

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in the Downtown Retail Core; and amending Sections 23.49.008 and 23.49.058 of the Seattle Municipal Code to increase housing capacity and downtown activation.

..body

WHEREAS, greater downtown Seattle has experienced significantly increased vacancy rates for commercial office and retail uses since the COVID-19 pandemic; and

WHEREAS, The City of Seattle holds it as a high priority to support economic recovery for downtown neighborhoods; and

WHEREAS, City departments are engaging in planning processes for long-term solutions to increase downtown activity and vitality that may include programmatic strategies and capital investments; and

WHEREAS, in addition to long-term strategies, a variety of immediate actions are sought to increase downtown activation and vitality in the short-term; and

WHEREAS, Mayor Bruce Harrell has convened stakeholders for input and is formulating a suite of actions to support downtown as part of a Downtown Activation Plan including this proposed zoning amendment to a portion of the Downtown Retail Core zone; and

WHEREAS, this proposed action would increase housing capacity, and through application of the City’s Mandatory Housing Affordability (MHA), increase housing affordability, and mitigate displacement; and

WHEREAS, the City Council intends that the Seattle Department of Transportation and the Seattle Department of Construction and Inspections collaborate with each other and consult with pedestrian and disability rights organizations to ensure that pedestrian safety,

1 access to transit facilities, and paths of travel for pedestrians are not restricted or impaired
2 as development occurs in the area; NOW, THEREFORE,

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

4 Section 1. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance
5 126857, is amended as follows:

6 **23.49.008 Structure height**

7 The following provisions regulating structure height apply to all property in Downtown zones
8 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section
9 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

10 A. Base and maximum height limits

11 1. Except as otherwise provided in this Section 23.49.008, maximum structure
12 heights for Downtown zones are as designated on the Official Land Use Map. In certain zones,
13 as specified in this Section 23.49.008, the maximum structure height may be allowed only for
14 particular uses or only on specified conditions, or both. If height limits are specified for portions
15 of a structure that contain specified types of uses, the applicable height limit for the structure is
16 the highest applicable height limit for the types of uses in the structure, unless otherwise
17 specified.

18 2. Except in the PMM zone, the base height limit for a structure is the lowest of
19 the maximum structure height or the lowest other height limit, if any, that applies pursuant to this
20 Title 23 based upon the uses in the structure, before giving effect to any bonus for which the
21 structure qualifies under this Chapter 23.49 and to any special exceptions or departures
22 authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum
23 height permitted pursuant to urban renewal covenants.

1 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
2 limit for portions of a structure that contain non-residential and live-work uses is shown as the
3 first figure after the zone designation (except that there is no such limit in DOC1), and the base
4 height limit for portions of a structure in residential use is shown as the first figure following the
5 "/". The third figure shown is the maximum residential height limit. Except as stated in
6 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
7 portions of a structure in residential use if the structure does not achieve bonus residential floor
8 area according to Chapter 23.58A, and the maximum residential height limit is the height limit
9 for portions of a structure in residential use if the structure achieves bonus residential floor area
10 according to Chapter 23.58A:

11 DOC1 Unlimited/450-unlimited

12 DOC2 500/300-550

13 DMC 340/290-440

14 DMC 240/290-440.

15 4. A structure in a DMC 340/290-440 zone on a lot comprising a full block that
16 abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30
17 percent above the maximum residential height limit if the structure achieves bonus residential
18 floor area according to Chapter 23.58A, or 35 percent above 340 feet if the structure does not
19 include bonus residential floor area according to Chapter 23.58A, in either case under the
20 following conditions:

21 a. Only one tower is permitted on the lot;

1 b. Any additional floor area above the maximum height limit for non-
2 residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by
3 residential use;

4 c. The average residential gross floor area and maximum residential floor
5 area of any story in the portion of the tower permitted above the base residential height limit do
6 not exceed the limits prescribed in subsection 23.49.058.C.1;

7 d. Any residential floor area allowed above the base residential height
8 limit under this provision is achieved according to Chapter 23.58A;

9 e. At least 35 percent of the lot area, or a minimum of 25,000 square feet,
10 whichever is greater, is in open space use substantially at street level meeting the following
11 standards, and subject to the following allowances for coverage:

12 1) The location and configuration of the space shall enhance solar
13 exposure, allow easy access to entrances to the tower serving all tenants and occupants from
14 streets abutting the open space, and allow convenient pedestrian circulation through all portions
15 of the open space. The open space shall be entirely contiguous and physically accessible. To
16 offset the impact of the taller structure allowed, the open space shall have frontage at grade
17 abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the
18 space may vary, especially on sloping lots where terracing the space facilitates connections to
19 abutting streets, provided that grade changes are gradual and do not significantly disrupt the
20 continuity of the space, and no part of the open space is significantly above the grade of the
21 nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate
22 access to transit tunnel stations.

