

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; repealing and replacing the Seattle Comprehensive Plan pursuant to a major update, with new goals, policies, and elements and a new Future Land Use Map; amending Sections 5.72.020, 5.72.030, 5.73.030, 6.600.040, 22.805.070, 23.34.007, 23.34.008, 23.34.009, 23.34.010, 23.34.011, 23.34.012, 23.34.014, 23.34.018, 23.34.020, 23.34.024, 23.34.028, 23.34.074, 23.34.076, 23.34.078, 23.34.080, 23.34.082, 23.34.086, 23.34.099, 23.34.100, 23.34.108, 23.34.110, 23.34.128, 23.40.070, 23.41.004, 23.41.012, 23.42.058, 23.44.019, 23.45.509, 23.45.510, 23.45.514, 23.45.516, 23.45.527, 23.45.530, 23.45.532, 23.45.550, 23.47A.004, 23.47A.005, 23.47A.008, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.021, 23.48.220, 23.48.221, 23.48.225, 23.48.245, 23.48.250, 23.48.285, 23.48.290, 23.48.602, 23.48.605, 23.48.610, 23.48.623, 23.48.690, 23.48.710, 23.48.720, 23.48.723, 23.48.740, 23.48.780, 23.48.785, 23.48.802, 23.48.905, 23.48.940, 23.49.012, 23.49.019, 23.49.036, 23.50.012, 23.50A.040, 23.50A.190, 23.50A.360, 23.51A.004, 23.52.004, 23.52.008, 23.53.006, 23.54.015, 23.54.016, 23.54.020, 23.54.035, 23.58A.014, 23.58A.024, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.69.022, 23.69.026, 23.69.035, 23.71.020, 23.74.002, 23.84A.025, 23.84A.026, 23.84A.032, 23.84A.038, 23.84A.040, 23.84A.042, 23.86.006, 25.05.164, 25.05.665, and 25.05.800 of the Seattle Municipal Code; and amending the title of Sections 23.48.230, 23.48.235, 23.48.240, 23.48.255, and 23.48.280 of the Seattle Municipal Code.

..body

WHEREAS, The City of Seattle adopted its Comprehensive Plan with Ordinance 117221 in 1994, pursuant to the provisions of the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, the City has made amendments to its Comprehensive Plan most years through its annual update or major update process, as authorized by the Growth Management Act; and

WHEREAS, in May 2020 the Puget Sound Regional Council, which includes The City of Seattle, adopted VISION 2050, a regional growth strategy which supports continued growth in urban areas, preservation of rural areas and open space, and focuses a significant share of job and population growth near high-capacity transit; and

1 WHEREAS, in December 2021 the King County Council adopted Ordinance 19384 for updated
2 2021 Countywide Planning Policies, as recommended by the Growth Management
3 Planning Council, to implement VISION 2050, the regional plan for growth, and create a
4 shared and consistent growth management framework for all jurisdictions in King County
5 to incorporate in local comprehensive plans, including growth targets for housing and
6 jobs through 2044; and

7 WHEREAS, in April 2021 the Washington State Legislature passed HB 1220 which amended
8 the Growth Management Act to require all jurisdictions to plan for and accommodate
9 housing, including emergency shelters, affordable to all income levels; and

10 WHEREAS in April 2023 the Washington State Legislature passed HB 1110 which amended the
11 Growth Management Act to require certain cities, including Seattle, to allow the
12 development of “middle housing” in all residential areas, including at least four units on
13 each lot and at least six units per lot near a major transit stop or when at least two units
14 are affordable; and

15 WHEREAS, in April 2023 the Washington State Legislature passed HB 1181 which amended
16 the Growth Management Act to require certain cities, including Seattle, to include a new
17 element in their comprehensive plans focused on reducing greenhouse gas emissions and
18 strengthening climate resilience; and

19 WHEREAS, the City reviewed applicable adopted statutes for cities planning under the Growth
20 Management Act passed subsequent to the City’s last major update of the Comprehensive
21 Plan in 2015 and incorporated or addressed all relevant provisions into the One Seattle
22 Comprehensive Plan; and
23

1 WHEREAS, in November 2019 the Seattle City Council imposed a proviso on \$500,000 of the
2 Office of Planning and Community Development's budget to ensure certain issues were
3 studied in an environmental impacts statement, including additional housing capacity in
4 single family areas for middle housing types, strategies to minimize displacement, and
5 alternative names for single family zones; and

6 WHEREAS, in April 2021 the Office of Planning and Community Development published a
7 Market Rate Housing Needs and Supply Analysis that found that housing supply was not
8 keeping pace with demand, housing costs were increasing faster than incomes, market
9 development was producing few new homeownership units, the City lacked sufficient
10 development capacity for middle housing, the supply of affordable rental units did not
11 meet the needs of lower income households, and many lower income households
12 commuted long distances from communities outside the City to reach their jobs; and

13 WHEREAS, in July 2021 the Office of Planning and Community Development published a
14 Racial Equity Analysis of Seattle 2035 and Urban Village Strategy that identified
15 ongoing racial disparities in housing and access to opportunity and made
16 recommendations to advance racial equity in the next update of the Comprehensive Plan;
17 and

18 WHEREAS, in July 2022 the Seattle City Council adopted Resolution 32059 confirming the
19 City's intent to address climate change and improve resiliency as part of the One Seattle
20 update to the Comprehensive Plan; and

21 WHEREAS, the Office of Planning and Community Development, in cooperation with other
22 City agencies including the Seattle Planning Commission, began in 2022 a series of
23 programs and events, under the title One Seattle Plan, to engage the public in discussions

1 about potential changes to the Comprehensive Plan, consistent with the One Seattle Plan
2 Public Participation Program and documented in the One Seattle Plan Public Engagement
3 Report; and

4 WHEREAS, in March 2024 the Office of Planning and Community Development published a
5 Draft Environmental Impact Statement analyzing the potential effects of five different
6 growth alternatives in the City through 2044, conducted two public hearings on April 17,
7 2024 and April 22, 2024, and received comments from the public on this document; and

8 WHEREAS, in March 2024 the Office of Planning and Community Development published a
9 Draft Comprehensive Plan rooted in a deliberate approach to creating more housing,
10 encouraging density near amenities and frequent transit, and mitigating displacement; and

11 WHEREAS, the Office of Planning and Community Development held open houses across all
12 seven council districts during Spring 2024, including open houses at Loyal Heights
13 Community Center on March 14, Cleveland High School on March 19, Nathan Hale
14 High School on March 26, Chief Sealth International High School on April 3, Garfield
15 Community Center on April 16, Eckstein Middle School on April 25, McClure Middle
16 School on April 30, and an online open house on May 2, and received input from
17 residents and community groups over a two-month public comment period; and

18 WHEREAS, in January 2025 the Office of Planning and Community Development published a
19 Final Environmental Impact Statement that included analysis of a preferred growth
20 strategy alternative that increased potential housing supply in the City by doubling
21 residential development capacity and that promoted housing supply, variety, and
22 affordability by adding new and expanded areas for growth in neighborhoods across the
23 City; and

WHEREAS, the Director’s Report accompanying this ordinance shows the recommended changes to goals and policies between the current Comprehensive Plan and the updated Plan; and

WHEREAS, the City Council intends goals and policies contained in the Seattle 2035 Comprehensive Plan that are carried over to One Seattle Comprehensive Plan to have the same meaning and intent; and

WHEREAS, the City Council has considered public testimony made at public hearings and other pertinent materials regarding the proposed amendments; and

WHEREAS, the City Council finds that the amendments to be adopted are consistent with the Growth Management Act, and will promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The current Seattle Comprehensive Plan, Seattle 2035, last amended by Ordinance 126730, is repealed and replaced by the One Seattle Plan, which consists of three parts, attached to this ordinance: Attachment 1 – One Seattle Plan Comprehensive Plan Update Citywide Policies; Attachment 2 – One Seattle Plan Comprehensive Plan Update Appendices; and Attachment 3 – One Seattle Plan Comprehensive Plan Update Subarea Plans Placeholder.

Section 2. Section 5.72.020 of the Seattle Municipal Code, last amended by Ordinance 125173, is amended as follows:

5.72.020 Definitions((§))

As used in this ((chapter)) Chapter 5.72:

* * *

J. "Residential targeted area" means an area within an urban ((~~village~~)) center that has been so designated by the City Council pursuant to this ((~~chapter~~)) Chapter 5.72.

* * *

L. "Urban ((~~village~~)) center" as used in this Chapter 5.72 means a neighborhood that: (1) is within an area designated as ((~~either a hub-urban village or a residential urban village~~)) an urban center in the City's Comprehensive Plan; and (2) meets the definition of an "urban center" as defined in RCW 84.14.010.

Section 3. Section 5.72.030 of the Seattle Municipal Code, last amended by Ordinance 120135, is amended as follows:

5.72.030 Residential targeted areas—Criteria—Designation((~~7~~))

A. Following notice and public hearing as prescribed in RCW 84.14.040, the City Council may designate one ((~~4~~)) or more residential targeted areas, upon a finding by the City Council in its sole discretion that the residential targeted area meets the following criteria:

1. The residential targeted area is within an urban ((~~village~~)) center;
2. The residential targeted area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would be likely to live in the urban ((~~village~~)) center if desirable, attractive, and livable residences were available; and
3. Providing additional housing opportunity in the residential targeted area will assist in achieving one ((~~4~~)) or more of the following purposes:
 - a. Encourage increased residential opportunities within the City; or
 - b. Stimulate the construction of new affordable multifamily housing; and
 - c. Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.

* * *

Section 4. Section 6.600.040 of the Seattle Municipal Code, enacted by Ordinance 125490, is amended as follows:

6.600.040 License required

* * *

B. Operators. It is unlawful for any person to operate as a short-term rental operator within the City without a valid short-term rental operator license issued pursuant to this Chapter 6.600. A short-term rental operator license permits an operator to offer or provide a maximum of one dwelling unit, or portion thereof, for short term rental use, or a maximum of two dwelling units if one of the units is the operator's primary residence, except for the following:

1. An operator who offered or provided a short-term rental outside of the locations described in subsections 6.600.040.B.2 or 6.600.040.B.3 prior to September 30, 2017, may obtain a short-term rental operator license allowing that operator to continue to operate up to two dwelling units for short-term rental use, subject to the requirements of subsection 6.600.040.B.4. Upon renewal of the license after one year of operations, the operator may obtain a license allowing that operator to: continue to operate the two units; and add a third dwelling unit if the unit is the operator's primary residence.

2. An operator who offered or provided a short-term rental in the Downtown ((Urban)) Regional Center, south of Olive Way and north of Cherry Street, as established in the Seattle Comprehensive Plan (2016), prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if

one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

3. An operator who offered or provided a short-term rental in any dwelling units within a multifamily building constructed after 2012 that contains no more than five dwelling units established by permit under Title 23 and is located in the First Hill/Capitol Hill (~~Urban~~) Regional Center, as established in the Seattle Comprehensive Plan, prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

4. If the license applicant wishes to continue operating a short-term rental in a location described in subsections 6.600.040.B.1, 6.600.040.B.2, or 6.600.040.B.3 the applicant must provide the Director with the following evidence of prior short-term rental use:

a. A business license tax certificate issued by the Department of Finance and Administrative Services for the short-term rental use, in effect on prior to September 30, 2017; and

b. Records demonstrating collection and remittance of all applicable local, state, and federal taxes within the 12-month period prior to September 30, 2017; and

c. A registry identifying the dates the dwelling unit was used as short-term rental within the 12-month period prior to September 30, 2017(~~(-)~~) : and

d. Certification that, if the applicant is a renter, the owner has authorized the tenant's operation of the dwelling unit as a short-term rental. If requested by the Director, the

applicant shall provide documentation demonstrating that the owner has provided that authorization.

* * *

Section 5. Section 22.805.070 of the Seattle Municipal Code, last amended by Ordinance 126336, is amended as follows:

22.805.070 Minimum requirements for on-site stormwater management

* * *

D. On-site lists

1. For each project surface, follow the appropriate project table in subsection 22.805.070.D.2 to subsection 22.805.070.D.5 to evaluate on-site BMPs shown for that type of surface, by category. The project tables apply to roofs and other hard (non-roof) surfaces. All on-site BMPs used must comply with the rules promulgated by the Director. For each surface, consider all of the applicable on-site BMPs in the first category. Use any that is considered feasible. If none is feasible for that surface, move on to each successive category and repeat the selection process as necessary. Once one on-site BMP is used for a surface, no other on-site BMP is necessary for that surface. If no BMP in the appropriate categories is feasible, then no further evaluation is required for that surface under this subsection 22.805.070.D.1. Feasibility shall be determined by evaluation against:

a. Design criteria, minimum size, limitations, and infeasibility criteria identified for each BMP in this subsection 22.805.070.D and the rules promulgated by the Director; and

b. Competing needs. ~~((Subsection))~~ This subsection 22.805.070.D (On-site lists) can be superseded or reduced by the Director if the installation of the BMPs is in conflict with:

1) Any of the following federal or state laws, rules, and standards, as may be amended or superseded: ~~((Historic Preservation))~~ historic preservation and ~~((Archaeology Laws))~~ archaeology laws identified in subsection 22.805.070.E (Historic preservation and archaeology laws), Federal Superfund or Washington State Model Toxics Control Act, Federal Aviation Administration requirements for airports, the Americans with Disabilities Act, and related rules and standards; or

2) Special zoning district design criteria adopted and being implemented pursuant to a community planning process. Special zoning districts include, for example, historic and preservation districts, pedestrian zone overlays, station area overlays, special review districts, multifamily residential zones, ~~((urban centers and urban villages))~~ regional centers and urban centers, and master planned communities. Specific criteria in these areas include, but are not limited to, minimum Floor Area Ratio standards; zero lot line development; usable open space requirements; minimum sidewalk width and required bicycle facilities; alley, loading, and access requirements; pitched roof standards; and street-level development standards for modulation and projections; or

3) Public health and safety standards; or

4) Transportation regulations to maintain the option for future expansion or multi-modal use of public rights-of-way; or

5) Chapter 15.43 (Tree and Vegetation Management in Public Places); Chapter 25.09 (Regulations for Environmentally Critical Areas); Chapter 25.11 (Tree Protection); and Chapter 23.60A (Standards for Vegetation in the Shoreline Master Plan).

* * *

Section 6. Section 23.34.007 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.34.007 Rezone evaluation

* * *

~~D. ((Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.~~

~~E.))~~ The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060, and 23.60A.220.

~~((F))~~ E. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in ~~((SMC))~~ Chapter 23.76 and do not require the evaluation contemplated by the provisions of this ~~((chapter))~~ Chapter 23.34.

Section 7. Section 23.34.008 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.34.008 General rezoning criteria

A. To be approved, a rezoning in a regional center shall ~~((meet the following standards: 1. In urban centers and urban villages))~~ not reduce the zoned capacity for the center ~~((or village))~~

1 taken as a whole (~~((shall be no))~~) to less than 125 percent of the growth estimates adopted in the
2 Seattle Comprehensive Plan for that center (~~((or village. 2. For the area within the urban village~~
3 ~~boundary of hub urban villages and for residential urban villages taken as a whole the zoned~~
4 ~~capacity shall not be less than the densities established in the Growth Strategy Element of the~~
5 ~~Comprehensive Plan))~~) .

6 * * *

7 D. (~~((Neighborhood Plans))~~) Regional center plans. Regional center subarea plans
8 adopted by the Council within ten years of the rezone application shall be taken into account.

9 (~~((1. For the purposes of this title, the effect of a neighborhood plan, adopted or~~
10 ~~amended by the City Council after January 1, 1995, shall be as expressly established by the~~
11 ~~City Council for each such neighborhood plan.~~

12 2. ~~Council adopted neighborhood plans that apply to the area proposed for~~
13 ~~rezone shall be taken into consideration.~~

14 3. ~~Where a neighborhood plan adopted or amended by the City Council after~~
15 ~~January 1, 1995 establishes policies expressly adopted for the purpose of guiding future~~
16 ~~rezones, but does not provide for rezones of particular sites or areas, rezones shall be in~~
17 ~~conformance with the rezone policies of such neighborhood plan.~~

18 4. ~~If it is intended that rezones of particular sites or areas identified in a Council~~
19 ~~adopted neighborhood plan are to be required, then the rezones shall be approved~~
20 ~~simultaneously with the approval of the pertinent parts of the neighborhood plan.))~~

21 E. Zoning principles. The following zoning principles shall be considered:

1 1. The impact of more intensive zones on less intensive zones, or industrial and
2 commercial zones on other zones, shall be minimized by the use of transitions or buffers, if
3 possible. A gradual transition between zoning categories, including height limits, is preferred.

4 2. Physical buffers may provide an effective separation between different uses and
5 intensities of development. The following elements may be considered as buffers:

6 a. Natural features such as topographic breaks, lakes, rivers, streams,
7 ravines, and shorelines;

8 b. Freeways, expressways, other major traffic arterials, and railroad tracks;

9 c. Distinct change in street layout and block orientation;

10 d. Open space and greenspaces.

11 3. Zone boundaries

12 a. In establishing boundaries, the following elements shall be considered:

13 1) Physical buffers as described in subsection 23.34.008.E.2; and

14 2) Platted lot lines.

15 b. Boundaries between commercial and residential areas shall generally be
16 established so that commercial uses face each other across the street on which they are located,
17 and face away from adjacent residential areas. An exception may be made when physical buffers
18 can provide a more effective separation between uses.

19 4. In general, height limits greater than 55 feet should be limited to regional
20 centers, urban ((villages)) centers, neighborhood centers, sites within 125 feet of a street with a
21 frequent transit route, or sites greater than 20,000 square feet. Height limits greater than 55 feet
22 may be considered outside of ((urban villages)) these areas where higher height limits would be
23 consistent with ((an adopted neighborhood plan,)) a ((major institution's)) Major Institution's

adopted master plan((;)) or where the designation would be consistent with the existing built character of the area.

* * *

Section 8. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.34.009 Height limits of the proposed rezone

If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and scale of the area

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

D. Compatibility with surrounding area

1 1. Height limits for an area shall be compatible with actual and zoned heights in
2 surrounding areas excluding buildings developed under Major Institution height limits; height
3 limits permitted by the underlying zone, rather than heights permitted by the Major Institution
4 designation, shall be used for the rezone analysis.

5 2. A gradual transition in height and scale and level of activity between zones
6 shall be provided unless major physical buffers, as described in subsection 23.34.008.E.2, are
7 present.

8 ~~((E. Neighborhood plans~~

9 ~~1. Particular attention shall be given to height recommendations in business~~
10 ~~district plans or neighborhood plans adopted by the City Council subsequent to the adoption of~~
11 ~~the 1985 Land Use Map.~~

12 ~~2. Neighborhood plans adopted or amended by the City Council after January 1,~~
13 ~~1995, may require height limits different than those that would otherwise be established pursuant~~
14 ~~to the provisions of this Section 23.34.009 and Section 23.34.008.))~~

15 Section 9. Section 23.34.010 of the Seattle Municipal Code, last amended by Ordinance
16 126509, is amended as follows:

17 **23.34.010 Designation of NR1, NR2, and NR3 zones**

18 * * *

19 B. Areas zoned NR1, NR2, or NR3 that meet the locational criteria contained in
20 subsections 23.34.011.B.1 ~~((through 23.34.011.B.3))~~ and 23.34.011.B.2 may only be rezoned to
21 zones more intense than NR3 if they are located within the adopted boundaries of ~~((an))~~ a
22 regional or urban ((village)) center, and the rezone is to a zone that is subject to the provisions of
23 Chapter 23.58B and Chapter 23.58C.

Section 10. Section 23.34.011 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.34.011 NR1, NR2, and NR3 zones, function, and locational criteria

* * *

B. Locational criteria. An NR1, NR2, or NR3 zone designation is most appropriate in areas that are outside of ~~((urban centers and villages))~~ regional, urban, and neighborhood centers and meet the following criteria:

1. Areas that consist of blocks with at least 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or

~~((2. Areas that are designated by an adopted neighborhood plan as appropriate for single family residential use; or~~

3)) 2. Areas that consist of blocks with less than 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five years, or

d. The area's location is topographically and environmentally suitable for single-family residential developments.

* * *

Section 11. Section 23.34.012 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.34.012 Neighborhood Residential Small Lot (RSL) zone, function, and locational criteria

A. Function. An area within an urban ((~~village~~)) center that provides for the development of homes on small lots that may be more affordable compared to detached homes on larger lots and appropriate for households with children.

B. Locational criteria. An RSL zone is most appropriate in areas generally characterized by the following:

1. The area is similar in character to neighborhood residential zones;
2. The area is located inside ((~~an urban center, urban village,~~)) a regional center, an urban center, a neighborhood center, or a Station Area Overlay District where it would provide opportunities for a diversity of housing types within these denser environments;
3. The area is characterized by, or appropriate for, a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as duplex, triplex, rowhouse, and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;
4. The area is characterized by local access and circulation that can accommodate low-density development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;

5. The area is within a reasonable distance of ~~((frequency))~~ frequent transit service, but is not close enough to make higher density multifamily development more appropriate.

6. The area would provide a gradual transition between neighborhood residential zoned areas and multifamily or neighborhood commercial zoned areas; and

7. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

Section 12. Section 23.34.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.34.014 Lowrise 1 (LR1) zone, function, and locational criteria

* * *

B. Locational ~~((Criteria))~~ criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is similar in character to neighborhood residential zones;

2. The area is either:

a. ~~((located))~~ Located outside of ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District;

b. ~~((a))~~ A limited area within ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or

c. ~~((located))~~ Located on a collector or minor arterial;

3. The area is characterized by a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as rowhouse and

townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;

4. The area is characterized by local access and circulation that can accommodate low-density multifamily development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;

5. The area would provide a gradual transition between neighborhood residential zoned areas and multifamily or neighborhood commercial zoned areas; and

6. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

Section 13. Section 23.34.018 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.34.018 Lowrise 2 (LR2) zone, function, and locational criteria

A. Functions. The dual functions of the LR2 zone are to:

1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and

2. Accommodate redevelopment in areas within ~~((urban centers, urban villages,))~~ regional centers, urban centers, neighborhood centers, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.

B. Locational ~~((Criteria))~~ criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

a. ~~((located))~~ Located in ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or

b. ~~((located))~~ Located in or near ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:

1) ~~((small-scale))~~ Small-scale structures generally no more than ~~((35))~~40 feet in height that are compatible in scale with NR and LR1 zones;

2) ~~((the))~~ The area would provide a gradual transition between NR or LR1 zones and more intensive multifamily or neighborhood commercial zones; and

2. The area is characterized by local access and circulation conditions that accommodate low-density multifamily development;

3. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and

4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

Section 14. Section 23.34.020 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.34.020 Lowrise 3 (LR3) zone, function, and locational criteria

A. Functions. The dual functions of the LR3 zone are to:

1. ~~((provide))~~ Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and

2. ~~((accommodate))~~ Accommodate redevelopment in areas within ~~((urban centers, urban villages,))~~ regional centers, urban centers, neighborhood centers, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

B. Locational ~~((Criteria))~~ criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

a. ~~((located))~~ Located in ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density~~((; except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or))~~ ;

b. ~~((located))~~ Located in an existing multifamily neighborhood in or near ~~((an urban center, urban village,))~~ a regional center, an urban center, a neighborhood center, or a Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;

c. On lots within 125 feet of a street with a frequent transit route; or

d. On a lot greater than 20,000 square feet that does not abut lots zoned Neighborhood Residential over a substantial area;

2. The area is near neighborhood commercial zones with comparable height and scale;

3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;

4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;

5. The area is well served by public transit;

6. The area ~~((has direct access to))~~ is located near arterial streets that can accommodate anticipated vehicular circulation~~((, so that traffic is not required to use streets that pass through lower density residential zones))~~ ;

7. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

* * *

Section 15. Section 23.34.024 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.34.024 Midrise (MR) zone, function, and locational criteria

* * *

B. Locational criteria

1. Threshold conditions. Subject to subsection 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:

a. Properties already zoned Midrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Properties within ~~((an urban center or urban village))~~ a regional center, an urban center, or a neighborhood center.

2. Environmentally critical areas. Except as stated in this subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:

- a. Was created by human activity, or
- b. Is a designated peat settlement; liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.

3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:

- a. Properties that are adjacent to business and commercial areas with comparable height and bulk;
- b. Properties in areas that are served by major arterials and where frequent transit service and street capacity could absorb the traffic generated by midrise development;
- c. Properties in areas that are in close proximity to major employment centers;
- d. Properties in areas that are in close proximity to open space and recreational facilities;

e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;

g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and

i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.

Section 16. Section 23.34.028 of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

23.34.028 Highrise (HR) zone, function, and locational criteria((:))

* * *

B. Locational ~~((Criteria.))~~ criteria

1. Threshold ~~((Conditions))~~ conditions. Subject to subsection 23.34.028.B.2 ~~((of this section))~~, properties that may be considered for a Highrise designation are limited to the following:

a. Properties already zoned Highrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or

c. Properties within ~~((an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation))~~ a regional center or within the portion of an urban center that is located within a quarter mile of a light rail station.

2. Environmentally ~~((Critical Areas))~~ critical areas. Except as stated in this subsection 23.34.028.B.2, properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

3. Other ~~((Criteria))~~ criteria. The Highrise zone designation is most appropriate in areas generally characterized by the following:

a. Properties in areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;

b. Properties in areas that are adjacent to a concentration of residential services or a major employment center;

c. Properties in areas that have excellent pedestrian or transit access to downtown;

d. Properties in areas that have close proximity to open space, parks, and recreational facilities;

e. Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;

f. Properties in flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;

g. Properties in sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

Section 17. Section 23.34.074 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.074 Neighborhood Commercial 1 (NC1) zones, function, and locational criteria((:))

* * *

B. Locational ~~((Criteria))~~ criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of ~~((urban centers and urban villages,))~~ regional, urban, and neighborhood centers or within ~~((urban centers or urban villages where isolated or))~~ portions of urban or neighborhood centers that are peripheral to the primary business district and adjacent to low-density residential areas;

2. Located on streets with limited capacity, such as collector arterials;

3. No physical edges to buffer the residential areas;

4. Small parcel sizes;

5. Limited transit service.

Section 18. Section 23.34.076 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.076 Neighborhood Commercial 2 (NC2) zones, function, and locational criteria((:))

* * *

B. Locational ~~((Criteria))~~ criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Primary business districts in ~~((residential-urban-villages))~~ urban or neighborhood centers, secondary business districts in ~~((urban))~~ regional centers or ~~((hub-urban-villages))~~ urban centers, or business districts~~((:))~~ outside of regional, urban, and neighborhood ~~((villages;))~~ centers that extend for more than approximately two blocks;

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;

3. Lack of strong edges to buffer the residential areas;

4. A mix of small and medium sized parcels;

5. Limited or moderate transit service.

Section 19. Section 23.34.078 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.078 Neighborhood Commercial 3 (NC3) zones, function, and locational criteria((:))

* * *

B. Locational ~~((Criteria))~~ criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. The primary business district in ~~((an-urban-center-or-hub-urban-village))~~ a regional, urban, or neighborhood center;

2. Served by a principal arterial;

3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

4. Excellent transit service.

Section 20. Section 23.34.080 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.080 Commercial 1 (C1) zones, function, and locational criteria((;))

* * *

B. Locational ~~((Criteria))~~ criteria. A Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of ~~((urban centers and urban villages))~~ regional, urban, and neighborhood centers or~~((;))~~ within ~~((urban centers and urban villages;))~~ regional, urban, and neighborhood centers on lots having a C1 designation and either abutting a state highway~~((;))~~ or in use as a shopping mall;

2. Retail activity in existing commercial areas;

3. Readily accessible from a principal arterial;

4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

5. Predominance of parcels of 20,000 square feet or larger;

6. Limited pedestrian and transit access.

Section 21. Section 23.34.082 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.082 Commercial 2 (C2) zones, function, and locational criteria((;))

* * *

B. Locational ~~((Criteria))~~ criteria. A Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of ~~((urban centers and urban villages))~~ regional, urban, and neighborhood centers or ~~((;))~~ within ~~((urban centers or urban villages;))~~ regional, urban, and neighborhood centers on lots having a C2 designation and abutting a state highway;
2. Existing commercial areas characterized by heavy, non-retail commercial activity;
3. Readily accessible from a principal arterial;
4. Possibly adjacent to manufacturing/industrial zones;
5. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;
6. Predominance of parcels of 30,000 square feet or larger;
7. Limited pedestrian and transit access.

