



SEATTLE CITY COUNCIL

Legislative Summary

CB 119038

Record No.: CB 119038

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125374

In Control: City Clerk

File Created: 07/10/2017

Final Action: 08/02/2017

Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.49.008, 23.49.011, 23.76.004, and 23.76.006 of the Seattle Municipal Code to encourage voluntary setbacks in the Downtown Office Core 2 zone between existing residential towers and new towers by authorizing additional height and density.

Notes:	Filed with City Clerk: 8/2/2017
	Mayor's Signature: 8/2/2017
Sponsors: Bagshaw,Johnson	Vetoed by Mayor:
	Veto Overridden:
	Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/11/2017	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/13/2017	sent for review	Human Services and Public Health Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Human Services and Public Health Committee						
	Notes:						
1	Full Council	07/24/2017	referred	Human Services and Public Health Committee			
	Action Text: The Council Bill (CB) was referred. to the Human Services and Public Health Committee						
	Notes:						
1	Human Services and Public Health Committee	07/26/2017	pass as amended				Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
In Favor: 3 Chair Bagshaw, Member Burgess, Alternate Johnson
Opposed: 0

2 Full Council 07/31/2017 passed as amended Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: **ACTION 1:**

Motion was made by Councilmember Bagshaw, duly seconded and carried, to amend Council Bill 119038, Sections 1 and 2, Seattle Municipal Code sections 23.49.008.F.2.b and 23.49.011.A.2.b, by deleting "18 linear feet" and adding "22 linear feet" on any portion of the lot with the existing tower.

ACTION 2:

Motion was made and duly seconded to pass Council Bill 119038 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Sawant

Opposed: 0

3 City Clerk 08/01/2017 submitted for Mayor
Mayor's signature
3 Mayor 08/02/2017 Signed
3 Mayor 08/02/2017 returned City Clerk
3 City Clerk 08/02/2017 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125374

COUNCIL BILL 119038

..title

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.008, 23.49.011, 23.76.004, and 23.76.006 of the Seattle Municipal Code to encourage voluntary setbacks in the Downtown Office Core 2 zone between existing residential towers and new towers by authorizing additional height and density.

..body

WHEREAS, in April 2017, the City Council passed Ordinance 125291, which increased height and density in some neighborhoods in the Downtown and South Lake Union Urban Centers to implement Mandatory Housing Affordability requirements; and

WHEREAS, Section 46 of Ordinance 125291 established the Council's intent to consider a bill authorizing the Director of the Seattle Department of Construction and Inspections to increase height or density limits for new development in DOC2 zones that "voluntarily provides a greater separation than would otherwise be required from existing residential towers on the same block"; and

WHEREAS, increased separation from existing residential towers can increase penetration of light and air to residences and reduce conflicts between uses in adjacent towers; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.49.008 Structure height

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

* * *

1
2 F. In the DOC2 500/300-550 zone, as a Type I decision, the Director may increase
3 the maximum height for residential uses to 640 feet provided that:

4 1. The structure is located on a block with an existing tower that exceeds 160
5 feet in height and that has at least 50 percent of gross floor area in residential use; and

6 2. The lot with the structure either:

7 a. abuts the lot with the existing tower or

8 b. is across an alley from the lot with the existing tower and has lot
9 area, which could be developed with a tower meeting the requirements of Section 23.49.058,
10 located within 22 lineal feet of any portion of the lot with the existing tower; and

11 3. The average residential gross floor area of the structure per story above a
12 height of 85 feet is not more than 11,200 square feet; and

13 4. All portions of the structure above a height of 85 feet are set back from the
14 lot line closest to the lot with the existing tower by:

15 a. at least 15 feet, if the lot on which the structure is located is across
16 an alley from the lot with the existing tower; or

17 b. at least 30 feet, if the lot on which the structure is located abuts the
18 lot with the existing tower.

