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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32) to rezone certain land in the Chinatown/International District; amending Sections 23.49.007, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.023, 23.49.156, 23.49.158, 23.49.164, 23.49.208, 23.49.212, 23.49.242, 23.58B.040, 23.58B.050, 23.58C.035, 23.58C.040, and 23.58C.050 to implement Mandatory Housing Affordability requirements in the Chinatown/International District; and amending Map A for Section 23.41.006, Design Review Board Districts, Map 1B, Map 1C, Map 1F, Map 1G and Map 1H for Section 23.49, Downtown Overlay Maps, Map A for Section 23.66.302, International Special Review District and Map B for Section 23.66.326, International District.

..body

WHEREAS, in May 2013, the City Council adopted Resolution 31444, which established a work program for reviewing and potentially modifying the City’s affordable housing incentive programs; and

WHEREAS, according to Resolution 31444, the City Council commissioned reports examining national best practices for increasing the availability of affordable housing to identify new strategies for Seattle; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of residential and commercial zones and, in connection with such upzones, implementation

1 of a mandatory inclusionary housing requirement for new residential development and
2 commercial linkage fees for new commercial development; and

3 WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary
4 housing requirement offer developers the option of building affordable housing or
5 making a cash contribution to fund preservation and production of affordable housing,
6 and that the requirement be implemented upon approval of extensive citywide upzoning
7 of residential and commercial zones; and

8 WHEREAS, the City has the authority to require mandatory housing affordability for residential
9 development according to its police power; and

10 WHEREAS, a mandatory housing affordability requirement for residential development is one of
11 many actions the City intends to undertake to implement the Comprehensive Plan's goals
12 and policies for housing affordability; and

13 WHEREAS, the Countywide Planning Policies, as ratified by the King County Council, provide
14 that jurisdictions may consider a full range of programs, from optional to mandatory, that
15 will assist in meeting the jurisdiction's share of the countywide need for affordable
16 housing; and

17 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
18 36.70A RCW, is to make adequate provision for the housing needs of all economic
19 segments of the city; and

20 WHEREAS, the Affordable Housing Incentives Program Act, RCW 36.70A.540, authorizes and
21 encourages cities to enact or expand affordable housing incentive programs providing for
22 the development of low-income housing units through development regulations or
23 conditions on rezoning or permit decisions, or both; and

1 WHEREAS, according to the Affordable Housing Incentives Program Act, jurisdictions may
2 establish a minimum amount of affordable housing that must be provided by all
3 residential developments in areas where increased residential development capacity has
4 been provided; and

5 WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory
6 Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand
7 Bargain”) states that the mandatory housing affordability requirements for residential and
8 commercial development should achieve a projected production level over ten years of no
9 less than 6,000 units of housing affordable to households with incomes no greater than 60
10 percent of median income, and that, if the projected production level falls below the
11 target, all parties agree to develop and consider options to achieve the agreed-upon
12 production target; and

13 WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established
14 the framework for an Affordable Housing Impact Mitigation Program for commercial
15 development; and

16 WHEREAS, in August 2016, the City Council adopted Ordinance 125108, which established the
17 framework for mandatory housing affordability for residential development; and

18 WHEREAS, this ordinance was informed by public feedback gathered at an Open House
19 conducted on February 24, 2016 and presentations and conversations with the Building
20 Owners and Managers Association (BOMA), Chinatown-International District Business
21 Improvement Association, Downtown Residents Alliance, Downtown Resident’s
22 Council, Downtown Seattle Association, InterIM, International District Special Review
23 Board, NAIOP, Seattle Chinatown-International District Preservation and Development

1 Authority (SCIDpda), and Seattle Planning Commission, as well as letters, emails and
2 other correspondence from individuals and groups; and

3 WHEREAS, this ordinance would increase development capacity and implement the Affordable
4 Housing Impact Mitigation Program for commercial development and mandatory
5 housing affordability for residential development in the Chinatown/International District;
6 and

7 WHEREAS, increased residential development in the Chinatown/International District will assist
8 in achieving local growth management and housing policies; and

9 WHEREAS, this ordinance provides increased residential development capacity in the form of
10 an increase in the amount of height or floor area allowed by zoning in the
11 Chinatown/International District; and

12 WHEREAS, this ordinance provides for modest reductions in payment and performance amounts
13 for residential development if the additional capacity still could not be achieved in the
14 future; NOW, THEREFORE,

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

16 Section 1. The City Council hereby make the Findings of Fact in Exhibit B to this
17 ordinance.

18 Section 2. The City Council expresses the following intent as to future actions related to
19 this ordinance. The Council is enacting the rezones effected by Section 2 of this ordinance based
20 on an expectation that those rezones are accompanied by requirements to provide a substantial
21 amount of affordable housing. If the imposition of requirements under Chapter 23.58C of the
22 Seattle Municipal Code as contemplated by this ordinance is determined to be unlawful, it is the
23 Council's intent to (1) implement an alternative approach, in connection with some or all of the

1 development capacity provided by the rezones effected by Section 2 of this ordinance, resulting
2 in provision of a substantial amount of affordable housing; (2) take steps to prevent the
3 continuance of the new zoning and increased development capacity in the absence of substantial
4 affordable housing requirements by repealing the rezones effected by Section 2 of this ordinance;
5 and/or (3) take other actions, including a moratorium on some or all development while an
6 alternative approach is implemented.

7 Section 3. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
8 amended to rezone properties identified on pages 116, 117, 118 of the Official Land Use Map as
9 shown on Exhibit A attached to this ordinance.

10 Section 4. Section 23.49.007 of the Seattle Municipal Code, enacted by Ordinance
11 125291, is amended as follows:

12 **23.49.007 Mandatory housing affordability (MHA)**

13 The provisions of Chapters 23.58B and 23.58C apply in all Downtown zones, except the
14 following:

15 DH1/45;

16 DH2/55;

17 DH2/85;

18 ~~((DMC 85/65-150;~~

19 ~~DMR/C 65/65-85;~~

20 ~~DMR/C 65/65-150;~~

21 ~~All IDM zones;~~

22 ~~All IDR and IDR/C zones;))~~

23 IDM-65-150;

1 IDM-75-85;

2 All PSM zones; and

3 PMM-85.

4 Section 5. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance
5 125291, is amended as follows:

6 **23.49.008 Structure height**

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

10 A. Base and maximum height limits

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

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

1 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
2 limit for portions of a structure that contain non-residential and live-work uses is shown as the
3 first figure after the zone designation (except that there is no such limit in DOC1), and the base
4 height limit for portions of a structure in residential use is shown as the first figure following the
5 "/". The third figure shown is the maximum residential height limit. Except as stated in
6 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
7 portions of a structure in residential use if the structure does not use the bonus available under
8 Section 23.49.015, and the maximum residential height limit is the height limit for portions of a
9 structure in residential use if the structure uses the bonus available under Section 23.49.015:

10 DOC1 Unlimited/450-unlimited

11 DOC2 500/300-550

12 DMC 340/290-440

13 DMC 240/290-440.

14 4. A structure in a DMC 340/290-440 zone on a lot comprising a full block that
15 abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30
16 percent above the maximum residential height limit if the structure uses the bonus available
17 under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in either case
18 under the following conditions:

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

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

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

4 d. Any residential floor area allowed above the base residential height
5 limit under this provision is gained through voluntary agreements to provide low-income or
6 moderate-income housing according to Section 23.49.015;

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

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

21 2) Up to 20 percent of the area used to satisfy the open space
22 condition to allowing additional height may be covered by the following features: permanent,
23 freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural

1 overhangs; overhead arcades or other forms of overhead weather protection; and any other
2 features approved by the Director that contribute to pedestrian comfort and active use of the
3 space. The following features within the open space area may count as open space and are not
4 subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent
5 seating that is not reserved for any commercial use, exterior stairs and mechanical assists that
6 provide access to public areas and are available for public use, and any similar features approved
7 by the Director.

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

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

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

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

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

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

1 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
2 structure on the list below is solely for the purpose of conditioning additional height under this
3 subsection 23.49.008.A.6.b, and shall not be interpreted in any way to prejudge the structure's
4 merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513 6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424 4th Avenue
Pacific First Federal Savings	1400 4th Avenue
Joshua Green Building	1425 4th Avenue
Equitable Building	1415 4th Avenue
Mann Building	1411 3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519 3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 3rd Avenue
Former Woolworth's Building	1512 3rd Avenue

5
6 c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and
7 not in substitution for, the requirements of the Landmarks Ordinance, Chapter 25.12.

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

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

1 9. On lots in the DMC 85/((~~65-150~~) 75-170) zone:

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

4 b. A base height limit of ((~~65~~) 75) feet applies to the portions of a structure
5 that contain residential uses.

6 c. The applicable height limit for portions of a structure that contain
7 residential uses is 85 feet if the applicant qualifies for extra floor area on the lot under Section
8 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-work use above 85
9 feet, and the structure does not qualify for a higher limit for residential uses under subsection
10 23.49.008.A.9.d.

11 d. The applicable height limit is ((~~150~~) 170) feet if the applicant qualifies
12 for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no
13 non-residential or live-work use above 85 feet; the lot is at least 40,000 square feet in size and
14 includes all or part of a mid-block corridor that satisfies the conditions of Section 23.58A.040,
15 except to the extent any waiver of such conditions is granted by the Director; and the standards
16 of Section 23.49.060 are satisfied.

17 B. Structures located in DMC 240/290-440 or DMC 340/290-440 zones may exceed the
18 maximum height limit for residential use, or if applicable the maximum height limit for
19 residential use as increased under subsection 23.49.008.A.4, by ten percent of that limit, as so
20 increased if applicable, if:

21 1. The facades of the portion of the structure above the limit do not enclose an
22 area greater than 9,000 square feet, and

1 2. The enclosed space is occupied only by those uses or features otherwise
2 permitted in this Section 23.49.008 as an exception above the height limit. The exception in this
3 subsection 23.49.008.B shall not be combined with any other height exception for screening or
4 rooftop features to gain additional height.

5 C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

6 1. A structure that contains only non-residential or live-work uses may not exceed
7 the lowest height limit established on the Official Land Use Map, except for rooftop features
8 permitted by subsection 23.49.008.D.

9 2. In DMR zones for which only two height limits are established, only those
10 portions of structures that contain only residential uses may exceed the lower height limit, and
11 they may extend to the higher height limit established on the Official Land Use Map.

12 3. On lots in the DMR/C (~~65/65-150~~) 75/75-170 zone, the base height limit is
13 (~~65~~) 75 feet, and it is the applicable height limit for all structures, except that:

14 a. The applicable height limit is 85 feet if the applicant qualifies for extra
15 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or
16 live-work use above (~~65~~) 75 feet, and the structure does not qualify for a higher height limit
17 under this subsection 23.49.008.C.3.

18 b. The applicable height limit is (~~150~~) 170 feet if the applicant qualifies
19 for extra floor area under Section 23.49.023 and Chapter 23.58A; the structure has no non-
20 residential or live-work use above (~~65~~) 75 feet; the lot includes all or part of a mid-block
21 corridor that satisfies the conditions of Section 23.58A.040, except to the extent any waiver of
22 such conditions is granted by the Director; and the standards of subsection 23.49.156.B and
23 Section 23.49.163 are satisfied.

1 G. In DMC 85/75-170, DMR/C 75/75-95, DMR/C 75/75-170, IDM 85/85-170, IDM
2 165/85-170, IDR/C 125/150-270, and IDR 45/125-270 districts, and except for projects that
3 receive additional height pursuant to subsection 23.49.008.F, an additional 10 feet in height is
4 permitted above the otherwise applicable maximum height limit for residential uses for a
5 structure that meets the following conditions:

6 1. For purposes of application of Chapter 23.58C to the portion of the structure below the
7 otherwise applicable maximum height limit for residential uses:

8 a. At least ten units are provided in the structure to comply with Chapter
9 23.58C through the performance option pursuant to the calculation under subsection
10 23.58C.050.A;

11 b. Notwithstanding any contrary requirements of subsections
12 23.58C.050.C.3.a.2 and 23.58C.050.C.6.a, at least ten of the units provided to comply with
13 Chapter 23.58C through the performance option shall, for a rental unit with net unit area of
14 greater than 400 square feet, (1) at initial occupancy by a household, serve households with
15 incomes no greater than 50 percent of median income, and (2) have rent levels such that monthly
16 rent shall not exceed 30 percent of 50 percent of median income.

17 2. Units contained in the 10 additional feet of height available under subsection
18 23.49.008.G shall not be included for purposes of the calculation under subsection 23.58C.050.A
19 and gross floor area contained in the 10 additional feet of height available under this subsection
20 23.49.008.G shall not be included for purposes of the calculation under subsection
21 23.58C.040.A.

22 Section 6. Subsection 23.49.011.A of the Seattle Municipal Code, which section was last
23 amended by Ordinance 125291, is amended as follows:

1 **23.49.011 Floor area ratio**

2 A. General standards

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

4 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)) <u>75-170</u>	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) 6 in DMC 85/((65-150)) <u>75-170</u>
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)) <u>75/75-95</u> 2.5 in DMR/C ((65/65-150)) <u>75/75-170</u>	4.5 in DMR/C 95/75 4.5 in DMR/C 145/75 5.5 in DMR/C 280/125 ((4)) 4.5 in DMR/C ((65/65-85)) <u>75/75-95</u> ((4)) 4.5 in DMR/C ((65/65-150)) <u>75/75-170</u>
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾

Table A for 23.49.011

Base and maximum floor area ratios (FARs)

Zone designation	Base FAR	Maximum FAR
International District Mixed (IDM)	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 (and IDM 75/85-150) 4, except 7 for hotels ⁽³⁾ , in <u>IDM 85/85-170</u> 3 in IDM (150/85-150) <u>165/85-170</u>	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 <u>4, except 7 for hotels⁽³⁾, in ((and)) IDM ((75/85-150))85/85-170 ((6))7 in IDM ((150/85-150))165/85-170</u>
International District Residential (IDR)	((1)) 1.5	1.5, except 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)) 4, except ((6)) 7 for hotels ((2)) ⁽³⁾	((3)) 4, except ((6)) 7 for hotels ((2)) ⁽³⁾
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~~) zone, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.

