SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Special Meeting

Wednesday, April 30, 2025

9:30 AM

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

Mark Solomon, Chair
Dan Strauss, Vice-Chair
Cathy Moore, Member
Alexis Mercedes Rinck, Member
Maritza Rivera, Member

Chair Info: 206-684-8802; Mark.Solomon2@seattle.gov

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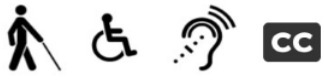

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April 30, 2025 - 9:30 AM

Special Meeting

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

Committee Website:
https://www.seattle.gov/council/committees/land-use

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 Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at https://www.seattle.gov/council/committees/public-comment
Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Please submit written comments to all Councilmembers four hours prior to the meeting at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. CB 120949 **AN ORDINANCE relating to land use and zoning; expanding housing options by easing barriers to the construction and use of accessory dwelling units as required by state legislation; amending Sections 22.205.010, 23.22.062, 23.24.045, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.046, 23.45.512, 23.45.514, 23.45.545, 23.84A.008, 23.84A.032, 23.84A.038, 23.90.018, and 23.90.019 of the Seattle Municipal Code; repealing Sections 23.40.035 and 23.44.041 of the Seattle Municipal Code; and adding new Sections 23.42.022 and 23.53.003 to the Seattle Municipal Code.**

Attachments: Full Text: CB 120949 v1

Supporting Documents:
Summary and Fiscal Note
Summary Att A - ADU Determination of Non-Significance
Director's Report
Presentation (4/2/25)
Central Staff Memo (3/28/25)
Proposed Amendment 1

Briefing, Discussion, and Possible Vote

Presenters: David VanSkike, Seattle Department of Construction and Inspections; Lish Whitson, Council Central Staff

2. CB 120975 **AN ORDINANCE relating to land use and zoning; addressing signage; clarifying requirements and supporting efficient permitting processes for light rail transit facilities; adding new Sections 23.55.070, 23.80.006, and 23.80.008 to the Seattle Municipal Code; and amending Sections 3.58.010, 3.58.080, 23.40.006, 23.40.080, 23.42.040, 23.42.055, 23.47A.004, 23.48.005, 23.49.002, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.318, 23.50A.040, 23.51A.002, 23.51A.004, 23.52.004, 23.54.015, 23.55.056, 23.76.004, 23.76.006, 23.76.010, 23.76.012, 23.76.015, 23.76.020, 23.76.026, 23.76.028, 23.76.029, 23.80.002, 23.80.004, 23.84A.026, 23.84A.038, 23.88.020, 25.08.655, 25.09.300, and 25.11.020 of the Seattle Municipal Code.**

Supporting Documents:

Summary and Fiscal Note
Summary Att 1 – Map of West Seattle Link Extension and Ballard Link Extension
Summary Att 2 - RSJI Summary Analysis - SDCI Light Rail Code Amendment Proposal Deliberative
Director's Report
Presentation (4/30/2025)

Briefing and Discussion

Presenters: Sara Maxana, Lindsay King, Angela Brady, and Chris Gregorich, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

E. Adjournment

Legislation Text

File #: CB 120949, **Version:** 1

AN ORDINANCE relating to land use and zoning; expanding housing options by easing barriers to the construction and use of accessory dwelling units as required by state legislation; amending Sections 22.205.010, 23.22.062, 23.24.045, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.046, 23.45.512, 23.45.514, 23.45.545, 23.84A.008, 23.84A.032, 23.84A.038, 23.90.018, and 23.90.019 of the Seattle Municipal Code; repealing Sections 23.40.035 and 23.44.041 of the Seattle Municipal Code; and adding new Sections 23.42.022 and 23.53.003 to the Seattle Municipal Code.

The full text of this legislation is attached to the file.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title
AN ORDINANCE relating to land use and zoning; expanding housing options by easing barriers to the construction and use of accessory dwelling units as required by state legislation; amending Sections 22.205.010, 23.22.062, 23.24.045, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.046, 23.45.512, 23.45.514, 23.45.545, 23.84A.008, 23.84A.032, 23.84A.038, 23.90.018, and 23.90.019 of the Seattle Municipal Code; repealing Sections 23.40.035 and 23.44.041 of the Seattle Municipal Code; and adding new Sections 23.42.022 and 23.53.003 to the Seattle Municipal Code.
..body
WHEREAS, in 2023 the State legislature passed House Bill 1337, containing new sections codified as RCW 36.70A.680 and 36.70A.681, imposing certain requirements upon cities and counties planning under the Growth Management Act with respect to accessory dwelling units within urban growth areas; and

WHEREAS, The City of Seattle is subject to certain obligations under said House Bill 1337, including the obligation to revise and amend certain provisions of its land use code that pertain to the construction and development of accessory dwelling units; and

WHEREAS, this proposed action would address housing capacity, housing affordability, and mitigate displacement; and

WHEREAS, the City intends to promote and encourage the creation of accessory dwelling units as a means to address the need for varying housing options throughout the City; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.205.010 of the Seattle Municipal Code, last amended by Ordinance 126075, is amended as follows:

22.205.010 Reasons for termination of tenancy

Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), an owner may not evict a residential tenant without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). An owner of a housing unit shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner can prove in court that just cause exists. Regardless of whether just cause for eviction may exist, an owner may not evict a residential tenant from a rental housing unit if: the unit is not registered with the Seattle Department of Construction and Inspections if required by Section 22.214.040; the landlord has failed to comply with subsection 7.24.030.J as required and the reason for terminating the tenancy is that the tenancy ended at the expiration of a specified term or period; or if Sections 22.205.080, 22.205.090, or 22.205.110 provide the tenant a defense to the eviction. An owner is in compliance with the registration requirement if the rental housing unit is registered with the Seattle Department of Construction and Inspections before issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Chapter 22.205:

* * *

M. The owner seeks to discontinue use of ((~~an~~)) a legally established accessory dwelling unit for which a permit has been obtained pursuant to ((~~Sections 23.44.041 and 23.45.545~~)) Title 23 after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1. $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

2. Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

* * *

O. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to ((~~Sections 23.44.041 and 23.45.545~~)) Title 23 that is accessory to the housing unit in which the owner resides, or seeks to terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot. This subsection 22.205.010.O does not apply if the owner has received a notice of violation of the development standards of ((~~Section 23.44.041~~)) Title 23. If the owner has received such a notice of violation, subsection 22.205.010.M applies;

* * *

Section 2. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.22.062 Unit lot subdivisions

* * *

B. ((E~~xcept for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots~~)) Lots developed or proposed to be developed with uses described in subsection 23.22.062.A may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private

amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

G. Unit lot subdivision shall not result in an accessory dwelling unit that is located on a different unit lot than the unit lot of the associated principal dwelling unit.

Section 3. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.24.045 Unit lot subdivisions

* * *

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

* * *

G. Unit lot subdivision shall not result in an accessory dwelling unit that is located on a different unit lot than the unit lot of the associated principal dwelling unit.

Section 4. Section 23.40.035 of the Seattle Municipal Code, enacted by Ordinance 123939, is repealed:

((~~23.40.035 Location of accessory dwelling units on through lots~~

~~On a through lot, when yards cannot be determined pursuant to Section 23.40.030, the Director shall designate a rear yard for the purpose of allowing a detached accessory dwelling. In designating a rear yard, the Director shall consider factors including but not limited to the location of existing structures, vehicular and pedestrian access, platting patterns in the vicinity and topography.~~))

Section 5. A new Section 23.42.022 is added to the Seattle Municipal Code as follows:

23.42.022 Accessory dwelling units

A. Attached and detached accessory dwelling units are permitted in all zones where single-family dwelling units are permitted. In the Shoreline District, accessory dwelling units shall comply with Chapter 23.60A.

B. A maximum of two accessory dwelling units may be located on the same lot as a principal dwelling unit. Either or both accessory dwelling units may be attached or detached. Two detached accessory dwelling units may be located in one structure.

C. Floor area limit in all zones and floor area ratio in Neighborhood Residential zones

1. The gross floor area of an accessory dwelling unit may not exceed 1,000 square feet.

2. The following are not included in the gross floor area limit:

a. Up to 250 square feet of gross floor area in an attached garage;

b. Exterior-only accessed storage areas;

c. All stories, or portions of stories, that are underground; and

d. Up to 35 square feet of gross floor area dedicated to long-term bicycle parking.

3. In NR1, NR2, and NR3 zones, gross floor area in an accessory dwelling unit is exempt from FAR limits.

D. Permitted height

1. Neighborhood Residential zones. The maximum permitted height for accessory dwelling units is the permitted height for a principal dwelling unit.

2. Lowrise zones. The maximum permitted height for accessory dwelling units is the permitted height for rowhouse and townhouse development in the applicable zone.

3. All zones other than Neighborhood Residential or Lowrise. For zones with height limits of 40 feet or less, accessory dwelling units are subject to the permitted height of the zone for principal dwelling units. For zones with height limits greater than 40 feet, accessory dwelling units are subject to the permitted height for rowhouse and townhouse development in the LR3 zone, whichever height limit is applicable.

4. In all zones, accessory dwelling units associated with cottage developments are subject to the permitted height for cottage housing developments for the applicable zone.

5. In all zones, allowances above the maximum height limit for pitched roofs, including shed and butterfly roofs, and exemptions for rooftop features are permitted per the applicable zone.

E. In all zones, accessory dwelling units and appurtenant architectural elements including architectural details, bay windows, and other projections, such as covered porches, patios, decks, and steps, are subject to the yard and setback provisions for principal dwelling units in the underlying zone, except as follows:

1. In all zones detached accessory dwelling units have no required setback from any lot line that abuts an alley.

2. Neighborhood Residential zones

a. A detached accessory dwelling unit and appurtenant architectural elements may be located in the rear yard so long as the structure is no closer than 5 feet to any lot line that does not abut an alley. When a detached accessory dwelling unit is located within a rear yard, the following features may also be located within 5 feet of any lot line:

1) External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may be located no closer than 3 feet from a property line.

2) Bay windows no more than 8 feet in width may be located no closer than 3 feet from a property line.

3) Other projections that include interior space, such as garden windows, may be located no closer than 3.5 feet from a property line starting a minimum of 30 inches above furnished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.

b. On a through lot, when yards or setbacks cannot be determined, the Director shall designate a rear yard or rear setback for the purpose of allowing an accessory dwelling. In designating a rear yard or rear setback, the Director shall consider factors including but not limited to the location of the yards and setbacks for adjacent structures on the same block face, vehicular and pedestrian access, platting patterns in the vicinity, and topography.

3. Lowrise zones. Detached accessory dwelling units are excluded from setback averaging provisions and are subject to the minimum setback provision for a principal dwelling unit.

F. Rooftop decks that are portions of an accessory dwelling unit are allowed up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.

G. Conversions of existing structures

1. For purposes of this subsection 23.42.022.G, the term "conversion" means keeping an existing structure intact, adding to or altering an existing structure, or removing and rebuilding an existing structure, provided that any expansion or relocation of the structure complies with the development standards for accessory dwelling units in this Section 23.42.022 and the provisions of the applicable zone, unless otherwise allowed by this subsection 23.42.022.G.

2. For the purposes of this subsection 23.42.022.G, the term “existing accessory structure” means an accessory structure existing prior to July 23, 2023 or an accessory structure existing prior to July 23, 2023 that was subsequently replaced to the same configuration.

3. Existing accessory structures. An existing accessory structure may be converted into a detached accessory dwelling unit if it meets the following:

a. To facilitate the conversion of and additions to an existing accessory structure, the Director may allow waivers and modifications as a Type I decision to the provisions for accessory dwelling units in this Section 23.42.022 and the development standards of the applicable zone.

b. Conversion of an existing accessory structure to a detached accessory dwelling unit is permitted notwithstanding applicable lot coverage or yard or setback provisions in this Section 23.42.022 or the applicable zone. The converted accessory structure shall comply with the minimum standards set forth in Sections 22.206.020 through 22.206.140.

4. Existing principal structures. The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet if the portion of the structure in which the attached accessory dwelling unit is located existed as of July 23, 2023.

H. Building separation

1. Neighborhood Residential zones. A detached accessory dwelling unit shall be separated from its principal dwelling unit by a minimum of 5 feet measured from eave to eave. To be considered attached, an accessory dwelling unit must be connected to the principal dwelling unit by an enclosed space that is at least 3 feet wide, 3 feet tall, and 3 feet long.

2. All other zones. A detached accessory dwelling unit shall be separated from its principal dwelling unit by a minimum of 3 feet measured from eave to eave. To be considered attached, an accessory dwelling unit must be connected to a principal dwelling unit by an enclosed space that is at least 3 feet wide, 3 feet tall, and 3 feet long.

I. No off-street motor vehicle parking is required for an accessory dwelling unit.

J. Title 23 shall not be interpreted or applied to prohibit the sale or other conveyance of a condominium unit on the grounds that the condominium unit was originally built as an accessory dwelling unit.

K. Unless provided otherwise in this Section 23.42.022, the provisions of the applicable zone and overlay district apply. In the event of conflict with provisions elsewhere in Title 23 other than Chapter 23.60A, this Section 23.42.022 shall prevail.

Section 6. Section 23.44.011 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended to read 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 7. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended to read as follows:

23.44.014 Yards

* * *

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

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

2. Certain accessory structures in side and rear yards

a. Except for detached accessory dwelling units, any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a side yard that abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Recorder's Office an agreement to this effect between the owners of record of the abutting properties.

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

((~~c. A detached accessory dwelling unit may be located in a rear yard subject to the requirements of subsection 23.44.014.C.~~))

3. A principal ((~~residential~~)) structure ((~~or a detached~~)) <u>with or without an accessory dwelling unit, and/or a detached accessory dwelling unit</u> may extend into one side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a 10-foot separation between that structure and any principal structure or detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured from the wall of the ((~~principal~~)) structure ((~~or the wall of the detached accessory dwelling unit that is~~)) proposed to extend into a side yard to the wall of the ((~~principal~~)) structure ((~~or the wall of the detached accessory dwelling unit~~)) on the abutting lot.

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

b. ((~~Accessory structures and features~~)) Features of and projections from ((~~principal~~)) structures such as porches, eaves, and chimneys, are permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a structure or feature may project into the 10-foot separation, assume the property line is 5 feet from the wall of the ((~~principal~~)) structure ((~~or detached accessory dwelling unit~~)) proposed to extend into a side yard and consider the 5 feet between the wall and the assumed property line to be the required side yard.

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

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

4. ((~~Certain additions.~~)) Certain additions to structures may be permitted. ((~~an~~)) An existing single-family structure ((~~, or an existing accessory structure, if being converted to a detached accessory dwelling unit,~~)) may extend into a required yard if the existing ((~~single-family structure or existing accessory~~)) structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the existing nonconforming wall of the structure is the limit to which any additions may be built, except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may extend up to

the height limit and may include basement additions. New additions to the nonconforming wall or walls within required yards shall comply with the following requirements (((~~Exhibit A for 23.44.014~~))):

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

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

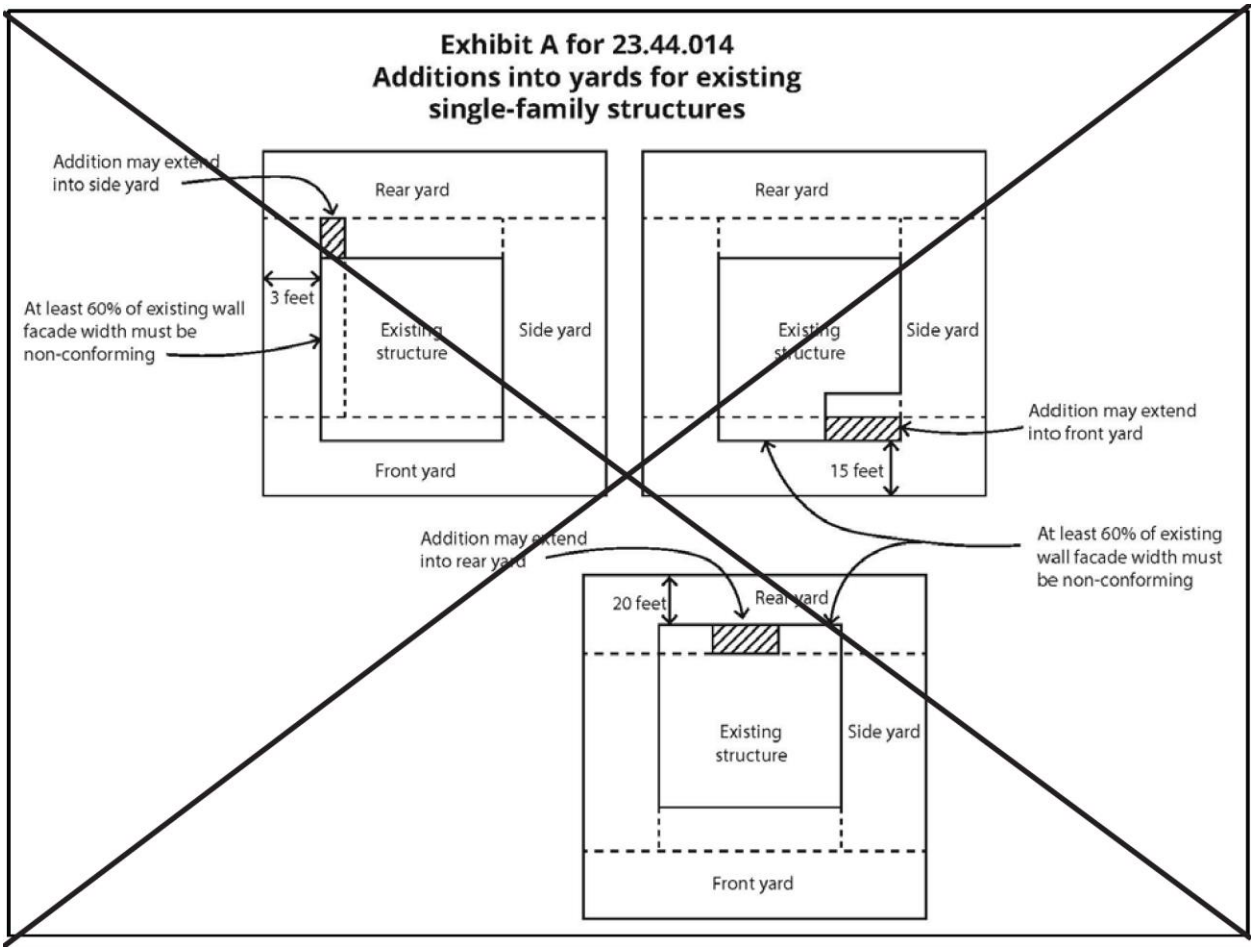
c. Front yard. If the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than 15 feet to the front lot line;

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

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

((~~Exhibit A for 23.44.014~~

~~Additions into yards for existing single-family structures~~))



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

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44 or Section 23.42.022, 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 minimum of 30 inches above furnished floor, and with maximum dimensions of 6 feet in height and 8 feet in width; and

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, except that no limit applies to detached accessory dwelling units.

7. Covered, unenclosed decks and roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a principal structure, 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 existing or finished grade, whichever is lower. The roof over such decks or patios shall not be used as a deck.

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

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

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

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

10. Freestanding structures and bulkheads

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

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

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

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

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

d. Bulkheads and retaining walls used to protect a cut into existing grade may be placed in any required yard when limited to the minimum height necessary to support the cut. If the bulkhead or retaining wall is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. If the bulkhead or retaining wall is 6 feet or less, a fence may be placed on top up to a maximum combined height of 9.5 feet for both fence and bulkhead or retaining wall.

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

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

12. Mechanical equipment. Heat pumps and similar mechanical equipment, not including incinerators, are permitted in required yards if they comply with the requirements of Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and are permitted in required yards if not located within 3 feet of any lot line.

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

14. Front yard projections for structures on lots 30 feet or less in width. For a structure on a lot in an NR1, NR2, and NR3 zone that is 30 feet or less in width, portions of the front facade that begin 8 feet or more above finished grade may project up to 4 feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than 5 feet to the front lot line (Exhibit ((~~B~~)) A for 23.44.014), and provided further that no portion of the facade of an existing structure that is less than 8 feet or more above finished grade already projects into the required front yard.

Exhibit ((~~B~~)) A for 23.44.014

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

Exhibit B for 23.44.014
Front yard projections permitted for structures on lots 30 feet or less in width

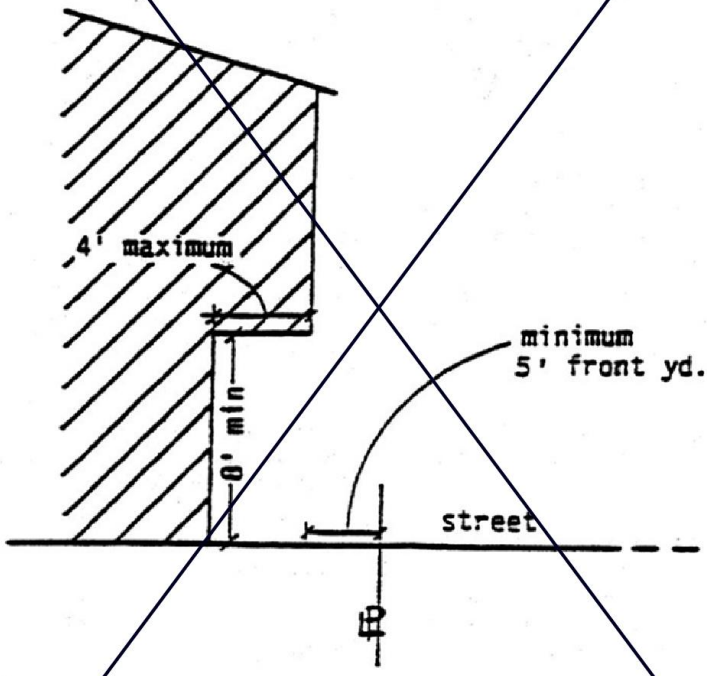
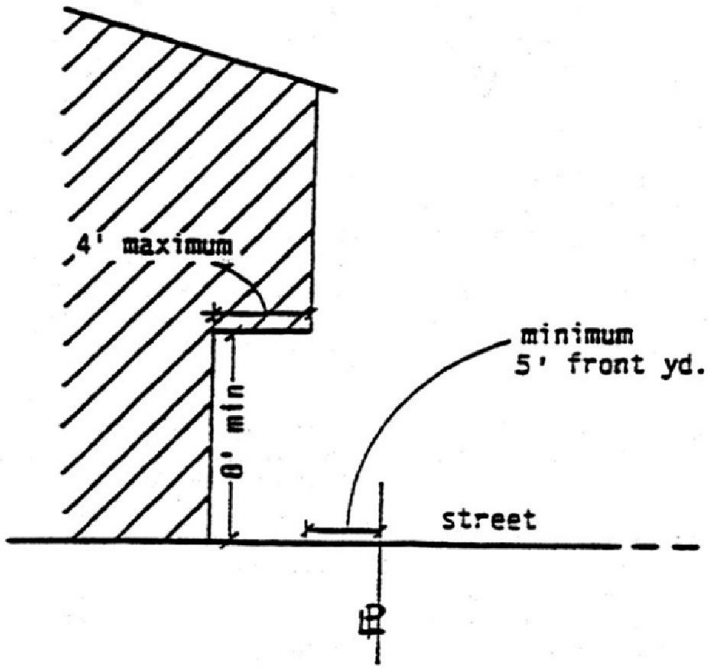


Exhibit A for 23.44.014
Front yard projections permitted for structures on lots 30 feet or less in width



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

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

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

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

17. Stormwater management

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

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

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

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

b. Above-grade GSI features larger than what is allowed in subsection 23.44.014.C.17.a are allowed within a required yard if:

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

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

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

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

18. A structure may be permitted to extend into front and rear yards as necessary to protect a Tier 1 or 2 Tier 2 tree, as defined in Section 25.11.130.

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

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that ((~~a detached accessory dwelling unit~~)) , when a detached accessory structure is proposed, the structures may cover an additional 20 percent of the rear yard provided that the increased rear yard coverage does not require removal of a Tier 1 or Tier 2 tree, as defined in Section 25.11.130. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

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

3. Except for detached accessory dwelling units, any accessory structure located in a required yard shall meet both the following standards:

a. A maximum height of 12 feet; and

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

4. Any detached accessory dwelling unit located in a required yard is subject to the requirements of ((~~subsection 23.44.041.C~~)) Section 23.42.022.

* * *

Section 8. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.44.016 Parking and garages

* * *

D. Parking and garages in required yards. Parking and garages are regulated as described in ((~~subsections 23.44.016.D.1 through 23.44.016.D.12~~)) this subsection 23.44.016.D. Unless otherwise specified, the terms "garage" or "garages" as used in this subsection 23.44.016.D refer to both attached and detached garages.

1. Parking and garages shall not be located in the required front yard except as provided in subsections ((~~23.44.016.D.7, 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12~~)) 23.44.016.D.6, 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11.

2. Parking and garages shall not be located in a required side yard abutting a street or the first 10 feet of a required rear yard abutting a street except as provided in subsections ((~~23.44.016.D.7, 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12~~)) 23.44.016.D.6, 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11.

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

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

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

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

~~5. Attached garages~~)) Garages with vehicular access facing an alley, shall not be located within 12 feet of the centerline of any alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in subsections 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11, ((~~and 23.44.016.D.12~~)) or the Director may waive or modify this standard as a Type I decision provided the applicant can demonstrate that adequate turning and maneuvering areas can be provided.

((~~6.~~)) 5. On a reversed corner lot, no garage shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot unless the provisions of subsection ((~~23.44.016.D.9~~)) 23.44.016.D.8 apply.

((~~7.~~)) 6. If access to required parking passes through a required yard, automobiles, motorcycles, and similar vehicles may be parked on the open access located in a required yard.

((~~8.~~)) 7. Trailers, boats, recreational vehicles, and similar equipment shall not be parked in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line, or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line, unless fully enclosed in a structure otherwise allowed in a required yard by this subsection 23.44.016.D.

((~~9.~~)) 8. Lots with uphill yards abutting streets. In NR1, NR2, and NR3 zones, parking for one two-axle or one up to four-wheeled vehicle may be established in a required yard abutting a street according to subsection ((~~23.44.016.D.9.a or 23.44.016.D.9.b~~)) 23.44.016.D.8.a or 23.44.016.D.8.b only if access to parking is permitted through that yard pursuant to subsection 23.44.016.B.

a. Open parking space

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

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

3) The parking space shall be no wider than 10 feet for one parking space at the parking surface and no wider than 20 feet for two parking spaces if permitted as provided in subsection ((~~23.44.016.D.12~~)) 23.44.016.D.11.

b. Terraced garage

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

2) The width of a terraced garage structure shall not exceed 14 feet for one two-axle or one up to four-wheeled vehicle, or 24 feet if permitted to have two two-axle or two up to four-wheeled vehicles as provided in subsection ((~~23.44.016.D.12~~)) 23.44.016.D.11;

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

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

((~~10.~~)) 9. Lots with downhill yards abutting streets. In NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if the following conditions are met:

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

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

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

d. Parking in a rear yard complies with subsections 23.44.016.D.2, ((~~23.44.016.D.5 and 23.44.016.D.6~~)) 23.44.016.D.4 and 23.44.016.D.5; and

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

((~~11.~~)) 10. Through lots. On through lots less than 125 feet in depth in NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in one of the required front yards. The front yard in which the parking may be located shall be determined by the Director based on the location of other garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

((~~12.~~)) 11. Lots with uphill yards abutting streets or downhill or through lot front yards fronting on streets that prohibit parking. In NR1, NR2, and NR3 zones, parking for two two-axle or two up to four-wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.8, 23.44.016.D.9, or 23.44.016.D.10((~~, or 23.44.016.D.11~~)) if, in consultation with the Seattle Department of Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one

side of the street within 200 feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary, for access.

* * *

Section 9. Section 23.44.017 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.44.017 Density limits

A. In NR1, NR2, and NR3 zones, only one single-family dwelling unit is allowed per lot, except that ((~~up to two~~)) accessory dwelling units may also be approved pursuant to Section ((~~23.44.041~~)) 23.42.022, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

B. The following provisions apply in RSL zones:

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

2. Except as provided in subsection 23.44.017.B.3, when calculation of the number of principal 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 principal dwelling units, and any fraction over 0.85 constitutes one additional principal dwelling unit.