Section 22. Section 23.34.086 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.34.086 Pedestrian designation (suffix P), function, and locational criteria

* * *

B. Locational criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas or major activity centers; or a commercial node in ~~((an urban center or urban village))~~ a regional, urban, or neighborhood center;

2. NC zoned areas on both sides of an arterial, or NC zoned block fronts across an arterial from a park, (~~(major institution)~~) Major Institution, or other activity center; and

3. Excellent access for pedestrians, transit, and bicyclists.

Section 23. Section 23.34.099 of the Seattle Municipal Code, enacted by Ordinance 126862, is amended as follows:

23.34.099 Urban Industrial (UI) zone, function, and locational criteria

A. Function. An area that provides an integrated and healthy transition between core industrial areas and neighboring regional and urban (~~((villages))~~) centers, residential areas, and mixed-use areas. These areas contain a mix of affordable, small-scale places for light industry, makers, brewing and distilling, creative arts, and industry supporting ancillary retail, office, or research activity. This area also provides limited opportunities for workforce housing that supports industrial uses. The area functions as a place for residents and workers from nearby (~~((urban villages or centers))~~) urban centers or regional centers to patronize and experience unique local industrial businesses.

B. Locational criteria. Urban Industrial zone designation is most appropriate in areas generally characterized by all of the following:

1. Areas at the transition between core industrial areas in Maritime Manufacturing and Logistics zones and non-industrially zoned areas, (~~((urban villages, or centers))~~) urban centers, or regional centers.

2. Areas generally within designated Manufacturing/Industrial Centers (MICs), although UI zones could be located in limited instances outside of MICs.

3. Areas characterized by small parcel sizes and a variety of small existing industrial and nonindustrial structures.

Section 24. Section 23.34.100 of the Seattle Municipal Code, last amended by Ordinance 119484, is amended as follows:

23.34.100 Designation of (~~Downtown~~) downtown zones(~~(-)~~)

Rezones to a (~~Downtown~~) downtown zone designation shall be considered only for areas within the boundaries of the Downtown (~~Urban~~) Regional Center as shown on the Official Land Use Map.

Section 25. Section 23.34.108 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.34.108 Downtown Mixed Commercial (DMC) zone, function, and locational criteria

Locations appropriate for Downtown Mixed Commercial zone designation are consistent with the following:

A. Function. Areas characterized by lower scale office, retail, and commercial uses related to activity in the office core, retail core, or other moderate-scale commercial cores in the Downtown (~~Urban~~) Regional Center, and with use patterns that may include housing.

B. Scale and (~~Character of Development~~) character of development. Areas where buildings of moderate scale exist or are appropriate to provide a physical transition between more intensive commercial areas and surrounding lower scale commercial, mixed-use, or residential districts.

C. Transportation and (~~Infrastructure Capacity~~) infrastructure capacity. Areas within the Downtown (~~Urban~~) Regional Center having good but comparatively less accessibility to vehicular and transit systems than the Downtown office core. Transportation and other infrastructure capacities are capable of accommodating modest growth without major improvement.

1 D. Relationship to ~~((Surrounding Activity))~~ surrounding activity. Areas that provide for
2 less intensive activity along the western and northern edges of the Downtown retail core and
3 Downtown office core, or at other peripheral locations within the Downtown ~~((Urban))~~ Regional
4 Center. These areas provide a buffer to less intensive areas, such as the Harborfront, Pike Place
5 Market, Belltown residential area, or mixed-use areas north of Denny Way, or serve as a
6 transition to less intensive commercial, residential, or industrial areas near the Downtown
7 ~~((Urban))~~ Regional Center.

8 E. Heights. Downtown ~~((Mixed Commercial))~~ mixed commercial height designations
9 provide desired transitions compatible with adjacent downtown districts and areas outside
10 downtown.

11 Section 26. Section 23.34.110 of the Seattle Municipal Code, last amended by Ordinance
12 123589, is amended as follows:

13 **23.34.110 Downtown Mixed Residential (DMR) zone, function, and locational criteria**

14 Locations appropriate for Downtown Mixed Residential zone designation are consistent with the
15 following:

16 * * *

17 F. Heights. Downtown ~~((Mixed Residential))~~ mixed residential building height
18 designations may be applied to achieve subarea objectives. The lowest height designation
19 generally encompasses the Belltown core, in areas characterized by existing modest scale
20 development, buildings of historic character, or topographic features such as the bluff rising from
21 Elliott Bay. The intermediate building height designation provides transition in height and
22 density to the north and east of the Belltown core and along the bluff where waterfront
23 development divides the area from Elliott Bay. In the Downtown ~~((Urban))~~ Regional Center east

of Interstate 5, the building height designation provides for low to moderate heights. The highest building height designation applies to areas characterized by larger residential and commercial buildings, generally along the eastern edge of Belltown, near the higher density mixed commercial areas of downtown.

Section 27. Section 23.34.128 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.34.128 Seattle Mixed (SM) zone, function, and locational criteria

In considering rezones to the SM zone designation, the following function and locational criteria shall be taken into consideration:

A. Function. An area within ~~((an urban center, urban village,))~~ a regional center, an urban center, or a station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;

* * *

Section 28. Section 23.40.070 of the Seattle Municipal Code, enacted by Ordinance 125612, is amended as follows:

23.40.070 2030 Challenge High Performance Existing Building Pilot Program

* * *

B. Minimum standards. A project shall qualify for the 2030 Challenge High Performance Existing Building Pilot Program if:

1. It is located within an ~~((urban))~~ regional center excluding lots within the shoreline jurisdiction, and lots within the International Special Review District.

2. It is reviewed in accordance with the full design review process provided in Section 23.41.014, except for development subject to special district review under Chapter 23.66

or historic review under Chapters 25.12 through 25.30, in which case the applicable review board shall conduct the design review with the authority to recommend design departures as provided to the Design Review Board pursuant to Section 23.41.012.

3. It includes renovation of an existing structure that complies with the provisions for substantial alterations in the Seattle Energy Code and the Seattle Existing Building Code.

4. It retains either the opaque portions of all exterior walls, or the superstructure of existing structures. The Director may allow openings in the exterior walls to be relocated or resized. For the purposes of this subsection 23.40.070.B, "superstructure" shall mean the foundation, structural frame, floor framing, and slabs of the structure.

5. Additions comply with the requirements of Table A for 23.40.070.

Table A for 23.40.070

Size of additions

Height limit of the zone	Minimum height of existing buildings	Maximum increase in area of existing building footprint
Zones with height limits of 85 feet or less	47 percent of the maximum height limit of the zone	20 percent of the area of the footprint of existing buildings
Zones with height limits greater than 85 feet	60 percent of the maximum height limit of the zone	

6. It meets all of the following:

a. Total annual building energy use that is 25 percent less than a baseline defined as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code Section C401.3;

b. None of the space heating and water heating in the project shall be provided using on-site combustion of fossil fuel;

c. Combined annual stormwater runoff and potable water use is 50 percent lower than the 2030 Challenge High Performance Existing Building Pilot Program baselines, which are as follows:

1 1) The stormwater baseline is the annual average rainfall on a
2 development site in gallons to be calculated as follows: total site area in square feet x 2.1 feet
3 (Seattle's average annual runoff depth) x 7.48 (conversion of cubic feet to gallons) = stormwater
4 baseline;

5 2) The annual potable water baselines are shown in Table B for
6 23.40.070.

Table B for 23.40.070

Potable ((~~Water Baselines~~)) water baselines

Uses^{1, 2}	Potable ((Water Baseline Usage)) <u>water baseline usage</u> (gallons/square feet/year)
Restaurant	125.99
Lodging uses	50.07
Multifamily residential use	41.14
Manufacturing uses	32.53
Nursing or assisted living facilities	30.11
Hospital	26.12
Sales and services, general	24.77
Medical services	21.00
Offices	14.21
Warehouses	13.00
Entertainment uses	12.88
Sales and services, automotive	11.74
Religious facilities	11.31
Schools elementary or secondary	11.09
College or university	11.00

Footnotes to Table B for 23.40.070

¹ If a use is not listed, the Director may determine that a proposed use is substantially similar to other uses listed.

² Baselines for a development are prorated by use based on the proportion of gross floor area occupied within the development.

7 d. The project exceeds 2014 mode share baselines such that the project
8
9 meets mode share percentages pursuant to the Seattle Comprehensive Plan as shown in Tables C
10 and D for 23.40.070 for trips made by travel modes other than driving alone for all work trips
11 and non-work trips, respectively.

Table C for 23.40.070

Work ((Trips)) trips by modes other than driving alone

((Urban-Center)) <u>Regional</u> <u>center</u>	2014 Mode ((Share Baselines)) <u>share baselines</u>	Mode ((Share)) <u>share</u> for ((Work Trips)) <u>work trips</u>
Downtown	77 percent	85 percent
First Hill/Capitol Hill	58 percent	70 percent
Uptown	48 percent	60 percent
South Lake Union	67 percent	80 percent
University District	73 percent	85 percent
Northgate	30 percent	50 percent

Table D for 23.40.070

Non-work trips other than driving alone

((Urban-Center)) <u>Regional</u> <u>center</u>	2014 Mode ((Share Baselines)) <u>share baselines</u>	Mode ((Share)) <u>share</u> for ((Non-Work Trips)) <u>non- work trips</u>
Downtown	88 percent	90 percent
First Hill/Capitol Hill	80 percent	85 percent
Uptown	82 percent	85 percent
South Lake Union	76 percent	85 percent
University District	79 percent	90 percent
Northgate	46 percent	55 percent

* * *

Section 29. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.41.004 Applicability

* * *

E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to ((Section)) subsection 23.58C.050.C shall be

1 exempt from design review if the applicant files a valid and complete building permit application
2 electing the exemption while this ordinance is in effect.

3 b. A development proposal subject to design review under subsection
4 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by
5 providing affordable units on-site according to ((Section)) subsection 23.58C.050.C that is vested
6 according to Section 23.76.026 prior to August 14, 2023, may elect to be processed as allowed
7 by ((Section)) this subsection 23.41.004.E.

8 c. The design review exemption under this subsection 23.41.004.E.1 shall
9 be rescinded for a development proposal that changes from the performance option to the
10 payment option at any time prior to issuance of a building permit.

11 d. Requests for departures. If a project subject to design review under
12 subsection 23.41.004.A is exempt from design review according to this subsection
13 23.41.004.E.1, the Director may consider requests for departures from any development standard
14 in this Title 23, except as otherwise limited in subsection 23.41.012.B.

15 e. Departures decision. Requests for departures according to subsection
16 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the
17 departure would result in additional housing units being constructed.

18 2. Low-income housing

19 a. Notwithstanding any contrary provision of this Title 23, the Director
20 may consider requests for departures from any development standard in this Title 23, except as
21 otherwise limited in subsection 23.41.012.B, for low-income housing.

22 b. Departures decision. Requests for departures shall be evaluated by the
23 Director, in consultation with the Office of Housing, in light of the particular population

designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

3. Downtown Activation Plan

a. A development proposal that is subject to design review according to this Section 23.41.004 shall be exempt from this Chapter 23.41, unless ineligible for exemption due to other code provisions, if:

1) The proposal includes residential use comprising at least 50 percent of its chargeable floor area, except if at least 50 percent of the chargeable floor area in nonresidential use is lodging then no residential use is required; or includes a research and development laboratory use; and

2) The proposal is located on a property within the Downtown ((Urban)) Regional Center, Uptown ((Urban)) Regional Center, South Lake Union ((Urban)) Regional Center, First Hill/Capitol Hill ((Urban)) Regional Center, or an area within the Greater Duwamish Manufacturing and Industrial Center, as shown on Map A for 23.41.004; or within an area included in an adopted expansion area of ((an urban)) a regional center or manufacturing and industrial center shown on Map A for 23.41.004; and

3) The applicant files a letter of eligibility for exemption pursuant to subsection 23.76.010.G, provided that permit application materials are subsequently filed per subsection 23.76.026.A.4; and

4) The proposal does not involve a Type IV or Type V Council land use decision.

b. Waiver or modification of development standard. If a project is exempt from design review according to this subsection 23.41.004.E.3, the Director may consider requests for waivers or modifications of the following development standards in Title 23:

1) Upper-level setbacks, modulation, articulation, facade opening requirements, and structure width;

2) Street-level setbacks and facade setbacks: dimensional and area limits;

3) Floor-to-floor height requirements at street level, except as otherwise limited in subsection 23.41.012.B;

4) Rooftop screening and coverage limits in relation to mechanical equipment, energy-related features, elevator equipment, and related enclosures;

5) Street-level use type, minimum depth, and percent presence on street-level, street-facing facade requirements;

6) Facade transparency and blank facade requirements;

7) Overhead weather protection requirements;

8) Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities, but not including required outdoor open space requirements;

9) Open space and open areas: dimensional, area, distribution of types, and amount of overhead coverage requirements, except standards for open space amenities provided to meet requirements of Chapter 23.58A;

10) Landscaping: dimensional, area, and location requirements;

11) Minimum dimensions and slope of vehicle access;

12) Parking space size requirements in subsections 23.54.030.A
and 23.54.030.B;

13) Bicycle parking minimum quantity requirements in Table D
for 23.54.015; and

14) Provisions of the MPC-YT zone, except: affordable housing
production requirements in Section 23.75.085; limits on floor area for uses in Sections
23.75.040, 23.75.085, or 23.75.090; and limits on the number of highrise structures, distribution
of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040
or Section 23.75.120.

c. Decision on waiver or modification of development standards. Requests
for waiver or modification of development standards according to subsection 23.41.004.E.3.b
shall be evaluated by the Director and may be granted by the Director as a Type I decision if a
waiver or modification of development standards would result in an increased number of
dwelling units, lodging rooms, or increased floor area of a research and development laboratory
use, being constructed.

* * *

Section 30. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
127099, is amended as follows:

23.41.012 Development standard departures

* * *

B. Departures may be granted from any Land Use Code standard or requirement, except
for the following:

* * *

11. Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-75 (Map A for 23.41.012, Roosevelt Commercial Core);

b. Within the Uptown (~~Urban~~) Regional Center building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

c. Within the Upper Queen Anne (~~Residential Urban Village~~) Urban Center and Neighborhood Commercial zones as shown on Map B for 23.41.012, Upper Queen Anne Commercial Areas, building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

d. Within the PSM 85-120 zone in the area shown on Map A for 23.49.180, departures may be granted from development standards that apply as conditions to additional height, except for floor area ratios and provisions for adding bonus floor area above the base FAR;

e. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures may be granted from:

1) Development standards that apply as conditions to additional height in subsections 23.73.014.A and 23.73.014.B; and

2) The provision for receiving sites for transfer of development potential in subsection 23.73.024.B.5;

f. Departures of up to 10 feet of additional height may be granted if the applicant demonstrates that:

1 1) The departure is needed to protect a tree that is located on the lot
2 that is either a Tier 1 or Tier 2 tree, as defined in Section 25.11.130; and

3 2) Avoiding development in the tree protection area will reduce the
4 total development capacity of the site;

5 g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial
6 and ~~((Downtown))~~ downtown zones, departures for rooftop features may be granted from rooftop
7 coverage limits and setback standards from the roof edge, but not from the height limits for
8 rooftop features.

9 * * *

10 Section 31. Section 23.42.058 of the Seattle Municipal Code, last amended by Ordinance
11 127099, is amended as follows:

12 **23.42.058 Cannabis**

13 * * *

14 C. Major cannabis activity is allowed in all other zones if the activity and site meet the
15 following requirements:

16 1. The person operating the major cannabis activity must have a current license
17 issued by the State of Washington pursuant to Title 69 RCW authorizing the person to produce,
18 process, or sell, at the proposed site, cannabis, cannabis-infused products, useable cannabis, or
19 cannabis concentrates, or to research or test any of those products at the proposed site for quality
20 assurance pursuant to Title 69 RCW;

21 2. Any lot line of property having a major cannabis activity must be 1,000 feet or
22 more from any lot line of property on which any of the following uses as defined in WAC 314-
23 55-010 is located: elementary school; secondary school; or playground;

1 3. Any lot line of property having a major cannabis activity that includes the retail
2 sale of cannabis products, except that in Downtown Mixed Residential and Downtown Mixed
3 Commercial zones within that portion of the Downtown (~~Urban~~) Regional Center that is west
4 of Interstate 5, north of Yesler Way, and south of Denny Way major cannabis activity that
5 includes the retail sale of cannabis products must be 250 feet or more, must be 500 feet or more
6 from any lot line of property on which any of the following uses as defined in WAC 314-55-010
7 is established and operating: child care center; game arcade; library; public park; public transit
8 center; or recreation center or facility;

9 4. Any lot line of property having a major cannabis activity that does not include
10 the retail sale of cannabis products must be 250 feet or more from any lot line of property on
11 which any of the following uses as defined in WAC 314-55-010 is established and operating:
12 child care center; game arcade; library; public park; public transit center; or recreation center or
13 facility;

14 5. No more than two properties with major cannabis activity that includes the
15 retail sale of cannabis products are allowed within (~~(1000)~~) 1,000 feet of each other; where any
16 lot lines of two properties with existing major cannabis activity that includes the retail sale of
17 cannabis products are located within (~~(1000)~~) 1,000 feet of each other, any lot line of another
18 property with a new major cannabis activity that includes the retail sale of cannabis products
19 must be (~~(1000)~~) 1,000 feet or more from the closest lot line of the property containing existing
20 major cannabis activity that includes the retail sale of cannabis products;

21 6. Whether a major cannabis activity complies with the locational requirements
22 prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or 23.42.058.C.5 shall

be based on facts that exist on the date of application to the Washington State Liquor and Cannabis Board issues a "Notice of Cannabis Application" to The City of Seattle.

Section 32. Section 23.44.019 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.44.019 Alternative standards for development of affordable units on property owned or controlled by a religious organization

In lieu of meeting development standards contained in subsection 23.44.010.A (minimum lot area), subsection 23.44.010.C (maximum lot coverage), subsection 23.44.011.B (floor area), subsection 23.44.012.A (height), and Section 23.44.017 (density), a proposed development that meets the requirements of Section 23.42.055 and subsection 23.44.019.A may elect to meet the alternative development standards in subsection 23.44.019.B through subsection 23.44.019.F.

A. Lot requirements

1. Development on a lot that meets one of the following criteria, but does not meet the additional requirements in subsection 23.44.019.A.2, may meet the alternative development standards in subsection 23.44.019.B and subsection 23.44.019.D through subsection 23.44.019.F:

- a. The lot has or abuts a lot with a religious facility or other use accessory to a religious facility; or
- b. The lot area is 10,000 square feet or greater; or
- c. The lot is in an RSL zone.

2. Development on a lot that meets the following additional requirements may meet the alternative development standards in subsection 23.44.019.C ~~((and subsection 23.44.019.D))~~ through subsection 23.44.019.F:

a. The lot area is 10,000 square feet or greater;

b. The lot is in an urban (~~village~~) center, within 1/4 mile (1,320 feet) of an urban (~~village~~) center, or within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route on the map required by subsection 23.54.015.B.4; and

c. The lot meets one of the following locational criteria:

1) The lot abuts, is located on a block front with, or is located across a right-of-way from a zone not designated a neighborhood residential zone; or

2) No lot line is located within 50 feet of a single-family dwelling unit.

* * *

Section 33. Section 23.45.509 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.509 Standards applicable to specific areas

* * *

B. University (~~Community Urban~~) District Regional Center. The following provisions apply to development in the MR (M1) zone.

1. Lots located in MR (M1) zones are eligible as Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.

2. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot, multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

3. Eligible receiving sites are limited to those lots in SM-U zones specified in subsection 23.48.623.C.

* * *

Section 34. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.45.510 Floor area

* * *

B. Floor area ratio (FAR) limits in LR and MR zones. FAR limits apply in LR and MR zones as shown in Table A for 23.45.510((-)), provided that if the LR zone designation includes an incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix designation, up to the limits shown in Table A for 23.45.510, if the applicant complies with Chapter 23.58A, Incentive Provisions. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

**Table A for 23.45.510
FAR limits in LR and MR zones**

Zone	Zones with an MHA suffix	Zones without an MHA suffix
LR1	1.3	1.0
LR2	1.4 ¹	1.1
LR3 outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	1.8	1.2, except 1.3 for apartments
LR3 inside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	2.3	1.2, except 1.5 for apartments
MR	4.5	3.2

Footnote to Table A for 23.45.510

¹ Except that the FAR is 1.6 for apartments that provide one or more outdoor amenity areas meeting the requirements of Section 23.45.522 and the following provisions are met:

1. The total amount of, outdoor amenity area is equal to at least 35 percent of the lot area;
2. No part of such amenity area has a width or depth of less than 20 feet; and
3. The outdoor amenity area is located at ground level or within 4 feet of finished grade.

* * *

D. The following floor area is exempt from FAR limits:

* * *

11. In the Northgate (~~Urban~~) Regional Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

* * *

Section 35. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for structures in LR zones are as shown on Table A for 23.45.514.

Table A for 23.45.514

Structure height for LR zones (in feet)

Housing type	LR1	LR2	LR3 outside (urban centers, urban villages,) <u>regional centers, urban centers, and Station Area Overlay Districts</u>	LR3 in (urban centers, urban villages,) <u>regional centers, urban centers, and Station Area Overlay Districts</u>
Cottage housing developments	22	22	22	22
Rowhouse and townhouse developments	30	40 ¹	40 ¹	50 ¹
Apartments	30	40 ¹	40 ¹	50 ²

Footnotes for Table A for 23.45.514

¹ Except that the height limit is 30 feet in zones without a mandatory housing affordability suffix.

² Except that the height limit is 40 feet in zones without a mandatory housing affordability suffix.

* * *

Section 36. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.45.516 Method to achieve extra residential floor area in HR zones

* * *

E. Neighborhood green street setback. Floor area may be gained for a neighborhood green street setback according to the provisions of Chapter 23.58A by development on lots abutting one of the streets or street segments within the First Hill/Capitol Hill (~~Urban Village~~) Regional Center shown on Map A for 23.45.516.

* * *

Section 37. Section 23.45.527 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.45.527 Structure width and ~~((façade))~~ facade length limits in LR zones

A. Structure width in LR zones may not exceed the width indicated on Table A for 23.45.527.

~~((Table A for 23.45.527: Maximum Structure Width in LR zones in feet))~~

<u>Table A for 23.45.527</u> <u>Maximum structure width in LR zones (in feet)</u>			
Zone	Width in feet by ((Category of Residential Use)) <u>category of residential use</u>		
	Cottage ((Housing and Rowhouse Developments)) <u>housing and rowhouse developments</u>	Townhouse ((Developments)) <u>developments</u>	Apartments
LR1	No limit	60	45
LR2	No limit	90	90

Table A for 23.45.527

Maximum structure width in LR zones (in feet)

Zone	Width in feet by ((Category of Residential Use)) <u>category of residential use</u>		
	Cottage ((Housing and Rowhouse Developments)) <u>housing and rowhouse developments</u>	Townhouse ((Developments)) <u>developments</u>	Apartments
LR3 outside ((Urban Villages, Urban Centers)) <u>regional centers, urban centers, or Station Area Overlay Districts</u>	No limit	120	120
LR3 inside ((Urban Villages, Urban Centers)) <u>regional centers, urban centers, or Station Area Overlay Districts</u>	No limit	150	150

* * *

Section 38. Section 23.45.530 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

23.45.530 Green building standards

For projects exceeding the floor area ratio (FAR) in Table A for 23.45.530, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

Table A for 23.45.530

Green building standard thresholds for multifamily zones

Zone	Floor ((Area Ratio)) <u>area ratio</u> (FAR)
LR1	1.1
LR2	1.2
LR3 outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	1.6

Table A for 23.45.530
Green building standard thresholds for multifamily zones

Zone	Floor ((Area Ratio)) <u>area ratio</u> (FAR)
LR3 inside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	1.8
MR	3.45
HR	7.0

Section 39. Section 23.45.532 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.532 Standards for ground floor commercial uses in MR and HR zones

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. Structures with ground floor commercial uses in zones that include an RC designation shall comply with Chapter 23.46.

2. The commercial use is permitted only on the ground floor of a structure that contains at least one dwelling unit. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint.

3. The maximum size of use of any one business establishment is 4,000 square feet, except as follows:

a. ((~~the~~)) The maximum size of use of a multi-purpose retail sales establishment is 10,000 square feet; and

b. ((~~the~~)) The maximum size of a medical service use located in the Northgate ((~~Urban~~)) Regional Center is 10,000 square feet.

4. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration) shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

* * *

Section 40. Section 23.45.550 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.45.550 Alternative ((Standards)) standards for development of affordable units on property owned or controlled by a religious organization

In lieu of meeting development standards contained in subsections 23.45.510.B and 23.45.510.C (floor area), subsections 23.45.512.A and 23.45.512.B (density), and subsections 23.45.514.A and 23.45.514.B (height), a proposed development that meets the requirements of Section 23.42.055 may elect to meet the alternative development standards in this Section 23.45.550.

A. Floor area

1. Development permitted pursuant to Section 23.42.055 is subject to the FAR limits as shown in Table A for 23.45.550.

Table A for 23.45.550 FAR limits for development permitted pursuant to Section 23.42.055		
Zone	Base FAR	Maximum additional exempt FAR¹
LR1	1.5	0.3
LR2	1.8	0.3
LR3 outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	2.5	0.5
LR3 inside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	3.25	0.5
MR	5.0	0.5
HR	16	1.0

**Table A for 23.45.550
FAR limits for development permitted pursuant to Section 23.42.055**

Zone	Base FAR	Maximum additional exempt FAR ¹
------	----------	--

Footnote to Table A for 23.45.550

¹ Gross floor area for uses listed in subsection 23.45.550.B.2 are exempt from FAR calculations up to this amount.

2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional FAR exemption up to the total amount specified in Table A for 23.45.550 is allowed for any combination of the following floor area:

a. Floor area in units with two or more bedrooms and a minimum net unit area of 850 square feet;

b. Floor area of a religious facility; and

c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and

d. Any floor area in a development located within ((1/4)) one-quarter mile (1,320 feet) of a transit stop or station served by a frequent transit route as defined in subsection 23.54.015.B.4.

3. Split-zoned lots

a. On lots located in two or more zones, the FAR limit for the entire lot shall be the highest FAR limit of all zones in which the lot is located, provided that:

1) At least 65 percent of the total lot area is in the zone with the highest FAR limit;

2) No portion of the lot is located in a neighborhood residential zone; and

3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a neighborhood residential zone.

b. For the purposes of this subsection 23.45.550.A.3, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

B. Maximum height

1. Development permitted pursuant to Section 23.42.055 is subject to the height limits as shown in Table B for 23.45.550.

Table B for 23.45.550	
Structure height for development permitted pursuant to Section 23.42.055	
Zone	Height limit (in feet)
LR1	40
LR2	50
LR3 outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	55
LR3 inside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	65
MR	95
HR	480

2. Split-zoned lots

a. On lots located in two or more zones, the height limit for the entire lot shall be the highest height limit of all zones in which the lot is located, provided that:

1) At least 65 percent of the total lot area is in the zone with the highest height limit;

2) No portion of the lot is located in a neighborhood residential zone; and

3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a neighborhood residential zone.

b. For the purposes of this subsection 23.45.550.B.2, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

* * *

Section 41. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.47A.004 Permitted and prohibited uses

* * *

D. Public facilities

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

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

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

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

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

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

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

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

5. Expansion of uses in public facilities

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

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

6. Essential public facilities. Permitted essential public facilities will be reviewed according to the provisions of Chapter 23.80(~~(, Essential Public Facilities))~~).

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

* * *

G. Live-work units

1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this Title 23.

2. In pedestrian-designated zones, live-work units shall not occupy more than 20 percent of the street-level, street-facing facade along designated principal pedestrian streets listed in subsection 23.47A.005.D.

3. In the Lake City and Bitter Lake (~~(Village Hub Urban Villages))~~ Urban Centers, live-work units shall not occupy more than 20 percent of the street-level, street-facing facade.

4. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use.

