet.
2. 1007 NE 71st St is a split-zoned property. The east 30 feet of this parcel is zoned LRI(M1) and the west 20 feet of this parcel is zoned NC2-55(M). The Roosevelt Station Area Overlay also follows the existing zone boundary.
3. Properties to the north, east and south are zoned NC2-55(M). Properties to the west are zoned LRI(M1). Neighborhood Commercial (NC2-55) zoning continues north and south along Roosevelt Way NE. One block to the south the height limit increases to 75'. Immediately east of

the project site the zoning designation shifts to multifamily lowrise (LR1) before transitioning to single family zoning the next block to the east.

4. The site is currently developed with a commercial structure built in 1930, and a single-family residence built in 1907.
5. The subject site is located at the southeast corner of NE 71st St and Roosevelt Way NE in the Roosevelt Residential Urban Village. Surrounding uses in proximity to the site are commercial structures to the north and south, a single-family residence to the east, and a mixed-use multifamily residential/commercial structure to the west.
6. Existing vehicular access to the development property is via curb cuts along Roosevelt Way NE and NE 71st St. Roosevelt Way NE is a principal arterial street serving as a primary residential and commercial corridor providing vehicular and pedestrian circulation. The properties east and west of the Roosevelt Way NE corridor abutting NE 71st St are primarily single-family residences within multifamily zoning (LR1(MI)). NE 71st St is a non-arterial street.
7. I-5 is two blocks west of the site and Lake City Way NE is three blocks to the north. Notable features in the area include the Roosevelt P-Patch Community Garden, Roosevelt High School, and the Roosevelt Link Light Rail Station.
8. The natural topography of the area rises from west to east and from south to north, with an approximately 22' grade change upward from Roosevelt Way NE along NE 71st St cresting midblock and gently downwards to 12th Avenue NE.
9. The site includes a steep slope, and was granted relief from prohibition on development in steep slopes and their buffers by the SDCI Geotechnical Engineer.
10. The neighborhood is in transition as older single-family residences and low-scaled commercial structures are being replaced with larger townhouse and mixed-use residential/commercial developments. Newer mixed-use developments on Roosevelt Way NE feature ground-level glazing and pedestrian scaled landscaping while reducing the perceived mass by breaking up the building mass into at least two volumes. By contrast, existing one-to-two-story single-family residences are characterized by stoops or front porches at the entries with material combinations of lap siding and shingle accents on the facades. Structures are generally low-scaled, ranging from one to four stories in height.

#### Zoning History and Potential Zoning Changes

11. The zoning history for that portion of the property seeking a rezone (east 30 feet of I007 NE 71st St) is as follows:
  - 1923 - Area District "A"
  - 1958 - RS5000
  - 1994 - Single Family 5000 (SF 5000)
  - 2019 - LR1 (MI)

The zoning history for the remainder portion of the subject parcel not included in the rezone request (west 20 feet of 1007 NE 71 st St) is as follows:

- 1923 - Area District "C"
- 1958 - Commercial General (CG)
- 1982 - Neighborhood Commercial 2 (NC2)
- 1994 - Neighborhood Commercial 2 with height limit of 40' (NC2-40)
- 2019 - Neighborhood Commercial 2 with height limit of 55' (NC2-55) (M)

12. With the establishment of the 1958 Seattle Zoning Code, Seattle's first comprehensive zoning code, the eastern sixty percent of parcel (the proposed rezone area), and the area to the east of the site was zoned RS 5000 and the western forty percent of the parcel and the area to the west of the site was zoned CG. The existing home straddled the established zone boundary, and the split-zoning designation of the parcel has continued since.
13. In 1982, the same designation pattern continued with the area of the proposed rezone and adjoining properties to the east zoned RS5000. The remaining western portion of the parcel and properties to the west and south were zoned NC2. At some point, the property directly north was rezoned from RS5000 to NC2.
14. In 1994, the proposed rezone area and adjoining properties to the east were zoned SF 5000. The remaining western portion of the parcel and properties to the west, north and south were zoned NC2-40'.
15. In 2011, the western half of the parcel not subject to the proposed rezone was rezoned to include the Station Area Overlay Designation (SAOD), which followed the established boundary between the neighborhood commercial and residential zoning in the area.
16. The zoning designation most recently changed in 2019 after adoption of the citywide Mandatory Housing Affordability (MHA) requirements. In November of 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, Affordable Housing Impact Mitigation Program Development Program for Commercial Development (MHA-C). The Council followed this, in August of 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development (MHA-R). The purpose of these Chapters is to implement an affordable housing incentive program authorized by RCW 36.70A.540. Chapters 23.58B and 23.58C specify a framework for providing affordable housing in new development, or an in-lieu payment to support affordable housing, in connection with increases in commercial or residential development capacity.
17. On November 9, 2017, the City issued the MHA SEPA Final Environmental Impact Statement (FEIS). The citywide rezone was adopted, effective April 19, 2019, changing the zoning designation of the eastern portion of the parcel subject to the proposed rezone and area to the east from SF 5000 to its current designation of LR 1(M 1). The western portion of the parcel and the parcels directly to the west, north and south of the rezone site were rezoned to NC2-55(M) from NC2-40. The MHA zoning changes generally rezoned large areas and did not examine the site specific issue of this split-zoned parcel.



