



SEATTLE CITY COUNCIL

Legislative Summary

CB 119444

Record No.: CB 119444

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125791

In Control: City Clerk

File Created: 01/09/2019

Final Action: 03/20/2019

Title: AN ORDINANCE relating to Mandatory Housing Affordability (MHA); rezoning certain land and modifying development standards throughout the City, implementing MHA requirements, and modifying existing development standards to improve livability; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205, 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map; amending Chapters 23.30, 23.34, 23.44, 23.45, 23.47A, 23.48, 23.50, 23.53, 23.54, 23.58A, 23.58B, 23.58C, 23.58D, 23.71, 23.73, 23.74, 23.76, 23.84A, 23.86, 23.91, 25.05, and 25.11 of the SMC; adding Sections 23.34.006, 23.44.009, 23.44.011, 23.44.017, 23.44.018, 23.44.019, 23.44.020, 23.45.530, 23.48.050, 23.48.340, 23.48.345, 23.48.445, 23.48.900, 23.48.905, 23.48.920, 23.48.940, and 23.48.945 to the SMC; repealing Sections 23.34.026, 23.43.006, 23.43.008, 23.43.010, 23.43.012, 23.43.040, 23.48.425, 23.48.621, 23.48.721, 23.58A.025, 23.58A.026, 23.58A.028, and 23.71.040 of the SMC; recodifying Section 23.44.018 of the SMC as Section 23.44.021; and amending the titles of Chapter 23.45 and Subchapter IV of Chapter 23.58A of the SMC.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 119444 v3, Att 1 - Maps of Specific Rezone Areas v4, Att 2 - Maps of Areas Excluded from Rezone v5, Att 3 - Findings of Fact

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Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File				Legal Notice Published:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	01/09/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	01/10/2019	sent for review	Select Committee on Citywide Mandatory Housing Affordability (MHA)			
	Action Text: The Council Bill (CB) was sent for review. to the Select Committee on Citywide Mandatory Housing Affordability (MHA)						
	Notes:						
1	City Council	01/22/2019	referred	Select Committee on Citywide Mandatory Housing Affordability (MHA)			
	Action Text: The Council Bill (CB) was referred. to the Select Committee on Citywide Mandatory Housing Affordability (MHA)						
	Notes:						
1	Select Committee on Citywide Mandatory Housing Affordability (MHA)	02/08/2019	discussed				
	Action Text: The Council Bill (CB) was discussed in Committee.						
	Notes:						
1	Select Committee on Citywide Mandatory Housing Affordability (MHA)	02/21/2019	discussed				
	Action Text: The Council Bill (CB) was discussed in Committee.						
	Notes: A Public Hearing was held.						
1	Select Committee on Citywide Mandatory Housing Affordability (MHA)	02/25/2019	pass as amended				Pass
	Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).						
	Notes:						
	In Favor: 8 Chair Johnson, Member Bagshaw, Member González , Member Harrell, Member Herbold, Member Juarez, Member Mosqueda, Member Sawant						
	Opposed: 0						
2	City Council	03/18/2019	passed as amended				Pass

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

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119444, by substituting version 9 for version 8a; amending Attachment 1, by substituting version 4 for version 3; and amending Attachment 2, by substituting version 4 for version 3.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119444, Section 50, by deleting 23.47A.009.G.3 as shown in the strike through language below, and amending Attachment 2, by adding a new Map AH:

Section 50. Section 23.47A.009.G.3.

~~3. Upper level setbacks on University Way NE. The following standards apply to development on lots abutting University Way NE with a mapped height exceeding 45 feet.~~

~~— a. An upper level setback with a minimum depth of 10 feet from street lot lines abutting University Way NE is required for portions of a structure above a height of 45 feet.~~

~~— b. Structures allowed in subsection 23.47A.014.E.1 and 23.47.014.E.2 are allowed in upper level setbacks required in this subsection 23.47A.009.G.3.~~

ACTION 3:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill 119444, Attachment 2, by substituting version 5 for version 4, and by adding a new Map AI.

ACTION 4:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119444, by adding a new Section 124, which adds a new Attachment 3, and renumbering the remaining section accordingly, as shown in the underlined language below:

Section 124. The City Council hereby makes the Findings of Fact in Attachment 3 to this ordinance.

Councilmember Bagshaw left the Council Chamber at 3:50 p.m.

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Councilmember Bagshaw entered the Council Chamber at 3:54 p.m.

Councilmember Mosqueda left the Council Chamber at 4:03 p.m.

Councilmember Mosqueda entered the Council Chamber at 4:05 p.m.

ACTION 5:

Motion was made and duly seconded to pass Council Bill 119444 as amended.

In Favor: 9 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Herbold, Councilmember Johnson,
Councilmember Juarez, Councilmember Mosqueda, Councilmember
O'Brien, Councilmember Sawant

Opposed: 0

3	City Clerk	03/19/2019	submitted for Mayor's signature	Mayor
3	Mayor	03/20/2019	Signed	
3	Mayor	03/20/2019	returned	City Clerk
3	City Clerk	03/20/2019	attested by City Clerk	

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

Notes:

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CITY OF SEATTLE

ORDINANCE 125791

COUNCIL BILL 119444

..title

AN ORDINANCE relating to Mandatory Housing Affordability (MHA); rezoning certain land and modifying development standards throughout the City, implementing MHA requirements, and modifying existing development standards to improve livability; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205, 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map; amending Chapters 23.30, 23.34, 23.44, 23.45, 23.47A, 23.48, 23.50, 23.53, 23.54, 23.58A, 23.58B, 23.58C, 23.58D, 23.71, 23.73, 23.74, 23.76, 23.84A, 23.86, 23.91, 25.05, and 25.11 of the SMC; adding Sections 23.34.006, 23.44.009, 23.44.011, 23.44.017, 23.44.018, 23.44.019, 23.44.020, 23.45.530, 23.48.050, 23.48.340, 23.48.345, 23.48.445, 23.48.900, 23.48.905, 23.48.920, 23.48.940, and 23.48.945 to the SMC; repealing Sections 23.34.026, 23.43.006, 23.43.008, 23.43.010, 23.43.012, 23.43.040, 23.48.425, 23.48.621, 23.48.721, 23.58A.025, 23.58A.026, 23.58A.028, and 23.71.040 of the SMC; recodifying Section 23.44.018 of the SMC as Section 23.44.021; and amending the titles of Chapter 23.45 and Subchapter IV of Chapter 23.58A of the SMC.

..body

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and
WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and
WHEREAS, the HALA Advisory Committee recommended extensive Citywide upzoning of residential and commercial zones and, in connection with such upzones, implementation

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

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

8 WHEREAS, RCW 36.70A.540 authorizes and encourages cities to enact or expand affordable
9 housing incentive programs providing for the development of low-income housing units
10 through development regulations or conditions on rezoning or permit decisions, or both;
11 and

12 WHEREAS, according to RCW 36.70A.540, jurisdictions may establish a minimum amount of
13 affordable housing that must be provided by all residential developments in areas where
14 increased residential development capacity has been provided; and

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

18 WHEREAS, the Countywide Planning Policies provide that jurisdictions may consider a full
19 range of programs, from optional to mandatory, that will assist in meeting the
20 jurisdiction's share of the countywide need for affordable housing; and

21 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
22 36.70A RCW, is to make adequate provision for the housing needs of all economic
23 segments of the City; and

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1 WHEREAS, this ordinance would increase development capacity and implement Mandatory
2 Housing Affordability requirements in urban centers and villages as well as existing
3 multifamily and commercial zones in Seattle; and

4 WHEREAS, increased residential development in the areas in which residential development
5 capacity is being increased by this ordinance will assist in achieving local growth
6 management and housing policies; and

7 WHEREAS, The City of Seattle has determined that the increased residential development
8 capacity can be achieved within the identified area, subject to consideration of other
9 regulatory controls on development; and

10 WHEREAS, this ordinance was informed by over two years of public engagement including
11 over 180 meetings, mailings to over 80,000 households, door-to-door canvassing of over
12 10,000 households, three telephone town halls, a telephone hotline, extensive online
13 dialogue with over 2,000 participants, an email newsletter with a distribution of over
14 4,700 people, and numerous individual comments and letters; NOW, THEREFORE,

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

16 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
17 amended to rezone properties on pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22,
18 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53,
19 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85,
20 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111,
21 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132,
22 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157,
23 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180,

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1 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205,
 2 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map as follows:

3 A. Properties identified for rezones in Maps 1 through 54 as shown on Attachment 1 to
 4 this ordinance are rezoned as shown in those maps.