19 5. For the purposes of this subsection 23.49.008.F, any setback from the lot
20 line closest to the lot with the existing tower is measured from the lot line after any dedication
21 required by Section 23.53.030.

22 6. For the purposes of this subsection 23.49.008.F, a tower is “existing” if it
23 meets the requirements of subsection 23.49.058.D.7.

Section 2. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.49.011 Floor area ratio

A. General standards

1. The base and maximum floor area ratio (FAR) for each zone is provided in Table A for 23.49.011.

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	21
Downtown Office Core 2 (DOC2)	5	15
Downtown Retail Core (DRC)	3	6
Downtown Mixed Commercial (DMC)	4 in DMC 75 4.5 in DMC 95 5 in DMC 145, DMC 170, DMC 240/290-440, and DMC 340/290-440 3 in DMC 85/65-150	5 in DMC 75 5.5 in DMC 95 6 in DMC 170, except 9 for hotels 8 in DMC 145 and DMC 240/290-440 11 in DMC 340/290-440 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R 95/65 1 in DMR/R 145/65 1 in DMR/R 280/65	1.5 in DMR/R 95/65 2.5 in DMR/R 145/65 2.5 in DMR/R 280/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C 95/75 1 in DMR/C 145/75 2 in DMR/C 280/125 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	4.5 in DMR/C 95/75 4.5 in DMR/C 145/75 5.5 in DMR/C 280/125 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾
International District Mixed (IDM)	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 and IDM 75/85-150 3 in IDM 150/85- 150	3, except 6 for hotels ⁽²⁾ , in IDM 75- 85 and IDM 75/85-150 6 in IDM 150/85-150

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	3, except 6 for hotels ⁽²⁾	3, except 6 for hotels ⁽²⁾
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7
Footnotes to Table A for 23.49.011 ⁽¹⁾ NA = Not Applicable, except in subsection 23.49.180.E. ⁽²⁾ In the IDM 75-85 and IDM 75/85-150 zones, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.		

1 2. Chargeable floor area shall not exceed the applicable base FAR except as
 2 expressly authorized pursuant to this Chapter 23.49.
 3 a. In DOC1, DOC2, and DMC zones that are located outside of South
 4 Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that
 5 includes a new structure and the project is located within the Local Infrastructure Project Area
 6 for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of
 7 chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall
 8 be gained by acquiring regional development credits pursuant to Section 23.58A.044.

Table B for 23.49.011 First increment of FAR above the base FAR achieved acquisition of regional development credits	
Zone	FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC 340/290-440	0.50
DMC 145, DMC 170, DMC 240/290-440	0.25

1 b. In DOC1, DOC2, DH2, and DMC zones outside of South
2 Downtown, additional chargeable floor area above the first increment of FAR that exceeds the
3 base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section
4 23.49.012 or Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or
5 both, except as otherwise expressly provided in this subsection 23.49.011.A.2. If the
6 requirements of subsection 23.49.011.A.2.a do not apply, the first increment of floor area that
7 exceeds the base FAR shall be zero.

8 c. In no event shall the use of bonuses, TDR, or regional
9 development credits, or any combination of them, be allowed to result in chargeable floor area in
10 excess of the maximum as set forth in Table A for 23.49.011, except that a structure on a lot in a
11 planned community development pursuant to Section 23.49.036 or a combined lot development
12 pursuant to Section 23.49.041 may exceed the FAR otherwise permitted on that lot, provided the
13 chargeable floor area on all lots included in the planned community development or combined
14 lot development as a whole does not exceed the combined total permitted chargeable floor area.