1 2) Up to 20 percent of the area used to satisfy the open space
2 condition to allowing additional height may be covered by the following features: permanent,
3 freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural
4 overhangs; overhead arcades or other forms of overhead weather protection; and any other
5 features approved by the Director that contribute to pedestrian comfort and active use of the
6 space. The following features within the open space area may count as open space and are not
7 subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent
8 seating that is not reserved for any commercial use, exterior stairs and mechanical assists that
9 provide access to public areas and are available for public use, and any similar features approved
10 by the Director.

11 f. Open space used to satisfy the condition to allowing additional height in
12 this Section 23.49.008 is not eligible for a bonus under Section 23.49.013.

13 g. Open space used to satisfy the condition to allowing additional height in
14 this Section 23.49.008 may qualify as common recreation area to the extent permitted by
15 subsection 23.49.011.B and may be used to satisfy open space requirements in subsection
16 23.49.016.C.1 if it satisfies the standards of subsection 23.49.016.C.1.

17 h. No increase in height shall be granted to any proposed development that
18 would result in significant alteration to any designated feature of a Landmark structure, unless a
19 certificate of approval for the alteration is granted by the Landmarks Preservation Board.

20 5. In a DRC zone, the base height limit is 85 feet, except that, subject to the
21 conditions in subsection 23.49.008.A.6:

22 a. The base height limit is 170 feet if any of the following conditions is
23 satisfied:

1 1) All portions of a structure above 85 feet contain only residential
2 use; or

3 2) At least 25 percent of the gross floor area of all structures on a
4 lot is in residential use; or

5 3) A minimum of 1.5 FAR of eating and drinking establishments,
6 retail sales, and service or entertainment uses, or any combination thereof, is provided on the lot.

7 b. For residential floor area created by infill of a light well on a Landmark
8 structure, the base height limit is the lesser of 170 feet or the highest level at which the light well
9 is enclosed by the full length of walls of the structure on at least three sides. For the purpose of
10 this subsection 23.49.008.A.5.b, a light well is defined as an inward modulation on a non-street-
11 facing facade that is enclosed on at least three sides by walls of the same structure, and infill is
12 defined as an addition to that structure within the light well.

13 6. Restrictions on demolition and alteration of existing structures

14 a. Any structure in a DRC zone that would exceed the 85-foot base height
15 limit shall incorporate the existing exterior street-front facade(s) of each of the structures listed
16 below, if any, located on the lot of that project. The City Council finds that these structures are
17 significant to the architecture, history, and character of downtown. The Director may permit
18 changes to the exterior facade(s) to the extent that significant features are preserved and the
19 visual integrity of the design is maintained. The degree of exterior preservation required will
20 vary, depending upon the nature of the project and the characteristics of the affected structure(s).

21 b. The Director shall evaluate whether the manner in which the facade is
22 proposed to be preserved meets the intent to preserve the architecture, character, and history of
23 the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks

1 Preservation Board for any proposed modifications to controlled features is required prior to a
 2 decision by the Director to allow or condition additional height for the project. The Landmarks
 3 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
 4 structure on the list below is solely for the purpose of conditioning additional height under this
 5 subsection 23.49.008.A.6.b, and shall not be interpreted in any way to prejudge the structure's
 6 merit as a Landmark:
 7