3. For lots in existence on April 19, 2019, if the number of principal dwelling units allowed according to subsection 23.44.017.B.1 equals less than two, two units are allowed.

4. Accessory dwelling units are allowed pursuant to Section 23.42.022.

Section 10. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 127099, is repealed:

((~~23.44.041 Accessory dwelling units~~

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

~~1. In an NR1, NR2, and NR3 zone, a lot with or proposed for a principal single-family dwelling unit may have up to two accessory dwelling units, provided that the following conditions are met:~~

~~a. No more than one accessory dwelling unit is a detached accessory dwelling unit; and~~

~~b. A second accessory dwelling unit is allowed only if:~~

~~1) Floor area within an existing structure is converted to create the second accessory dwelling unit; or~~

~~2) The applicant commits that an attached accessory dwelling unit in a new principal structure or a new detached accessory dwelling unit will meet a green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D; or~~

~~3) The second accessory dwelling unit is a low-income unit.~~

~~2. In an RSL zone, each principal dwelling unit may have no more than one accessory dwelling unit.~~

~~3. In the Shoreline District, accessory dwelling units shall be as provided in Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions in this Section 23.44.041.~~

~~4. In NR1, NR2, and NR3 zones, accessory dwelling units are subject to the tree requirements in subsection 23.44.020.A.2.~~

~~5. No off-street parking is required for accessory dwelling units.~~

~~6. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot.~~

~~B. Attached accessory dwelling units. Attached accessory dwelling units are subject to the following additional conditions:~~

~~1. The gross floor area of an attached accessory dwelling unit may not exceed 1,000 square feet, excluding garage area, unless the portion of the structure in which the attached accessory dwelling unit is located existed as of December 31, 2017.~~

~~2. In an NR1, NR2, and NR3 zone, only one entrance to the structure may be located on each street-facing facade of the structure, unless multiple entrances on the street-facing facade existed on January 1, 1993, or unless the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of an additional entrance.~~

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

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

~~Table A for 23.44.041~~ **~~Development standards for detached accessory dwelling units~~**[~~1, 2~~]	
~~a. Minimum lot size~~	~~3,200 square feet~~
~~b. Minimum lot width~~	~~25 feet~~
~~c. Minimum lot depth~~	~~70 feet~~[~~3~~]
~~d. Maximum lot coverage~~	~~Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.~~

e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.			
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and exterior-only accessed 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.			
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4.[4]			
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line.[4, 5, 6, 11]			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits[7, 8, 9]	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet)[10, 11]	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4

~~l. Minimum separation from principal structure~~	~~5 feet including eaves and gutters of all structures~~

~~Footnotes to Table A for 23.44.041~~

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

~~[2] The Director may allow an exception to standards i and j if the exception allows for the preservation of a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.~~

~~[3] For lots that do not meet the lot depth requirement but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.~~

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

~~[5] If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.~~

~~[6] On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.~~

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

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

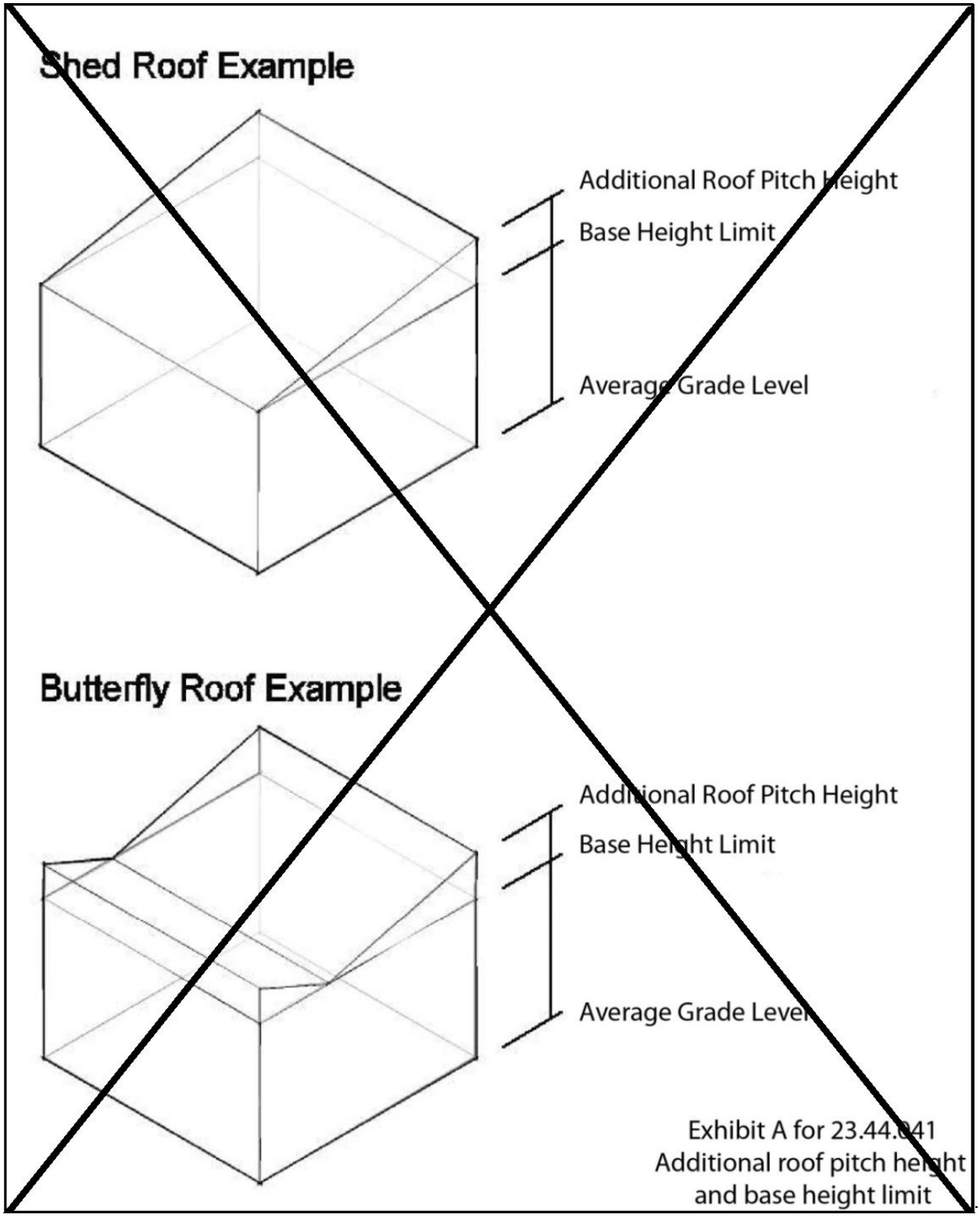
~~[9] Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.~~

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

~~[11] 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.~~

~~Exhibit A for 23.44.041~~

~~Additional roof pitch height and base height limit~~



~~2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or~~

~~23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.020 through 22.206.140 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. 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.~~

~~D. Single-family status unaffected. A neighborhood residential lot with any number of accessory dwelling units shall be considered a single-family dwelling unit for purposes of rezone criteria (Section 23.34.011).~~))

Section 11. Section 23.44.046 of the Seattle Municipal Code, last amended by Ordinance 126600, is amended as follows:

23.44.046 Solar collectors

A. Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use <u>and accessory dwelling units</u> subject to the following development standards:

1. Solar collectors, including solar greenhouses, shall not be counted in lot coverage.

2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of neighborhood residential zones by 4 feet or extend 4 feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than 9 feet above the height limit established for the zone (see Exhibit 23.44.046 A). A solar collector that exceeds the height limit for neighborhood residential zones shall be placed so as not to shade an existing solar collector or property to the north on January 21, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses may be located in required yards according to the following conditions:

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

b. In a rear yard, no closer than 15 feet from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than 15 feet from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of 12 feet may extend up to 6 feet into the front yard. In no case shall the greenhouse be located closer than 5 feet from the front property line.

* * *

Section 12. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 126855, 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 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 principal dwelling unit per 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 principal 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 principal dwelling unit.

4. Low-income housing shall have a maximum density of one principal dwelling unit per 400 square feet of lot area.

B. Family-sized unit requirements in LR1 zones

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

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

C. Nursing homes, congregate housing, assisted living facilities, and accessory dwelling units that meet the standards of Section ((~~23.45.545~~)) 23.42.022 are exempt from the density limit set in subsection 23.45.512.A and the requirements in subsection 23.45.512.B.

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

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

F. Adding units to existing structures

1. One additional principal dwelling unit may be added to an existing residential structure regardless of the density restrictions in subsection 23.45.512.A and the requirements in subsection 23.45.512.B. An additional principal dwelling unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area to accommodate the new unit is proposed to be added to the existing structure.

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

Section 13. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.45.514 Structure height

* * *

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

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

2. The height limit ((~~is 20 feet~~)) for an accessory dwelling unit is provided in subsection 23.42.022.D. ((~~The ridge of a pitched roof on an accessory dwelling unit located in a required setback may extend up to 3 feet above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.~~))

3. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, ((~~Airport Height Overlay District,~~)) provided they are no closer to any lot line than 50 percent of their height above existing grade.

* * *

Section 14. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

I. Accessory dwelling units are allowed pursuant to Section 23.42.022. ((~~in single-family, rowhouse and townhouse units, as follows:~~

~~1. One accessory dwelling unit is allowed for each single-family, rowhouse, or townhouse unit that is a "principal unit." A "principal unit" is a dwelling unit that is not an accessory dwelling unit.~~

~~2. The height limit for a detached accessory dwelling unit is 20 feet, except that the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.~~

~~3. The maximum gross floor area of an accessory dwelling unit is 650 square feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.~~

~~4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the single-family, rowhouse, or townhouse unit and the rear lot line.~~

~~5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:~~

~~a. Through the primary entry to the principal unit; or~~

~~b. Through a secondary entry on a different facade than the primary entry to the principal unit; or~~

~~c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.~~

~~6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.~~

~~7. Parking. Parking is not required for an accessory dwelling unit.~~

~~8. In the Shoreline District, accessory dwelling units in single-family, rowhouse, and townhouse units shall be as provided in Chapter 23.60A, and where allowed in the Shoreline District, are also subject to the provisions in this subsection 23.45.545.I.~~))

* * *

Section 15. A new Section 23.53.003 is added to the Seattle Municipal Code as follows:

23.53.003 Accessory dwelling units exempt from public street improvements

Notwithstanding any conflicting requirements in this Chapter 23.53, no public street improvements, other than public street improvements required by state or federal law, shall be required as a condition of permitting accessory dwelling units for construction, conversion, expansion, change of use, or other development method. This does not preclude requiring the repair or replacement of existing improvements as needed due to development of an accessory dwelling unit. For purposes of calculating required street improvements in this Chapter 23.53, accessory dwelling units shall be excluded from dwelling unit counts.

Section 16. Section 23.84A.008 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.84A.008 "D"

* * *

"Duplex" means a single structure containing only two dwelling units, neither of which is ((~~an~~)) a legally established accessory dwelling unit ((~~authorized under Section 23.44.041~~)).

* * *

Section 17. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.84A.032 "R"

* * *

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

1. "Accessory dwelling unit" means ((~~one or more rooms~~)) a dwelling unit that:

a. ((~~Are~~)) Is located within or attached to a structure containing a principal dwelling unit or within an accessory structure on the same lot as ((~~a~~)) principal dwelling unit(s); and

b. ((~~Meet the standards of Section 23.44.041, Section 23.45.545, or Chapter 23.47A, as applicable;~~

~~c. Are~~)) Is designed, arranged, and intended to be occupied as living facilities independent from any other dwelling unit. ((~~by not more than one household as living accommodations independent from any other household; and~~

~~d. Are so occupied or vacant.~~))

2. "Attached accessory dwelling unit" means an accessory dwelling unit that is within or attached to a structure containing a principal dwelling unit.

* * *

Section 18. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.84A.038 "T"

* * *

"Triplex" means a single structure containing three dwelling units, none of which is ((~~an~~)) a legally established accessory dwelling unit ((~~authorized under Section 23.44.041~~)).

Section 19. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.90.018 Civil enforcement proceedings and penalties

* * *

B. Specific violations

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

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

~~3.~~)) Violation of Chapter 23.58D with respect to a failure to timely submit the report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to meet the green building standard is subject to a penalty in an amount determined by subsection 23.58D.006.

((~~4.~~)) 3. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

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

where:

P is the penalty;

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

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

((~~5.~~)) 4. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a, and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an on-premises sign permit for a particular sign and the actual sign is not being used for on-premises purposes or does not meet the definition of an on-premises sign as defined in Chapter 23.84A, are subject to a civil penalty of $1,500 per day for each violation from the date the violation begins until compliance is achieved.

((~~6.~~)) 5. In zones where outdoor storage is not allowed or where the use has not been established as either accessory to the primary use or as part of the primary use and there continues to be a violation of these provisions after enforcement action has been taken pursuant to this Chapter 23.90, the outdoor storage activity is declared a nuisance and shall be subject to abatement by the City in the manner authorized by law.

* * *

E. Use of penalties. An account shall be established in the City's General Fund to receive revenue from penalties under subsection ((~~23.90.018.B.5~~)) 23.90.018.B.4, which shall annually be directed to the Seattle Department of Construction and Inspections' Operations Division, after

ten percent of the gross receipts are paid to the Park and Recreation Fund as required by Article XI, Section 3 of the Charter.

Section 20. Section 23.90.019 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.90.019 Civil penalty for unauthorized dwelling units in neighborhood residential zones

In addition to any other sanction or remedial procedure that may be available, the following penalties apply to unauthorized dwelling units in neighborhood residential zones in violation of Section 23.44.006. An owner of a neighborhood residential zoned lot that has more than one single-family dwelling unit and who is issued a notice of violation for an unauthorized dwelling unit, is subject to a civil penalty of $5,000 for each additional dwelling unit, unless the additional unit is an authorized dwelling unit in compliance with Section ((~~23.44.041~~)) 23.42.022, is a legal non-conforming use, or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260. Penalties for violation of Sections 23.44.006 and ((~~23.44.041, except for violations of subsection 23.44.041.C~~)) 23.42.022 ((~~or~~)) except for those violations subject to subsection 23.90.018.B, shall be reduced from $5,000 to $500 if, prior to the compliance date stated on the notice of violation for an unauthorized dwelling unit, the dwelling unit is removed or authorized ((~~in compliance with Section 23.44.041~~)), is a legal non-conforming use, or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260.

Section 21. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

_____

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

_____

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Mike Podowski	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; expanding housing options by easing barriers to the construction and use of accessory dwelling units as required by state legislation; amending Sections 22.205.010, 23.22.062, 23.24.045, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.046, 23.45.512, 23.45.514, 23.45.545, 23.84A.008, 23.84A.032, 23.84A.038, 23.90.018, and 23.90.019 of the Seattle Municipal Code; repealing Sections 23.40.035 and 23.44.041 of the Seattle Municipal Code; and adding new Sections 23.42.022 and 23.53.003 to the Seattle Municipal Code.

Summary and Background of the Legislation: During the 2023 session, the State legislature passed House Bill 1337, which requires Seattle and other cities and counties planning under the Growth Management Act (GMA) to meet certain requirements when regulating accessory dwelling units (ADUs). These requirements are codified at Revised Code of Washington (RCW) 36.70A.680 and .681. The Seattle Department of Construction and Inspections (SDCI) is proposing amendments to the land use code for development of ADUs in order to comply with state law. Carrying out these state mandates is intended to promote and encourage the creation of accessory dwelling units as a means to address the need for varying and more housing options throughout the city.

This legislation:

1. Updates provisions related to ADUs, including adding a new code section (SMC 23.42.022) to contain commonly applied standards for ADU development in all zones that allow single-family homes to be constructed.
    a. Eligible zones include: Neighborhood Residential (NR); multifamily (Lowrise (LR), Midrise (MR), and Highrise (HR); Neighborhood Commercial (NC), Seattle Mixed (various SM designations), and downtown (various zones).
    b. Overlay provisions in the Shoreline and historic districts are maintained with no changes.
2. Allows two ADUs to be constructed per lot that contains a principal dwelling unit, which includes the option of developing two detached accessory dwelling units (DADUs).
3. Updates standards including height limits, parking, and street improvements; and
4. Clarifies provisions related to condo ownership of ADUs.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ **Yes** ☒ **No**

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

As Seattle is largely compliant with the HB 1337, the main change in development standards is the allowed height for ADUs in the NR and LR zones. In addition, the legislation simplifies provisions for appurtenances allowed for ADUs such as porches and decks. Thus, the legislation is not anticipated to significantly change the number of permit applications nor the complexity of the reviews of permits for ADU construction. Costs from the legislation would result from the need to train staff on the new provisions and updates to informational material including: websites, Director's Rules, and TIPs. These costs can be absorbed within existing operations as SDCI includes such activities in yearly staff training, overhead, and operations costs.

Please describe any financial costs or other impacts of *not* implementing the legislation.

The City does not have a choice about implementing the legislation and no costs are associated with not implementing it. If the City does not conform its code by the state deadline, non-compliant provisions of the code would not be enforceable. This legislation would put the City in compliance with House Bill 1337 in advance of the State's deadline tied to the required date of adoption for updates to the City's Comprehensive Plan, June 30, 2025.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

SDCI has direct responsibility for implementation and enforcement of the proposed legislation. Other departments have a supporting role in reviewing permit applications for ADU development, including the Seattle Department of Transportation, Seattle City Light, and Seattle Public Utilities. SDCI has consulted with representatives of those departments and no costs are anticipated.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

No, this legislation does not affect a specific piece of property. This legislation affects property in several zones across the city where single family homes are permitted. ADU development occurs primarily in Neighborhood Residential and Lowrise zones.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

This legislation is proposed to comply with state requirements by updating and clarifying provisions for ADU development. This may help people of color and others have access to more diverse housing types. Also, this legislation helps support opportunities for first-time homeowners and multigenerational living. King County Assessor data and a survey of ADU owners and occupants found that examples of benefits from ADUs include:

- Condo-owned ADUs in Seattle cost about 40% less than a single-family house on the same parcel
- ADUs rent for about 25% less than the median for a one-bedroom apartment in Seattle
- Approximately 12% of ADUs have a short-term (STR) license; and according to the American Association of Retired People, high returns on STRs spur the construction of more ADUs and *"these ADUs typically, over time, convert into long-term rentals and other uses."*

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation. A RET was not prepared as the state directs the amendments in the legislation.

iii. What is the Language Access Plan for any communications to the public?

SDCI will provide translation services for communications to the public if requested as part of the legislative process. Additionally, social media posts, online and in-person education and training will follow adoption of the legislation, including SDCI's annual Seattle Home Fair.

d. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.

ADUs tend to be smaller and use less energy than traditional single-family homes. Additionally, ADUs use existing infrastructure such as sewer, water and streets which are an effective way to help accommodate increases in population.

ii. 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 encourages aging-in-place, multigenerational living citywide to reduce vehicular traffic through the construction of smaller housing units that use less energy than traditional single-family homes.

e. 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)? What mechanisms will be used to measure progress towards meeting those goals?

The legislation does not include a new initiative or program expansion.

5. CHECKLIST

☒ ***Is a public hearing required?*** Yes, a public hearing will be held by the Council's Land Use Committee.

☒ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?** Yes, the public hearing notice will be published in the DJC.

☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**

☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments:

A. ADU Determination of Non-Significance

City of Seattle

Seattle Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE

ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

SEPA Threshold Determination
Accessory Dwelling Unit Compliance Legislation

Project Sponsor: City of Seattle Department of Construction and Inspections

Location of Proposal: The changes apply throughout the City, excluding Industrial Zoning Districts and Shoreline Zoning districts.

Scope of Proposal: A legislative action to make changes to the Land Use Code to comply with Engrossed Substitute House Bill 1337.

No Appeal Opportunity: Actions taken by a city to comply with the requirements of Engrossed Substitute House Bill 1337 are not subject to legal challenge under chapter 36.70A or chapter 43.21C RCW.

BACKGROUND

Proposal Description and Background

The Department of Construction and Inspections proposes to edit the text of the Land Use Code (Seattle Municipal Code Title 23) to implement Washington State Engrossed Substitute House Bill 1337 from the 2023 legislative session in which the legislature amended the Growth Management Act to address a housing affordability crisis by mandating certain minimum standards for Accessory Dwelling Units.

Specifically, HB 1337 prohibits municipalities from: establishing height limits less than 24 feet in most cases; imposing set-back requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units; prohibiting the sale or other conveyance of a condominium unit independently of a principal unit; requiring public street improvements as a condition of permitting ADUs; and imposing other limitations not relevant to this proposal.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be accepted during the 14-day SEPA comment period and during future Council hearings. This legislation directly implements Engrossed Substitute House Bill 1337. During the 2023 state legislative session the state legislature received public comment relevant to this proposed legislation.

ANALYSIS - OVERVIEW

The following describes the analysis conducted to determine if the proposal is likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

* the copy of the proposed Ordinance;
* the information contained in the *SEPA checklist* (dated August 27, 2024);
* information in relevant policy and regulatory documents including the Comprehensive Plan, the City's SMC Title 25 and Title 23;
* Washington State House Bill 1337 and associated documents; and
* the experience of SDCI analysts in reviewing similar documents and actions.

SUMMARY OF CHANGES TO THE LAND USE CODE

The following list summarizes the changes in the proposal:

1. **Location**. The permitted locations for accessory dwelling units (ADUs) would be the same as the current code. ADUs are permitted in all zones where single-family homes are permitted including: Neighborhood Residential (NR); multifamily (Lowrise (LR), Midrise (MR), and Highrise (HR)); Neighborhood Commercial (NC), Seattle Mixed (various SM designations), and downtown (various zones).
2. **Number**. The existing code permits two ADUs in the NR zones with only one of the two permitted as a detached accessory dwelling unit (DADU). To comply with state law, SDCI's proposal would allow two DADUs per lot in the NR zones and newly allow two ADUs where only one was permitted in all other zones. In all

cases, this would include any combination of types of ADUs including two DADUs in one structure.

3. **Size.** The proposal for the maximum permitted size of an ADU would be the same as the current code, 1,000 square feet, for the NR zones, and increase the limit from 650 square feet to 1,000 square feet in the LR zones. The proposed 1,000 square foot allowance for ADUs includes existing exceptions for areas used for parking and storage.
4. **Conversion of existing accessory structures.** Provisions for the conversion of existing accessory structures are maintained for the NR zones and proposed to apply more broadly to all zones, which allows additions and alterations to these structures (see proposed SMC 23.42.022.G).
5. **Height**. The existing height standards do not meet the state law mandate that requires ADUs to have the same height limit as the principal dwelling unit. The following are the existing and proposed height limits:
    - **Neighborhood Residential (NR) zone.** Existing height allowance ranges for DADUs are from 14 to 18 feet depending on the width of the lot (see existing SMC 23.44.041) with an additional 3 to 7 feet allowed for a pitched roof. SDCI recommends updating height standards to generally allow 30 feet plus existing allowances for pitched roofs and rooftop features. This would match the allowances for a principal dwelling unit.
    - **Lowrise (LR) zone.** Existing height allowance for DADUs is 20 feet with an additional 3 feet for a pitched roof that is not a shed roof (see existing SMC 23.45.545.I.2). More specifically, the following height provisions apply to principal dwelling units in Lowrise multifamily zones and are proposed (see proposed SMC 23.42.022.D) as the height limits for ADUs as follows:
        - 30 feet in LR1 zone.
        - 30 to 40 feet in LR2 zones (existing height limit is the lower of the two listed when Mandatory Housing Affordability (MHA) does not apply).
        - 30 to 40 feet in LR3 zones outside growth areas. (Growth areas are urban centers, urban villages, and station area overlay districts. Also, the existing height limit is the lower of the two listed when MHA does not apply.)
        - 40 to 50 feet in LR3 zones inside growth areas. (Growth areas are urban centers, urban villages, and station area overlay districts. Also, the existing height limit is the lower of the two listed when MHA does not apply.)
    - **All other zones where single-family homes are permitted.** The proposal would apply the height limits for principal dwellings for zones with heights at 40 feet or under to ADUs; in zones with height limits over 40 feet, the proposal would apply the height for rowhouses and townhouses for the Lowrise 3 zone.

- Additional allowances are proposed for pitched roofs, as well as allowances for roof-top features consistent with what is currently allowed for principal dwellings.

2. **Lot Coverage**. The proposed requirement for the maximum permitted lot coverage of an ADU in Neighborhood Residential zones would be the same as the current code for principal dwelling units and as allowed for DADUs in required rear yards. Only the NR zones use lot coverage limits as a development standard (see proposed SMC 23.42.022.E).
3. **Setbacks.** The proposed requirement for ADUs for minimum yards and property-line setbacks, including an exception for alley lot lines, would be the same as applies to principal dwellings as well as maintaining allowances for ADUs in the NR and LR zones (see proposed 23.42.022.F).
4. **Building Separations.** The proposed separations between buildings on the same lot are the same as existing provisions in the applicable zones ranging from 5 feet in NR zones and 10 feet in LR and other zones (see proposed SMC 23.42.022).
5. **Parking.** State law does not allow parking to be required for ADUs near transit stops. Currently the code requires no parking for ADUs in any area or zone. SDCI recommends updating the parking standards (see proposed SMC 23.42.022.I) to make it clear that parking is not required for ADUs, consistent with existing code.
6. **Condo Ownership.** State law does not allow cities to prohibit condo ownership of ADUs. SDCI recommends updating the code (see proposed SMC 23.42.022.J) to make it clear that condo ownership of ADUs is allowed in all situations, which is consistent with current regulations.
7. **Miscellaneous/Additional Code Clarifications.** SDCI recommends various updates and clarifications in association with the changes as outlined in this checklist.

ELEMENTS OF THE ENVIRONMENT

Short -Term Impacts

As a non-project action, the proposal will not have any short-term adverse impact on the environment. No project specific action is proposed.

Long-Term Impacts

As a non-project action, the proposal is anticipated to have minor long-term impacts on the environment. Future development affected by this legislation will be reviewed under existing laws. Although the legislation revises ADU regulations to be consistent with

state law, other existing code requirements on development would continue to apply, as would other existing procedures and aspects of the land use code.

The primary effect of this legislation over the long term is that it could expand housing options by easing barriers to the construction and use of ADUs, which could in turn incrementally increase the total amount of residential development.

Natural Environment

The natural environment includes potential impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, releases of toxic or hazardous materials. Adoption of the proposed legislation is not anticipated to result in adverse impacts on any of these elements of the natural environment compared to development that might occur under existing regulations; mitigation requirements provided in the existing regulation of critical areas would remain in full effect. Due to the City's existing robust ADU regulations, a significant increase in the demand for ADUs is not anticipated. It is also not anticipated that the legislation would materially increase capacity for ADUs, or vary their geographical spread. It is also not expected that any potential increase in ADU construction would materially increase the profile of impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials.

Built Environment

Impacts to the built environment could include those related to land and shoreline use, height/bulk/scale, housing, and historic preservation. While there will be an increase to standards for items such as ADU height, and to floor area allowances in multifamily zones, the increases are not inconsistent with residential development standards for primary dwelling units, and thus, are not expected to cause any adverse impacts on the built environment. Below is a discussion of the relationship between the proposal and built environment:

Land Use

The proposal would not encourage uses incompatible with the City's Comprehensive Plan, Shoreline Master Program or other adopted plans. The proposal concerns changes to existing ADU regulations to be compliant with state law. Areas affected most directly are the city's NR, and Lowrise zones, which are where ADUs are

commonly built; however, the proposal does not restrict the development of ADUs in other zones where residential uses are allowed. If the change incrementally increases the intensity of activity and use patterns stemming from a greater number of residents living in an area, the impact could be experienced as a greater volume of people using services and parks or visiting businesses and stores. This could cause some congestion or cause some incremental increase in wait times to access services or park facilities or other features of a community. The proposal does not allow or encourage incompatible uses with the City's Comprehensive Plan because the locations affected are already planned for and allow ADUs and other types of residential uses.