* * *

Table A for 23.47A.004 Uses in Commercial zones					
		Permitted and prohibited uses by zone ¹			
Uses		NC1	NC2	NC3	C1 C2
* * *					
C. COMMERCIAL USES ³					
	C.1. Animal shelters and kennels	X	X	X	X P
	C.2. Eating and drinking establishments				

Table A for 23.47A.004							
Uses in Commercial zones							
			Permitted and prohibited uses by zone ¹				
Uses			NC1	NC2	NC3	C1	C2
		C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
		C.2.b. Restaurants	10	25	P	P	P
		C.3. Entertainment uses					
		C.3.a. Cabarets, adult ⁴	X	P	P	P	P
		C.3.b. Motion picture theaters, adult	X	X	X	X	X
		C.3.c. Panorams, adult	X	X	X	X	X
		C.3.d. Sports and recreation, indoor	10	25	P	P	P
		C.3.e. Sports and recreation, outdoor	X	X	X ⁵	P	P
		C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
		C.4. Food processing and craft work ²	10	25	25	P	P
		C.5. Laboratories, research and development	10	25	P	P	P
		C.6. Lodging uses	X ⁶	CU-25 ⁶	P	P	P
		C.7. Medical services ⁷	10 ⁸	25	P	P	P
		C.8. Offices	10	25	P	35 ⁹	35 ⁹
		C.9. Sales and services, automotive					
		C.9.a. Retail sales and services, automotive	10 ¹⁰	25 ¹⁰	P ¹⁰	P	P
		C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
		C.9.c. Vehicle repair, major automotive	X	25	P	P	P
		C.10. Sales and services, general ²					
		C.10.a. Retail sales and services, general ²	10	25	P	P	P
		C.10.b. Retail sales, multipurpose	10 ¹¹	50	P	P	P
		C.11. Sales and services, heavy					
		C.11.a. Commercial sales, heavy	X	X	25	P	P
		C.11.b. Commercial services, heavy	X	X	X	P	P
		C.11.c. Retail sales, major durables	10	25	P	P	P
		C.11.d. Retail sales and services, non-household	10	25	P	P	P
		C.11.e. Wholesale showrooms	X	X	25	25	P
		C.12. Sales and services, marine					
		C.12.a. Marine service stations	10	25	P	P	P
		C.12.b. Sales and rental of large boats	X	25	P	P	P
		C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
		C.12.d. Vessel repair, major	X	X	X	S	S
		C.12.e. Vessel repair, minor	10	25	P	P	P
* * *							

Table A for 23.47A.004
Uses in Commercial zones

		Permitted and prohibited uses by zone ¹				
Uses		NC1	NC2	NC3	C1	C2
<p>((KEY)) Key to Table A for 23.47A.004</p> <p>A = Permitted as an accessory use only</p> <p>CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)</p> <p>CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)</p> <p>P = Permitted</p> <p>S = Permitted in shoreline areas only</p> <p>X = Prohibited</p> <p>CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010</p> <p>10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010</p> <p>20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010</p> <p>25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010</p> <p>35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010</p> <p>40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010</p> <p>50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010</p>						
<p>Footnotes to Table A for 23.47A.004</p> <p>¹ In pedestrian-designated zones, a portion of the street-level, street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).</p> <p>² In addition to the provisions in this Chapter 23.47A, uses that entail major cannabis activity are subject to the requirements of Section 23.42.058.</p> <p>³ For commercial uses with drive-in lanes, see Section 23.47A.028.</p> <p>⁴ Subject to subsection 23.47A.004.H.</p> <p>⁵ Permitted at Seattle Center.</p> <p>⁶ Bed and breakfasts in existing structures are permitted outright with no maximum size limit.</p> <p>⁷ Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.</p> <p>⁸ Medical service uses that are located in ((an urban center or urban village)) <u>a regional center or an urban center</u>, which are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families</p>						

Table A for 23.47A.004
Uses in Commercial zones

	Permitted and prohibited uses by zone ¹				
Uses	NC1	NC2	NC3	C1	C2
<p>having incomes at or below 200 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major Institution Master Plan.</p> <p>⁹ Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.</p>					
<p>¹⁰ Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.</p> <p>¹¹ Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.</p> <p>¹² Subject to subsection 23.47A.004.G.</p> <p>¹³ Permitted pursuant to subsection 23.47A.004.D.7.</p> <p>¹⁴ Residential uses may be limited to 20 percent of a street-level, street-facing facade pursuant to subsection 23.47A.005.C.</p> <p>¹⁵ Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.</p> <p>¹⁶ Permitted at Seattle Center; see Section 23.47A.011.</p> <p>¹⁷ Flexible-use parking is subject to Section 23.54.026. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.</p> <p>¹⁸ Permitted as surface parking only on surface parking lots existing as of January 1, 2017. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.</p> <p>¹⁹ Permitted outright, except prohibited in the SAOD.</p> <p>²⁰ See Chapter 23.57, Communications regulations, for regulation of communication utilities.</p> <p>²¹ A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.</p>					

Section 42. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.47A.005 Street-level uses

* * *

C. Residential uses at street level

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level, street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. In all NC and C1 zones within the Bitter Lake (~~Village Hub Urban Village~~) Urban Center, except lots abutting Linden Avenue North, north of North 135th Street; or

c. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

e. In all NC and C1 zones within the Northgate Overlay District, except as provided in Section 23.71.044; or

f. In all NC and C1 zones within the areas shown on Maps A through D for 23.47A.005 (~~at the end of this Chapter 23.47A~~) when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. The development is low-income housing; or

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or

c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps A through D for 23.47A.005, ~~((at the end of this Chapter 23.47A,))~~ a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of Chapter 22.206.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level, street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

- a. Arts facilities;
- b. Community gardens;
- c. Eating and drinking establishments;
- d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;

- e. Food processing and craft work;
- f. Institutions, except hospitals or major institutions;
- g. Lodging uses;
- h. Medical services;
- i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;
- j. Parks and open spaces;
- k. Rail transit facilities;
- l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;
- m. Sales and services, general, provided that no more than 40 feet of the street-level, street-facing facade of a structure on a principal pedestrian street may contain a customer services office;
- n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use; and
- o. Low-income housing.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;

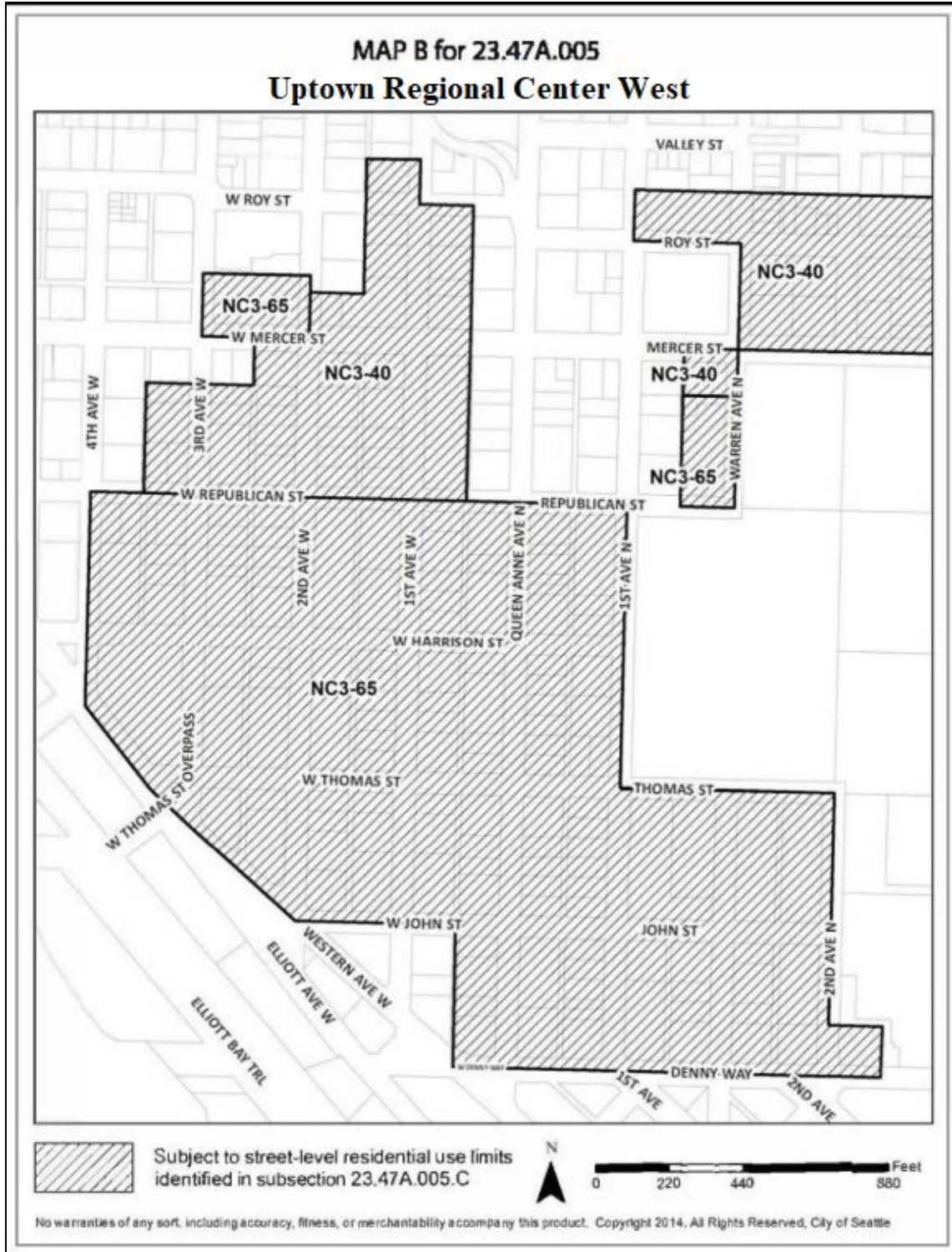
1 11th Avenue;
2 12th Avenue;
3 13th Avenue, between East Madison Street and East Pine Street;
4 14th Avenue South, except within the North Beacon Hill ((~~Residential~~)) Urban
5 ((~~Village~~)) Center;
6 15th Avenue East;
7 15th Avenue Northeast, north of Lake City Way Northeast;
8 15th Avenue Northwest;
9 15th Avenue South;
10 17th Avenue Northwest;
11 20th Avenue Northwest;
12 22nd Avenue Northwest;
13 23rd Avenue;
14 24th Avenue Northwest;
15 25th Avenue Northeast;
16 32nd Avenue West;
17 35th Avenue Northeast, except within the Lake City ((~~Hub~~)) Urban ((~~Village~~))
18 Center;
19 35th Avenue Southwest, except within the West Seattle Junction ((~~Hub~~)) Urban
20 ((~~Village~~)) Center;
21 39th Avenue Northeast;
22 Aurora ((~~Ave~~)) Avenue North, except within the Bitter Lake ((~~Village~~ ~~Hub~~ ~~Urban~~
23 ~~Village~~)) Urban Center;

- 1 Ballard Avenue Northwest;
- 2 Beacon Avenue South;
- 3 Boren Avenue;
- 4 Boylston Avenue, except within the Pike/Pine Conservation Overlay District;
- 5 Broadway;
- 6 Broadway East;
- 7 California Avenue Southwest;
- 8 Delridge Way Southwest;
- 9 Dexter Avenue North;
- 10 East Green Lake Drive North;
- 11 East Green Lake Way North;
- 12 East Madison Street;
- 13 East Olive Way;
- 14 East Pike Street;
- 15 East Pine Street;
- 16 East Union Street, except within the Pike/Pine Conservation Overlay District only
- 17 lots abutting East Union Street between Broadway and East Madison Street;
- 18 Eastlake Avenue East;
- 19 First Avenue North, except within the Upper Queen Anne ((~~Residential~~)) Urban
- 20 ((~~Village~~)) Center;
- 21 Fremont Avenue North;
- 22 Fremont Place North;
- 23 Galer Street;

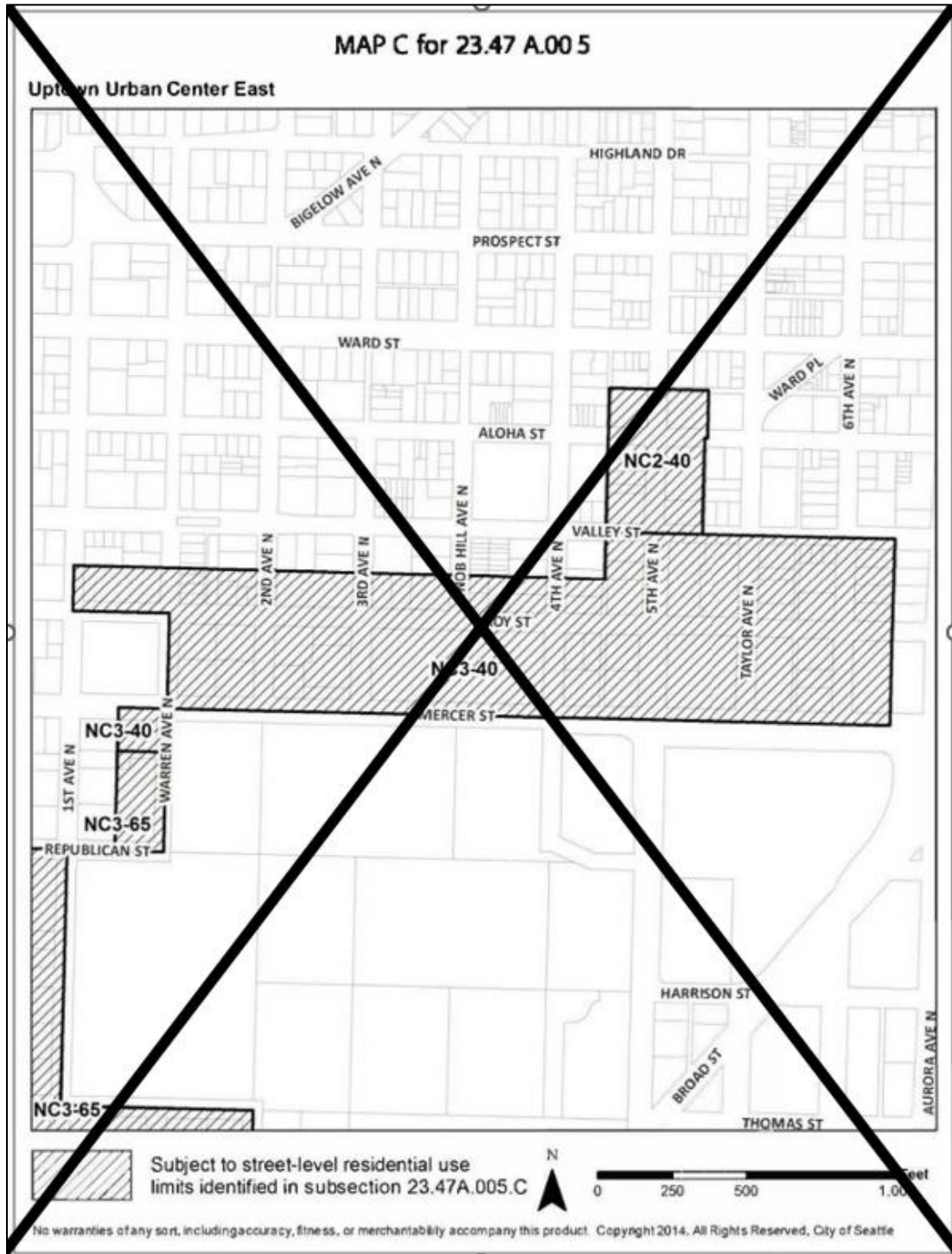
- 1 Green Lake Drive North;
- 2 Greenwood Avenue North;
- 3 Lake City Way Northeast;
- 4 Leary Avenue Northwest;
- 5 Linden Avenue North;
- 6 Madison Street;
- 7 Martin Luther King Jr. Way South;
- 8 Mary Avenue Northwest, between Holman Road Northwest and Northwest 87th
- 9 Street;
- 10 Mercer Street;
- 11 North 34th Street;
- 12 North 35th Street;
- 13 North 45th Street;
- 14 North 85th Street;
- 15 Northeast 43rd Street;
- 16 Northeast 45th Street, except between Linden Ave North and Evanston Ave
- 17 North;
- 18 Northeast 55th Street, east of 15th Avenue Northeast;
- 19 Northeast 65th Street;
- 20 Northeast 125th Street;
- 21 Northwest 65th Street;
- 22 Northwest 85th Street;

- 1 Northwest 90th Street, between Mary Avenue Northwest and 14th Avenue
- 2 Northwest;
- 3 Northwest Market Street;
- 4 Phinney Avenue North, between North 58th Street and North 63rd Street;
- 5 Pike Street;
- 6 Pine Street;
- 7 Queen Anne Avenue North;
- 8 Rainier Avenue South;
- 9 Roosevelt Way Northeast;
- 10 Roy Street;
- 11 Sand Point Way Northeast;
- 12 South Alaska Street;
- 13 South Cloverdale Street;
- 14 South Henderson Street;
- 15 South Jackson Street;
- 16 South Lander Street;
- 17 South McClellan Street;
- 18 South Othello Street;
- 19 Southwest Alaska Street;
- 20 Stone Way North;
- 21 Summit Avenue, except within the Pike/Pine Conservation Overlay District;
- 22 Terry Avenue;
- 23 University Way Northeast;

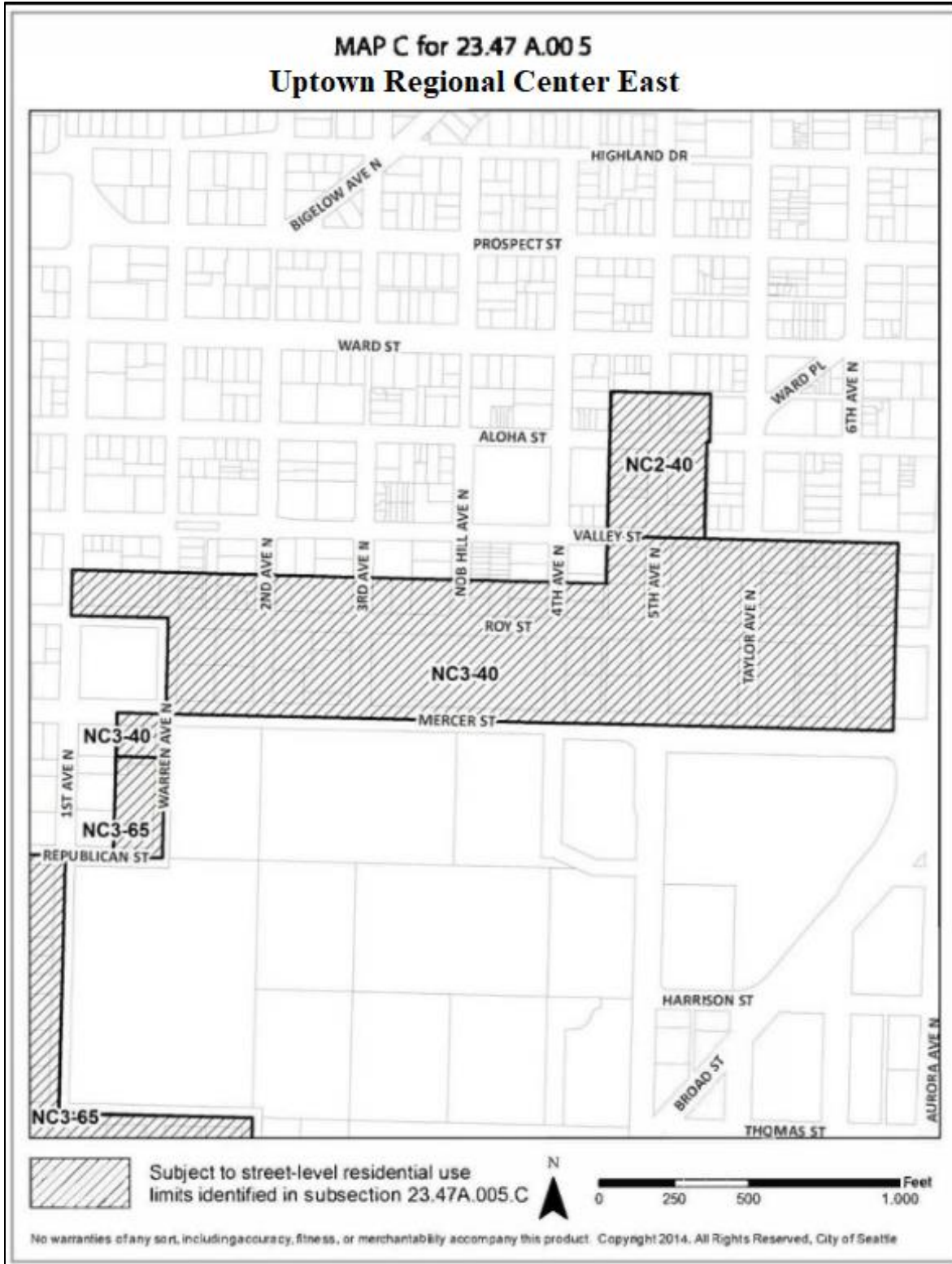
- 1 Wallingford Avenue North;
- 2 West Dravus Street;
- 3 West Galer Street;
- 4 West Green Lake Drive North;
- 5 West McGraw Street, except within the Upper Queen Anne ((~~Residential~~)) Urban
- 6 ((~~Village~~)) Center; and
- 7 Woodlawn Avenue Northeast.



1 **Map C for 23.47A.005: Uptown ((Urban)) Regional Center East**



2



1

2

Section 44. Section 23.47A.008 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.47A.008 Street-level development standards

* * *

C. In addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, the following standards also apply in pedestrian designated zones:

* * *

6. Space for small commercial uses at street level

a. Except as provided in subsection 23.47A.008.C.6.c, all structures abutting a principal pedestrian street that include more than 5,000 square feet of street-level commercial uses shall include small commercial spaces meeting the requirements of subsection 23.47A.008.C.6.b in the quantity required by Table A for 23.47A.008.C.

Table A for 23.47A.008.C	
Number of small commercial spaces required	
Total amount of square feet (sf) in street-level commercial use	Number of small commercial spaces required
Up to 5,000 sf	0
More than 5,000 sf up to 8,000 sf	1
More than 8,000 sf up to 12,000 sf	2
More than 12,000 sf up to 16,000 sf	3
More than 16,000 sf	4, plus 1 additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of 8

b. Requirements for small commercial spaces. The required small commercial spaces must:

- 1) Contain only commercial uses;
- 2) Be a minimum of 300 square feet and a maximum of 1,500 square feet;

3) Have an entrance for pedestrians from the street or from a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade; and

4) Be separated from other commercial spaces by a physical divider such as a wall or partition.

c. Exception. The requirements of this subsection 23.47A.008.C.6 do not apply to structures with more than 50 percent of the total street-level gross floor area occupied by any of the following uses:

- 1) Arts facilities;
- 2) Child care centers;
- 3) Colleges;
- 4) Community clubs or community centers;
- 5) Libraries;
- 6) Institutes for advanced study;
- 7) Museums;
- 8) Performing arts (~~theatres~~) theaters;
- 9) Grocery stores less than 15,000 square feet;
- 10) Elementary or secondary schools;
- 11) Religious facilities;
- 12) Vocational or fine arts schools; or
- 13) Shopping atriums, where multiple businesses operate within a contiguous space.

d. As a Type I decision, the Director may waive the requirements of subsection 23.47A.008.C.6. The Director's decision shall be based on the availability of existing small commercial spaces on a principal pedestrian street:

- 1) Within the same urban (~~((village))~~) center as the structure;
- 2) Within 400 lineal feet of the structure, if the structure is located within (~~((an urban))~~) a regional center; or
- 3) Within the same pedestrian-designated zone as the structure on the same principal pedestrian street, if the structure is located outside of (~~((an urban village or urban center))~~) a regional center or an urban center.

* * *

Section 45. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.47A.009 Standards applicable to specific areas

* * *

B. West Seattle Junction (~~((Hub))~~) Urban (~~((Village))~~) Center. The following provisions apply to development in the NC3_95 zone located between SW Alaska Street, SW Edmunds Street, Fauntleroy Way SW, and 40th (~~((Ave))~~) Avenue SW:

1. Lot coverage limit. The maximum lot coverage permitted for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.
2. The total permitted FAR is as identified in Section 23.47A.013.
3. Maximum width of structures. The maximum width of all portions of a structure measured parallel to a north-south street lot line is 275 feet.
4. Setback and separation requirements

1 a. The following standards apply to structures greater than 250 feet in
2 width measured parallel to a north-south street lot line:

3 1) A minimum separation of 30 feet is required between structures
4 that are adjacent to the same north-south street lot line; and

5 2) A minimum setback of 15 feet is required from side lot lines
6 that are not street side lot lines and that separate lots that abut the same north-south street lot line;
7 and

8 3) Structures permitted in required setback and separation areas
9 pursuant to this subsection 23.47A.009.B.4.a and subsection 23.47A.009.B.4.b are subject to
10 subsection 23.47A.014.G. In addition:

11 a) Decks with open railings may project up to 5 feet into
12 the required setback or separation area if they are no lower than 20 feet above existing or
13 finished grade. Decks may cover no more than 20 percent of the total setback or separation area.

14 b) Unenclosed porches or steps for residential units no
15 higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

16 b. A setback of at least 10 feet from the street lot line is required along
17 non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the lot
18 frontage, whichever is less.

19 c. Required setback and areas separating structures identified in
20 subsections 23.47A.009.B.4.a and 23.47A.009.B.4.b shall include landscaping, paving, and
21 lighting. Sidewalks for pedestrian access, plazas, or other approved amenity or landscaped areas
22 are permitted in required setback or separation areas.

23 d. Upper-level setback requirements along SW Alaska Street

1 1) Structures exceeding 65 feet in height on lots abutting SW
2 Alaska Street between 38th Avenue SW and California Avenue SW shall maintain a minimum
3 setback of 10 feet for that portion of the structure between 45 feet and 55 feet in height.

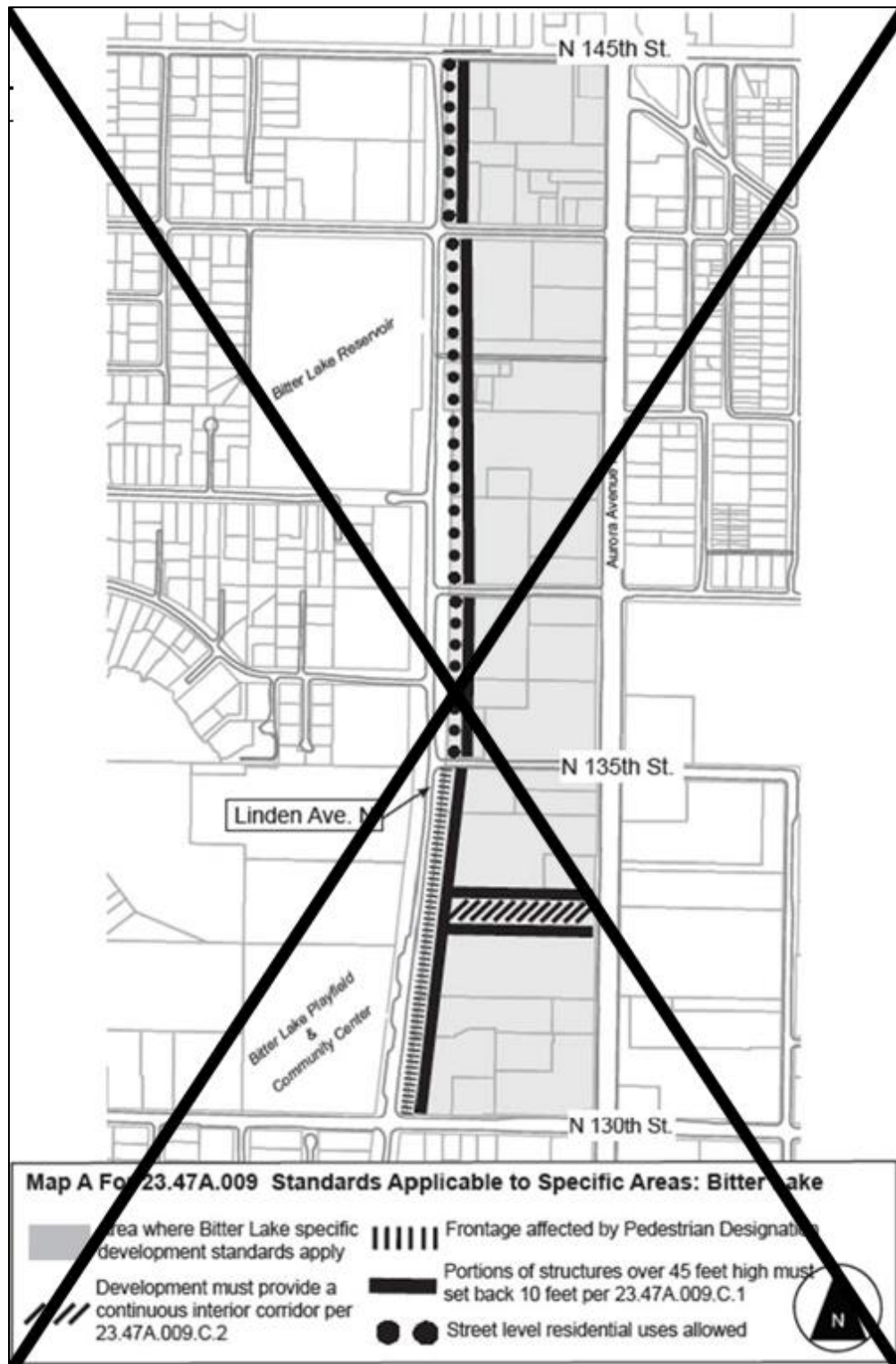
4 2) For portions of a structure above 55 feet in height, an additional
5 minimum setback is required at a rate of at least 1 foot of setback for every 5 feet of height that
6 exceeds 55 feet, up to the maximum allowable height.