5 B. Except for:

- 6 • Properties identified to be rezoned in Maps 1 through 54 as shown on
 7 Attachment 1 to this ordinance;
- 8 • Properties identified as excluded from the rezone in Maps A through AE as
 9 shown on Attachment 2 to this ordinance; and
- 10 • Properties in zones with a mandatory housing affordability suffix of (M),
 11 (M1), or (M2) prior to the effective date of this ordinance;

12 the Official Land Use Map is amended as follows:

13 1. All areas designated with a zone shown in Table A for Section 1 are rezoned as
 14 shown in Table A for Section 1.

Table A for Section 1 Standard Zoning Changes	
Existing Zoning	New Zoning
LR1	LR1 (M)
LR2	LR2 (M)
<u>LR2 PUD</u>	LR2 (M)
LR3	LR3 (M)
MR	MR (M)
<u>LR3 PUD</u>	LR3 (M)
MR-85	MR (M)
HR	HR (M)
<u>HR-PUD</u>	HR (M)
C1-30	C1-40 (M)
C2-30	C2-40 (M)
C1-40	C1-55 (M)

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1 3. The rezones in this subsection B shall not remove any existing suffixes other
 2 than height suffixes.

3 Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance
 4 125432, is amended as follows:

5 **23.30.010 Classifications for the purpose of this Subtitle III**

6 A. General zoning designations. The zoning classification of land shall include one of the
 7 designations in this subsection 23.30.010.A. Only in the case of land designated "RC," the
 8 classification shall include both "RC" and one additional multifamily zone designation in this
 9 subsection 23.30.010.A.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
Seattle Mixed-Rainier Beach	SM-RB
Seattle Mixed-University District	SM-U
Seattle Mixed-Uptown	SM-UP
Commercial 1	C1

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Zones	Abbreviated
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

1 B. Suffixes—Height limits, letters, and mandatory housing affordability provisions,
 2 (~~(, and incentive provisions.)~~) The zoning classifications for land subject to some of the
 3 designations in subsection 23.30.010.A include one or more numerical suffixes indicating height
 4 limit(s) or a range of height limits, or one or more letter suffixes indicating certain overlay
 5 districts or designations, or numerical suffixes enclosed in parentheses indicating the application
 6 of incentive zoning provisions, or letter suffixes and letter-with-numerical suffixes enclosed in
 7 parentheses indicating the application of mandatory housing affordability provisions, or any
 8 combination of these. Mandatory housing affordability suffixes include (M), (M1), and (M2). A
 9 letter suffix may be included only in accordance with provisions of this Title 23 expressly
 10 providing for the addition of the suffix. A zoning classification that includes a numerical or letter
 11 suffix or other combinations denotes a different zone than a zoning classification without any
 12 suffix or with additional, fewer, or different suffixes. Except where otherwise specifically stated

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1 in this Title 23 or where the context otherwise clearly requires, each reference in this Title 23 to
2 any zoning designation in subsection 23.30.010.A without a suffix, or with fewer than the
3 maximum possible number of suffixes, includes any zoning classifications created by the
4 addition to that designation of one or more suffixes.

5 Section 3. A new Section 23.34.006 of the Seattle Municipal Code is added to
6 Subchapter I of Chapter 23.34 as follows:

7 **23.34.006 Application of MHA suffixes in Type IV rezones**

8 A. When the Council approves a Type IV amendment to the Official Land Use Map that
9 increases development capacity in an area to which Chapters 23.58B and 23.58C have not
10 previously been applied, the following provisions govern application of Chapters 23.58B and
11 23.58C to the rezoned area through use of a mandatory housing affordability suffix:

12 1. If the rezone is to another zone in the same MHA zone category according to
13 Table A for 23.34.006, the new zone should have a (M) suffix.

14 2. If the rezone is to another zone that is one category higher than the existing
15 zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.

16 3. If the rezone is to another zone that is two or more categories higher than the
17 existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.

Table A for 23.34.006 MHA Zone Categories	
Category Number	Zones
Category 1	Single-family zones
Category 2	LR1, LR2
Category 3	LR3, C or NC zones with a height limit of 30, 40, or 55 feet
Category 4	Zones with height limits greater than 55 feet and equal to or less than 95 feet
Category 5	Zones with heights greater than 95 feet ¹

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**Table A for 23.34.006
MHA Zone Categories**

Category Number	Zones
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Footnote to Table A for 23.34.006

¹ An increase in development capacity of more than 25 percent, but no more than 50 percent, within Category 5 should be treated as a change of a single category. An increase in development capacity of more than 50 percent within Category 5 should be treated as a change of two categories.

1 B. When the Council approves a Type IV amendment to the Official Land Use Map in an
2 area to which Chapters 23.58B and 23.58C have previously been applied through the use of a
3 mandatory housing affordability suffix, the suffix for the new zone shall be determined as
4 follows:

5 1. If the rezone would not increase development capacity or is to another zone in
6 the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not
7 change.

8 2. If the rezone is to another zone that is one category higher than the existing
9 zone according to Table A for 23.34.006, the new zone should:

10 a. Have a (M1) suffix if it currently has an (M) suffix; or

11 b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.

12 3. If the rezone is to another zone that is two or more categories higher than the
13 existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.

14 Section 4. Section 23.34.008 of the Seattle Municipal Code, last amended by Ordinance
15 125173, is amended as follows:

16 **23.34.008 General rezone criteria ((-))**

17 A. To be approved a rezone shall meet the following standards:

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

5 4. In general, height limits greater than ((~~forty (40)~~)) 55 feet should be limited to
6 urban villages. Height limits greater than ((~~forty (40)~~)) 55 feet may be considered outside of
7 urban villages where higher height limits would be consistent with an adopted neighborhood
8 plan, a major institution's adopted master plan, or where the designation would be consistent
9 with the existing built character of the area.

10 F. Impact ((~~Evaluation~~)) evaluation. The evaluation of a proposed rezone shall consider
11 the possible negative and positive impacts on the area proposed for rezone and its surroundings.

12 1. Factors to be examined include, but are not limited to, the following:

- 13 a. Housing, particularly low-income housing;
- 14 b. Public services;
- 15 c. Environmental factors, such as noise, air and water quality, terrestrial
16 and aquatic flora and fauna, glare, odor, shadows, and energy conservation;
- 17 d. Pedestrian safety;
- 18 e. Manufacturing activity;
- 19 f. Employment activity;
- 20 g. Character of areas recognized for architectural or historic value; and
- 21 h. Shoreline view, public access, and recreation.

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1 2. Service ~~((Capacities))~~ capacities. Development which can reasonably be
2 anticipated based on the proposed development potential shall not exceed the service capacities
3 which can reasonably be anticipated in the area, including:

- 4 a. Street access to the area;
- 5 b. Street capacity in the area;
- 6 c. Transit service;
- 7 d. Parking capacity;
- 8 e. Utility and sewer capacity; and
- 9 f. Shoreline navigation.

10 G. Changed ~~((Circumstances))~~ circumstances. Evidence of changed circumstances shall
11 be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the
12 appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited
13 to elements or conditions included in the criteria for the relevant zone and/or overlay
14 designations in this ~~((chapter))~~ Chapter 23.34.

15 H. Overlay ~~((Districts))~~ districts. If the area is located in an overlay district, the purpose
16 and boundaries of the overlay district shall be considered.

17 I. Critical ~~((Areas))~~ areas. If the area is located in or adjacent to a critical area ~~((SMC))~~
18 (Chapter 25.09), the effect of the rezone on the critical area shall be considered.