Urban Center Plan and Neighborhood Plan

18. The development site is located within an urban village boundary, Roosevelt Residential Urban Village, established in the Comprehensive Plan.
19. The estimated housing unit growth target for the Residential Urban Village in the Growth Strategy Appendix of the 2035 Comprehensive Plan is a density of 800 housing units at a growth rate of 50% between the years of 2015 to 2035. The established growth accommodation for residential urban villages in the 2035 Comprehensive Plan is zoning that permits at least 12 dwelling units per gross acre. According to SDCI, the Roosevelt Residential Urban Village has currently achieved 98.3% of its residential growth target.
20. Applicable sections of the adopted Roosevelt Neighborhood Plan include goals and policies for future development that are related to zoning regulations. R-LUG2 seeks to "[m]aintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as cottages, townhouses, and low-rise apartments. Provide appropriate transitions from these areas to more dense uses." R-LUG2 seeks to "[p]romote the growth of the Roosevelt Urban Village in a manner that concentrates residential and business uses in the commercial core and near the light rail station, with less dense residential, mixed-use, and commercial development along the commercial arterials that extend from the core." R-LUP1 calls for planning to "[s]upport a zoning strategy that consolidates similar zoning into whole blocks in and near the urban core and light rail station, to result in more compatible development." R-LUP2 encourages planning to "[s]upport the infill development of commercial-zoned properties that are vacant or underutilized." R-LUP3 calls for planning to "[p]romote the development of new multifamily dwellings, in properly zoned areas, that will buffer neighborhood residential areas from the commercial core, freeway, and commercial corridors." R-TP2 encourages sidewalk design to promote pedestrian use and improve pedestrian safety. R-TP6 looks to site planning to reduce conflicts between pedestrians and vehicles. R-HG2 sets a goal to "[c]reate housing types that can provide housing opportunities for a wide range of residents and households with varying incomes and housing needs." R-HG-3 sets a goal to "Accommodate most of the expected residential growth by encouraging larger development in and around the Roosevelt Urban Village's light rail station and commercial core." R-HP2 encourages "an appropriate fit of scale and architectural character in all new developments." R-UG2 sets a goal to reduce energy use and increase reuse of stormwater and recycling of solid wastes. R-EDG2 sets an economic goal to "[t]ake advantage of the location of the light rail station by promoting mixed-use development that includes both businesses and multifamily housing near the station to serve the diverse population of the Roosevelt neighborhood."

Proposal

21. 7012 Roosevelt Way NE is currently zoned NC2-55(M). No zoning change is proposed to this parcel.
22. 1007 NE 71st St is a split-zoned property. The proposal is to eliminate the split-zoning condition and rezone the approximately 3,000 square foot eastern portion of the consolidated proposal site to NC2-55(M2), and within the Roosevelt Station Area Overlay.



23. Existing structures are planned for demolition.

Public Comment

24. The public comment period ended on August 31, 2020. Comments received by SDCI within the scope of the rezone review related to tree protection; parking impacts; view impacts; height, bulk and scale impacts; shadow impacts; construction impacts; impacts to steep slope stability; climate and pollution impacts; impacts to public services; and compliance with rezone criteria and Roosevelt Neighborhood Plan recommendations, impacts to property value, unit type/mix, the lack of commercial uses, housing affordability and impacts to neighborhood character.
25. At the July 6, 2022 public hearing on the rezone before the Hearing Examiner, public comment was received from a neighbor of the proposal expressing concern. The speaker was Jessie Oberreuter, a neighbor to the proposal, expressing concern about the size and density of the proposal relative to his single-family home, and similar sized homes in the neighborhood.

Director's Review

26. The Director analyzed the proposal's potential long-term and short-term environmental impacts and found that there would be no need to recommend conditions to mitigate proposal-related impacts, as there were no significant impacts identified or any impacts would be addressed by the requirements of the Code.
27. The Director's report, Exhibit 1, analyzes the proposed contract rezone and recommends that it be approved with conditions.

Applicable Law

28. SMC 23.34.008 provides the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, and boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas; and, whether the area is within an incentive zoning suffix.
29. When, as in this case, a rezone includes consideration of height limits in commercial or industrial zones, SMC 23.34.009 prescribes additional criteria to be considered, including the function of the zone, topography of the area and surroundings, height and scale of the area, compatibility with the surrounding area, and neighborhood plans.
30. SMC 23.34.007.C provides that compliance with the requirements of Chapter 23.34 SMC constitutes consistency with the Comprehensive Plan for purposes of reviewing proposed rezones, but the Comprehensive Plan may be considered where appropriate.

### **Conclusions**

- I. The Hearing Examiner has jurisdiction over this matter pursuant to SMC 23.76.052, and makes a recommendation on the proposed rezone to the City Council.
2. SMC 23.34.007 provides that the applicable sections of Chapter 23.34 SMC on rezones are to be weighed and balanced together to determine the most appropriate zone and height designation. In addition, the zone function statements are to be used "to assess the likelihood that the area proposed to be rezoned would function as intended." SMC 23.34.007.A. "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement ...." SMC 23.34.007.B.
3. The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation." SMC 23.34.008.B.