15 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
16 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
17 five percent of all floor area above the base FAR to be gained on any lot, excluding any floor
18 area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, ~~((and))~~ 23.49.011.A.2.k, and
19 23.49.011.A.2.n, shall be gained through the transfer of Landmark TDR, to the extent that
20 Landmark TDR are available. Landmark TDR shall be considered “available” only to the extent
21 that, at the time of the Master Use Permit application to gain the additional floor area, The City
22 of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total
23 bonus contribution under Section 23.49.012 for a project using the cash option for both housing

1 and child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in
2 this Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot
3 owned by the applicant, by purchase from the City, or by any combination of the foregoing. This
4 subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

5 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
6 23.49.011.A.2.h, or 23.49.011.A.2.i, on any lot outside of South Downtown except a lot in a
7 DMR zone, the total amount of chargeable floor area gained through bonuses under Section
8 23.49.012, together with any housing TDR and Landmark housing TDR used for the same
9 project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to
10 be permitted on the lot exceeds the sum of:

11 1) The base FAR, as determined under this Section 23.49.011
12 and Section 23.49.032 if applicable, plus

13 2) Any chargeable floor area gained on the lot pursuant to
14 subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and
15 23.49.011.A.2.k, or obtained pursuant to subsection 23.49.011.A.2.n. Except in South
16 Downtown, at least half of the remaining 25 percent shall be gained by using TDR from a
17 sending lot with a major performing arts facility, to the extent available, and the balance of the
18 25 percent shall be gained through bonuses under Section 23.49.013 or through TDR other than
19 housing TDR, or both, consistent with this Chapter 23.49. TDR from a sending lot with a major
20 performing arts facility shall be considered “available” only to the extent that, at the time of the
21 Master Use Permit application to gain the additional floor area, The City of Seattle is offering
22 such TDR for sale, at a price per square foot not exceeding the prevailing market price for TDR
23 other than housing TDR, as determined by the Director.

1 f. In order to gain chargeable floor area on any lot in a DMR zone
2 outside of South Downtown, an applicant may:

3 1) Use any types of TDR eligible under this Chapter 23.49 in
4 any proportions; or

5 2) Use bonuses under Section 23.49.012 or 23.49.013, or both,
6 subject to the limits for particular types of bonus under Section 23.49.013; or

7 3) Combine such TDR and bonuses in any proportions.

8 g. On any lot in a DMC 145 or DMC 240/290-440 zone, in addition
9 to the provisions of subsection 23.49.011.A.2.e, an applicant may gain chargeable floor area
10 above the first increment of FAR above the base FAR through use of DMC housing TDR, or any
11 combination of DMC housing TDR with floor area gained through other TDR and bonuses as
12 prescribed in subsection 23.49.011.A.2.e.

13 h. If the amount of bonus development sought in any permit
14 application does not exceed 5,000 square feet of chargeable floor area, the Director may permit
15 such floor area to be achieved solely through the bonus for housing and child care.

16 i. No chargeable floor area above the base FAR shall be granted to
17 any proposed development that would result in significant alteration to any designated feature of
18 a Landmark structure, unless a certificate of approval for the alteration is granted by the
19 Landmarks Preservation Board.

20 j. On a lot entirely in a DOC1 zone, additional chargeable floor area
21 equal to 1.0 FAR may be permitted above the increment achieved through a commitment as
22 prescribed in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that

1 subsection 23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to
2 the following conditions:

3 1) The structure is rehabilitated to the extent necessary so that
4 all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12
5 or Ordinance 102229 are in good condition and consistent with the applicable ordinances and
6 with any certificates of approval issued by the Landmarks Preservation Board, all as determined
7 by the Director of Neighborhoods; and

8 2) A notice shall be recorded with the King County
9 Recorder's Office, in form satisfactory to the Director, regarding the bonus allowed and the
10 effect thereof under the terms of this Chapter 23.49. For purposes of this Section 23.49.011, a
11 "qualifying Landmark" is a structure that:

12 a) Has a gross floor area above grade of at least 5,000
13 square feet;

14 b) Is separate from the principal structure or structures
15 existing or to be developed on the lot, except that it may abut and connect with one such
16 structure along one exterior wall;

17 c) Is subject, in whole or in part, to a designating
18 ordinance pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

19 d) Is on a lot on which no improvement, object,
20 feature, or characteristic has been altered or removed contrary to any provision of Chapter 25.12
21 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this
22 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be
23 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable

1 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
2 Landmark for which such bonus was granted shall remain designated as a Landmark under
3 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
4 Landmark in good condition and repair and in a manner that preserves the features and
5 characteristics that are subject to designation or controls by ordinance, and that maintains
6 compliance with all applicable requirements of federal, state and local laws, ordinances,
7 regulations, and restrictions.