19 ~~((J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a
20 rezone shall be approved only if one of the following conditions are met:~~

- 21 ~~1. The rezone includes incentive zoning provisions that would authorize the
22 provision of affordable housing equal to or greater than the amount of affordable housing
23 authorized by the existing zone; or~~

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1 2. ~~If the rezone does not include incentive zoning provisions that would authorize~~
2 ~~the provision of affordable housing equal to or greater than the amount of affordable housing~~
3 ~~authorized by the existing zone, an adopted City housing policy or comprehensive plan provision~~
4 ~~identifies the area as not a priority area for affordable housing, or as having an adequate existing~~
5 ~~supply of affordable housing in the immediate vicinity of the area being rezoned.))~~

6 Section 5. Section 23.34.010 of the Seattle Municipal Code, last amended by Ordinance
7 123816, is amended as follows:

8 **23.34.010 Designation of ~~((single-family))~~ SF 5000, SF 7200, and SF 9600 zones**

9 A. Except as provided in ~~((subsections B or C of Section 23.34.010))~~ subsection
10 23.34.010.B, ~~((single-family zoned))~~ areas zoned SF 5000, SF 7200, or SF 9600 may be rezoned
11 to zones more intense than ~~((Single-family))~~ SF 5000 only if the City Council determines that the
12 area does not meet the locational criteria for ~~((single-family designation))~~ SF 5000, SF 7200, or
13 SF 9600 zones.

14 B. Areas zoned ~~((single-family or RSL))~~ SF 5000, SF 7200, or SF 9600 that meet the
15 locational criteria ~~((for single-family zoning))~~ contained in subsections ~~((B of Section~~
16 23.34.011)) 23.34.011.B.1 through 23.34.011.B.3 ~~((and that are located within the adopted~~
17 boundaries of an urban village)) may only be rezoned to zones more intense than ~~((Single-~~
18 family)) SF 5000 if ~~((all of the following conditions are met:))~~ they are located within the
19 adopted boundaries of an urban village, and the rezone is to a zone that is subject to the
20 provisions of Chapter 23.58B and Chapter 23.58C.

21 ~~((1. A neighborhood plan has designated the area as appropriate for the zone~~
22 designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, if applicable;

23 2. The rezone is:

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1 a. To a Residential Small Lot (RSL), Residential Small Lot Tandem
2 (RSL/T), Residential Small Lot Cottage (RSL/C), Residential Small Lot Tandem/Cottage
3 (RSL/TC), Lowrise 1 (LR1), Lowrise 1/Residential Commercial (LR1/RC), or

4 b. Within the areas identified on Map P-1 of the adopted North Beacon
5 Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone
6 with a 30 foot or 40 foot height limit, or

7 c. Within the residential urban village west of Martin Luther King Junior
8 Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a Lowrise 1
9 (LR1) or Lowrise 2 (LR2) zone, or

10 d. Within an urban village and the Comprehensive Plan Future Land Use
11 Map designation is a designation other than Single Family.

12 C. Areas zoned single family within the Northgate Overlay District, established pursuant
13 to Chapter 23.71, that consist of one or more lots and meet the criteria for single family zoning
14 contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a
15 neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this
16 subsection C as areas bounded by street lot lines) in which more than 80 percent of that block is
17 already designated as a neighborhood commercial zone.))

18 Section 6. Section 23.34.011 of the Seattle Municipal Code, last amended by Ordinance
19 122190, is amended as follows:

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1 **23.34.011 ((Single-family)) SF 5000, SF 7200, and SF 9600 zones, function, and locational**
2 **criteria ((-))**

3 A. Function. An area that provides predominantly detached single-family structures on
4 lot sizes compatible with the existing pattern of development and the character of single-family
5 neighborhoods.

6 B. Locational ((Criteria)) criteria. A ((single-family)) SF 5000, SF 7200, or SF 9600 zone
7 designation is most appropriate in areas ((meeting)) that are outside of urban centers and villages
8 and meet the following criteria:

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

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

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

18 a. The construction of single-family structures, not including detached
19 accessory dwelling units, in the last five ((5)) years has been increasing proportionately to the
20 total number of constructions for new uses in the area, or

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

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1 c. The number of existing single-family structures, not including detached
2 accessory dwelling units, has been very stable or increasing in the last five (~~(5)~~) years, or

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

5 C. An area that meets at least one (~~(1)~~) of the locational criteria in subsection (~~(B~~
6 ~~above)~~) 23.34.011.B should also satisfy the following size criteria in order to be designated as a
7 (~~(single-family)~~) SF 5000, SF 7200, or SF 9600 zone:

8 1. The area proposed for rezone should comprise (~~(fifteen (15))~~) 15 contiguous
9 acres or more, or should abut (~~(an)~~) existing (~~(single-family)~~) SF 5000, SF 7200, or SF 9600
10 zones.

11 2. If the area proposed for rezone contains less than (~~(fifteen (15))~~) 15 contiguous
12 acres, and does not abut (~~(an)~~) existing (~~(single-family)~~) SF 5000, SF 7200, or SF 9600 zones,
13 then it should demonstrate strong or stable single-family residential use trends or potentials such
14 as:

15 a. That the construction of single-family structures, not including detached
16 accessory dwelling units, in the last five (~~(5)~~) years has been increasing proportionately to the
17 total number of constructions for new uses in the area, or

18 b. That the number of existing single-family structures, not including
19 detached accessory dwelling units, has been very stable or increasing in the last five (~~(5)~~) years,
20 or

21 c. That the area's location is topographically and environmentally suitable
22 for single-family structures, or

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1 d. That the area shows an increasing number of improvements or
2 rehabilitation efforts to single-family structures, not including detached accessory dwelling units.

3 D. Half-blocks at the edges of ~~((single-family))~~ SF 5000, SF 7200, or SF 9600 zones
4 which have more than ~~((fifty (50)))~~ 50 percent single-family structures, not including detached
5 accessory dwelling units, or portions of blocks on an arterial which have a majority of single-
6 family structures, not including detached accessory dwelling units, shall generally be included.
7 This shall be decided on a case-by-case basis, but the policy is to favor including them.

8 Section 7. Section 23.34.012 of the Seattle Municipal Code, enacted by Ordinance
9 117430, is amended as follows:

10 **23.34.012 Residential Small Lot (RSL) zone, function and locational criteria~~((=))~~**

11 A. Function. An area within an urban village that provides for the development of homes
12 on small lots that may be appropriate and affordable to households with children and other
13 households which might otherwise choose existing detached houses on larger lots.

14 B. Locational ~~((Criteria))~~ criteria. An RSL zone ~~((shall be appropriate only under~~
15 ~~circumstances as provided in Section 23.34.010 B.))~~ is most appropriate in areas generally
16 characterized by the following:

17 1. The area is similar in character to single-family zones;

18 2. The area is located inside an urban center, urban village, or Station Area

19 Overlay District where it would provide opportunities for a diversity of housing types within
20 these denser environments;

21 3. The area is characterized by, or appropriate for, a mix of single-family dwelling
22 units, multifamily structures that are similar in scale to single-family dwelling units, such as

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

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

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

9 6. The area would provide a gradual transition between single-family zoned areas
10 and multifamily or neighborhood commercial zoned areas; and

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

13 Section 8. Section 23.34.024 of the Seattle Municipal Code, last amended by Ordinance
14 123209, is amended as follows:

15 **23.34.024 Midrise (MR) zone, function, and locational criteria ((-))**

16 A. Function. An area that provides concentrations of housing in desirable, pedestrian-
17 oriented urban neighborhoods having convenient access to regional transit stations, where the
18 mix of activity provides convenient access to a full range of residential services and amenities,
19 and opportunities for people to live within walking distance of employment.

20 B. Locational ((Criteria.)) criteria

21 1. Threshold ((Conditions)) conditions. Subject to subsection 23.34.024.B.2, ((of
22 ~~this section,~~)) properties that may be considered for a Midrise designation are limited to the
23 following:

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- 1 a. Properties already zoned Midrise;
- 2 b. Properties in areas already developed predominantly to the intensity
- 3 permitted by the Midrise zone; or
- 4 c. Properties within an urban center or urban village; ~~((; where a~~
- 5 ~~neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that~~
- 6 ~~the area is appropriate for a Midrise zone designation.))~~

7 2. Environmentally ~~((Critical Areas))~~ critical areas. Except as stated in this

8 subsection 23.34.024.B.2, properties designated as environmentally critical may not be rezoned

9 to a Midrise designation, and may remain Midrise only in areas predominantly developed to the

10 intensity of the Midrise zone. The preceding sentence does not apply if the environmentally

11 critical area either:

- 12 ~~((1) was))~~ a. Was created by human activity, or
- 13 ~~((2) is))~~ b. Is a designated peat settlement; ~~((;))~~ liquefaction, seismic, or
- 14 volcanic hazard; ~~((; or))~~ flood-prone area; ~~((;))~~ or abandoned landfill.