⁽³⁾ In the IDM 85/85-170 and the IDR/C zones, hotel use may be combined with other chargeable floor area, provided that the total chargeable floor area of uses other than hotel use does not exceed 4 FAR, and the total chargeable floor area of all uses does not exceed 7 FAR.

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2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.
- a. In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure and the project is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of

1 chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall
2 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 <u>through</u> 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, <u>and</u> DMC 240/290-440	0.25

3
4 b. In DOC1, DOC2, DH2, and DMC zones outside of South Downtown,
5 additional chargeable floor area above the first increment of FAR that exceeds the base FAR
6 may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or
7 Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, except as
8 otherwise expressly provided in this subsection 23.49.011.A.2. If the requirements of subsection
9 23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be
10 zero.

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

1 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
2 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
3 five percent of all floor area above the base FAR to be gained on any lot, excluding any floor
4 area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall be
5 gained through the transfer of Landmark TDR, to the extent that Landmark TDR are available.
6 Landmark TDR shall be considered "available" only to the extent that, at the time of the Master
7 Use Permit application to gain the additional floor area, The City of Seattle is offering Landmark
8 TDR for sale, at a price per square foot no greater than the total bonus contribution under Section
9 23.49.012 for a project using the cash option for both housing and child care facilities. An
10 applicant may satisfy the minimum Landmark TDR requirement in this Section 23.49.011 by
11 purchases from private parties, by transfer from an eligible sending lot owned by the applicant,
12 by purchase from the City, or by any combination of the foregoing. This subsection
13 23.49.011.A.2.d does not apply to any lot in a DMR zone.

14 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
15 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
16 DMR zone, the total amount of chargeable floor area gained through bonuses under Section
17 23.49.012, together with any housing TDR and Landmark housing TDR used for the same
18 project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to
19 be permitted on the lot exceeds the sum of:

20 1) The base FAR, as determined under this Section 23.49.011 and
21 Section 23.49.032 if applicable, plus;

22 2) Any chargeable floor area gained on the lot pursuant to
23 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

1 23.49.011.A.2.k. Except in South Downtown, at least half of the remaining 25 percent shall be
2 gained by using TDR from a sending lot with a major performing arts facility, to the extent
3 available, and the balance of the 25 percent shall be gained through bonuses under Section
4 23.49.013 or through TDR other than housing TDR, or both, consistent with this Chapter 23.49.
5 TDR from a sending lot with a major performing arts facility shall be considered "available" only
6 to the extent that, at the time of the Master Use Permit application to gain the additional floor
7 area, The City of Seattle is offering such TDR for sale, at a price per square foot not exceeding
8 the prevailing market price for TDR other than housing TDR, as determined by the Director.

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

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

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

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

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

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

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

5 j. On a lot entirely in a DOC1 zone, additional chargeable floor area equal
6 to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed
7 in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that subsection
8 23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the
9 following conditions:

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

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

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

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

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

3 d) Is on a lot on which no improvement, object, feature, or
4 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
5 designating ordinance. A qualifying Landmark for which a bonus is allowed under this
6 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be
7 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable
8 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
9 Landmark for which such bonus was granted shall remain designated as a Landmark under
10 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
11 Landmark in good condition and repair and in a manner that preserves the features and
12 characteristics that are subject to designation or controls by ordinance, and that maintains
13 compliance with all applicable requirements of federal, state and local laws, ordinances,
14 regulations, and restrictions.

15 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
16 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
17 above the increment achieved through a commitment as prescribed in subsection
18 23.49.011.A.2.a, or above the base FAR after expiration of subsection 23.49.011.A.2.a, on a lot
19 that includes one or more qualifying small structures, subject to the conditions in this subsection
20 23.49.011.A.2.k.

21 1) A "qualifying small structure" is one that satisfies all of the
22 following standards:

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

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

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

7 d) The structure is not occupied by parking above the
8 ground floor.

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

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

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

22 1. Additional floor area in the PSM 85-120 zone is subject to subsection
23 23.49.180.E.

1 m. In IDM, DMR, and DMC zones within South Downtown, chargeable
2 floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses
3 pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to Section
4 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the conditions
5 of this subsection 23.49.011.A.2.m also are satisfied:

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

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

12 3) Twenty-five percent of the chargeable floor area in excess of
13 base FAR shall be gained by one or any combination of TDR or public open space amenities,
14 subject to the conditions and limits of this Section 23.49.011, Section 23.49.013, Section
15 23.49.014, and the following:

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

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

22 3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a qualifying
23 Landmark structure with a performing arts theater, the base FAR specified in Table A for

1 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum FAR
2 of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3 are
3 met.

4 a. For purposes of this subsection 23.49.011.A.3, a "qualifying Landmark
5 structure with a performing arts theater" is a structure that is a designated Landmark pursuant to
6 Chapter 25.12 and that meets the following:

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

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

- 15 1) The performing arts theater use established under approved
16 permits, including combined seating capacity in one or more venues for at least 800, shall be
17 ensured by binding covenants between the property owner and the City for at least 40 years from
18 the first use of any of the additional base FAR, either on the site or through the first transfer of
19 any TDR to another site; and
- 20 2) The Director, after consulting with the property owner,
21 determines, as a Type I decision, that the property owner has executed a contract(s) with one or
22 more theater groups or performing arts organizations for regularly scheduled use of the Landmark
23 structure for live performances and that the anticipated use of the Landmark theater structure for

1 live theater performances, combined with any other use of the structure, is adequate to contribute
2 sufficiently to the presence of live theater in the Downtown Historic Theatre District established
3 by Resolution 31341 and to support the desired level of activity in the area near the Landmark
4 structure. In making this determination, the Director shall consider the following:

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

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

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

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

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

17 d. A lot that uses the additional base FAR on the site as allowed by this
18 subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection
19 23.49.011.A.2.j.

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

1 3. Human services uses as follows:

- 2 a. Information and referral for support services;
- 3 b. Health clinics;
- 4 c. Mental health counseling services;
- 5 d. Substance abuse prevention and treatment services;
- 6 e. Consumer credit counseling;
- 7 f. Day care services for adults; and
- 8 g. Jobs skills training services;

9 4. Public restrooms; and

10 5. Transit station access for fixed rail transit facilities.

11 B. Standards for amenities

12 1. Location of amenities. Amenities provided by the applicant by performance
13 shall be located on the lot using the bonus, except as follows:

14 a. Green street improvements may be located within an abutting right-of-
15 way subject to applicable Director's rules.

16 b. An open space amenity, other than green street improvements, may be
17 on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of
18 the following conditions are satisfied:

19 1) The open space must be open to the general public without
20 charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be
21 one of the open space features cited in subsection 23.49.013.A.1.

22 2) The open space must be within 1/4 mile of the lot using the
23 bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

1 applicant, subject to this Section 23.49.013, the Downtown Amenity Standards, and ((the Green
 2 Street)) Director's Rule 11-2007 or its successor, if the Director determines that improvement of
 3 a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash
 4 payment must be in an amount sufficient to improve fully 1 square foot of green street space for
 5 each 5 square feet of bonus floor area allowed for such payment. The cash payment shall be
 6 maintained in a restricted account and shall be used to improve a green street abutting or in the
 7 vicinity of the lot.

8 3. Ratios and limits. Amenities may be used to gain floor area according to the
 9 applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

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Table A for 23.49.013									
Downtown amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-440	DH2, DMC 145, DMC 170, DMC 85/((65-150)) 75-170, and DMC 240/290-440	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000
Urban Plaza	X	X	X					5:1	15,000
Commercial Parcel Park	X	X	X	X			X	5:1	7,000
Residential Parcel Park			X	X		X	X	5:1	12,000
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000
Public Atrium	X	X	X					5:1	5,500
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit

Table A for 23.49.013 Downtown amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-440	DH2, DMC 145, DMC 170, DMC 85/((65-150)) 75-170, and DMC 240/290-440	DRC	DMR	IDM		
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200
Transit Station Access	X	X	X	X	X	X		Not Applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000
"X" indicates that bonus is potentially available.									

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4. Downtown Amenity Standards

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this Section 23.49.013 and the guidelines in the Downtown Amenity Standards.

b. The Director may allow departures from the eligibility conditions in the Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the amenity better achieves the intent of the amenity as described in this Chapter 23.49 and the

1 Downtown Amenity Standards, and that the departure is consistent with any applicable criteria
2 for allowing the particular type of departure in the Downtown Amenity Standards.

3 c. The Director may allow departures from the eligibility conditions in the
4 Downtown Amenity Standards as a Type I decision, to allow floor area in a Landmark structure
5 satisfying the standards of subsection 23.49.011.A.2.j or in a small structure satisfying the
6 standards of subsection 23.49.011.A.2.k to qualify as floor area eligible for a bonus if adapted to
7 serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

8 d. The Director may condition the approval of a feature for a bonus as
9 provided in the Downtown Amenity Standards.

10 5. Open space amenities. Open space amenities must be newly constructed on a
11 lot in a Downtown zone in compliance with the applicable provisions of this Chapter 23.49 and
12 the Downtown Amenity Standards.

13 6. Declaration. If amenities are to be provided on-site for purposes of obtaining
14 bonus floor area, the owner shall execute and record a declaration in a form acceptable to the
15 Director identifying the features and the fact that the right to develop and occupy a portion of the
16 gross floor area on the site is based upon the long-term provision and maintenance of those
17 amenities.

18 7. Duration; alteration. All bonused amenities shall be provided and maintained in
19 accordance with the applicable provisions of this Section 23.49.013 and the Downtown Amenity
20 Standards for as long as the portion of the chargeable floor area gained by the amenities exists. A
21 permit is required to alter or remove any bonused amenity.

1 Section 8. Section 23.49.014 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 125291, is amended as follows:

3 **23.49.014 Transfer of development rights**

4 A. General standards

5 1. The following types of TDR may be transferred to the extent permitted in Table
6 A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

- 7 a. Housing TDR;
- 8 b. DMC housing TDR;
- 9 c. Landmark housing TDR;
- 10 d. Landmark TDR;
- 11 e. Open space TDR; and
- 12 f. South Downtown Historic TDR.

13 2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be
14 transferred from any lot to another lot on the same block, as within-block TDR, to the extent
15 permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

16 3. A lot's eligibility to be either a sending or receiving lot is regulated by Table A
17 for 23.49.014.

18 4. Except as expressly permitted pursuant to this Chapter 23.49, development
19 rights or potential floor area may not be transferred from one lot to another.

20 5. No permit after the first building permit, and in any event, no permit for any
21 construction activity other than excavation and shoring or for occupancy of existing floor area by
22 any use based upon TDR, will be issued for development that includes TDR until the applicant's

1 possession of TDR is demonstrated according to rules promulgated by the Director to implement
 2 this Section 23.49.014.

Table A for 23.49.014
Permitted use of TDR

Zones ¹	Types of TDR					
	Within-block TDR	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ²	S, R ²	X	S, R ²	S, R ²	R
DMC 340/290-440	S, R	S, R	S	S, R	S, R	R
DMC 145 and DMC 240/290-440	S ³	S, R	S, R	S, R	S, R	R
DMC 170	X	S, R	S, R	S, R	S, R	R
DMC ((85)) 95 and DH2	X	S, R	X	S, R	S, R	R
DMC 75 and DMC 85/((65-150)) 75-170	X	S	X	S	S	R
DMR	X	S, R ⁴	X	S, R ⁴	S, R ⁴	R ⁴
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁵	S
IDM	X	S, R	X	X	S, R ⁵	S, R
PSM	X	S	X	X	S ⁵	S, R

S = Eligible sending lot.
 R = Eligible receiving lot.
 X = Not permitted.

Footnotes to Table A for 23.49.014

¹ Development rights may not be transferred to or from lots in the PMM or DH1 zones.

² Transfers to lots in a DRC zone are permitted only from lots that also are zoned DRC.

³ Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

⁴ Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except

**Table A for 23.49.014
 Permitted use of TDR**

Zones ¹	Types of TDR					
	Within-block TDR	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR

that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

⁵ Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

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Section 9. Section 23.49.023 of the Seattle Municipal Code, which section was last

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amended by Ordinance 125163, is amended as follows:

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23.49.023 Extra residential floor area and hotel floor area in South Downtown;

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transferable development potential (TDP); limits on TDP sending sites

7

A. Zones where extra residential floor area may be allowed. In South Downtown, extra

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residential floor area, as defined in subsection 23.58A.004.B, is permitted in DMC, DMR, IDM,

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and IDR zones and in PSM zones except the PSM 100 and PSM 85-120 zones according to this

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Section 23.49.023 and Chapter 23.58A.

11

B. Means to achieve extra residential floor area.

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1. Except as provided in subsection 23.49.023.B.2, if ((#)) the maximum height

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limit for residential use is ((85))95 feet or lower, the applicant shall use housing bonus residential

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floor area, as defined in subsection 23.58A.004.B, to achieve all extra residential floor area on

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the lot. If the maximum height limit for residential use is greater than ((85))95 feet, the applicant

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shall use housing bonus residential floor area, as defined in subsection 23.58A.004.B, to achieve

1 60 percent of the total extra residential floor area on the lot. To the extent permitted under the
2 provisions of the zone, the applicant shall achieve 40 percent of extra residential floor area
3 through one or more of the following programs:

4 a((1)). bonus residential floor area for amenities pursuant to Section
5 23.58A.040; and/or

6 b((2)). transfer of transferable residential development potential pursuant to
7 Section 23.58A.042; and/or

8 c((3)). bonus residential floor area for contributing structures pursuant to
9 subsection 23.49.023.C.

10 2. In DMC, DMR, IDM and IDR zones in South Downtown, a development that
11 qualifies for the exemption in subsection 23.58C.025.C may achieve extra residential floor area
12 without meeting the requirements of subsection 23.49.023.B.1.