#### Effect On Zoned Capacity

4. SMC 23.34.008 requires that, within an urban center or urban village, the zoned capacity, taken as whole, is to be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan.
5. The proposed rezone will increase zoned capacity and zoned density by allowing for additional building height and residential units. The proposed rezone site currently contains a portion of one residential dwelling unit. The proposed development will provide a total 91 dwelling units, with approximately 29 dwelling units (or parts thereof) on the proposed rezone site.
6. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increase in zoned capacity does not reduce capacity below 125% of the 2035 Comprehensive Plan growth target.
7. The proposal is also consistent with SMC 23.34.008.A.2 because the proposed change would not result in less density for this zone than the density established in the Growth Strategy Element of the Comprehensive Plan.

#### Match Between Zone Criteria and Area Characteristics

8. The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation." SMC 23.34.008.B.
9. The area surrounding the proposed rezone sites is predominately developed to an intensity greater than LRI.
10. The site and its relation to adjacent zoning match the NC2-55 (M2) zone function and locational criteria, found in SMC 23.34.076, and that designation is the most appropriate zoning designation.

11. The rezone proposal supports the function of the NC2 zoning designation by accommodating residential uses which support the retail character of the area. The proposal reinforces the pedestrian character of the zone by providing a strong street edge and an overall atmosphere which is attractive to pedestrians.
12. As a contract rezone, the rezone site will function as and be part of the development of the western 20' of the parcel and the adjacent property to the west which are already zoned NC2. This area is continuous with and part of the business district along Roosevelt Way NE in the Roosevelt Residential Urban Village. Roosevelt Way NE is designated as a primary arterial with good transportation capacity as described. The proposed development has been designed to provide a buffer from the adjacent residential uses. The surrounding area includes a mix of small and medium sized parcels. The area is well served by transit, with bus lines along Roosevelt Way NE and 12th Ave NE and the Roosevelt Light Rail Station located approximately 1,056 feet away from the rezone site.

#### Neighborhood Plan/Precedential Effect

13. The development is consistent with the portions of the Roosevelt Neighborhood Plan Policies listed in Finding 20 above. The rezone is overall supportive of intensifying development in the Roosevelt Urban Village, particularly near the light rail station, and providing housing for a wide range of residents. The proposed rezone will allow development of the 30' portion of the parcel, along with the adjoining property to the west, with denser housing.
14. The proposal is unlikely to have a precedential effect. This proposed rezone does not preclude other properties in the area from requesting a contract rezone, and as each proposal is evaluated individually in the context of the existing conditions, this rezone is not expected to be precedential.

#### Zoning Principles

15. The zoning principles listed in SMC 23.34.008.E are generally aimed at minimizing the impact of more intensive zones on less intensive zones, if possible. They express a preference for a gradual transition between zoning designations, including height limits, if possible, and potential physical buffers to provide an effective separation between different uses and intensities of development.
16. The proposed 55' height limit is consistent with the 55' height limit permitted for the majority of the development site and adjacent/immediate existing properties to the north, west and south that is zoned NC2-55(M).
17. The proposed height is compatible with the actual and zoned heights along the block face and is mitigated with multiple strategies to provide a gradual transition in height and scale to the less intense zone.
18. The proposed rezone shifts the existing height transition from multifamily LR1 zoning to NC2 commercial zoning from the middle of the lot to the eastern boundary of the subject parcel. The maximum permitted height in LR1 zones is 30 feet and the maximum permitted height in the NC2

zone is 55 feet, both including allowances for parapets and penthouses. This change in height already exists under current zoning, but the impact of the rezone has been mitigated through the proposed design to create a gradual transition between zoning categories.

19. The 55' height limit of the proposed structure is calculated based on the average grade across the property with no stepped height calculations being utilized. Due to the slope of the site, the actual building height at the northeast corner of the structure is 45'7". The property slopes up an additional 2' to the property corner, creating a perceived height of 43'3" at the east property line. This proposed height provides a gradual transition to the LRI zone.
20. The proposed design also provides an increased setback from the adjacent LRI property to the east which ranges from 12'6" at the ground level to 15'9" at the third level. Under the current LRI zoning, a 5' minimum setback would be required. This increased setback allows for a densely planted landscape buffer to the east neighbor. The transition is further mitigated by reduced parapet heights along the east facade, and no rooftop amenities face the east property line.
21. The proposed rezone includes a specific proposed development that has gone through the Administrative Design Review process consistent with SMC 23.41. The design that has been recommended for approval includes design strategies to minimize the appearance of height, bulk, and scale. The design review process also considered the transition to adjacent properties to mitigate the impacts of the zone edge facing the neighboring properties.
22. Overall, the proposal provides a gradual transition to the adjacent LRI properties.
23. Commercially zoned property (NC2-55(M)) is located to the north across NE 71st Street from the subject site. The proposal would align the zoning boundary so that commercially zoned areas face each other across the street, consistent with policy.
24. The proposed height designation is 55 feet, consistent with the existing adjacent NC2 zoning height designation within the Roosevelt Residential Urban Village, thereby satisfying the rezone criteria in SMC 23.34.008.E.4.