15 3. Other ~~((Criteria))~~ criteria. The Midrise zone designation is most appropriate in

16 areas generally characterized by the following:

- 17 a. Properties that are adjacent to business and commercial areas with
- 18 comparable height and bulk;
- 19 b. Properties in areas that are served by major arterials and where frequent
- 20 transit service ~~((is good to excellent))~~ and street capacity could absorb the traffic generated by
- 21 midrise development;
- 22 c. Properties in areas that are in close proximity to major employment
- 23 centers;

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1 d. Properties in areas that are in close proximity to open space and
2 recreational facilities;

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

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

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

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

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

16 Section 9. Section 23.34.026 of the Seattle Municipal Code, last amended by Ordinance
17 117430, is repealed:

18 ~~((23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.~~

19 ~~A. The Midrise/85' (MR/85') is most appropriate in areas generally characterized by the
20 criteria described for a rezone to Midrise in Section 23.34.024.~~

21 ~~B. In addition, the following shall apply to designate an MR zone as Midrise/85':~~

22 ~~1. A neighborhood plan adopted by the City Council shall have designated the
23 area as suitable for Midrise zoning with an eighty five (85) foot height limit; and~~

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1 2. ~~A height of eighty five (85) feet could be accommodated without significantly~~
2 ~~blocking views; and~~

3 3. ~~The development permitted by the zone would not exceed the service capacities~~
4 ~~which exist in the area, including transit service, parking, and sewers; and~~

5 4. ~~A gradual transition in height and scale and level of activity between zones is~~
6 ~~provided unless major physical edges are present. These edges may be the following:~~

7 a. ~~Natural features such as topographic breaks, water bodies and ravines,~~

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

9 ~~tracks;~~

10 c. ~~Street grid and block orientation, or~~

11 d. ~~Significant open space and greenspaces.))~~

12 Section 10. Chapter 23.43 of the Seattle Municipal Code, last amended by Ordinance
13 124592, is repealed:

14 ~~((Chapter 23.43 RESIDENTIAL SMALL LOT~~

15 ~~23.43.006 Residential Small Lot zone, principal uses permitted outright~~

16 ~~The following principal uses are permitted outright in the Residential Small Lot (RSL) zone:~~

17 A. ~~Single family Dwelling Unit on One Lot. The designation RSL without a suffix shall~~
18 ~~indicate that a detached single family dwelling unit on one lot is the only residential structure~~
19 ~~type allowed in the zone.~~

20 B. ~~Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City~~
21 ~~Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached~~
22 ~~single family dwelling units on individual lots, tandem houses are allowed in the zone.~~

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1 C. ~~Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended~~
2 ~~by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition~~
3 ~~to detached single family dwelling units on individual lots, cottage housing developments are~~
4 ~~allowed in the zone.~~

5 D. ~~The designation RSL/TC shall indicate that in addition to detached single family~~
6 ~~dwelling units on individual lots, tandem houses and cottage housing developments are allowed~~
7 ~~in the zone.~~

8 E. ~~Parks and open space, and community gardens.~~

9 **23.43.008 Development standards for one dwelling unit per lot**

10 A. ~~Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand~~
11 ~~five hundred (2,500) square feet.~~

12 B. ~~Height Limit and Roof Pitch. The basic height limit shall be twenty five (25) feet. The~~
13 ~~ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the~~
14 ~~height limit to thirty (30) feet. All parts of the roof above twenty five (25) feet shall be pitched.~~

15 C. ~~Structure Depth. The depth of any structure shall not exceed sixty (60) feet. Decks,~~
16 ~~balconies, and bay windows shall be excluded from measurement for the purposes of this~~
17 ~~provision.~~

18 D. ~~Yards and setbacks~~

19 1. ~~Front and rear yards~~

20 a. ~~The sum of the front yard plus the rear yard shall be a minimum of 30~~
21 ~~feet.~~

22 b. ~~In no case shall either yard have a depth of less than 10 feet.~~

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1 e. ~~If recommended in a neighborhood plan adopted or amended by the~~
2 ~~City Council after January 1, 1995, an ordinance designating an area as RSL may require front~~
3 ~~and/or rear yards greater than 10 feet, provided that the requirement of subsection~~
4 ~~23.43.008.D.1.a shall not be increased or decreased, and the requirement of subsection~~
5 ~~23.43.008.D.1.b shall not be reduced.~~

6 2. ~~Side setbacks. The required minimum side setback is 5 feet. The side setback~~
7 ~~may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:~~

8 a. ~~Street side setbacks shall be a minimum of 5 feet.~~

9 b. ~~If an easement is provided along a side lot line of the abutting lot~~
10 ~~sufficient to leave a 10 foot separation between the two principal structures of the two lots, the~~
11 ~~required side setback may be reduced from the requirement of subsection 23.43.008.D.2. The~~
12 ~~easement shall be recorded with the King County Department of Records and Elections. The~~
13 ~~easement shall provide access for normal maintenance activities to the principal structure on the~~
14 ~~lot with less than the required side setback. No principal structure shall be located in the~~
15 ~~easement area, except that the eaves of a principal structure may project a maximum of 18 inches~~
16 ~~into the easement area. No portion of any structure, including eaves, shall cross the property line.~~

17 3. ~~Exceptions from standard yard and setback requirements. The following parts~~
18 ~~of structures may project into a required yard or setback, provided that the applicable restrictions~~
19 ~~in subsections 23.43.008.D.3 and 23.43.008.D.4 are met:~~

20 a. ~~Uncovered porches or steps. Uncovered, unenclosed porches or~~
21 ~~uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are~~
22 ~~no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot~~

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1 ~~line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The~~
2 ~~heights of porches and steps are to be calculated separately.~~

3 ~~b. Certain features of a structure~~

4 ~~1) External architectural features with no living area, such as~~
5 ~~chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard~~
6 ~~or setback.~~

7 ~~2) Bay windows that are no wider than 8 feet and project no more~~
8 ~~than 2 feet into a required front or rear yard or street side setback.~~

9 ~~3) Other external architectural features that include interior space~~
10 ~~such as garden windows, and project no more than 18 inches into a required yard or setback,~~
11 ~~starting a minimum of 30 inches above the height of a finished floor, and with maximum~~
12 ~~dimensions of 6 feet in height and 8 feet in width.~~

13 ~~c. A structure may be permitted to extend into front and rear yards as~~
14 ~~necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section~~
15 ~~25.11.060.~~

16 ~~d. Above grade green stormwater infrastructure (GSI) features are allowed~~
17 ~~without yard or setback restrictions if:~~

18 ~~1) Each above grade GSI feature is less than 4.5 feet tall,~~
19 ~~excluding piping;~~

20 ~~2) Each above grade GSI feature is less than 4 feet wide; and~~

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

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1 e. Above-grade GSI features larger than what is allowed in subsection

2 ~~23.43.008.D.3.d~~ are allowed within a required yard or setback if:

3 1) Above-grade GSI features do not exceed 10 percent coverage of
4 any one yard or setback area;

5 2) No portion of an above-grade GSI feature is located closer than
6 2.5 feet from a side lot line; and

7 3) No portion of an above-grade GSI feature projects more than 5
8 feet into a front or rear setback area.

9 4. Limit on features on a façade. The combined area of features that project into a
10 required yard or setback pursuant to subsection 23.43.008.D.3.b may not exceed 30 percent of
11 the area of the facade on which the features are located.

12 E. Parking.

13 1. One (1) parking space per dwelling unit shall be required as provided for
14 single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-
15 street Parking.