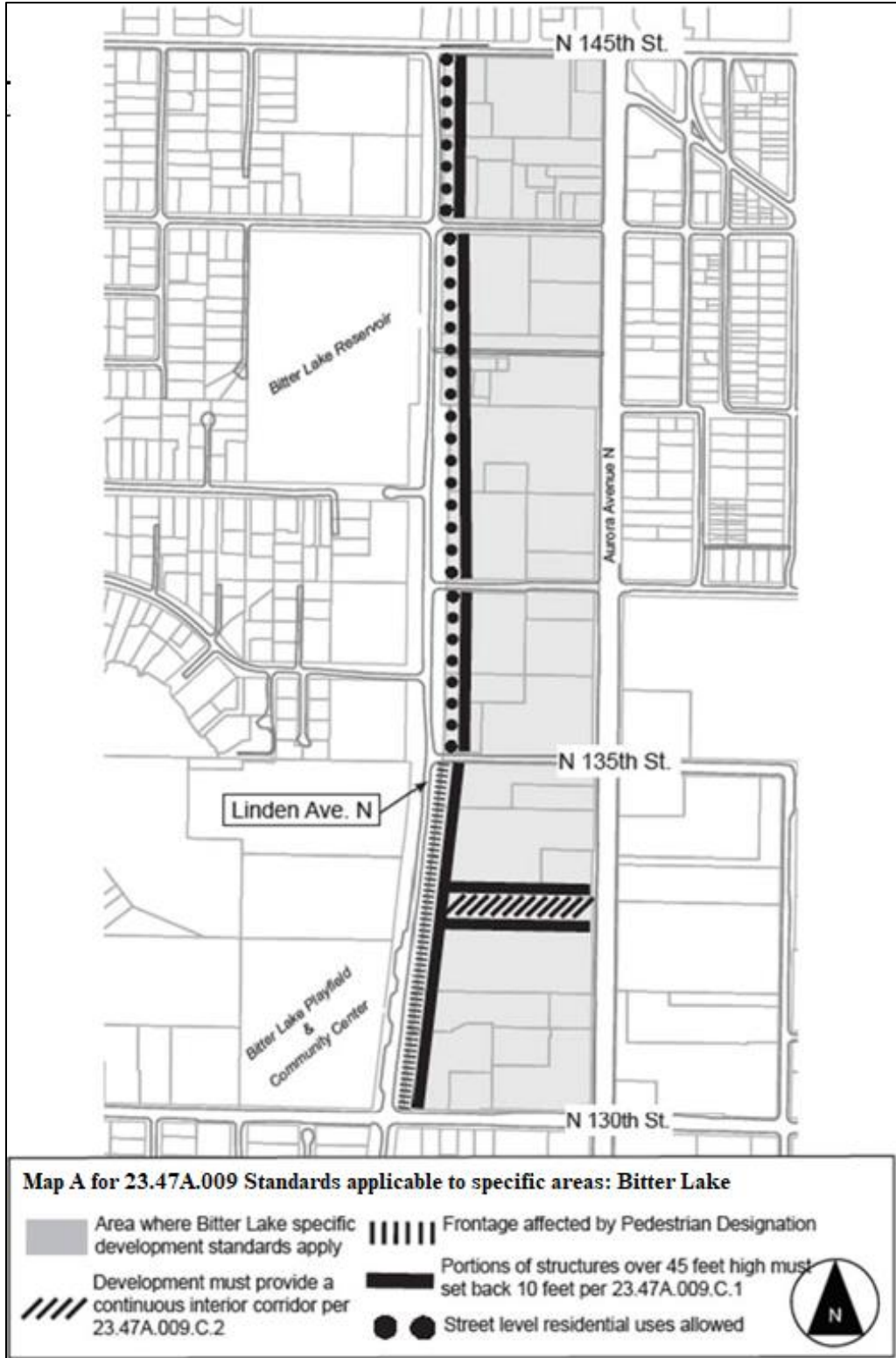
7 3) Structures located within 100 feet of Fauntleroy Way SW are
8 exempt from the upper-level setback requirement.

9 4) Heights in this subsection 23.47A.009.B.4.d shall be measured
10 from the middle of the street lot line along SW Alaska Street.

11 C. Bitter Lake ((~~Village Hub Urban Village~~)) Urban Center. Development on lots
12 designated on Map A for 23.47A.009 shall meet the following requirements:

- 1 **Map A for 23.47A.009**
- 2 **Standards ((Applicable)) applicable to ((Specific Areas)) specific areas: Bitter Lake**





1 1. Upper-level setback requirement. The following standards apply to
2 development on lots abutting the east side of Linden ((Ave)) Avenue North or along both sides
3 of the corridor required in subsection 23.47A.009.C.2.

4 a. Any portion of a structure greater than 45 feet in height, measured from
5 the finished grade along the street property line that abuts Linden Avenue North or along the
6 access corridor required in subsection 23.47A.009.C.2, measured from the finished grade along
7 the edge of the access corridor, shall set back an average of 10 feet from the lot line abutting
8 Linden Avenue North or from the edge of the access corridor as measured according to Section
9 23.86.012. The maximum depth of a setback that can be used for calculating the average setback
10 is 20 feet.

11 b. Structures permitted in required setbacks are subject to subsection
12 23.47A.014.G.

13 2. Corridor requirement. An access corridor shall be provided on lots over 8 acres
14 that abut Linden Avenue North and Aurora Avenue North, to connect Linden Avenue North and
15 Aurora Avenue North. The location of the proposed corridor shall be clearly shown on the site
16 plan that is submitted with the permit application.

17 a. The corridor shall have a minimum width of 40 feet and a maximum
18 width of 60 feet.

19 b. The point at which the corridor intersects Linden Avenue North and
20 Aurora Avenue North shall be at least 335 feet south of the south boundary of the North 135th
21 Street right-of-way, and 700 feet north of the north boundary of the North 130th Street right-of-
22 way, as illustrated by example in Map A for 23.47A.009.

1 c. The corridor shall include a minimum of one walkway, at least 6 feet
2 wide, extending between Linden Avenue North and Aurora Avenue North. If vehicle access is
3 provided within the corridor, the corridor shall include walkways at least 6 feet wide along both
4 sides of the vehicle access.

5 d. Landscaping shall be provided along the corridor. If vehicle access is
6 provided within the corridor, trees shall be provided between the walkways and vehicle travel
7 lanes. The Director will determine the number, type, and placement of trees to be provided in
8 order to:

- 9 1) Match trees to the available space;
10 2) Complement existing or planned street trees on abutting streets;
11 and
12 3) Encourage healthy growth through appropriate spacing.

13 e. Pedestrian-scaled lighting shall be provided along the corridor.

14 f. The corridor shall not include any features or structures except the
15 following:

16 1) Vehicle access, not more than one lane in each direction and
17 meeting the standards of Section 23.54.030.

18 2) Parking meeting the standards of Section 23.54.030 is allowed
19 along vehicle access lanes within the corridor. Such parking is in addition to the maximum
20 number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection
21 23.47A.032.A do not apply to access to parking from the corridor.

3) Overhead horizontal building projections of an architectural or decorative character such as cornices, eaves, sills, and gutter, provided that they project no more than 18 inches from the structure facade.

4) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Building Code are permitted.

5) Stairs or ramps to accommodate changes in grade.

6) Underground structures.

7) Unenclosed porches or steps for residential units no higher than 4 feet above the finished grade of the corridor are permitted to project no more than 4 feet into the corridor.

8) Green stormwater infrastructure.

9) Features required elsewhere in this subsection 23.47A.009.C.2.

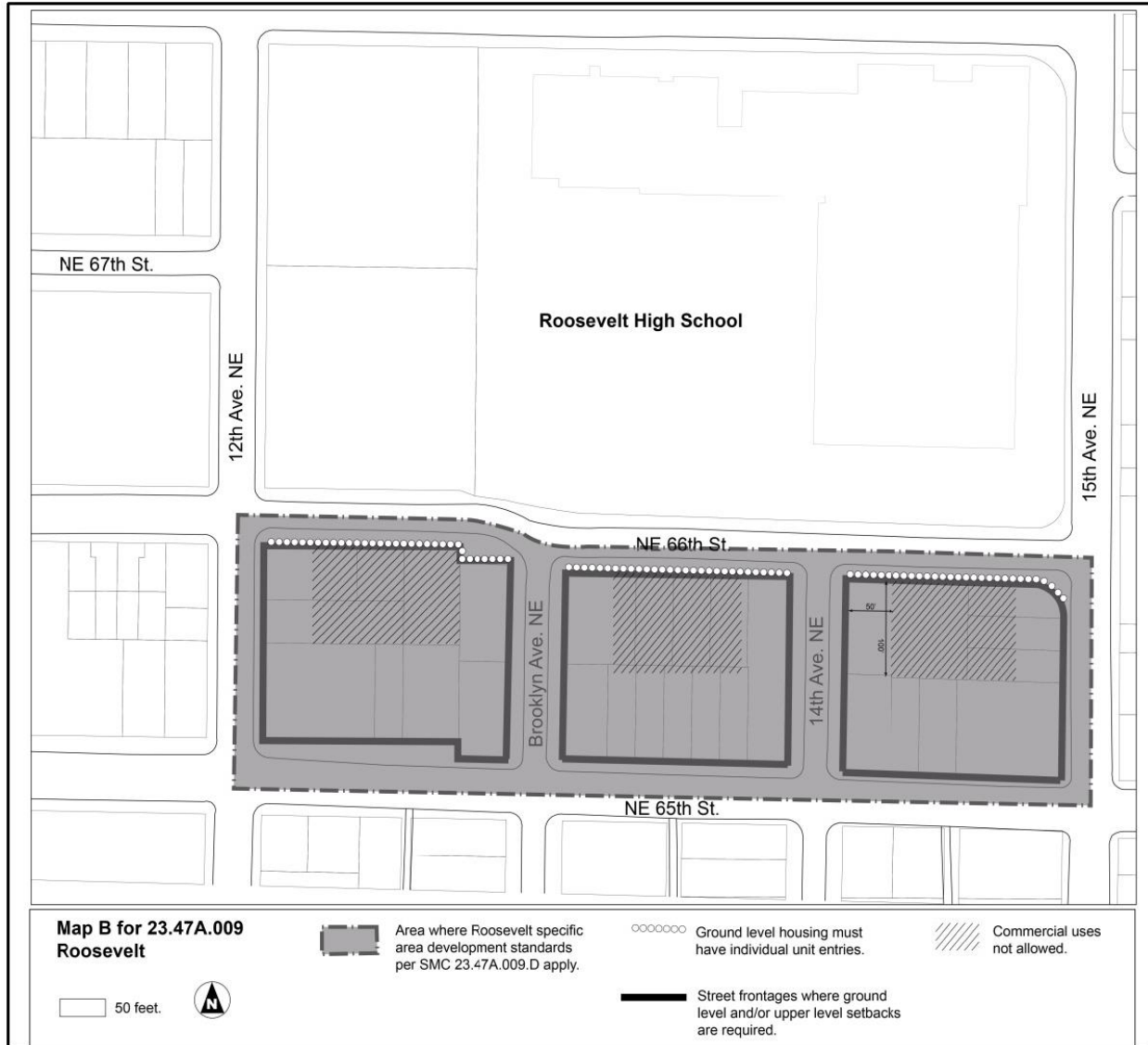
10) The Director may approve other features or structures, such as overhead weather protection, signage, and art, that do not impede safe access from the site to Linden Avenue North and Aurora Avenue North, and that enhance pedestrian comfort and safety of the corridor.

g. If the area proposed for development on a site meeting the size threshold for this subsection 23.47A.009.C.2 is less than the full lot, the Director may waive or modify the access corridor requirement, if the applicant submits a site plan demonstrating how Linden Avenue North and Aurora Avenue North will be connected by an access corridor when the remainder of the lot is developed.

D. Roosevelt Urban ((~~Village~~)) Center. The following provisions apply within the area shown on Map B for 23.47A.009.

Map B for 23.47A.009

Roosevelt



1. Setback requirements

a. The following setbacks are required from the listed street property lines:

1) Northeast 66th Street. An average ground-level setback of 10 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback

1 at all points along the length of the street property line at 45 feet of height and above, as
2 measured from average finished grade.

3 2) Brooklyn Avenue Northeast. An average ground-level setback
4 of 5 feet along the length of the street property line and a minimum upper-level setback of 4 feet.
5 The minimum upper-level setback shall be provided in addition to the required ground-level
6 setback at all points along the length of the street property line at 45 feet of height and above, as
7 measured from average finished grade.

8 3) 14th Avenue Northeast. An average ground-level setback of 15
9 feet and a minimum ground-level setback of 5 feet along the length of the street property line and
10 a minimum upper-level setback of 3 feet. The minimum upper-level setback shall be provided in
11 addition to the required ground-level setback at all points along the length of the street property
12 line at 45 feet of height and above, as measured from average finished grade.

13 4) 15th Avenue Northeast. A minimum ground-level setback of 5
14 feet along the length of the street property line and an average upper-level setback of 7 feet. The
15 average upper-level setback shall be provided in addition to the required ground-level setback at
16 all points along the length of the street property line at 45 feet of height and above, as measured
17 from average finished grade.

18 5) Northeast 65th Street and 12th Avenue Northeast. An average
19 ground-level setback of 8 feet shall be provided, and the setback may include pedestrian access
20 and circulation.

21 b. Structures permitted in required setbacks are subject to subsection
22 23.47A.014.G, except that:

1 1) Decks with open railings may project up to 5 feet into the
2 required setback area if they are no lower than 20 feet above existing or finished grade. Decks
3 may cover no more than 20 percent of the total setback area.

4 2) Stoops or porches providing direct access to individual housing
5 units may project up to 5 feet into the required ground-level setback area, except that portions of
6 stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is
7 lower, may extend to a street lot line. The 2.5-foot height limit for stoops or porches does not
8 apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of
9 the total ground-level setback area.

10 3) Fences no greater than 4 feet in height are permitted in the
11 required ground-level setback, and up to 2 feet of additional height for architectural features such
12 as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along
13 sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the
14 fence exceed 6 feet in height.

15 c. Where required setbacks may be averaged, measurement shall be
16 pursuant to subsection 23.86.012.A and the following:

17 1) Where a building is set back more than 30 feet from a lot line at
18 ground level, 30 feet shall be used as the ground-level setback amount for averaging purposes.

19 2) Where averaging is allowed for a required upper-level setback,
20 the measurement shall be taken horizontally from points directly above the lot line to the facade
21 of the structure at the height where the upper-level setback is required.

22 2. Landscaping. Required ground-level setbacks shall be landscaped, and may
23 include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and

1 other amenities or landscaped areas approved by the Director are permitted in required ground-
2 level setbacks.

3 3. Limit on commercial uses. Commercial uses are prohibited within 80 feet of
4 the street property line of Northeast 66th Street, except within 50 feet of the intersections of
5 Northeast 66th Street with Brooklyn Avenue Northeast, 14th Avenue Northeast, 12th Avenue
6 Northeast, and 15th Avenue Northeast, as shown on Map B for 23.47A.009.

7 4. Housing units on the ground floor. All housing units with a facade that faces
8 Northeast 66th Street with no intervening housing units or commercial uses between the housing
9 unit and the Northeast 66th Street lot line, and located on the first floor of a building, shall have
10 the primary pedestrian entrance to each housing unit directly accessible from the exterior of the
11 structure rather than a primary pedestrian entry through a common entrance hallway.

12 5. Underground parking. Parking shall be located below grade, except a portion of
13 a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is
14 lower, provided that the parking that extends above grade is fully screened from direct street
15 view by the street-facing facade of the structure or by landscaping.

16 * * *

17 F. Ballard ((~~Hub Urban Village~~)) Regional Center. The following provisions apply to
18 development proposed in NC zones within the Ballard ((~~Hub Urban Village~~)) Regional Center.

19 1. Maximum lot coverage on lots 40,000 square feet in size or greater:

20 a. The maximum lot coverage permitted for principal and accessory
21 structures is 80 percent of the lot area.

22 b. Lot coverage exceptions. The following structures or portions of
23 structures are not counted in the lot coverage calculation:

1 1) Portions of a structure that are below grade or that do not extend
2 more than 4 feet above the existing or finished grade, whichever is lower.

3 2) The first 18 inches of overhead horizontal building projections
4 of an architectural or decorative character, such as cornices, eaves, sills, and gutters.

5 3) Ramps or other devices that provide access for the disabled and
6 elderly and that meet the standards of the Seattle Existing Building Code.

7 4) The first 4 feet of unenclosed porches or steps for residential
8 units.

9 c. In the 20 percent of the lot that remains uncovered, as required by this
10 subsection 23.47A.009.F.1, not more than ten parking spaces may be provided, and applicants
11 are encouraged to provide elements at grade that enhance the usability and livability of the lot for
12 residents and tenants such as pedestrian circulation areas, landscaping, lighting, weather
13 protection, art, or other similar features.

14 2. Facade modulation

15 a. Facade modulation requirements apply to all portions of a street-facing
16 facade of a structure up to a height of 45 feet located within 10 feet of a street lot line, according
17 to provisions of subsection 23.47A.009.F.2.c.

18 b. The maximum width of any unmodulated street-facing facade is 100
19 feet. Facades longer than 100 feet shall be modulated at no greater than 100-foot intervals by
20 stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum
21 width of 15 feet.

c. Facade modulation requirements do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

3. Maximum structure width

a. The maximum allowed structure width is 250 feet.

b. Structure width limits do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

4. Setback requirements

a. Street-level setbacks

1) In the area shown on Map D for 23.47A.009, portions of a structure up to 10 feet above the abutting sidewalk grade facing 15th Avenue NW shall be set back from the street lot line by a minimum depth of 6 feet up to a maximum depth of 10 feet.

2) The provisions of subsection 23.47A.009.F.2 do not apply to the area described in subsection 23.47A.009.F.4.a.1.

b. Upper-level setbacks

1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.

2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

1 5. Structures permitted in required setback and separation areas according to this
2 subsection 23.47A.009.F are subject to subsection 23.47A.014.G.

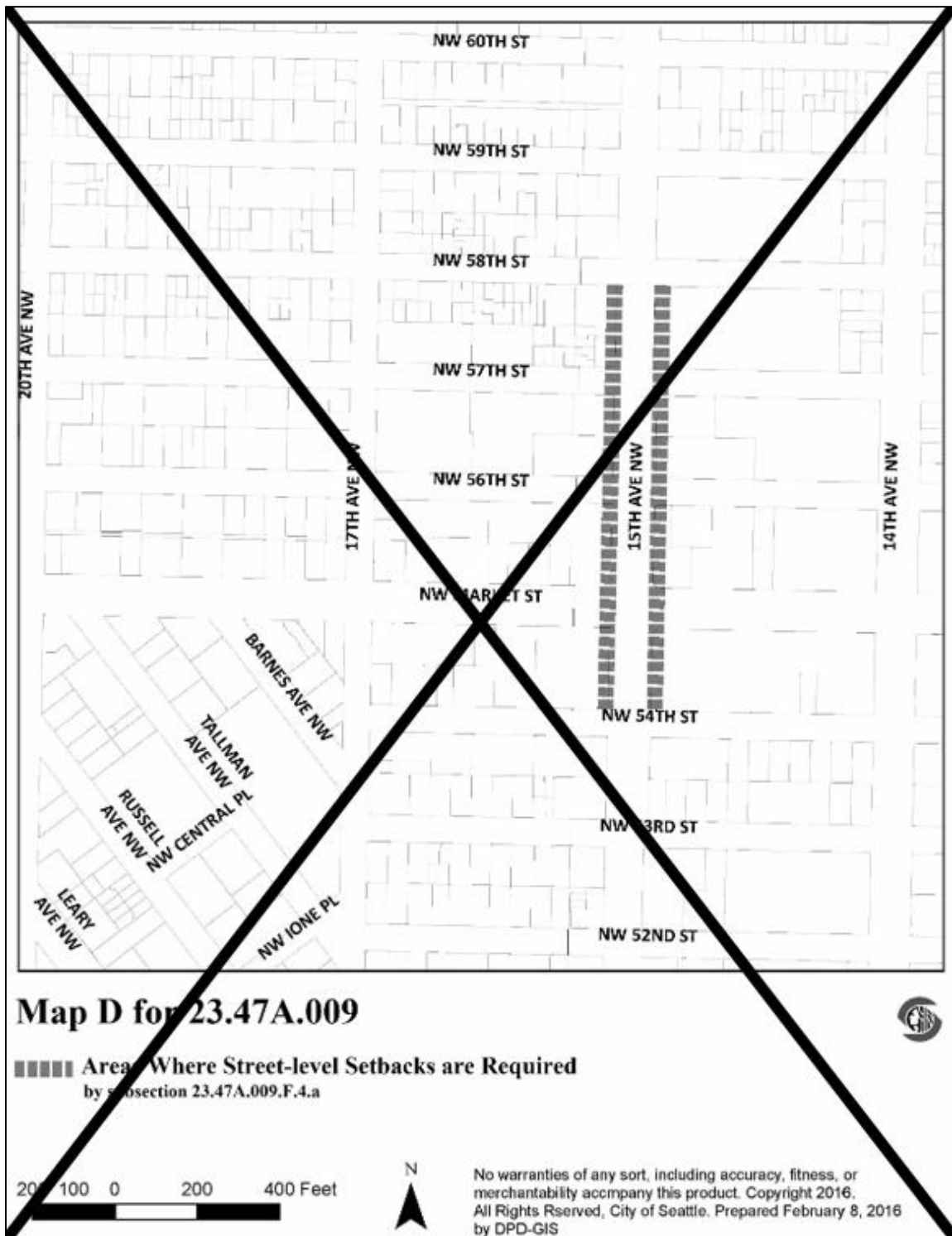
3 6. In the area shown on Map E for ((Section)) 23.47A.009:

4 a. All dwelling units shall have sound-insulating windows sufficient to
5 maintain interior sound levels at 60 decibels or below in consideration of existing environmental
6 noise levels at the site. The applicant shall submit an analysis of existing noise levels and
7 documentation of the sound insulating capabilities of windows shall be indicated on the plan.

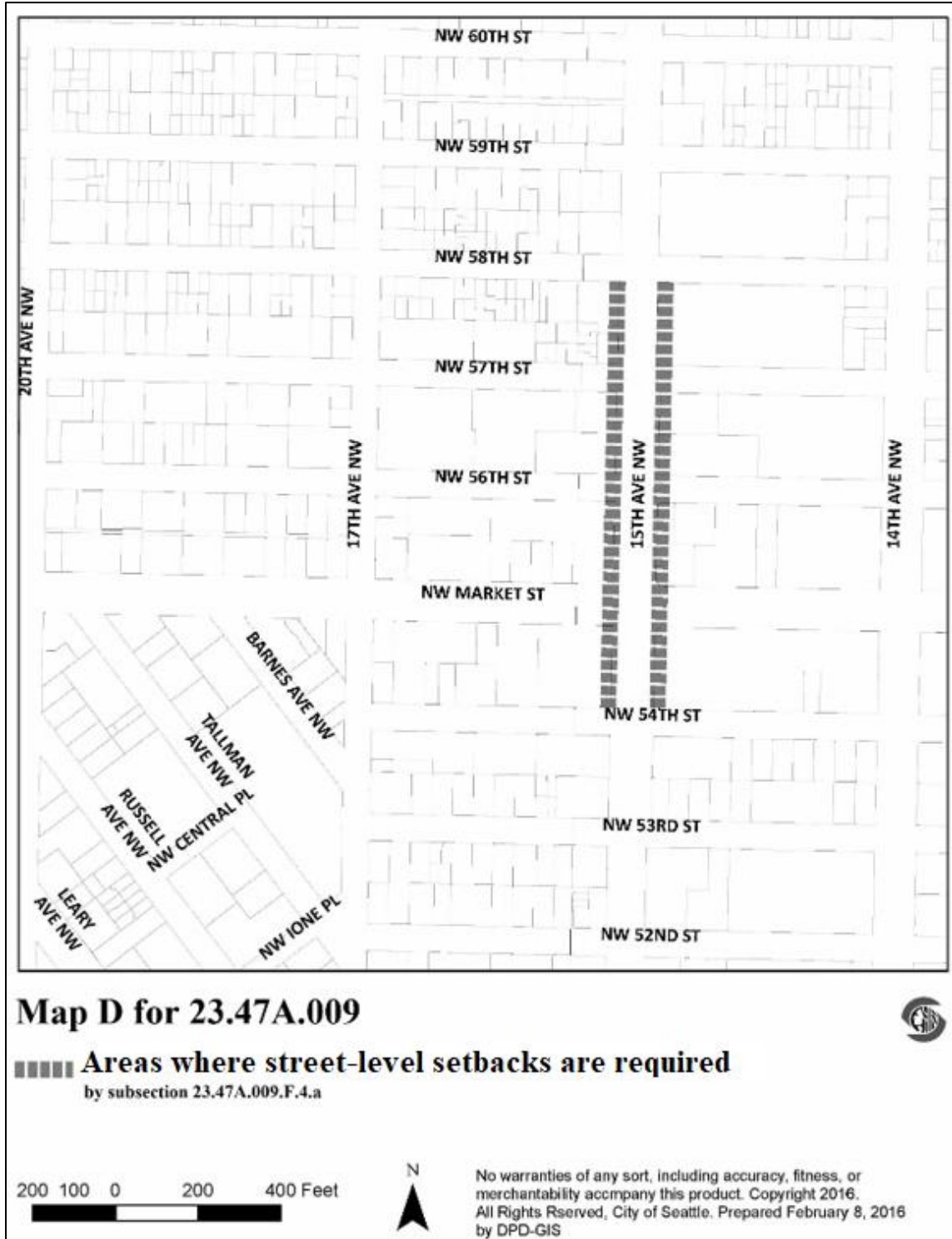
8 b. All dwelling units shall have a permanently installed air cooling system
9 and a balanced ventilation system, which may be combined. The ventilation system shall filter
10 any outdoor air supply through filters rated MERV 13 or higher as determined by the American
11 Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). The air cooling
12 and ventilation systems shall be indicated on the plan.

1 **Map D for 23.47A.009**

2 **Areas ~~((Where Street-level Setbacks))~~ where street-level setbacks are ~~((Required))~~ required**



3





1 G. University ((~~Community Urban~~)) District Regional Center. The following provisions
2 apply to specified NC zones within the portion of the University ((~~Community Urban~~)) District
3 Regional Center west of 15th Avenue NE.

4 1. Maximum width and depth limits. The following standards apply to NC zones
5 with a mapped height limit exceeding 40 feet:

6 a. The maximum width and depth of a structure is 250 feet, except as
7 otherwise provided in this subsection 23.47A.009.G.1. The width and depth limits do not apply
8 to below-grade or partially below-grade stories with street-facing facades that do not extend
9 more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the
10 floor above the partially below-grade story, excluding access.

11 b. For the stories of a structure subject to width and depth limits, all
12 portions of the same story that are horizontally contiguous, including any portions connected by
13 doorways, ramps, bridges, stairways, and other such features, shall be included in the
14 measurement of width and depth. The width and depth limit of stories in separate structures or
15 structures on the same lot that abut but are not internally connected shall be measured separately.
16 Designated Landmark structures and vulnerable masonry structures included on a list
17 promulgated by the Director that are retained on the lot are excluded from the width and depth
18 measurement, whether or not internally or externally connected to a new structure.

19 c. Width and depth limits do not apply to stories of a structure with more
20 than 50 percent of the total gross floor area occupied by any of the following uses:

- 21 1) Community clubs or community centers;
22 2) Religious facilities;
23 3) Arts facilities;

4) Child care centers or elementary or secondary schools; or

5) Performing arts theaters.