#### Impact Evaluation

25. The proposed rezone would positively impact the housing supply, as it would increase residential unit supply.
26. Although the proposal would increase the demand for public services, the increase would be minimal. There is no evidence in the record that the demand would exceed service capacities. In particular, street access, street capacity, transit service, and parking capacity were shown to be sufficient to serve the additional units that would be allowed by the rezone.
27. The Director evaluated impacts on public services and service capacities, as well as noise, air quality, water quality, flora and fauna, glare, odor, shadows, energy, and other environmental impacts, pursuant to SEPA, and indicated that no additional conditions were required to mitigate impacts that are not otherwise adequately addressed through existing regulations. Height, bulk

and scale impacts, including shadow impacts, will be reviewed and addressed through the design review process.

#### Changed Circumstances

28. Changed circumstances are to be considered, but are not required to demonstrate the appropriateness of a proposed rezone. The City has continued to emphasize growth in urban centers and villages in its Comprehensive Plan as the areas that are most appropriate for accommodating higher density development. The MHA upzone is a changed circumstance in the area effecting area zoning. In addition, since the area-wide rezone in 2019, the Roosevelt Light Rail Station opened in October of 2021.

#### Overlay Districts and Roosevelt Station Area Overlay

29. The area of the proposed rezone is not currently located within an overlay district defined in the Land Use Code. However, the site is located in the Roosevelt Station Area Overlay. The existing boundary of the Roosevelt Station Area Overlay currently follows the split-zone designation of the site, with the parcel addressed as 7012 Roosevelt Way NE and the western 20' of the parcel not proposed for the rezone located within the Roosevelt Station Area Overlay. The proposal will extend the boundaries of the Roosevelt Station Area Overlay to align with the property boundaries.

#### Critical Areas

30. The site is mapped as containing a steep slope critical area at the eastern edge of the rezone site. The rezone will not impact the critical area.

#### Height Limits

31. SMC 23.34.009 addresses the designation of height limits for proposed rezones. The issues to be considered include the function of the zone; the topography of the area and its surroundings, including view blockage; height and scale of the area; compatibility with the surrounding area; and neighborhood plans.
32. Function of the zone. Height limits are to be consistent with the type and scale of development intended for the zone classification, and the demand for permitted goods and services and potential for displacement of preferred uses are to be considered. The proposed mixed-use project is consistent with the type and scale of development intended for the NC2-55 (M2) zone. There will be no displacement of preferred uses.
33. Topography of the area. Heights are to "reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage" is to be considered. This change in grade provides a natural transition from the 55' height limits along both sides of Roosevelt Way NE, easterly upwards to the mid-block LRI zoned properties with height limits at 30'. The proposed 55' height limit of the portion of plan requested to be rezoned will reinforce the topography of the area and its surroundings.

The proposed structure will impact some territorial views from adjacent properties, particularly the LRI zoned properties to the east and north which are currently primarily developed with existing low-scaled single-family residences. Some private territorial views from surrounding commercial and residential properties could change as a result of the increased development and building heights allowed from the entire development site. View blockage will be minimized by the topography in the area. In addition, the Design Review process recommended a design with specific strategies to reduce the impacts of additional height, bulk, and scale to the adjacent sites.

34. Height and scale of the area and compatibility with surrounding area. The height limits established by current zoning in the area are to be considered. In general, permitted height limits are to "be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential." SMC 23.34.009.C. Further, height limits are to be compatible with actual and zoned heights in surrounding areas, and a gradual transition in height and scale and level of activity between zones is to be provided unless major physical buffers are present.

The proposed 55' height limit is consistent with the 55' height limit of the western NC2 zoned portion of the development site. The proposed development would be compatible with the predominant height and scale of nearby newer development abutting Roosevelt Way NE, which is representative of the area's overall development potential.

35. Compatibility with Surrounding Area. The proposed 55' height limit is consistent with the 55' height limit permitted for the majority of the development site and adjacent/immediate existing properties to the north, west and south that are zoned NC2-55(M). The proposed height is compatible with the actual and zoned heights along the block face, and is mitigated with multiple strategies to provide a gradual transition in height and scale to the less intense zone.
36. Neighborhood Plans. The adopted Roosevelt Neighborhood Plan does not give any recommendations for height limits.
37. Weighing and balancing the applicable sections of Chapter 23.34 SMC together, the most appropriate zone designation for the subject site is NC2-55 (M2) with a PUDA.

### **Recommendation**

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA that incorporates the final approved Master Use Permit drawings for the proposal, and the following conditions:

#### *For the Life of the Project*

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation phase of review and in the materials submitted after the Recommendation phase of review, before the MUP issuance. Any change to the proposed design, including materials

or colors, shall require prior approval by the Land Use Planner (Tami Garrett, tami.garrett@seattle.gov) or a SDCI assigned Land Use Planner.

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. Provide a Construction Management Plan that has been approved by Seattle Department of Transportation (SOOT). The submittal information and review process for Construction Management Plans are described on the SOOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Prior to Issuance of a Master Use Permit

3. The rezone includes a Mandatory Housing Affordability designation of M2.
4. The rezoned property shall be subject to the provisions of SMC Chapter 23.58C.
5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

Entered August 3, 2022.

Is/Ryan Vancil  
Ryan Vancil  
Hearing Examiner

**Concerning Further Review**

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council  
Planning, Land Use and Sustainability Committee  
c/o Seattle City Clerk  
600 Fourth Avenue, Floor 3 (physical address)  
P.O. 94728 (mailing address)  
Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Consult the City Council committee named above for further information on the Council review process.