16 2. Access. Access to parking shall be from the alley when the property abuts a
17 platted alley improved to the standards of subsection C of Section 23.53.030, Alley
18 improvements in all zones, or when the Director determines that alley access is feasible and
19 desirable to mitigate parking access impacts.

20 3. Location.

21 a. Parking shall be located on the same lot as the principal structure.

22 b. Parking may be in or under a structure, or outside a structure, provided

23 that:

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1 ~~(1) Parking shall not be located in the front yard;~~

2 ~~(2) Parking shall not be located in a side setback abutting a street~~

3 ~~or in the first ten (10) feet of a rear yard abutting a street.~~

4 **~~23.43.010 Tandem housing~~**

5 ~~A. Density and Minimum Lot Area.~~

6 ~~1. The maximum density shall be one (1) dwelling unit per two thousand five~~
7 ~~hundred (2,500) square feet of lot area.~~

8 ~~2. A maximum of two (2) residential structures may be located on a lot used for~~
9 ~~tandem houses.~~

10 ~~3. The minimum lot area for tandem houses shall be five thousand (5,000) square~~
11 ~~feet.~~

12 ~~4. Accessory dwelling units shall not be permitted on a lot containing tandem~~
13 ~~houses.~~

14 ~~B. Height Limit and Roof Pitch.~~

15 ~~1. The basic height limit for new principal structures shall be eighteen (18) feet.~~
16 ~~Existing structures may remain and be expanded, provided that new portions of the structure~~
17 ~~shall not exceed the height limits of this subsection.~~

18 ~~2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may~~
19 ~~extend up to twenty eight (28) feet. The ridge of pitched roofs with a minimum slope of four to~~
20 ~~twelve (4:12) may extend up to twenty three (23) feet. All parts of the roof above eighteen (18)~~
21 ~~feet shall be pitched at the required slope.~~

22 ~~C. Yards and setbacks~~

23 ~~1. Front Yard. The front yard is required to be a minimum of 10 feet.~~

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1 2. Interior Separation between Tandem Houses. The interior separation between
2 the residential structures is required to be a minimum of 10 feet.

3 3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing
4 tandem houses shall be a minimum of 10 feet. Where a platted developed alley exists, this rear
5 yard requirement does not apply.

6 4. Total Combined Yards. The total of the front yard, rear yard (if any), and the
7 interior separation is required to be a minimum of 35 feet.

8 5. Modification of Front and Rear Yards. If recommended in a neighborhood plan
9 adopted or amended by the City Council after January 1, 1995, an ordinance designating an area
10 as RSL may require front and/or rear yard setbacks greater than 10 feet (except for rear yards
11 where platted and developed alleys exist), subject to the provisions of subsections 23.43.010.C.1,
12 C.2, C.3, and C.4, and provided that the required total combined yards does not exceed 35 feet.

13 6. Side Setbacks. The required minimum side setback is 5 feet. The side setback
14 may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:

15 a. Street side setbacks is required to be a minimum of 5 feet.

16 b. If an easement is provided along a side lot line of the abutting lot
17 sufficient to leave a 10 foot separation between the two principal structures of the two lots, the
18 required side setback may be reduced from the requirement of Section 23.43.010.C.6. The
19 easement shall be recorded with the King County Department of Records and Elections. The
20 easement shall provide access for normal maintenance activities on the principal structure on the
21 lot with less than the required side setback. No principal structure shall be located in the
22 easement area, except that eaves of a principal structure may project a maximum of 18 inches
23 into the easement area. No portion of any structure, including eaves shall cross the property line.

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1 7. ~~Exceptions from standard yard, setback and interior separation requirements.~~

2 For all developments, ~~only structures that comply with the following may project into a required~~
3 ~~yard, setback or interior separation:~~

4 a. ~~Uncovered porches or steps. Uncovered, unenclosed porches or~~
5 ~~uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are~~
6 ~~no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line,~~
7 ~~no wider than 6 feet, and project no more than 6 feet into a required front or rear yard, and no~~
8 ~~more than 3 feet into the interior separation between residential structures. The heights of~~
9 ~~porches and steps are to be calculated separately.~~

10 b. ~~Certain features of a structure~~

11 1) ~~External architectural features with no living area such as~~
12 ~~chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard,~~
13 ~~setback or interior separation between residential structures;~~

14 2) ~~Bay windows that are no wider than 8 feet in width and project~~
15 ~~no more than 2 feet into a required front or rear yard or street side setback;~~

16 3) ~~Other external architectural features that include interior space~~
17 ~~such as garden windows, and project no more than 18 inches into a required yard, setback, or~~
18 ~~interior separation between residential structures starting a minimum of 30 inches above the~~
19 ~~height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;~~

20 4) ~~The combined area of features that project into a required yard,~~
21 ~~setback or interior separation between residential structures pursuant to subsection 23.43.010.~~
22 ~~C.7.b may comprise no more than 30 percent of the area of the facade on which the features are~~
23 ~~located.~~

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1 e. ~~A structure may be permitted to extend into front and rear yards as~~
2 ~~necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section~~
3 ~~25.11.060.~~

4 d. ~~Above-grade green stormwater infrastructure (GSI) features are allowed~~
5 ~~without yard, setback, or interior separation restrictions if:~~

6 1) ~~Each above-grade GSI feature is less than 4.5 feet tall,~~
7 ~~excluding piping;~~

8 2) ~~Each above-grade GSI feature is less than 4 feet wide; and~~

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

11 e. ~~Above-grade GSI features larger than what is allowed in subsection~~
12 ~~23.43.010.C.7.d are allowed within a required yard, setback, or interior separation if:~~

13 1) ~~Above-grade GSI features do not exceed 10 percent coverage of~~
14 ~~any one yard, setback, or interior separation area;~~

15 2) ~~No portion of an above-grade GSI feature is located closer than~~
16 ~~2.5 feet from a side lot line; and~~

17 3) ~~No portion of an above-grade GSI feature projects more than 5~~
18 ~~feet into a front or rear setback area.~~

19 D. ~~Lot Coverage. The maximum lot coverage shall be fifty (50) percent, subject to the~~
20 ~~exceptions noted in Section 23.44.010 D.~~

21 E. ~~Parking.~~

22 1. ~~One (1) parking space per dwelling unit shall be required, as provided for~~
23 ~~single-family structures in Chapter 23.54.~~

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1 ~~2. Access. Access to parking shall be from the alley when the property abuts a~~
2 ~~platted alley improved to the standards of subsection C of Section 23.53.030, Alley~~
3 ~~improvements in all zones, or when the Director determines that alley access is feasible and~~
4 ~~desirable to mitigate parking access impacts.~~

5 ~~3. Location:~~

6 ~~a. Parking shall be located on the same lot as the tandem houses.~~

7 ~~b. Parking may be in or under a structure, or outside a structure, provided~~

8 ~~that:~~

9 ~~(1) Parking shall not be located in the front yard;~~

10 ~~(2) Parking shall not be located in a side setback abutting a street~~
11 ~~or the first ten (10) feet of a rear yard abutting a street.~~

12 ~~F. Pedestrian Access to Public Right of way. There shall be an area of no less than ten~~
13 ~~(10) feet in width between each dwelling unit and a street or platted and developed alley. This~~
14 ~~access may be a driveway and/or cross any required yards.~~

15 **~~23.43.012 Cottage Housing Developments (CHDs)~~**

16 ~~A. Accessory dwelling units shall not be permitted in cottage housing developments.~~

17 ~~B. Density and Minimum Lot Area.~~

18 ~~1. In cottage housing developments (CHDs), the permitted density shall be one (1)~~
19 ~~dwelling unit per one thousand six hundred (1,600) square feet of lot area.~~

20 ~~2. Cottage housing developments shall contain a minimum of four (4) cottages~~
21 ~~arranged on at least two (2) sides of a common open space, with a maximum of twelve (12)~~
22 ~~cottages per development.~~

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1 3. ~~The minimum lot area for a cottage housing development shall be six thousand~~
2 ~~four hundred (6,400) square feet.~~

3 4. ~~On a lot to be used for a cottage housing development, existing detached~~
4 ~~single family residential structures, which may be nonconforming with respect to the standards~~
5 ~~of this section, shall be permitted to remain, but the extent of the nonconformity may not be~~
6 ~~increased.~~