13 C. Bonus floor area for contributing structures in IDM and IDR zones. On a lot that is
14 located within an IDM or IDR zone and that includes one or more contributing structures under
15 Section 23.66.032, an amount of floor area up to the equivalent gross floor area within the
16 contributing structure or structures, including floor area below grade that is rehabilitated as part
17 of the structure, but not to exceed 40 percent of the total extra residential floor area to be gained
18 on the lot, is allowed as bonus floor area if all the following conditions are met:

19 1. No South Downtown Historic TDR or TDP has been previously transferred
20 from the lot of the contributing structure.

21 2. The structure has been determined to be contributing within no more than three
22 years prior to using the bonus residential floor area under this subsection 23.49.023.C.

1 3. As a condition to using the bonus residential floor area under this subsection
2 23.49.023.C, except from a City-owned sending lot, the fee owner of the lot shall execute and
3 record an agreement running with the land, in form and content acceptable to, and accepted in
4 writing by, the Director of Neighborhoods, providing for the rehabilitation and maintenance of
5 the historically significant structure or structures on the lot. The Director may require evidence
6 that each holder of a lien has effectively subordinated the lien to the terms of the agreement, and
7 that any holders of interests in the property have agreed to its terms. To the extent that the
8 contributing structure requires restoration or rehabilitation for the long-term preservation of the
9 structure or its historically or architecturally significant features, the Director of Neighborhoods
10 may require, as a condition to acceptance of the necessary agreement, that the owner of the lot
11 apply for and obtain a certificate of approval from the Director of Neighborhoods after review by
12 the International Special Review District Board, as applicable, for the necessary work, or post
13 security satisfactory to the Director of Neighborhoods for the completion of the restoration or
14 rehabilitation, or both.

15 D. Transferable Development Potential (TDP)

16 1. Open space TDP may be transferred from a lot in any zone in South
17 Downtown, subject to Section 23.58A.040, but only to a lot in South Downtown that is eligible
18 to use TDP.

19 2. South Downtown Historic TDP may be transferred from a lot in any zone
20 within the Pioneer Square Preservation District or the International Special Review District,
21 subject to Section 23.58A.040, but only to a lot in South Downtown that is eligible to use TDP.

22 E. Limits on TDP sending sites

1 1. Development on any lot from which TDP is transferred is limited pursuant to
2 Section 23.58A.040, any other provision of this Title 23 notwithstanding.

3 2. Lot coverage on any lot from which open space TDP is transferred is limited
4 pursuant to Section 23.58A.040.

5 F. For new structures in PSM, IDM, DMR, and DMC zones within South Downtown that
6 include extra residential floor area pursuant to Chapter 23.58A, the applicant shall make a
7 commitment that the proposed development will meet the green building standard and shall
8 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

9 G. Extra floor area for hotel use in IDM (~~(75/85-150)~~) 85/85-170. In a mixed-use
10 development that includes residential use and hotel use in an IDM (~~(75/85-150)~~) 85/85-170 zone,
11 extra floor area for hotel use above base height limits may be gained under this Section
12 23.49.023 on the same terms and conditions as extra residential floor area if the structure
13 otherwise qualifies to exceed base height limits under subsection 23.49.208.E. If extra residential
14 floor area is gained for the same development, it shall be combined with any such extra floor
15 area in hotel use for all purposes under this Section 23.49.023 and under Chapter 23.58A.

16 Section 10. Subsection 23.49.156.B of the Seattle Municipal Code, which section was
17 last amended by Ordinance 125291, is amended as follows:

18 **23.49.156 Downtown Mixed Residential, minimum lot size**

19 * * *

20 B. This subsection 23.49.156.B applies within DMR zones in South Downtown.

21 1. The minimum lot size for any structure greater than (~~(85)~~) 95 feet in height is
22 40,000 square feet.

1 2. To meet the minimum lot size requirement, a lot may be combined with one or
2 more abutting lots, whether occupied by existing structures or not, provided that the total area of
3 the combined lots meets the minimum lot size requirement and the lot coverage of the proposed
4 and any existing structures does not exceed the applicable lot coverage limits in Section
5 23.49.158.

6 * * *

7 Section 11. Subsection 23.49.158.C of the Seattle Municipal Code, last amended by the
8 ordinance introduced as Council Bill 118940, is amended as follows:

9 **23.49.158 Downtown Mixed Residential, coverage and floor size limits**

10 * * *

11 C. In South Downtown, the following coverage limits apply:

12 1. For structures up to ~~((85))~~ 95 feet in height, coverage limits are shown in Table
13 B for 23.49.158:

14 ~~((Table B for 23.49.158~~

15 ~~Percent Coverage Permitted by Height Range~~

16 ~~For Structures Up To 85 Feet in Height in South Downtown))~~

Table B for 23.49.158

Percent coverage permitted for structures 95 feet in height or less in South Downtown

Height of portion of structure	Percent of lot coverage permitted
65 feet or less	No limit
Greater than 65 feet up to ((85)) 95 feet	75 ((%))

17
18 2. For buildings greater than ~~((85))~~ 95 feet in height, portions of structures above
19 65 feet in height are limited to 50 percent lot coverage.

1 Section 12. Subsection 23.49.164.D of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125291, is amended as follows:

3 **23.49.164 Downtown Mixed Residential, maximum width, depth, and separation**
4 **requirements**

5 * * *

6 D. Facade width limits and separation requirements in South Downtown. On a lot in a
7 DMR/C zone in South Downtown, the following standards apply:

8 1. For the portion of a structure (~~(65)~~) 75 feet in height or less, the maximum
9 width of a street-facing facade is 250 feet.

10 2. For the portion of a structure above (~~(65)~~) 75 feet in height, the maximum
11 width of a street-facing facade is 120 feet.

12 3. At all levels above (~~(65)~~) 75 feet in height, separate structures on a lot and
13 separate portions of the same structure must be separated at all points by a minimum horizontal
14 distance of 20 feet, or as specified in subsections 23.49.164.D.4 and 23.49.164.D.5 for structures
15 separated by a mid-block corridor.

16 4. At all levels above 45 feet and up to (~~(85)~~) 95 feet in height, structures
17 separated by a mid-block corridor must be separated at all points by a minimum horizontal
18 distance of 45 feet, unless subsection 23.49.164.D.6 applies.

19 5. At all levels above (~~(85)~~) 95 feet in height, structures separated by a mid-block
20 corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless
21 subsection 23.49.164.D.6 applies.

1 6. If a mid-block corridor abuts a side lot line that is not a street lot line, at all
2 levels above 45 feet structures on that lot must set back from that side lot line at all points by a
3 minimum horizontal distance of 45 feet.

4 7. Waiver or modification of requirements, limits, and standards

5 a. For developments in the International Special Review District, the
6 Director may waive or modify the requirements, limits, and standards referred to in subsection
7 23.49.164.D.2 and 23.49.164.D.3 as a Type I decision if, upon consultation with the Director of
8 Neighborhoods, the Director determines that waiving or modifying a requirement, limit, or
9 standard will increase availability of affordable housing meeting the provisions of subsection
10 23.49.164.D.7.b and will better meet the goals and objectives of Section 23.66.302.

11 b. For purposes of this subsection 23.49.164.D.7, housing is affordable if
12 it receives public funding and/or an allocation of federal low-income housing tax credits, and is
13 subject to a regulatory agreement, covenant, or other legal instrument recorded on the property
14 title and enforceable by The City of Seattle, Washington State Housing Finance Commission,
15 State of Washington, King County, U.S. Department of Housing and Urban Development, or
16 other similar entity as approved by the Director of Housing, which restricts at least 40 percent of
17 the units to occupancy by households earning no greater than 60 percent of median income, and
18 controls the rents that may be charged, for a minimum period of 40 years.

19 Section 13. Subsection 23.49.208.E of the Seattle Municipal Code, which section was last
20 amended by Ordinance 123589, is amended as follows:

21 **23.49.208 International District Mixed, structure height**

22 * * *

1 E. In an IDM (~~(75/85-150)~~) 85/85-170 zone, the applicable height limit is (~~(75)~~) 85 feet
2 unless:

- 3 1. (~~(all)~~) All floor area above a height of (~~(75)~~) 85 feet is in residential use; or
4 2. (~~(in)~~) In a mixed-use development that includes hotel use, the following
5 conditions are met:

6 a. (~~(the)~~) The mixed-use development is on a lot with at least 40,000
7 square feet of the lot area located in an IDM (~~(75/85-150)~~) 85/85-170 zone;

8 b. (~~(fifty)~~) Fifty percent or more of the gross floor area on the lot,
9 excluding parking, is in residential use; and

10 c. (~~(hotel)~~) Hotel use is the only type of non-residential use located above
11 (~~(75)~~) 85 feet.

12 * * *

13 Section 14. Section 23.49.212 of the Seattle Municipal Code, enacted by Ordinance
14 123589, is amended as follows:

15 **23.49.212 International District Mixed, upper_level development standards**

16 A. In an IDM (~~(75/85-150)~~) 85/85-170 zone, upper_level development standards include
17 upper_level setbacks and (~~(façade)~~) facade modulation.

18 1. Upper_level setbacks south of S. Weller Street. For structures south of S.
19 Weller Street exceeding a height of 85 feet, an upper_level setback with an average depth of at
20 least 15 feet from abutting street lot lines along the entire street frontage of the structure is
21 required above a height of 45 feet. The minimum depth permitted for any portion of a setback
22 required under this subsection 23.49.212.A.1 is 10 feet. The maximum depth of a setback that
23 can be used for calculating the average setback is 30 feet.

1 2. Upper_level setbacks north of S. Weller Street. North of S. Weller (~~(St.)~~) Street,
2 a continuous setback of at least 15 feet from abutting street lot lines is required for portions of a
3 structure above 85 feet in height, except that no setback is required from street lot lines abutting
4 S. Weller Street.

5 3. Green street upper_level setback. If a lot abuts a designated green street, a
6 continuous upper_level setback of at least 20 feet is required for all portions of structures above a
7 height of 45 feet along the green street lot line.

8 4. (~~(Façade)~~) Facade modulation. For a structure that exceeds 85 feet in height,
9 modulation is required for the portion of a street-facing (~~(façade)~~) facade above 45 feet in height
10 if any part of the (~~(façade)~~) facade above that height is located less than 15 feet from street lot
11 lines and the (~~(façade)~~) facade above that height exceeds a length of 110 feet measured parallel
12 to the street lot line. Projections from the street-facing (~~(façade)~~) facade or any other facade, such
13 as balconies, within 15 feet of street lot lines or their projection, are included in this
14 measurement of length. If (~~(façade)~~) facade modulation is required, a portion of the (~~(façade)~~)
15 facade with a minimum length of 30 feet must be set back a minimum depth of 15 feet from
16 street lot lines at all levels above 45 feet.

17 B. In the IDM (~~(150/85-150)~~) 165/85-170 zone, upper_level development standards
18 include upper_level setbacks and (~~(façade)~~) facade modulation.

19 1. Upper_level setback. For lots abutting Maynard Avenue S., a continuous upper-
20 level setback of at least 15 feet from the lot line abutting Maynard Avenue S. is required for
21 portions of a structure above 45 feet in height.

22 2. (~~(Façade)~~) Facade modulation. For structures exceeding 85 feet in height,
23 modulation is required for portions of the street-facing facade exceeding 65 feet in height and

1 located less than 10 feet from a street lot line. The maximum length of a street-facing (~~façade~~)
2 façade without modulation is 110 feet, measured parallel to the street lot line. Projections from
3 the street-facing (~~façade~~) façade, such as balconies, are included in the measurement of length.
4 Where (~~façade~~) façade modulation is required, a portion of the (~~façade~~) façade must set back
5 a minimum depth of 10 feet from street lot lines for a minimum length of 30 feet.

6 Section 15. Section 23.49.242 of the Seattle Municipal Code, last amended by Ordinance
7 124843, is amended as follows:

8 **23.49.242 International District Residential, development standards**

9 A. Scope(~~(:)~~) ; application to mixed-use structures. The provisions of this Section
10 23.49.242 apply in IDR and IDR/C zones. If residential and non-residential uses are combined in
11 the same structure, the standards specified for the respective categories of use apply to that
12 portion of the structure occupied by those uses. If uses subject to different standards are
13 combined on the same story of a structure, the standards for the predominant use in the story
14 apply. For purposes of this Section 23.49.242, (~~live/work~~) live-work uses are considered
15 entirely (~~nonresidential~~) non-residential.

16 B. Minimum lot size requirement. The minimum lot size is 21,000 square feet for any
17 structure exceeding a height of (~~(150)~~) 170 feet excluding rooftop features.

18 C. Coverage limits(~~(:)~~)

19 1. Upper-level coverage limits do not apply to structures 85 feet in height or less
20 excluding rooftop features on lots of 8,000 square feet or less in IDR zones, or to structures 125
21 feet in height or less excluding rooftop features on lots of any size in IDR/C zones, or to rooftop
22 features that are identified in Section 23.66.332.

1 2. For structures ((150)) 170 feet in height or less, coverage limits are shown in
 2 Table A for 23.49.242.

3 ((~~Table A for 23.49.242~~

4 ~~Coverage Limits Per Story for Structures 150 Feet in Height or Less~~))

<u>Table A for 23.49.242</u>		
<u>Coverage limits per story for structures 170 feet in height or less</u>		
Height of story ¹	Floor area permitted per story	
	Stories with residential uses as the predominant use	Stories with non-residential/live-work uses as the predominant use
65 feet or less	No limit	No limit
Greater than 65 feet up to 125 feet	75% of lot area	No limit
Greater than 125 feet up to ((150)) <u>170</u> feet	65% of lot area	Not applicable

Footnote to Table A for 23.49.242
¹ If any part of a story is above a given height, the limit applies as if the entire story were above that height.

5
 6 3. For structures exceeding ((150)) 170 feet in height excluding rooftop features
 7 that include non-residential uses as the predominant use on any story wholly or in part above 45
 8 feet in height, coverage limits are shown in Table B for 23.49.242.