**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings and Recommendation** to each person listed below, or on the attached mailing list, in the matters of **HUGH SCHAEFFER, SHW.,** Hearing Examiner Files: **CF-314447** in the manner indicated.

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Dated: August 4, 2022

/s/ Angela Oberhansly

Angela Oberhansly  
Legal Assistant

**Case Name/Number:** HUGH SCHAEFFER, SHW/CF-314447

**Exhibit List**

**July 6, 2022**

<b>Department Exhibits</b>	<b>Document Title</b>	<b>Document Date</b>	<b>Admitted?</b>
1	City of Seattle Analysis, Decision, and Recommendation of the Director of the Seattle Department of Construction and Inspections	May 2, 2022	Y
2	SEPA Checklist, Annotated		Y
<b>3</b>	<b>MUP Plan Set</b>		Y
3a	Plan Set Cycle 1	July 30, 2020	Y
3b	Plan Set Cycle 2	February 25, 2021	Y
3c	Plan Set Cycle 3	September 20, 2021	Y
3d	Plan Set Cycle 4	October 29, 2022	Y
<b>4</b>	<b>Public Notice</b>		Y
4a	*Administrative Design Review Notice	March 26, 2020	Y
4b	*Notice Map	March 19, 2020	Y
4c	Notice of Application	August 17, 2020	Y
4d	Notice Map	July 30, 2020	Y
4e	Public Notice Sign Photo		Y
4f	Public Notice Sign Photo		Y
4g	Rezone Decision Notice	May 2, 2022	Y
<b>5</b>	<b>Public Comment</b>		Y
5a	*Public Comment, Hayre	April 3, 2020	Y
5b	*Public Comment, Steinbock	April 3, 2020	Y
5c	*Public Comment, Oberreuter	April 5, 2020	Y
5d	*Public Comment, Bendich	April 6, 2020	Y
5e	*Public Comment, Bodas	April 8, 2020	Y
5f	*Public Comment, Breene	April 8, 2020	Y
5g	*Public Comment, Burger	April 8, 2020	Y
5h	*Public Comment, Korber	April 8, 2020	Y
5i	*Public Comment, Moehring	April 8, 2020	Y
5j	*Public Comment, Steinbock	April 8, 2020	Y
5k	*Public Comment, Tremain	April 8, 2020	Y
5l	*Public Comment, Zulauf	April 8, 2020	Y
5m	*Public Comment, Holt	April 9, 2020	Y
5n	*Public Comment, Vassallo	April 9, 2020	Y
5o	*Public Comment, Edwards	April 10, 2020	Y
5p	*Public Comment, Rhodes	April 10, 2020	Y
5q	*Public Comment, Breene	April 21, 2020	Y
5r	*Public Comment, Burger	April 21, 2020	Y



5s	*Public Comment, Korber	April 21, 2020	Y
5t	*Public Comment, Steinbock	April 21, 2020	Y
5u	*Public Comment, Steinbock	April 22, 2020	Y
5v	*Public Comment, Edwards	April 23, 2020	Y
5w	*Public Comment, Garrow	April 23, 2020	Y
5x	*Public Comment, Steinbock	June 10, 2020	Y
5y	Public Comment, Moehring	August 17, 2020	Y
5z	Public Comment, Burger	August 18, 2020	Y
5aa	Public Comment, Ilkhani	August 18, 2020	Y
5bb	Public Comment, Steinbock	August 19, 2020	Y
5cc	Public Comment, Korber	August 21, 2020	Y
5dd	Public Comment, Clay	August 24, 2020	Y
5ee	Public Comment, Holt	August 24, 2020	Y
5ff	Public Comment, Sloboden	August 26, 2020	Y
5gg	Public Comment, Gull	August 29, 2020	Y
5hh	Public Comment, Garrow	September 8, 2020	Y
5ii	Public Comment, Davis	September 9, 2020	Y
5jj	Public Comment, Juarez-Wagner	September 9, 2020	Y
5kk	Public Comment, Lebow	September 9, 2020	Y
5ll	Public Comment, Trani	September 9, 2020	Y
5mm	Public Comment, Brevoort/Dickey	September 10, 2020	Y
5nn	Public Comment, Peters	September 10, 2020	Y
5oo	Public Comment, Roberts	September 10, 2020	Y
5pp	Public Comment, Vassallo	September 10, 2020	Y
5qq	Public Comment, Zulauf	September 10, 2020	Y
5rr	Public Comment, Oberreuter	September 12, 2020	Y
5ss	Public Comment, Savage Moritz	September 12, 2020	Y
5tt	Public Comment, Breene	September 13, 2020	Y
5uu	Public Comment, Cannon	September 13, 2020	Y
5vv	Public Comment, Favella	September 13, 2020	Y
5ww	Public Comment, Korn	September 13, 2020	Y
5xx	Public Comment, Oberreuter	September 13, 2020	Y