Housing

The proposed legislation could have an incremental and minor impact on housing if the legislation encourages the construction of more ADUs than would otherwise occur. This is considered by the City to be a positive impact on housing because increasing housing supply is a policy goal for the city.

With the City experiencing a housing affordability issues, the proposal also has potential to increase supply of lower-cost housing typology that provides more affordable housing options to residents who might otherwise struggle to obtain housing. Additionally, providing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities. With these noted benefits, as well as others identified by the State Legislature, the City does not consider there to be any potential adverse impact on housing.

Height/Bulk/Scale, Shadows, and Views

Consistent with state law, there will be an increase to height allowances, and to floor area in multifamily zones. If the changes incrementally increase the production of ADUs, the impact could be experienced as somewhat larger structures in rear yards and setbacks, potentially creating a perception of additional densification.

In Neighborhood Residential zones, current height regulations for DADUs range from a base height of 14 feet to 18 feet with an additional 3 to 7 feet for a pitched roof, depending on the width of a property. Attached accessory dwelling units are currently allowed at the height of the principal dwelling unit. A notable change under the proposed legislation is that DADUs would be permitted to be constructed to the allowed height of a principal dwelling unit.

While the proposed changes change some existing standards for ADUs, the changes do not exceed what would otherwise be allowed for principal dwelling units, so they would not create development that is out of scale with the respective zone in which an ADU could be constructed. There would be no substantial change to the height/bulk/scale, shadow or view effects because standards regulating the overall size or scale of development would be consistent with any height/bulk/scale, shadow and view standards already present. As a result, ADUs would still be proportionate to surrounding development.

Historic Preservation

The proposed legislation does not alter historic review processes for structures in a Seattle historic district, or for any designated historic landmark. If the legislation incrementally encourages ADU development in the future, it is likely that some historic-aged structures and properties in a landmark district or historic landmark structures could be affected. However, since the existing procedures concerning historic preservation are maintained, any potential for impact would not be more than moderate.

Noise, Light & Glare, Environmental Health

The proposed legislation does not alter the applicability of several standards concerning noise, light and glare and environmental health. The proposal could incrementally increase noise if a greater number or density of people could live in ADUs compared to other residential development that might otherwise be built. The increment of noise would be attributed to living activities such as talking, recreating and playing music and cooking as well as entering and leaving homes. In the context of an urban environment these incremental impacts are common and customary and are not more than moderate.

Transportation

The proposal is not anticipated to result in any direct adverse impacts on transportation. The proposal could incrementally encourage the development of ADUs instead of other forms of residential use, which could cause an increased density of persons living in an area. The proposal could theoretically have a minor adverse impact on transportation if the proposal incrementally increases the likelihood of ADU development. It is not expected that the magnitude of these changes would notably affect the capacity of local roadways, bicycle networks or sidewalks when compared with the scenario that would occur in the absence of the legislation. As a result of the factors described above no

adverse impact that is more than moderate is anticipated from the proposed action on transportation.

Public Services and Utilities

Adoption of the proposal will not directly result in an increased need for public services. The proposal could incrementally increase the intensity or density of residential uses in an area if the proposed legislation incrementally increases the likelihood of ADU development. This could theoretically indirectly lead to an increased need for public services associated with residential use, such as an increased number of residents needing emergency services, or visiting nearby public facilities such as libraries and parks.

The affected areas of the proposal are places where ADUs are already an allowed use, and these areas are already well served by the full suite of utility services, including natural gas, electricity, broadband, stormwater and sewer. The degree of change compared to what might occur under existing regulations would not adversely impact the ability of existing utilities to serve anticipated development. Due to the factors discussed in this section and other information above, we determine that there would be no adverse impact that is more than moderate as a result of the proposed legislation.

DECISION – SEPA

Adoption of the proposed ordinance would have no short-term impacts on the environment and would not have more than moderate adverse long-term impacts on elements of the natural or built environment.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] 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 43.21C.030(2)(c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: __[On File]_____

Travis Saunders, Land Use Policy and Technical Planner
Department of Construction and Inspections

Date: September 16, 2024

Director's Report and Recommendation
Accessory Dwelling Unit Amendments – Implementing HB 1337

Proposal Summary

During the 2023 session, the State legislature passed House Bill 1337, which requires Seattle and other cities and counties planning under the Growth Management Act (GMA) to meet certain requirements when regulating accessory dwelling units (ADUs). These requirements are codified at Revised Code of Washington (RCW) 36.70A.680 and .681. The Seattle Department of Construction and Inspections (SDCI) is proposing amendments to the land use code for development of ADUs in order to comply with state law and clarify existing provisions.

Carrying out these state mandates is intended to promote and encourage the creation of accessory dwelling units as a means to address the need for varying and more housing options throughout the city.

This legislation would:

1. Update provisions related to ADUs, including adding a new code section (SMC 23.42.022) to contain commonly applied standards for ADU development in all zones that allow single-family homes to be constructed.
    a. Eligible zones include: Neighborhood Residential (NR); multifamily (Lowrise (LR), Midrise (MR), and Highrise (HR); Neighborhood Commercial (NC), Seattle Mixed (various SM designations), and downtown (various zones).
    b. Overlay provisions in the Shoreline and historic districts are maintained with no changes.
2. Allow two ADUs to be constructed per lot that contains a principal dwelling unit, which would include the option of developing two detached accessory dwelling units (DADUs).
3. Update standards including height limits, parking, and street improvements; and
4. Update provisions related to condo ownership of ADUs.

Adopting this legislation would help address the need for housing in the city.

Proposal and Analysis

Summary of State Mandates (HB 1337)

The Land Use Code already partly aligns with the state mandate. The amendments described above are intended to fully comply with the explicit direction as well as the spirit and intent of

the legislature. The following list details what is needed for full compliance and what is included in the proposal.

- Must allow two ADUs per lot in zones that allow single family dwellings
- Must allow any combination of two attached and/or detached ADUs
- May not set maximum gross floor area for ADUs below 1,000 square feet
- May not limit ADU height below the allowed height of the principal units or 24 feet, whichever is smaller
- May not impose stricter design/development standards than those applied to principal units
- Must allow conversion of existing structures
- May not require ADUs to provide public street improvements
- May not interfere with condominium ownership of an ADU

The list below outlines the proposal:

1. **Location**. The permitted locations for accessory dwelling units (ADUs) would be the same as the current code. ADUs are permitted in all zones where single-family homes are permitted including: Neighborhood Residential (NR); multifamily (Lowrise (LR), Midrise (MR), and Highrise (HR); Neighborhood Commercial (NC), Seattle Mixed (various SM designations), and downtown (various zones).
2. **Number**. The existing code permits two ADUs in the NR zones with only one of the two permitted as a detached accessory dwelling unit (DADU). SDCI's proposal would change the existing limit allow two DADUs per lot in the NR zones and newly allow two ADUs where only one was permitted in all other zones to comply with the state law mandate. In all cases, this would include any combination of types of ADUs including two DADUs in one structure.
3. **Size.** The proposal for the maximum permitted size of an ADU would be the same as the current code, 1,000 square feet, for the NR zones, and increase the limit from 650 square feet to 1,000 square feet in the LR zones. The proposed 1,000 square foot allowance for ADUs includes existing exceptions for areas used for parking and storage.
4. **Conversion of existing accessory structures.** Provisions for the conversion of existing accessory structures are maintained for the NR zones and proposed to apply more broadly to all zones, which allows additions and alterations to these structures (see proposed SMC 23.42.022.G).
5. **Height**. The existing height standards do not meet the state law mandate that requires ADUs to have the same height limit as the principal dwelling unit. The following are the existing and proposed height limits:
    - **Neighborhood Residential (NR) zone.** Existing height allowance ranges from 14 to 18 feet depending on the width of the lot (see existing SMC 23.44.041) with an additional 3 to 7 feet allowed for a pitched roof. SDCI recommends updating height standards to generally allow 30 feet plus existing allowances for pitched roofs and rooftop features. This would match the allowances for a principal dwelling unit.

- **Lowrise (LR) zone.** Existing height allowance for DADUs is 20 feet with an additional 3 feet for a pitched roof that is not a shed roof (see existing SMC 23.45.545.I.2). More specifically, the following height provisions apply to principal dwelling units in Lowrise multifamily zones and are proposed (see proposed SMC 23.42.022.D) as the height limits for ADUs as follows:
  - 30 feet in LR1 zone.
  - 30 to 40 feet in LR2 zones (existing height limit is the lower of the two listed when Mandatory Housing Affordability (MHA) does not apply);
  - 30 to 40 feet in LR3 zones outside growth areas (Growth areas are urban centers, urban villages, and station area overlay districts. Also, the existing height limit is the lower of the two listed when MHA does not apply).
  - 40 to 50 feet in LR3 zones inside growth areas (Growth areas are urban centers, urban villages, and station area overlay districts. Also, the existing height limit is the lower of the two listed when MHA does not apply).
- **All other zones where single-family homes are permitted.** The proposal would apply the height limits to ADUs for principal dwellings for zones with heights at 40 feet or under; in zones with height limits over 40 feet, the proposal would apply the height for rowhouses and townhouses for the Lowrise 3 zone.
- Additional allowances are proposed for pitched roofs, as well as allowances for roof-top features, including solar panels, consistent with what is currently allowed for principal dwellings.

6. **Lot Coverage**. The proposed requirement for the maximum permitted lot coverage of an ADU in Neighborhood Residential zones would be the same as the current code for principal dwelling units and as allowed for DADUs in required rear yards. Only the NR zones use lot coverage limits as a development standard (see proposed SMC 23.42.022.E).
7. **Setbacks.** The proposed requirement for ADUs for minimum yards and property-line setbacks, including an exception for alley lot lines, would be the same as applies to principal dwellings as well as maintaining allowances for ADUs in the NR and LR zones (see proposed 23.42.022.F).
8. **Building Separations.** The proposed separations between buildings on the same lot are the same as existing provisions in the applicable zones ranging from 5 feet in NR zones and 10 feet in LR and other zones (see proposed SMC 23.42.022).
9. **Parking.** State law does not allow parking to be required for ADUs near transit stops. Currently the code requires no parking for ADUs in any area or zone. SDCI recommends updating the parking standards (see proposed SMC 23.42.022.I) to make it clear that parking is not required for ADUs, consistent with existing code.
10. **Condo Ownership.** State law mandate does not allow cities to prohibit condo ownership of ADUs. SDCI recommends updating the code (see proposed SMC 23.42.022.J) to make it clear that condo ownership of ADUs is allowed in all situations, which is consistent with current regulations.

11. **Miscellaneous/Additional Code Clarifications.** SDCI recommends various updates and clarifications in association with the changes as outlined in this report.

Changes in Development standards

Neighborhood Residential (NR) Zones. The base height of homes (principal structures) is 30 feet above average grade (existing SMC 23.44.012). On lots 30 feet or less in width, the base height is limited to 25 feet. The ridge of a pitched roof on a principal structure may extend up to 5 feet above the base height limit as long as the pitch of the roof is at least 4 to 12. There are exemptions for rooftop features in the existing code for things such as antennae and elevator and stair penthouses. The proposal is to apply these same standards to attached ADUs and DADUs. While attached ADUs in principal houses are allowed the same height as the house itself, DADUs are currently limited to 14 to 18 feet in height plus an additional 3 to 7 feet for roofs of different shapes.

The proposal would result in additional structure height on lots and in the required rear yards compared to existing code for DADUs in the NR zones. The additional height would range from approximately 12 to 16 feet depending on the width of the lots. The other standards in NR zones that manage lot coverage, rear yard coverage, property line setbacks, and separations between structures are largely the same as existing provisions.

Lowrise Zones. The existing height allowance for DADUs is 20 feet with an additional 3 feet for a pitched roof that is not a shed roof (existing SMC 23.42.022.D). The proposal would allow ADUs to be 30, 40, or 50 feet in height depending on the zone, plus 3 to 5 feet for roofs and exemptions for rooftop features. The additional height allowance would range from 20 to 30 feet depending on the zone. However, building code requirements and the practical limits on the number of floors that can be easily accessed by stairs means that ADUs are not expected to exceed the 3 to 4 floors currently experienced, even in zones where higher height limits are used. The other standards in LR zones that manage the scale of buildings: floor area ratio, which limits building area based on the size of the lot, property line setbacks, and separations between structures are largely the same as existing provisions.

All Other Zones. These zones include: Midrise (MR), and Highrise (HR); Neighborhood Commercial (NC), Seattle Mixed (various SM designations), and downtown (various zones). With the exception of the NC zones, which include some zones with height limits of 30 and 40 feet, all of these zones generally allow tall tower-like structures with higher densities than the housing units typically found in the Neighborhood Residential (NR) and Lowrise (LR) zones. The existing height limits for these zones range from 60 to hundreds of feet. The proposal would apply the height limits for rowhouses and townhouses for the LR3 zone, which is 40 or 50 feet depending on whether the Mandatory Housing Affordability program applies. The proposed height for ADUs in these zones is similar to what is built in these zones for ground related housing today, in the rare instances when tower-like development is not undertaken.

Change in the number of ADUs anticipated

As noted in this report, Seattle is largely compliant with the state requirements now. The allowed heights for ADU construction are the main area of change. Therefore, it is not anticipated that adoption of the proposal would significantly change the number of ADUs to be built in the city. Using data compiled by SDCI since the City Council adopted legislation to promote ADU construction in 2019, ADU construction after an initial jump in activity, settled into production in the mid- to high-900 dwellings per year as seen in the results for 2022 and 2023. Due to the relatively minor changes under this proposal, ADU production is not anticipated to change significantly in the future, perhaps in the amount of up to about 5 percent, or 50 ADUs per year. This increase would be consistent with the intent of the state legislature to increase housing production in the state and City of Seattle and would help address the need for housing.

Role of ADUs in housing supply

ADUs offer important opportunities for first-time homeownership and multigenerational living. Information from the City's Office of Planning and Community Development recent report on ADUs, which includes King County Assessor data and a survey of ADU owners and occupants, found the majority of Seattle ADUs are used for long-term housing. They also found:

- Condo-ized ADUs in Seattle cost about 40% less than a single-family house on the same parcel.
    - 44% of ADUs were condo-ized in 2022, the most recent full year for which we have complete data.
- ADUs rent for about 25% less than the median for a one-bedroom apartment in Seattle.
- Approximately 12% of Seattle ADUs are occupied by family or friends rent-free.
- 12% of ADUs have a short-term rental (STR) license; Seattle already regulates STRs, including prohibiting property owners from operating more than two units as STRs.
    - According to the American Association of Retired People, high returns on STRs spur the construction of more ADUs and "these ADUs typically, over time, convert into long-term rentals or other uses."

Comprehensive Plan Goals and Policies

The proposal is consistent with relevant goals and policies in the *Seattle 2035* Comprehensive Plan including:

- **Goal H G2** - Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.
- **Goal H G5** - Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.

- **Policy LU 9.6** - Encourage housing in mixed-use developments in pedestrian-oriented commercial/mixed-use areas to provide additional opportunities for residents to live in neighborhoods where they can walk to transit, services, and employment.

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed legislation to help facilitate development of accessory dwelling units in Seattle, consistent with the Comprehensive Plan and with recently adopted state law directing the adoption of proposed land use code amendments.

Accessory Dwelling Units – HB 1337 Compliance

Photo by John Skelton

Seattle Department of Construction & Inspections

City Council - Land Use Committee

April 2, 2025

SDCI PURPOSE AND VALUES

Our Purpose

Helping people build a safe, livable, and inclusive Seattle.

Our Values

- Equity
- Respect
- Quality
- Integrity
- Service

ACCESSORY DWELLING UNITS (ADUs)

- Secondary dwelling units on the same lot as a principal unit (the main house, typically a single-family house or townhouse):
  - Attached ADUs (AADUs) are within or connected to a principal unit
  - Detached ADUs (DADUs) are stand-alone buildings
- Mostly located in Neighborhood Residential (NR) and Lowrise (LR) zones
- ADUs offer opportunities for multigenerational living, first-time homeownership, and flexible living spaces

HOUSE BILL 1337

- Compliance required by June 2025
- Standardizes ADU provisions across residential zones
- Impact on housing production expected to be modest

RELATIONSHIP BETWEEN HB 1337 & HB 1110

- Both passed in 2023 with the intent of requiring cities to allow a wider variety of housing types (duplexes, triplexes, stacked flats) in primarily single-family zones and reduce regulatory barriers to middle housing
- The Legislature was clear that both options to bolster middle housing were intended to be utilized
  - OPCD is bringing forward interim legislation to change zoning requirements, as required by HB 1110
  - This legislation builds on and consolidates the City's existing ADU code
  - Both are necessary to ensure the City complies with state regulations by the June 30, 2025 deadline

SEATTLE LARGELY COMPLIES WITH HB 1337

New statewide ADU requirements	NR zone - compliance	Other zones - compliance
Must allow ADUs to be sold as condo units separately from the principal unit	✓	✓
May not impose owner occupancy requirements	✓	✓
May not require off-street parking within a half mile of a major transit stop	✓	✓
Must allow DADUs to abut most public alley lot lines	✓	✓
Must allow existing structures to be converted to ADUs even if nonconforming	✓	✕
May not set maximum gross floor area for each ADU below 1,000 SF	✓	✕
May not require ADUs to provide public street improvements	—	—
Must allow two ADUs per lot in any zone that allows single family housing	—	✕
Must allow any combination of two attached and/or detached ADUs	✕	✕
May not set ADU height limit below 24’ or the height limit for the principal unit	✕	✕
May not impose stricter standards than applied to principal units	✕	✕

Conversion of Existing Structures

What are we doing currently?

- NR zones allow for conversions of nonconforming structures
- No specific conversion provisions in other zones

What's needed for full compliance?

- Align other zones with NR conversion approach, which allows additions and alterations to these structures

Maximum Gross Floor Area (GFA)

What are we doing currently?

- 1,000 SF GFA limit in NR zones
- 650 SF GFA limit in LR zones

What's needed for full compliance?

- Align other zones with NR size limits
- Update Seattle's GFA definition to match State's

Street Improvement Requirements

What are we doing currently?

- SDOT generally requires fewer street improvements for projects with under 10 units
  - ADUs are not counted toward this requirement

What's needed for full compliance?

- Clarify ADUs are exempt from street improvements
  - Street improvements must still be restored to pre-existing state if damaged by construction

Two ADUs per Lot in Residential Zones

What are we doing currently?

- NR zones allow a second ADU under certain conditions
- LR, RSL zones only allow one ADU per principal unit

What's needed for full compliance?

- Allow a second ADU outright in all zones that allow single-family houses

Any Configuration of Two AADUs or DADUs

What are we doing currently?

- Where two ADUs are allowed, Seattle does not allow both to be DADUs, aka backyard cottages

What's needed for full compliance?

- Allow two DADUs in all residential zones citywide
  - DADUs can be attached to each other (a DADU duplex) or two separate structures

Height Limits

What are we doing currently?

- **NR zone height limits:**
  - 14' to 18' for ADUs, depending on lot width
  - 30' for single-family houses
  - Additional height allowed for pitched roofs and rooftop features
- **LR zone height limits:**
  - 20' for ADUs
  - 30' to 50' for principal units, depending on zone and location
  - Additional height allowed for pitched roofs and rooftop features

What's needed for full compliance?

- NR and LR zones - adjust ADU height limits to match underlying zone in NR and LR zones
- Other zones with height limits up to 40' – same as underlying zone
- Other zones with height limits over 40' – same height allowed for rowhouses and townhouses in LR3 zones

Design/Development Standards

What are we doing currently?

- NR, LR zones require de-emphasized ADU entry doors
- RSL zones prohibit DADUs but not principal units on lots under 3,200 SF

What's needed for full compliance?

- Update code to bring ADU lot size minimums, entry door requirements, appurtenances, etc. in line with underlying zone

QUESTIONS?

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SEATTLE CITY COUNCIL
CENTRAL STAFF

March 28, 2025

M E M O R A N D U M

To: Land Use Committee
From: Lish Whitson, Analyst
Subject: CB 120949: Accessory Dwelling Unit Regulations

On April 2, the Land Use Committee (Committee) will receive a briefing from the Seattle Department of Construction and Inspections (SDCI) on Council Bill (CB) 120949 that would update the City's Accessory Dwelling Unit (ADU) regulations in response to Washington State 2023 Engrossed House Bill 1337 (HB 1337). HB 1337 requires the City to allow two ADUs in any configuration – attached or detached – on any lot where single family houses are permitted.

ADUs are residential units located on the same lot as another residential unit. Typically, they are smaller than the "principal unit." They may be added after the principal unit was built or built as part of the development of the principal unit. ADUs are either (1) attached (AADUs) – part of the same structure as the principal unit or (2) detached (DADUs) – separate structures. Historic unit types that would now be classified as DADUs include backyard cottages or carriage houses. Apartments in attics or basements would be considered AADUs.

According to data from the Office of Planning and Community Development (OPCD) ADUniverse, as of the end of 2024 there were approximately 7,073 ADUs in Seattle, approximately 40 percent of ADUs are AADUs. Most ADUs (95 percent) are located in Neighborhood Residential zones.

This memorandum describes:

1. Seattle's current ADU regulations,
2. HB 1337,
3. How CB 120949 would amend current regulations to comply with HB 1337,
4. Policy considerations related to CB 120949 and the interim regulations related to HB 1110, and
5. Next steps.

1. Current ADU regulations

Seattle has permitted ADUs since 1994. In 2019, the City Council adopted changes to the City's ADU regulations, which have resulted in a significant increase in the number of ADUs built in the City each year.

Figure 1. ADU Permits Issued Per Year

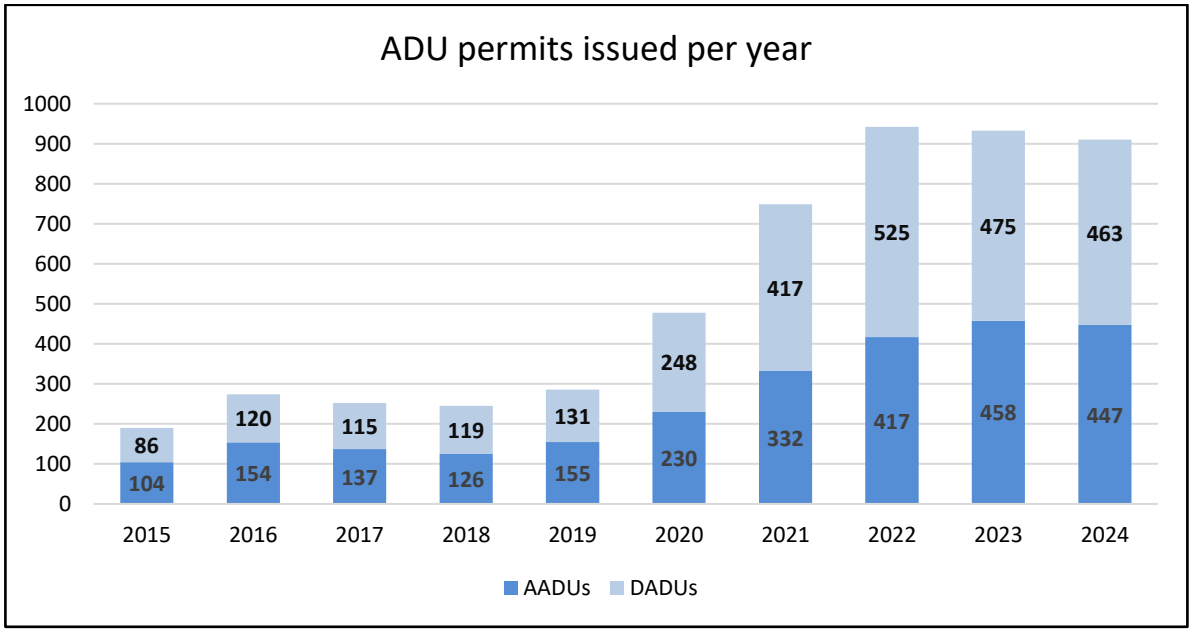

Figure 1: Office of Planning and Community Development ADUniverse: https://aduniverse-seattlecitygis.hub.arcgis.com/

ADUs are permitted in all Seattle zones that allow residential uses but are particularly prevalent in Neighborhood Residential (NR) and Residential Small Lot (RSL) zones.

NR Zones

In NR zones, up to two ADUs are permitted on lots that are at least 3,200 square feet and are at least 25 feet wide and 70 feet deep.[1] One of the ADUs may be a DADU. The second ADU must:

1. Result from the conversion of space within an existing building;
2. Meet green building requirements in Seattle Municipal Code (SMC) Chapter 23.58D; or
3. Meet the definition of low-income unit in SMC 23.84A.040.

ADUs and DADUs have a size limit of 1,000 square feet. ADUs are exempt from floor area limits that apply to principal structures. Space covered by an ADU is counted in determining the lot coverage on a lot. DADUs may be located in rear yards and may cover 60 percent of the rear yard.

While single family homes are permitted up to 35 feet high with a pitched roof, DADUs are limited to 17 to 25 feet depending on the width of the lot and roof configuration. No parking is required for ADUs.

[1] Conversion of existing structures into an ADU is permitted on smaller lots.

RSL Zones

Most regulations that apply in other NR zones also apply in RSL zones, with the following exceptions:

- projects are limited to one ADU;
- floor area in ADUs counts toward the Floor Area Ratio limit of 0.75; and
- floor area in ADUs also counts toward the maximum unit size of 2,200 square feet in RSL zones (e.g., if the ADU is 1,000 square feet, the principal unit is limited to 1,200 square feet).

Multifamily Zones

In Multifamily zones, single-family, rowhouse and townhouse units may have ADUs. Each principal unit can have one ADU. ADUs are limited to 650 square feet and may not equal more than 40 percent of the total residential floor area on a lot. Maximum height for DADUs is 23 feet with a pitched roof.

Other Zones

ADUs are not explicitly prohibited in Commercial, Seattle Mixed or Downtown zones. There are, however, no specific development standards that apply in these higher-density areas.

2. HB 1337

Seattle's current zoning regulations are generally in compliance with HB 1337. Provisions of HB 1337 applicable to Seattle include:

- The City must allow two ADUs on any lot that allows single family dwelling units, in any combination of AADUs and DADUs;
- ADU regulations may not be more restrictive than regulations that apply to a single-family house;
- ADUs must be allowed on any lot that meets the minimum lot size for the principal unit;
- ADUs must be allowed to be at least 1,000 square feet;
- Roof heights must be allowed to be 24 feet or higher;
- DADUs must be allowed to be located at a lot line that abut an alley, without a setback;
- The City may not require owner occupancy of any of the units;
- ADUs must be allowed to be sold as individual condominium units; and
- The City may not require street improvements as part of an ADU permit.
- These requirements do not apply to lots in environmentally critical areas (ECAs).[2]

As a result, the City's current requirements, which place a limit on the second ADU on a lot, are not permitted under HB 1337. HB 1337 requires that the City update its regulations to be in compliance no later than June 30, 2025.

[2] Environmentally critical areas (ECAs) include areas with natural or manmade conditions that have the potential to cause harm to or be harmed by construction or other activities. ECAs include geologic hazard areas, seep slope erosion hazard areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills. They are regulated under SMC Chapter 25.09.

3. CB 120949

CB 120949 would amend the Land Use Code to bring Seattle's ADU regulations into compliance with HB 1337 and make other changes to consolidate regulations around ADUs. In particular, CB 120949 would create a new code section, Seattle Municipal Code (SMC) 23.42.022, that would contain most regulations related to ADUs. Below is a description of the provisions included in the proposed legislation. Requirements of HB 1337 are in bold.

Density limits

- **Consistent with HB 1337, allow two ADUs on a lot, and allow those ADUs to be attached or detached in any configuration. Two detached ADUs could be located with one principal structure.**
- In NR zones, exempt ADU floor area from the maximum floor area ratio limit.
- **Limit ADUs to 1,000 square feet**, which is the current limit in NR zones, and is consistent with HB 1337. However, AADUs within existing structures would be permitted to be larger than 1,000 square feet.
- Exempt up to 250 square feet of gross floor area in an attached garage, consistent with existing regulations, and 35 square feet of bicycle parking space from the ADU size limit.
- Exempt storage areas that can only be accessed via exterior doorways from the maximum size limit.