7 C. Height Limit and Roof Pitch.

8 1. ~~The height limit permitted for structures in cottage housing developments shall~~
9 ~~be eighteen (18) feet.~~

10 2. ~~The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may~~
11 ~~extend up to twenty eight (28) feet. The ridge of pitched roofs with a minimum slope of four to~~
12 ~~twelve (4:12) may extend up to twenty three (23) feet. All parts of the roof above eighteen (18)~~
13 ~~feet shall be pitched.~~

14 D. Lot Coverage and Floor Area.

15 1. ~~The maximum lot coverage permitted for principal and accessory structures in~~
16 ~~cottage housing developments shall not exceed forty (40) percent.~~

17 2. ~~The lot coverage for an individual principal structure in a cottage housing~~
18 ~~development shall not exceed six hundred fifty (650) square feet.~~

19 3. ~~The total floor area of each cottage shall not exceed either 1.5 times the area of~~
20 ~~the main level or nine hundred seventy five (975) square feet, whichever is less. Enclosed space~~
21 ~~in a cottage located either above the main level and more than twelve (12) feet above finished~~
22 ~~grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed~~
23 ~~space of the main level, or three hundred seventy five (375) square feet, whichever is less. This~~

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1 ~~restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not~~
2 ~~apply to attic or crawl spaces.~~

3 ~~E. Yards and setbacks~~

4 ~~1. Front Setback. The minimum front setback for cottage housing developments is~~
5 ~~an average of 10 feet, and at no point shall it be less than 5 feet.~~

6 ~~2. Rear Yards. The rear yard for a cottage housing development shall be 10 feet.~~

7 ~~3. Side Yards. The side yard for a cottage housing development shall be 5 feet. If~~
8 ~~there is a principal entrance along a side facade, the side yard shall be no less than 10 feet along~~
9 ~~that side for the length of the pedestrian route. This 10-foot side yard requirement applies only to~~
10 ~~a height of 8 feet above the access route.~~

11 ~~4. Interior Separation. A minimum separation of 6 feet is required between~~
12 ~~principal structures. Facades of principal structures facing facades of accessory structures shall~~
13 ~~be separated by a minimum of 3 feet. If there is a principal entrance on an interior facade of~~
14 ~~either or both of the facing facades, the minimum separation shall be 10 feet.~~

15 ~~5. Exceptions from standard yard, setback and interior separation requirements.~~
16 ~~For all developments, only structures that comply with the following may project into a required~~
17 ~~yard, setback or interior separation:~~

18 ~~a. Uncovered porches or steps. Uncovered, unenclosed porches or~~
19 ~~uncovered, unenclosed steps that project into a required front setback, a side or a rear yard, if the~~
20 ~~porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to~~
21 ~~any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front~~
22 ~~setback or rear yard. The heights of porches and steps are to be calculated separately. If an~~
23 ~~interior separation of 10 feet is required pursuant to subsection 23.43.012.E.4, uncovered,~~

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1 ~~unenclosed steps no higher than 4 feet on average above existing grade may project up to 3 feet~~
2 ~~into the interior separation. If an interior separation of 6 feet or less is required, porches and steps~~
3 ~~may not project into the interior separation.~~

4 ~~b. Certain features of a structure~~

5 ~~1) External architectural features with no living area such as~~
6 ~~chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard~~
7 ~~or into a required interior separation between structures;~~

8 ~~2) Bay windows that are no wider than 8 feet and project no more~~
9 ~~than 2 feet into a required front setback or rear yard;~~

10 ~~3) Other external architectural features that include interior space~~
11 ~~such as garden windows, and project no more than 18 inches into a required front setback or rear~~
12 ~~yard, starting a minimum of 30 inches above the height of a finished floor, and with maximum~~
13 ~~dimensions of 6 feet in height and 8 feet in width;~~

14 ~~4) The combined area of features that project into a required yard~~
15 ~~or interior separation pursuant to subsection 23.43.012.E.5.b may comprise no more than 30~~
16 ~~percent of the area of the facade on which the features are located.~~

17 ~~e. A structure may be permitted to extend into front setbacks and rear~~
18 ~~yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to~~
19 ~~Section 25.11.060.~~

20 ~~d. Above grade green stormwater infrastructure (GSI) features are allowed~~
21 ~~without yard, setback, or interior separation restrictions if:~~

22 ~~1) Each above grade GSI feature is less than 4.5 feet tall,~~
23 ~~excluding piping;~~

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1 ~~(4) Parking may be located between any structure and the rear lot~~
2 ~~line of the lot, or between any structure and a side lot line which is not a street side lot line.~~

3 **~~23.43.040 Accessory uses and structures~~**

4 ~~A. Accessory structures shall be permitted in the RSL zone under the following~~
5 ~~conditions:~~

6 ~~1. New garages are subject to the yard and setback requirements of subsection~~
7 ~~23.43.008.D when accessory to one detached structure per lot, of subsection 23.43.010.C when~~
8 ~~accessory to tandem houses, and of subsection 23.43.040.E when accessory to cottage housing.~~

9 ~~2. When converted to principal use in tandem house developments, garages are~~
10 ~~subject to the development standards for tandem house principal structures.~~

11 ~~3. Garages are limited to a height of 12 feet as measured on the facade containing~~
12 ~~the entrance for the vehicle.~~

13 ~~4. Accessory structures other than garages are limited to 12 feet in height.~~

14 ~~B. Solar Collectors and Solariums. Solar collectors are permitted outright as an accessory~~
15 ~~use to any principal use. Exceptions to certain development standards in this Chapter 23.43 are~~
16 ~~allowed for solar collectors and solariums, as set forth in this subsection 23.43.040.B, subject to~~
17 ~~the following standards:~~

18 ~~1. Solar collectors, including solar greenhouses, that meet minimum standards and~~
19 ~~maximum size limits as determined by the Director shall not be counted in lot coverage.~~

20 ~~2. Solar collectors, except solar greenhouses attached to principal structures, may~~
21 ~~exceed the height limits of the RSL zone by 4 feet or extend 4 feet above the ridge of a pitched~~
22 ~~roof. However, the total height from existing grade to the top of the solar collector may not~~
23 ~~extend more than 9 feet above the height limit established for the zone. A solar collector which~~

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1 ~~exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar~~
2 ~~collector or property to the north on January 21st, at noon, any more than would a structure built~~
3 ~~to the maximum permitted height and bulk.~~

4 ~~3. Solar collectors and solar greenhouses meeting minimum written energy~~
5 ~~conservation standards administered by the Director may be located in required yards according~~
6 ~~to the following conditions:~~

- 7 ~~a. In a side yard, no closer than 3 feet from the side lot line; or~~
8 ~~b. In a rear yard, no closer than 15 feet from the rear lot line unless the~~
9 ~~rear lot line abuts an alley, in which case the solar collector shall be at least 10 feet from the~~
10 ~~centerline of the alley.~~

11 ~~4. In a front yard, solar greenhouses meeting minimum written energy~~
12 ~~conservation standards administered by the Director and solariums, in each case that are~~
13 ~~integrated with the principal structure and have a maximum height of 12 feet, may extend up to 6~~
14 ~~feet into the front yard, but no closer than 5 feet from the lot line.~~

15 ~~C. Home Occupations. Home occupations are regulated by Section 23.42.050.~~

16 ~~D. Common Structures in Cottage Housing Developments. Shared structures that are~~
17 ~~used by the occupants of more than one dwelling unit are allowed. Such structures may include~~
18 ~~meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping~~
19 ~~quarters or bathing facilities.~~

20 ~~E. Urban farms are regulated by Section 23.42.051. Urban farms with not more than~~
21 ~~4,000 square feet of planting area are permitted outright as an accessory use to any principal use~~
22 ~~that is permitted outright or allowed by conditional use permit. Urban farms with more than~~
23 ~~4,000 square feet in planting area may be allowed by conditional use permit as an accessory use~~

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1 ~~to any principal use that is permitted outright or allowed by conditional use permit. The Director~~
2 ~~may grant, condition, or deny a conditional use permit for an urban farm in accordance with the~~
3 ~~provisions in Section 23.42.051 and Section 23.42.042.~~

4 ~~F. Transitional encampments accessory use. Transitional encampments accessory to~~
5 ~~religious facilities or to principal uses located on property owned or controlled by a religious~~
6 ~~organization are regulated by Section 23.42.054.)~~

7 Section 11. Section 23.44.002 of the Seattle Municipal Code, last amended by Ordinance
8 120928, is amended as follows:

9 **23.44.002 ((Applicability)) Scope of provisions ((-))**

10 ~~((This chapter details those authorized uses and their development standards which are or may be~~
11 ~~permitted in the three (3) single family residential zones: SF 9600, SF 7200 and SF 5000.~~

12 ~~Communication utilities and accessory communication devices except as exempted in Section~~
13 ~~23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter~~
14 ~~23.57.)~~

15 A. This Chapter 23.44 establishes regulations for the following single-family zones: RSL,
16 SF 5000, SF 7200, and SF 9600 zones.