| | |
|---|---|
| <u>Shafer Building/Sixth and Pine Building</u> | ((523)) <u>515 Pine Street</u> |
| <u>Decatur Building</u> | ((1513)) <u>1521 6th Avenue</u> |
| <u>Coliseum Theater Building</u> | <u>5th Avenue and Pike Street (northeast corner)</u> |
| <u>Northern Bank and Trust/Seaboard Building</u> | 1506 Westlake Avenue |
| <u>Liggett/Fourth and Pike Building</u> | 1424 4th Avenue |
| ((Pacific First Federal Savings)) <u>Great Northern Building</u> | ((1400)) <u>1404 4th Avenue</u> |
| <u>Joshua Green Building</u> | 1425 4th Avenue |
| ((Equitable Building)) <u>Holland Building/MiKen Building</u> | ((1415)) <u>1417 4th Avenue</u> |
| ((Mann Building)) | ((1411 3rd Avenue)) |
| ((Olympic Savings Tower)) | ((217 Pine Street)) |
| ((Fischer Studio Building)) | ((1519 3rd Avenue)) |
| <u>Bon Marche (Macy's)</u> | ((3rd and Pine)) <u>300 Pine Street</u> |
| ((Melbourne House)) | ((1511 3rd Avenue)) |

~~((Former Woolworth's Building))~~

~~((1512 3rd Avenue))~~

1 c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and
2 not in substitution for, the requirements of Chapter 25.12.

3 7. The applicable height limit for a structure is the base height limit plus any
4 height allowed as a bonus under this Chapter 23.49 according to Chapter 23.58A, and any
5 additional height allowed by special exception or departure, or by subsection 23.49.008.A.4. The
6 height of a structure shall not exceed the applicable height limit, except as provided in
7 subsections 23.49.008.B, 23.49.008.C, and 23.49.008.D.

8 8. The height of rooftop features, as provided in subsection 23.49.008.D, is
9 allowed to exceed the applicable height limit.

10 9. On lots in the DMC 85/75-170 zone:

11 a. A height limit of 85 feet applies to the portions of a structure that
12 contain non-residential or live-work uses.

13 b. A base height limit of 75 feet applies to the portions of a structure that
14 contain residential uses.

15 c. The applicable height limit for portions of a structure that contain
16 residential uses is 85 feet if extra floor area is achieved according to Section 23.49.023 and
17 Chapter 23.58A, the structure has no non-residential or live-work use above 85 feet, and the
18 structure does not qualify for a higher limit for residential uses under subsection
19 23.49.008.A.9.d.

20 d. The applicable height limit is 170 feet if extra floor area is achieved
21 according to Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-
22 work use above 85 feet, the lot is at least 40,000 square feet in size and includes all or part of a

1 mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent the
2 Director grants a waiver of such conditions, and the standards of Section 23.49.060 are satisfied.

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

7 1. (~~The facades of the portion of the structure above the limit do not enclose an~~
8 ~~area greater than 9,000 square feet, and~~) The limit may be exceeded by ten percent as increased
9 under subsection 23.49.008.A.4 if:

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

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

14 2. (~~The enclosed space is occupied only by those uses or features otherwise~~
15 ~~permitted in this Section 23.49.008 as an exception above the height limit. The exception in this~~
16 ~~subsection 23.49.008.B shall not be combined with any other height exception for screening or~~
17 ~~rooftop features to gain additional height.~~) The limit may be exceeded by ten percent as
18 increased under subsection 23.49.008.A.4 if applicable if an elementary or secondary school is
19 contained anywhere within the same structure.

20 The exceptions in this subsection 23.49.008.B shall not be combined with any other
21 height exception for screening or rooftop features to gain additional height. The exception under
22 subsection 23.49.008.B.2 is allowed in addition to the exception under subsection 23.49.008.B.1.

23 * * *

1 Section 2. Section 23.49.058 of the Seattle Municipal Code, last amended by Ordinance
2 126855, is amended as follows:

3 **23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**
4 **Commercial upper-level development standards**

5 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
6 170 feet or less, a "tower" is a portion of a structure, excluding rooftop features permitted above
7 the applicable height limit pursuant to Section 23.49.008, in which portion all gross floor area in
8 each story is horizontally contiguous, and which portion is above (i) a height of 85 feet in a
9 structure that has any non-residential use above a height of 65 feet or does not have residential
10 use above a height of 160 feet or contains an elementary or secondary school; or (ii) in any
11 structure not described in clause (i) a height determined as follows:

12 1. For a structure on a lot that includes an entire block front or that is on a block
13 front with no other structures, 65 feet; or

14 2. For a structure on any other lot, the height of the facade closest to the street
15 property line of the existing structure on the same block front nearest to that lot, but if the nearest
16 existing structures are equidistant from that lot, then the height of the higher such facade; but in
17 no instance shall the height exceed 85 feet or be required to be less than 65 feet.