Height and setbacks

- **Apply the maximum height limit for the zone to ADUs in NR and lowrise multifamily (LR) zones. In other zones, the maximum height limit would be the maximum height limit of the zone, or 40 feet, whichever is less.**
- **No requirement for ADUs to be set back from alleys.**
- In NR zones
    - Allow DADUs to cover 60 percent of a rear yard, compared to 40 percent for other detached accessory structures.
    - Allow DADUs and appurtenant architectural elements[3] to be located within the rear yard, so long as the structure is no closer than five feet from a lot line.
    - Require DADUs to be separated from the principal structure by at least five feet. All other zones require a three foot separation.
    - On through lots where a rear yard isn't clearly identified, allow the SDCI Director to determine the rear setback.
- **In LR zones, apply the same setback requirements that apply to principal dwelling units to ADUs.**

[3] Appurtenant architectural elements include chimneys, eaves, cornices, columns, bay windows, and garden windows.

Other standards

- Allow existing accessory structures to be converted to DADUs. Allow the SDCI Director to modify any development standard to facilitate the conversion of an existing structure. Allow DADUs to exceed lot coverage and yard or setback requirements.
- Exempt ADUs from parking requirements.
- **Allow ADUs to be sold as condominiums.**
- **Exempt ADUs from public street improvements.**
- In NR zones allow garages to be located within 12 feet of the centerline if adequate turning and maneuvering areas can be provided.

4. Policy Considerations

CB 120949 would consolidate and clarify the City's regulations related to ADUs. In doing so, the bill would also change how ADUs are treated. Below are questions the Committee may want to consider while reviewing the proposal.

1. How should ADUs be considered when applying density requirements and limits?

   Currently, ADUs are generally not treated as separate units for the purposes of applying density limits. In NR zones, one single family house is permitted per lot as a principal dwelling unit. Each lot may also have up to two ADUs that are not included in determining whether the one unit per lot limit is being met. In multifamily zones, there is not currently a limit on the number of ADUs that can be added to a lot, and ADUs are not considered in determining whether a project is within the maximum density limit.

   Section 5 of CB 120949, would allow "a maximum of two accessory dwelling units… on the same lot as a principal dwelling unit." This would apply in all zones whether the principal dwelling unit is a single-family house or one unit in a multifamily structure, reducing the number of ADUs permitted on a multifamily lot.[4] HB 1337 requires the City to allow at least two ADUs per lot where a single-family unit is permitted.

   Under Washington State 2023 Engrossed Second Substitute House Bill 1110 (HB 1110), which will be considered separately, the City will be required to allow at least four units on every lot that permits a single family house, and six units on lots near major transit stops and with affordable housing units. This bill allows the City to consider ADUs as units for the purposes of meeting this requirement. See RCW 36.70A.635:

   > *(5) [Cities within at least 25,000 residents] must allow at least six of the nine types of middle housing to achieve the unit density required in subsection (1) of this section. A city may allow accessory dwelling units to achieve the unit density required in subsection (1) of this section. Cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements in [HB 1110].*

[4] It is rare to see a multifamily residential project built with ADUs, but there are some examples of multifamily projects that do include ADUs. For example, the project at 1422 Taylor Avenue N includes ADUs with each of its four townhouses. Because that project is permitted as a condominium in which the townhouses are all on the same lot, it might have been limited to two ADUs under CB 120949.

The Mayor's proposed interim legislation in response to HB 1110 would count ADUs as units for the purpose of complying with HB 1110.

Questions for the Committee's consideration:

- Should ADUs accessory to multifamily units be limited to two per lot or should the City allow at least one ADU per unit?
- Should ADUs be counted toward the density limit in NR zones?

2. Should ADUs be exempt from floor area ratio limits, or should FAR limits recognize ADUs?

Because CB 120949 is being adopted within weeks of new interim development standards for NR zones in response to HB 1110, the Committee should consider how the bills will work together. In particular, the choice to exempt ADUs from floor area ratio limits in NR zones is inconsistent with the approach taken in the proposed interim legislation to implement HB 1110, which would remove the ADU FAR exemption, and apply FAR limits to all structures on a lot. This could impact on how much floor area can be built on NR-zoned lots.

If the code continues to exempt ADUs from floor area ratio (FAR)[5] limits, then up to two ADUs can be added to a NR-zoned lot without being counted toward the maximum FAR limit. For a 5,000 square foot lot in the NR3 zone, with a single family structure built to the maximum FAR limit, adding two ADUs at the maximum size limit would allow an additional 0.4 FAR, bringing the total FAR on the lot to 0.9. For comparison the interim legislation to implement HB 1110 would allow 1.0 FAR on a 5,000 square foot NR3 lot with three units.

If ADUs are considered units as described above under question 1, then under the provisions of the interim legislation, the base FAR limit would be increased due to the presence of ADUs. If this is the case, then ADUs should not be exempt from FAR limits under CB 120949.

Questions for the Committee's consideration:

- Should ADUs be counted within the total project floor area ratio limit?
- If ADUs are considered dwelling units for the purpose of implementing HB 1110, should FAR limits be adjusted?

3. Maximum height limit for higher-density projects

Currently, ADUs are generally required to comply with the standard height limits in multifamily, commercial, Seattle Mixed, or downtown zones.[6] Most commercial, Seattle Mixed, and downtown zones have height limits at or above 65 feet.

CB 120949 would apply a maximum 50 foot height limit for ADUs in these zones, stating: "For zones with height limits greater than 40 feet, accessory dwelling units are subject to the permitted height for rowhouse and townhouse development in the LR3 zone…" The height

[5] FAR or floor area ratio is the ratio of floor space within structures on a lot to the total lot area. A 2,500 square foot house on a 5,000 square foot lot has an FAR of 0.5.

[6] There is a lower height limit for ADUs in required setbacks in multifamily zones.

limit for rowhouse and townhouse development in the LR3 zone is 50 feet in urban centers, urban villages, and Station Area Overlay Districts, and 40 feet outside of those areas.

While it is rare to have an ADU in a tower, there is nothing currently in the code or in CB 120949 that would preclude a condominium in a tower from being split into a principal dwelling unit and an accessory dwelling unit. Applying a lower height limit to AADUs would preclude that for many buildings.

Question for the Committee's consideration:

- Should AADUs be allowed up to the maximum height limit in higher-height zones?

4. Effective Date

CB 120949, as introduced, would be effective 30 days after the Mayor signs the bill. Implementing the CB will require changes to SDCI's systems and software and staff training. Having CB 120949 go into effect earlier than the interim HB 1110 legislation could require duplicative training and software updates.

Question for the Committee's consideration:

- Should CB 120949 be made effective on June 30 to provide SDCI with the maximum amount of time to prepare for implementation.

5. Reconciliation with interim legislation to implement HB 1110

CB 120949 would amend some of the same sections of the Land Use Code that the interim legislation to implement HB 1110 would amend. Following Committee action on CB 120949, Central Staff will prepare amendments to the interim legislation to ensure consistency across the two bills.

5. Next Steps

The Committee is scheduled to hold a public hearing on CB 120949 on April 17 at 2:00 p.m. It may vote on CB 120979 as early as April 30. The City must adopt regulations that implement HB 1337 by the end of May in order for the new regulations to be in effect on June 30, 2025.

cc: Ben Noble, Director
Yolanda Ho, Deputy Director

Lish Whitson
Land Use Committee
April 21, 2025
D#1

Amendment 1 Version #1 to CB 120949

Sponsor: Councilmember Solomon

Update the effective date of CB 120949

Effect: This amendment would update the effective date of Council Bill (CB) 120949 so that it goes into effect on June 30, 2025. CB 120949 is one of a number of land use bills that will implement State mandates to update the City's land use regulations by June 30, 2025. Allowing CB 120949 to go into effect on the same date as the other bills will allow the Seattle Department of Construction and Inspections more time to prepare to implement the new legislation and will allow for more coordinated training and public outreach on all of the bills.

Amend Section 21 of Council Bill 120949 as follows:

Section 21. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070 or on June 30, 2025, whichever is later.

File #: CB 120975, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; addressing signage; clarifying requirements and supporting efficient permitting processes for light rail transit facilities; adding new Sections 23.55.070, 23.80.006, and 23.80.008 to the Seattle Municipal Code; and amending Sections 3.58.010, 3.58.080, 23.40.006, 23.40.080, 23.42.040, 23.42.055, 23.47A.004, 23.48.005, 23.49.002, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.318, 23.50A.040, 23.51A.002, 23.51A.004, 23.52.004, 23.54.015, 23.55.056, 23.76.004, 23.76.006, 23.76.010, 23.76.012, 23.76.015, 23.76.020, 23.76.026, 23.76.028, 23.76.029, 23.80.002, 23.80.004, 23.84A.026, 23.84A.038, 23.88.020, 25.08.655, 25.09.300, and 25.11.020 of the Seattle Municipal Code.

WHEREAS, in November 2016, the voters of the three-county Central Puget Sound Regional Transit Authority ("Sound Transit"), including 70 percent of Seattle voters, approved Sound Transit 3 ("ST3"), a 25-year high-capacity system expansion plan which includes expansions of Link Light Rail to West Seattle, and between downtown and Ballard, jointly referred to as the West Seattle and Ballard Link Extensions project; and

WHEREAS, in May 2016, in Resolution 31668, the Council and Mayor resolved, upon voter approval, to work with Sound Transit to accelerate delivery of ST3 projects in Seattle; and

WHEREAS, as affirmed by the City Council in Resolution 31788, the City and Sound Transit executed the Partnering Agreement between Sound Transit and The City of Seattle for the West Seattle and Ballard Link Extensions Project on January 5, 2018; and

WHEREAS, The City of Seattle is proposing changes to development regulation and processes applicable to light rail transit facilities to streamline the permit review process or resolve code conflicts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.58.010 of the Seattle Municipal Code, last amended by Ordinance 125586, is amended as follows:

3.58.010 Commission established

There is established, as of October 1, 1968, a Seattle Design Commission to act in a consulting capacity advisory to the City in connection with environmental and design aspects of ((~~City~~)) capital improvement projects, light rail transit facilities, and private or public-agency proposals for the long-term use of public rights-of-way, or the permanent use of a street, alley, or other public right-of-way subject to a vacation. The Seattle Design Commission shall serve functions and carry out duties as provided in this Chapter 3.58.

Section 2. Section 3.58.080 of the Seattle Municipal Code, last amended by Ordinance 125586, is amended as follows:

3.58.080 Advisory duties

The advisory and review function of the Commission shall include:

A. Studying capital improvement projects before design starts and formulating recommended aesthetic, environmental, and design principles and objectives that the Commission believes should be sought in developing the project. These recommendations should be discussed with the project designers and appropriate City officials before starting design work.

B. Reviewing capital improvement projects during the design period and recommending approval or changes upon completing the schematic design phase, the design development phase, and the construction document phase. It shall be the Commission's function to advise and assist the project designer and appropriate City officials in developing the project. The Commission may recommend changes in the project designer's work or recommend approval. Commission review of the construction document phase shall mean review relative to compliance with previously-determined environmental and aesthetic objectives.

C. Assisting City officials in selecting project designers. At the request of the City department with

responsibility for managing a capital improvement project, individual Commission members shall serve on the selection panel that recommends design services for executing the projects.

D. Reviewing requests for street, alley, or other public place vacations pursuant to Chapter 15.62; skybridge petitions pursuant to Chapter 15.64; or other above-grade significant structure term permit applications pursuant to Chapter 15.65. The Commission shall provide the Council with a recommendation on the proposed application or petition and any proposed public benefits associated with a petition.

E. Reviewing light rail transit facility projects and providing recommendations to the Director of the Seattle Department of Construction and Inspections and the Director of Transportation, pursuant to Section 23.80.006.

Section 3. Section 23.40.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.40.006 Demolition of housing

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

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

B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76((~~, Procedures for Master Use Permits and Council Land Use Decisions,~~)) to change the use of the structure or the premises;

C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot, whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit;

D. A complete building permit application for construction of a new principal structure on the same lot as the structure to be demolished has been submitted to the Director, the demolition permit application and the building permit application are categorically exempt from review under Chapter 25.05, ((~~Environmental Policies and Procedures,~~)) the issuance of some other approval is not required by this Title 23 or Title 25 as a condition to issuing the demolition permit, and the Director has approved a waste diversion plan pursuant to Section 23.40.007;

E. Demolition of the structure is ordered by the Director for reasons of health and safety under Chapter 22.206 or 22.208 ((~~of the Housing and Building Maintenance Code~~)), or under the provisions of the Seattle Building Code or the Seattle Residential Code; ((~~or~~))

F. Demolition of the structure is for light rail transit facility construction; or

((~~F.~~)) G. The structure is in the MPC-YT zone.

Section 4. Section 23.40.080 of the Seattle Municipal Code, enacted by Ordinance 127054, is amended as follows:

23.40.080 Conversion to residential use in an existing structure

* * *

H. An applicant for a conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A that vested to this Chapter 23.40 prior to ((~~the effective date of this ordinance~~)) August 12, 2024, may elect to modify the vesting date of the development pursuant to subsection ((~~23.76.026.E~~)) 23.76.026.F to a date subsequent to ((~~the effective date of this ordinance~~)) August 12, 2024.

Section 5. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance 126685, 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

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 consistent with the spirit and purpose of the Land Use Code.

B. Temporary ((~~Four Week Use~~)) four-week use. A Master Use Permit for a ((~~time~~)) period of up to four weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of subsections 23.42.040.A.1.a((-)) through 23.42.040.A.1.c.

C. Temporary ((~~Uses for Up to Six Months~~)) uses for up to six months. A Master Use Permit for a ((~~time~~)) period of up to six months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of subsections 23.42.040.A.1.a((-)) through 23.42.040.A.1.c.

* * *

F. ((~~Light Rail Transit Facility Construction~~)) Temporary use for light rail transit facility construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection 23.42.040.F and subsection 23.60A.209.E if the structure or use is within the Shoreline District.

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the ((~~MUP~~)) Master Use Permit.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

a. Noise and ((~~Grading and Drainage~~)) grading and drainage. Noise impacts will be governed by ((~~the Noise Control Ordinance (~~)) Chapter 25.08 ((~~)~~)) and off-site impacts associated with grading and drainage will be governed by ((~~the Grading Code (~~))Chapter 22.170((~~)~~)) and ((~~the Stormwater Code (~~))Chapters 22.800 through 22.808((~~)~~)).

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

c. Best ((~~Management Practices~~)) management practices. Construction activities on the site must comply with ((~~Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual~~)) subsection 22.805.020.D.

d. Parking and ((~~Traffic.~~)) traffic

1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction ((-)) worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of Section 23.54.030.

e. Local ((~~Businesses~~)) businesses. The applicant must address measures to limit

disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

h. Public ((~~Information~~)) information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a 24-hour phone number to seek additional information or to report problems.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

k. Construction management plan. The Director may require a preliminary construction management plan prior to permit approval and a final construction management plan prior to use of the site. The construction management plan shall be approved by the Director of Transportation.

4. Site ((~~Restoration.~~)) restoration

a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses, or structures.

b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading,

remediation of landscaping that prioritizes installation of woody vegetation wherever feasible, and restoration of grade and drainage.

c. Site restoration must generally be accomplished within 180 days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this ((~~section~~)) Section 23.42.040.

((~~5. A Master Use Permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.~~))

5. Tree and vegetation management plan (TVMP) for light rail transit facilities. A TVMP must be reviewed and approved by the Director prior to approval of the Master Use Permit. Tree removal and vegetation management activities for light rail transit facilities shall meet the requirements of this subsection 23.42.040.F.5 and comply with the approved TVMP.

a. The TVMP shall contain the following information. All information in the TVMP must be consistent with the requirements of subsections 23.42.040.F.5.b through 23.42.040.F.5.g.

1) An inventory and map of all trees anticipated to be retained and removed during construction;

2) Documentation of proposed protection methods for retained trees;

3) A description of all proposed tree mitigation;

4) Best management practices to be used during construction;

5) Site restoration requirements that prioritize installation of woody vegetation wherever feasible; and

6) Post-construction tree and vegetation management practices.

b. Trees retained during construction must be protected by approved methods consistent with the American National Standards Institute A300 standards.

c. Trees and vegetation in environmentally critical areas are subject to requirements of Chapter 25.09.

d. Trees and vegetation in shoreline environments are subject to Chapter 23.60A.

e. Trees in the right-of-way are subject to requirements of Title 15.

f. Trees on City property are subject to the requirements of applicable executive orders.

g. Except for trees in an environmentally critical area, a shoreline environment, or on City property and right-of-way, each tree removed shall be replaced by one or more new trees, the size and species of which shall be approved by the Director to comply with the following requirements. Alternatively, the removal of a tree may be replaced with an in-lieu-fee approved by the Director.

1) Tree replacement shall be designed to result, upon maturity, in a canopy cover that is at least roughly proportional to the canopy cover prior to tree removal.

2) Replacement tree species shall be native and/or culturally significant species, and resilient to climate change.

3) Tree replacement shall be prioritized in the light rail construction areas.

4) Tree maintenance and monitoring is required for a five-year period after site restoration is complete.

5) Tree replacement, site restoration, and voluntary payment in lieu must be completed prior to revenue service operation of the light rail facility.

h. Records. A public agency acting pursuant to this subsection 23.42.040.F.5 shall maintain all applicable records documenting compliance with a TVMP. A public agency shall provide the records to the Director upon request.

G. ((~~Reserved.~~

~~H.~~)) Authorized intermittent, temporary, and interim uses do not interrupt any legally established permanent use of a property.

Section 6. Section 23.42.055 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.42.055 Development of affordable units on property owned or controlled by a religious organization

* * *

E. Applicability. Projects that vested according to Section 23.76.026 prior to August 9, 2021, in accordance with subsection ((~~23.76.026.E~~)) 23.76.026.F and that satisfy the requirements of this Section 23.45.055 are also eligible to use the alternative development standards authorized by this Section 23.42.055 where allowed by the provisions of the zone.

Section 7. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.47A.004 Permitted and prohibited uses

* * *

D. Public facilities

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards, and conditional use criteria that govern the similar uses.

2. Permitted uses in public facilities requiring council approval. Unless specifically prohibited in Table A for 23.47A.004, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A, may be permitted by the ((~~City~~)) Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

b. The proposed location is required to meet specific public service delivery needs;

c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.

4. The ((~~City~~)) Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by subsections 23.47A.004.D.2 and 23.47A.004.D.3, are governed by the provisions of Chapter 23.76, Subchapter III((~~, Council Land Use Decisions~~)).

5. Expansion of uses in public facilities

a. Major expansion. Major expansion of uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted according to the criteria and process in those subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either 750 square feet or ((~~10~~)) ten percent of the existing area of the use, whichever is greater. For the purposes of this subsection 23.47A.004.D, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 ((~~above~~)) may be permitted according to the provisions of Chapter 23.76((~~,~~)) for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities ((~~will~~)) , except for light rail

transit facilities, shall also be reviewed according to the provisions of Chapter 23.80((~~, Essential Public Facilities~~)). Notwithstanding conflicting provisions in subsections 23.47A.004.D.3 and 23.47A.004.D.5, light rail transit facilities are exempt from the development standards in this Chapter 23.47A and shall be reviewed according to the provisions of Chapter 23.80.

7. Youth service centers existing as of January 1, 2013, in public facilities operated by King County within ((~~Urban Center Villages~~)) urban center villages and replacements, additions, or expansions to such King County public facilities are permitted in NC3 zones.

* * *

I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or contrary provisions expressly provided for in this Title 23.

* * *

Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.48.005 Uses

* * *

E. Public facilities in all SM zones

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.48 are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards, and conditional use criteria that govern the similar uses.

2. Permitted uses in public facilities requiring council approval. Unless specifically prohibited in this Chapter 23.48, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter 23.48 may be permitted by the ((~~City~~)) Council.

3. In all SM zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following

criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

b. The proposed location is required to meet specific public service delivery needs;

c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.

4. The ((~~City~~)) Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by subsections 23.48.005.E.2 and 23.48.005.E.3, are governed by the provisions of Chapter 23.76, Subchapter III.

5. Expansion of uses in public facilities

a. Major expansion. Major expansion of uses in public facilities allowed pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 may be permitted according to the criteria and process in those subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either 750 square feet or ten percent of the existing area of the use, whichever is greater. For the purposes of this Section 23.48.005, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 above may be permitted according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities ((~~will~~)) , except for light rail

transit facilities, shall be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Chapter 23.48 and shall be reviewed according to the provisions of Chapter 23.80.

Section 9. Section 23.49.002 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.002 Scope of provisions

A. This Chapter 23.49 details those authorized uses and their development standards which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM), International District Mixed (IDM), International District Residential (IDR), Downtown Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).

B. Property in the following special districts: Pike Place Market Urban Renewal Area, Pike Place Market Historic District, Pioneer Square Preservation District, International Special Review District, and the Shoreline District, are subject to both the requirements of this Chapter 23.49 and the regulations of the district.

* * *

G. Light rail transit facilities shall be reviewed according to the provisions of Chapter 23.80 and are exempt from development standards of Subchapters I through IV and Subchapters VIII through X of this Chapter 23.49.

Section 10. Section 23.49.042 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses

The provisions of this Section 23.49.042 apply in DOC1, DOC2, and DMC zones.

A. All uses are permitted outright except those specifically prohibited by Section 23.49.044 and those

permitted only as conditional uses by Section 23.49.046. Parking is allowed pursuant to Section 23.49.019 and Section 23.49.045, and major cannabis activity is allowed pursuant to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Except as provided in subsection 23.49.046.D.2, uses in public facilities that are most similar to uses permitted outright under this Chapter 23.49 shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

D. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Subchapter II and shall be reviewed according to the provisions of Chapter 23.80.

Section 11. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses

A. All uses are permitted outright except those that are specifically prohibited by Section 23.49.092 and those that are permitted only as conditional uses by Section 23.49.096. Parking is allowed subject to Section 23.49.019 and Section 23.49.094 and major cannabis activity is allowed subject to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Except as provided in Section 23.49.096, uses in public facilities that are most similar to uses permitted outright under this Chapter 23.49 shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

D. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Subchapter III and shall be reviewed according to the provisions of Chapter 23.80.

Section 12. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.142 Downtown Mixed Residential, permitted uses

A. All uses are permitted outright except those specifically prohibited by Section 23.49.144 and those permitted only as conditional uses by Section 23.49.148. Parking is permitted pursuant to Section 23.49.019 and Section 23.49.146, and major cannabis activity is allowed pursuant to Section 23.42.058.

B. All uses not prohibited are permitted as either principal or accessory uses.

C. Except as provided in subsection 23.49.148.D.2, uses in public facilities that are most similar to uses permitted outright under this Chapter 23.49 are also permitted outright subject to the same use regulations and development standards that govern the similar uses.

D. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities shall be exempt from the development standards in this Subchapter IV and reviewed according to the provisions of Chapter 23.80.

Section 13. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.300 Downtown Harborfront 1, uses

A. Uses that are permitted or prohibited in Downtown Harborfront 1 are identified in Chapter 23.60A, except that major cannabis activity is prohibited.

B. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Subchapter VIII and shall be reviewed according to the provisions of Chapter 23.80.

Section 14. Section 23.49.318 of the Seattle Municipal Code, last amended by Ordinance 118672, is amended as follows:

23.49.318 Downtown Harborfront 2, permitted uses((.))

A. All uses shall be permitted outright except those which are specifically prohibited in Section 23.49.320, those which are permitted only as conditional uses by Section 23.49.324, and parking, which shall

be regulated by Section 23.49.322. Additionally, uses may be further restricted by the Seattle Shoreline Master Program.

B. All uses not specifically prohibited shall be permitted as either principal or accessory uses.

C. Public ((~~Facilities.~~)) facilities

1. Except as provided in Section ((~~23.49.324 D2~~)) 23.49.324.D.2, uses in public facilities that are most similar to uses permitted outright under this ((~~chapter~~)) Chapter 23.49 shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential ((~~Public Facilities~~)) public facilities. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80((~~, Essential Public Facilities~~)). Light rail transit facilities are exempt from the development standards in this Subchapter IX and shall be reviewed according to the provisions of Chapter 23.80.

Section 15. Section 23.50A.040 of the Seattle Municipal Code, enacted by Ordinance 126862, is amended as follows:

23.50A.040 Permitted and prohibited uses

* * *

D. Public facilities

1. Similar uses permitted. Except as provided in subsections 23.50A.040.D.2 and 23.50A.040.D.3 and in Section 23.50A.100, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this ((~~chapter~~)) Chapter 23.50A are also permitted outright or by conditional use, subject to the same use regulations, development standards, and administrative conditional use criteria that govern the similar uses.

2. Waivers or modification by the ((~~City~~)) Council for similar uses. The ((~~City~~)) Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted by conditional use according to Chapter 23.76,

Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other uses permitted in public facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted by a conditional use or special exception under this Chapter 23.50A may be permitted by the ((~~City~~)) Council. The ((~~City~~)) Council may waive or modify development standards or conditional use criteria according to Chapter 23.76, Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Uses in public facilities not meeting development standards. In all industrial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations; and

b. The proposed location is required to meet specific public service delivery needs; and

c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.

5. Expansion of uses in public facilities

a. Major expansion. Major expansions may be permitted to uses in public facilities allowed pursuant to subsections 23.50A.040.D.1, 23.50A.040.D.2, and 23.50A.040.D.3 according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use is one that would not meet development standards, or one that would exceed the greater of 750 square feet or ten percent of its existing area, including gross floor area and areas devoted to active outdoor uses other than

parking.

b. Minor expansion. An expansion that is not a major expansion is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed pursuant to subsections 23.50A.040.D.1, 23.50A.040.D.2, and 23.50A.040.D.3 according to Chapter 23.76 for a Type I Master Use Permit if the development standards of the zone in which the public facility is located are met.

6. Essential public facilities. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Chapter 23.50A and shall be reviewed according to the provisions of Chapter 23.80.

* * *

Section 16. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.51A.002 Public facilities in neighborhood residential zones

A. Except as provided in subsections ((~~B, D and E of this Section 23.51A.002~~)) 23.51A.002.B, 23.51A.002.D, 23.51A.002.E, and 23.51A.002.G, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under Chapter 23.44 are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The ((~~City~~)) Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III((~~, Council Land Use Decisions~~)), with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

* * *

C. Expansion of uses in public facilities

1. Major 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 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. 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 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.E~~)) 23.76.026.F.

* * *

F. Essential ((~~Public Facilities~~)) public facilities except for light rail transit facilities. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of

Chapter 23.80((~~, Essential Public Facilities~~)).

G. Light rail transit facilities. Light rail transit facilities are permitted uses in all neighborhood residential zones. Light rail transit facilities are exempt from the development standards in Chapter 23.44 and shall be reviewed according to the provisions of Chapter 23.80.

Section 17. Section 23.51A.004 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.51A.004 Public facilities in multifamily zones

A. Except as otherwise provided in subsections 23.51A.004.D and 23.51A.004.H, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under the applicable zoning are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards, and administrative conditional use criteria that govern the similar use.

* * *

F. Essential public facilities ((~~will~~)), except for light rail transit facilities, shall be reviewed according to the provisions of Chapter 23.80((~~, Essential Public Facilities~~)).

G. Uses in existing or former public schools

1. Child-care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses are permitted in existing or former public schools.

2. Other non-school uses are permitted in existing or former public schools pursuant to procedures established in Chapter 23.78((~~, Establishment of Criteria for Joint Use or Reuse of Schools~~)).

H. Light rail transit facilities. Light rail transit facilities are permitted uses in all multifamily residential zones. Light rail transit facilities are exempt from the development standards in Chapter 23.45 and shall be reviewed according to the provisions of Chapter 23.80.

Section 18. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance 125757, is

amended as follows:

23.52.004 Requirement to meet transportation level-of-service standards

A. Applicability of this Subchapter I. Development, except for light rail transit facilities, that meets the following thresholds must contribute to achieving the percentage reduction targets shown on Map A for 23.52.004, which includes options for reducing the single-occupancy vehicle (SOV) trips associated with the development:

1. Proposed development in excess of any of the following: 30 dwelling units, 30 sleeping rooms, or 4,000 square feet of gross floor area in new nonresidential uses except for proposed development as provided in subsection 23.52.004.A.2;

2. Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.