2. Provisions for the transfer of development rights (TDR) and transfer of
development potential (TDP)

a. Lots located in NC3 and NC3P zones with height limits of 55 feet or
greater are eligible as open space, vulnerable masonry structure, or Landmark TDR and TDP
sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter
23.84A and meets all applicable standards in Section 23.58A.042.

b. The maximum amount of TDR and TDP that can be transferred from an
eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of
the FAR permitted on a lot that is solely occupied by residential uses or ~~((non-residential))~~
nonresidential uses in the zone where the sending site is located, as shown on Table A for
23.47A.013, multiplied by the lot area of the sending site and minus the sum of any chargeable
floor area on the lot plus any TDR and TDP previously transferred.

c. Eligible receiving sites are limited to those lots in SM-U zones specified
in subsection 23.48.623.C.

* * *

Section 46. Section 23.47A.012 of the Seattle Municipal Code, last amended by
Ordinance 127025, is amended as follows:

23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is as designated on the Official
Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as
otherwise provided in this Section 23.47A.012.

1. In zones with a 30-foot or 40-foot mapped height limit:

a. The height of a structure may exceed the otherwise applicable limit by up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

1) Either: ~~((a)-A))~~ a floor-to-floor height of 13 feet or more is provided for ~~((non-residential))~~ nonresidential uses at street level; or ~~((b)-A))~~ a residential use is located on a street-level, street-facing facade, provided that the average height of the exterior facades of any portion of a story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and

2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

1) Residential and multi-purpose retail sales uses are located in the same structure;

2) The total gross floor area of at least one multi-purpose retail sales use exceeds 12,000 square feet;

3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;

4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a floor-to-floor height of 16 feet were not provided at street level; and

5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

c. The Director shall reduce or deny the additional structure height allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union, or the Ship Canal.

2. Within the Station Area Overlay District within the University ((~~Community Urban~~)) District Regional Center, maximum structure height may be increased to 125 feet when all of the following are met:

a. The lot is within two blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street-level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting, and transparent facades, as determined by the Director; and

1 e. This subsection 23.47A.012.A.2 can be used only once for each
2 development that is functionally related.

3 3. On a lot containing a peat settlement-prone environmentally critical area, the
4 height of a structure may exceed the otherwise applicable height limit and the other height
5 allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of
6 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill
7 sides of the structure, the maximum elevation of the structure height shall be no greater than the
8 height allowed by the first sentence of this subsection 23.47A.012.A.3. The Director may apply
9 the allowances in this subsection 23.47A.012.A.3 only if the following conditions are met:

10 a. The Director finds that locating a story of parking underground is
11 infeasible due to physical site conditions such as a high water table;

12 b. The Director finds that the additional height allowed for the structure is
13 necessary to accommodate parking located partially below grade that extends no more than 6 feet
14 above existing or finished grade, whichever is lower, and no more than 3 feet above the highest
15 existing or finished grade along the structure footprint, whichever is lower, as measured to the
16 finished floor level above; and

17 c. Other than the additional story of parking allowed according to this
18 subsection 23.47A.012.A.3, the additional height shall not allow an additional story beyond the
19 number of stories that could be built under the otherwise applicable height limit.

20 4. In zones that are located within the Pike/Pine Conservation Overlay District
21 with a mapped height limit of 75 feet, the provisions of Section 23.73.014 apply.

22 5. In Commercial zones bounded by ~~((S-))~~ South Dawson ~~((St-))~~ Street to the
23 north, 5th ~~((Ave-S-))~~ Avenue South to the east, ~~((S-))~~ South Fidalgo ~~((St-))~~ Street to the south,

and 3rd ~~((Ave. S.))~~ Avenue South to the west, the height of a structure may exceed the otherwise applicable limit by up to 10 feet, provided all of the following conditions are met:

a. The applicant makes a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment in accordance with Chapter 23.58D;

b. The development includes at least five stories solely occupied by residential uses;

c. At least 20 percent of the street frontage at ~~((street level))~~ street level of the development shall be street-level uses from the list in subsection 23.47A.005.D.1;

d. A floor-to-floor height of 20 feet or more is provided for the ~~((non-residential))~~ nonresidential uses at street level provided to comply with the provisions of subsection 23.47A.012.A.5.c; and

e. All dwelling units in the development have sound-insulating windows and air cooling and ventilation systems meeting the requirement of subsection 23.47A.009.J.4 and 23.47A.009.J.5.

* * *

F. Additional height in NC3-200 and NC3P-200 zoned areas in the First Hill/Capitol Hill ~~((Urban))~~ Regional Center~~((32))~~

In the NC3-200 and NC3P-200 zones in the First Hill/Capitol Hill ~~((Urban))~~ Regional Center, additional height above the otherwise applicable height limit of 200 feet may be permitted to accommodate floor area achieved through the provisions of subsection 23.47A.013.F and Section 23.58A.042 if the development meets the following requirements:

1. The development does not exceed 350 feet in height, except that rooftop features may exceed 350 feet in height if they comply with subsection 23.47A.012.C.

2. Only extra floor area achieved through subsection 23.47A.013.F may be located above 200 feet.

Section 47. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.47A.013 Floor area ratio

A. Floor area ratio (FAR) limits. Except as provided in subsections 23.47A.013.C and 23.47A.013.D, FAR limits apply in C zones and NC zones as shown in Table A for 23.47A.013 and Table B for 23.47A.013. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

Table A for 23.47A.013 Floor area ratio (FAR) limit outside of ((the)) Station Area Overlay ((District)) Districts	
Height limit (in feet)	FAR
30	2.5
40	3.0 ¹
55	3.75
65	4.5
75	5.5
85	5.75
95	6.25
145	7
200	8.25 ²
Footnotes to Table A for 23.47A.013	
¹ Except that zones without a mandatory housing affordability suffix have a maximum FAR of 3.25.	
² Except that within the First Hill/Capitol Hill ((Urban)) <u>Regional</u> Center, the maximum FAR is 12 if the development contains at least 4 FAR of residential uses.	

* * *

C. Within the Station Area Overlay District within the University ((Community Urban)) District Regional Center, for office structures permitted prior to 1971, the area of the lot for

purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over 500,000 square feet of area in office use. The floor area of above-grade pedestrian access is exempt from the FAR calculations of this subsection 23.47A.013.C, and the maximum permitted FAR is 8.

D. Within the portion of the Greenwood ((~~Residential~~)) Urban ((~~Village~~)) Center, on lots zoned NC2_55 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW, the total permitted FAR within a mixed-use structure containing residential and ((~~non-residential~~)) nonresidential uses is 4.

E. Minimum FAR

1. A minimum FAR shown in Table C for 23.47A.013 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in:

a. A pedestrian-designated zone in ((~~an urban center, urban village,~~)) a regional center, an urban center, or a Station Area Overlay District; or

b. The Northgate Overlay District and abutting a Major Pedestrian Street as shown on Map A for 23.71.004.

Table C for 23.47A.013 Minimum floor area ratio (FAR)	
Height limit (in feet)	Minimum FAR
30	1.5
40	1.5
55	2
65	2
75	2
85	2
95	2
145	2.5
200	2.5

2. The minimum FAR requirement provided in subsection 23.47A.013.E.1 does not apply if:

a. Additional floor area is added to an existing structure on a lot that is nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;

b. The lot is larger than five acres;

c. All existing gross floor area is demolished to create a vacant lot;

d. Parks and open space is the principal use of the lot; or

e. The lot is to be occupied by a nonprofit medical service use that provides a specialized service, such as kidney dialysis, that is not currently provided in the applicable urban ((village)) center.

3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when calculating lot size for the purpose of determining the minimum FAR requirement provided in subsection 23.47A.013.E.1.

4. The Director, in consultation with the Director of the Department of Neighborhoods, may waive the minimum FAR requirement provided in subsection 23.47A.013.E.1 for lots that contain a designated Landmark, or for lots within a Landmark District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a Landmark or meet adopted District design and development guidelines.

5. The Director may waive the minimum FAR requirement provided in subsection 23.47A.013.E.1 for lots within the Pike/Pine Conservation Overlay District pursuant to Chapter

23.32, if the Director determines that the proposed development promotes neighborhood conservation objectives.

6. The following gross floor area is not counted toward the minimum FAR requirement provided in subsection 23.47A.013.E.1:

- a. All stories, or portions of stories, that are underground; and
- b. Gross floor area containing parking.

F. Extra floor area in NC3-200 and NC3P-200 zoned areas in the First Hill/Capitol Hill ((Urban)) Regional Center

In the NC3-200 and NC3P-200 zones in the First Hill/Capitol Hill ((Urban)) Regional Center, extra floor area above the otherwise applicable FAR limit of 8.25 for nonresidential structures or 12 for structures with at least 4 FAR in residential use may be achieved pursuant to the provisions of this subsection 23.47A.013.F and Section 23.58A.042 if the development meets the following conditions:

1. Extra floor area must be gained through the transfer of TDP/TDR pursuant to the provisions of Section 23.58A.042. For purposes of calculating the amount of TDP/TDR that may be transferred, the otherwise applicable FAR limits in subsection 23.47.013.A shall be the base FAR.

2. The sending site must be located in a NC3-200 or NC3P-200 zoned area in the First Hill/Capitol Hill ((Urban)) Regional Center and the lot receiving the transfer of floor area must be on the same block as the sending site.

3. The amount of extra floor gained from this subsection 23.47A.013.F by any one development may not exceed 110,526 square feet.

4. For purposes of this subsection 23.47A.013.F, the transfer of development rights to gain extra ~~((non-residential))~~ nonresidential floor area is TDR and the transfer of development potential to gain extra residential floor area is TDP.

5. The only types of TDP and TDR that may be transferred pursuant to this subsection 23.47A.013.F are Landmark TDP and TDR.

Section 48. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 125792, is amended as follows:

23.48.002 Scope of provisions

A. This Chapter 23.48 identifies uses that are or may be permitted in all Seattle Mixed zones and establishes development standards. The Seattle Mixed zone boundaries are shown on the Official Land Use Map. Seattle Mixed zone designations for specific geographic areas are identified in Table A for 23.48.002. The SM-SLU designation with a height limit suffix may be applied to SM-SLU zoned land in the South Lake Union ~~((Urban))~~ Regional Center. The SM-D designation with a height limit range may be applied to SM-D zoned land in the West Dravus area. The SM-NR designation with a height limit suffix may be applied to SM-NR zoned land in the North Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned land in the University ~~((Community-Urban))~~ District Regional Center. The SM-UP designation with a height limit suffix may be applied to SM-UP zoned land in the Uptown ~~((Urban))~~ Regional Center. The SM-RB designation with a height limit suffix may be applied to SM-RB zoned land in the Rainier Beach Urban ~~((Village))~~ Center. The SM-NG designation with a height limit suffix may be applied to SM-NG zoned land in the Northgate ~~((Urban))~~ Regional Center.

Table A for 23.48.002
Seattle Mixed designations for geographic areas

Zone designation	Geographic area
SM-D	West Dravus area
SM-NG	Northgate ((Urban)) <u>Regional</u> Center
SM-NR	North Rainier area
SM-RB	Rainier Beach
SM-SLU	South Lake Union ((Urban)) <u>Regional</u> Center
SM-U	University ((Community Urban)) <u>District Regional</u> Center
SM-UP	Uptown ((Urban)) <u>Regional</u> Center

* * *

Section 49. Section 23.48.021 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.48.021 Extra floor area in Seattle Mixed zones

* * *

B. Calculation outside of specific areas

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union ((~~Urban~~)) Regional Center, SM-U zones, and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

2. Means to achieve extra ((~~non-residential~~)) nonresidential floor area. If the maximum height limit for ((~~non-residential~~)) nonresidential use is 85 feet or lower or the lot is located outside of the South Lake Union ((~~Urban~~)) Regional Center, SM-U zones, and the Mount Baker Station Area Overlay District, the applicant shall use bonus ((~~non-residential~~)) nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra ((~~non-residential~~)) nonresidential floor area on the lot.

* * *

Section 50. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance 126821, is amended as follows:

23.48.220 Floor area ratio (FAR) in South Lake Union ((~~Urban~~)) Regional Center

A. General provisions

1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for specified SM zones within the South Lake Union ((~~Urban~~)) Regional Center are as shown in Table A for 23.48.220 and Table B for 23.48.220. In the zones shown on Table A for 23.48.220, all non-exempt floor area above the base FAR is considered extra floor area. Extra floor area may be obtained, up to the maximum FAR, only through the provision of public amenities according to Section 23.48.021 and Chapter 23.58A.

Table A for 23.48.220

FAR limits for specified zones in South Lake Union ((~~Urban~~)) Regional Center

Zone	FAR limits for ((non-residential)) <u>nonresidential</u> uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
SM-SLU 100/65-145	4.5	6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5 ²	8	6
SM-SLU 85-280	0.5/3 ³	NA	6
SM-SLU 240/125-440	5 ²	8	10

Footnotes to Table A for 23.48.220

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

¹ All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

² In the SM-SLU 175/85-280, and SM-SLU 240/125-440 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.3.

Table A for 23.48.220

FAR limits for specified zones in South Lake Union ((~~Urban~~)) Regional Center

Zone	FAR limits for ((non-residential)) <u>nonresidential</u> uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	

³ The 3 FAR limit applies to religious facilities. For all other ((~~non-residential~~)) nonresidential uses, the 0.5 FAR limit applies.

* * *

5. In the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones within South Lake Union ((~~Urban~~)) Regional Center, for residential tower structures that have only ((~~non-residential~~)) nonresidential uses up to or above the base height limit for residential uses, the FAR limits for all ((~~non-residential~~)) nonresidential uses in the structure are the same as the FAR limits specified for ((~~non-residential~~)) nonresidential uses in Table A for 23.48.220.

* * *

Section 51. Section 23.48.221 of the Seattle Municipal Code, last amended by Ordinance 125163, is amended as follows:

23.48.221 Extra floor area in South Lake Union ((~~Urban~~)) Regional Center

A. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union ((~~Urban~~)) Regional Center, the applicant shall:

a. ((~~achieve~~)) Achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. ~~((achieve))~~ Achieve 40 percent of the extra residential floor area by using open space TDP or Landmark TDP pursuant to subsection 23.48.221.A and Section 23.58A.042.

2. Means to achieve extra ~~((non-residential))~~ nonresidential floor area. If the maximum height limit for ~~((non-residential))~~ nonresidential use is greater than 85 feet and the lot is located in the South Lake Union ~~((Urban))~~ Regional Center, the applicant shall:

a. ~~((achieve))~~ Achieve 75 percent of the extra ~~((non-residential))~~ nonresidential floor area on the lot by using bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing TDR pursuant to subsection 23.48.221.B and Section 23.58A.042, or both.

b. ~~((achieve))~~ Achieve 25 percent of the extra ~~((non-residential))~~ nonresidential floor area by using open space TDR pursuant to Chapter 23.84A or Landmark TDR pursuant to this subsection 23.48.221.A and Section 23.58A.042.

B. Standards for TDP and TDR

1. All lots in the South Lake Union ~~((Urban))~~ Regional Center that meet the definition of a ~~((TDR-or))~~ TDP or TDR site(s) in Chapter 23.84A are eligible for transfer.

2. Receiving sites in the South Lake Union ~~((Urban))~~ Regional Center may only receive TDP or TDR from sending sites in the South Lake Union ~~((Urban))~~ Regional Center except that receiving sites in the South Lake Union ~~((Urban))~~ Regional Center may receive Landmark or open space TDP or TDR from sending sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the Director that no private or public entities are offering such TDP or TDR for sale in the South Lake Union ~~((Urban))~~ Regional Center, at a price per square foot no greater than the fee-in-lieu rates for the payment option for affordable

housing under Section 23.58A.014 for TDP and the payment option for affordable housing and child care under Section 23.58A.024 for TDR.

3. A cumulative combination of TDR and TDP exceeding a total of five times the lot area may not be transferred from any lot.

* * *

Section 52. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.48.225 Structure height in South Lake Union ((Urban)) Regional Center

* * *

E. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-160 and SM-SLU 175/85-280 zones and located north of Mercer Street and West of Fairview Avenue within the South Lake Union ((Urban)) Regional Center, requires the applicant to show that the proposed structure height will not physically obstruct use of the flight path shown on Map A for 23.48.225 or endanger aircraft operations.

* * *

Section 53. The title of Section 23.48.230 of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.48.230 Additional height in certain SM-zoned areas in ((the)) South Lake Union ((Urban)) Regional Center

Section 54. The title of Section 23.48.235 of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:

23.48.235 Upper-level setback requirements in South Lake Union ((Urban)) Regional Center

Section 55. The title of Section 23.48.240 of the Seattle Municipal Code, which section was last amended by Ordinance 125603, is amended as follows:

23.48.240 Street-level development standards in South Lake Union ((~~Urban~~)) Regional Center

Section 56. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.48.245 Upper-level development standards in South Lake Union ((~~Urban~~)) Regional Center

Lots in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones are subject to upper-level development standards that may include upper-level floor area limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 100/65-145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 175/85-280 and SM-SLU 85-280 zones, or 125 feet for the SM-SLU 240/125-440 zone.

* * *

B. Floor area limits and podium heights. The following provisions apply to development in the SM-SLU 100/65-145, SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union ((~~Urban~~)) Regional Center:

1. Floor area limit for structures or portions of structures occupied by ((~~non-residential~~)) nonresidential uses:

1 a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c,
2 there is no floor area limit for ((~~non-residential~~)) nonresidential uses in a structure or portion of
3 structure that does not contain ((~~non-residential~~)) nonresidential uses above 85 feet in height.

4 b. There is no floor area limit for a structure that includes research and
5 development uses and the uses are in a structure that does not exceed a height of 105 feet,
6 provided that the following conditions are met:

7 1) A minimum of two floors in the structure are occupied by
8 research and development uses and have a floor-to-floor height of at least 14 feet; and

9 2) The structure has no more than seven stories above existing or
10 finished grade, whichever is lower, as measured from the lowest story to the highest story of the
11 structure but not including rooftop features permitted under subsection 23.48.025.C. The lowest
12 story shall not include a story that is partially below grade and extends no higher than 4 feet
13 above existing or finished grade, whichever is lower.

14 c. Within locations in the SM-SLU 175/85-280 zone meeting the standards
15 in subsection 23.48.230.B for extra height in South Lake Union ((~~Urban~~)) Regional Center, there
16 is no floor area limit for structures that do not exceed a height of 120 feet and that are designed
17 for research and development laboratory use and administrative office associated with research
18 and development laboratories.

19 d. For structures or portions of structures with ((~~non-residential~~))
20 nonresidential uses that exceed a height of 85 feet, or that exceed the height of 105 feet under the
21 provisions of subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each
22 story of the structure above the specified podium height indicated for the lot on Map A for
23 23.48.245, excluding rooftop features or stories with rooftop features that are otherwise

permitted above the height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor area of 24,000 square feet per story, except that the average gross floor area for stories above the specified podium height is 30,000 square feet for structures on a lot that meets the following conditions:

- 1) The lot has a minimum area of 60,000 square feet; and
- 2) The lot includes an existing open space or a qualifying

Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.220.A.3.

* * *

C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.245.C.1 apply to development that meets the following conditions:

a. The development is on a lot abutting a street segment shown on Table A for 23.48.245; and

b. For lots in the SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union ((~~Urban~~)) Regional Center, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.225.A.1, or includes a structure with ((~~non-residential~~)) nonresidential uses that exceed a height of 95 feet.

* * *

Section 57. Section 23.48.250 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.48.250 Open space requirement for office uses in South Lake Union ((Urban)) Regional Center

A. Finding. The ((City)) Council finds that:

1. With the increase in office development and the Seattle Comprehensive Plan's significant employment growth targets for the South Lake Union Urban Center, office workers will increasingly become major users of open space in the area.

2. Additional major office projects in the South Lake Union ((Urban)) Regional Center will result in increased use of public open space. If additional major office projects in the South Lake Union ((Urban)) Regional Center do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety, and welfare.

3. Recent and projected office development in the South Lake Union ((Urban)) Regional Center is generally comparable to office development in the abutting Downtown ((Urban)) Regional Center in terms of tenant characteristics, density, and open space need. Therefore, the findings that support the current open space requirement in major downtown office projects are applicable to conditions in the South Lake Union ((Urban)) Regional Center.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

5. As in Downtown, smaller office developments in the South Lake Union ((Urban)) Regional Center may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less

attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

* * *

Section 58. The title of Section 23.48.255 of the Seattle Municipal Code, which section was enacted by Ordinance 124883, is amended as follows:

23.48.255 Screening and landscaping standards in South Lake Union ((Urban)) Regional Center

Section 59. The title of Section 23.48.280 of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.48.280 Required parking in South Lake Union ((Urban)) Regional Center

Section 60. Section 23.48.285 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.48.285 Parking location, access, and curb cuts in South Lake Union ((Urban)) Regional Center

A. Parking above the street level of a structure. The following provisions apply to development in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones within the South Lake Union ((Urban)) Regional Center:

1. Except as provided in subsection 23.48.285.B for parking partially above street level and partially below street level, parking within structures is permitted above the street level under the following conditions:

1 a. One story of parking is permitted above the first story of a structure for
2 each story of parking provided below grade that is of at least equivalent capacity, up to a
3 maximum of two stories of parking above the first story.

4 b. For parking located on a story above the first story of a structure, a
5 minimum of 30 percent of the length of the parking area measured along each street frontage
6 shall be separated from the street by another use. On lots located at street intersections, the
7 separation of parking area by another use shall be provided at the corner portion(s) of the
8 structure.

9 c. The parking area on a story above the first story of the structure that is
10 not separated from the street by another use shall be enclosed by facades along all street
11 frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights
12 and interior garage lighting on pedestrian views from the street.

13 2. The Director may permit more than two stories of parking above the first story
14 of the structure, or may permit other exceptions to this subsection 23.48.285.A, as a Type I
15 decision, if the Director finds that locating parking below grade is infeasible due to physical site
16 conditions such as a high water table or proximity to a tunnel. In such cases, the Director shall
17 determine the maximum feasible amount of parking that can be provided below grade, if any,
18 and the amount of additional parking to be permitted above street level. Site size is not a basis
19 for granting an exception under this subsection 23.48.285.A.2.

20 B. Accessory surface parking. In the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-
21 SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones in the South Lake Union
22 ((Urban)) Regional Center, accessory surface parking is prohibited unless separated from all
23 street lot lines by another use within a structure.

Section 61. Section 23.48.290 of the Seattle Municipal Code, enacted by Ordinance 125291, is amended as follows:

23.48.290 Transportation management programs

* * *

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the South Lake Union ~~((Urban))~~ Regional Center in ~~((2035))~~ 2044 that are contained in ~~((Seattle's))~~ any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan~~((s Transportation Element))~~.

* * *

Section 62. Section 23.48.602 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.602 Scope of provisions for SM-U zones

The provisions in this Subchapter V of Chapter 23.48 establish regulations for SM-U zones. The SM-U zone designation refers to all zones in the SM category in the University ~~((Community Urban))~~ District Regional Center, and includes the SM-U/R zone. The provisions in this Subchapter V of Chapter 23.48 supplement the provisions of Subchapter I of Chapter 23.48. In cases of conflicts between the provisions in Subchapter I of Chapter 23.48 and this Subchapter V of Chapter 23.48, the provisions in this Subchapter V shall govern.

Section 63. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.48.605 Uses in SM-U zones

* * *

B. To approve a flexible-use parking garage as an administrative conditional use, the Director shall, after consulting with the Director of the Seattle Department of Transportation, find that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage;

2. The vehicular entrances and exits to the garage are located so that they will not disrupt traffic, pedestrian circulation, bicycle circulation, or transit routes;

3. The garage will be operated by a parking company whose primary purpose is to support the University ((~~Community Urban~~)) District Regional Center business community by providing and managing parking facilities for its customers, business owners, and employees.

* * *

Section 64. Section 23.48.610 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.610 Transportation management programs

* * *

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the University ((~~Community Urban~~)) District Regional Center ((~~in 2035~~)) that are contained in ((~~Seattle's~~)) any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan((~~'s Transportation Element~~)).

Section 65. Section 23.48.623 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.623 Transfer of development rights (TDR) and transfer of development potential (TDP) in SM-U zones

* * *

Table A for 23.48.623 Permitted use of TDR and TDP			
Zone	Type of TDR or TDP		
	Landmark	Open space	Vulnerable masonry structure
SM-U 85, SM-U 75-240, and SM-U 95-320	S, R	S, R	S, R
SM-U/R 75-240	S, R ¹	S, R ¹	S, R ¹
NC3-55 ² , NC3-65 ² , NC3-75 ²	S	S	S
MR ²	S	X	X
Key to Table A for 23.48.623 S = Eligible sending lot location R = Eligible receiving lot location X = Not eligible as either a sending lot or receiving lot location Footnotes to Table A for 23.48.623 ¹ Only TDP can be used on receiving lots ² Only lots located within the University ((Community Urban)) <u>District Regional</u> Center west of 15 th Avenue NE.			

* * *

C. Receiving sites. Receiving site locations are shown on Table A for 23.48.623. Only lots zoned SM-U within the University ((~~Community Urban~~)) District Regional Center west of ((~~15th~~)) 15th Avenue NE are eligible receiving sites, and the amount of extra floor area that can be gained through the use of TDR and TDP on an eligible receiving site is specified in Section 23.48.622.

* * *

Section 66. Section 23.48.690 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.690 Development agreements in SM-U zones

A. The Director may recommend that the Council approve a development agreement pursuant to chapter 36.70B RCW for real property that includes land zoned SM-U within the University ((Community Urban)) District Regional Center.

* * *

Section 67. Section 23.48.710 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.710 Transportation management programs

* * *

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the Uptown ((Urban)) Regional Center ((in 2035)) that are contained in ((Seattle's)) any applicable subarea plan for the Regional Center contained in the Seattle Comprehensive Plan((Seattle's Transportation Element)).

Section 68. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.48.720 Floor area ratio (FAR) in SM-UP zones

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-U zones are as shown in Table A for 23.48.720.

Table A for 23.48.720
FAR limits for specified zones in the Uptown ((Urban)) Regional Center

Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for ((non-residential)) <u>nonresidential</u> uses
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
SM-UP 160	5	7 ¹	2 ²

Footnotes to Table A for 23.48.720

¹ All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.

² In the SM-UP 160((;)) zone, structures that do not exceed 125 feet in height are permitted an FAR of 7 for ((non-residential)) nonresidential uses. Additionally, for parcels with lot coverage limited by easements or setbacks for monorails, structures with ((non-residential)) nonresidential uses are permitted an FAR of 7 regardless of structure height.

* * *

Section 69. Section 23.48.723 of the Seattle Municipal Code, enacted by Ordinance 125732, is amended as follows:

23.48.723 Transfer of development rights (TDR) and transfer of development potential (TDP) in the SM-UP 160 zone

A. General standards

1. The transfer of development rights (TDR) may be used to gain extra ((non-residential)) nonresidential floor area on a receiving site, and the transfer of development potential (TDP) may be used to gain extra residential floor area in a project on a receiving site.

2. The following types of TDR and TDP may be transferred within the Uptown ((Urban)) Regional Center, subject to the limits and conditions of this Chapter 23.48 and the standards for the use of TDR and TDP in Section 23.58A.042:

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and

c. Vulnerable masonry structure TDR and TDP.

B. Sending sites. Only sites within the Uptown ((Urban)) Regional Center in the MR, LR3, or SM-UP zones are eligible sending sites. These sites must meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A, and must comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

* * *

Section 70. Section 23.48.740 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.48.740 Street-level development standards in SM-UP zones

Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP zones.

In addition, the following requirements apply:

A. Street-level facade requirements; setbacks from street lot lines. Street-facing facades of a structure shall be built to the lot line except as follows:

1. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.740, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, other required open space, or usable open space provided in accordance with subsections 23.48.740.B and 23.48.740.C is excluded from the total amount of frontage required to be built to the street lot line.

2. If a building in the Uptown ((Urban)) Regional Center faces both a Class 1 Pedestrian Street and a Class 2 Pedestrian Street a new structure is only required to provide a primary building entrance on the Class 1 Pedestrian Street.

* * *

Section 71. Section 23.48.780 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.780 Required parking in Uptown ((Urban)) Regional Center

A. Parking at street level within structures. Parking in the Uptown ((Urban)) Regional Center is permitted in a story that is partially above street level and partially below street level if the structure is permitted in a setback area under the provisions of subsection 23.48.740.B.2.b.

* * *

Section 72. Section 23.48.785 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.785 Parking location, access, and curb cuts

* * *

B. In the SM-UP 65, SM-UP 85, and the SM-UP 160 zones in the Uptown ((Urban)) Regional Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

Section 73. Section 23.48.802 of the Seattle Municipal Code, enacted by Ordinance 125792, is amended as follows:

23.48.802 Scope of provisions for SM-NG zones

The provisions in this Subchapter VII establish regulations for SM-NG zones. The SM-NG zone designation refers to all zones in the SM category in the Northgate ((Urban)) Regional Center.