5yy	Public Comment, Williams-Judge	September 13, 2020	Y
5zz	Public Comment, Edwards	September 14, 2020	Y
5aaa	Public Comment, Jewett	September 14, 2020	Y
5bbb	Public Comment, Liss	September 14, 2020	Y
5ccc	Public Comment, Whistler	September 14, 2020	Y
5ddd	Public Comment, Juarez-Wagner	September 15, 2020	Y
5eee	Public Comment, Tremain	September 15, 2020	Y
5fff	Public Comment, DeLeon/Tri	September 17, 2020	Y
5ggg	Public Comment, Hahn	December 1, 2020	Y
5hhh	Public Comment, Moehring	October 7, 2021	Y
5iii	Public Comment, Heppner	December 3, 2021	Y
5jjj	Public Comment, Briggs	March 11, 2022	Y

5kkk	Public Comment, Shan	April 18, 2022	Y
5lll	Public Comment, Briggs	May 2, 2022	Y
5mmm	Public Comment, Coleman	May 2, 2022	Y
5nnn	Public Comment, Rueckert	May 2, 2022	Y
5ooo	Public Comment, Smith	May 2, 2022	Y
6	*Site Plan		Y
7	*Site Photos		Y
8	*Preliminary Assessment Report	July 17, 2019	Y
9	*Approved Presubmittal Notes	November 12, 2019	Y
10	*Administrative Design Review Confirmation	April 7, 2020	Y
11	Statement of Intent: Electing Administrative Design Review for Mandatory Housing Affordability Performance Projects	September 20, 2021	Y
12	Vesting Confirmation	August 23, 2020	Y
13	*Statement of Financial Responsibility	August 12, 2019	Y
14	*Statement of Financial Responsibility	March 9, 2020	Y
15	Rezone Application	July 30, 2020	Y
16	Rezone Application, Addendum #1	February 25, 2020	Y
17	Rezone Application, Addendum #2	September 20, 2021	Y
18	Zoning Verification Letter	April 1, 2022	Y
19	Department of Neighborhoods Environmental SEPA Review	August 12, 2020	Y
20	Seattle Public Utilities Solid Waste Approval Letter	February 17, 2021	Y
21	Seattle Public Utilities Water Availability Certificate	December 28, 2020	Y
22	Sound Transit Tunnel Easement	March 4, 2015	Y
23	*Seattle Department of Transportation Early Design Guidance Comments	April 8, 2020	Y
24	Seattle Department of Construction and Inspections Steep Slope Relief Approval	January 6, 2021	Y
25	Appendix A	July 27, 2020	Y
26	SEPA Greenhouse Gas Emissions Worksheet		Y
27	Environmental Site Investigation, Prepared by Whitman Environmental Sciences	April 20, 2015	Y
28	Arborist Report, Prepared by Layton Tree Consulting, LLC	September 17, 2019	Y
29	Geotechnical Report, Prepared by PanGEO Incorporated	July 2020	Y
30	Updated Geotechnical Report, Prepared by PanGEO Incorporated	November 2020	Y
31	View Impact Studies	April 11, 2022	Y
32	Traffic Impact Analysis, Prepared by Gibson Traffic Consultants, Inc.	May 2020	Y

33	Updated Traffic Impact Analysis, Prepared by Gibson Traffic Consultants, Inc.	February 2021	Y
34	*Early Community Outreach Package	February 2020	Y
35	*Early Community Outreach Correction Letter Cycle 1	March 20, 2020	Y
36	*Early Community Outreach Correction Response 1	March 23, 2020	Y
37	Zoning Correction Letter Cycle 1	October 16, 2020	Y
38	Zoning Correction Letter Cycle 2	March 9, 2021	Y
39	Mandatory Housing Affordability Correction Letter Cycle 1	September 20, 2020	Y
40	Mandatory Housing Affordability Correction Letter Cycle 2	March 7, 2021	Y
41	Housing Correction Letter Cycle 1	August 10, 2020	Y
42	Housing Correction Letter Cycle 1	March 11, 2021	Y
43	Housing Correction Letter Cycle 2	October 4, 2021	Y
44	City Light Correction Letter Cycle 1	September 25, 2020	Y
45	ECA Geotech Correction Letter Cycle 1	October 2, 2020	Y
46	*Early Design Guidance Correction Letter Cycle 1	April 16, 2020	Y
47	Land Use Correction Letter Cycle 1	October 14, 2020	Y
48	Land Use Correction Letter Cycle 2	March 25, 2021	Y
49	Land Use Correction Letter Cycle 3	October 14, 2021	Y
50	Zoning Correction Response 1	February 25, 2021	Y
51	Zoning Correction Response 2	September 20, 2021	Y
52	Mandatory Housing Affordability Correction Response 1	February 25, 2021	Y
53	Mandatory Housing Affordability Correction Response 2	September 20, 2021	Y
54	Housing Correction Response 1	February 25, 2021	Y
55	Housing Correction Response 2	September 20, 2021	Y
56	Housing Correction Response 3	October 29, 2021	Y
57	City Light Correction Response 1	February 25, 2021	Y
58	ECA Geotech Correction Response 1	February 25, 2021	Y
59	*Early Design Guidance Correction Response 1	May 6, 2020	Y