9 ((~~Table B for 23.49.242~~

10 ~~Coverage Limits Per Story for Structures Exceeding 150 Feet in Height With Stories in~~
 11 ~~Predominantly Non-Residential/Live-Work Use Above 45 feet in Height~~))

<u>Table B for 23.49.242</u>	
<u>Coverage limits per story for structures exceeding 170 feet in height with stories in predominantly non-residential/live-work use above 45 feet in height</u>	
Height of story ¹	Floor area permitted per story
45 feet or less	No limit

Table B for 23.49.242
Coverage limits per story for structures exceeding 170 feet in height with stories in predominantly non-residential/live-work use above 45 feet in height

Height of story ¹	Floor area permitted per story
Greater than 45 feet up to 125 feet	For stories with ((nonresidential)) <u>non-residential</u> uses as the predominant use: no limit For stories predominantly in residential use: ((35%)) <u>40%</u> of lot area, or an average gross floor area of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet ²
Greater than 125 feet ((up to 240 feet))	((35%)) <u>40%</u> of lot area or an average gross floor area per story of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet ²

Footnotes to Table B for 23.49.242

¹ If any part of a story is above a given height, the limit applies as if the entire story were above that height.

² The stories eligible for coverage limit averaging are all of those that have floor areas predominantly in residential use. Averaging rules and further restrictions are in subsection 23.49.242.C.5.

1
 2 4. For structures exceeding ~~((150))~~ 170 feet in height excluding rooftop features
 3 that include residential uses as the predominant use on every story wholly or in part above 45
 4 feet in height, coverage limits are shown in Table C for 23.49.242~~((:))~~.

5 ~~((Table C for 23.49.242~~

6 ~~Coverage Limits Per Story for Structures Exceeding 150 Feet in Height~~

7 ~~With All Stories in Residential Use Above 45 feet in Height))~~

Table C for 23.49.242
Coverage limits per story for structures exceeding 170 feet in height with all stories in residential use above 45 feet in height

Height of story ¹	Floor area permitted per story
45 feet or less	No limit
Greater than 45 feet up to 85 feet	75% of lot area

Table C for 23.49.242
Coverage limits per story for structures exceeding 170 feet in height
with all stories in residential use above 45 feet in height

Height of story¹	Floor area permitted per story
Greater than 85 feet (up to 240 feet)	((35%) <u>40%</u>) of lot area, or an average gross floor area of 9,000 square feet per story, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet ²

Footnotes to Table C for 23.49.242

¹ If any part of a story is above a given height, the limit applies as if the entire story were above that height.

² The stories eligible for coverage limit averaging are those that are above 85 feet. Averaging rules and further restrictions are in subsection 23.49.242.C.5.

1
2 5. For any structure greater than ((~~150~~) 170) feet in height excluding rooftop
3 features, gross floor area of any story that is eligible for coverage limit averaging under Table B
4 for 23.49.242 or Table C for 23.49.242 shall not exceed ((~~35~~) 40) percent of the lot area, unless
5 the average gross floor area of all stories eligible for averaging is no more than 9,000 square feet
6 per story; and in any case no single story above a height of 85 feet shall exceed a gross floor area
7 of 11,500 square feet. For purposes of this subsection 23.49.242.C.5, gross floor area for any
8 story of less than 4,000 square feet is assigned a value of 4,000 square feet for the purpose of
9 calculating average floor area.

10 D. Setbacks

11 1. The following minimum setbacks are required for structures on lots abutting a
12 green street designated on Map 1F or another map identified in a note to Map 1F:

13 a. In an IDR zone, a continuous upper-level setback of 15 feet is required
14 from the green street lot line for all portions of the structure above 45 feet in height. This setback
15 is not required if a structure is 65 feet in height or less, except on Maynard Avenue S.

1 b. In an IDR/C zone, a continuous setback of 6 feet is required at street
2 level from the green street lot line. For a structure exceeding 85 feet in height, a continuous
3 upper-level setback of 16 feet is required from the green street lot line for all portions of the
4 structure above a height of 65 feet.

5 2. For a structure exceeding 85 feet in height excluding rooftop features, a
6 continuous upper-level setback of 15 feet is required from each side lot line that is not a street or
7 alley lot line for all portions of the structure above a height of 65 feet.

8 E. ((~~Facade~~)) Facade modulation((:))

9 1. For structures ((~~150~~)) 170 feet or less in height excluding rooftop features,
10 modulation is required for the portion of a street-facing facade above 65 feet in height and
11 located less than 15 feet from street lot lines. No modulation is required for portions of a
12 ((~~façade~~)) facade set back 15 feet or more from street lot lines.

13 2. For structures exceeding ((~~150~~)) 170 feet in height, modulation is required for
14 the portion of a street-facing facade in non-residential use between 65 feet and 125 feet in height
15 and located less than 15 feet from street lot lines. No modulation is required for portions of a
16 ((~~façade~~)) facade set back 15 feet or more from street lot lines.

17 3. For portions of structures subject to the modulation requirements of this
18 subsection 23.49.242.E, the maximum length of a street-facing ((~~façade~~)) facade without
19 modulation is prescribed in Table D for 23.49.242. For purposes of this subsection 23.49.242.E,
20 length is measured parallel to each street lot line and includes projections from the street-facing
21 ((~~façade~~)) facade, such as balconies.

22 ((~~Table D for 23.49.242: Façade Modulation~~))

Table D for 23.49.242
Facade modulation

Height of portion of structure	Maximum length of un-modulated facade if less than 15 feet from street lot line
65 feet in height or less	No limit
Greater than 65 feet up to 125 feet	155 feet
Greater than 125 feet up to ((150)) 170 feet ¹	125 feet

Footnote to Table D for 23.49.242

¹ Applies only to structures ~~((150))~~ 170 feet in height or less.

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4. Any portion of a facade subject to modulation under subsection 23.49.242.E.1 or ~~((2))~~ 23.49.242.E.2 that exceeds the maximum length of ~~((facade))~~ facade prescribed in Table D for 23.49.242 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 30 feet.

F. Maximum ~~((Width))~~ width. For any story predominantly in residential use above 85 feet in height in a structure that exceeds ~~((150))~~ 170 feet in height not including rooftop features, the maximum width along the general north/south axis of a lot (parallel to the ~~((avenues))~~ Avenues) is 100 feet. The projection of unenclosed decks and balconies, and architectural features such as cornices, is disregarded in calculating maximum width.

Section 16. Table A for 23.58B.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.58B.040 Mitigation of impacts - payment option

* * *

Table A for 23.58B.040

**Payment calculation amounts:
 In Downtown, SM-SLU, and SM-U zones**

Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$15.00
DH2/85	Not applicable
DMC 75	\$8.25
DMC 95	\$8.00
DMC 85/((65-150) <u>75-170</u>)	((\$11.75) <u>\$8.00</u>)
DMC 145	\$10.00
DMC 170	\$8.00
DMC 240/290-440	\$10.00
DMC 340/290-440	\$12.50
DOC1 U/450-U	\$14.75
DOC2 500/300-550	\$14.25
DRC 85-170	\$13.50
DMR/C ((65/65-85) <u>75/75-95</u>)	((\$9.75) <u>\$8.00</u>)
DMR/C ((65/65-150) <u>75/75-170</u>)	((\$9.75) <u>\$8.00</u>)
DMR/C 95/75	\$17.50
DMR/C 145/75	\$17.50
DMR/C 280/125	\$14.25
DMR/R 95/65	\$14.00
DMR/R 145/65	\$16.00
DMR/R 280/65	\$16.00
<u>IDM-65-150</u>	Not applicable
<u>IDM-75-85</u>	Not applicable
((All) <u>IDM 85/85-170</u> ((zones))	\$8.00
<u>IDM 165/85-170</u>	<u>\$20.75</u>
IDR ((45/125-240) <u>45/125-270</u>)	((\$10.00) <u>\$8.00</u>)
IDR ((150) <u>170</u>)	((\$10.00) <u>\$8.00</u>)
IDR/C ((125/150-240) <u>125/150-270</u>)	((\$8.00) <u>\$20.75</u>)
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$8.00
SM-SLU 175/85-280	\$11.25
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$8.25
SM-SLU 100/95	\$8.00

Table A for 23.58B.040
Payment calculation amounts:
In Downtown, SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
SM-SLU 145	\$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

* * *

Section 17. Table A for 23.58B.050 of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.58B.050 Mitigation of impacts – performance option

* * *

Table A for 23.58B.050
Performance calculation amounts:
In Downtown, SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	9.1%
DH2/85	Not applicable
DMC 75	5.0%
DMC 95	5.0%
DMC 85/((65-150)) <u>75-170</u>	((7.1%)) <u>5.0%</u>
DMC 145	6.1%
DMC 170	5.0%
DMC 240/290-440	6.1%
DMC 340/290-440	7.6%
DOC1 U/450-U	8.9%
DOC2 500/300-550	8.6%
DRC 85-170	8.2%
DMR/C ((65/65-85)) <u>75/75-95</u>	((5.9%)) <u>5.0%</u>
DMR/C ((65/65-150)) <u>75/75-170</u>	((5.9%)) <u>5.0%</u>
DMR/C 95/75	10.6%
DMR/C 145/75	10.6%

Table A for 23.58B.050

**Performance calculation amounts:
 In Downtown, SM-SLU, and SM-U zones**

Zone	Performance calculation amount per square foot
DMR/C 280/125	8.7%
DMR/R 95/65	8.5%
DMR/R 145/65	9.7%
DMR/R 280/65	9.7%
<u>IDM-65-150</u>	<u>Not applicable</u>
<u>IDM-75-85</u>	<u>Not applicable</u>
<u>((AH)) IDM 85/85-170 ((zones))</u>	<u>5.0%</u>
<u>IDM 165/85-170</u>	<u>7.0%</u>
<u>IDR ((45/125-240)) 45/125-270</u>	<u>((6.1%)) 5.0%</u>
<u>IDR ((150)) 170</u>	<u>((6.1%)) 5.0%</u>
<u>IDR/C ((125/150-240)) 125/150-270</u>	<u>((5.0%)) 7.0%</u>
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	5.0%
SM-SLU 175/85-280	6.8%
SM-SLU 240/125-440	6.1%
SM-SLU/R 65/95	5.0%
SM-SLU 100/95	5.0%
SM-SLU 145	5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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Section 18. Subsection 23.58C.035.B of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.58C.035 Modification of payment and performance amounts

* * *

B. Inability to use certain capacity

1 1. In a SM-U 75-240 or SM-U 95-320 zone, the performance calculation amount
2 according to Table B for 23.58C.050 shall be reduced to six percent and the payment calculation
3 amount according to Table B for 23.58C.040 shall be reduced such that it is equal to the amount
4 that applies in SM-U 85 if the applicant demonstrates that the site does not meet the minimum lot
5 size required for a highrise structure according to subsection 23.48.615.A.2, or that one or more
6 specific requirements of Sections 23.48.635, 23.48.645, and 23.48.646 would prevent a highrise
7 development from being able to achieve an average highrise floor area of at least 7,500 square
8 feet for stories subject to the highrise floor area limit according to ~~((subsection))~~ Section
9 23.48.645. For purposes of this subsection 23.58C.035.B.1, the following shall apply:

10 a. Financial feasibility shall not be considered in determining whether a
11 threshold could be achieved.

12 b. Recommendations by a Design Review Board shall not be considered
13 requirements of Title 23.

14 2. In Downtown and SM-SLU zones listed in Table A for 23.58C.035, the
15 payment calculation amount according to Table A for 23.58C.040 and the performance
16 calculation amount according to Table A for 23.58C.050 shall be reduced if all of the conditions
17 of subsections 23.58C.035.B.2.a and 23.58C.035.B.2.b are met. The amount of the reduction
18 shall be as identified in subsections 23.58C.035.B.2.c and 23.58C.035.B.2.d.

19 a. If the development is located in a DOC1 zone, the development has a lot
20 size of at least 16,000 square feet.

21 b. The applicant demonstrates that one or more specific requirements of
22 Title 23 directly prohibit the development from being able to achieve the maximum size
23 threshold or the secondary size threshold according to Table A for 23.58C.035 for the zone in

1 which the development is located. For purposes of this subsection 23.58C.035.B.2, the following
2 shall apply:

3 1) Financial feasibility shall not be considered in determining
4 whether a threshold could be achieved.

5 2) Recommendations by a Design Review Board shall not be
6 considered requirements of Title 23.

7 3) The development shall be considered able to achieve the
8 secondary or maximum size threshold according to Table A for 23.58C.035 if any portion of the
9 development to which this Chapter 23.58C applies containing occupiable space could achieve
10 that size threshold, excluding rooftop features.

11 c. If the project cannot achieve the secondary size threshold for the
12 applicable development standard in Table A for 23.58C.035, the payment calculation amount
13 according to Table A for 23.58C.040 and the performance calculation amount according to Table
14 A for 23.58C.050 shall be reduced by the maximum reduction percentage according to Table A
15 for 23.58C.035.

16 d. If the project can achieve the secondary size threshold, but cannot
17 achieve the maximum size threshold for the applicable development standard in Table A for
18 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the
19 performance calculation amount according to Table A for 23.58C.050 shall be reduced by a
20 percentage equal to the maximum reduction percentage in Table A for 23.58C.035 multiplied by
21 the difference of the maximum size threshold minus the size that could be achieved under
22 requirements of Title 23 and divided by the difference of the maximum size threshold minus the

- 1 secondary size threshold, provided that the total reduction shall never be more than the
- 2 maximum reduction percentage.