The provisions in this Subchapter VII supplement the provisions of Subchapter I of Chapter 23.48. In cases of conflicts between the provisions in Subchapter I of Chapter 23.48 and this Subchapter VII, the provisions in this Subchapter VII apply.

Section 74. Section 23.48.905 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

23.48.905 Uses in SM-RB zones

Residential and live-work uses are prohibited in street-level, street-facing facades facing Class 2 Pedestrian Streets in the Rainier Beach ((~~Residential~~)) Urban ((~~Village~~)) Center shown on Map A for 23.48.940.

Section 75. Section 23.48.940 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

23.48.940 Street-level development standards in SM-RB zones

* * *

C. Except on pedestrian streets, loading docks may count toward meeting the transparency standards of subsection 23.48.040.B in the Rainier Beach ((~~Residential~~)) Urban ((~~Village~~)) Center.

Section 76. Section 23.49.012 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.49.012 Bonus floor area for voluntary agreements for housing and child care

* * *

D. Cash option payments for child care. Cash payments under voluntary agreements for bonuses according to subsection 23.49.012.C shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of the space as chargeable floor area. The payments shall be

deposited in a special account established solely to fund expenditures for the development of childcare. Earnings on balances in the special account shall accrue to that account. The Director of Human Services shall use cash payments made in lieu of child care facilities and any earnings thereon to support development of child care facilities. Uses of funds to support child care facilities may include the City's costs to administer projects, not to exceed ten percent of total payments under this Section 23.49.012 and of any earnings thereon, and support provided through loans or grants to owners or developers. The location of child care facilities funded wholly or in part with cash payments shall be prioritized in the following order: 1) within the Downtown ((Urban)) Regional Center; 2) within ((an Urban Center)) a regional center adjacent to the Downtown ((Urban)) Regional Center; 3) in the City within 0.5 mile of a light rail or bus rapid transit station on a route serving the Downtown ((Urban)) Regional Center; 4) in the City within 0.25 mile of a bus or streetcar stop on a route serving the Downtown ((Urban)) Regional Center.

Section 77. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

23.49.019 Parking quantity, location, and access requirements, and screening and landscaping of parking areas

The regulations in this Section 23.49.019 do not apply to the Pike Market Mixed zones.

* * *

J. Transportation management programs

1. When a development is proposed that is expected to generate 50 or more employees single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare

1 and implement a Transportation Management Program (TMP) consistent with requirements for
2 TMPs in any applicable Director's Rule.

3 a. For purposes of measuring attainment of SOV goals contained in the
4 TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant
5 expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak
6 hour of the generator). The proportion of SOV trips shall be calculated by dividing the total
7 number of employees using an SOV to make a trip during the expected peak hour by the total
8 number of employee person trips during the expected peak hour.

9 b. Compliance with this ((section)) Section 23.49.019 does not supplant
10 the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR)
11 Ordinance.

12 2. An applicant who proposes multifamily development that is expected to
13 generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles
14 parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent
15 with requirements for TMPs in any applicable Director's Rule. For purposes of measuring
16 attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in
17 which an applicant expects the largest number of vehicle trips to be made by residents of the site
18 (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by
19 dividing the total number of residential trips made by SOV during the expected peak hour by the
20 total number of residential person trips.

21 3. Each owner subject to the requirements of this ((section)) Section 23.49.019
22 shall prepare a TMP as described in rules promulgated by the Director, as part of the
23 requirements for obtaining a master use permit.

4. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the Downtown ((Urban)) Regional Center ((in 2035)) that are contained in ((Seattle's)) any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan((s Transportation Element)).

* * *

Section 78. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

23.49.036 Planned community developments (PCDs)

* * *

B. Public benefit priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection 23.49.036.F and priorities for implementing the goals of the Seattle Comprehensive Plan((, including adopted neighborhood plans for the area affected by the PCD,)) and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in ((adopted neighborhood plans and)) subsection 23.49.036.F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who

provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

C. A PCD shall not be permitted if the Director determines it would be likely to result in a net loss of housing units or if it would result in significant alteration to any designated feature of a ~~((landmark))~~ Landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

D. Location

1. PCDs may be permitted in all downtown zones except the PMM zone and the DH1 zone.

2. A portion of a PCD may extend into any non-downtown zone(s) within the Downtown ~~((Urban))~~ Regional Center and adjacent to a downtown zone subject to the following conditions:

a. The provisions of this title applicable in the non-downtown zone(s) regulate the density of ~~((non-residential))~~ nonresidential use by floor area ratio; and

b. The portion of a PCD project located in non-downtown zone(s) must not exceed 20 percent of the total area of the PCD.

E. Minimum size. A PCD shall include a minimum site size of 100,000 square feet within one or more of the ~~((Downtown))~~ downtown zones where PCDs are permitted according to subsection 23.49.036.D.1. The total area of a PCD shall be contiguous. Public right-of-way shall not be considered a break in contiguity. At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-of-way, improved transit access

1 and expanded transit facilities in the area, and/or significant improvement to local circulation,
2 especially for transit and pedestrians.

3 F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public
4 benefits provided, possible impacts of the project, and consistency with the standards contained
5 in this subsection 23.49.036.F.

6 1. Public benefits. A proposed PCD shall address the priorities for public benefits
7 identified through the process outlined in subsection 23.49.036.B. The PCD shall include at least
8 three of the following elements:

- 9 a. ~~((low))~~ Low-income housing,
10 b. ~~((townhouse))~~ Townhouse development,
11 c. ~~((historic))~~ Historic preservation,
12 d. ~~((public))~~ Public open space,
13 ~~((e. implementation of adopted neighborhood plans,~~
14 ~~f. improvements))~~ e. Improvements in pedestrian circulation,
15 ~~((g. improvements))~~ f. Improvements in urban form,
16 ~~((h. improvements))~~ g. Improvements in transit facilities,
17 ~~((i. green))~~ h. Green stormwater infrastructure beyond the requirements of
18 the Stormwater Code (Chapters 22.800 through 22.808), or
19 ~~((j. other))~~ i. Other elements that further an adopted City policy and
20 provide a demonstrable public benefit.

21 2. Potential impacts. The Director shall evaluate the potential impacts of a
22 proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-

1 income housing, transportation systems, parking, energy, and public services, as well as
2 environmental factors such as noise, air, light, glare, public views, and water quality.

3 3. The Director may place conditions on the proposed PCD in order to make it
4 compatible with areas adjacent to Downtown that could be affected by the PCD.

5 4. When the proposed PCD is located in the Pioneer Square Preservation District
6 or International District Special Review District, the Board of the District(s) in which the PCD is
7 located shall review the proposal and make a recommendation to the Department of
8 Neighborhoods Director who shall make a recommendation to the Director prior to the Director's
9 decision on the PCD.

10 * * *

11 H. Exceptions to ~~((Standards.))~~ standards

12 1. Portions of a project may exceed the floor area ratio (FAR) permitted in the
13 zone or zones in which the PCD is located, but the maximum chargeable floor area allowed for
14 the PCD as a whole shall meet the requirements of the zone or zones in which it is located.

15 2. Except as provided in subsection 23.49.036.H.3 ~~((of this section))~~, any
16 requirements of this ~~((chapter))~~ Chapter 23.49 may be varied through the PCD process in order
17 to provide public benefits identified in subsection 23.49.036.F.

18 3. Exceptions to the following provisions are not permitted through the PCD
19 process:

20 a. The following provisions of Subchapter I, General Standards:

21 ~~((1))~~1) Applicable height limits,

22 ~~((2))~~2) Light and glare standards,

23 ~~((3))~~3) Noise standards,

1 ((f))4) Odor standards,
2 ((f))5) Minimum sidewalk widths,
3 ((f))6) View corridor requirements,
4 ((f))7) Nonconforming uses,
5 ((f))8) Nonconforming structures, when the nonconformity is to
6 one ((f)) of the standards listed in this subsection 23.49.036.H.3.a;

7 b. Use provisions except for provisions for principal and accessory
8 parking;

9 c. Transfer of development rights regulations;

10 d. Bonus ratios and amounts assigned to public benefit features;

11 e. Development standards of adjacent zones outside the Downtown

12 ((Urban)) Regional Center in which a PCD may be partially located according to subsection
13 23.49.036.D.2 ((of this section)).

14 f. Provisions for allowing increases in floor area above the base FAR and
15 for allowing residential floor area above the base height limit.

16 Section 79. Table A for Section 23.50.012 of the Seattle Municipal Code, which section
17 was last amended by Ordinance 127099, is amended as follows:

18 **23.50.012 Permitted and prohibited uses**

19 * * *

Table A for 23.50.012 Uses in Industrial zones				
Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
* * *				
L. TRANSPORTATION FACILITIES				

Table A for 23.50.012
Uses in Industrial zones

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
L.1. Cargo terminals	P	P	P	P
L.2. Parking and moorage				
L.2.a. Boat moorage	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P
L.2.c. Parking, flexible-use	P	P	X(5)	X(5)
L.2.d. Park and ride facilities	P(15)	P(15)	CU	CU
L.2.e. Towing services	P	P	P	P
L.3. Passenger terminals	P	P	P	P
L.4. Rail transit facilities	P	P	P	P
L.5. Transportation facilities, air				
L.5.a. Airports (land-based)	X	CCU	CCU	CCU
L.5.b. Airports (water-based)	X	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance				
L.6.a. Bus bases	CU	CU	CU	CU

Table A for 23.50.012
Uses in Industrial zones

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
L.6.b. Railroad switchyards	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P

* * *

Key to Table A for 23.50.012

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 7, 1987.

EB/CU = Administrative conditional use permitted only in a building existing on October 7, 1987.

P = Permitted

X = Prohibited

Footnotes to Table A for 23.50.012

(1) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:

(a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;

(b) 10,000 square feet in IB zones; and

(c) 20,000 square feet in IG2 zones.

(2) In addition to the provisions of this Chapter 23.50, urban farms that entail major cannabis activity are regulated by Section 23.42.058.

(3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

(4) Subject to subsection 23.50.012.E.

(5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its

Table A for 23.50.012
Uses in Industrial zones

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<p>required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-foot ratio under the following circumstances:</p> <p>(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and</p> <p>(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and</p> <p>(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.</p> <p>(6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted ((major institution)) <u>Major Institution</u> master plan. See Section 23.50.014.</p> <p>(7) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.</p> <p>(8) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60A.944, are permitted in new and existing buildings in the ((Ballard/Interbay Northend)) <u>Ballard/Interbay/Northend</u> Manufacturing ((&)) <u>and</u> Industrial Center.</p> <p>(9) A college or university offering a primarily vocational curriculum within the zone is permitted.</p> <p>(10) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.12.</p> <p>(11) Major institution uses are permitted only in a building existing on October 7, 1987, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on October 7, 1987.</p> <p>(12) Museums are prohibited except in buildings or structures that are designated City of Seattle ((landmarks)) <u>Landmarks</u>.</p> <p>(13) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.</p> <p>(14) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.</p> <p>(15) Park and ride facilities are not permitted within 3,000 feet of the Downtown ((Urban))</p>				

Table A for 23.50.012
Uses in Industrial zones

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<u>Regional</u> Center. (16) Subject to subsection 23.50.014.B.7.e.				

Section 80. Table A for Section 23.50A.040 of the Seattle Municipal Code, which section was enacted by Ordinance 126862, is amended as follows:

23.50A.040 Permitted and prohibited uses

* * *

Table A for 23.50A.040
Uses in Industrial zones

Uses	Qualifies as Industrial?	Permitted and prohibited uses by zone			
		MML	II	UI	IC
* * *					
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	Yes	P	P	P	P
L.2. Parking and moorage					
L.2.a. Boat moorage	Yes	P	P	P	P
L.2.b. Dry boat storage	Yes	P	P	P	P
L.2.c. Parking, flexible-use	No	X (4)	X	P (4)	P
L.2.d. Park and ride facilities	No	X	X	P (12)	P (12)
L.2.e. Towing services	Yes	P	P	P	P
L.3. Passenger terminals	Yes	P (13)	P (13)	P (13)	P
L.4. Rail transit facilities	Yes	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	Yes	CCU	CCU	X	CCU
L.5.b. Airports (water-based)	Yes	CCU	CCU	X	CCU
L.5.c. Heliports	Yes	CCU	CCU	X	CCU
L.5.d. Helistops	Yes	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance					

Table A for 23.50A.040
Uses in Industrial zones

Uses	Qualifies as Industrial?	Permitted and prohibited uses by zone			
		MML	II	UI	IC
L.6.a. Bus bases	Yes	CU	CU	CU	CU
L.6.b. Railroad switchyards	Yes	P	CU	CU	P
L.6.c. Railroad switchyards with a mechanized hump	Yes	P	CU	CU	CU
L.6.d. Transportation services, personal	Yes	P	P	P	P

* * *

Key for Table A for 23.50A.040

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on June 1, 2023

EB/CU = Administrative conditional use permitted only in a building existing on June 1, 2023

P = Permitted

X = Prohibited

Footnotes to Table A for 23.50A.040

(1) In addition to the provisions in this Chapter 23.50A, urban farms that entail major ~~((marijuana))~~ cannabis activity are regulated by Section 23.42.058.

(2) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead, or injured animals are permitted.

(3) Subject to subsection 23.50A.040.F.

(4) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-foot ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

(5) The high-impact uses listed in subsection 23.50A.062.D may be permitted as conditional uses.

(6) The high-impact uses listed in subsection 23.50A.062.H may be permitted as conditional

Table A for 23.50A.040
Uses in Industrial zones

Uses	Qualifies as Industrial?	Permitted and prohibited uses by zone			
		MML	II	UI	IC
<p>uses.</p> <p>(7) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related as defined by Section 23.60A.944 or offer a primarily vocational curriculum are permitted, and shall be classified as an industrial use.</p> <p>(8) Major institution uses are permitted only in a building existing on June 1, 2023, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on June 1, 2023.</p> <p>(9) Museums are prohibited except in buildings or structures that are designated City of Seattle ((landmarks)) <u>Landmarks</u>.</p> <p>(10) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.</p> <p>(11) Heavy manufacturing uses meeting the criteria in subsection 23.50A.062.G may be permitted as a conditional use. All other heavy manufacturing uses are prohibited in the UI, II and IC zones and in the MML zone within 1,500 linear feet of residentially zoned or neighborhood commercial zoned properties. Heavy Manufacturing uses not within 1,500 linear feet of residentially zoned or neighborhood commercial zoned properties are permitted.</p> <p>(12) Park and ride facilities are not permitted within 3,000 feet of the Downtown ((Urban)) <u>Regional</u> Center.</p> <p>(13) Parking lots intended and designed for, and solely used for, pick-up and drop-off of passengers using ride-share services or transportation network companies is included as a part of the passenger terminal use category for industrial zones.</p> <p>(14) Subject to subsection 23.50A.062.F.</p>					

Section 81. Section 23.50A.190 of the Seattle Municipal Code, enacted by Ordinance 126862, is amended as follows:

23.50A.190 Screening and location of parking in an II 85-240 zone

Those developments that gain extra floor area above the base FAR in an II 85-240 zone are subject to the following, in addition to any other applicable parking screening requirements in this Section 23.50A.190.

* * *

B. Parking at street level

1 1. Parking is not permitted at street level within a structure along a lot line
2 abutting a street bounding the Downtown ((Urban)) Regional Center or a street shown on Map A
3 for 23.50A.190, unless separated from the street by other uses, except that garage and loading
4 doors and access to parking need not be separated.

5 2. Parking is permitted at street level within a structure along a street lot line
6 abutting a street not specified in subsection 23.50A.190.B.1 subject to the following
7 requirements:

8 a. Any parking not separated from the street lot line by another use is
9 screened from view at the street level, except that garage and loading doors and access to parking
10 need not be screened.

11 b. The facade facing the street lot line is enhanced by architectural
12 detailing, artwork, landscaping, or similar visual interest features.

13 3. Parking above street level. Parking is not permitted above street level unless it
14 is separated from abutting street lot lines by another use, except that for structures located on a
15 lot that is less than 150 feet in depth, as measured from the lot line with the greatest street
16 frontage, parking is permitted above the first story under the following conditions:

17 a. One story of parking shall be permitted above the first story of a
18 structure for each story of parking provided below grade that is of at least equivalent capacity, up
19 to a maximum of two stories of parking above the first story.

20 b. Above the first story of a structure, parking is permitted up to a
21 maximum of 70 percent of the length of each street-facing facade. Any additional parking must
22 be separated from the street by another use. For structures located on corner lots, separation by

another use shall be provided at the corner portion(s) of the structure for a minimum of 15 percent of the length of each street-facing facade.

4. For all parking located on stories above street level that is not separated from the street by another use, the parking shall be screened from view at street level, and, through the use of materials, fenestration, or other architectural treatment, the screening shall be designed to provide visual interest and to integrate the screened portions of the building facade with the overall design of the structure's street-facing facades.

5. The Director may permit, as a Type I decision, exceptions to subsection 23.50A.190.B.2.a to permit more parking above street level than otherwise allowed, if the Director finds that locating permitted parking below grade is infeasible due to physical site conditions such as a high-water table, contaminated soil conditions, or proximity to a tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that can be provided below grade, if any, and the amount of additional parking to be permitted above street level.

* * *

Section 82. Section 23.50A.360 of the Seattle Municipal Code, enacted by Ordinance 126862, is amended as follows:

23.50A.360 Transportation management programs in the Industry and Innovation zone

* * *

C. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve a mode-share target that is the average of mode-share targets for ~~((Urban Centers))~~ regional centers, with the exception of the Downtown ~~((Urban))~~ Regional Center, in any

1 applicable subarea plans for regional centers in the Seattle ((2035)) Comprehensive Plan for trips
2 made by employees driving alone who would work in the proposed development.

3 Section 83. Section 23.51A.004 of the Seattle Municipal Code, last amended by
4 Ordinance 125558, is amended as follows:

5 **23.51A.004 Public facilities in multifamily zones**

6 * * *

7 B. The following uses in public facilities are permitted outright in all multifamily zones if
8 the development standards for institutions in Section 23.45.570, other than dispersion
9 requirements, are met, except as otherwise provided in subsection 23.51A.004.B.6:

- 10 1. Police precinct stations;
 - 11 2. Fire stations;
 - 12 3. Public boat moorages;
 - 13 4. Utility service uses;
 - 14 5. Other uses similar to any of the uses listed in this subsection 23.51A.004.B; and
 - 15 6. Youth service centers existing as of January 1, 2013, in public facilities
- 16 operated by King County in an LR3 zone within ~~((an Urban Center))~~ a regional center and
17 replacement, additions or expansions to such King County public facilities. For youth service
18 centers, the development standards for institutions in Section 23.45.570 apply, and subsections
19 23.45.570.D and 23.45.570.F relating to structure width and setbacks may be waived or modified
20 by the Director as a Type II decision. The Director's decision to waive or modify standards shall
21 be based on a finding that the waiver or modification is needed to accommodate unique
22 programming, public service delivery, or structural needs of the facility and that the following

1 urban design objectives are met. The Director's decision shall include conditions to mitigate all
2 substantial impacts caused by such a waiver or modification.

3 a. Objective 1: Create visual interest along and activate each street
4 frontage. Examples for achieving this objective include, but are not limited to, the following:

5 1) Incorporate prominent entrances and other features that
6 welcome pedestrians;

7 2) Add visual interest using architectural detailing of the facade,
8 transparency, decorative materials, or design features; and

9 3) Use signage consistent with ~~((the Sign Code,))~~ Chapter
10 23.55~~((,))~~ that helps orient pedestrians and adds interest to the street environment.

11 b. Objective 2: Create a continuous pedestrian environment along each
12 frontage of the development in LR3. Examples for achieving this objective include, but are not
13 limited to, the following:

14 1) Incorporate shade and rain protection, such as awnings, building
15 overhangs, benches, freestanding pavilions, or kiosks;

16 2) Where site dimensions and program conditions allow, provide a
17 landscaped setback between the structure and sidewalk; and

18 3) Design new or existing bus stops to integrate transit shelters,
19 benches, and decorative treatments with the adjacent facade.

20 c. Objective 3: Address the bulk and scale of the building by design
21 treatments that transition to the scale of nearby development. Examples for achieving this
22 objective include, but are not limited to, the following:

1 1) Break down the apparent scale of the building and reduce the
2 impact of blank walls by using modulation or decorative facade elements, such as material,
3 shape, color, architectural detailing, painting, screening, artwork, or vegetated walls; and

4 2) Use landscaped setbacks where appropriate.

5 * * *

6 D. The following public facilities are prohibited in all multifamily zones((÷))

7 1. Jails, except for youth service centers existing as of January 1, 2013, in public
8 facilities operated by King County within ((~~an Urban Center~~)) a regional center;

9 2. Work-release centers;

10 3. Bus bases;

11 4. Sewage treatment plants;

12 5. Animal control shelters; and

13 6. Post office distribution centers.

14 * * *

15 Section 84. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance
16 125757, is amended as follows:

17 **23.52.004 Requirement to meet transportation level-of-service standards**

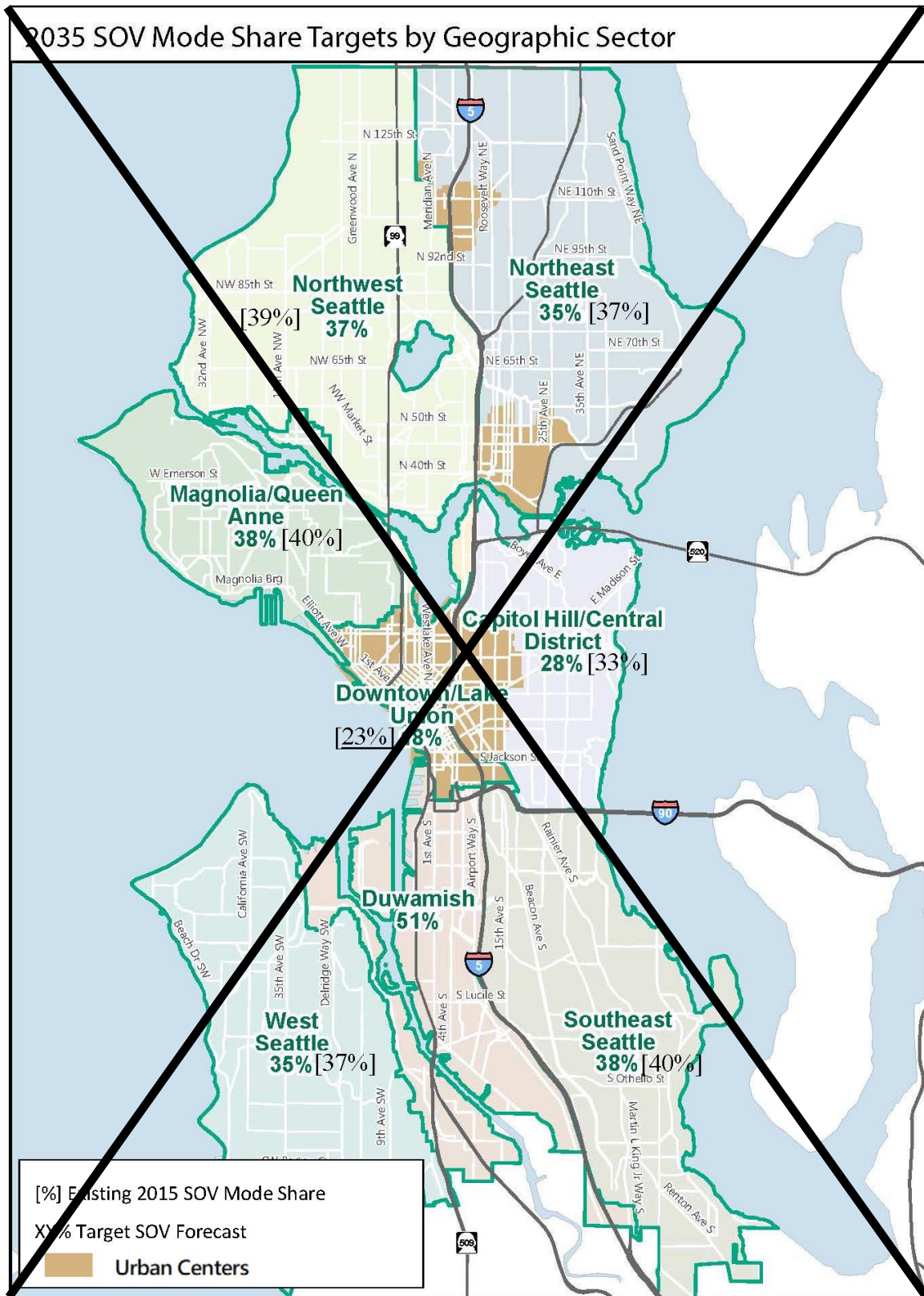
18 A. Applicability of this Subchapter I. Development that meets the following thresholds
19 must contribute to achieving the percentage reduction targets shown on Map A for 23.52.004,
20 which includes options for reducing the single-occupancy vehicle (SOV) trips associated with
21 the development:

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

4 2. Proposed development located in IG1 or IG2 zones and having more than
5 30,000 square feet of gross floor area in uses categorized as agricultural, high impact,
6 manufacturing, storage, transportation facilities, or utility uses.

1

Map A for 23.52.004: 2035 SOV Mode Share Targets by Geographic Sector



2



B. Requirements. Development above the thresholds in subsection 23.52.004.A shall contribute toward achieving the SOV reduction targets identified on Map A for 23.52.004, either based on location of the development in ~~((an urban center))~~ a regional center, ~~((hub urban village))~~ an urban center, or within one-half mile's walking distance of a light rail station, or where these locational criteria are not met, by selecting and implementing at least one mitigation measure from a list of measures identified in a Joint Directors' Rule adopted by the Directors of the Department of Construction and Inspections and the Seattle Department of Transportation.

Section 85. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.52.008 Applicability of this Subchapter II

A. Applicability. The requirements of this Subchapter II apply to proposed new development as described in Table A for 23.52.008. Development located within ~~((an urban center or urban village))~~ a regional center or an urban center that is subject to SEPA environmental review per Chapter 25.05 is exempt from this Subchapter II of Chapter 23.52.

Table A for 23.52.008 Development ((Location)) <u>location</u> and ((Thresholds)) <u>thresholds</u>		
Development location	Number of dwelling units	Gross square feet of ((non-residential)) <u>nonresidential</u> uses¹ when located in a mixed-use development²
((Urban)) <u>Regional</u> centers, other than the Downtown ((Urban)) <u>Regional Center</u>	31 to 200	Greater than 12,000 up to 30,000
Downtown ((Urban)) <u>Regional Center</u>	81 to 250	Greater than 12,000 up to 30,000
Urban ((villages)) <u>centers</u>	31 to 200	Greater than 12,000 up to 30,000
Outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	NA	NA

Table A for 23.52.008

Development (~~((Location))~~) location and (~~((Thresholds))~~) thresholds

Development location	Number of dwelling units	Gross square feet of (((non-residential))) <u>nonresidential</u> uses ¹ when located in a mixed-use development ²
----------------------	--------------------------	--

NA: Not applicable

Footnotes to Table A for 23.52.008((:))

¹ Not including gross floor area dedicated to accessory parking.

² The mixed-use development must contain at least one dwelling unit.

* * *

Section 86. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.53.006 Pedestrian access and circulation

* * *

C. (~~((Within urban centers and urban villages.))~~) Within (~~((urban centers and urban villages))~~) regional and urban centers, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short subdivision platting process or when development is proposed on a lot that abuts any existing street in any zone, except as specified in subsection 23.53.006.F. If the existing street includes sidewalks, curbs, curb ramps, and accessible crossings that do not comply with the Streets Illustrated Right-of-Way Improvements Manual or successor rule, they shall be brought into compliance.

D. (~~((Outside urban centers and urban villages.))~~) Outside (~~((urban centers and urban villages))~~) regional and urban centers, sidewalks, curbs, and curb ramps are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F.

1 1. In any zone with a pedestrian designation, sidewalks, curbs, and curb ramps are
2 required when new lots, other than unit lots, are created through the full or short subdivision
3 platting process or when development is proposed.

4 2. In industrial zones, on streets designated on Map A for 23.50A.190, sidewalks,
5 curbs, and curb ramps are required when new lots are created through the full or short
6 subdivision platting process or when development is proposed. Sidewalks, curbs, and curb ramps
7 are required only for the portion of the lot that abuts the designated street.