18 * * *

19 D. Tower spacing in DMC zones

20 1. The requirements of this subsection 23.49.058.D apply to all structures over
21 160 feet in height in DMC zones, excluding DMC 170 zones, except that no separation is
22 required:

1 a. Between structures on different blocks, except as may be required by
2 view corridor or designated green street setbacks; or

3 b. From a structure on the same block that is not located in a DMC zone;
4 or

5 c. From a structure allowed pursuant to the Land Use Code in effect prior
6 to May 12, 2006; or

7 d. From a structure on the same block that is 160 feet in height or less,
8 excluding rooftop features permitted above the applicable height limit for the zone pursuant to
9 Section 23.49.008; or

10 e. From a structure in a DMC 170.

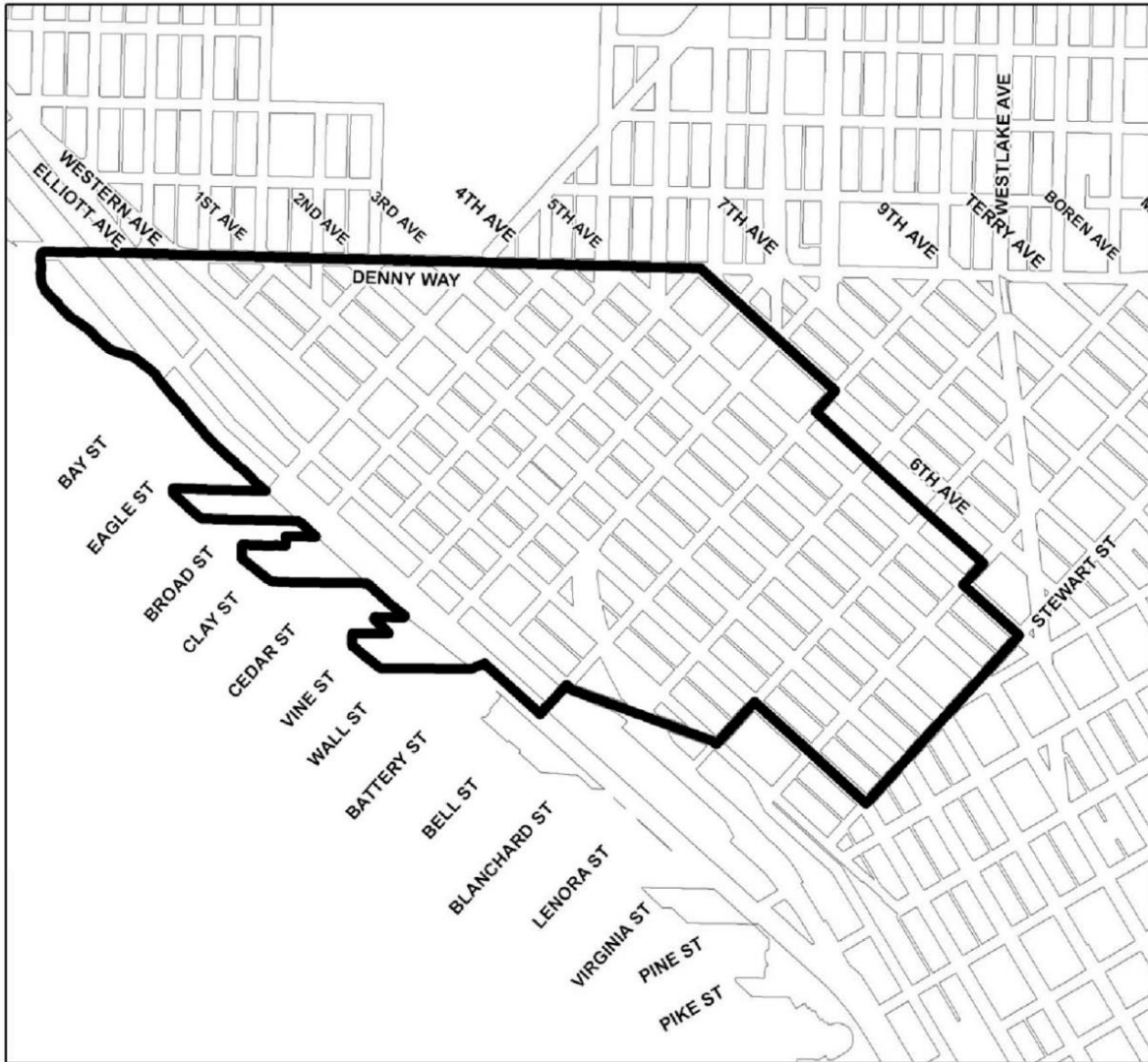
11 2. Except as otherwise provided in this subsection 23.49.058.D, in the DMC
12 240/290-440 zone located between Stewart Street, Union Street, Third Avenue, and First
13 Avenue, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are
14 above 125 feet in height shall be separated from any other existing tower that is above 160 feet in
15 height, and the minimum separation required between towers from all points above the height of
16 125 feet in each tower is ~~((200))~~ 60 feet.