Table A for 23.58C.035				
Thresholds for modification due to inability to use certain capacity				
Zone	Development standard	Secondary size threshold	Maximum size threshold	Maximum reduction
DH2/75	Height	65 feet	75 feet	25%
DMC 75	Height	65 feet	75 feet	25%
<u>DMC 85/75-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>10%</u>
DMC 95	Height	85 feet	95 feet	25%
DMC 145	Height	125 feet	145 feet	25%
DMC 170	Height	160 feet	170 feet	25%
DMC 240/290-440	Height	400 feet ¹	440 feet ¹	10%
DMC 340/290-440	Height	400 feet ¹	440 feet ¹	10%
<u>DMR/C 75/75-95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>10%</u>
<u>DMR/C 75/75-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>10%</u>
DMR/C 95/75	Height	85 feet	95 feet	25%
DMR/C 145/75	Height	125 feet	145 feet	25%
DMR/C 280/125	Height	240 feet	280 feet	25%
DMR/R 95/65	Height	85 feet	95 feet	25%
DMR/R 145/65	Height	125 feet	145 feet	25%
DMR/R 280/65	Height	240 feet	280 feet	25%
DOC1 U/450-U	Average tower floor plate for floors above 160 feet in height	13,800 square feet	14,300 square feet	10%
DOC2 500/300-550	Height	500 feet	550 feet	10%
DRC 85-170	Height	150 feet	170 feet	25%
<u>IDM 85/85-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>10%</u>
<u>IDM 165/85-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>10%</u>
<u>IDR 45/125-270</u>	<u>Height</u>	<u>240 feet</u>	<u>270 feet</u>	<u>10%</u>

Table A for 23.58C.035
Thresholds for modification due to inability to use certain capacity

Zone	Development standard	Secondary size threshold	Maximum size threshold	Maximum reduction
<u>IDR 170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>25%</u>
<u>IDR/C 125/150-270</u>	<u>Height</u>	<u>240 feet</u>	<u>270 feet</u>	<u>10%</u>
SM-SLU 85-280	Height	240 feet(⁴) ₂	280 feet(⁴) ₂	10%
SM-SLU 100/65-145	Height	125 feet(⁵) ₃	145 feet(⁵) ₃	10%
SM-SLU 100/95	Height	85 feet	95 feet	10%
SM-SLU 145	Height	125 feet	145 feet	10%
SM-SLU 175/85-280	Height	240 feet(²) ₄	280 feet(²) ₄	10%
SM-SLU 240/125-440	Height	400 feet(³) ₅	440 feet(³) ₅	10%
SM-SLU/R 65/95	Height	85 feet	95 feet	25%

Table A for 23.58C.035

Thresholds for modification due to inability to use certain capacity

Zone	Development standard	Secondary size threshold	Maximum size threshold	Maximum reduction
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Footnotes to Table A for 23.58C.035

- ¹ If the development meets the standards of subsection 23.49.039.A, the secondary size threshold shall be 160 feet and the maximum size threshold shall be 170 feet.
- ~~((² If the development is located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet. If the development is located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 and meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.~~
- ~~³ If the development meets the standards of subsection 23.48.231.C.1, the secondary size threshold shall be 125 feet and the maximum size threshold shall be 135 feet.~~
- ~~⁴ If the development meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.~~
- ~~⁵ If the development meets the standards of subsection 23.48.231.D.1, the secondary size threshold shall be 65 feet and the maximum size threshold shall be 75 feet.))~~
- ² If the development meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.
- ³ If the development meets the standards of subsection 23.48.231.D.1, the secondary size threshold shall be 65 feet and the maximum size threshold shall be 75 feet.
- ⁴ If the development is located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet. If the development is located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 and meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.
- ⁵ If the development meets the standards of subsection 23.48.231.C.1, the secondary size threshold shall be 125 feet and the maximum size threshold shall be 135 feet.

* * *

Section 19. Table A for 23.58C.040 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118982, is amended as follows:

23.58C.040 Affordable housing – payment option

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Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Payment calculation amount per square foot
DH1/45	Not Applicable
DH2/55	Not Applicable
DH2/75	\$12.75
DH2/85	Not Applicable
DMC 75	\$12.75
DMC 85/((65-150)) <u>75-170</u>	((Not Applicable)) <u>\$20.75</u>
DMC 95	\$12.75
DMC 145	\$13.00
DMC 170	\$5.50
DMC 240/290-440	\$8.25
DMC 340/290-440	\$8.25
DMR/C ((65/65-85)) <u>75/75-95</u>	((Not Applicable)) <u>\$20.75</u>
DMR/C ((65/65-150)) <u>75/75-170</u>	((Not Applicable)) <u>\$20.75</u>
DMR/C 95/75	\$12.75
DMR/C 145/75	\$11.75
DMR/C 280/125	\$13.00
DMR/R 95/65	\$12.75
DMR/R 145/65	\$11.75
DMR/R 280/65	\$13.00
DOC1 U/450-U	\$12.00
DOC2 500/300-550	\$10.25
DRC 85-170	\$10.00
((AH)) <u>IDM-65-150</u> ((zones))	Not Applicable
<u>IDM-75-85</u>	<u>Not Applicable</u>
<u>IDM 85/85-170</u>	<u>\$20.75</u>
<u>IDM 165/85-170</u>	<u>\$20.75</u>
All IDR and IDR/C zones	((Not Applicable)) <u>\$20.75</u>
PMM-85	Not Applicable
All PSM zones	Not Applicable
SM-SLU 85/65-160	Not Applicable
SM-SLU 85-280	\$10.00
SM-SLU 100/95	\$7.50
SM-SLU 100/65-145	\$7.75
SM-SLU 145	\$7.75
SM-SLU 175/85-280	\$10.00
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$12.75
SM-U 85	\$13.25

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Section 20. Table A for 23.58C.050 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118982, is amended as follows:

23.58C.050 Affordable housing – performance option

* * *

Table A for 23.58C.050	
Performance calculation amounts:	
In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
DH1/45	Not Applicable
DH2/55	Not Applicable
DH2/75	5.0%
DH2/85	Not Applicable
DMC 75	5.0%
DMC 85/((65-150)) <u>75-170</u>	((Not Applicable)) <u>7.0%</u>
DMC 95	5.0%
DMC 145	5.1%
DMC 170	2.1%
DMC 240/290-440	3.2%
DMC 340/290-440	3.2%
DMR/C ((65/65-85)) <u>75/75-95</u>	((Not Applicable)) <u>7.0%</u>
DMR/C ((65/65-150)) <u>75/75-170</u>	((Not Applicable)) <u>7.0%</u>
DMR/C 95/75	5.0%
DMR/C 145/75	4.6%
DMR/C 280/125	5.1%
DMR/R 95/65	5.0%
DMR/R 145/65	4.6%
DMR/R 280/65	5.1%
DOC1 U/450-U	4.7%
DOC2 500/300-550	4.0%
DRC 85-170	3.9%
((AH)) <u>IDM-65-150</u> ((zones))	Not Applicable
<u>IDM-75-85</u>	<u>Not Applicable</u>
<u>IDM 85/85-170</u>	<u>7.0%</u>

Table A for 23.58C.050

Performance calculation amounts:

In Downtown, SM-SLU, and SM-U 85 zones

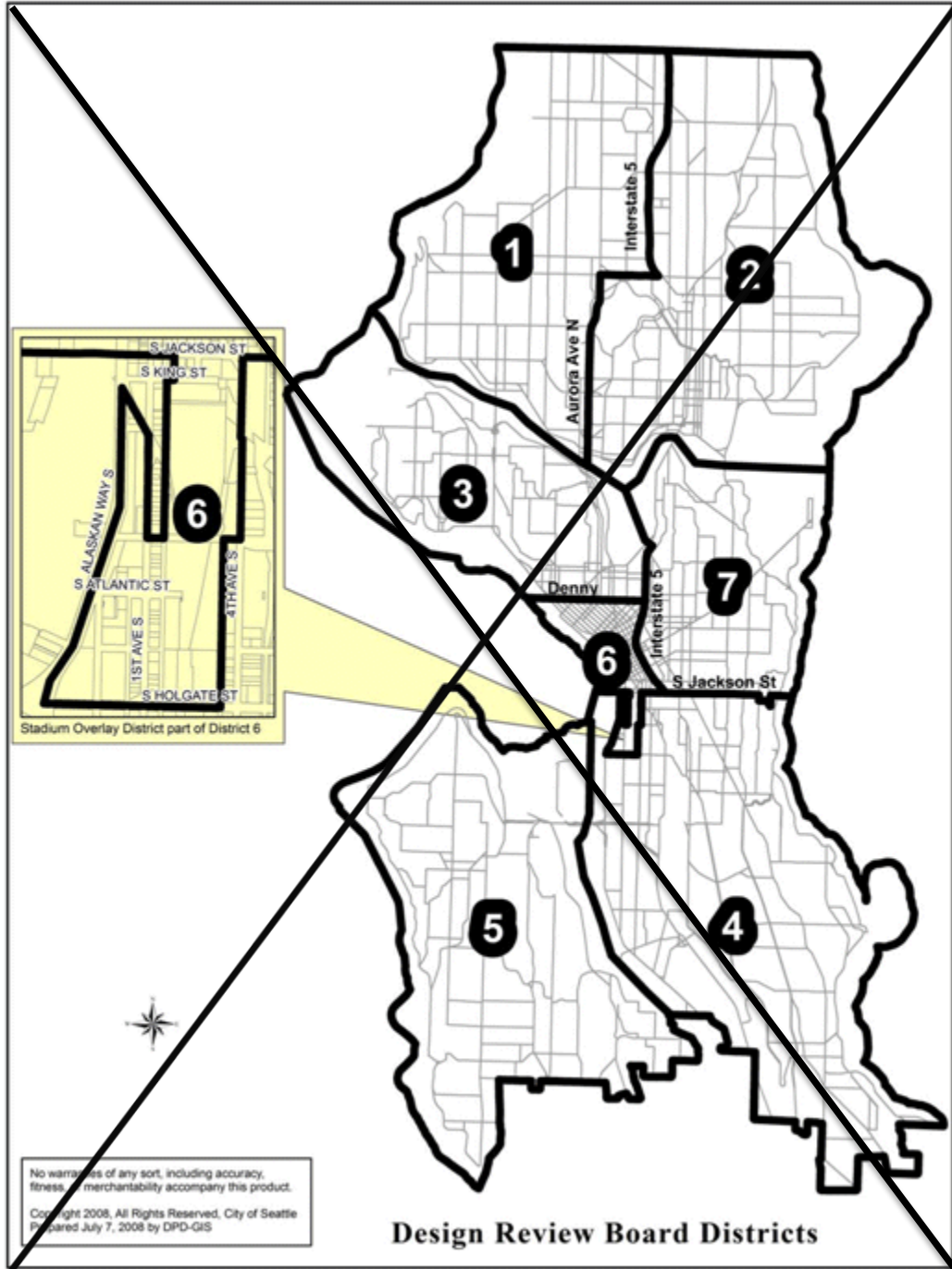
Zone	Percentage set-aside per total number of units to be developed in each structure
IDM 165/85-170	7.0%
All IDR and IDR/C zones	((Not Applicable)) 7.0%
PMM-85	Not Applicable
All PSM zones	Not Applicable
SM-SLU 85/65-160	Not Applicable
SM-SLU 85-280	3.9%
SM-SLU 100/95	2.9%
SM-SLU 100/65-145	3.0%
SM-SLU 145	3.0%
SM-SLU 175/85-280	3.9%
SM-SLU 240/125-440	3.9%
SM-SLU/R 65/95	5.0%
SM-U 85	6.0%

* * *

1

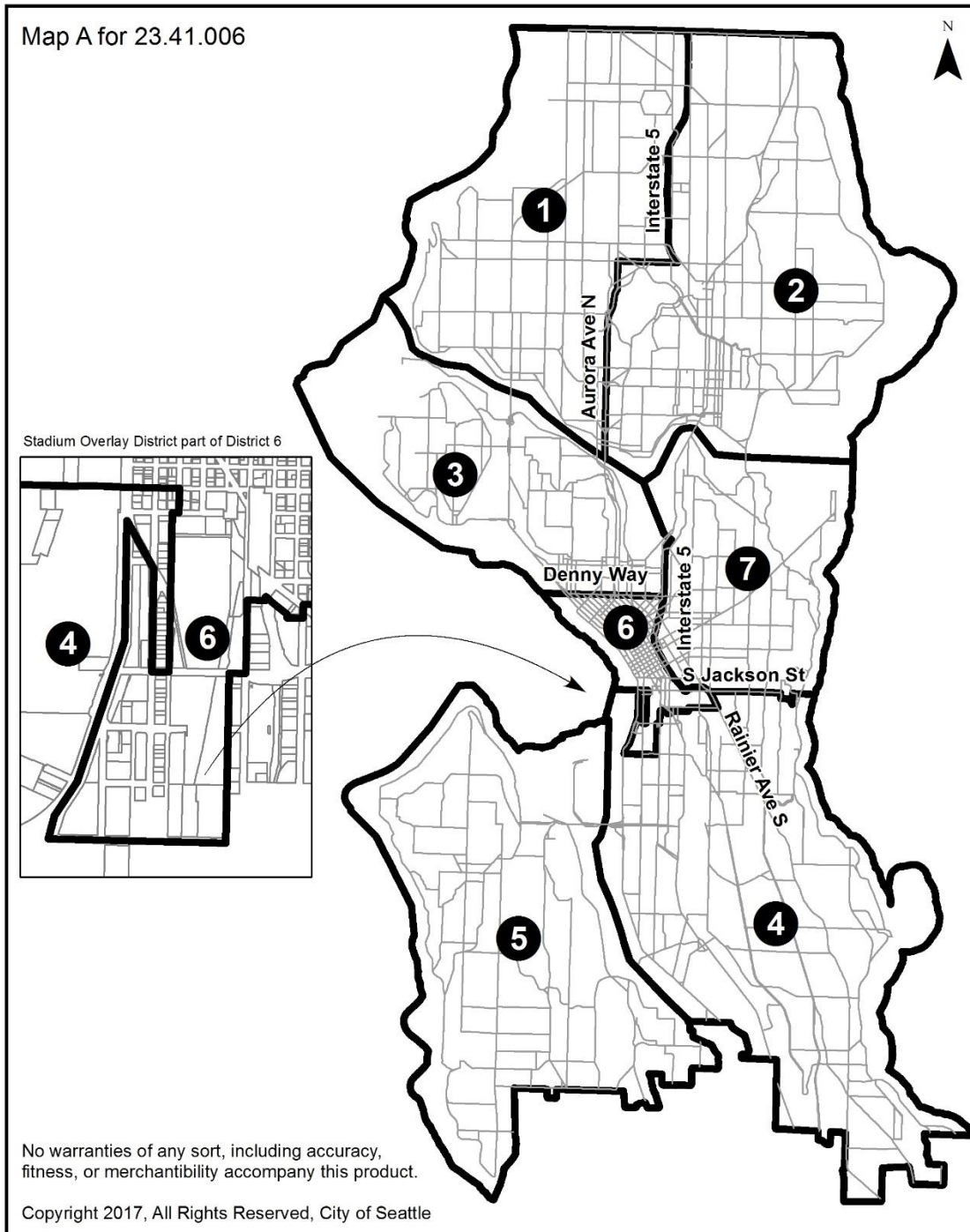
2

1 Section 21. Map A for Section 23.41.006 of the Seattle Municipal Code, last amended by
2 Ordinance 123046, is amended as follows:



3

Design Review Board Districts

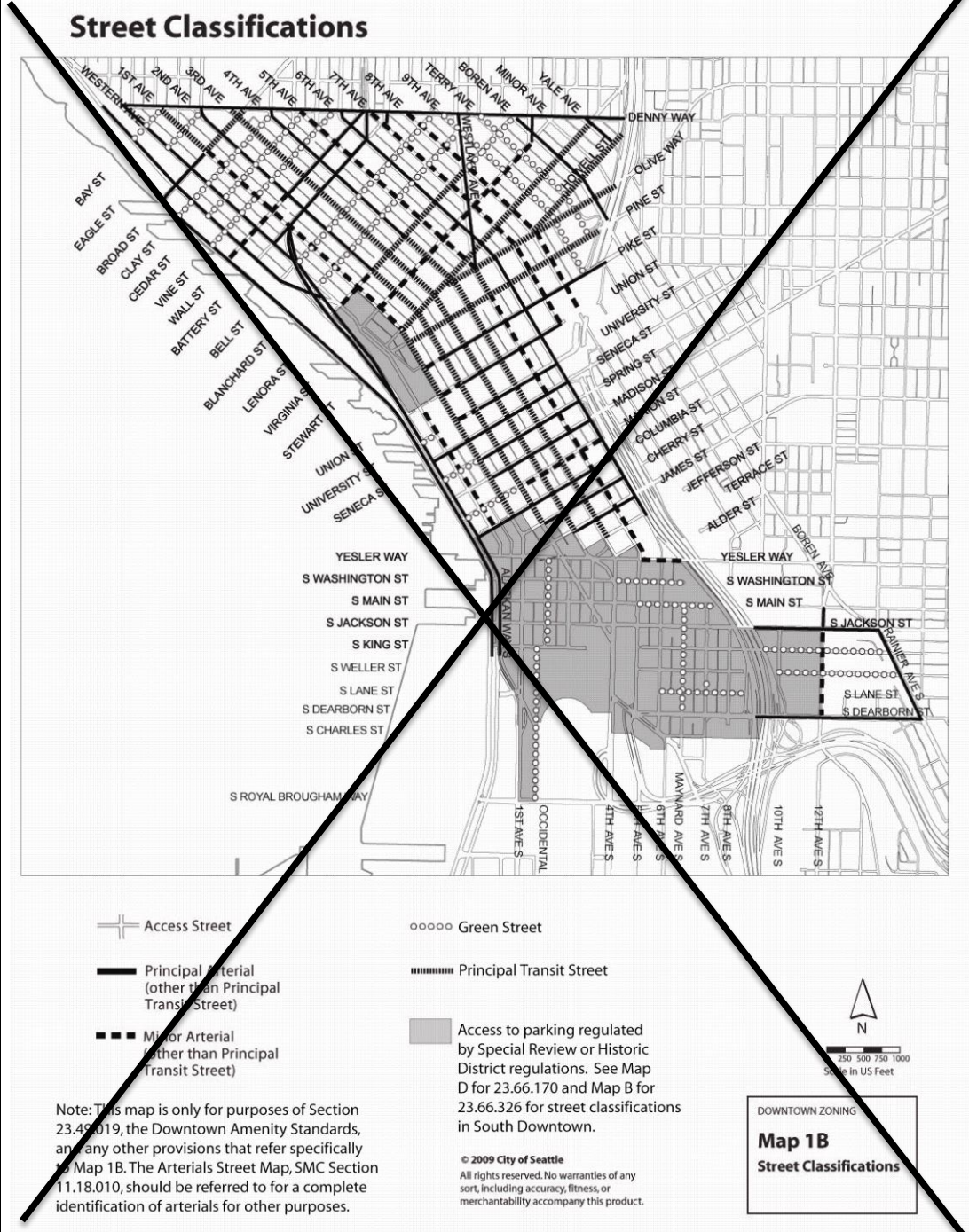


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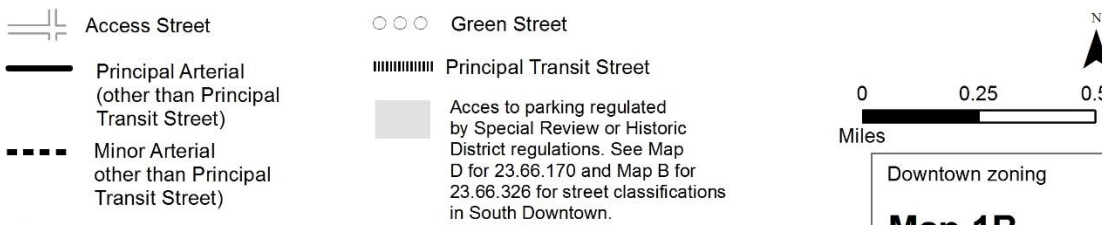
2 *Map A for 23.41.006 Design Review Board Districts*

1 Section 22. Map 1B and Map 1C for Section 23.49 of the Seattle Municipal Code, last
2 amended by Ordinance 123589, and Map 1F, Map 1G, and Map 1H for Section 23.49 of the
3 Seattle Municipal Code, last amended by Ordinance 124680, are amended as follows:

4 **Map 1B Street Classifications**

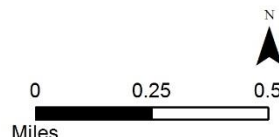


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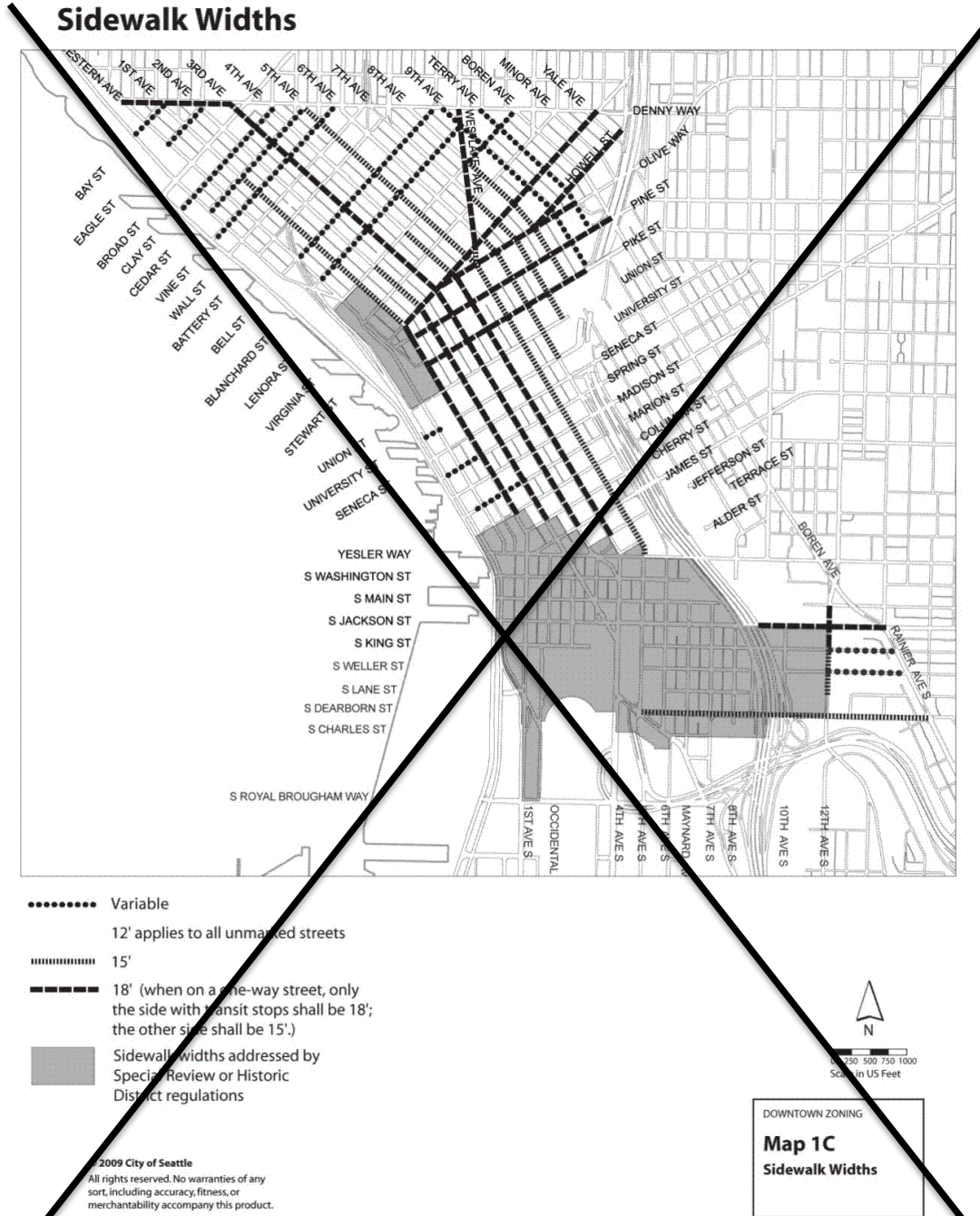
Note: This map is only for purposes of Section 23.49.019, the Downtown Amenity Standards, and any other provisions that refer specifically to Map 1B. The Arterials Street Map, SMC Section 11.18.010, should be referred to for a complete identification of arterials for other purposes.

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Downtown zoning
Map 1B
 Street Classifications

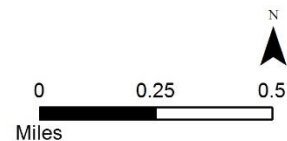
1 **Map 1C Sidewalk Widths**



2



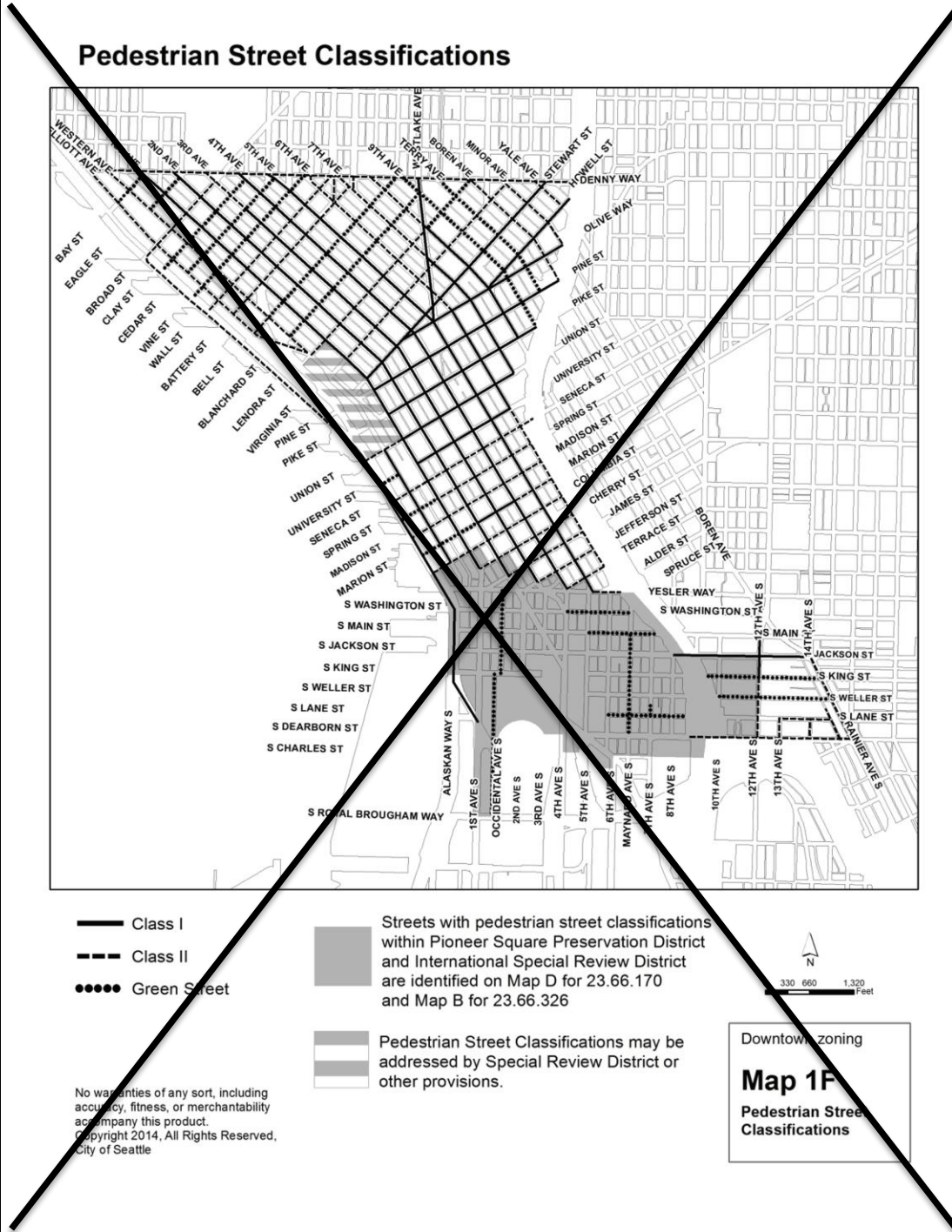
- Variable
- 12' applies to all unmarked streets
- 15'
- 18' (when on a one-way street, only the side with the transit stops shall be 18'; the other side shall be 15'.)
- Sidewalk widths addressed by Special Review or Historic District regulations



Downtown zoning
Map 1C
 Sidewalk Widths

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1 **Map 1F: Pedestrian Street Classifications**




2

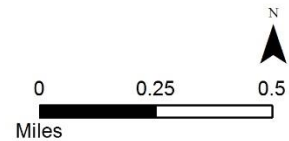


-  Class I
-  Class II
-  Green Street

 Streets with pedestrian street classifications within Pioneer Square Preservation District and International Special Review District are identified on Map D for 23.66.170 and Map B for 23.66.326

 Pedestrian Street Classifications may be addressed by Special Review District or other provisions.