60	Land Use Correction Response 1	February 25, 2021	Y
61	Land Use Correction Response 2	September 20, 2021	Y
62	Land Use Correction Response 3	October 29, 2021	Y
63	*Early Design Guidance Proposal Draft	March 18, 2020	Y
64	*Early Design Guidance Proposal Final	May 6, 2020	Y
65	*Early Design Guidance Report	June 18, 2020	Y
66	MUP Response to Early Design Guidance Report	July 29, 2020	Y
67	Recommendation Proposal Draft	February 25, 2021	Y
68	Recommendation Proposal Final	May 5, 2021	Y
69	Recommendation Report	June 15, 2021	Y

70	Recommendation Report Response	July 22, 2021	Y
71	Recommendation Report Response Revised		Y
72	SDCI Urban Center/Village Housing Unit Growth Report	January 24, 2022	Y
73	Rezone Zoning Map	July 1, 2022	Y
<b>Applicant Exhibits</b>	<b>Document Title</b>	<b>Document Date</b>	<b>Admitted?</b>
74	2015-2035 City of Seattle Comprehensive Plan for Roosevelt (pages 382-389)		
75	Zoning graphics prepared by Sarah Hatfield.		
76	Curriculum Vitae of Sarah Hatfield.		
77	Curriculum Vitae of Matt Palmer.		



# **Clerk File 314447**

## **Hugh Schaeffer, SHW Rezone**

### **7012 Roosevelt Way NE**

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LISH WHITSON, LEGISLATIVE ANALYST

LAND USE COMMITTEE

SEPTEMBER 6, 2022

# Type of Action

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- Type IV – Quasi-Judicial decision
- Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication
- Council decisions must be made on the record established by the Hearing Examiner

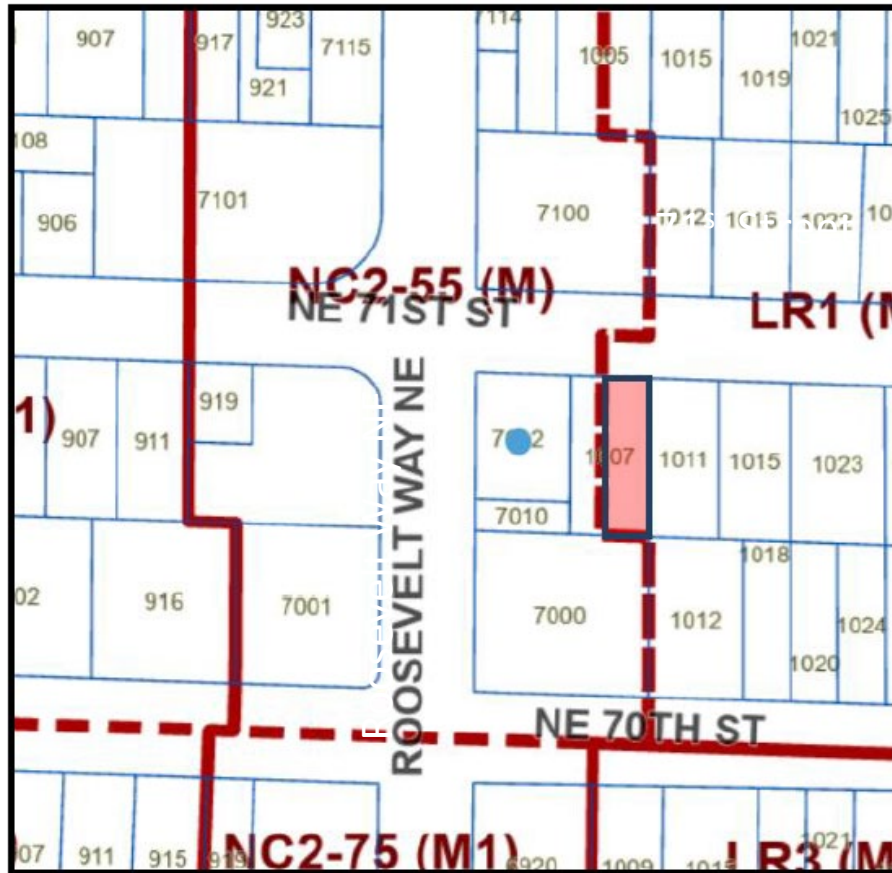
# Application Details and Procedural Posture

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Proposed rezone of part of a split-zoned parcel from Lowrise 1 multifamily residential with an M1 mandatory housing affordability suffix (LR1 (M1)) to Neighborhood Commercial 2-55 with an M2 mandatory housing affordability suffix (NC2-55 (M2))

- In the Roosevelt Urban Village (Council District 4)
- Rezone area is approximately 3,000 square feet
- Total development site is approximately 9,800 square feet
- Development site includes corner property, zoned (NC2-55 (M))
- Seattle Hearing Examiner public hearing on July 6, 2022
- Hearing Examiner recommended approval with conditions on August 3, 2022

# Location



*Rezone Area*



Area of proposed rezone



# Proposed Development – Roosevelt Frontage



## 91 units

- 69 small efficiency dwelling units
- 16 efficiency dwelling units
- 6 apartments
- MHA performance on-site (7 units)

## 87 bicycle parking spaces

- 81 long-term spaces
- 6 short-term spaces

# Proposed Development – 71<sup>st</sup> Frontage



\*Street trees not shown for clarity

## Hearing Examiner Summary of Testimony at Public Hearing

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At the July 6, 2022, public hearing on the rezone before the Hearing Examiner, public comment was received from a neighbor of the proposal expressing concern. The speaker was Jessie Oberreuter, a neighbor to the proposal, expressing concern about the size and density of the proposal relative to his single-family home, and similar sized homes in the neighborhood.