17 B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay
18 Districts, of this Title 23 in addition to the standards of this Chapter 23.44.

19 C. Other regulations, including but not limited to general use provisions (Chapter 23.42);
20 requirements for streets, alleys, and easements (Chapter 23.53); standards for parking quantity,
21 access, and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); sign
22 regulations (Chapter 23.55); communication regulations (Chapter 23.57); and methods for
23 measurements (Chapter 23.86) may apply to development proposals.

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1 Section 12. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.44.006 Principal uses permitted outright**

4 The following principal uses are permitted outright in single-family zones:

5 A. Single-family (~~(Dwelling Unit)~~) dwelling unit. (~~(One single family dwelling unit per~~
6 ~~lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041,~~
7 ~~and except as approved as part of an administrative conditional use permit under Section~~
8 ~~25.09.260;)~~)

9 B. In RSL zones, apartments, carriage houses, cottage housing development, rowhouse
10 development, and townhouse developments;

11 (~~(B)~~) C. Floating (~~(Homes)~~) homes, subject to the requirements of Chapter 23.60A;

12 (~~(C)~~) D. Parks and open space, and community gardens;

13 (~~(D)~~) E. Existing railroad right-of-way;

14 (~~(E)~~) F. Public (~~(Schools Meeting Development Standards)~~) schools meeting
15 development standards. (~~(In all single family zones, new)~~) New public schools or additions to
16 existing public schools, and accessory uses including child care centers, subject to the special
17 development standards and departures from standards contained in (~~(Section)~~) Chapter 23.51B,
18 except that departures from development standards may be permitted or required pursuant to
19 procedures and criteria established in Chapter 23.79;

20 (~~(F)~~) G. Uses in existing or former public schools:

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

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1 public schools, provided that any new children's play equipment or active play area associated
2 with the use shall be located at least 30 feet from any other lot in a single-family zone, and at
3 least 20 feet from any other lot in any other residential zone.

4 2. Other non-school uses in existing or former public schools, if permitted
5 pursuant to procedures established in Chapter 23.78.

6 3. Additions to existing public schools only when the proposed use of the addition
7 is a public school;

8 ((G)) H. Nursing ((Homes)) homes. Nursing homes meeting the development standards
9 of this Chapter 23.44, and limited to eight or fewer residents;

10 ((H)) I. Adult ((Family Homes)) family homes. Adult family homes, as defined and
11 licensed by the state of Washington;

12 ((F)) J. Commercially operating horse farms in existence before July 1, 2000, on lots
13 greater than ((10)) ten acres, conforming to the limits on the number and location of farm
14 animals and structures containing them set forth in Section 23.42.052.

15 Section 13. Subsection 23.44.008.I of the Seattle Municipal Code, which section was last
16 amended by Ordinance 125603, is amended as follows:

17 **23.44.008 Development standards for uses permitted outright**

18 * * *

19 ~~((I. Tree Requirements.~~

20 ~~1. Trees are required when single family dwelling units are constructed. The~~
21 ~~minimum number of caliper inches of tree required per lot may be met by using either the tree~~
22 ~~preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or~~
23 ~~by a combination of preservation and planting. This requirement may be met by planting or~~

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1 ~~preserving street trees in the public right of way. Submerged land shall not be included in~~
2 ~~calculating lot area for purposes of either the tree preservation option or tree planting option.~~

3 a. ~~Tree Preservation Option. For lots over 3,000 square feet, at least 2~~
4 ~~caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are~~
5 ~~3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot.~~

6 ~~When this option is used, a tree preservation plan is required.~~

7 b. ~~Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper~~
8 ~~inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet~~
9 ~~or smaller, at least 3 caliper inches of tree must be planted per lot.~~

10 2. ~~Tree Measurements. Trees planted to meet the requirements in subsection~~
11 ~~23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be~~
12 ~~measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet~~
13 ~~above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1~~
14 ~~inch toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is~~
15 ~~more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3~~
16 ~~inches toward meeting the tree requirement.~~

17 3. ~~Tree Preservation Plans. If the tree preservation option is chosen, a tree~~
18 ~~preservation plan must be submitted and approved. Tree preservation plans shall provide for~~
19 ~~protection of trees during construction according to standards promulgated by the Director.))~~

20 Section 14. A new Section 23.44.009 of the Seattle Municipal Code is added as follows:

21 **23.44.009 Mandatory Housing Affordability in RSL zones**

22 RSL zones that have a mandatory housing affordability suffix are subject to the provisions of

23 Chapters 23.58B and 23.58C.

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1 Section 15. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.44.010 ((Lot requirements)) Minimum lot area and lot coverage**

4 A. Minimum lot area. The minimum lot area in single-family zones shall be as provided
5 in Table A for 23.44.010:

Table A for 23.44.010	
Minimum lot area	
((SF zone)) <u>Zone</u>	Minimum lot area required
SF 9600	9,600 square feet ((sq. ft.))
SF 7200	7,200 ((sq. ft.)) <u>square feet</u>
SF 5000	5,000 ((sq. ft.)) <u>square feet</u>
RSL	No minimum lot area ¹
<u>Footnote to Table A for 23.44.010</u>	
¹ In RSL zones, there is no minimum lot area; however, the maximum number of dwelling units on a lot is limited by the density limits in subsection 23.44.017.B.	

6 Submerged lands shall not be counted in calculating the area of lots for the purpose of
7 these minimum lot area requirements, or the exceptions to minimum lot area requirements
8 provided in this Section 23.44.010. A parcel that does not meet the minimum lot area
9 requirements or exceptions of this Section 23.44.010, and that is in common ownership with an
10 abutting lot when the abutting lot is the subject of any permit application, shall be included as a
11 part of the abutting lot for purposes of the permit application.

12 B. Exceptions to minimum lot area requirements. The following exceptions to minimum
13 lot area requirements are allowed in SF 5000, SF 7200, and SF 9600 zones, subject to the
14 requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection
15 23.44.010.B.3 for any lot less than 3,200 square feet in area:

16 1. A lot that does not satisfy the minimum lot area requirements of its zone may
17 be developed or redeveloped under one of the following circumstances:

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1 a. "The Seventy-Five/Eighty Rule." The Seventy-Five/Eighty Rule
2 exception may be applied to allow separate development of lots already in existence in their
3 current configuration, or new lots resulting from a full subdivision, short subdivision, or lot
4 boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75
5 percent of the minimum required for the zone and also at least 80 percent of the mean area of the
6 lots within the same block front, subject to the following provisions:

7 1) To be counted as a separate lot for the purposes of calculating
8 the mean area of the lots on a block front, a lot must be entirely within a single-family zone, and
9 must be currently developed as a separate building site or else currently qualify for separate
10 development based on facts in existence as of the date a building permit, full or short
11 subdivision, or lot boundary adjustment application is filed with the Department. The existence
12 of structures or portions of structures on the property that is the subject of the application may be
13 disregarded when the application indicates the structures or portions of structures will be
14 demolished. In cases where this exception is applied for the purpose of a lot boundary
15 adjustment, the calculation shall be based on the existing lots as they are configured before the
16 adjustment.