17 3. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone
18 with a mapped height limit of more than 170 feet located either in Belltown, as shown on Map A
19 for 23.49.058, or south of Union Street, if any part of a tower exceeds 160 feet in height, then all
20 portions of the tower that are above 125 feet in height must be separated from any other existing
21 tower that is above 160 feet in height, and the minimum separation required between towers
22 from all points above the height of 125 feet in each tower is 80 feet.

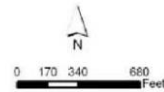
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Map A for 23.49.058 Belltown

Map A for 23.49.058 Belltown



— Belltown Boundary



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2

1 4. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone
2 with a mapped height limit of more than 170 feet located in the Denny Triangle, as shown on
3 Map A for 23.49.056, if any part of a tower exceeds 160 feet in height, then all portions of the
4 tower that are above 125 feet in height must be separated from any other existing tower that is
5 above 160 feet in height, and the minimum separation required between towers from all points
6 above the height of 125 feet in each tower is 60 feet.

7 5. The projection of unenclosed decks and balconies, and architectural features
8 such as cornices, shall be disregarded in calculating tower separation.

9 6. If the presence of an existing tower would preclude the addition of another
10 tower proposed on the same block, as a special exception, the Director may waive or modify the
11 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
12 located on the same block that are not separated by at least the minimum spacing required in
13 subsections 23.49.058.D.2, 23.49.058.D.3, and 23.49.058.D.4, other than towers described in
14 subsection 23.49.058.D.1. The Director shall determine that issues raised in the design review
15 process related to the presence of the additional tower have been adequately addressed before
16 granting any exceptions to tower spacing standards. The Director shall consider the following
17 factors in determining whether such an exception shall be granted:

18 a. Potential impact of the additional tower on adjacent residential
19 structures, located within the same block and on adjacent blocks, in terms of views, privacy, and
20 shadows;

21 b. Aspects of the proposal that offset the impact of the reduction in
22 required separation between towers, including the provision of public open space, designated
23 green street or other streetscape improvements, and preservation of Landmark structures;

1 c. Potential impact on the public environment, including shadow and view
2 impacts on nearby streets and public open spaces;

3 d. Design characteristics of the additional tower in terms of overall bulk
4 and massing, facade treatments and transparency, visual interest, and other features that may
5 offset impacts related to the reduction in required separation between towers;

6 e. The City's goal of encouraging residential development downtown; and

7 f. The feasibility of developing the site without an exception from the
8 tower spacing requirement.

9 7. For purposes of this Section 23.49.058 a tower is considered to be "existing"
10 and must be taken into consideration when other towers are proposed, under any of the following
11 circumstances:

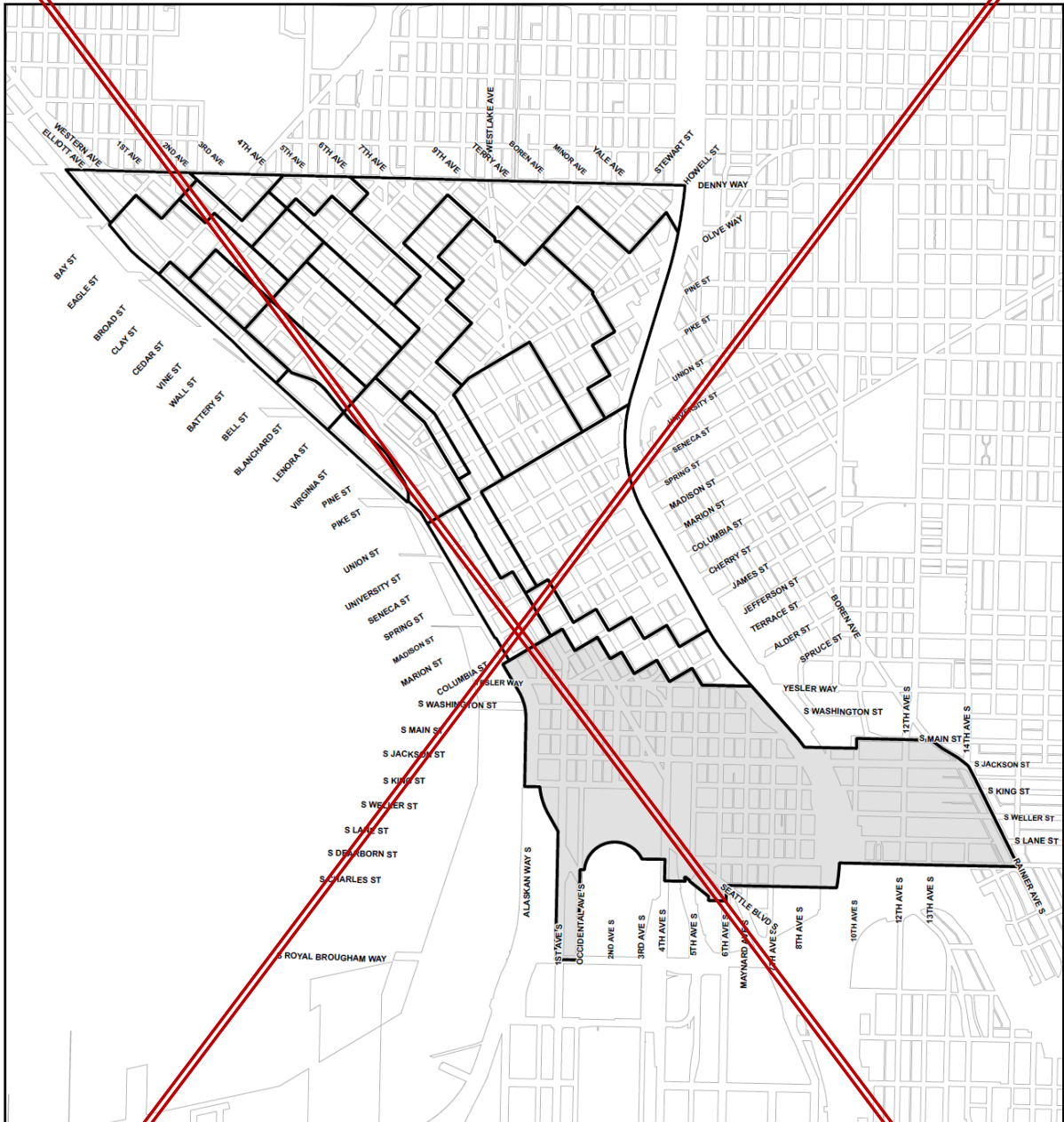
12 a. The tower is physically present, except that a tower that is physically
13 present is not considered "existing" if the owner of the lot where the tower is located has applied
14 to the Director for a permit to demolish the tower and provided that the no building permit for
15 the proposed tower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

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

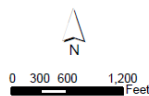
19 ~~((i-the))~~ 1) The application has not been withdrawn or cancelled
20 without the tower having been constructed; and

21 ~~((ii-if))~~ 2) If a decision on that application has been published or a
22 permit on the application has been issued, the decision or permit has not expired, and has not
23 been withdrawn, cancelled, or invalidated, without the tower having been constructed.

Downtown Zones and South Downtown Boundary



South Downtown Zones
 in South Downtown are
 identified on the Official Land
 Use Map, Chapter 23.32