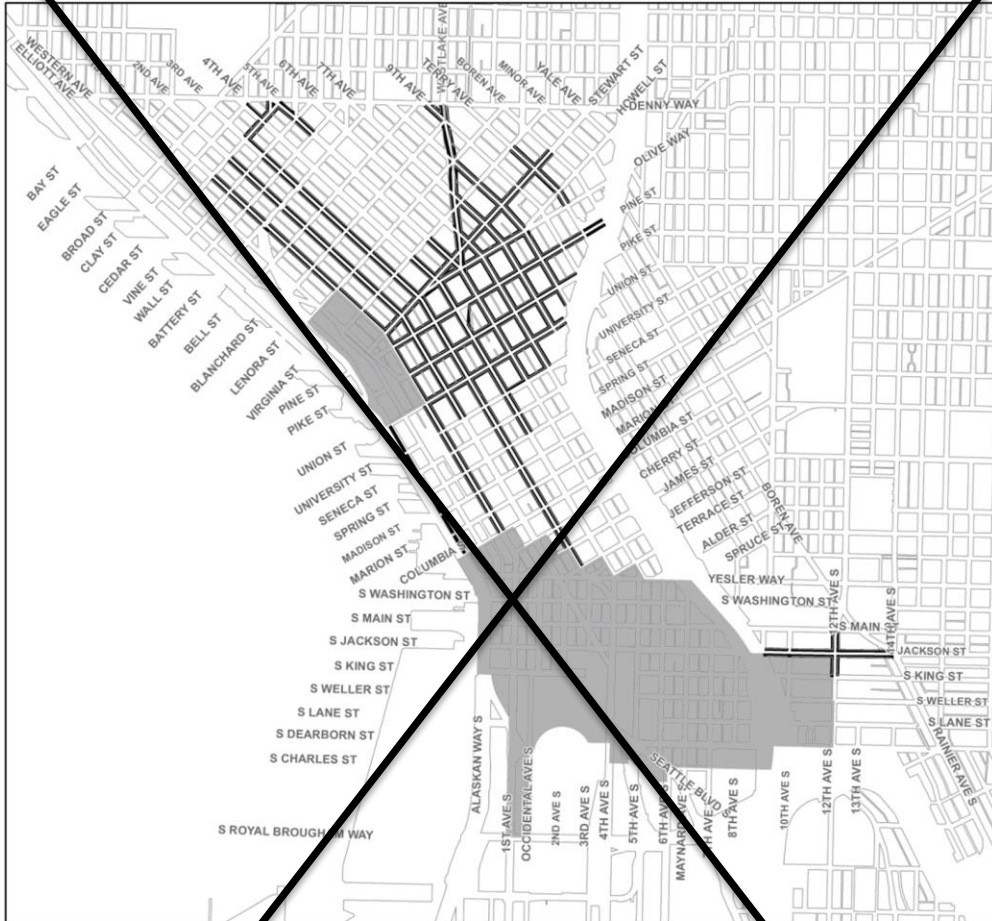
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Downtown zoning
Map 1F
 Pedestrian Street Classifications

1 **Map 1G: Street Level Uses Required**

Street Level Uses Required



- Street Level Uses Required
- Special Review or Historic Districts



Downtown Zoning

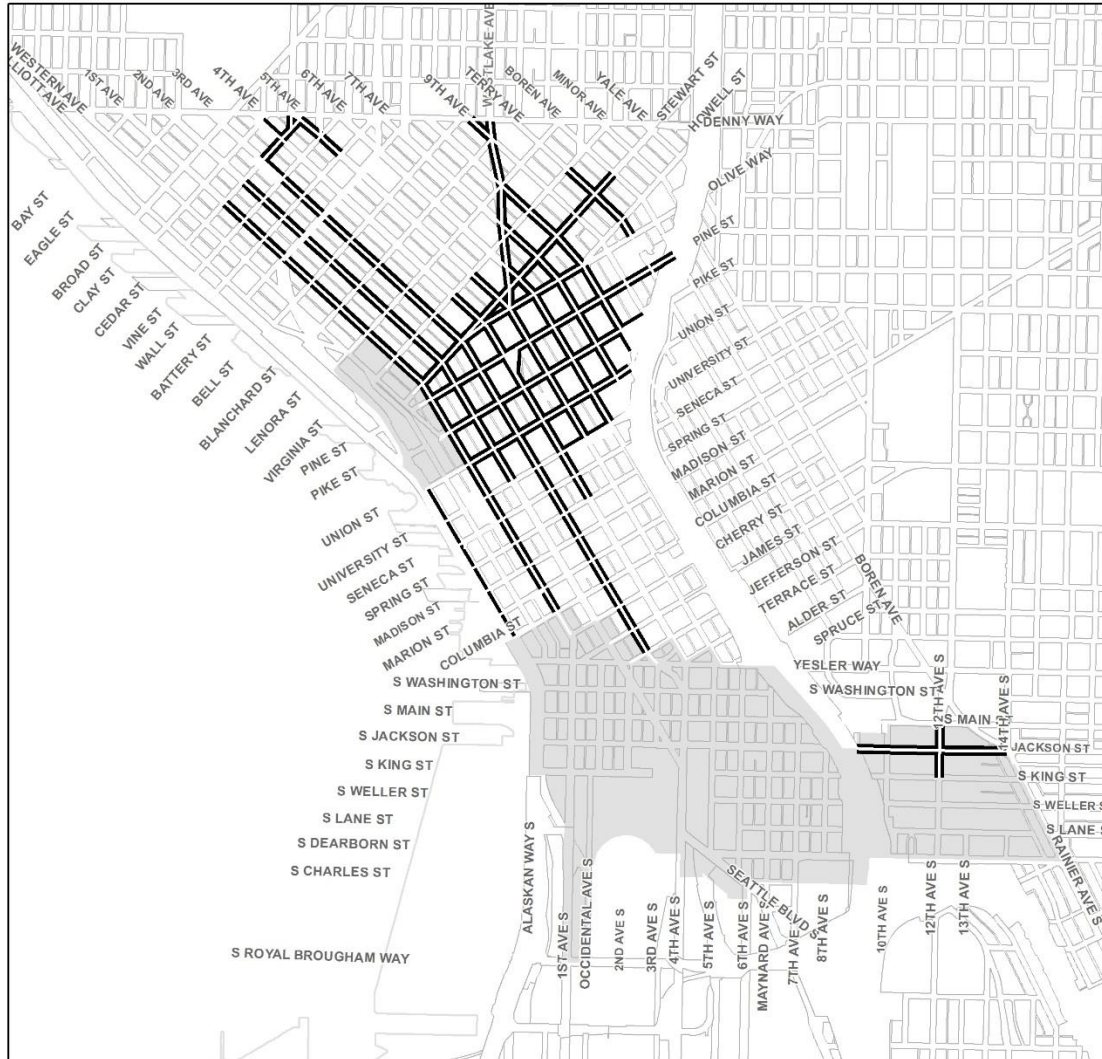
Map 1G



**Street Level Uses
Required**

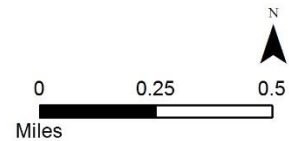
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2

Street Level Uses Required



-  Street Level Uses Required
-  Special Review or Historic Districts



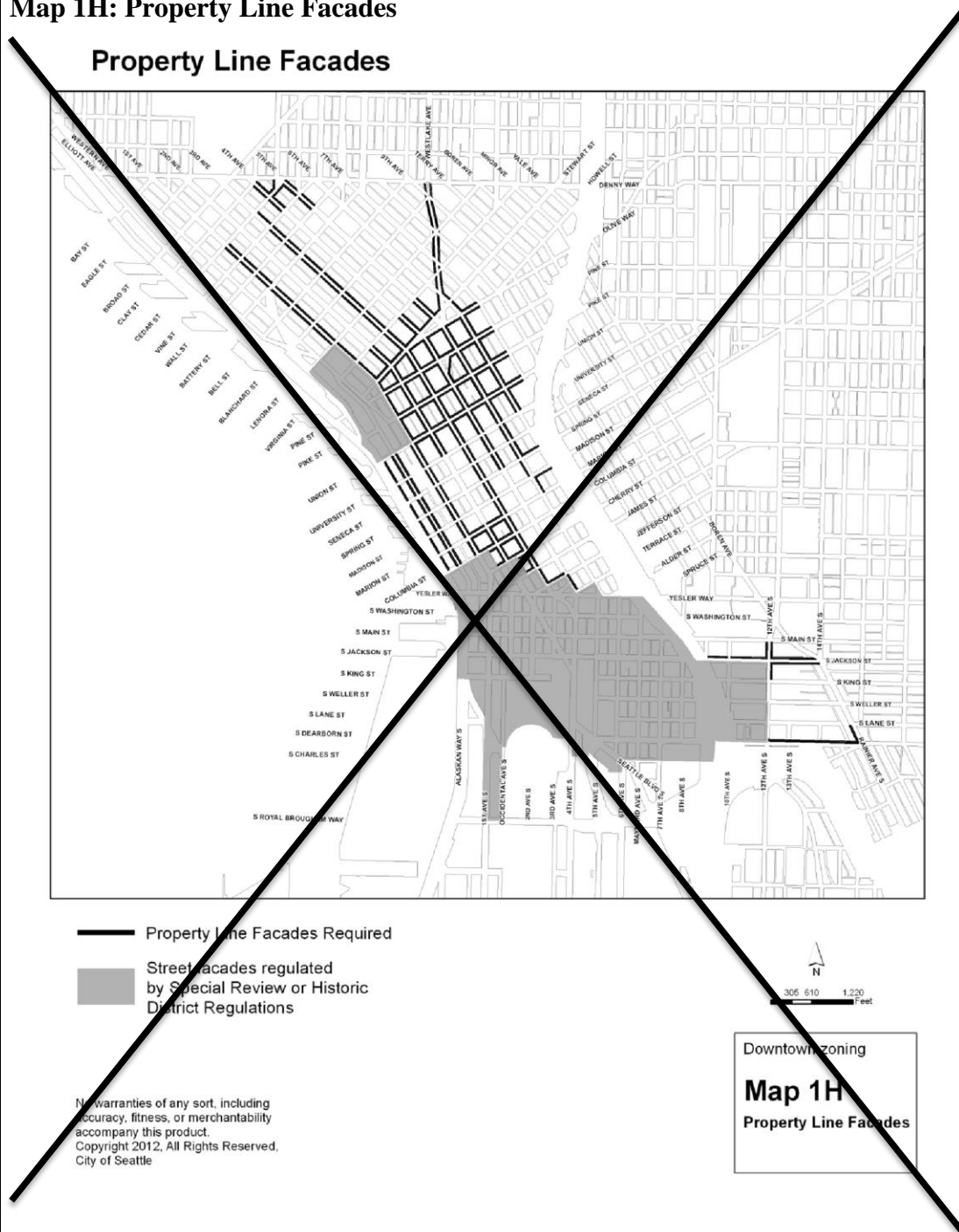
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Downtown zoning