* * *

Section 19. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 127099, 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 subsection ((~~23.76.026.E~~)) 23.76.026.F.

* * *

Table D for 23.54.015 **Parking for bicycles[1]**				
Use			**Bike parking requirements**	
			Long-term	**Short-term**
A. COMMERCIAL USES				
A.1.	Eating and drinking establishments		1 per 5,000 square	1 per 1,000 square feet
A.2.	Entertainment uses other than theaters and spectator sports facilities		1 per 10,000 square	Equivalent to 5 percent of maximu building capacity rating
	A.2.a	Theaters and specta facilities	1 per 10,000 square feet	Equivalent to 8 per maximum building rating[2]

A.3.	Lodging uses	3 per 40 rentable ro	1 per 20 rentable rooms plus 1 per 4,000 square feet o conference and meeting rooms
A.4.	Medical services	1 per 4,000 square	1 per 2,000 square feet
A.5.	Offices and laboratories, research and development	1 per 2,000 square	1 per 10,000 square feet
A.6.	Sales and services, general	1 per 4,000 square	1 per 2,000 square feet
A.7.	Sales and services, heavy	1 per 4,000 square	1 per 10,000 square feet of occupied flo area; 2 spaces minimum
B. INSTITUTIONS			
B.1.	Institutions not listed below	1 per 4,000 square	1 per 10,000 square feet
B.2.	Child care centers	1 per 4,000 square	1 per 20 children. 2 spaces minimum
B.3.	Colleges	1 per 5,000 square	1 per 2,500 square feet
B.4.	Community clubs or centers	1 per 4,000 square	1 per 1,000 square feet
B.5.	Hospitals	1 per 4,000 square	1 per 10,000 square feet
B.6.	Libraries	1 per 4,000 square	1 per 2,000 square feet
B.7.	Museums	1 per 4,000 square	1 per 2,000 square feet
B.8.	Religious facilities	1 per 4,000 square	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	1 per 2,500 square feet
C. MANUFACTURING USES		1 per 4,000 square feet	1 per 20,000 square
D. RESIDENTIAL USES[3]			
D.1.	Congregate residences[4]	1 per 4 sleeping roo	1 per 80 sleeping rooms. 2 spaces minimum
D.2.	Multifamily structures other than townhouses and rowhouse developments[4,5]	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None
D.4.	Townhouse and rowhouse developments[5]	1 per dwelling unit	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride facilities on surface parking lots	At least 20[6]	At least 10

E.2.	Park and ride facilities in parking garages	At least 20 if parki principal use of a p zero if non-parking the principal use of property	At least 10 if parki is the principal use a property; zero if n -parking uses are th principal use of a property
E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto space	None
E.4.	((~~Rail transit facilities and passenger terminals~~)) Passenger terminals	Spaces for 5 percer projected AM peak daily ridership[6]	Spaces for 2 percer of projected AM pe period daily ridersh
E.5.	Light rail transit stations	Regulated by subse 23.80.008.L	Regulated by subsection 23.80.008.L

Footnotes to Table D for 23.54.015 [1] Required bicycle parking includes long-term and short-term amounts shown in this Table D for 23.54.015. [2] The Director may reduce short-term bicycle parking requirements for theaters and spectator sports facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral. [3] For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015. [4] For congregate residences 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. [5] In low-income housing, there is no			

	income housing, there is no minimum required long-term bicycle parking requirement for each unit subject to affordability limits no higher than 30 percent of median income and long-term bicycle parking requirements may be waived by the Director as a Type I decision for each unit subject to affordability limits greater than 30 percent of median income and no higher than 80 percent of median income if a reasonable alternative is provided (e.g., in -unit vertical bike storage). [6] The Director, in consultation with the Director of Transportation, may require more bicycle parking spaces based on the following factors: area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.	

Section 20. Section 23.55.056 of the Seattle Municipal Code, last amended by Ordinance 126685, 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 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.E~~)) 23.76.026.F.

Section 21. A new Part 5, consisting of Section 23.55.070, is added to Chapter 23.55 of the Seattle Municipal Code as follows:

Part 5 Standards for light rail transit facilities signs

23.55.070 Standards for light rail transit facilities

A. Unless specifically exempted or modified in this Section 23.55.070, signs in a light rail transit facility are subject to the applicable standards in Part 1, Part 3, and Part 4 of this Chapter 23.55. Signs in a light rail transit facility located in a special review district are subject to the applicable provisions in Chapter 23.66 and this Part 5.

B. Signs in a light rail transit facility are exempt from subsections 23.55.004.C, 23.55.004.E, 23.55.014.B, and 23.55.014.E.

C. Signs in a light rail transit facility are exempt from Part 2 of this Chapter 23.55.

D. Light rail transit facilities may have an unlimited number of signs serving wayfinding, public service, safety, and identification purposes.

E. There is no limit on the types of permissible signs except as described in Section 23.55.003 and Section 23.55.014.

F. Signs within concourses and platforms that are not oriented to be visible from adjacent public right-of-way are exempt from the standards in this Chapter 23.55.

G. Off-premises directional signs for light rail transit facilities shall not be advertising signs. Off-premises directional signs in the public right-of-way are subject to applicable requirements, conditions, and

procedures set out in Title 15.

H. Sign kiosks located on a light rail transit facility site are only subject to subsections 23.55.015.C.2.a and 23.55.015.C.2.c and are exempt from all other subsections of Section 23.55.015. Sign kiosks may be established on a light rail transit facility site in any zone.

Section 22. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 127100, 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.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection 23.76.006.C.2.o, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

C. Type IV and V decisions are Council land use decisions. Type IV decisions are quasi-judicial decisions made by the Council pursuant to existing legislative standards and based upon the Hearing Examiner's record and recommendation. Type IV decisions may be subject to land use interpretation pursuant to Section 23.88.020. Type V decisions are legislative decisions made by the Council in its capacity to

establish policy and manage public lands.

D. For projects requiring both a Master Use Permit and a Council land use decision as described in this ((~~chapter~~)) Chapter 23.76, the Council decision must be made prior to issuance of the Master Use Permit. All conditions established by the Council in its decision shall be incorporated in any subsequently issued Master Use Permit for the project.

E. Certain land use decisions are subject to additional procedural requirements beyond the standard procedures established in this Chapter 23.76. These requirements may be prescribed in the regulations for the zone in which the proposal is located, in other provisions of this ((~~title~~)) Title 23, or in other titles of the Seattle Municipal Code.

F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within 21 days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one decision contained in the land use decision framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this ((~~chapter~~)) Chapter 23.76;

2. If the applicant includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to ((~~SMC~~)) Chapter 25.05, ((~~Environmental Policies and Procedures,~~)) file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this ((~~chapter~~)) Chapter 23.76 for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

H. If notice is required pursuant to this Chapter 23.76, except mailed notice as defined in Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail address to the Department. Notice to City agencies may be provided through the City's interoffice mail or by electronic

means.

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020[2])	
*	Application of development standards for decisions r
*	Uses permitted outright
*	Temporary uses, four weeks or less, and temporary u pursuant to subsection 23.42.040.F

*	Renewals of temporary uses((~~, except for temporary construction~~))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except on historic and cultural preservation
*	Temporary uses for relocation of police and fire stati
*	Exemptions from right-of-way improvement require
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development p
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Sec departures are requested, and design review decision 23.41.020 if no development standard departures are
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuan
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on SE to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residen subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP tha
*	Building height increase for minor communication u
*	Light rail transit facilities pursuant to Section 23.80.
*	Application of tree provisions pursuant to Chapter 2
*	Director's acceptance of an eligibility letter for prop exemption provisions, subject to the additional requi Master Use Permit application in subsection 23.41.0
*	Director's application of development standards for applications subject to temporary design review exer
*	Waiver or modification of development standards fo design review exemption provisions in subsection 23

*	Other Type I decisions that are identified as such in t
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board[3])	
*	Temporary uses, more than four weeks, except for te and except for temporary use for light rail transit fac 23.42.040.F
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use app substantial development permit[3]
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined desi development standard departures are requested, and subject to design review, building height increases fo zones, and design review decisions in an MPC zone development standard departures are requested
((*	~~Light rail transit facilities~~))
*	The following environmental determinations: 1. D required) 2. Determination of final EIS adequacy on historic and cultural preservation 4. A decision t on SEPA policies, except for Type I decisions for a t construction pursuant to subsection 23.42.040.F, a li 23.80.004.C, or a project determined to be consisten
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot dev
*	Major revisions to an issued and unexpired MUP tha
*	Other Type II decisions that are identified as such in
* * *	

Footnotes for Table A for 23.76.004 [1] Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types. [2] Type I decisions may be subject to administrative review through a land use interpret

ation pursuant to Section 23.88.020. [3] Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

Section 23. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required

for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, ((~~and~~)) renewals of temporary uses for up to six months, ((~~except~~)) and temporary uses ((~~and facilities~~)) for light rail transit facility construction as provided in subsection 23.42.040.F;

3. The following street use approvals:

a. Curb cut for access to parking, whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas;

b. Shopping plazas;

c. Arcades;

d. Shopping arcades; and

e. Voluntary building setbacks;

6. Determinations of ((~~Significance~~)) significance (determination that an ((~~Environmental Impact Statement~~)) EIS is required) for Master Use Permits and for building, demolition, grading, and other

construction permits (supplemental procedures for environmental review are established in Chapter 25.05((~~, Environmental Policies and Procedures~~))), except for ((~~Determinations of Significance~~)) determinations of significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

9. Reasonable accommodation;

10. Minor amendment to Major Phased Development Permit;

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;

12. Shoreline special use approvals that are not part of a shoreline substantial development permit;

13. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

14. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

15. Determination of requirements according to subsections 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, and 23.58C.030.A.2.c;

16. Determination that a light rail transit facility is consistent with the provisions of subsection 23.80.004.C;

((~~16.~~))17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;

((~~17.~~))18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;

((~~18.~~))19. Minor revisions to an issued and unexpired ((~~MUP~~)) Master Use Permit that was subject to design review, pursuant to subsection 23.41.008.G;

((~~19.~~))20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013;

((~~20.~~))21. Application of tree provisions pursuant to Chapter 25.11;

((~~21.~~))22. Director's acceptance of an eligibility letter for proposals subject to temporary design review exemption provisions subject to the additional requirement to file a valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3;

((~~22.~~))23. Director's application of development standards for decisions on Type I or II Master Use Permit applications subject to temporary design review exemption provisions in subsection 23.41.004.E.3;

((~~23.~~))24. Waiver or modification of development standards for development proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3; and

((~~24.~~))25. Other Type I decisions.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading, and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the ((~~City~~)) Council (supplemental procedures for environmental review are established in Chapter 25.05((~~, Environmental Policies and Procedures~~))):

a. Determination of Non-significance (DNS), including mitigated DNS;

b. Determination that a final ((~~Environmental Impact Statement (~~)) EIS ((~~)~~)) is adequate; and

c. Determination of ((~~Significance~~)) significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline

decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, ((~~including~~)) except the establishment of temporary ((~~uses and facilities to construct a~~)) use for light rail transit ((~~system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting~~)) facility construction, and temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances, provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions, provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and minor revisions to an issued and unexpired ((~~MUP~~)) Master Use Permit that was subject to design review, building height increases for minor communication utilities in downtown zones, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions, provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

j. ((~~Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;~~)) Reserved;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Decision to waive or modify development standards relating to structure width or setbacks for a youth service center pursuant to subsection 23.51A.004.B.6;

n. Determination of requirements according to subsections 23.58B.025.A.4 and 23.58C.030.A.3;

o. Except for projects determined to be consistent with a planned action ordinance, and except for decisions related to light rail transit facilities as described in subsection 23.76.006.B, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a through 23.76.006.C.2.m; provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036;

p. Determination of public benefit for combined lot development; and

q. Major revisions to an issued and unexpired ((~~MUP~~)) Master Use Permit that was subject to design review, pursuant to subsection 23.41.008.G.

Section 24. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.010 Applications for Master Use Permits

A.

1. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, a City agency, or other public agency ((~~proposing a project the location of which has been approved by the City Council by ordinance or resolution~~)), or by an authorized agent ((~~thereof~~)) of any of them. ((~~A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.~~)) A public agency, or an authorized agent of the agency, proposing a project with a location that must be approved by the Council, may apply for a Master Use Permit after the project's location is identified in a Council Bill or resolution that has been referred to the Council, or one of its committees, to consider approving the project.

2. A claim made by a person that the person possesses title to any portion of the property for which a ((~~Maser~~)) Master Use Permit application has been submitted, whether the claim is made by a judicially-filed pleading or not, is not grounds for the Department to suspend processing the application unless:

a. ((~~a~~)) A court injunction has been issued and is delivered to the Department; or

b. ((~~the~~)) The application is for a subdivision or short subdivision, the claim is made in a pleading to quiet title to a portion of the property that has been filed in court, and a copy of the pleading has been delivered to the Department.

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Section 25. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.012 Notice of application

A. Notice.

1. No notice of application is required for Type I decisions, except ((~~that~~)) a notice of application is required for:

a. All projects in MPC zones that are subject to Master Planned Community design review in Section 23.41.020, as described in subsection 23.76.012.B.6; ((~~and~~))

b. An application for a Type I permit with an interim design review exemption as described in subsection 23.41.004.E.3((~~.~~)); and

c. An application for a light rail transit facilities Type I permit as described in subsection 23.76.006.B.

2. Within 14 days after the Director determines that an application is complete, for the following types of applications, the Director shall provide notice of the application and an opportunity for public comment as described in this Section 23.76.012:

a. An application for a Type I permit with an interim design review exemption as described in subsection 23.41.004.E.3;

b. An application for a light rail transit facilities Type I permit as described in subsection 23.76.006.B;

((~~b~~)) c. Type II Master Use Permits;

((~~c.~~)) d. Type III Master Use Permits;

((~~d.~~)) e. Type IV Council land use decisions, provided that for amendments to property use and development agreements, additional notice shall be given pursuant to subsection 23.76.058.C; and

((~~e.~~)) f. The following Type V Council land use decisions:

1) Major Institution designations and revocation of Major Institution designations;

2) Concept approvals for the location or expansion of City facilities requiring Council land use approval; and

3) Waivers or modification of development standards for City facilities.

3. Other ((~~Agencies with Jurisdiction~~)) agencies with jurisdiction. The Director shall provide notice to other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the project to the extent known by the Director.

4. Early ((~~Review Determination of Nonsignificance~~)) review determination of nonsignificance (DNS). In addition to the requirements of subsection ((~~A.3 of this Section 23.76.012~~)) 23.76.012.A.3, the Director shall provide a copy of the early review DNS notice of application and environmental checklist to the following:

a. State Department of Ecology;

b. Affected tribes;

c. Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

d. Persons who submit a written request for this information and who provide an address for notice.

B. Types of notice required

1. For projects subject to a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section 23.41.004, a Type I permit with an interim design review exemption as described in subsection 23.41.004.E.3, or ((~~an application for a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section 23.41.004~~)) light rail transit facilities Type I permits described in subsection 23.76.006.B, the Department shall direct the installation of a large notice sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed by the applicant at the direction of the Department after final City action on the application is completed.

a. In the case of submerged land, the large notice sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or that are subject to a Type II environmental determination pursuant to Section 23.76.006 only because of location over water or location in an environmentally critical area, are exempt from the large notice sign requirement.

c. If use of a large notice sign is neither feasible nor practicable to ((~~assure~~)) ensure that notice is clearly visible to the public, the Department shall post ten placards within 300 feet of the site.

d. The Director may require both a large notice sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may require that more than one large notice sign be posted, if necessary to ((~~assure~~)) ensure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the Director shall post one land use sign visible to the public at each street frontage abutting the site except that if there is no street frontage or the site abuts an unimproved street, the Director shall post more than one sign and/or use an alternative posting location so that notice is clearly visible to the public. The land use sign shall be removed by the applicant after final action on the application is completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or subject to design review pursuant to Section 23.41.014, notice in the Land Use Information Bulletin shall be published after installation of the large notice sign required in subsection 23.76.012.B.1.

4. The Director shall provide mailed notice of:

a. Applications for variances, administrative conditional uses, special exceptions, temporary uses for more than four weeks, light rail transit facilities that are Type I and Type II decisions, shoreline variances, shoreline conditional uses, short plats that do not exclusively create unit lots, early design

guidance process for administrative design review and streamlined administrative design review, subdivisions, Type IV Council land use decisions, amendments to property use and development agreements, Major Institution designations and revocation of Major Institution designations, concept approvals for the location or expansion of City facilities requiring Council land use approval, and waivers or modification of development standards for City facilities, and applications receiving an exemption from design review pursuant to temporary provisions in subsection 23.41.004.E.3; and

b. The first early design guidance meeting for a project subject to design review pursuant to Section 23.76.014.

5. For a project subject to design review, except streamlined design review pursuant to Section 23.41.018 for which no development standard departure pursuant to Section 23.41.012 is requested, notice of application shall be provided to all persons who provided an address for notice and either attended an early design guidance public meeting for the project or wrote to the Department about the proposed project before the date that the notice of application is distributed in the Land Use Information Bulletin.

6. For a project that is subject to both Type I decisions and Master Planned Community design review under Section 23.41.020, notice shall be provided as follows:

a. The Director shall provide notice of application in the Land Use Information Bulletin.

b. The Director shall post one land use sign visible to the public at each street frontage abutting the site, except that if there is no street frontage or the site abuts an unimproved street, the Director shall post more than one sign and/or use an alternative posting location so that notice is clearly visible to the public. The land use sign(s) shall be posted prior to publication of notice of application in the Land Use Information Bulletin, and shall be removed by the applicant after final action on the Master Use Permit application is completed.

c. For a project that includes a highrise structure as defined in Section 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the site. The land use placards

shall be posted prior to publication of notice of application in the Land Use Information Bulletin, and shall be removed by the applicant after final action on the Master Use Permit application is completed.

d. Mailed notice shall be provided consistent with subsection 23.76.012.B.5.

7. No notice is required of a Type I determination whether a project is consistent with a planned action ordinance, except that if that determination has been made when notice of application is otherwise required for the project, then the notice shall include notice of the planned action consistency determination.

C. Contents of 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 list of any studies requested by the Director;

2) 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, 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. 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.

D. Comment period. The Director shall provide a 14-day public comment period prior to making a threshold ((~~determination of nonsignificance (~~)) DNS ((~~)~~)) or publishing a decision on the project; provided that the comment period shall be extended by 14 days if a written request for extension is submitted within the initial 14-day comment period; provided further that the comment period shall be 30 days for applications requiring shoreline decisions except that for limited utility extensions and bulkheads subject to Section 23.60A.064, the comment period shall be 20 days as specified in Section 23.60A.064. The comment period shall begin on the date notice is published in the Land Use Information Bulletin. Comments shall be filed with the Director by 5 p.m. of the last day of the comment period. If the last day of the comment period is a Saturday, Sunday, or federal or City holiday, the comment period shall run until 5 p.m. the next day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the end of the official comment period may be considered if the comment is material to review yet to be conducted.

E. If a Master Use Permit application includes more than one decision component, notice requirements shall be consolidated and the broadest applicable notice requirements imposed.

F. The mailing list used for the Land Use Information Bulletin shall be updated annually in consultation with the Director of the Department of Neighborhoods.

Section 26. Section 23.76.015 of the Seattle Municipal Code, last amended by Ordinance 126684, is amended as follows:

23.76.015 Public meetings for Type I light rail transit facilities, Type II, and Type III Master Use Permits

A. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions if:

1. The meeting is otherwise provided for in this Title 23, including meetings for projects subject to design review;

2. The proposed development is of broad public significance;

3. Fifty or more persons file a written request for a meeting not later than the 14th day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance.

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 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.

C. The Director shall provide notice of all public meetings by:

1. Inclusion in the Land Use Information Bulletin;

2. Posting of at least four placards within 300 feet of the site; and

3. Provision of notice to all persons who provided an address for notice and either attended an early design guidance public meeting for the project or wrote to the Department about the proposed project before the date that notice of the meeting is distributed in the Land Use Information Bulletin.

D. The Director may hold a public meeting on all Master Use Permit applications for light rail transit facilities and temporary use for light rail transit facility construction applications. Public meetings held for light rail transit facilities applications pursuant to this subsection 23.76.015.D shall be subject to the public notice requirements of subsection 23.76.015.C.

Section 27. Section 23.76.020 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.020 Director's decisions on Type I and Type II Master Use Permits

A. Master Use Permit ((~~Review Criteria~~)) review criteria. The Director shall grant, deny, or conditionally grant approval of a Type II decision, or Type I decision for a light rail transit facility if applicable,

based on the applicant's compliance with the applicable SEPA policies pursuant to Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code pursuant to Section 23.76.026. If an EIS is required, the application shall be subject to only those SEPA policies in effect when the draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process. The Director shall not issue a light rail transit facilities Type I decision until the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the Council by ordinance or resolution.

B. Timing of ((~~Decisions Subject to Environmental Review~~)) decisions subject to environmental review ((~~.~~))

1. If an EIS is required, the Director's decision shall not be issued until at least seven days after publication of the final EIS, as provided by Chapter 25.05.

2. If no EIS is required, the Director's decision shall include issuance of a ((~~Determination of Nonsignificance~~)) determination of nonsignificance (DNS) for the project if not previously issued pursuant to subsection 25.05.310.C.2.

C. Notice of decisions

1. Type I. No notice of decision is required for Type I decisions, except for Type I decisions for light rail transit facilities, which shall provide notice as described in subsection 23.76.020.C.2.

2. Type II. The Director shall provide notice of all Type II decisions by:

a. Inclusion in the Land Use Information Bulletin;

b. Publication in the City official newspaper;

c. Notice provided to the applicant and to persons who provided an address for notice and either submitted written comments on the application, or made a written request for notice; ((~~and~~))

d. Filing of DNSs with the SEPA Public Information Center and distribution of DNSs as required by Section 25.05.340; and

e. Filing of any shoreline decision in a Master Use Permit with the Department of Ecology according to the requirements in WAC 173-27-130.

D. Contents of notice

1. The notice of the Director's Type I decision for a light rail transit facility shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is not subject to administrative appeal.

((~~1.~~)) 2. The notice of the Director's Type II decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to administrative appeal or administrative review and shall describe the appropriate administrative appeal procedure.

((~~2.~~)) 3. If the Director's decision includes a mitigated DNS or other DNS requiring a 14-day comment period pursuant to Chapter 25.05((~~, Environmental Policies and Procedures~~)), the notice of decision shall include notice of the comment period.

Section 28. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 127100, 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:

1. That notice of the Director's decision on the application is published, if the decision is appealable to the Hearing Examiner;

2. Of the Director's decision, if the decision is not appealable to the Hearing Examiner;

3. A valid and fully complete building permit application is filed, as determined under Section

106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, if it is filed prior to the date established in subsections 23.76.026.A.1 or 23.76.026.A.2; or

4. Of the filing of a letter of eligibility for exemption from design review pursuant to subsection 23.41.004.E.3, provided that a valid and complete Type I or Type II Master Use Permit application pursuant to Section 23.76.010 is filed within 90 days. If a complete Type I or Type II Master Use Permit application pursuant to Section 23.76.010 has not been filed within 90 days for a proposal associated with a filed letter of eligibility for exemption from design review, the filed letter of eligibility for exemption from design review and its relevance to establishing vesting under Title 23 shall be void. A filed letter of eligibility may be withdrawn by the applicant. A new letter of eligibility may be filed, that defines a new 90-day timeframe for providing a valid and complete Type I or Type II Master Use Permit application.

B. Subdivision and short subdivision components of Master Use Permits. An application for approval of a subdivision or short subdivision of land shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application for such approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design review component of Master Use Permits

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, design review is not required.

2. Except as otherwise provided by law, a complete application for a Master Use Permit that includes a design review component other than an application described in subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use control ordinances in effect on:

a. The date a complete application for the early design guidance process or streamlined design review guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 90 days of the date of the early design guidance public meeting if an early design guidance

public meeting is required, or within 90 days of the date the Director provided guidance if no early design guidance public meeting is required. If more than one early design guidance public meeting is held, then a complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 150 days of the first meeting. If a complete application for a Master Use Permit that includes a design review component is filed more than 150 days after the first early design guidance public meeting, then such Master Use Permit application shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the early design guidance public meeting that occurred most recently before the date on which a complete Master Use Permit application was filed, provided that such Master Use Permit application is filed within 90 days of the most recent meeting; or

b. A date elected by the applicant that is later than the date established in subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1 through 23.76.026.A.3.

3. A complete application for a Master Use Permit that includes a Master Planned Community design review component, but that pursuant to subsection 23.41.020.C does not include an early design guidance process, shall be considered under the Land Use Code and other land use control ordinances in effect on the date the complete application is submitted.

D. Master Use Permit components for light rail transit facilities. Applications for all Master Use Permit components for light rail transit facilities shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date a valid and fully complete Master Use Permit application is filed, as determined by Section 23.76.010.

((~~D.~~)) E. 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.

((~~E.~~)) F. 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 29. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.028 Type I and II Master Use Permit issuance

A. The Director shall notify the applicant when a Type I or II Master Use Permit is approved for issuance.

B. Type I Master Use Permits. A Type I Master Use Permit is approved for issuance at the time of the Director's decision that the application conforms to all applicable laws, except that for a project that requires both a Master Use Permit and a Council land use decision, the Master Use Permit is approved for issuance only after the Council land use decision is made. A Type I Master Use Permit for a light rail transit facility shall not be approved for issuance until the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the Council by ordinance or resolution.

C. Type II Master Use Permits

1. Except as provided in subsections 23.76.028.C.2 and 23.76.028.C.3, a Type II Master Use Permit is approved for issuance on the day following expiration of the applicable City of Seattle administrative appeal period or, if appealed, on the fourth day following a final City of Seattle administrative appeal decision or the day after an appeal is dismissed.

2. A Type II Master Use Permit containing a shoreline component as defined in subsection 23.76.006.C.2.g is approved for issuance pursuant to Section 23.60A.072, except that a shoreline decision on limited utility extensions and bulkheads subject to Section 23.60A.064 is approved for issuance within 21 days

of the last day of the comment period as specified in that Section 23.60A.064.

3. For a Type II Master Use Permit that requires a Council land use decision, the Master Use Permit is approved for issuance only after the Council land use decision is made.

D. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

Section 30. Section 23.76.029 of the Seattle Municipal Code, last amended by Ordinance 126979, is amended as follows:

23.76.029 Type I and II Master Use Permit duration and expiration date

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:

A. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.

B. A variance component of a Master Use Permit expires as follows:

1. Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.

2. Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding sentence, the variance expires on the expiration date of the Master Use Permit.

C. The time during which pending litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use if a building permit is not required, is not included in determining the expiration date of the Master Use Permit.

D. Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.45.600, 23.47A.007, 23.48.007, 23.49.036, 23.50.015, or 23.50.030 expire as

follows:

1. For the first phase, the expiration date shall be three years from the date the permit is approved for issuance;

2. For subsequent phases, the expiration date shall be determined at the time of permit issuance for each phase, and the date shall be stated in the permit.

E. Permits for uses allowed under Section 23.42.038, temporary or intermittent use permits issued pursuant to Section 23.42.040, and transitional encampment interim use permits issued under Section 23.42.056 expire on the date stated in the permit.

F. Except as otherwise provided in this subsection 23.76.029.F, Master Use Permits for development pursuant to Section 23.49.180 expire on the date set by the Director in the Master Use Permit decision, which date may be a maximum of 15 years from the date the Master Use Permit is approved for issuance. The Director shall consider the complexity of the project, economic conditions of the area in which the project is located, and the construction schedule proposed by the applicant in setting the expiration date. If no expiration date is set in the Master Use Permit decision, the expiration date is three years from the date a permit is approved for issuance.

1. In order for the Director to set the Master Use Permit expiration date, the applicant shall:

a. Submit with the application a site plan showing a level of detail sufficient to assess anticipated impacts of the completed project; and

b. Submit a proposed schedule for complying with the conditions necessary to gain the amount of extra floor area and the extra height sought for the project.

