

**CITY OF SEATTLE**  
**ORDINANCE** 126914  
**COUNCIL BILL** 120631

AN ORDINANCE relating to land use and zoning; amending subsection 23.49.011.B of the Seattle Municipal Code to increase flexibility for lodging uses in the DMR/R 95/65 zone.

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

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

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

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

WHEREAS, one segment of the Downtown economy that has remained relatively strong at present is lodging; and

WHEREAS, hotel visitors customarily patronize local businesses including restaurants, cultural and entertainment establishments, and other services; and

WHEREAS, hotel uses commonly include vibrant and active storefronts with uses such as gathering places, artistic displays, and restaurants or bars; and

WHEREAS, members of Belltown community organizations approached the Office of Planning and Community Development with a concept to increase zoning flexibility for lodging uses as a means to spur investment and increase street activation; and

1 WHEREAS, addition of one or more new hotels within a focused geographic area of the  
2 Belltown neighborhood would be generally consistent with the City’s Comprehensive  
3 Plan and the existing mix of land uses in the broader vicinity; and

4 WHEREAS, the proposed legislation includes protections against conversions of existing  
5 buildings to lodging uses; and

6 WHEREAS, Mayor Bruce Harrell has convened stakeholders for input and is formulating a suite  
7 of actions to support Downtown as part of a Downtown Activation Plan, including this  
8 proposed Land Use Code text amendment; NOW, THEREFORE,

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

10 Section 1. Subsection 23.49.011.B of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 126157, is amended as follows:

12 **23.49.011 Floor area ratio**

13 \* \* \*

14 B. Exemptions and deductions from FAR calculations

15 1. The following are not included in chargeable floor area, except as specified  
16 below in this Section 23.49.011:

17 a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR  
18 Exemption Area identified on Map 1J of Chapter 23.49 up to a maximum FAR of 2 for all such  
19 uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone  
20 the uses are located no higher than the story above street level;

21 b. Street-level uses meeting the requirements of Section 23.49.009, Street-  
22 level use requirements, whether or not street-level use is required pursuant to Map 1G of Chapter  
23 23.49, if the uses and structure also satisfy the following standards:

1 1) The street level of the structure containing the exempt space has  
2 a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of  
3 the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

4 2) The exempt space extends a minimum depth of 15 feet from the  
5 street-level, street-facing facade;

6 3) Overhead weather protection is provided satisfying Section  
7 23.49.018; and

8 4) A mezzanine within a street-level use is not included in  
9 chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the  
10 minimum depth stated in subsection 23.49.011.B.1.b.2. Stairs leading to the mezzanine are  
11 similarly not included in chargeable floor area;

12 c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J of  
13 Chapter 23.49, provided that:

14 1) The minimum area of the shopping atria is 4,000 square feet;

15 2) The eligibility conditions of the Downtown Amenity Standards  
16 are met; and

17 3) The maximum area eligible for a floor area exemption is 20,000  
18 square feet;

19 d. Child care centers;

20 e. Human service use;

21 f. Residential use, except in the PMM zone, and provided that allowable  
22 residential floor area is limited on lots from which TDP is transferred in accordance with Chapter  
23 23.58A;

1                                   g. Live-work units, except in the PMM zone;  
2                                   h. Museums, provided that the eligibility conditions of the Downtown  
3 Amenity Standards are met;

4                                   i. The floor area identified as expansion space for a museum, if such  
5 expansion space satisfies the following:

6   1) The floor area to contain the museum expansion space is owned  
7 by the museum or a museum development authority; and

8   2) The museum expansion space will be occupied by a museum,  
9 existing as of October 31, 2002, on a Downtown zoned lot; and

10    3) The museum expansion space is physically designed in  
11 conformance with the Seattle Building Code standards for museum use either at the time of  
12 original configuration or at such time as museum expansion is proposed;

13                                   j. Performing arts theaters;

14                                   k. Floor area below grade;

15                                   l. Floor area that is used only for:

16   1) Short-term parking or parking accessory to residential uses, or  
17 both, subject to a limit on floor area used wholly or in part as parking accessory to residential  
18 uses of one parking space for each dwelling unit on the lot with the residential use served by the  
19 parking; or

20   2) Parking accessory to hotel use in the DMC 170 zone, subject to  
21 a limit of one parking space for every four hotel rooms on the lot, and provided that the exempt  
22 parking floor area is on the same lot as the hotel use served by the parking;

1 m. Floor area of a public benefit feature that would be eligible for a bonus  
2 on the lot where the feature is located, other than a Landmark structure eligible pursuant to  
3 subsection ((~~23.49.011.A.2.k~~) 23.49.011.A.2.j) or a small structure eligible pursuant to  
4 subsection ((~~23.49.011.A.2.i~~) 23.49.011.A.2.k). The exemption applies regardless of whether a  
5 floor area bonus is obtained, and regardless of limits on the maximum area eligible for a bonus;

6 n. Public restrooms;

7 o. Major retail stores in the DRC zone and adjacent areas shown on Map  
8 1J of Chapter 23.49, provided that:

9 1) The minimum lot area for a major retail store development is  
10 20,000 square feet;

11 2) The minimum area of the major retail store is 80,000 square  
12 feet;

13 3) The eligibility conditions of the Downtown Amenity Standards  
14 are met;

15 4) The maximum area eligible for a floor area exemption is  
16 200,000 square feet; and

17 5) The floor area exemption applies to storage areas, store offices,  
18 and other support spaces necessary for the store's operation;

19 p. Shower facilities for bicycle commuters;

20 q. Floor area, excluding floor area otherwise exempt, up to a maximum of  
21 25,000 square feet on any lot, within one or more Landmark structures for which a floor area  
22 bonus has been granted pursuant to subsection ((~~23.49.011.A.2.k~~) 23.49.011.A.2.j), or within one  
23 or more small structures for which a floor area bonus has been granted pursuant to subsection