8 k. On a lot entirely in a DOC1 zone, as an incentive to maintain
9 diversity in the scale of downtown development, additional floor area equal to 0.5 FAR may be
10 granted above the increment achieved through a commitment as prescribed in subsection
11 23.49.011.A.2.a, or above the base FAR after expiration of that subsection 23.49.011.A.2.a, on a
12 lot that includes one or more qualifying small structures, subject to the conditions in this
13 subsection 23.49.011.A.2.k.

14 1) A “qualifying small structure” is one that satisfies all of the
15 following standards:

16 a) The gross floor area of the structure above grade is
17 a minimum of 5,000 square feet and does not exceed 50,000 square feet;

18 b) The height of the structure is 125 feet or less, not
19 including rooftop features as specified in subsection 23.49.008.D;

20 c) The structure was not constructed or substantially
21 structurally modified since July 13, 1982; and

22 d) The structure is not occupied by parking above the
23 ground floor.

1 2) If the structure is removed from the lot or ceases to be a
2 qualifying small structure, then any development on the portion of the lot previously occupied by
3 the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at
4 the time the bonus is granted and extended to the nearest street frontage, shall be limited to a
5 maximum floor area of 50,000 square feet for all uses and a maximum height of 125 feet,
6 excluding any rooftop features as specified in subsection 23.49.008.D.

7 3) A notice shall be recorded with the King County
8 Recorder's Office, in form satisfactory to the Director, regarding the bonus allowed and the
9 effect thereof under the terms of this Chapter 23.49.

10 4) Bonus floor area under this subsection 23.49.011.A.2.k
11 may not be granted on the basis of a Landmark structure for which bonus floor area is allowed
12 under subsection 23.49.011.A.2.j, but may be allowed on the basis of a different structure or
13 structures that are on the same lot as a Landmark structure for which such bonus floor area is
14 allowed.

15 l. Additional floor area in the PSM 85-120 zone is subject to
16 subsection 23.49.180.E.

17 m. In IDM, DMR, and DMC zones within South Downtown,
18 chargeable floor area in excess of the base FAR may be obtained only by qualifying for floor
19 area bonuses pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant
20 to Section 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the
21 conditions of this subsection 23.49.011.A.2.m also are satisfied:

1 1) For a new or existing structure, the applicant shall make a
2 commitment that the proposed development will meet the green building standard and shall
3 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

4 2) Seventy-five percent of the chargeable floor area in excess
5 of base FAR shall be gained through bonuses under Section 23.58A.024 or through use of
6 Housing TDR from within South Downtown.

7 3) Twenty-five percent of the chargeable floor area in excess
8 of base FAR shall be gained by one or any combination of TDR or public open space amenities,
9 subject to the conditions and limits of this Section 23.49.011, Section 23.49.013, Section
10 23.49.014, and the following:

11 a) TDR that may be used on a lot in South Downtown
12 are limited to South Downtown Historic TDR, open space TDR from within South Downtown,
13 or any combination of these consistent with this Chapter 23.49; and

14 b) Amenities eligible for a bonus on a lot in South
15 Downtown are limited to public open space amenities pursuant to Section 23.49.013.