2. The expiration date of the Master Use Permit may be extended past the expiration date set in the Master Use Permit decision or the date established in this subsection 23.76.029.F if:

a. On the expiration date stated in the Master Use Permit 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:

1) Submitted before the expiration date of the Master Use Permit; and

2) 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.

I. A Master Use Permit subject to this subsection 23.76.029.I approved for issuance after September 1, 2019, and before December 31, 2026, and that is not subject to subsections 23.76.029.A or 23.76.029.E, shall expire as follows:

1. A Master Use Permit that has not been granted a renewal under subsection 23.76.032.A by ((~~the effective date of Ordinance _____~~)) January 29, 2024 expires six years from the date the permit was approved for issuance as described in Section 23.76.028. A Master Use Permit with a six-year expiration period is not eligible for a two-year extension described in Section 23.76.032. A variance component of a Master Use Permit subject to this subsection 23.76.029.I shall expire in accordance with subsection 23.76.029.B. A Master Use Permit with a Major Phased Development or Planned Community Development component under Section 23.45.600, 23.47A.007, 23.48.007, 23.49.036, 23.50.015, or 23.50A.030 that is subject to this subsection

23.76.029.I shall expire as follows:

a. For the first phase, six years from the date the permit is approved for issuance;

b. For subsequent phases, expiration shall be stated in the permit.

2. A Master Use Permit that has been granted a renewal under subsection 23.76.032.A by ((~~the effective date of Ordinance _____~~)) January 29, 2024 expires three years from the date of the renewal. A Master Use Permit extended through this subsection 23.76.029.I.2 shall not be renewed beyond a period of six years from the original date the permit was approved for issuance.

J. An issued Master Use Permit for a light rail transit facility expires six years from the date the permit was approved for issuance as described in Section 23.76.028.

Section 31. Section 23.80.002 of the Seattle Municipal Code, enacted by Ordinance 117430, is amended as follows:

23.80.002 Application submittal requirements((.))

In addition to the application submittal requirements specified in other chapters and codes, applicants for essential public facilities shall address each ((~~of the~~)) applicable review criteria of this ((~~chapter~~)) Chapter 23.80 in their application materials, and provide additional information as required by the Director to complete review of the project.

Section 32. Section 23.80.004 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.80.004 Review criteria

A. In reviewing an application for a proposed essential public facility, except for light rail transit facilities, the decisionmaker shall consider the following:

1. Interjurisdictional ((~~Analysis~~)) analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county-wide,

regional, or state-wide nature, and whether uniformity among jurisdictions should be considered.

2. Financial ((~~Analysis~~)) analysis. A review to determine if the financial impact upon The City of Seattle can be reduced or avoided by intergovernmental agreement.

3. Special ((~~Purpose Districts~~)) purpose districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.

4. Measures to ((~~Facilitate Siting~~)) facilitate siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).

B. If the decisionmaker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decisionmaker may establish conditions for the project for that purpose.

C. Light rail transit facilities. Proposed light rail facility development shall comply with the development standards and permit processes in this subsection 23.80.004.C and Sections 23.80.006 and 23.80.008.

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones and shoreline environments within ((~~the City of~~)) Seattle, except the CP Environment; such facilities are allowed in the CP Environment if in or on existing bridges, existing tunnels, or existing infrastructure related to a bridge or tunnel, or if other locations are infeasible under regulations of Chapter 23.60A((~~, Shoreline District~~)).

2. The Director may approve a light rail transit facility pursuant to Chapter 23.76((~~, Master Use Permits and Council Land Use Decisions~~)) only if the alignment, transit station locations, and maintenance

base location of the light rail transit system have been approved by the ((~~City~~)) Council by ordinance or resolution.

3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the following, unless required by Chapter 23.60A or Chapter 25.09:

a. ((~~at-grade~~)) At-grade, below-grade, or above-grade tracks and their supporting structures;

b. ((~~below-grade~~)) Below-grade facilities;

c. ((~~minor~~)) Minor alteration of light rail transit facilities involving no material expansion or change of use; ((~~and~~)) or

d. ((~~other minor~~)) Minor new construction that, ((~~in~~)) according to the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.

4. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with ((~~design guidelines~~)) adopted City of Seattle Light Rail Design Guidelines developed for the light rail system by the City and the applicant.

5. The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:

a. ((~~is~~)) Is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or

b. ((~~will~~)) Will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or

c. ((~~will~~)) Will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted((~~.~~)) ; or

d. Will fulfill the intent of adopted City of Seattle Light Rail Design Guidelines better than if the development standard waiver or modification were not granted.

6. The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.

((~~7. A master use permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.~~))

7. Notwithstanding any contrary language in subsection 23.80.004.C.5, the Director shall not waive or modify a development standard in Chapter 25.09 for a light rail transit facility unless the applicant has applied for and been denied an environmentally critical areas exception according to subsection 25.09.300.A.2.

Section 33. A new Section 23.80.006 is added to the Seattle Municipal Code as follows:

23.80.006 Seattle Design Commission review of proposed light rail transit facilities

A. The Seattle Design Commission shall advise on the following elements of a proposed light rail transit facility development:

1. Architectural, aesthetic, and urban design qualities relating to the design of facilities, including but not limited to: building materials; appearance of massing; facade design; modulation; glazing; relationship to area character and context; and relationship to sidewalks and other public spaces;

2. Transportation, pedestrian accessibility, and circulation sufficiency;

3. Quality and type of public amenity features and spaces;

4. Wayfinding signage and features including visibility and legibility of portals/entry points; and

5. Integration of public art into the facilities.

B. The Seattle Design Commission shall consider the adopted City of Seattle Light Rail Design Guidelines; City code requirements; information from City staff; and public comments in its advisory process.

C. The Seattle Design Commission shall provide recommendations to the Director on modifications to the design of the proposed development to better meet the intent of adopted City of Seattle Light Rail Design Guidelines. The Director shall consider the recommendations of the Seattle Design Commission when making a decision on a proposed light rail facility development, including a decision to impose conditions of approval pursuant to subsection 23.80.004.C.4.

D. When the proposed light rail transit facility is located in a special review district, the special review district board shall review the development in accordance with the authority granted to them. The Seattle Design Commission shall not review the aspects of the development that are within the special review district board's authority.

Section 34. A new Section 23.80.008 is added to the Seattle Municipal Code as follows:

23.80.008 Development standards for light rail transit facilities

In the event there is a conflict between the development standards of this Chapter 23.80 and provisions of Chapter 23.66, Chapter 25.12, or Chapter 25.16, the provisions of Chapter 23.66, Chapter 25.12, or Chapter 25.16 shall apply.

A. Blank facades. Street-facing facades and facades facing publicly accessible spaces, blank segments between 2 feet and 8 feet above the sidewalk, may not exceed 20 feet in width. For purposes of this subsection 23.80.008.A, facade segments are considered blank if they do not include at least one of the following: windows, publicly accessible doorways or entryways, porticos, architectural detailing or treatments that

provide visual interest and variety, screening, public art, murals, landscaping, or green walls.

B. Transparency. At least 60 percent transparency between 2 feet and 8 feet above the sidewalk shall be provided for all facades of publicly accessible enclosed spaces facing a street or other publicly accessible exterior spaces. Transparent areas of facades shall be designed and maintained to provide views into and out of the structure. Entryways and doorways to publicly accessible areas may be excluded from the transparency requirement if open during operation and perforated metal, or similar material allowing visibility into and out of a structure, is provided when temporarily closed.

C. Screening. Freestanding fences, walls, or retaining walls that are accessory to a light rail transit facility, exceeding 4 feet in height and facing a publicly accessible area, shall include:

1. A minimum 5-foot depth of landscaped area adjacent to the wall or fence where site dimensions and site conditions allow; and

2. Aesthetic treatment consisting of architectural detailing, artwork, trellises, decorative fencing, or similar features to provide visual interest.

D. Maximum unmodulated facade length. The maximum length of a facade without modulation is 50 feet. The Director may allow unmodulated facades to exceed 50 feet if the facades include architectural detailing, artistic features, materials, textures, transparency, or similar features to effectively modulate the building facade.

E. Entry structures and entry plazas. Entry or portal structures or portions of structures with entries to underground light rail transit stations shall be designed with building form, signage, colors, and related features and characteristics that support visibility and wayfinding at system entry points.

F. Overhead weather protection. Continuous overhead weather protection shall be provided on all light rail transit station structures that abut public pathways, at station entries, at bus loading locations, and outdoor platform waiting areas.

1. Overhead weather protection shall have a minimum depth dimension of 8 feet measured horizontally.

2. The installation of overhead weather protection shall not result in any obstructions in the sidewalk area. At ground level, the lower edge of the overhead weather protection must be a minimum of 10 feet and a maximum of 15 feet above the sidewalk.

3. Overhead weather protection at designated outdoor platform waiting areas shall protect platform waiting areas to the platform edge, or to the maximum feasible extent without interfering with the movement of trains, to minimize effects of weather on passengers at train doors.

4. Overhead weather protection in the rights-of-way shall be subject to review and approval by the Director of Transportation. Overhead weather protection for bus loading locations shall be determined by the bus service provider in coordination with the Director of Transportation.

G. Height. Light rail transit facilities, including stations and guideways, are not subject to zoned height limits except for the height limits in Chapter 23.64.

H. Landscaping

1. Green Factor. Light rail transit stations with above-grade, at-grade, or retained cut platforms, and ancillary facilities, including but not limited to venting structures and traction power substations, shall provide landscaping that achieves a Green Factor score of 0.3 or greater.

2. Street trees are required at light rail transit stations and ancillary facilities, including but not limited to venting structures and traction power substations. The Director of Transportation will determine the number, type, and placement of street trees to be provided.

I. Light and glare. Adequate lighting for pedestrians shall be provided. Exterior lighting shall be shielded and directed away from adjacent uses.

J. Odor. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least 10 feet

above finished sidewalk grade and directed away from uses located within 50 feet of the vent.

K. Access, street improvements, and motor vehicle parking.

1. The Director shall consult with the Director of Transportation to determine the required location for motor vehicle access from a right-of-way to a light rail transit facility. The access location shall enhance pedestrian safety and comfort, facilitate transit operations and maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, and minimize hazards.

2. Light rail transit stations and ancillary facilities, including but not limited to venting structures and traction power substations, shall be subject to Chapter 23.53. Light rail transit stations and ancillary facilities may not utilize the street and alley improvement exceptions in Chapter 23.53 that are based on minimum gross floor area thresholds for non-residential uses and expansions of outdoor storage or parking supply.

3. Light rail transit facilities, including motor vehicle, transit, pedestrian, bicycle, and shared micromobility facilities for operation of new light rail transit facilities, shall demonstrate a right-of-way design consistent with Chapter 23.53 and the Streets Illustrated Right-of-Way Improvements Manual or successor rule unless otherwise allowed by the Director of Transportation. Where such facilities cannot be accommodated in the right-of-way, they shall be provided on the station site. Site and right-of-way design shall be reviewed in consultation with the Director of Transportation.

4. Pedestrian lighting shall be provided in the right-of-way adjacent to light rail transit facilities.

5. Light rail transit facilities' vehicle and pedestrian access outside of the rights-of-way shall meet the following requirements unless the requirements are waived or modified by the Director to enhance pedestrian safety and comfort, facilitate transit operations and maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards:

a. A maximum of two vehicle travel lanes may be provided to connect light rail transit facilities to the right-of-way. Vehicle travel lanes have a maximum width of 9 feet, except vehicle travel lanes used by buses or freight vehicles have a maximum width of 11 feet. Lanes for bus loading and unloading and bus layover are not considered travel lanes.

b. Curb cuts for one-way traffic shall be a minimum of 12 feet and a maximum of 15 feet, and curb cuts for two-way traffic shall be a minimum of 22 feet and a maximum of 25 feet.

c. Vehicle travel lanes shall meet sight triangle requirements of subsection 23.54.030.G.

d. Pedestrian walkways shall be provided adjacent to vehicle travel lanes and have a minimum unobstructed width of 8 feet except that the minimum pedestrian walkway width shall be 18 feet adjacent to station entries and the minimum unobstructed multiuse path width shall be 12 feet where the pedestrian walkway is shared with bicycles and other mobility devices. Where pedestrian walkways and paths for bicycles and other mobility devices are separated, the paths for bicycles and other mobility devices shall comply with the minimum requirements of the Streets Illustrated Right-of-Way Improvements Manual or successor rule.

e. Pedestrian walkways shall include a horizontal or vertical separation between the walkway and a vehicle travel lane.

f. Curb ramps are required where a pedestrian walkway crosses a vehicle travel lane or right-of-way.

g. Lighting shall be provided along all travel lanes, pedestrian walkways, multiuse pathways, and bicycle facilities.

6. Vehicle parking provided at light rail transit facilities shall comply with Section 23.54.030.

L. Bicycle parking and shared micromobility device parking for light rail transit stations.

1. Definitions. For the purposes of this subsection 23.80.008.L:

"Bicycles-on-board ratio" is the assumed proportion of bicycle riders that will take their bicycles with them on a train trip, which is 50 percent.

"Central stations" are stations located within the Downtown Urban Center with greater than 10,000 projected daily boardings.

"Daily total boardings" is the projected horizon year daily passenger boarding volume at a station, as defined in a final EIS for a link extension, or other subsequent documentation if prepared for a future system expansion.

"Horizon year" means the year used in projecting the highest analyzed level of future ridership.

"Local stations" are those stations located in intermediate vicinities that are not served by central stations, mid-center stations, or terminus stations.

"Mid-center stations" are those located within one-half mile of the Downtown Urban Center or stations within the Downtown Urban Center with less than 10,000 projected daily boardings.

"Morning peak passenger ridership" is assumed as one-third of daily total boardings at a station projected for the horizon year, based on boarding volumes documented in a final EIS for a link extension, or other subsequent documentation if prepared for a future system expansion. Daily boardings generated by riders transferring to and from trains on other light rail link segments shall not be included in the daily total boardings.

"Planned bicycle mode share" is defined as an estimated proportion of a station's total boardings that will made by persons using bicycles as their primary means of accessing a light rail station.

"Shared micromobility" refers to fleets of small, low-speed vehicles designed for personal transport, including but not limited to bicycles and scooters, and operated as a network by for-profit, non-profit, or government entity. They are available for membership to the general public on a pay-per-use or pass basis.

"Terminus stations" are those stations located at the end of a light rail system route in the City of Seattle.

2. Bicycle parking demand "D" is calculated as the morning peak passenger ridership multiplied by the planned bicycle mode share percentages in Table A for 23.80.008, which is then multiplied by 0.5 (the bicycles-on-board ratio).

3. To serve the bicycle parking demand "D" for opening day of service, the required minimum number of bicycle parking spaces shall be provided as follows:

a. The minimum bicycle parking amount required at opening day of service at a light rail station shall be calculated using the "day-of-opening" planned bicycle travel mode share percentages in Table A for 23.80.008;

b. Two-thirds of the minimum bicycle parking shall be long-term bicycle parking;

c. One-third of the minimum bicycle parking shall be short-term bicycle parking;

d. If the bicycle parking demand "D" is less than 54 total spaces, a minimum number of 54 bicycle parking spaces shall be provided, which shall be allocated two-thirds to long-term spaces and one-third to short-term spaces;

e. Bicycle parking to meet day-of-opening requirements shall be provided on the light rail transit station site, or may be located within the right-of-way if approved by the Director of Transportation.

Table A for 23.80.008 Planned bicycle mode percentages for light rail station types		
Station type	**Day-of-opening**	**In-reserve**
Terminus	5.5%	1.5%
Local	4%	3%
Mid-center	2%	2%
Central	1%	1%

4. If average use of the bicycle parking at a light rail transit facility exceeds 85 percent of capacity at a future date, measured using methods that the Director shall adopt by rule, additional bicycle parking shall be required. The amount of additional required bicycle parking, described as the "in-reserve requirement," shall be calculated using the planned bicycle travel mode shares for the "in-reserve requirement" in Table A for 23.80.008. In-reserve required bicycle parking may be provided on the light rail transit station site, or within 200 feet of the site, or in right-of-way if approved by the Director of Transportation.

5. The Director may require more or fewer than the minimum number of bicycle parking spaces and micromobility space requirements based on the following: area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information. Prior to adjusting the minimum number of parking spaces for bicycles, the Director shall consult with the Director of Transportation.

6. The minimum space for shared micromobility device parking shall be: 240 square feet for terminus stations and 120 square feet for other station types.

7. Bicycle and micromobility device parking locations shall be located as close to station entrances as feasible and may be located within the right-of-way if approved by the Director of Transportation.

8. Bicycle parking shall meet the following performance standards: subsections 23.54.015.K.2.a, 23.54.015.K.2.c, 23.54.015.K.2.d, 23.54.015.K.2.e, 23.54.015.K.2.h, and 23.54.015.K.2.i.

9. Parking locations shall be provided with level-entry routes, and, if bicycle parking is located above or below the surface level, it shall be served by features such as elevators sized to accommodate bicycles and runnels on stairs to aid bicycle movement.

10. The applicant shall demonstrate bicycle parking design will accommodate a variety of bicycle types, including but not limited to, electric bikes and cargo bikes.

11. Shared micromobility device parking shall be clearly delineated, located at ground level, be without access obstructions and not encroach on pedestrian access paths, include adequate lighting, and include directional signage to promote easy wayfinding.

M. Solid waste. Solid waste and recyclable storage space shall be provided for light rail transit stations. Requirements for solid waste and recyclable storage space shall be determined by the Director in consultation with the Director of Seattle Public Utilities.

Section 35. Section 23.84A.026 of the Seattle Municipal Code, enacted by Ordinance 122311, is amended as follows:

23.84A.026 "N((.))"

* * *

"Nonconforming to development standards" means a structure, site, or development that met applicable development standards at the time it was built or established, but that does not now conform to one or more of the applicable development standards. A nonconformity to development standards may also be created by the division of land due to condemnation or sale under threat of condemnation by an agency or division of government vested with the power of condemnation. If a sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the King County Auditor. Development standards include, but are not limited to height, setbacks, lot coverage, lot area, number and location of parking spaces, open space, density, screening and landscaping, lighting, maximum size of nonresidential uses, maximum size of non-industrial use, view corridors, sidewalk width, amenity features, street-level use requirements, street facade requirements, and floor area ratios.

* * *

Section 36. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.84A.038 "T"

* * *

"Transportation facility" means a use that supports or provides a means of transporting people or goods from one location to another. Transportation facilities include but are not limited to the following:

* * *

3. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses, or planes that provide transportation to passengers for hire by land, sea, or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops, and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

4. "Rail transit facility" means a transportation facility that supports or is used for public transit by rail. Rail transit facilities include but are not limited to the following:

a. "Light rail transit facility" means a structure, rail track, equipment, maintenance base, or other improvement ((~~of~~)) necessary to support a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations and related passenger amenities, bus layover and intermodal passenger transfer facilities, ((~~and~~)) transit station access facilities located on or off a

light rail transit station site, and structures accessory to the development of a light rail transit system.

b. "Light rail transit station" means a light rail transit facility whether at grade, above grade, or below grade that provides pedestrian access to light rail transit vehicles and facilitates transfer from light rail to other modes of transportation. A light rail transit station may include mechanical devices such as elevators and escalators to move passengers and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork, or concessions.

c. "Light rail transit system" means a public rail transit line that operates at grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit service, owned or operated by a regional transit authority authorized under ((~~Chapter~~)) chapter 81.112 RCW. A light rail transit system may be designed to share a street right-of-way although it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit service((~~, such as the Waterfront Streetcar,~~)) are not included.

* * *

Section 37. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.88.020 Land use interpretations

A. Interpretations generally. A decision by the Director as to the meaning, application, or intent of any development regulation in this Title 23 or in Chapter 25.09((~~, Regulations for Environmentally Critical Areas,~~)) as it relates to a specific property, or a decision by the Director upon review of a determination of consistency of a proposed project with a planned action ordinance, is known as an "interpretation." An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy are not subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request is final and not subject to administrative appeal. A request for an interpretation and a subsequent appeal to the Hearing Examiner, if available, are not administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought. An interpretation decision by the

Director may affirm, reverse, or modify all or any portion of a Type I or Type II land use decision.

B. Filing and ((~~Fees~~)) fees. Any request for interpretation shall be filed with the Director accompanied by the required fee. If a request for interpretation is included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.

C. Timing of request

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within 14 days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than 14 days after the project application is determined to be complete if ((~~he or she~~)) the project applicant agrees in writing that the time limits required by Section 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if ((~~he or she~~)) the project applicant agrees in writing that the time limits required by Section 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision to the Hearing Examiner or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing an interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection 23.88.020.C.3.c. A request for interpretation made pursuant to this subsection 23.88.020.C.3.c shall state with specificity:

1) How the Director's construction or application of the specified code sections is in error; and

2) How the requester believes those sections should be construed or applied.

The provisions of subsections 23.88.020.D, 23.88.020.E, and 23.88.020.F shall not apply to interpretations requested pursuant to this subsection 23.88.020.C.3.c. The Director shall respond to the request by issuing an interpretation in the form of a memorandum to be filed with the Hearing Examiner at least five calendar days before the hearing.

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, 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 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 the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner shall be provided by Land Use Information Bulletin.

F. Availability and venue of appeals

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by 5 p.m. on the ((~~14 th~~)) 14th calendar day following publication of the notice of the interpretation. If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with Section 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit decision that is appealable to the Hearing Examiner shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision.

4. An interpretation relating to a Type I Master Use Permit for light rail transit facilities issued pursuant to Chapters 23.42, 23.76, or 23.80 shall not be subject to administrative appeal.

* * *

Section 38. Section 25.08.655 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

25.08.655 Major public project construction variance

A. The Administrator may grant a major public project construction variance to provide relief from the exterior sound level limits established by this Chapter 25.08 during the construction periods of major public projects. A major public project construction variance shall provide relief from the exterior sound level limits during the construction or reconstruction of a major public project only to the extent the applicant demonstrates that compliance with the levels would:

1. Be unreasonable in light of public or worker safety or cause the applicant to violate other applicable regulations, including but not limited to regulations that reduce impacts on transportation infrastructure or natural resources; or

2. Render the project economically or functionally unreasonable due to factors such as the financial cost of compliance or the impact of complying for the duration of the construction or reconstruction of the major public project.

B. A major public project construction variance shall set forth the period or periods during which the variance is effective, which period or periods shall be the minimum reasonably necessary in light of the standard set forth in subsection 25.08.655.A, and the exterior sound level limits that will be in effect during the period of the variance. Different major public project construction variances may be issued for distinct phases of a construction project, or one major public project construction variance may be issued for the entire major public project. The period or periods during which a major public project construction variance is effective may be stated in terms of calendar dates or in terms of the duration of a construction project or a phase or phases of a construction project.

C. The Administrator shall condition a major public project construction variance as necessary to provide reasonable control or mitigation of the construction noise that may be expected to occur pursuant to the variance.

D. One-year review and decision

1. No later than one year after the start of construction to which a major public project construction variance applies, the Administrator shall review, and provide opportunity for public comment on, the operation of the variance during the first year, including the provisions of the Noise Management and Mitigation Plan, and the conditions of the variance. For purposes of determining the date of the start of the project's construction work, site exploration work is excluded.

2. After considering the public comments received, the Administrator may modify the terms and conditions of the variance or the Noise Management and Mitigation Plan as needed, or revoke the variance, if the Administrator determines that the current variance, the conditions of the variance, or the Noise Management and Mitigation Plan are not adequately protecting the public health and safety or reasonably controlling or mitigating the construction noise, or that there are more reasonable methods of doing so.

3. The Administrator shall make a decision whether to modify or revoke a variance pursuant to this review within one ((-)) year and 90 days after the start of construction work as provided in subsection 25.08.655.D.1.

4. Appeal. Any person aggrieved by the decision of the Administrator whether to modify a variance pursuant to this subsection 25.08.655.D may appeal such decision by filing an appeal in writing with the Hearing Examiner by 5 p.m. of the tenth day following the date of the issuance of the decision. A one-year review and decision for a Noise Management and Mitigation Plan for a light rail transit facility is not administratively appealable to the Hearing Examiner. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the appeal may be filed until 5 p.m. on the next business day. The Hearing

Examiner appeal shall be conducted pursuant to Section 25.08.610.

5. Effective date. The decision of the Administrator whether to modify a variance pursuant to this subsection 25.08.655.D is effective 30 days following the decision unless it is appealed to the Hearing Examiner. If the Administrator's decision is appealed to the Hearing Examiner, the Administrator's decision does not take effect and the original terms and conditions of the variance remain in effect until the effective date of the Hearing Examiner decision. The Hearing Examiner decision is a final decision of the City for purposes of chapter 36.70C RCW, and is effective 30 days from the date of the decision, unless otherwise ordered by a court. If a court stays the effective date of the decision, the original unmodified variance shall remain in effect during the stay.

Section 39. Section 25.09.300 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.300 Environmentally critical area exception

A. Types of exceptions

1. General. An applicant for a City permit to develop real property that is located in an environmentally critical area or buffer may apply to the Director for an exception to modify environmentally critical area development standards, provided that an applicant cannot apply for an exception to allow development or to obtain development credit under subsection 25.09.240.G or to relocate lot lines under Section 23.28.030. An applicant seeking relief under this Section 25.09.300 shall demonstrate that no other applicable administrative remedies in this Chapter 25.09 or Title 23 will provide sufficient relief.

2. Public projects. If development in an environmentally critical area or buffer is necessary to accommodate a public facility or public utility, the Director may grant an exception permitting the public facility or public utility using the following criteria in lieu of subsections 25.09.300.C and 25.09.300.D:

a. No reasonable alternative location will accommodate the facility or utility, as

demonstrated by an analysis of appropriate alternative locations provided by the applicant or the Director;

b. Mitigation sequencing under Section 25.09.065 is applied to the siting, design, and construction of the facility or utility;

c. All requirements of subsections 25.09.300.A.1, 25.09.300.B, 25.09.300.E, and 25.09.300.F apply; ((~~and~~))

d. In granting an exception to the development standards in Sections 25.09.090, 25.09.160, and 25.09.200 the Director shall apply the mitigation standards in Section 25.09.065 when imposing any conditions((~~.~~)); and

e. A light rail transit facility within a light rail transit system with the alignment, transit station locations, and maintenance base locations approved by the Council by ordinance or resolution is exempt from subsection 25.09.300.A.2.a. For mitigation sequencing under Section 25.09.065, the light rail transit facility is exempt from subsection 25.09.065.B.1.a and the Director shall consider subsection 25.09.065.B.1.b, prioritize subsections 25.09.065.B.1.c, 25.09.065.B.1.e, and 25.09.065.B.1.f, and prioritize the extent to which the proposal creates improved ecological function. If mitigation for a light rail transit facility will change the location of a wetland and wetland buffer and/or riparian management area, the wetland buffer and riparian management area shall not extend into or past an improved right-of-way unless that portion of the riparian management area provides significant biological or hydrological function in relation to the wetland or riparian watercourse. The light rail transit facility is exempt from the submittal requirements of subsections 25.09.300.B.1.d and 25.09.300.B.1.e.

* * *

Section 40. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

25.11.020 Exemptions

The following trees and tree activities are exempt from the provisions of this Chapter 25.11:

* * *

L. Actions undertaken to implement an approved Light Rail Transit Facility Tree and Vegetation Management Plan.

Section 41. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025, and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

_____

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

_____

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Lindsay King	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; addressing signage; clarifying requirements and supporting efficient permitting processes for light rail transit facilities; adding new Sections 23.55.070, 23.80.006, and 23.80.008 to the Seattle Municipal Code; and amending Sections 3.58.010, 3.58.080, 23.40.006, 23.40.080, 23.42.040, 23.42.055, 23.47A.004, 23.48.005, 23.49.002, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.318, 23.50A.040, 23.51A.002, 23.51A.004, 23.52.004, 23.54.015, 23.55.056, 23.76.004, 23.76.006, 23.76.010, 23.76.012, 23.76.015, 23.76.020, 23.76.026, 23.76.028, 23.76.029, 23.80.002, 23.80.004, 23.84A.026, 23.84A.038, 23.88.020, 25.08.655, 25.09.300, and 25.11.020 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This legislation updates the City's codes to support efficient permitting processes for the construction of light rail transit facilities. This legislation fulfills the permit process improvement goals identified by the City and Sound Transit (ST) in 2019. These prior discussions identified priority subjects to explore for process reforms, including identifying, modifying and removing code and process barriers to achieve faster permitting, clarifying development standards for light rail, refining the advisory process for review of facility design, and reducing the need for multiple rounds of plan review.