8 3. On arterials, except in the MML zone, sidewalks, curbs, and curb ramps are
9 required when new lots, other than unit lots, are created through the full or short subdivision
10 platting process or when development is proposed. Sidewalks, curbs, and curb ramps are
11 required only for the portion of the lot that abuts the arterial.

12 4. In neighborhood residential zones, sidewalks, curbs, and curb ramps are
13 required when ten or more lots are created through the full subdivision platting process or when
14 ten or more dwelling units are developed.

15 5. Except in neighborhood residential zones and the MML zone, sidewalks, curbs,
16 and curb ramps are required when six or more lots, other than unit lots, are created through the
17 full or short subdivision platting process or when six or more dwelling units are developed.

18 6. In all zones, except the MML zone, sidewalks, curbs, and curb ramps are
19 required when the following ((~~non-residential~~)) nonresidential uses are developed:

20 a. Seven hundred and fifty square feet or more of gross floor area of major
21 and minor vehicle repair uses and multi-purpose retail sales; or

22 b. Four thousand square feet or more of ((~~non-residential~~)) nonresidential
23 uses not listed in subsection 23.53.006.D.6.a.

* * *

Section 87. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

C. Maximum parking limits for specific zones or areas

1. In the Stadium Transition Area Overlay District certain uses are subject to a maximum parking ratio pursuant to subsection 23.74.010.A.1.b. When there are multiple uses on a lot, the total parking requirement for all uses subject to a maximum ratio cannot exceed the aggregate maximum for those uses under Section 23.74.010.

2. In all commercial zones, except C2 zones outside of urban ~~((villages))~~ centers, no more than 145 spaces per lot may be provided as surface parking or as flexible-use parking.

3. In all multifamily zones, commercial uses are limited to no more than ten parking spaces per business establishment.

4. In the Northgate Overlay District, the Director may permit parking to exceed applicable maximum parking limits as a Type I decision pursuant to Chapter 23.76 if:

a. The parking is provided in a structure according to a joint-use parking agreement with King County Metro Transit; and

b. It can be demonstrated to the satisfaction of the Director through a parking demand study that the spaces are only needed to meet evening and weekend demand or as overflow on less than ten percent of the weekdays in a year, and the spaces shall otherwise be available for daytime use by the general public.

5. Notwithstanding the minimum parking requirements set out in Table A for 23.54.015, in the Industry and Innovation zones, the maximum parking ratio for all uses is one space per 1,000 square feet of gross floor area.

* * *

Table A for 23.54.015
Required parking for ((~~non-residential~~)) nonresidential uses other than institutions

Use		Minimum parking required
* * *		
II. Non-residential use requirements for specific areas		
I.	((Non-residential)) <u>Nonresidential</u> uses in ((urban)) <u>regional</u> centers or ((the)) Station Area Overlay ((District)) <u>Districts</u> ⁵	No minimum requirement
J.	Non-residential uses in urban ((villages)) <u>centers</u> that are not within ((an urban center or the)) a Station Area Overlay District, if the non-residential use is located within a frequent transit service area ⁵	No minimum requirement

* * *

Footnotes for Table A for 23.54.015

¹ No parking is required for urban farms or community gardens in residential zones.

² Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for

Table A for 23.54.015

Required parking for ((non-residential)) nonresidential uses other than institutions

Use	Minimum parking required
only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.	
³ For indoor sports and recreation uses that exceed 25,000 square feet in size in a Manufacturing Industrial Center, the minimum requirement is ((+)) <u>one</u> space for each 2,000 square feet.	
⁴ The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.	
⁵ The general minimum requirements of Part I of Table A for 23.54.015 are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for 23.54.015, the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.	

1

Table B for 23.54.015

Required parking for residential uses

Use		Minimum parking required
* * *		
II. Residential use requirements for specific areas		
L.	All residential uses within ((urban)) <u>regional</u> centers or ((within the)) Station Area Overlay ((District)) <u>Districts</u> ²	No minimum requirement
M.	All residential uses in commercial, RSL, and multifamily zones within urban ((villages)) <u>centers</u> that are not within ((an urban center or the)) a Station Area Overlay District, if the residential use is located within a frequent transit service area ^{2, 4}	No minimum requirement
* * *		

Footnotes to Table B for 23.54.015

¹ For each moderate-income unit and each low-income unit, no minimum amount of parking is required.

² The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply if a use, structure, or development qualifies for a greater or a lesser amount of minimum parking, including no parking, under any other provision of this Section 23.54.015. If more than one provision in this Table B for 23.54.015 is applicable, the provision requiring the least amount of minimum parking applies, except that if item O in Part II of Table B for

Table B for 23.54.015
Required parking for residential uses

Use	Minimum parking required
23.54.015 applies, it shall supersede any other requirement in Part I or Part II of this Table B for 23.54.015.	
³ No parking is required for single-family residential uses on lots in any residential zone that are less than 3,000 square feet in size or less than 30 feet in width where access to parking is permitted through a required yard or setback abutting a street according to the standards of subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.	
⁴ Except as provided in Footnote 4, the minimum amounts of parking prescribed by Part 1 of Table B for 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.	

* * *

Table C for 23.54.015
Required parking for public uses and institutions

Use	Minimum parking required
* * *	
II. General public uses and institutions for specific areas	
Q. General public uses, institutions and Major Institution uses, except hospitals, in ((urban)) regional centers or ((the)) Station Area Overlay ((District)) Districts ¹¹	No minimum requirement
R. General public uses and institutions, except hospitals, including institutes for advanced study in neighborhood residential zones, within urban ((villages)) centers that are not within ((the)) Station Area Overlay ((District)) Districts, if the use is located within a frequent transit service area	No minimum requirement

Footnotes to Table C for 23.54.015

¹ When this use is permitted in a neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570.

² The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

³ As a Type I decision, the Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers to provide loading and unloading spaces on street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.

⁴ A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

⁵ When this use is permitted outright in a neighborhood residential or multifamily zone, the

Table C for 23.54.015
Required parking for public uses and institutions

Use	Minimum parking required
<p>Director may reduce the parking and loading requirements of <u>this</u> Section 23.54.015 and the requirements of Section 23.44.016 or Section 23.45.536 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.</p> <p>⁶ When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.</p> <p>⁷ Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.</p> <p>⁸ When a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements of <u>this</u> Section 23.54.015 and the requirements of Section 23.45.536 or Sections 23.47A.030 and 23.47A.032 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.</p> <p>⁹ For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown in this Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ((40)) <u>ten</u> percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.</p> <p>¹⁰ Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.</p> <p>¹¹ The general requirements of lines A through P of this Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution, or Major Institution use fits within more than one line in this Table C for 23.54.015, the least of the applicable parking</p>	

Table C for 23.54.015
Required parking for public uses and institutions

Use	Minimum parking required
requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23. ¹² The Director may reduce the minimum parking requirements for a child care center in any zone if a portion of its parking demand can be accommodated in nearby on-street parking.	

* * *

Section 88. Section 23.54.016 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.54.016 Major Institutions – ((parking)) Parking and transportation

Except in the MPC-YT zone, Major Institution uses are subject to the following transportation and parking requirements:

A. General ((Provisions.)) provisions

1. Minimum requirements for parking quantity are established in subsection 23.54.016.B.

2. The maximum number of spaces provided for the Major Institution use shall not exceed 135 percent of the minimum requirement, unless additional spaces are approved through administrative or Council review as provided in subsection 23.54.016.C. For a Major Institution use in ((an urban)) a regional center or ((the)) Station Area Overlay District, the maximum limit shall not exceed 135 percent of the minimum parking requirements calculated pursuant to subsection 23.54.016.B.2.

3. Parking requirements for Major Institutions with more than one type of institutional use (for example, a hospital and a university), if applicable, shall be calculated for each use separately, and then added together to derive the total number of required spaces.

4. When a permit application is made for new development at an existing Major Institution and the new development is a hospital or located outside ~~((an urban))~~ a regional center or ~~((the))~~ Station Area Overlay District, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to subsection 23.54.016.B.3. If there is a parking surplus above the maximum allowed number of spaces for the institution as a whole, required amounts of parking for new development will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one category (for example, a student who is also an employee or a faculty member who is also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking ~~((Quantity Required.))~~ quantity required

1. In ~~((urban))~~ regional centers and ~~((the))~~ Station Area Overlay ~~((District))~~ Districts, no parking is required for Major Institution uses, except for hospitals.

2. For all other Major Institutions the minimum number of parking spaces required is as follows:

a. Long-term ~~((Parking.))~~ parking

1) Medical Institutions. A number of spaces equal to 80 percent of hospital-based doctors; plus 25 percent of staff doctors; plus 30 percent of all other employees present at peak hour;

2) Educational Institutions. A number of spaces equal to 15 percent of the maximum students present at peak hour, excluding resident students; plus 30 percent of employees present at peak hour; plus 25 percent of the resident unmarried students; plus one space for each married student apartment unit.

b. Short-term (~~(Parking-)~~) parking

1) Medical Institutions. A number of spaces equal to one space per six beds; plus one space per five average daily outpatients;

2) Educational Institutions. A number of spaces equal to five percent of the maximum students present at peak hour excluding resident students.

c. Additional (~~(Short-term Parking Requirements)~~) short-term parking requirements. When one of the following uses is a Major Institution use, the following additional short-term parking requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to subsection 23.54.020.G:

1) Museum. One space for each 250 square feet of public floor area;

2) Theater, (~~(Auditorium, or Assembly Hall)~~) auditorium, or assembly hall. One space for each 200 square feet of audience assembly area not containing fixed seats, and one space for every (~~(40)~~) ten seats for floor area containing fixed seats;

3) Spectator (~~(Sports Facility Containing Fewer than 20,000 Seats)~~) sports facility containing fewer than 20,000 seats. One space for each (~~(40)~~) ten permanent seats and one space for each 100 square feet of spectator assembly area not containing fixed seats;

4) Spectator (~~((Sports Facility Containing 20,000 or More Seats))~~)

sports facility containing 20,000 or more seats. One space for each ~~((40))~~ ten permanent seats and one bus space for each 300 permanent seats.

d. Bicycle (~~((Parking))~~) parking. Bicycle parking meeting the development standards of subsections 23.54.015.K.2 through 23.54.015.K.6 and subsection 23.54.016.D.2 shall be provided in the following quantities:

1) Medical Institutions. A number of spaces equal to two percent of employees, including doctors, present at peak hour;

2) Educational Institutions. A number of spaces equal to ~~((40))~~ ten percent of the maximum students present at peak hour plus five percent of employees.

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of topography, location, nature of the users of the institution, or other reasons, the Director may modify the bicycle parking requirement.

3. Parking (~~((Deficits))~~) deficits. In addition to providing the minimum required parking for a new structure, five percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection 23.54.016.B, existing on ~~((the effective date of the ordinance codified in this section))~~ May 2, 1990, shall be supplied before issuance of a certificate of occupancy.

* * *

Section 89. Section 23.54.020 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.54.020 Parking quantity exceptions

The motor vehicle parking quantity exceptions set forth in this Section 23.54.020 apply in all zones except downtown zones, which are regulated by Section 23.49.019, and Major Institution zones, which are regulated by Section 23.54.016.

* * *

F. Reductions to required parking

1. When parking is required, reductions permitted by this subsection 23.54.020.F will be calculated from the minimum required parking in Section 23.54.015. Total reductions to required parking as provided in this subsection 23.54.020.F may not exceed 50 percent.

2. Transit reduction

a. In multifamily and commercial zones, the minimum required parking for all uses is reduced by 50 percent if the property is located within a frequent transit service area, and the property is not located in ~~((an Urban Center, Urban Village,))~~ a regional center, an urban center, or a Station Area Overlay District.

b. In industrial zones, the minimum parking requirement for a nonresidential use is reduced by 15 percent if the use is located within a frequent transit service area.

3. For new or expanding offices or manufacturing uses that require 40 or more parking spaces, the minimum required parking may be reduced by up to a maximum of 40 percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every carpool space accompanied by a cash fee, performance bond, or alternative guarantee acceptable to the Director, the total required parking will be reduced by 1.9 spaces, up to a maximum of 40 percent of the parking requirement.

b. For every vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total required parking will be reduced by six spaces, up to a maximum of 20 percent of the parking requirement.

c. If transit or transportation passes are provided with a 50 percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or five years, whichever is less, and if transit service is located within one-quarter mile (1,320 feet), the required parking shall be reduced by ~~((10))~~ ten percent. With a 25 percent to 49 percent cost reduction, and if transit service is located within one-quarter mile (1,320 feet), the parking requirement shall be reduced by five percent.

d. For every two covered long-term bicycle parking spaces provided, the total parking requirement shall be reduced by one space, up to a maximum of 20 percent of the parking requirement, provided there is access to an arterial over improved streets.

* * *

Section 90. Section 23.54.035 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.54.035 Loading berth requirements and space standards

* * *

B. Exception to loading requirements

1. For uses with less than 16,000 square feet of gross floor area that provide a loading space on a street or alley, the loading berth requirements may be waived by the Director if, after review, the Director of the Seattle Department of Transportation finds that the street or alley berth is adequate.

2. Within the Downtown and South Lake Union (~~Urban~~) Regional Centers and within the MPC-YT zone, loading berth requirements may be waived or modified if the Director finds, after consultation with and approval by the Director of the Seattle Department of Transportation, that the number of loading berths in Table A for 23.54.035 is not required and that the modified number will be sufficient. The applicant shall submit specific information addressing the following criteria, upon which the Director's determination shall be based:

a. All loading is proposed to occur on-site(~~(;)~~) or (~~(b. Loading)~~) any loading that is proposed to occur in a public right-of-way can take place without disrupting pedestrian circulation or vehicular traffic;

~~((e.))~~ b. Additional evidence relating to the size, character, and operation of the building and likely tenancy; and

~~((d.))~~ c. Where loading occurs at a central loading facility, goods can be distributed to other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

* * *

Section 91. Section 23.58A.014 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.58A.014 Bonus residential floor area for affordable housing

* * *

B. Performance option

* * *

8. Additional standards for off-site performance. If the affordable housing is not provided within the development that includes the bonus residential floor area, it may be provided off-site according to the following standards:

a. Off-site affordable housing must be provided within the South Lake Union (~~Urban~~) Regional Center if the development that includes bonus residential floor area is within the South Lake Union (~~Urban~~) Regional Center. If the development that includes bonus residential floor area is outside the South Lake Union (~~Urban~~) Regional Center, the off-site affordable housing must be in Seattle city limits, in priority order, (1) within the same (~~urban center or village~~) regional center or urban center as the development, (2) within (~~4~~) one mile of the development, (3) within 0.5 mile of a light rail or bus rapid transit station, or (4) within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to issuance and as a condition of issuance of any permit after the first building permit for the development that includes the bonus residential floor area and before any permit for any construction activity other than for excavation and shoring for the development is issued, unless completion of the affordable housing has been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the payment option amount calculated according to provisions in subsection 23.58A.014.C, plus an amount equal to interest on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions of such security including the amount of security and rate of annual interest, conditions on which

1 the City shall have a right to draw on the letter of credit or other security, and terms should the
2 City become entitled to realize on any such security.

3 c. Any failure of the affordable housing to satisfy the requirements of this
4 subsection 23.58A.014.B shall not affect the right to maintain or occupy the bonus residential
5 floor area if the Director of Housing certifies to the Director that either:

6 1) The applicant has provided the City with a letter of credit or
7 other sufficient security pursuant to subsection 23.58A.014.B.8.b; or

8 2) There have been recorded one or more agreements or
9 instruments satisfactory to the Director of Housing providing for occupancy and affordability
10 restrictions on affordable housing with the minimum floor area determined under this Section
11 23.58A.014, all affordable housing has been completed, and the affordable housing is on a
12 different lot from the bonus residential floor area or is in one or more condominium units
13 separate from the bonus residential floor area under condominium documents acceptable to the
14 Director of Housing.

15 d. Unless and until the Director of Housing shall certify as set forth in
16 subsection 23.58A.014.B.8.c, it shall be a continuing permit condition, whether or not expressly
17 stated, for each development obtaining bonus residential floor area based on the provision of
18 housing to which this Section 23.58A.014 applies, that the affordable housing shall be
19 maintained in compliance with the terms of this Section 23.58A.014 and any applicable
20 provisions of the zone, as documented to the satisfaction of the Director of Housing.

21 * * *

Section 92. Section 23.58A.024 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.58A.024 Bonus ((~~non-residential~~)) nonresidential floor area for affordable housing and child care

* * *

B. Performance option for housing

* * *

8. Additional standards for off-site performance. If the affordable housing is not provided within the development that includes the bonus ((~~non-residential~~)) nonresidential floor area, it may be provided off-site according to the following standards:

a. If the development that includes bonus ((~~non-residential~~)) nonresidential floor area is within the South Lake Union ((~~Urban~~)) Regional Center, the off-site affordable housing must be located within the South Lake Union ((~~Urban~~)) Regional Center or within one mile of the development that includes the bonus ((~~non-residential~~)) nonresidential floor area and no more than 0.25 mile from the South Lake Union ((~~Urban~~)) Regional Center boundary. If the development that includes bonus ((~~non-residential~~)) nonresidential floor area is outside of the South Lake Union ((~~Urban~~)) Regional Center, the off-site affordable housing must be in Seattle city limits, in priority order, (1) within the same ((~~urban center or village~~)) regional center or urban center as the development, (2) within one mile of the development, (3) within 0.5 mile of a light rail or bus rapid transit station, or (4) within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to and as a condition of issuance of any permit after the first building permit for the development that includes bonus

1 nonresidential floor area and before any permit for construction activity other than excavation
2 and shoring is issued, unless completion of the affordable housing has been documented to the
3 satisfaction of the Director of Housing and the affordable housing is subject to recorded
4 restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be
5 in an amount equal to the payment option amount calculated according to provisions in
6 subsection 23.58A.024.D, plus an amount equal to interest on such payment. The Director of
7 Housing is authorized to adopt, by rule, terms and conditions of such security including the
8 amount of security and rate of annual interest, conditions on which the City shall have a right to
9 draw on the letter of credit or other security, and terms should the City become entitled to realize
10 on any such security.

11 c. Any failure of the affordable housing to satisfy the requirements of this
12 subsection 23.58A.024.B shall not affect the right to maintain or occupy the bonus nonresidential
13 floor area if the Director of Housing certifies to the Director that either:

14 1) The applicant has provided the City with a letter of credit or
15 other sufficient security pursuant to subsection 23.58A.024.B.8.b; or

16 2) There have been recorded one or more agreements or
17 instruments satisfactory to the Director of Housing providing for occupancy and affordability
18 restrictions on affordable housing with the minimum floor area determined under this Section
19 23.58A.024, all affordable housing has been completed, and the affordable housing is on a
20 different lot from the bonus nonresidential floor area or is in one or more condominium units
21 separate from the bonus nonresidential floor area under condominium documents acceptable to
22 the Director of Housing.

d. Unless and until the Director of Housing certifies as set forth in subsection 23.58A.024.B.8.c, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus nonresidential floor area based on the provision of housing to which this Section 23.58A.024 applies, that the affordable housing shall be maintained in compliance with the terms of this Section 23.58A.024 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

* * *

Section 93. Section 23.58A.040 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.58A.040 Bonus floor area for open space amenities

* * *

C. Performance option

* * *

5. Standards for open space amenities. The following standards apply to open space amenities, except as otherwise specifically stated in the provisions of the zone.

a. Public access

1) Public access for open space amenities in ~~((Downtown))~~ downtown zones is regulated pursuant to subsection 23.58A.040.C.2.

2) Except for green street improvements, open space amenities not in ~~((Downtown))~~ downtown zones shall be open to the public, without charge, each day of the year for a minimum of ten hours each day for a neighborhood open space and for a mid-block corridor in SM-U zones in the University ~~((Community Urban))~~ District Regional Center, and 24 hours each day of the year for a green street setback. The hours of public access identified above

1 shall be during daylight hours, unless there are insufficient daylight hours, in which case the
2 open space shall also be open during nighttime hours for the balance of the hours the open space
3 is to remain open. Public access may be limited temporarily during hours that are otherwise
4 required to be open to the public for necessary maintenance or for reasons of public safety.

5 3) Within the open space, property owners, tenants, and their
6 agents shall allow members of the public to engage in activities allowed in the public sidewalk
7 environment, except that those activities that would require a street use permit if conducted on
8 the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature
9 gathering, and holding signs, all without obstructing access to the space, any building, or other
10 adjacent features, and without unreasonably interfering with the enjoyment of the space by
11 others, shall be allowed. While engaged in allowed activities, members of the public may not be
12 asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment
13 of the space by others unless the space is being closed to the general public consistent with this
14 subsection 23.58A.040.C. No parking, storage, or other use may be established on or above the
15 surface of the open space except as provided in subsection 23.58A.040.C.5.b.2.f. Use by motor
16 vehicles of open space for which bonus floor area is granted is not permitted. The open space
17 shall be identified clearly with the City's public open space logo on a plaque placed at a visible
18 location at each street entrance providing access to the amenity. The plaque shall indicate, in
19 letters legible to passersby, the nature of the bonus amenity, its availability for general public
20 access, and additional directional information as needed.

21 b. Standards for neighborhood open space

22 1) Neighborhood open space in (~~Downtown~~) downtown zones in
23 South Downtown is regulated pursuant to subsection 23.58A.040.C.2.

2) Neighborhood open space not in ((~~Downtown~~)) downtown

zones used to qualify for bonus floor area shall meet the conditions in this subsection

23.58A.040.C.5.b.2, unless a modification is allowed by the Director as a Type I decision, based on the Director's determination that, relative to the strict application of the standards, the exception will result in improved public access and use of the space or a better integration of the space with surrounding development.

a) The open space shall comply with the applicable provisions of this Section 23.58A.040. The open space shall consist of one continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

b) A minimum of 35 percent of the open space shall be landscaped with grass, ground cover, bushes, and/or trees.

c) Either permanent or movable seating in an amount equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public use during hours of public access.

d) The open space shall be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

e) The open space shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected and accessible to persons with disabilities.

f) Up to 20 percent of the open space may be covered by elements accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following elements within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, but the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

c. Standards for green street setbacks

1) Green street setbacks in (~~(Downtown)~~) downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.2.

2) Green street setbacks in (~~(Downtown)~~) downtown zones outside South Downtown are regulated pursuant to Section 23.49.013.

3) Green street setbacks not in (~~(Downtown)~~) downtown zones shall meet the following standards:

a) Where permitted by the provisions of the zone, bonus floor area may be gained for green street setbacks by development on lots abutting those street segments that are listed or shown as green streets in the provisions of the zone.

b) A green street setback shall be provided as a setback from a lot line abutting a designated green street. The setback shall be continuous for the length of the frontage of the lot abutting the green street, and a minimum of 50 percent of the setback area shall be landscaped. The area of any driveways in the setback area is not included in the bonusable area. For area eligible for a bonus, the average setback from the abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The design of the setback area shall allow for public access, such as access to street-level uses in abutting structures or access to areas for seating. The Director may approve a modification to the standards in this subsection 23.58A.040.C.5.c.3.b as a Type I decision, based on the Director's determination that the modification is consistent with a green street concept plan, if one exists, established in accordance with Director's Rule 11-2007, or a successor rule.

d. Standards for green street improvement. Green street improvements used to qualify for bonus floor area shall be located on a designated green street and shall meet the standards of a city-approved streetscape concept plan or other design document approved by the Director.

e. Standards for mid-block corridor

1) Mid-block corridors used to qualify for bonus floor area in ~~((Downtown))~~ downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.2.

2) Mid-block corridors used to qualify for bonus floor area in the Mount Baker Station Area must meet the requirements in the Downtown Amenity Standards.

3) Mid-block corridors used to qualify for bonus floor area in the SM-U zones within the University ~~((Community-Urban))~~ District Regional Center shall meet the

1 applicable requirements of this subsection 23.58A.040.C and the requirements of subsection
2 23.48.640.E.

3 f. Standards for hillside terraces. A hillside terrace used to qualify for
4 bonus floor area in South Lake Union ((~~Urban~~)) Regional Center or in ((~~Downtown~~)) downtown
5 zones in South Downtown is regulated pursuant to subsection 23.58A.040.C.2.

6 g. Declaration. If open space is to be provided for purposes of obtaining
7 bonus floor area, the owners of the lot using the bonus floor area, and of the lot where the open
8 space is provided, if different, shall execute and record a declaration and voluntary agreement in
9 a form acceptable to the Director identifying the bonus amenities; acknowledging that the right
10 to develop and occupy a portion of the gross floor area on the lot using the bonus floor area is
11 based upon the long-term provision and maintenance of the open space and that development is
12 restricted in the open space; and committing to provide and maintain the open space.

13 h. Identification

14 1) Open space amenities in ((~~Downtown~~)) downtown zones in
15 South Downtown shall meet the identification conditions of the Downtown Amenity Standards.

16 2) Open space amenities not in ((~~Downtown~~)) downtown zones
17 shall be identified clearly with the City's public open space logo on a plaque placed at a visible
18 location at each street entrance providing access to the amenity. The plaque shall indicate, in
19 letters legible to passersby, the nature of the bonus amenity, its availability for general public
20 access, and additional directional information as needed.

21 i. Duration; alteration. Except as provided for in this subsection
22 23.58A.040.C.5.i, the owners of the lot using the bonus floor area and of the lot where the open
23 space amenity is located, if different, including all successors, shall provide and maintain the

open space amenities for which bonus floor area is granted, in accordance with the applicable provisions of this Section 23.58A.040, for as long as the bonus floor area gained by the open space amenities exists. An open space amenity for which bonus floor area has been granted may be altered or removed only to the extent that either or both of the following occur, and alteration or removal may be further restricted by the provisions of the zone and by conditions of any applicable permit:

1) The bonus floor area permitted in return for the specific open space amenity is removed or converted to a use for which bonus floor area is not required under the provisions of the zone; or

2) An amount of bonus floor area equal to that allowed for the open space amenity that is to be altered or removed is provided through alternative means consistent with the provisions of the zone and provisions for allowing bonus floor area in this Chapter 23.58A.

* * *

Section 94. Section 23.58A.042 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.58A.042 Transferable development potential (TDP) and rights (TDR)

* * *

F. Standards for vulnerable masonry structure TDR or TDP sending lots. Within the portion of the University ((Community Urban)) District Regional Center west of 15th Avenue NE or within the Uptown ((Urban)) Regional Center, TDR and TDP may be transferred from lots that comply with the following conditions:

1 1. The sending lot is located in the University ((~~Community Urban~~)) District
2 Regional Center west of 15th Avenue NE and is in an SM-U, NC3, or NC3P zone with a mapped
3 height limit of 55 feet or greater, or is located in the Uptown ((~~Urban~~)) Regional Center and is in
4 an SM-UP, MR, LR3, or C2 zone;

5 2. The lot includes a structure that contributes to the historic architectural context
6 of the neighborhood and is identified as such in the Department of Neighborhoods' (DON)
7 Historic Resource Survey, and is also identified on a list of structures meeting specific criteria in
8 a rule promulgated by the Director according to Section 23.48.627; and

9 3. The qualifying structure on the sending lot shall be retained as follows for a
10 minimum of 50 years:

11 a. The structure is rehabilitated and maintained to comply with all codes
12 applicable to seismic retrofitting of vulnerable masonry structures;

13 b. All exterior facades shall be retained; except that portions of a new
14 structure may abut facades that are not street-facing facades or that set back a minimum of 30
15 feet from a street lot line that is generally parallel to the facade, and connections between the
16 new structure and the facades of the retained structure are allowed; and

17 c. Additions or alterations to the structure that extend the useful physical
18 life or economic viability of the structure are permitted, provided that:

19 1) The additions do not significantly alter the original structural
20 system or result in significant alterations to any historic or architectural characteristics of the
21 exterior appearance of the structure as documented in the DON Historic Resource Survey, except
22 as may be required to comply with applicable codes; and

2) The total floor area of any additions to the original structure, excluding floor area added to reclaim floor area that may have been removed from the original structure over time, does not exceed one story in height and the equivalent of 0.5 FAR, as calculated on the lot on which the structure was originally permitted.

4. If development rights from a lot certified by the ((Department)) Director of the Seattle Department of Construction and Inspections as a vulnerable masonry structure sending site have not been sold within three years of certification, the lot must be recertified by the Director to determine if the structure continues to qualify as an eligible sending site; and

5. For transfers of vulnerable masonry structure TDR and TDP, the owner of the sending lot shall execute and record an agreement with the City, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director for good cause, that provides for the maintenance of the required structure on the sending lot for a minimum of 50 years. Such agreement shall commit to limits on additions and modifications to the structure consistent with the provisions of this subsection 23.58A.042.F and that are approved by the Director.