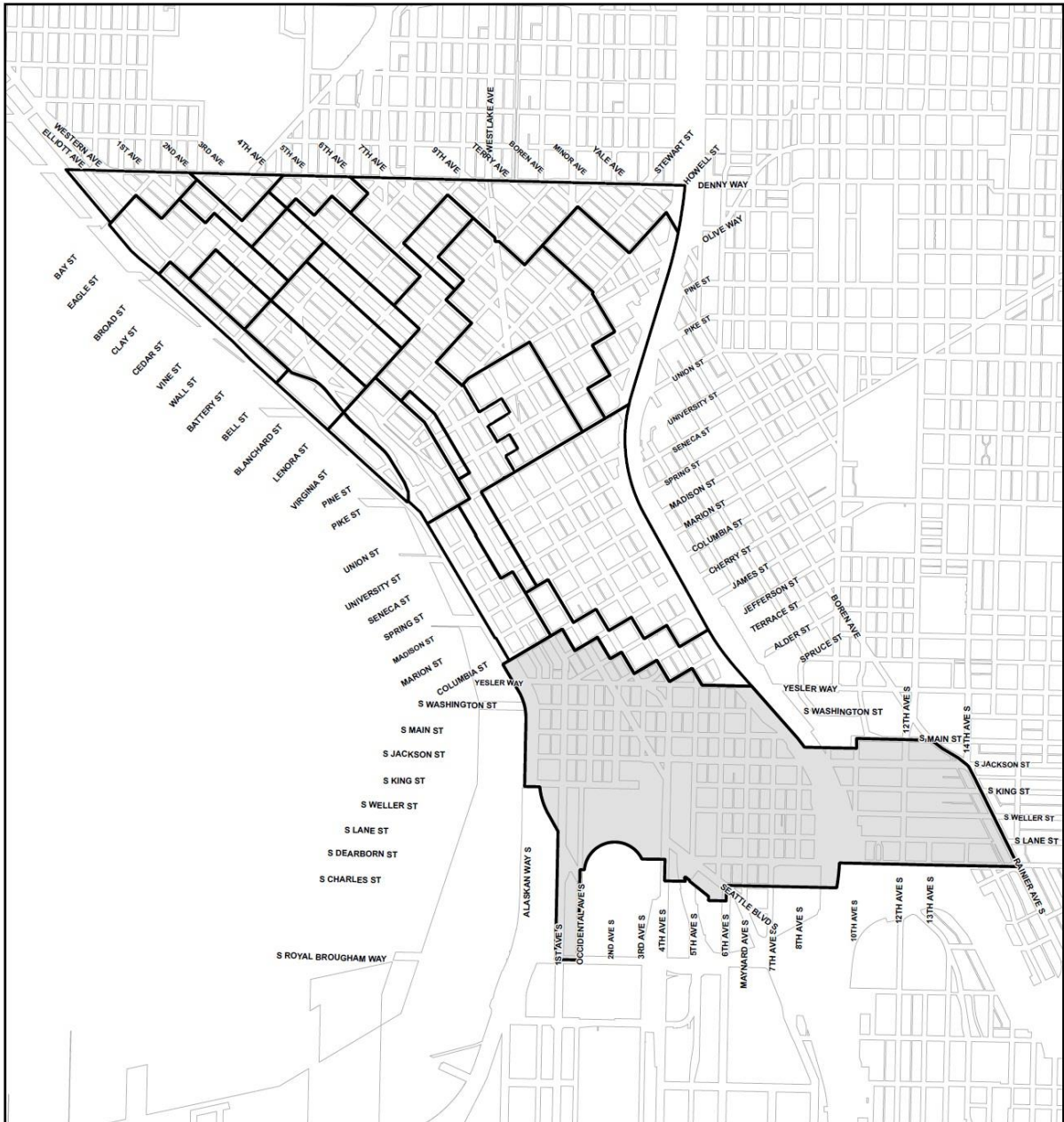
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Downtown zoning

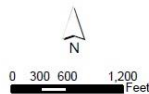
Map 1A

**Downtown Zones
 and South Downtown
 Boundary**

Downtown Zones and South Downtown Boundary



South Downtown Zones
 in South Downtown are
 identified on the Official Land
 Use Map, Chapter 23.32



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Downtown zoning

Map 1A

Downtown Zones
 and South Downtown
 Boundary

1 Section 4. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
2 amended to rezone properties identified on page 109 of the Official Land Use Map as shown on
3 Attachment 1 attached to this ordinance.

4 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

7

1 Passed by the City Council the _____ day of _____, 2023,
2 and signed by me in open session in authentication of its passage this _____ day of
3 _____, 2023.

4 _____
5 President _____ of the City Council

6 Approved / returned unsigned / vetoed this _____ day of _____, 2023.

7 _____
8 Bruce A. Harrell, Mayor

9 Filed by me this _____ day of _____, 2023.

10 _____
11 Scheereen Dedman, City Clerk

12 (Seal)

13
14
15
16 Attachments:
17 Attachment 1 – Rezone Map