This legislation amends existing code standards and provides new standards for several topics. These include: new development standards; amending permit process procedural details; requiring a tree and vegetation management plan addressing construction and post-construction periods in project subareas; clarifying environmentally critical areas permitting; clarifying a procedural detail for a major public project construction noise variance; and updating minimum bicycle and micro-mobility device parking requirements at light rail transit facilities.

The amended code will support the timely construction of the West Seattle Link Extension (WSLE) and Ballard Link Extension (BLE) projects. In October 2024, the Sound Transit Board selected the route and station locations for the West Seattle Link Extension. This action authorizes the project to move forward into the final design phase. In 2025, the Seattle City Council will approve the alignment, transit station locations, and maintenance base location of the light rail transit system by ordinance or resolution.

Permitting for WSLE is expected to start in Q2 2025, construction is expected to begin in 2027, and service is anticipated to begin in 2032. The Ballard Link Extension is still in the planning stages and opening of the extension is scheduled for 2039. The areas most affected by the future light rail transit construction projects include Downtown (including the Chinatown International District); the South Lake Union and Uptown Urban Centers; the Greater Duwamish Manufacturing and Industrial Center; and the Delridge, West Seattle Junction, Ballard, and Interbay neighborhoods. The wide variety of zoning in these areas underscores the need to provide more tailored guidance for light rail transit facility projects.

Projects Eligible Under the Proposal

Light rail code amendments will be applied to future Light Rail Transit Facilities as part of the West Seattle Link Extension, Ballard Link Extension, and associated projects. In total both link extensions include 14 light rail stations and 12 miles of light rail track. Light Rail Code Amendments will also be applied to any future light rail transit facilities including the Graham Street station.

This legislation includes the following types of code amendments:

1. Creates new development standards for light rail transit facilities. These standards address the design quality of buildings, landscaping, accessibility, and other functional qualities like lighting, weather protection, signage, and street and sidewalk sizing.

2. Establishes an advisory review process by the Seattle Design Commission (SDC) to evaluate light rail transit facility design proposals and make recommendations to Sound Transit and City Departments about the proposals' aesthetic, urban design, and functional qualities.

3. Clarifies and improves permit processes for specificity and efficiency, including:
    a. Light rail transit facility permits are defined as "Type I" Master Use Permit reviews and will maintain public notice and comment periods. These permits can be appealed to Superior Court. Changes to temporary uses and station proposals will streamline permitting and construction and avoid procedural delays.
    b. Permit decisions will be more focused and efficient to issue by eliminating many types of reviews and clarifying the City's authority to grant flexibility from codes and define the conditions of approval. Edits in Chapter 23.80 of the Land Use Code will allow permit decisions to focus on the most relevant topics of design and access. This legislation exempts light rail transit facilities from many development standards and permits light rail transit facilities in all downtown zones.

4. Clarifies and streamlines the content of reviews for Sound Transit (ST) projects to receive an Environmentally Critical Areas (ECA) light rail exception permit. ST will provide only the most relevant application information and analyses for the City to review permits and focus on how environmentally protective outcomes may occur even if exceptions to meeting details of the ECA codes are allowed.

5. Defines a "tree and vegetation management plan" requirement for project segments of the light rail system development. A project-wide tree and vegetation management plan will account for tree management before, during, and after construction and requires that each tree removed be replaced by one or more new trees. The tree and vegetation management plan will utilize existing tree replacement policies in environmentally critical areas, shoreline environments, and on City property or right-of-way. Street tree requirements at light rail stations will be determined by the Director of the Seattle Department of Transportation.

6. Clarifies a one-year review step for a construction noise variance for light rail transit facilities' construction. This would maintain a single appeal opportunity for the initial decision on the construction noise variance.

7. Amends existing minimum bicycle parking requirements and adds new shared micromobility device minimum parking requirements. This defines both opening day and future parking requirements, according to different types of stations: terminus, local, mid-center, and center types. A new provision requires a variety of parking spaces to account for various types of bicycles.

8. Defines specific standards for light rail transit facility signage and includes exemptions for rules concerning signage over the right-of-way and off-premise advertising.

9. Amends the definition of "nonconforming to development standards" to include cases when land is divided due to condemnation.

These code amendments update, clarify, and revise the codes that will be applied to future Light Rail Transit Facility permits. These changes provide greater specificity in the codes and are intended to streamline, clarify, and increase the efficiency of permit reviews.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ **Yes** ☒ **No**

This legislation streamlines the review criteria for Light Rail Transit Facilities permits but does not directly change appropriations, revenues, the number of permits required, or the fees obtained through permit reviews. It is not anticipated that the legislation will have financial impacts to the City; however, a more detailed discussion is provided below.

The City and Sound Transit have financial agreements (Task Orders) to bill and collect fees on bodies of work that are necessary to advance permitting but that are not billable through permit fees. It is anticipated that any staff time required to implement the light rail code amendments to

facilities' streamlined permitting will be resourced through City of Seattle and Sound Transit Task Orders.

In addition to City of Seattle and Sound Transit Task Orders, the City budget includes a staffing reserve of $5.2 million in 2025 and $6.8 million in 2026. This funding is currently held in Finance General, pending the development of a detailed resource plan. The detailed plan will identify up to 50 additional staff in various City departments who will collaborate with Sound Transit on project design and engineering, environmental review and project permitting, and construction management and project impact mitigation, as well as lead on station area planning and access projects.

It is not anticipated that these light rail transit facility code amendments will have financial impacts to the City beyond what has already been considered through previous legislative processes, what will be reimbursed through Sound Transit Task Orders, and/or what the City will collect in permitting fees.

Estimated project volumes
Permit packaging discussions are ongoing with Sound Transit. Currently, we anticipate approximately 89 Master Use Permits for the West Seattle Link Extension. Since a project has not been selected for the Ballard Link Extension, we do not know the total number of permits at this time. It is anticipated that the Ballard Link Extension will have more Master Use Permits than the West Seattle Link Extension.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.
None are identified to date. Sound Transit and City of Seattle have financial agreements to cover costs of project implementation to support streamlined permitting. It is anticipated that any costs required to implement the light rail code amendments will be covered by existing or future task orders with Sound Transit.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.
Please see the "Summary of Financial Implications" section above.

Please describe any financial costs or other impacts of *not* implementing the legislation.
If we do not implement the legislation, permit reviews will be more complicated and take more time which in turn will require more resources for both the City of Seattle and Sound Transit, and add time to the entire permitting and system construction process. By extension, lengthening the construction period would also add to the burdens experienced by others in the city whose business and economic activities would be disrupted by construction-related impediments.

Please describe how this legislation may affect any City departments other than the originating department.
Other departments' review responsibilities for light rail proposals would not be affected by the legislation.

4. OTHER IMPLICATIONS

a. Is a public hearing required for this legislation? Yes

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

c. Does this legislation affect a piece of property? The legislation does not directly affect a specific piece of property; however, it does indirectly affect property around future light rail transit facilities.

d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

This legislation is not likely to generate significant or disproportionate burdens on communities of color or households with lower incomes.

Right-sizing bike parking requirements ensures equitable bike parking amenities at all stations and geographies.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.
Attached.

iii. What is the Language Access Plan for any communications to the public?
SDCI provides language access by making translation services available upon request. We have developed translated FAQ documents for public distribution and offer translation on SDCI's "changes to codes" page for light rail expansion code updates.

e. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.
The legislation does not increase or decrease carbon emissions in a material way; however, the construction and operation of future light rail facilities should reduce carbon emissions by providing an alternative to driving motor vehicles.

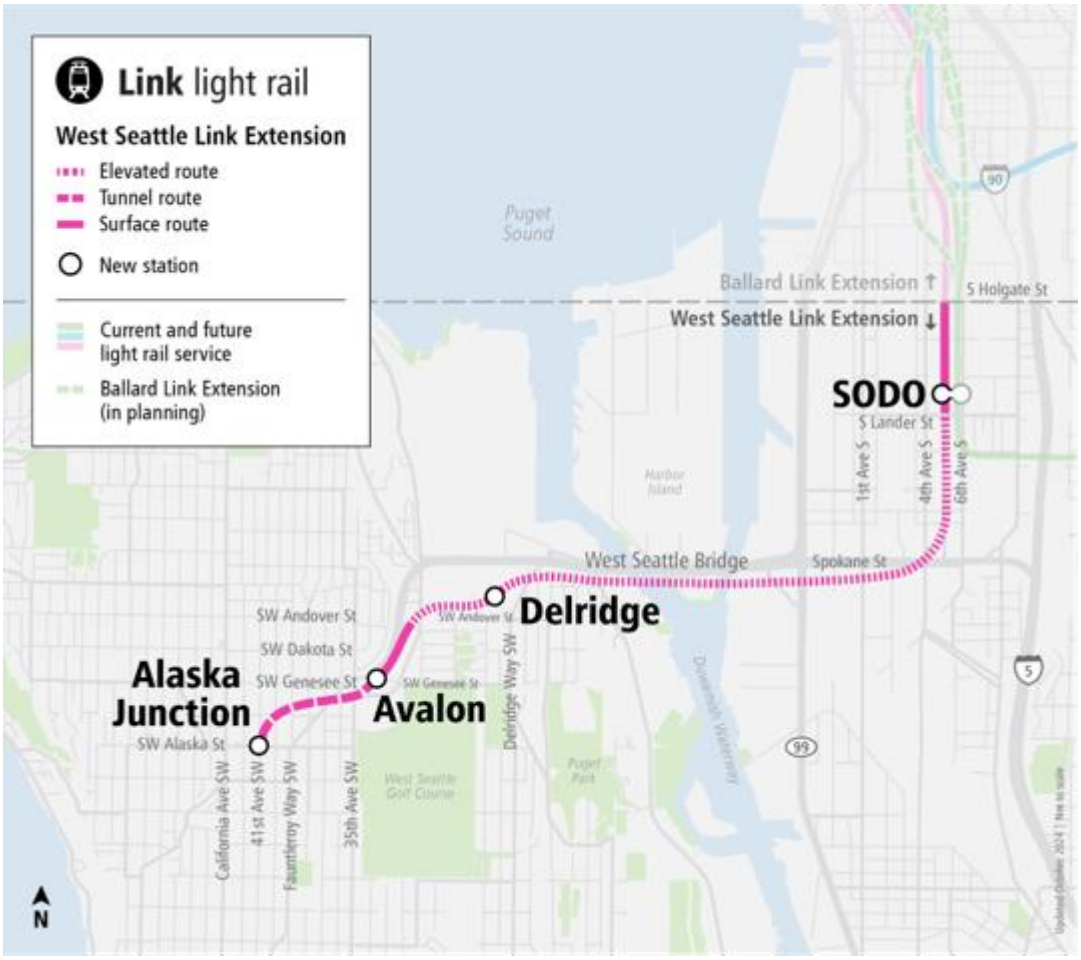
ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.
N/A

f. 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)? What mechanisms will be used to measure progress towards meeting those goals?
The legislation does not include a major initiative or programmatic expansion.

g. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?
This legislation does not create a non-utility CIP project.

5. ATTACHMENTS

Summary Attachments:
Summary Attachment 1 – Map of West Seattle Link Extension and Ballard Link Extension
Summary Attachment 2 – RSJI Summary Analysis – SDCI Light Rail Code Amendment Proposal Deliberative



West Seattle Link Extension

Ballard Link Extension

INTRODUCTION

The following is a draft summary memo discussing race and social justice (RSJ) topics, written about a Land Use Code amendment proposal. It relates to a mutual effort by the City of Seattle and Sound Transit (ST) to support efficiency in the upcoming permitting and development of ST's Link light rail expansion projects to serve West Seattle Link Extension and Ballard Link Extension . The need for amendments was identified in discussions between the City about how better coordination in permitting could lead to overall benefits in light rail system development to all parties, including the public.

ST is also collaborating with the City in public engagement and facilitation to gather public input about the entire range of the City's work with ST to develop the Link light rail expansion. These efforts include seeking input from a broad and diverse range of community stakeholders. This RSJ summary is a stand-alone evaluation of the code and process reform concepts based on a Racial Equity Toolkit (RET) approach.

CODE AMENDMENT PROPOSAL

The proposal consists of several targeted amendments to the City's Land Use Code and environmental codes. These will provide more specific regulations for the light rail system, and update or clarify how codes for topics like bicycle parking and tree protection should relate to light rail system development.

The major elements of the code and process reform proposal are:

1. **Create new development standards for light rail systems.** Proposed new development standards in Chapter 23.80 of the Land Use Code would set minimum performance levels and influence the quality of design outcomes for light rail transit facilities. This will help in the City's permit review process by addressing design details related to size, shape, aesthetic qualities and details about access, parking, and signs. These new standards will substitute for the general development standards of each zone's regulations, many of which do not relate to a light rail transit facility use.

   Minimum development standards for aesthetic qualities
   - Blank facade limits
   - Facade transparency and modulation
   - Landscaping and screening features
   - Entry features designed for visibility and wayfinding
   - Relationship to zoned height limits

   Minimum development standards for functional qualities
   - Overhead weather protection
   - Access and street improvements (and provisions for transit-supporting features to be off-site, such as bus layover spaces)
   - Bicycle parking and shared micromobility device parking requirements
   - Pedestrian lighting
   - Signage and wayfinding
   - Light/glare and odor control
   - Solid waste disposal

2. **Establish a review process by the Seattle Design Commission (SDC) to evaluate system design proposals and make recommendations.** The SDC will conduct a review of light rail development proposals and make recommendations to Sound Transit and City departments about their aesthetic and urban design qualities. City departments will consider the SDC recommendations as they prepare permit decisions on light rail developments.

3. **Clarify and improve permit processes, for specificity and efficiency.** The City proposes to make certain permits more time-efficient to obtain, by changing the "decision type" to Type I, for permits including: temporary use (where construction equipment and materials will be stored, and related activities will occur), and station design approvals. The City's Type I permit reviews could include requiring conditions of approval.

    - A Type I decision could not be appealed to the Hearing Examiner, but could still be appealed to Superior Court.
    - Permits would be evaluated more efficiently, by eliminating unnecessary analyses in each permit decision, such as proving adequate funding for light rail.
    - Updates to procedural details such as the contents of public notices, expectations for public meetings, and the duration and timing of permits, applications, and permit reviews.

4. **Clarify and streamline the content of review for an ECA exception permit.** The proposal clarifies requirements for an environmentally critical areas "ECA exception" permit, for light rail facilities. This would streamline application materials to not require showing irrelevant scenarios about what other land uses might be possible on an affected site. Also, it would give more flexibility to approve environmental impact mitigation designs even if they are not the "minimized impact" alternative. The objective is to maximize the overall positive qualities of impact mitigation outcomes by giving more flexibility to weigh and balance "restoration" and "compensation" values along with impact "minimizing" values.

5. **Define and clarify tree requirements for light rail transit system development.** The proposal defines a new requirement for Sound Transit to create a project-wide tree protection plan. The plan would describe the system construction impacts to trees in affected properties and streets, and define how mitigation strategies will be used to protect trees and replace trees lost. The City would review and approve the plan before permit approval and construction of light rail facilities.

6. **Clarify a one-year review step for a construction noise variance for light rail transit facilities construction.** A major public project construction noise variance is likely needed to allow for certain night-time construction activities. The proposal clarifies that: a permit decision for this noise variance can be appealed to the Hearing Examiner just one time, at the permit's time of approval. The City noise enforcement program would continue to evaluate performance and could require adjustments by ST to meet the terms of the construction noise variance.

SUMMARY ANALYSIS

The following discussion summarizes the results of SDCI's inquiry into race and social justice subjects using the Racial Equity Toolkit as a basis. This is organized to specifically address the potential RSJ implications for the current code amendment proposal under consideration. It does not address the entire light rail system development project's implications, for which public outreach efforts have been and continue to be conducted jointly by City of Seattle and ST.

This summary is the best expression of the draft findings of the analysis. To the extent that additional public discussion could inform a need to discuss other related subjects that have RSJ implications, this analysis should be considered a draft.

Overall Desired RSJ Outcomes for ST3 Light Rail Project Developments in Seattle

At the broad system-wide level for development of the light rail system to West Seattle and Ballard, a variety of past discussion efforts led to the following expressions of desired racial equity outcomes:

- Enhance mobility and access for communities of color and low-income populations;
- Create opportunities for equitable development that benefit communities of color;
- Avoid disproportionate impacts on communities of color and low-income populations;
- Meaningfully involve communities of color and low-income populations in the project.

Regarding desirable outcomes for station design, the priorities were identified as:

- Ensure a sense of belonging for communities of color at all stations, making sure that stations are not "white spaces," but spaces where everyone sees themselves as belonging, feeling safe, and welcome.
- Create opportunities for community identity at each station, in ways that authentically represent community involvement in the project, such as community-driven station programming, community-driven station design, and community-driven housing options.

These cover a broad cross-section of interests related to equitable provision of service and mobility improvements that are accessible to communities of color. The desired outcomes are to avoid disproportionate impacts, and result in system facility designs that express and support community identity, are culturally sensitive, and lead to overall benefits to the people and communities served.

Desired RSJ Outcomes and Themes for the Code Amendment Proposal

The code amendment proposal has been written with an intent to achieve equitable facility and service outcomes across the city as the light rail system is expanded. This includes:

- Defining fair development standards that will be applied consistently across the city for light rail facilities during permit reviews, to support equitable design outcomes.
- Considering and avoiding the potential for regulatory approaches to be biased in treating certain parts of the city (and their resident communities) differently than others.
- Weighing the regulations and public processes about their value in giving opportunities for public comment and input during the permitting process.

- Ensuring that public values continue to be represented for topics like environmental protection and equitable provision of public amenities and transportation service.
- Identifying opportunities for permit review processes to proceed in efficient ways, and focus on the right tasks, to deliver light rail service as soon as possible with efficient use of public funds.
- Seeking to achieve community outcomes that will fully and equitably support the community's objectives and be a net benefit to the community.

Relationship to Potential RSJ Burdens and Benefits of the Code Amendment Proposal

Benefits

The code amendment proposal is intended to provide overall benefits to the public while avoiding creating disproportionate burdens of negative impacts on any given community or individual.

This includes:

- Defining development standards that are more responsive than existing codes to design quality of light rail facilities. This should aid equity in design outcomes.
- Right-sizing bike parking requirements to ensure equitable bike parking amenities at all stations and geographies.
- Defining a continuing public forum (the Seattle Design Commission's public meetings) to comment on and influence project design. This is where expression of community identity and values should be discussed and evaluated, to help directly influence outcomes through participation in this public advisory body.
- Maintaining public processes for notice and public comment, even where permit types may be streamlined to occur more efficiently.
- Maintaining City policy and approaches to tree protection and allocation of tree mitigation outcomes, while achieving a tree plan approach that will be better coordinated. The proposed tree and vegetation management plan requirement would offer more public access to information on broader tree management through a project-wide plan that will account for tree management before, during, and after construction
- Giving modest additional flexibility to environmental protection requirements to allow future mitigation designs that will achieve a higher amount of total public and environmental benefits while overcoming the impacts of the light rail system development (such as at Longfellow Creek crossing).
- Narrowly targeting adjustments and clarifications to permit reviews to focus on addressing the project details that matter and reducing the need to write about unnecessary topics in permit decisions.
- Defining abilities for permit processes to be concluded faster so that unnecessary delay does not contribute to longer timeframes and mounting public cost burdens as a result.

Burdens

Our review of the proposal did not identify particular likelihoods of inequities or systemic problems ("burdens") that would be created by the contents of the code amendments. This finding is related to our interpretations of the benefits of the effort to define development standards applying across the city, with preservation of public notice and comment opportunities and venues to influence the

future light permit reviews, and preserving City policies and values for environmental protection that are shared by the public.

Examples of the questions we asked ourselves included:

- *Are there other development standards that would be more inclusive or reflective of community, or address systemic disparities?*
- *Will applicants and City reviewers fairly consider input about equity in design? How will they consciously make recommendations that reflect a diversity of perspectives and preferences, about aesthetics, equity, and community identity?*
- *Would the code proposal systemically result in "less" to certain communities in design quality, amenity, functionality, or cause more impacts?*
- *Will there be any tradeoffs or "winners and losers" caused by this proposal?*

Avoiding Bias, Disproportionate Harms, and Unintended Consequences

Our review of the code amendment proposal did not identify particular likelihoods of inequities or systemic problems related to race and social biases, disproportionate harms, or unintended consequences. The objectives of the amendments are to provide development standards that apply throughout the city equitably, with preserved opportunities for public notice and comment and have input into the City's evaluation of design proposals as they happen. They also intend to preserve shared public values and priorities for environmental protection and enhancement. The proposal also investigates how permitting processes can be reasonably streamlined and clarified so that they focus on the most relevant topics and be completed in a time-efficient manner.

One of the most relevant subjects to disclose here is the proposal to define several permit decisions for light rail development as not appealable to the Hearing Examiner, but instead directly appealable to the Superior Court-level. The Superior Court is currently the second layer of appeal, after a Hearing Examiner process has occurred. This proposal comes along with code amendments that would preserve the public notice and comment opportunities despite the change in the public appeal opportunities. This is a unique element of this code amendment proposal.

The change in appealability is prompted for City decision-making in light of a public interest in the light rail system being buildable in a timely manner. This topic essentially asks whether a permit process with two layers of legal appeals for all permits (of which approximately 89 are anticipated for just the West Seattle Link Extension) is economically worthwhile in terms of use of public funds if the result could be a substantial extension of system development time and escalation of system development costs. Such delays are foreseeable if multiple permits for the system's construction are challenged over time.

This proposal means that an appellant would need to go directly to Superior Court, which suggests a possible need for more legal preparation to present a case. This could dissuade some people from appealing a specific permit decision, which could be interpreted as disproportionately affecting people with lesser economic resources to make an appeal.

It should also be noted, however, that the entirety of the code amendment proposal seeks to retain public comment and participation opportunities in the permitting process. It would be preferable and

free for interested parties to attend venues such as future Seattle Design Commission public advisory review meetings (in-person or virtual) and state their specific interests in system design details. This would be the most direct and potentially successful manner for an interested party to influence future system facility designs and achieve community-specific outcomes.

This leads to a final point about the entire process that is to come regarding the light rail system design and permitting. The process for actual design of the light rail facilities is just beginning, and there will be many opportunities to participate and influence design of light rail system facilities going forward. The code amendment proposal in review here is aiming to support an equitable and consistent future permit process with suitable processes and code standards. Therefore, the code amendment proposal as a whole is written to align with and support the "Overall Desired RSJ Outcomes for ST3 Light Rail Project Developments in Seattle" as summarized earlier in this memorandum.

Director's Report and Recommendation
Light Rail Transit Facilities Code Amendments

Introduction

The Seattle Department of Construction and Inspections (SDCI) is proposing legislation to amend the Land Use Code to support efficient permitting processes for light rail transit facilities, including projects that will extend the light rail system to West Seattle and Ballard. The package of amendments provides new specific standards for several topics related to the City's review of light rail facility design and clarifies other existing codes to improve the efficiency of the City's reviews. Key topics of the amendments include: new design standards; updating permit process details; a tree and vegetation management plan; environmentally critical areas permitting; construction noise; and bicycle parking.

The proposal will fulfill the permit process improvement goals that were identified by the City and Sound Transit (ST) in 2019. These prior discussions identified priority subjects to explore for process reforms, including identifying code and process barriers for faster permitting, clarifying development standards for light rail, refining the advisory process for review of facility design, and reducing the need for multiple rounds of plan review.

The amended code will support the timely construction of the West Seattle Link Extension (WSLE) and Ballard Link Extension (BLE) projects. In October 2024, the Sound Transit Board selected the route and station locations for the West Seattle Link Extension. This action authorizes the project to move forward into the final design phase. In 2025, Seattle City Council will approve the alignment, transit station locations, and maintenance base location of the light rail transit system by ordinance or resolution. Permitting for WSLE is expected to start in Q2 2025, construction is expected to begin in 2027, and service is anticipated to begin in 2032. Ballard Link Extension is still in the planning stages and opening of the extension is scheduled for 2039.

The areas most affected by the future light rail transit construction projects include Downtown (including the Chinatown International District), South Lake Union, Uptown Urban Centers, Greater Duwamish Manufacturing and Industrial Center; and the Delridge, West Seattle Junction, Ballard, and Interbay neighborhoods. The wide variety of zoning in these areas underscores the need to provide more tailored guidance for light rail transit facility projects.

Proposal Description Summary

The legislation includes the following types of code amendments.

1. Create new development standards for light rail transit facilities. These address the design quality of buildings, landscaping, accessibility, and other functional qualities like lighting, weather protection, signage, and street and sidewalk sizing.

2. Establish an advisory review process by the Seattle Design Commission (SDC) to evaluate light rail transit facility design proposals and make recommendations to Sound Transit and City Departments about the proposals' aesthetic, urban design, and functional qualities.

3. Clarify and improve permit processes for specificity and efficiency, including:

    3a. Light rail transit facility permits defined as "Type I" Master Use Permit reviews will maintain public notice and comment periods. These permits can be appealed to Superior Court. Changes to temporary uses and station proposals will streamline permitting and construction and avoid procedural delays.

    3b. Permit decisions will be more focused and efficient to issue by eliminating unnecessary kinds of reviews and clarifying the City's authority to grant flexibility from codes and define conditions of approval. Edits in Chapter 23.80 of the Land Use Code will allow permit decisions to focus on the most relevant topics of design and access.

4. Clarify and streamline the content of reviews for Sound Transit projects to receive an Environmentally Critical Areas (ECA) light rail exception permit. ST would provide only the most relevant application information and analyses for the City to review permits and focus on how environmentally protective outcomes may occur even if exceptions to meeting details of the ECA codes are allowed.

5. Define a "tree and vegetation management plan" requirement for project segments of the light rail system development. Requiring a project-wide tree and vegetation management plan that will account for tree management before, during, and after construction.

6. Clarify a one-year review step for a construction noise variance for light rail transit facilities construction. This would maintain a single appeal opportunity for the initial decision on the construction noise variance.

7. Amend existing minimum bicycle parking requirements and add new shared micromobility device minimum parking requirements. This defines both opening day and future parking requirements, according to different types of stations: terminus, local, mid-center, and center types. A new provision would require a variety of parking spaces to account for various types of bicycles.

Discussion and Analysis of the Proposed Amendments

The proposal is a non-project code amendment action proposed by the City of Seattle. Light rail transit facilities are "essential public facilities," (RCW 36.70A.200 and WAC 365-196-550). The RCW defines essential public facilities as facilities "*that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW **47.06.140**, regional transit authority facilities as defined in RCW **81.112.020**, state and local correctional facilities, solid waste handling facilities…*" and other similar uses.

Light rail service is an important part of the City's growth strategy in its Comprehensive Plan. Continuing to implement light rail system expansion helps support centers-based growth patterns linked by high-capacity transit service and hosting transit-oriented development. These are the most

effective comprehensive growth strategies for the city and region, because they accomplish greater overall transportation mobility, and support affordable housing, efficient land use, and economic development objectives.

The proposed amendments update, clarify, and revise the codes that will be applied to future Light Rail Transit Facility permits. These will provide greater specificity in the codes, to aid streamlining, clarity, and efficiencies of permit reviews. The major elements of the proposal are described in more detail below.

1. **<u>Create new development standards and update the definition for light rail facilities.</u>**
   Proposed amendments in Chapter 23.80 and SMC 23.84 of the Land Use Code are intended to:
   - Create consistent minimum standards for light rail station design across the city;
   - Positively influence the quality of design outcomes for light rail transit facilities;
   - Provide minimum standards that are tailored for light rail transit facility sites; and
   - Update the definition of light rail transit facility to better align with the companion state law definition (RCW 81.112.020), thereby including structures necessary to support the development of a light rail transit system.