1 ((~~23.49.011.A.2.l~~) 23.49.011.A.2.k, or within any combination of such Landmark structures and  
2 such small structures, in each case only to the extent that the floor area satisfies the following  
3 criteria as determined by the Director:

4 1) The floor area is interior space of historic or architectural  
5 interest designed to accommodate the original function of the structure, and maintaining the  
6 integrity of this space prevents it from being fully utilized as commercial floor area;

7 2) The floor area is occupied by such uses as public assembly or  
8 performance space, human services, or indoor public amenities, including atrium or lobby area  
9 available for passive indoor recreation use or for the display of art or other objects of scientific,  
10 social, historic, cultural, educational, or aesthetic interest; and

11 3) The floor area is open and accessible to the public without  
12 charge, on reasonable terms and conditions consistent with the nature of the space, during normal  
13 operating hours of the building;

14 r. Up to 40,000 square feet of a streetcar maintenance base;

15 s. Up to 25,000 square feet of a community center in a DMR/C zone  
16 within South Downtown that is open to the general public for a minimum of six hours per day,  
17 five days per week, 42 weeks per year;

18 t. In the DMC 170 zone, hotel use that separates parking from the street lot  
19 line on stories above the first story of a structure, up to a maximum total floor area equivalent to  
20 1 FAR, provided that the depth of the separation between the parking and the street-facing facade  
21 is a minimum of 15 feet;

22 u. In the DMC 170 zone, on lots abutting Alaskan Way, the floor area in a  
23 partially above-grade story, provided that:

1                                        1) The height of the above-grade portion of the partially above-  
2 grade story does not exceed 4 feet, measured from existing grade at the midpoint of the Alaskan  
3 Way street lot line;

4                                        2) All portions of the structure above the partially above-grade  
5 story are set back a minimum of 16 feet from the Alaskan Way lot line, except that horizontal  
6 projections, including balconies with open railings, eaves, cornices, and gutters, may extend a  
7 maximum of 4 feet into the setback area;

8                                        3) The roof of the portion of the partially above-grade story in the  
9 setback area is accessible to abutting required street-level uses in the structure and provides open  
10 space or space for activities related to abutting required street-level uses, such as outdoor dining;

11                                       4) Pedestrian access is provided from an abutting street to the roof  
12 of the portion of the partially above-grade story in the setback area; and

13                                       5) Up to 50 percent of the roof of the portion of the partially  
14 above-grade story in the setback area may be enclosed to provide weather protection, provided  
15 that the height of any feature or structure enclosing the space shall not exceed 20 feet, measured  
16 from the roof of the partially above-grade story;

17                                       v. Up to a maximum of 50,000 square feet of the floor area occupied by a  
18 City facility, including but not limited to fire stations and police precincts, but not a City facility  
19 predominantly occupied by office use;

20                                       w. Parking uses if:

21                                       1) The parking use sought to be exempted was legally established  
22 as of February 8, 2015;

23                                       2) The parking is in a structure that existed on January 1, 1980;

1 3) The structure is located west of Third Avenue in a DMC zone;

2 4) A minimum of 50 percent of the parking spaces will be  
3 available to the general public as short-term parking;

4 5) The existing structure and any proposed additions meet or are  
5 modified to meet the street-level use requirements of Section 23.49.009;

6 6) The existing structure and any proposed additions are subject to  
7 administrative design review regardless of whether administrative design review is required  
8 pursuant to Chapter 23.41; and

9 7) Any addition of non-exempt floor area to the existing structure  
10 is developed to LEED Gold standards; and

11 x. Floor area for an elementary school or a secondary school, except on  
12 lots zoned DRC, which may include minimum space requirements for associated uses including  
13 but not limited to academic core functions, child care, administrative offices, a library,  
14 maintenance facilities, food service, interior recreation, and specialty instruction space, provided  
15 that:

16 1) Prior to issuance of a Master Use Permit, the applicant shall  
17 submit a letter to the Director from the operator of the school indicating that, based on the Master  
18 Use Permit plans, the operator has determined that the development could meet the operator's  
19 specifications; and

20 2) Prior to issuance of a building permit, the applicant shall submit  
21 a written certification by the operator to the Director that the operator's specifications have been  
22 met.



1                                   y. The floor area of required bicycle parking for small efficiency dwelling  
2 units or congregate residence sleeping rooms, if the bicycle parking is located within the  
3 structure containing the small efficiency dwelling units or congregate residence sleeping rooms.  
4 Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt  
5 from FAR limits.

6                                   z. In the DMR/R 95/65 zone, lodging uses. This exemption from FAR  
7 limits does not apply to lodging uses created by converting residential uses to lodging uses in  
8 existing structures.


9                                   2. Mechanical equipment

10                                   a. As an allowance for mechanical equipment fully contained within a  
11 structure, three and one-half percent shall be deducted in computing chargeable gross floor area.  
12 Calculation of the allowance excludes gross floor area exempt pursuant to subsection  
13 23.49.011.B.1.

14                                   b. Mechanical equipment located on the roof of a structure shall not be  
15 calculated as part of the total gross floor area of the structure.

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


4 Passed by the City Council the 26th day of September, 2023,  
5 and signed by me in open session in authentication of its passage this 26th day of  
6 September, 2023.

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

9  Approved /  returned unsigned /  vetoed this 6th day of October, 2023.

10   
11 Bruce A. Harrell, Mayor

12 Filed by me this 6th day of October, 2023.

13   
14 \_\_\_\_\_  
15 Scheereen Dedman, City Clerk

15 (Seal)