Map 1G

Street Level Uses Required

1 **Map 1H: Property Line Facades**




2

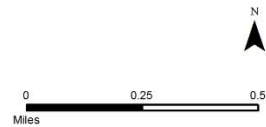
Property Line Facades



 Property Line Facades Required

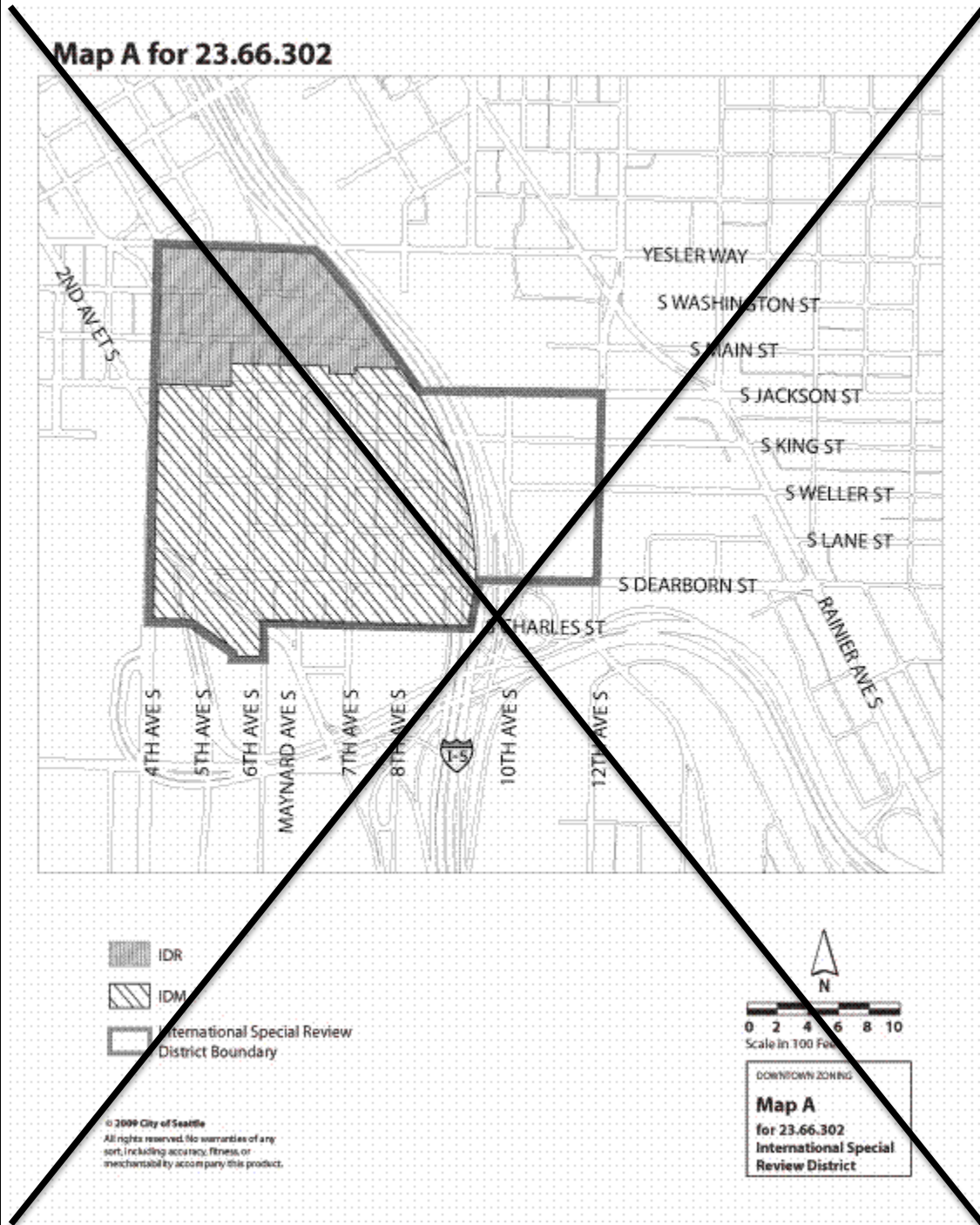
 Street facades regulated by Special Review or Historic District Regulations

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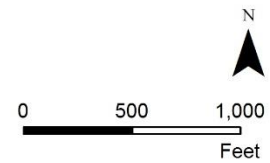
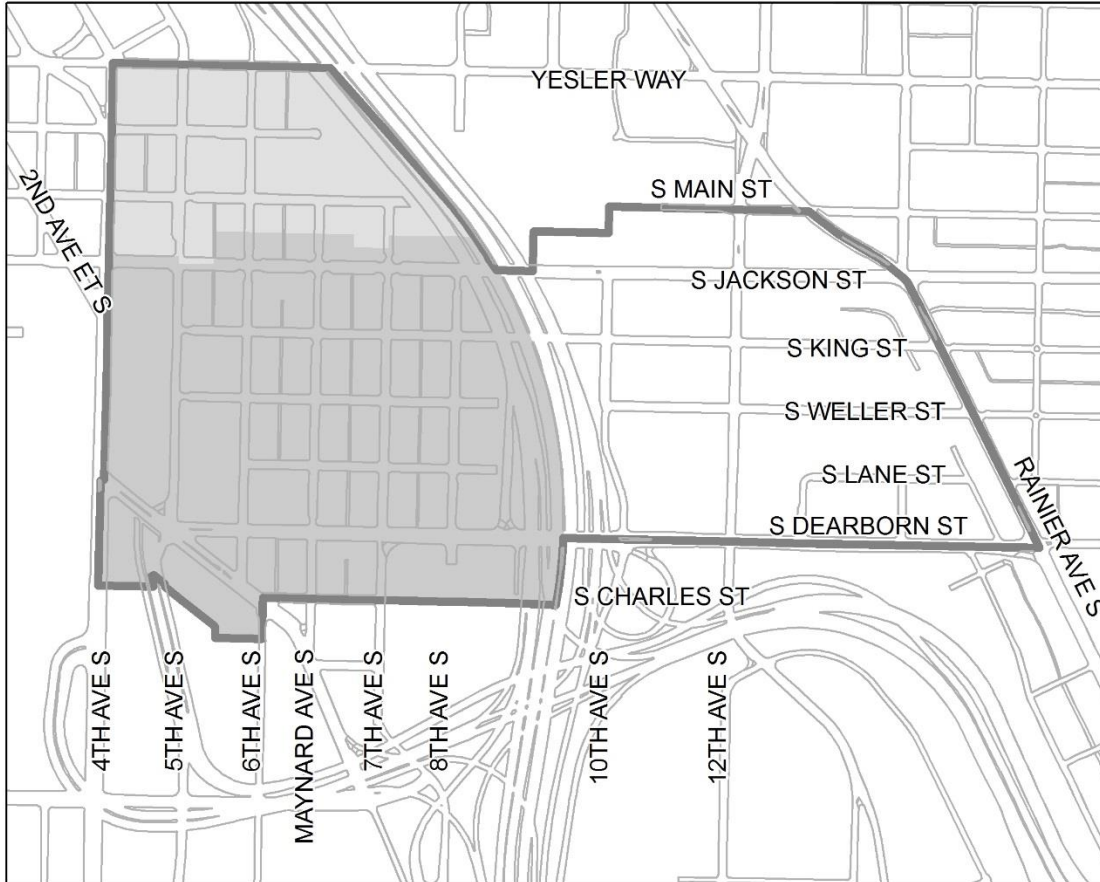
Downtown zoning
Map 1H
 Property Line Facades

1 Section 23. Map A for Section 23.66.302 of the Seattle Municipal Code, last amended by
2 Ordinance 123589, is amended as follows:



3

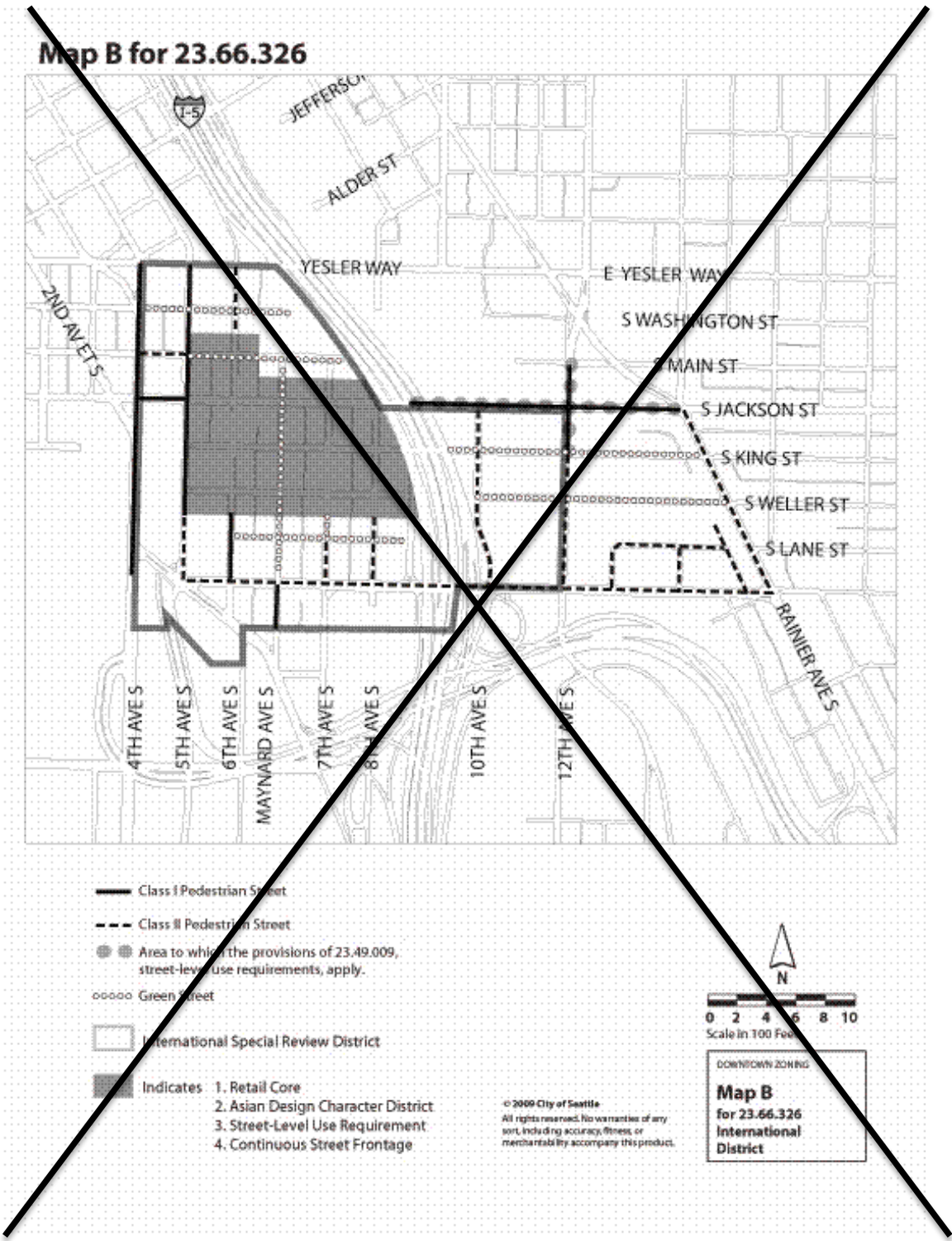
Map A for 23.66.302



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merchantability accompany this product.

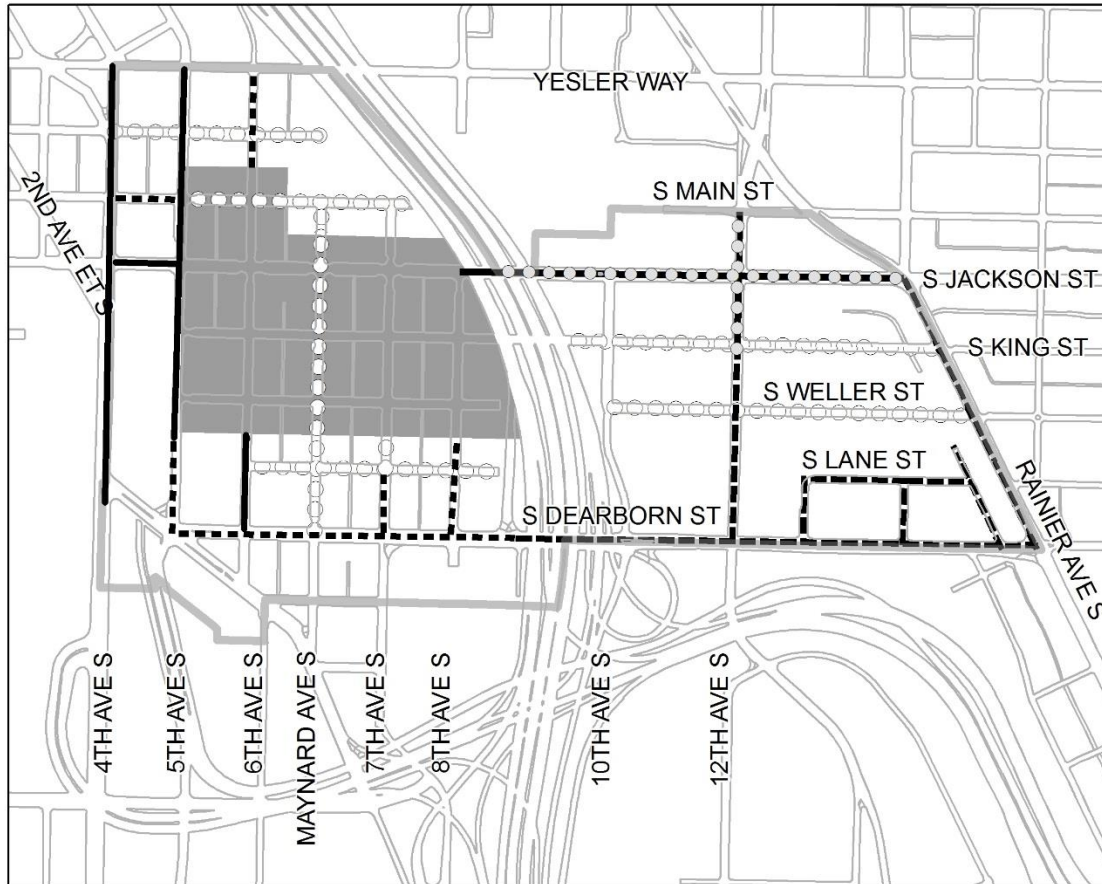
DOWNTOWN ZONING
Map A
for 23.66.302
International Special
Review District

1 Section 24. Map B for Section 23.66.326 of the Seattle Municipal Code, last amended by
2 Ordinance 123589, is amended as follows:



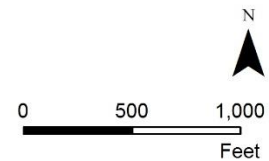
3

Map B for 23.66.326



- ○ ○ ○ Green Street
- ● ● ● Area to which the provisions of 23.49.009, street-level use requirements, apply.
- Class I Pedestrian Street
- - - Class II Pedestrian Street
- International Special Review District Boundary
- Indicates
 1. Retail Core
 2. Asian Design Character District
 3. Street-Level Use Requirement
 4. Continuous Street Frontage

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DOWNTOWN ZONING
Map B
 for 23.66.326
 International Special
 Review District

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2

1 Section 25. Sections 21, 22, 23, and 24 of this ordinance shall take effect and be in force
2 on January 1, 2018.

3 Section 26. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the _____ day of _____, 2017,
7 and signed by me in open session in authentication of its passage this _____ day of
8 _____, 2017.

9 _____
10 President _____ of the City Council

11 Approved by me this _____ day of _____, 2017.

12 _____
13 Edward B. Murray, Mayor

14 Filed by me this _____ day of _____, 2017.

15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)
18
19
20

- 1 Exhibits:
- 2 Exhibit A – Chinatown International District Rezone Map
- 3 Exhibit B – Findings of Fact