* * *

Section 95. Section 23.58B.040 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.58B.040 Mitigation of impacts – Payment option

* * *

B. Deposit and use of cash contributions

1. Cash contributions shall be deposited by the Director of Housing in a special account established solely for preservation and production of housing affordable for renter

households with incomes no higher than 60 percent of median income and for owner households with incomes no higher than 80 percent of median income. Earnings on balances in the special account shall accrue to that account.

2. Use of cash contributions shall support the preservation and production of renter-occupied housing within Seattle, or the preservation and production of ownership housing within Seattle, as follows. Rental housing supported by the cash contributions shall be rent- and income-restricted to serve households with incomes no higher than 60 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability. At least five percent of total cash contributions on a yearly basis shall be dedicated to capital expenditures for development of ownership housing. Ownership housing supported by the cash contributions shall be priced to serve and sold to households with incomes no higher than 80 percent of median income, with resale restrictions for a minimum period of 50 years, with an expectation of ongoing affordability.

3. For purposes of determining the location for use of cash contributions, the City shall consider the extent to which the housing advances the following factors:

- a. Affirmatively furthering fair housing choice;
 - b. Locating within ~~((an urban center or urban village))~~ a regional center or an urban center;
 - c. Locating in proximity to frequent bus service or current or planned light rail or streetcar stops;
 - d. Furthering City policies to promote economic opportunity and community development and addressing the needs of communities vulnerable to displacement;
- and

e. Locating near developments that generate cash contributions.

4. Each cash contribution shall be expended within five years of collection. Any cash contribution not so expended shall be refunded with any interest required by law.

Section 96. Section 23.58B.050 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.58B.050 Mitigation of impacts – Performance option

* * *

C. Additional performance standards. In addition to meeting the standards in subsection 23.58B.050.B, MHA-C units located on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall meet the following additional standards:

1. Equal or better mitigation. The applicant shall demonstrate to the satisfaction of the Director of Housing that affordable housing impact mitigation provided through the performance option on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B is equal to or better than mitigation provided through performance on the same lot.

2. Location. MHA-C units provided on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall be located:

a. Within the same (~~urban center or urban village~~) regional center or urban center as the development required to mitigate affordable housing impacts according to this Chapter 23.58B; or

1 b. Within one mile of the development required to mitigate affordable
2 housing impacts according to this Chapter 23.58B if such development is located outside of ((an
3 ~~urban center or urban village~~)) a regional center or an urban center.

4 3. Developer's agreement. If the owner of the development required to mitigate
5 affordable housing impacts according to this Chapter 23.58B is not the owner of the MHA-C
6 units, then in addition to the agreement required according to subsection 23.58B.050.B.17, the
7 owner of the development required to mitigate affordable housing impacts according to this
8 Chapter 23.58B and the owner of the MHA-C units shall execute a developer's agreement,
9 acceptable to the Director of Housing, allowing the exclusive use of the MHA-C units to satisfy
10 the requirements of this Chapter 23.58B in return for necessary and adequate financial support to
11 the development of the MHA-C units.

12 4. Letter of credit

13 a. If the MHA-C units are located on a site other than the same lot as the
14 development required to mitigate affordable housing impacts according to this Chapter 23.58B,
15 the owner of the development required to mitigate affordable housing impacts according to this
16 Chapter 23.58B shall provide to the Director of Housing an irrevocable bank letter of credit,
17 approved by the Director of Housing, in the amount according to subsection 23.58B.040.A.

18 b. The Director of Housing may draw on the letter of credit one year after
19 the date of issuance of the certificate of occupancy, or, if a certificate of occupancy is not
20 required, the final building permit inspection, for the development required to mitigate affordable
21 housing impacts according to this Chapter 23.58B if the certificate of occupancy or final building
22 permit inspection for the MHA-C units has not been issued on or before that date. The owner of
23 the development required to mitigate affordable housing impacts according to this Chapter

23.58B shall also pay an amount equal to the interest on the cash contribution, at the rate equal to the prime rate quoted by Bank of America, or its successor, plus three percent per annum, from the date of issuance of the first building permit that includes the structural frame for the development required to mitigate affordable housing impacts according to this Chapter 23.58B.

c. If and when the City becomes entitled to draw on any letter of credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions according to subsection 23.58B.040.B.

Section 97. Section 23.58C.040 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.58C.040 Affordable housing – Payment option

* * *

B. Use of cash contributions

1. The Director of Housing shall be authorized to accept all cash contributions on behalf of the City. Cash contributions shall be deposited by the Director of Housing in a special account and shall be used for purposes authorized by RCW 36.70A.540. Earnings on balances in the special account shall accrue to that account. At least five percent of total cash contributions on a yearly basis shall be dedicated to support ownership housing.

2. Income levels

a. Rental housing supported by cash contributions shall be rent- and income-restricted to serve households with incomes no greater than 60 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability.

b. Ownership housing supported by cash contributions shall be priced to serve and sold to households with incomes no greater than 80 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability.

3. Location. For purposes of determining the location for use of cash contributions, the City shall consider the extent to which the housing supported by cash contributions advances the following factors:

- a. Affirmatively furthering fair housing choice;
- b. Locating within ~~((an urban center or urban village))~~ a regional center or urban center;
- c. Locating in proximity to frequent bus service or current or planned light rail or streetcar stops;
- d. Furthering City policies to promote economic opportunity and community development and addressing the needs of communities vulnerable to displacement;
- and
- e. Locating near developments that generate cash contributions.

Section 98. Section 23.58C.050 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.58C.050 Affordable housing – Performance option

* * *

C. Performance requirements. MHA-R units provided to comply with this Chapter 23.58C through the performance option shall meet the following requirements:

* * *

8. Additional requirements for MHA-R units provided through the performance option on a site other than the same lot as the development required to comply with this Chapter 23.58C

a. Equal or better - comparability of units. The applicant shall demonstrate to the satisfaction of the Director of Housing that MHA-R units on a site other than the same lot as the development required to comply with this Chapter 23.58C are equal to or better than MHA-R units on the same lot.

b. Location. MHA-R units on a site other than the same lot as the development required to comply with this Chapter 23.58C shall be located in a Lowrise or RSL zone. In addition, units shall be located:

1) Within the same ~~((urban center or urban village))~~ regional center or urban center as the development required to comply with this Chapter 23.58C; or

2) Within 1 mile of the development required to comply with this Chapter 23.58C if such development is located outside of ~~((an urban center or urban village))~~ a regional center or urban center.

c. Tenure. MHA-R units on a site other than the same lot as the development required to comply with this Chapter 23.58C shall be ownership units and shall comply with all additional requirements for ownership units according to subsection 23.58C.050.C.7.

d. Public subsidy. If any public subsidy is used for a development, and the public subsidy operates through subjecting units in the development to restrictions on the income levels of occupants and the rents or sale prices that may be charged, the development shall not be

1 eligible to provide units through the performance option according to this subsection

2 23.58C.050.C.8.

3 e. Developer's agreement. If the owner of the development required to
4 comply with this Chapter 23.58C is not the owner of the MHA-R units, then in addition to the
5 agreement required according to subsection 23.58C.050.E, the owner of the development
6 required to comply with this Chapter 23.58C and the owner of the MHA-R units shall execute a
7 developer's agreement, acceptable to the Director of Housing, allowing the exclusive use of the
8 MHA-R units to satisfy the requirements of this Chapter 23.58C in return for necessary and
9 adequate financial support to the development of those MHA-R units.

10 f. Letter of credit

11 1) If the MHA-R units are located on a site other than the same lot
12 as the development required to comply with this Chapter 23.58C, the owner of the development
13 required to comply with this Chapter 23.58C shall provide to the Director of Housing an
14 irrevocable bank letter of credit, approved by the Director of Housing, in the amount according
15 to subsection 23.58C.040.A.

16 2) The Director of Housing may draw on the letter of credit one
17 year after the date of issuance of the certificate of occupancy, or, if a certificate of occupancy is
18 not required, the final building permit inspection, for the development required to comply with
19 this Chapter 23.58C if the certificate of occupancy or final building permit inspection for the
20 MHA-R units has not been issued on or before that date. The owner of the development required
21 to comply with this Chapter 23.58C shall also pay an amount equal to the interest on the cash
22 contribution, at the rate equal to the prime rate quoted by Bank of America, or its successor, plus

three percent per annum, from the date of issuance of the first building permit that includes the structural frame for the development required to comply with this Chapter 23.58C.

3) If and when the City becomes entitled to draw on any letter of credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions according to subsection 23.58C.040.B.

* * *

Section 99. Section 23.69.022 of the Seattle Municipal Code, last amended by Ordinance 126864, is amended as follows:

23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District

A. A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within 2,500 feet of the MIO District boundary, subject to the following limitations:

1. The provisions of this Section 23.69.022 shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.

2. No such use shall be allowed at street level in a commercial zone, unless the use is determined to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use, or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use, or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved ((neighborhood)) subarea plan;

3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use.

4. The use(s) shall conform to the use and development standards of the applicable zone.

5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution.

6. If a Master Use Permit is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.

* * *

C. A Major Institution that leases space or otherwise locates a use in a ((~~Downtown~~)) downtown zone shall not be subject to the limitations established in subsection 23.69.022.A or 23.69.022.B with respect to that space or use, except that subsections 23.69.022.A.3 and 23.69.022.A.4 shall apply.

* * *

Section 100. Section 23.69.026 of the Seattle Municipal Code, last amended by Ordinance 126626, is amended as follows:

23.69.026 Determination to prepare a master plan

* * *

C. A Major Institution with an adopted master plan that is not subject to subsection 23.69.026.B shall be required to prepare a new master plan in the following circumstances:

1 1. The Major Institution proposes to increase the total amount of gross floor area
2 allowed or the total number of parking spaces allowed within the MIO District, except if a
3 proposed change to a master plan involves:

4 a. Construction of a one-time single development per master plan period
5 owned or affiliated with an educational ((~~major institution~~)) Major Institution that is part of the
6 Washington State Community and Technical Colleges system; and

7 b. A property located within ((~~an Urban Center~~)) a regional center; and

8 c. A development that includes residential uses not exceeding 550 sleeping
9 rooms, composed of dormitory, congregate housing, or other housing opportunities for students
10 or employees of the Major Institution; or

11 2. A master plan has been in effect for at least ten years and the institution
12 proposes to expand the MIO District boundaries; or

13 3. A master plan has been in effect for at least ten years and the institution
14 proposes an amendment to the master plan that is determined to be major according to the
15 provisions of Section 23.69.035, and the Director determines that conditions have changed
16 significantly in the neighborhood surrounding the Major Institution since the master plan was
17 adopted.

18 * * *

19 Section 101. Section 23.69.035 of the Seattle Municipal Code, last amended by
20 Ordinance 126626, is amended as follows:

21 **23.69.035 Changes to master plan**

22 * * *

1 D. Minor (~~(Amendments)~~) amendments. A proposed change to an adopted master plan
2 shall be considered and approved as a minor amendment when it is not an exempt change
3 according to subsection 23.69.035.B, when it is consistent with the original intent of the adopted
4 master plan (except as provided in this subsection (~~(23.69.035.D.4)~~) 23.69.035.D), and when it
5 meets at least one of the following criteria:

6 1. The amendment will not result in significantly greater impacts than those
7 contemplated in the adopted master plan; or

8 2. The amendment is a waiver from a development standard or master plan
9 condition, or a change in the location or decrease in size of designated open space, and the
10 proposal does not go beyond the minimum necessary to afford relief and will not be materially
11 detrimental to the public welfare or injurious to the property or improvements in the vicinity in
12 which the Major Institution is located; or

13 3. The amendment is a proposal by the Major Institution to lease space or
14 otherwise locate a use at street level in a commercial zone outside an MIO District, and within
15 2,500 feet of the MIO District boundary, and the use is allowed in the zone but not permitted
16 pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the
17 Director shall consider the following factors:

18 a. Whether an adequate supply of commercially zoned land for business
19 serving neighborhood residents will continue to exist, and

20 b. Whether the use will maintain or enhance the viability or long-term
21 potential of the neighborhood-serving character of the area, and

1 c. Whether the use will displace existing neighborhood-serving
2 commercial uses at street level or disrupt a continuous commercial street front, particularly of
3 personal and household retail sales and service uses, and

4 d. ~~((Whether))~~ If the area is located in a regional center with an adopted
5 subarea plan, whether the use supports ~~((neighborhood planning))~~ goals and objectives ~~((as~~
6 ~~provided in a Council-approved neighborhood))~~ in the regional center subarea plan.

7 4. The amendment would accommodate a single development with residential
8 uses composed of housing for students or employees of the Major Institution, that is consistent
9 with criteria in subsection 23.69.026.C.1, and that either was not anticipated by or is in excess of
10 what was anticipated in an adopted master plan. This kind of amendment could occur only one
11 time per the lifetime of an adopted master plan. The floor area of said residential use, uses
12 accessory thereto, and ~~((non-residential))~~ nonresidential uses such as required street-level uses
13 shall be exempted from the calculation of total development capacity of the ~~((major institution))~~
14 Major Institution overlay, and shall be excluded from calculation of Floor Area Ratio and not
15 counted against the Major Institution's development program permitted floor area for the
16 campus.

17 E. Major ~~((Amendments))~~ amendments. A proposed change to an adopted master plan
18 shall be considered a major amendment when it is not an exempt change according to subsection
19 23.69.035.B or a minor amendment according to subsection 23.69.035.D. In addition, any of the
20 following shall be considered a major amendment:

21 1. An increase in a height designation or the expansion of the boundary of the
22 MIO District; or

2. Any change to a development standard that is less restrictive, except if a proposed change relates to providing housing affiliated with certain educational (~~major institutions~~) Major Institutions as identified in subsection 23.69.026.C.1; or

3. A reduction in housing stock outside the boundary but within 2,500 feet of the MIO District, other than within a (~~Downtown~~) downtown zone, that exceeds the level approved in an adopted master plan; or

4. A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or

5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or

6. The update of an entire development program component of a master plan that was adopted under Land Use Code provisions prior to (~~the 1996 Major Institutions~~) Ordinance 118362 where the institution proposes an increase to the total amount of gross floor area allowed or the total number of parking spaces allowed under the institution's existing development program component within the MIO District. Changes to a development program relating to an action described in subsection 23.69.035.D.4 shall not be considered a development program update of this kind.

* * *

Section 102. Section 23.71.020 of the Seattle Municipal Code, last amended by Ordinance 121362, is amended as follows:

23.71.020 Development Agreements(~~(+)~~)

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to chapter 36.70B RCW ((36.70B)). In determining whether to approve a Development Agreement, the ~~((City))~~ Council shall consider the extent to which the proposed development or redevelopment:

~~((a-))~~ A. Contributes toward meeting the Northgate ~~((Urban))~~ Regional Center housing targets;

~~((b-))~~ B. Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic impacts on neighborhoods;

~~((c-))~~ C. Proposes improvements to the street-level environment and circulation for pedestrians, including coordination with area-wide pedestrian circulation and open space plans such as the ~~((5th))~~ 5th Avenue Streetscape Design Plan;

~~((d-))~~ D. Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and

~~((e-))~~ E. Incorporates sustainable design and green building practices in the proposed development.

Section 103. Section 23.74.002 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

**23.74.002 Purpose, intent, and description of the ~~((overlay district))~~ Overlay District—
Rezone requirement—Rezone criteria**

A. Purpose and intent. The purpose of this Chapter 23.74 is to implement the City's Comprehensive Plan, including the ~~((neighborhood))~~ subarea plan for the Greater Duwamish

1 Manufacturing(~~(/))~~ and Industrial Center, by establishing a Stadium Transition Area Overlay
2 District for the area shown on Map A for 23.74.004. The Stadium Transition Area centers on
3 large sports facilities and allows uses complementary to them. It is intended to contribute to a
4 safer pedestrian environment for those attending events and permits a mix of uses, supporting the
5 pedestrian-oriented character of the area as well as the surrounding industrial zone, while
6 minimizing conflicts with industrial uses. Within the (~~(overlay district))~~ Overlay District, use
7 provisions and development standards are designed to: create a pedestrian connection with
8 downtown; discourage encroachment on nearby industrial uses to the south; and create a
9 pedestrian-friendly streetscape. Allowing a mix of uses, including office development,
10 restaurants, lodging, and maker uses and arts, is intended to encourage redevelopment and to
11 maintain the health and vibrancy of the area during times when the sports facilities are not in
12 operation.

13 * * *

14 Section 104. Section 23.84A.025 of the Seattle Municipal Code, last amended by
15 Ordinance 127099, is amended as follows:

16 **23.84A.025 “M”**

17 * * *

18 "Mid-block corridor" means an amenity feature that provides open space and publicly
19 accessible connections across extremely long blocks to mitigate transportation impacts of new
20 development by improving pedestrian circulation in high-density areas, including but not limited
21 to the South Lake Union (~~(Urban))~~ Regional Center, the University (~~(Community Urban))~~
22 District Regional Center west of 15th Avenue NE, the Uptown (~~(Urban))~~ Regional Center, the

Northgate (~~Urban~~) Regional Center, and the Downtown (~~Urban~~) Regional Center east of
Interstate 5.

* * *

Section 105. Section 23.84A.026 of the Seattle Municipal Code, enacted by Ordinance
122311, is amended as follows:

23.84A.026 “N”

* * *

“Neighborhood center” means an area designated as a neighborhood center in the Seattle
Comprehensive Plan.

~~((“Neighborhood plan” means the goals and policies adopted by the Council into the
Comprehensive Plan’s Neighborhood Planning Element, that are developed to guide the growth
and development of a specific neighborhood and deal with other neighborhood related issues
such as housing, institutions, transportation, economic development and other community
development activities.))~~

* * *

Section 106. Section 23.84A.032 of the Seattle Municipal Code, last amended by the
Ordinance introduced as Council Bill 120969, is amended as follows:

23.84A.032 “R”

* * *

“Recycling.” See “Utility.”

“Regional center” means an area designated as a regional center in the Seattle
Comprehensive Plan.

* * *

“Rural development credit” means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County to the Downtown ((Urban)) Regional Center pursuant to King County Code ((Chapter)) chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.

Section 107. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.84A.038 “T”

* * *

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any ((Downtown)) downtown zone except PMM, DH-1, and DH-2 zones, or is located in the South Lake Union ((Urban)) Regional Center in any SM zone with a height limit of 85 feet or higher;

2. Each structure on the lot has a minimum of 50 percent of total gross above-grade floor area as dwelling units or congregate residence sleeping rooms committed as restricted units affordable to and occupied by households with annual incomes no higher than 80 percent of median income for a minimum of 50 years;

3. The lot has above-grade gross floor area equivalent to at least 1 FAR as dwelling units or congregate residence sleeping rooms committed as restricted units affordable to and occupied by households with annual incomes no higher than 50 percent of median income for a minimum of 50 years;

4. The dwelling units or congregate residence sleeping rooms according to subsections 2 and 3 of this definition is in one or more structures existing as of July 27, 2001, and the floor area was in residential use as of that date; and

5. The housing TDR site requirements are memorialized in a recorded agreement between the owner of the housing and the Director of Housing.

* * *

Section 108. Section 23.84A.040 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.84A.040 “U”

* * *

~~((“Urban village” means an area designated in Seattle’s Comprehensive Plan as an urban center, hub urban village or residential urban village.~~

~~“Urban village, hub” means an area designated in Seattle’s Comprehensive Plan as a hub urban village.~~

~~“Urban village, residential” means an area designated in Seattle’s Comprehensive Plan as a residential urban village.))~~

* * *

Section 109. Section 23.84A.042 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.84A.042 “V”

* * *

“Vulnerable masonry structure” means a structure in specified zones within the University ~~((Community Urban))~~ District Regional Center west of 15th Avenue NE or within the Uptown ~~((Urban))~~ Regional Center that is identified in a Director's rule because it meets criteria for being included on the list of unreinforced masonry structures (URM) identified by ~~((Seattle))~~

SDCI and is also identified in the Department of Neighborhoods' Historic Resource Survey as a structure likely to qualify for nomination as a Seattle Landmark.

Section 110. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.86.006 Structure height measurement

* * *

B. Within the South Lake Union ((~~Urban~~)) Regional Center, at the applicant's option, structure height shall be measured either as provided for in subsection 23.86.006.A, 23.86.006.E, or under provisions of this subsection 23.86.006.B. Structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement. Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a facade more than once, that contour line will be disregarded when establishing existing or finished grade.

* * *

E. Height measurement techniques in downtown zones and in the South Lake Union ((~~Urban~~)) Regional Center

1. Determine the major street lot line, which shall be the lot's longest street lot line. When the lot has two or more street lot lines of equal length, the applicant shall choose the major street lot line.

2. Determine the slope of the lot along the entire length of the major street lot line.

3. The maximum height shall be measured as follows:

a. When the slope of the major street lot line is less than or equal to 7.5 percent, the elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of the major street lot line. On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line as depicted in Exhibit B for 23.86.006.

b. When the slope of the major street lot line exceeds 7.5 percent, the major street lot line shall be divided into four or fewer equal segments no longer than 120 feet in length. The elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of each segment. On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line, as depicted in Exhibit C for 23.86.006.

c. For lots with more than one street frontage, where there is no street lot line that is essentially parallel to the major street lot line, when a measurement has been made for the portion of the block containing the major street lot line, the next measurement shall be taken from the remaining street lot line that is opposite and most distant from the major street lot line.

* * *

Section 111. Section 25.05.164 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

25.05.164 Planned actions—Definitions and criteria

Under the authority of RCW 43.21C.440, the City Council may adopt ordinances designating planned actions. A planned action means one or more types of project action that:

* * *

B. Have had the significant environmental impacts adequately addressed in an EIS prepared in conjunction with:

1. A subarea (~~((or neighborhood))~~) plan adopted under chapter 36.70A RCW, or

2. A master planned development or phased project(~~((:))~~) ;

* * *

Section 112. Section 25.05.665 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.05.665 SEPA policies—Overview

* * *

C. Relationship to (~~((neighborhood and business district))~~) subarea plans for regional centers and manufacturing and industrial centers. (~~((Neighborhood and business district))~~) Subarea plans ((which)) for regional centers and manufacturing and industrial centers that have been adopted by the City Council may serve as the basis for exercising substantive SEPA authority, subject to the following:

1. (~~((New plans:))~~) A plan (~~((approved subsequent July 11, 1988))~~) may serve as the basis of exercising substantive SEPA authority only to the extent that the provisions of the plan explicitly identify any of its elements intended to have application for SEPA purposes.

1 ~~((2. Existing Plans. A plan existing prior to July 11, 1988 may be used as a basis~~
2 ~~for the exercise of substantive SEPA authority only to the extent that:~~

3 ~~a. The plan identifies unusual circumstances such as substantially different~~
4 ~~site size or shape, topography, or inadequate infrastructure which would result in adverse~~
5 ~~environmental impacts which substantially exceed those anticipated by the code or zoning, or~~

6 ~~b. The plan establishes a different balance of environmental and other~~
7 ~~goals than is characteristic of the Land Use Code as a whole;~~

8 ~~Provided that the authority and conditions based upon an existing plan do not exceed the~~
9 ~~limitations contained in the cumulative effects policy and the specific environmental policies~~
10 ~~contained in Sections 25.05.670 and 25.05.675, respectively; and~~

11 ~~3. All plans.))~~ 2. SEPA conditions based upon a ~~((neighborhood or business~~
12 ~~district))~~ subarea plan for a regional center or manufacturing and industrial center shall be
13 consistent with any rezone action taken by the City Council subsequent to the adoption of the
14 plan.

15 * * *

16 Section 113. Section 25.05.800 of the Seattle Municipal Code, last amended by
17 Ordinance 126843, is amended as follows:

18 **25.05.800 Categorical exemptions**

19 The proposed actions contained in this Section 25.05.800 are categorically exempt from
20 threshold determination and environmental impact statement requirements, subject to the rules
21 and limitations on categorical exemptions contained in Section 25.05.305.

22 A. Minor new construction; flexible thresholds

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.038;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or
- d. Requires a land use decision that is not exempt under subsection 25.05.800.F.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water:

- a. The construction or location of residential or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800:

Table A for 25.05.800 Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	Within ((urban centers and urban villages)) <u>regional centers and urban centers</u> where growth estimates have not been exceeded	Within ((urban centers and urban villages)) <u>regional centers and urban centers</u> where growth estimates have been exceeded
NR and RSL	4	4	4
LR1	4	200 ¹	20

Table A for 25.05.800
Exemptions for residential uses

Zone	Number of exempt dwelling units		
	Outside ((urban centers and urban villages)) <u>regional centers and urban centers</u>	Within ((urban centers and urban villages)) <u>regional centers and urban centers</u> where growth estimates have not been exceeded	Within ((urban centers and urban villages)) <u>regional centers and urban centers</u> where growth estimates have been exceeded
LR2	6	200 ¹	20
LR3	8	200 ¹	20
NC1, NC2, NC3, C1, and C2	4	200 ¹	20
MR, HR, and Seattle Mixed zones	20	200 ¹	20
MPC-YT	NA	30 ¹	20
Downtown zones	NA	250 ¹	200
Industrial zones	4	4	4

Footnotes to Table A for 25.05.800

NA = not applicable

((~~Urban centers and urban villages~~)) Regional centers and urban centers are identified in the Seattle Comprehensive Plan.

¹ Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in ((~~an urban~~)) a regional center or in an urban ((~~village~~)) center is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the ((~~urban center or village~~)) regional center or urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or the property owner's agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service, or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800:

Table B for 25.05.800
Exemptions for ~~((non-residential))~~ nonresidential uses

Zone	Exempt area of use (square feet of gross floor area)		
	Outside ((urban centers and hub-urban villages)) <u>regional centers and urban centers</u>	Within ((urban centers and hub-urban villages)) <u>regional centers and urban centers</u> where growth estimates have not been exceeded	Within ((urban centers and hub-urban villages)) <u>regional centers and urban centers</u> where growth estimates have been exceeded
NR, RSL, and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 ¹ or 30,000 ²	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000 ²	12,000
C1, C2, and Seattle Mixed zones	12,000	12,000 ¹ or 30,000 ²	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	30,000	30,000

Footnotes to Table B for 25.05.800

NA = not applicable

~~((Urban centers and urban villages))~~ Regional centers and urban centers are identified in the Seattle Comprehensive Plan.

¹ New ~~((non-residential))~~ nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA).

² Pursuant to RCW 43.21C.229, new ~~((non-residential))~~ nonresidential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in ~~((an urban))~~ a regional center or in ~~((a hub))~~ an urban ((village)) center is categorically exempt from SEPA, unless the Department has determined that employment growth within the ~~((urban center or village))~~ regional center or urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

e. Any fill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d shall be exempt;

1 f. Mixed-use construction, including but not limited to projects combining
2 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
3 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in
4 combination may have a probable significant adverse environmental impact in the judgment of
5 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

6 g. In zones not specifically identified in this subsection 25.05.800.A, the
7 standards for the most similar zone addressed by this subsection 25.05.800.A apply;

8 h. For the purposes of this subsection 25.05.800.A, "mixed-use
9 development" means development having two or more principal uses, one of which is a
10 residential use comprising 50 percent or more of the gross floor area;

11 i. To implement the requirements of Table A for 25.05.800 and Table B
12 for 25.05.800, the Director shall establish implementation guidance by rule for how growth is
13 measured against exemption limits and how changes to thresholds will occur if exemption limits
14 are reached. The exemption limits shall consist of the growth estimates established in the Seattle
15 Comprehensive Plan for a given area, minus a "cushion" of ten percent to assure that
16 development does not exceed growth estimates without SEPA review; and

17 j. The Director shall monitor residential and employment growth and
18 periodically publish a determination of growth for each (~~urban center and urban village~~)
19 regional center or urban center. Residential growth shall include, but need not be limited to, net
20 new units that have been built and net new units in projects that have received a building permit
21 but have not received a certificate of occupancy. Per implementation guidance established by
22 rule, if the Director determines that exemption limits have been reached for (~~an urban center or~~

1 ~~urban village~~)) a regional center or an urban center subsequent development will be subject to
2 the lower thresholds as set forth in Table A for 25.05.800 and Table B for 25.05.800.

3 * * *

4 Section 114. Amendments made by Section 29 to subsections of Seattle Municipal Code
5 Section 23.41.004 do not affect the expiration or repeal of those subsections by other ordinances.

Section 115. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

Attachments:
Attachment 1 – One Seattle Plan Comprehensive Plan Update Citywide Policies
Attachment 2 – One Seattle Plan Comprehensive Plan Update Appendices
Attachment 3 – One Seattle Plan Comprehensive Plan Update Subarea Plans Placeholder