16 n. In the DOC2 500/300-550 zone, as a Type I decision, the Director
17 may increase the maximum FAR by an additional .33 FAR provided that:

18 1) The structure is located on a block with an existing tower
19 that exceeds 160 feet in height and that has at least 50 percent of gross floor area in residential
20 use; and

21 2) The lot with the structure either:

22 a) Abuts the lot with the existing tower; or

1 b) Is across an alley from the lot with the existing
2 tower and has lot area, which could be developed with a tower meeting the requirements of
3 Section 23.49.058, located within 22 lineal feet of any portion of the lot with the existing tower;
4 and

5 3) All portions of the structure above a height of 85 feet are
6 set back from the lot line closest to the lot with the existing tower by:

7 a) At least 15 feet, if the lot on which the structure is
8 located is across an alley from the lot with the existing tower; or

9 b) At least 30 feet, if the lot on which the structure is
10 located abuts the lot with the existing tower.

11 4) For the purposes of this subsection 23.49.011.A.2.n, any
12 setback from the lot line closest to the lot with the existing tower is measured from the lot line
13 after any dedication required by Section 23.53.030.

14 5) For the purposes of this subsection 23.49.011.A.2.n, a
15 tower is “existing” if it meets the requirements of 23.49.058.D.7.

16 3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a
17 qualifying Landmark structure with a performing arts theater, the base FAR specified in Table A
18 for 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum
19 FAR of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3
20 are met.

21 a. For purposes of this subsection 23.49.011.A.3, a “qualifying
22 Landmark structure with a performing arts theater” is a structure that is a designated Landmark
23 pursuant to Chapter 25.12 and that meets the following:

- 1 1) The structure was built before 1930;
- 2 2) The structure contains performing arts theater space that
- 3 has combined seating capacity in one or more venues for at least 800; and
- 4 3) The structure is subject to an ordinance granting incentives
- 5 for and imposing controls on the Landmark structure.

6 b. At the time a qualifying Landmark structure with a performing arts
7 theater uses the additional base FAR, either on the site or through transfer of TDR to another
8 site, the following conditions shall be met:

9 1) The performing arts theater use established under approved
10 permits, including combined seating capacity in one or more venues for at least 800, shall be
11 ensured by binding covenants between the property owner and the City for at least 40 years from
12 the first use of any of the additional base FAR, either on the site or through the first transfer of
13 any TDR to another site; and

14 2) The Director, after consulting with the property owner,
15 determines, as a Type I decision, that the property owner has executed a contract(s) with one or
16 more theater groups or performing arts organizations for regularly scheduled use of the Landmark
17 structure for live performances and that the anticipated use of the Landmark theater structure for
18 live theater performances, combined with any other use of the structure, is adequate to contribute
19 sufficiently to the presence of live theater in the Downtown Historic Theatre District established
20 by Resolution 31341 and to support the desired level of activity in the area near the Landmark
21 structure. In making this determination, the Director shall consider the following:

1 a) The extent and duration of the contract(s) between
2 the property owner and one or more theater groups or performing arts organizations for regularly
3 scheduled use of the Landmark structure for live performances;

4 b) The presence of uses in the structure that will
5 contribute to activity in the area beyond the typical workday hours; and

6 c) Programmed use of the Landmark structure by other
7 activities during periods when the structure is not in use for live performances; and

8 3) Any use of the additional base FAR on the site complies
9 with all provisions of the designating ordinance and Chapter 25.12.

10 c. If a Landmark structure is on a lot that is not entirely regulated by
11 a designating ordinance, then the area used to calculate the additional base FAR is the area of the
12 footprint of the Landmark structure.

13 d. A lot that uses the additional base FAR on the site as allowed by
14 this subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection
15 23.49.011.A.2.j.

16 e. If a qualifying Landmark structure with a performing arts theater is
17 on a lot that is not entirely regulated by a designating ordinance, then the additional base FAR
18 may be transferred as TDR to another site, or may be used on the site on the portion of the lot
19 that is within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

20 4. The Master Use Permit application to establish any bonus development
21 under this subsection 23.49.011.A.4 shall include a calculation of the amount of bonus
22 development sought and shall identify the manner in which the conditions to such bonus
23 development shall be satisfied. The Director shall, at the time of issuance of any Master Use

1 Permit decision approving any such bonus development, issue a Type I decision as to the amount
2 of bonus development to be allowed and the conditions to such bonus development, which
3 decision may include alternative means to achieve bonus development, at the applicant's option,
4 if each alternative would be consistent with this Section 23.49.011 and any other conditions of
5 the permit, including Design Review if applicable.