# Hearing Examiner Recommended Conditions

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## For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation phase of review and in the materials submitted after the Recommendation phase of review, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by... a SDCI assigned Land Use Planner.

## Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. Provide a Construction Management Plan that has been approved by Seattle Department of Transportation (SDOT).

## Prior to Issuance of a Master Use Permit

3. The rezone includes a Mandatory Housing Affordability designation of M2.
4. The rezoned property shall be subject to the provisions of SMC Chapter 23.58C.
5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

# Next Steps

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**September 22, 2022**

Briefing, continued discussion, and possible vote

**October 11, 2022**

Possible City Council Vote  
[Property Use and Development Agreement (PUDA)  
must be executed prior to City Council vote]

**November 1, 2022**

Deadline for City Council action

# Questions?

September 6, 2022

## MEMORANDUM

**To:** Land Use Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Clerk File 314447 - Hugh Schaeffer, SHW Contract Rezone, 7012 Roosevelt Way NE

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On September 14, the Land Use Committee (Committee) will receive a briefing and discuss Clerk File (CF) 314447, which is an application by Hugh Schaeffer, SHW, for a contract rezone of a portion of a split-zoned lot in the Roosevelt Urban Village, to facilitate development at 7012 Roosevelt Way NE (Council District 4).

This memorandum (1) provides an overview of the rezone application and procedural posture; (2) describes the type of action for the purposes of Council decision-making; and (3) describes the actions the Committee may take to approve the rezone.

### Overview of the Rezone Application and Procedural Posture

Hugh Schaeffer, SHW ("Applicant") applied for a rezone of the eastern 30 feet of the lot located at 1007 NE 71<sup>st</sup> Street from Lowrise 1 with an M1 mandatory housing affordability suffix (LR1 (M1)) to Neighborhood Commercial 2-55 with an M2 mandatory housing affordability suffix (NC2-55 (M2)) and the Roosevelt Station Area Overlay. The remainder of the lot at 1007 NE 71<sup>st</sup> Street and the adjacent parcel located at 7012 Roosevelt Way NE are zoned Neighborhood Commercial 2-55 with an M mandatory housing affordability suffix (NC2-55 (M)) with the Roosevelt Station Area Overlay. The applicant proposes to develop a 91-unit multifamily building on the two lots. The site is located at the corner of NE 71<sup>st</sup> Street and Roosevelt Way NE, five blocks north of the Roosevelt Light Rail station.

On May 2, 2022, the Seattle Department of Construction and Inspections (SDCI) issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) and recommendation to approve the application with conditions. The Hearing Examiner held an open record hearing on July 6, 2022, and issued a recommendation to approve the rezone subject to conditions.

The Hearing Examiner's recommendation is as follows:

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA that incorporates the final approved Master Use Permit drawings for the proposal, and the following conditions:

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation phase of review and in the materials submitted after the Recommendation phase of review, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Tami Garrett, [tami.garrett@seattle.gov](mailto:tami.garrett@seattle.gov)) or a SDCI assigned Land Use Planner.

Prior to Issuance of Demolition, Excavation/Shoring. or Construction Permit

2. Provide a Construction Management Plan that has been approved by Seattle Department of Transportation (SOOT). The submittal information and review process for Construction Management Plans are described on the SOOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Prior to Issuance of a Master Use Permit

3. The rezone includes a Mandatory Housing Affordability designation of M2.
4. The rezoned property shall be subject to the provisions of SMC Chapter 23.58C.
5. Development of the rezoned property shall be in substantial conformance with the approved plans for Master Use Permit record number 3034865-LU.

**Type of Action**

A Council decision on the rezone application is quasi-judicial.<sup>1</sup> Quasi-judicial decisions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and are governed by the Council's Quasi-judicial Rules.<sup>2</sup>

Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing.

Audio recordings of the approximately two and hearing can be accessed through the Hearing Examiner's website.<sup>3</sup> Excerpts from the record, including a list of exhibits, the SDCI

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<sup>1</sup> [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

<sup>2</sup> Adopted by [Resolution 31602](#) (2015).

<sup>3</sup> [Case Details for CF-314447 \(seattle.gov\)](#).



recommendation, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [Seattle Municipal Code Chapter 23.34](#) are contained in the Legistar record for CF 314447. All exhibits are available electronically upon request.

### **Committee Decision Documents and Next Steps**

To approve a contract rezone, the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that is added to the Clerk File and grants the rezone application, and (2) a bill amending the zoning map and accepting a Property Use and Development Agreement (PUDA) that is recorded against the properties and contains conditions applicable to future development.

The Land Use Code requires that Council act on a rezone application, which has not been appealed, within 90 days of the Hearing Examiner recommendation.<sup>4</sup> Consequently, City Council action on the application should occur by November 1, 2022. I will develop draft approval documents including a council bill and PUDA for consideration by the Committee at its next meeting on September 22.

cc: Esther Handy, Director  
Aly Pennucci, Deputy Director  
Yolanda Ho, Lead Analyst

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<sup>4</sup> [SMC Section 23.76.005.D.3.](#)