   The development standards are complemented by the City of Seattle Light Rail Design Guidelines already adopted by a prior action (see SDCI Director's Rule 2-2024). The proposed development standards are design-related guidance for light rail station facilities – such as size, shape, aesthetic qualities, details about streets and access, and signage. These will substitute for the general development standards of each zone's regulations, many of which are oriented to residential, commercial, and industrial uses and do not relate to a linear light rail transit facility.

   The standards include:

   Minimum development standards for aesthetic qualities

   - Blank facade limits
   - Facade transparency and modulation
   - Landscaping and screening features
   - Entry features designed for visibility and wayfinding
   - Relationship to zoned height limits

   Minimum development standards for functional qualities

   - Overhead weather protection
   - Access and street improvements (and provisions for transit-supporting features to be off-site, such as bus layover spaces)
   - Amend the minimum bicycle parking requirements and add new shared micromobility device parking requirements
   - Landscape and street tree requirements
   - Pedestrian lighting
   - Signage and wayfinding

- Light/glare and odor control
- Solid waste disposal.

Why does this matter?

The new development standards will ensure high-quality design and functionality of light rail transit facility developments across the City. This will help achieve facilities that are compatible with their adjacent surroundings and serve the needs of the public and their neighborhoods. The new definition will better align with state law ensuring all light rail transit facilities are reviewed under the appropriate code provisions.

2. **Establish an advisory review process by the Seattle Design Commission (SDC) to evaluate light rail transit facility design proposals and make recommendations to the Director.** Previous light rail transit facilities were reviewed by a Light Rail Review Panel which included members from several City departments and boards, including the SDC. More recently, the NE 130th Street station was reviewed by the SDC per authority granted in SMC 3.58.

   The code amendments proposed in SMC 3.58 and 23.80 clarify the SDC's role and define the scope of SDC's reviews for light rail transit facilities. The SDC will advise Seattle Department of Construction and Inspections (SDCI) and Seattle Department of Transportation (SDOT) and make recommendations to inform projects permitted through Master Use Permits and Street Improvement Permit processes. The SDC will conduct reviews of light rail development proposals utilizing Light Rail Facility Design Guidelines and make recommendations to City departments about the proposals' aesthetic, urban design, and functional qualities.

   The proposal limits the SDC's review to the following topics: architectural, aesthetic, and urban design qualities; transportation, pedestrian accessibility, and circulation sufficiency; quality and type of public amenity features and spaces; wayfinding legibility and signage; and public art. SDOT and SDCI will consider the SDC recommendations as they prepare future permit decisions on light rail developments. The SDC recommendations will be advisory, meaning they are not mandatory or required to be included in the final permit conditions.

Why does this matter?

The City and Sound Transit's review of the prior ST2 Light Rail Review Panel process identified a need to further refine the advisory review process. Specifically, who would lead it, the subjects of the review, and what role the advisory recommendations would have in future permitting. The proposed amendments achieve these process improvement objectives.

3. **<u>Clarify and improve permit processes, for specificity and efficiency</u>.** The City proposes to maintain a permit review and public notice process for Master Use Permits (MUPs) to allow construction of Light Rail Transit Facilities. The proposed MUP Type I permit process is appealable directly to Superior Court, unless they include review under chapter 23.60A or chapter 25.09. Other edits in Chapter 23.80 would clarify the code and simplify steps in permit review processes to better focus on pertinent topics and reduce the chances of unnecessary process-related delays.

   3A. "Type I" Master Use Permit reviews: The proposed change to Type I MUP permits would occur for two kinds of projects:

   1. Light rail essential public facilities, which include but are not limited to light rail stations, and traction power substations, which are permanent structures.
   2. Temporary use permits for construction staging sites that will be needed at several locations along the path of construction, for construction equipment and materials to be stored and staged, and other related activities.

   Public notice and comment opportunities retained
   The proposal would create a new form of Type I permit that includes public notice, comment, sign-posting, and possible public meeting requirements, like a Type II permit. This would maintain these best practices for informing the public and inviting their comments during the permitting process. The Type I permit would also maintain the ability to require conditions of approval on the permit decision.

   ECA and shoreline permits are still Type II decisions
   This proposal does not impact permits with environmentally critical areas or within shoreline designated areas. These will continue to be permitted through Type II appealable decisions, and subject to the ECA code (SMC Chapter 25.09) and Shoreline Master Program (SMC 23.60A).

   Other
   The proposal also updates provisions related to when light rail transit facilities permits may be applied for, details about vesting, and extends the duration of an issued permit. These will allow for time efficiencies in how the design, permitting, and construction steps proceed for this essential public facility, and minimize the chances of delay due to unintended code barriers.

Why does this matter?

This proposal is made to appropriately classify the permit decisions, especially for temporary uses, to streamline the permitting and construction process by simplifying the appeal procedures. If not addressed, allowing appeals for dozens of construction-related permits would substantially increase the risks of unpredictable time delays and significant cost increases for the completion of this essential public facility.

The proposal's retention of public notice, signage, and commenting opportunities, along with the publication of a land use decision, would continue to afford the public notice and input into the permit process. This would continue to be the most effective way for the public to engage in permitting decisions and make a difference at the time when the City will be reviewing individual

permits. This public process is in addition to years of public outreach by the City and Sound Transit on the light rail extension proposal, the Environmental Impact Statement process, and the aforementioned Seattle Design Commission process and related public meetings.

3B. Permit reviews will be easier to write and more focused: The proposal's code amendments in Chapter 23.80 (essential public facilities) would streamline the writing of permit decisions and would clarify the City's authority. Examples include:

- Eliminating analyses that are unnecessary to include in each permit decision, such as "proving" adequate funding for light rail and requiring alternatives analysis after Seattle City Council has confirmed the siting of the Essential Public Facility. These amendments will allow written permit decisions to be briefer and more focused in how they discuss future light rail projects consistency with code requirements.
- Clarifying and confirming the City's authority to require conditions of approval, as well as to grant flexibility in certain code provisions. For example, the amendments clarify the relationship to specific new light rail facility design guidelines that will be used in upcoming project permit reviews.

Why does this matter?

These amendments would directly improve the permit process by eliminating the need for individual permit decisions to write something about topics that are no longer relevant or specifically related to the permit being decided. Past City permits show that unnecessary time was spent to write about certain code requirements that request "proving" adequate funding for light rail and justifying its siting. This may pertain to other essential public facility projects, like regional jails, but it is not a factor that pertains to light rail projects. This is particularly true given that Sound Transit project funding is well-established and Sound Transit Board actions consider funding sources when they confirm the siting for the system's expansion, begin final design, and authorize construction. This kind of analysis is completely unnecessary to analyze in an individual permit decision for a light rail facility project, and thus is a candidate for streamlining of the permit process.

Clarifying and confirming the City's authority for conditions of approval and allowing flexibility in future light rail transit facility permitting will help to eliminate uncertainties about how the City will use its authority. This could aid in determining which permits are pursued by an agency, the kinds of information that is needed to support a permit, and how permits are reviewed by the City. These factors could lead to improved efficiencies and cost savings for all agencies as the design and permitting processes proceed.

4. <u>Clarify and streamline the content of review for an Environmentally Critical Area (ECA) exception permit.</u>

This would allow the applicant to:

- Provide application materials that contains the most relevant information for a light rail project; and
- Gain flexibility to achieve an outcome that is still environmentally protective but prioritizes the maximum ecological restoration for impacted Environmentally Critical Areas.

Most "ECA exception" permits relate to situations on single properties where there are certain challenges to siting one or more small structures. For this, the typical application materials ask for alternative designs for where else a structure could be placed on a single site and analysis that proves there is no other reasonable use of a property. This sort of analysis geared to a single site is not a good fit in relation to a linear essential public facility.

The proposal clarifies requirements for a light-rail specific "ECA exception" permit. This omits the kind of hypothetical analyses described above, but would require submittal of information that would be most helpful to evaluate an ECA exception for a light rail project with the goal of defining site improvements that minimize impacts to the environmentally critical areas.

In addition, the proposal would give a degree of added flexibility for the mitigation outcomes to give more credit for environmental "restoration" and "compensation" values in its designs, rather than strictly prioritizing "impact-minimizing" values. It would also allow critical area buffers to be defined so that existing paved road edges, for example, can be boundaries to the buffer rather than the buffers unnecessarily extending across streets onto other nearby private properties. These are all amendments that would reasonably adjust ECA requirements while at the same time promoting outcomes that will have superior benefits to the environment for certain substantial mitigation efforts that would benefit the Longfellow Creek in Delridge.

Why does this matter?

Development of a light rail transit facilities will require construction within Environmentally Critical Areas. The Sound Transit Board and the Seattle City Council confirm the location of light rail transit facilities once the environmental review for the project is complete. The guideway and station locations are located based on a variety of considerations including the anticipated impacts to environmentally sensitive areas. Once the location light rail is determined it is not appropriate to request alternative locations to site the facility at the time of permitting. The proposed code amendments focus permitting review criteria on the application mitigation sequencing criteria, specifically minimizing impacts of light rail design and construction on critical areas and maximizing the restoration of sensitive areas once construction is complete.

5. **Define a "tree and vegetation management plan" requirement for project segments of the light rail system development.** The proposal defines a new requirement for Light Rail Transit Facility construction to create a project-wide tree and vegetation management plan (TVMP) that accounts for tree management before, during, and after construction. This anticipates one plan will be prepared for the West Seattle Link Extension and one plan for the Ballard Link Extension. This is preferable to reviewing these impacts and mitigations on a permit-by-permit basis. The City would review and approve each plan before permits are approved and before construction would occur.

   The plan will describe the light rail segment's overall construction impacts to trees in affected properties and streets, and explain the proposed approaches to mitigating tree impacts, tree

protection, best management practices to be used during and after construction, and the standards for tree and vegetation management once construction is complete.

The tree and vegetation management plan would maintain existing City policies for tree replacement. It will also use an approach informed by the guidance by the Executive Order 2023-03: One Seattle Tree Plan: Growing and Fostering an Equitable Tree Canopy on Public Land. The plan would also require compliance with Title 15, chapter 23.60A, and chapter 25.09 where applicable.

A project-level tree and vegetation management plan will allow for stakeholder involvement during plan development, including Tribes and other community and environmental organizations, in advance of permit submittals.

Why does this matter?

The City's permit-by-permit tree regulations are not a good fit for this lengthy linear light rail project. The proposed TVMP will simplify permitting by putting the analyses of tree and vegetation impacts and the proposed mitigation strategies into a single document for each light rail segment.

Also, the tree-related effects of the project will occur partly on parks property and public rights-of-way, which will lead to tree losses that should be remedied according to City policies. The TVMP provides for the discussion of these impacts as well, providing an overall perspective on construction-related tree losses and replacement strategies that will enable a more holistic approach.

The holistic approach to evaluating the overall impacts and solutions will provide more transparency on tree management for the public on the linear project and streamlines review and issuance of permits. In addition, by reviewing tree impacts and mitigation approaches in advance of permitting trees can be incorporated more effectively into the final design and construction plans, allowing for more trees to be incorporated into the overall design. Finally, early coordination on tree mitigation could allow for tree replacement earlier before construction is completed.

6. **Clarify a one-year review step for a construction noise variance for light rail transit facilities construction.** The light rail system's construction will occur over several years. Sound Transit anticipates work that will be noisy at different levels through the day, with some possible night-time activities. When construction activities exceed the noise allowed per the Noise Ordinance (SMC 25.08), a major public project construction noise variance is required. This noise variance process includes detailed review of project proposals and allows the Director to condition the construction activity to ensure that construction noise protections are well-designed and will not affect public health and safety, particularly at night.

   The proposal clarifies that construction noise variances are subject to an appeal to the Hearing Examiner when the initial permit decision is made; but that, at the 1-year mark, a review of this construction noise variance would not be subject to an appeal to the Hearing Examiner. During the variance's effective period, the City's noise enforcement program would continue to evaluate performance according to the terms of the variance and could take enforcement actions or require adjustments of noise mitigation practices by ST, as needed.

Why does this matter?

Once an initial decision is published for a major public project construction noise variance, it is subject to appeal to the Hearing Examiner on grounds of merit related to mitigation of the nighttime noise. Once this appeals process has been exhausted and variance approved, construction of the project will begin while utilizing the construction hours and mitigation requirements of the noise variance. At the required one-year check-in of the noise variance decision, City staff will evaluate whether the conditions of the variance should be adjusted to address public health and safety. Allowing an additional appeals process after construction has been occurring on a large public project would present a tremendous risk to the project, extended road closures, and uncertainties in construction schedules and costs.

7. **Amend existing minimum bicycle parking requirements and add new shared micromobility device minimum parking requirements**.
   The proposal adjusts minimum bicycle parking requirements for light rail transit station facilities, to better account for several factors that will influence demand for bicycle parking at stations. This clarifies the existing code's one-size-fits-all approach for bicycle parking that lacks key definitions and has never been used since its adoption in 2018.

   The proposal accounts for probable differences in bicycle parking demand that will occur at different stations based on a typology of stations (terminus, local, mid-center and central types)

   It also is based on interpretations about:

   - how many people will take their bicycles on-board with them;
   - peak hours of ridership;
   - subtraction of train-to-train rider transfers; and
   - allocation of parking for short-term and long-term types of bicycle parking.

   The proposal also prescribes a minimum day-of-opening provision level of 54 bicycle parking spaces (36 long-term and 18 short-term) at any station that applies even if the minimum requirement calculation for a given station would fall below 54 spaces.

   The proposal also includes a new minimum parking provision for shared micromobility devices - 120 square feet at most stations, with an additional 120 square feet (240 square feet total) at terminus stations. This would serve users of scooters and similar devices that prefer to travel the "first and last mile" on shared micromobility devices rather than parking their own bicycles or scooters at stations.

   The proposal also accounts for future possible increases in bicycle usage (as projected by Seattle transportation plans) by requiring the provision of additional bicycle parking at a later date if future demand exceeds day-of-opening supply. If future monitoring identifies high parking levels, additional supply would be provided. The bicycle parking facilities would be designed in ways that accommodate possible future increases and that would accommodate a range of different types of bicycles such as cargo bicycles and motorized bicycles.

Why does this matter?

The proposal tailors the amount of bicycle parking to better match the parking supply to probable demand in the near-term and long-term. Bicycles and shared micromobility are an important part of the city's overall transportation and mobility strategies, and their usage should increase over time. The current requirements need to be revised because they lack sufficient detail to define a reasonable minimum requirement. For example, if no changes to this code are made, Downtown stations could be required to provide several hundred bicycle parking spaces which would be unnecessary based on anticipated demand, as well as physically challenging and prohibitively expensive to incorporate into the planned light rail station footprints.

Relationship to Comprehensive Plan

The legislation supports streamlined permitting to develop light rail transit facilities. Development of light rail transit facilities align with Comprehensive Plan goals and principles, such as:

Transportation Element

Goal TG 3 *Meet people's mobility needs by providing equitable access to, and encouraging use of, multiple transportation options.*

Policy T3.1. *Develop and maintain high-quality, affordable, and connected bicycle, pedestrian, and transit facilities.*

Policy T3.2. *Improve transportation options to and within the urban centers and urban villages, where most of Seattle's jobs and population growth will occur.*

Policy T3.4. *Develop a citywide transit system that includes a variety of transit modes to meet passenger capacity needs with frequent, reliable, accessible, and safe service to a wide variety of destinations throughout the day and week.*

Policy T3.9. *Expand light rail capacity and bus reliability in corridors where travel capacity is constrained, such as crossing the Lake Washington Ship Canal or the Duwamish River, or through the Center City.*

Policy T3.10. *Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.*

Policy T3.14. *Develop facilities and programs, such as bike sharing, that encourage short trips to be made by walking or biking.*

Policy T3.16. *Support and plan for innovation in transportation options and shared mobility, including car sharing, biking sharing, and transportation network companies, that can increase travel options, enhance mobility, and provide first- and last-mile connections for people.*

Policy T.3.17. *Implement new technologies that will enhance access to transportation and parking options.*

Goal TG 7 *Engage with other agencies to ensure that regional projects and programs affecting Seattle are consistent with City plans, policies, and priorities.*

Policy TG7.1. *Coordinate with regional, state, and federal agencies; other local governments; and transit providers when planning and operating transportation facilities and services that reach beyond the city's borders.*

Policy TG7.6. *Work with regional transit agency partners to expand and optimize cross-jurisdictional regional light rail and bus transit service investments that function as a single, coordinated system to encourage more trips to, from, and within Seattle on transit.*

Policy TG7.7. *Work with regional transit agencies to encourage them to provide service that is consistent with this Plan's growth goals and strategy.*

Recommendation

The Director recommends adoption of the proposal to amend the Land Use Code to support efficient permitting processes for light rail transit facilities.

Planning for Light Rail: Land Use Code Amendments

Seattle City Council Land Use Committee

April 30, 2025

ST3 City Team

Agenda

ST3 and the ST3 City Team

Overview of light rail code amendments

- Process improvements
- Design improvements

Next Steps

Sound Transit 3 in Seattle

In 2016, over 70% of Seattle voters said yes to ST3.

ST3 is the largest infrastructure investment program in Seattle's history. These projects, including the West Seattle and Ballard Link Extensions, bring tremendous opportunity to transform how people reach their homes, jobs, and destinations.

The **ST3 City Team** is an interdepartmental *One Seattle* effort that partners with Sound Transit to help deliver these investments to Seattle communities. Led by the Office of the Waterfront, Civic Projects, and Sound Transit, the ST3 City Team relies on leadership and subject matter expertise across dozens of City departments.

Why City code amendment legislation?

- **Remove code conflicts.** RCW 36.70A.200 (1) (a) states that essential public facilities includes those facilities that "are typically difficult to site" and lists examples. The statute also provides that "no local comprehensive plan or development regulation may preclude the siting of essential public facilities."
- **Streamline permit process.** The City and Seattle and Sound Transit Partnering Agreement (2018) establishes our mutual interest of collaboration in advance of permitting to streamline the permit review process.

Light Rail Land Use Code Amendments

Sound Transit and the ST3 City Team have been working for five years to identify code changes to guide light rail design, streamline permitting, and resolve code conflicts.

Summary of proposed code changes:

Process-related improvements	1. Streamline Master Use Permit process 2. Create project-level Preliminary Construction Management Plan 3. Create project-level Tree & Vegetation Management Plan
Design-related improvements	4. Establish light rail-specific development standards 5. Revise bicycle parking requirements 6. Identify Seattle Design Commission as advisory review body

1. Streamline Master Use Permit process

AT-A-GLANCE	
Intent	• An efficient permit process that includes public engagement opportunities
Current	• Includes public notice, comment period, and land use decision • Permits are appealable twice: once to Seattle Hearing Examiner and once to Superior Court via Land Use Petition Act (LUPA)
New	• Maintains public notice, comment period, and land use decision • Permits are appealable once via LUPA
Benefits	• Retains the existing public process • Adds a public meetings for key permits • Makes appeals more efficient by reducing process

2. Preliminary Construction Management Plan

AT-A-GLANCE	
Intent	• A neighborhood-level construction strategy provided with the MUPs
Current	• Permit-by-permit review of right-of-way construction impacts
New	• Segment/contract level review of right-of-way construction impacts
Benefits	• Addresses multiple construction activities occurring simultaneously • Ensures maintenance of traffic for vehicles, trucks, pedestrians, bikes and buses • Provides an opportunity for community engagement

2. Preliminary Construction Management Plan

ADDITIONAL DETAILS: The preliminary construction management plan submitted at time of MUP review will include:

- A list of required permits (utility, guideway, station);
- A strategy for how construction will be sequenced;
- Information on street closures (as identified in the EIS);
- A list of other major projects in the same area to avoid conflicts;
- Location for construction staging and truck haul routes;
- Detour plans for people driving, walking and rolling, taking the buses, riding a bike, and driving a truck; and
- A designated point of contact for construction communication

A final CMP will be required prior to commencing construction.

3. A Tree and Vegetation Management Plan (TVMP) for Each Link Extension

AT-A-GLANCE	
Intent	• A project-level tree and vegetation management plan(s) to describe tree impacts and tree replacement strategy
Current	• Permit-by-permit review of tree regulations (over 300 for WSLE)
New	• A TVMP allows for one document with consolidated tree management information for each link extension
Benefits	• Addresses tree management before, during and after construction • Allows early engagement with stakeholders • Improves delivery of existing tree policies • Enables tree replacement while light rail is being built

3. A Tree and Vegetation Management Plan (TVMP) for Each Link Extension

ADDITIONAL DETAILS: Sound Transit **will create a plan for each Link extension** describing the project's impacts and tree replacement approaches per established City policy:

- Restore ecological function in environmentally-sensitive locations
- Replace lost tree canopy and create new tree canopy
- Replace trees lost from City property with a minimum of 3:1
- Locate trees in high-opportunity areas, such as along public streets, within parks

3. What Will Be in the TVMP?

ADDITIONAL DETAILS: The plans will focus on trees impacted within the project footprint. The plans will include:

1. Preliminary inventory and map of trees to be protected and replaced
2. Documentation of proposed protection methods for trees retained
3. Description of the proposed tree mitigation
4. Best management practices to be used during construction
5. Site restoration requirements
6. Tree and vegetation management practices post-construction
7. Strategy for tree replacement that cannot fit in the project footprint

4. Light Rail Development Standards

AT-A-GLANCE	
Intent	• Clear, minimum standards for light rail facility design
Current	• Code specifies 19 different sets of standards for light rail (zone-by-zone)
New	• One set of standards that set design requirements for light rail
Benefits	• Creates an equitable and consistent set of requirements across the city • Provides transparency for the public, City staff and Sound Transit on the expectations for future light rail design • Minimizes the requests to modify standards on individual permits • Supplements Light Rail Design Guidelines that will be applied by Seattle Design Commission

4. Light Rail Development Standards

ADDITIONAL DETAILS:

Accessing the station:

- Street improvements and pedestrian lighting
- Driveways, pedestrian and bicycle pathways
- Signs/wayfinding

Station design:

- Building design- visible entrances
- Quality of station façades
- Landscaping and street trees
- Weather protection at stations, platforms, and in right-of-way

5. Planning for Bikes

AT-A-GLANCE	
Intent	• Provide adequate, accessible, and safe bike parking at light rail stations
Current	• The current bicycle parking code lacks key definitions for light rail • Required amount would exceed expected demand
New	• Amounts tailored for station location and ridership patterns • Accommodate a variety of different bike styles • Include space for micromobility
Benefits	• Provides bicycle parking to meet anticipated demand, with provisions for additional bike parking to be provided if necessary

5. Station Typology Will Inform Bike Parking

Station Type	Definition	Percentage (factor)*
Terminus Stations	Stations located at end of light rail system in the City of Seattle.	5.5% Day of Opening 7% Total
Local Stations	Stations located in intermediate vicinities, not served by Central/ Mid-Center/Terminus stations.	4% Day of Opening 7% Total
Mid-Center	Stations within ½ mile outside of the Downtown Urban Center	2% Day of Opening 4% Total
Central Stations	Stations located in the Downtown Urban Center	1% Day of Opening 2% Total

*Note: Each station will require a minimum of 54 bike parking spots per station.

ST3 City Team

6. Establish SDC as Advisory Review Body

AT-A-GLANCE	
Intent	• Identify Seattle Design Commission (SDC) as the advisory review body to inform station design quality and provide community engagement opportunities
Current	• Light Rail Review Panel advised on design quality for ST2 projects
New	• Seattle Design Commission will advise on design quality for ST3 projects • The code defines the subjects of the SDC review
Benefits	• Enables application of adopted Light Rail Design Guidelines • Facilitates a context-specific light rail design • Allows a public meeting to assess design quality

6. Establish SDC as Advisory Review Body

ADDITIONAL DETAILS. Seattle Design Commission will review light rail transit facility projects and provide recommendations to SDCI and SDOT.

- Architectural, aesthetic, and urban design qualities of light rail facilities
- Transportation, pedestrian accessibility, and circulation sufficiency;
- Quality and type of public amenity features and spaces;
- Visibility and legibility of portals/entry points, including wayfinding signage; and
- Integration of public art into the facilities.

More materials available online…

Planning for Light Rail
Tree and Vegetation Management Plans

The construction of new light rail facilities will impact trees. The City will require Sound Transit to develop Tree and Vegetation Management Plans for the West Seattle and Ballard Link Extensions to ensure a clear and consistent approach for tree protection and replacement.

The requirements for the plans will align with City policies:

- Restoring ecological function in environmentally sensitive locations
- Replacing lost tree canopy and creating new tree canopy
- Replacing trees lost from City property with a minimum of 3:1
- Locating trees in high-opportunity areas, such as along publicly-owned streets and within parks

Project-level tree and vegetation management plans provide more information about affected trees and a documented strategy for project-wide tree replacement at on-site and off-site locations.

These plans will make it clear how trees would be added along streets, within parks and natural areas, and as construction sites are restored.

In coordination with the Seattle Department of Transportation, the Office of Sustainability and Environment, and Seattle Parks and Recreation, these plans will also create a more equitable tree canopy by planting trees in neighborhoods or public spaces with less existing tree canopy, consistent with the One Seattle Tree Plan.

More Information
www.seattle.gov/light-rail

City of Seattle

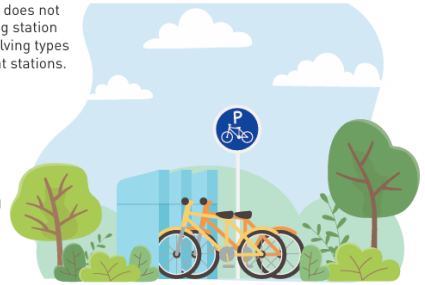
Planning for Light Rail
Bike Parking Code Amendments

The City of Seattle plans to update bike parking code requirements for future light rail stations. This work is being done through a partnership with Sound Transit to streamline the permit review process and define clear requirements for future light rail design.

The existing bike parking code does not consider the differences among station locations and types, or the evolving types of bikes that could be parked at stations.

An updated code will:

- Be grounded in data and peer-city review
- Right-size requirements for station day of opening while also allowing for future growth in bike parking needs over the life of the station



- Consider the differences between stations and clarify how we calculate bike parking requirements
- Create design standards that provide for a variety of bike parking needs and designs
- Create design standards that make bike parking safe and easy for riders to locate
- Develop new shared bike and scooter space requirements
- Help to streamline light rail permitting

More Information
www.seattle.gov/light-rail

City of Seattle

Preparing for Light Rail
New Standards for Station Design

The City of Seattle is setting new requirements for how light rail stations are designed. These standards cover important aspects like station size, shape, lighting, access, parking, signs, and overall appearance. The goal is to create stations that are functional, accessible, and enhance the look of our neighborhoods.

In addition to the new standards, we adopted Light Rail Design Guidelines. These guidelines, along with input from the Seattle Design Commission (SDC), help ensure each station fits seamlessly into its local context.

Why are new standards needed?

- The West Seattle and Ballard Light rail segments pass through 19 different zoning areas, each with its own rules. A single set of standards is necessary to simplify and streamline station design across the city.
- Current building standards for residential, commercial, or industrial use don't work well for light rail stations.
- The new code creates consistent baseline requirements for all light rail stations, no matter their location.

How will stations fit into their neighborhoods?

- The new guidelines help Sound Transit design stations that reflect the unique character of each neighborhood.
- The SDC will review station designs to ensure they work well in their surroundings.
- Public input is welcome! The SDC holds meetings where community members can share their thoughts.

What will the new standards cover?
The proposed standards will address key factors like:

- Bicycle and scooter parking
- Accessibility for everyone
- Weather protection
- Clear signs
- Pedestrian-friendly lighting
- Easy bus connections

What visual features will be included?
The standards will ensure stations look great and match their surroundings with:

- Thoughtful shapes, sizes, and materials
- Well-planned layouts
- Landscaping that enhances the area
- Integration with nearby streets and public spaces
- A design that reflects the neighborhood's character

We are committed to creating light rail stations that are not only practical and accessible but also enhance the communities they serve. With clear standards and guidelines in place, Seattle is taking a proactive approach to managing light rail station design.

More Information
www.seattle.gov/light-rail

City of Seattle

Next Steps

Code amendment legislation:

- May 13: Committee meeting
- May 29: Public hearing

Q2 2025: Additional legislation to adopt West Seattle Link Extension (WSLE) project

Q3 2025: WSLE permitting begins

Additional Questions & Comments?

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Thank you!