6 * * *

7 Section 3. Table A for Section 23.76.004 of the Seattle Municipal Code, which section
8 was last amended by the ordinance introduced as Council Bill 118985, is amended as follows:

9 **23.76.004 Land Use Decision Framework**

10 * * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
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 not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	<u>Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.F</u>
*	<u>Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n</u>
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	Other Type II decisions that are identified as such in the Land Use Code
TYPE III Hearing Examiner's Decision (No Administrative Appeal)	
*	Subdivisions (preliminary plats)
COUNCIL LAND USE DECISIONS TYPE IV (Quasi-Judicial)	
*	Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE V (Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities
*	Adoption of or amendments to Planned Action Ordinances
*	Other decisions listed in subsection 23.76.036.C

Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹

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 interpretation 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.

1 Section 4. Subsection 23.76.006.B of the Seattle Municipal Code, which section was last
2 amended by Ordinance 125319, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 * * *

5 B. The following decisions are Type I:

- 6 1. Determination that a proposal complies with development standards;
- 7 2. Establishment or change of use for uses permitted outright, interim use
8 parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary
9 relocation of police and fire stations for 24 months or less, transitional encampment interim use,
10 temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of
11 temporary uses for up to six months, except temporary uses and facilities for light rail transit
12 facility construction and transitional encampments;

13 3. The following street use approvals:

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

- 1 b. Concept approval of street improvements associated with a
- 2 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
- 3 street drainage, sidewalks, and paving;
- 4 c. Structural building overhangs associated with a development
- 5 proposal;
- 6 d. Areaways associated with a development proposal;
- 7 4. Lot boundary adjustments;
- 8 5. Modification of the following features bonused under Title 24:
- 9 a. Plazas;
- 10 b. Shopping plazas;
- 11 c. Arcades;
- 12 d. Shopping arcades; and
- 13 e. Voluntary building setbacks;
- 14 6. Determinations of Significance (determination that an Environmental
- 15 Impact Statement is required) for Master Use Permits and for building, demolition, grading, and
- 16 other construction permits (supplemental procedures for environmental review are established in
- 17 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 18 Significance based solely on historic and cultural preservation;
- 19 7. Discretionary exceptions for certain business signs authorized by
- 20 subsection 23.55.042.D;
- 21 8. Waiver or modification of required right-of-way improvements;
- 22 9. Special accommodation pursuant to Section 23.44.015;
- 23 10. Reasonable accommodation;

1 11. Minor amendment to Major Phased Development Permit;

2 12. Streamlined design review decisions pursuant to Section 23.41.018 if no
3 development standard departures are requested pursuant to Section 23.41.012, and design review
4 decisions in an MPC zone if no development standard departures are requested pursuant to
5 Section 23.41.012;

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

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

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

12 16. Determination of requirements according to subsections 23.58B.025.A.3.a,
13 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
14 23.58C.030.A.2.c; ~~((and))~~

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

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

19 ~~((18))~~ 19. Other Type I decisions.

20 * * *

21 Section 5. If any section or subsection of the Seattle Municipal Code affected by this
22 ordinance is amended by ordinance without reference to amendments made by this ordinance,
23 each ordinance shall be given effect to the extent that the amendments do not conflict in purpose,

1 and the code reviser may publish the section or subsection in the official code with all
2 amendments incorporated therein.

3

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

4 Passed by the City Council the 31st day of July, 2017,
5 and signed by me in open session in authentication of its passage this 31st day of
6 July, 2017.

7 

8 President _____ of the City Council

9 Approved by me this 2nd day of August, 2017.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 2nd day of AUGUST, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)