17 2) To be counted as a separate lot for the purposes of calculating
18 the mean area of the lots on a block front, a lot must have at least 10 feet of frontage on the street
19 the calculation is applied to.

20 3) Lots developed with institutional uses, parks, or nonconforming
21 ~~((nonresidential))~~ non-residential uses may be excluded from the calculation. There must,
22 however, be at least one lot on the block front used for the calculation other than the property

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1 that is the subject of the platting, lot boundary adjustment, or building permit application that this
2 exception is being applied to.

3 4) If property is to be subdivided or its lot lines are modified by a
4 lot boundary adjustment that increases the number of lots that qualify for separate development,
5 the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall
6 be excluded from the block front mean area calculation.

7 5) For purposes of this subsection 23.44.010.B.1.a, if the platting
8 pattern is irregular, the Director will determine which lots are included within a block front.

9 6) If an existing or proposed lot has frontage on more than one
10 street, the lot may qualify for this exception based on the calculation being applied to any street
11 on which the lot has at least 30 feet of frontage. If a proposed lot has frontage on multiple streets
12 but does not have 30 feet of frontage on any street, the exception may be applied based on the
13 calculation along the street on which the lot has the most frontage, provided the lot has at least
14 10 feet of frontage on that street. If the lot has less than 30 feet of frontage on any one street but
15 equal frontage on multiple streets, the rule may be applied based on the calculation along any
16 one of the streets, provided the lot has at least 10 feet of frontage on that street.

17 7) New lots created pursuant to subsection 23.44.010.B.1.a shall
18 comply with the following standards:

19 a) For a lot that is subdivided or short platted, the
20 configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the
21 modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

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1 b) For an existing lot that is reconfigured under the
2 provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with
3 the modification provisions of subsection 23.28.030.A.4.

4 b. The lot area deficit is the result of a dedication or sale of a portion of the
5 lot to the City or state for street or highway purposes, payment was received for only that portion
6 of the lot, and the lot area remaining is at least 2,500 square feet.

7 c. The lot would qualify as a legal building site under subsection
8 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the
9 amount by which the lot was so reduced was less than ten percent of the former area of the lot.
10 This exception does not apply to lots reduced to less than 2,500 square feet.

11 d. ((~~"~~)) The ((~~Historic Lot Exception."~~)) historic lot exception. The
12 historic lot exception may be applied to allow separate development of lots already in existence
13 if the lot has an area of at least 2,500 square feet, and was established as a separate building site
14 in the public records of the county or City prior to July 24, 1957, by deed, platting, or building
15 permit. The qualifying lot shall be subject to the following provisions:

16 1) A lot is considered to have been established as a separate
17 building site by deed if the lot was held under separate ownership from all abutting lots for at
18 least one year after the date the recorded deed transferred ownership.

19 2) If two contiguous lots have been held in common ownership at
20 any time after January 18, 1987, and a principal structure extends onto or over both lots, neither
21 lot qualifies for the exception. If the principal structure does not extend onto or over both lots,
22 but both lots were required to meet development standards other than parking requirements in
23 effect at the time the structure was built or expanded, neither lot qualifies for the exception

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1 unless the vacant lot is not needed to meet current development standards other than parking
2 requirements. If the combined property fronts on multiple streets, the orientation of the principal
3 structure shall not be considered when determining if it could have been built to the same
4 configuration without using the vacant lot or lots as part of the principal structure's building site.

5 3) Lots that do not otherwise qualify for this exception cannot
6 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act
7 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of
8 removing from the principal structure minor features that do not contain enclosed interior space,
9 including but not limited to eaves and unenclosed decks.

10 4) If parking for an existing principal structure on one lot has been
11 provided on an abutting lot and parking is required under Chapter 23.54 the required parking for
12 the existing house shall be relocated onto the same lot as the existing principal structure in order
13 for either lot to qualify for the exception.

14 e. The lot is within a clustered housing planned development pursuant to
15 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a
16 development approved as an environmentally critical areas conditional use pursuant to Section
17 25.09.260.

18 f. If a lot qualifies for an exception to the lot area requirement under
19 subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or
20 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that
21 also qualify for separate development may be adjusted through the lot boundary adjustment
22 process if the adjustment maintains the existing lot areas, increases the area of a qualifying
23 substandard lot without reducing another lot below the minimum permitted lot area, or causes the

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1 areas of the lots to become more equal provided the number of parcels qualifying for separate
2 development is not increased. ~~((Lots resulting from a lot boundary adjustment that do not meet
3 the minimum lot area requirement must qualify for an exception to that requirement.))~~

4 2. Limitations

5 a. Development may occur on a substandard lot containing a riparian
6 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the
7 provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat
8 described in Section 23.60A.160, only if one of the following conditions ~~((apply))~~ applies:

9 1) The substandard lot is not held in common ownership with an
10 abutting lot or lots at any time after October 31, 1992, or

11 2) The substandard lot is held in common ownership with an
12 abutting lot or lots, or has been held in common ownership at any time after October 31, 1992, if
13 proposed and future development will not intrude into the environmentally critical area or buffer
14 or priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

15 b. Lots on totally submerged lands do not qualify for any minimum lot
16 area exceptions.

17 3. Special exception review for lots less than 3,200 square feet in area. A special
18 exception Type II review as provided for in Section 23.76.004 is required for separate
19 development of any lot with an area less than 3,200 square feet that qualifies for any lot area
20 exception in subsection 23.44.010.B.1. The special exception application shall be subject to the
21 following provisions:

22 a. The depth of any structure on the lot shall not exceed two times the
23 width of the lot. If a side yard easement is provided according to subsection ~~((23.44.014.D.3))~~

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1 23.44.014.C.3, the portion of the easement within 5 feet of the structure on the lot qualifying
2 under this ((provision)) subsection 23.44.010.B.3 may be treated as a part of that lot solely for
3 the purpose of determining the lot width for purposes of complying with this subsection
4 23.44.010.B.3.a.

5 b. Windows in a proposed principal structure facing an existing abutting
6 lot that is developed with a house shall be placed in manner that takes into consideration the
7 interior privacy in abutting houses, provided that this ((provision)) subsection 23.44.010.B.3.b
8 shall not prohibit placing a window in any room of the proposed house.

9 c. In approving a special exception review, additional conditions may be
10 imposed that address window placement to address interior privacy of existing abutting houses.

11 C. Maximum lot coverage ((-))

12 1. The maximum lot coverage permitted for principal and accessory structures is
13 as provided in Table B for 23.44.010, ((÷))

Table B for 23.44.010 Maximum lot coverage		
Zone	Lot size	Maximum lot coverage
SF 5000, SF 7200, and SF 9600	Less than 5,000 square feet ((sq. ft.))	1,000 ((sq. ft.)) square feet plus 15 percent of lot area
	5,000 ((sq. ft.)) square feet or more	35 percent of lot area
RSL	All lots	50 percent of lot area

14 2. For purposes of computing maximum lot coverage, only those portions of a lot
15 that measure at least 10 feet in all directions shall be included in lot coverage calculations, except
16 for portions of a lot that are used for access or that are granted a waiver under subsections
17 23.22.100.D, 23.24.040.B, or 23.28.030.A.4 for the purpose of providing access.

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1 D. Lot coverage exceptions

2 1. Lots abutting alleys. For purposes of computing the lot coverage only:

3 a. The area of a lot with an alley or alleys abutting any lot line may be
4 increased by one-half of the width of the abutting alley or alleys.

5 b. The total lot area for any lot may not be increased by the provisions of
6 this Section 23.44.010 by more than ten percent.

7 2. Special structures and portions of structures. The following structures and
8 portions of structures are not counted in lot coverage calculations:

9 a. Access bridges ((-))

10 1) Uncovered, unenclosed pedestrian bridges 5 feet or less in width
11 and of any height necessary for access,

12 2) Uncovered, unenclosed vehicular bridges no wider than 12 feet
13 for access to one parking space or 18 feet for access to two parking spaces and of any height
14 necessary for access;

15 b. Barrier-free access. Ramps or other access for the disabled or elderly
16 that comply with Washington State Building Code, Chapter 11;

17 c. Decks. Decks or parts of a deck that are 36 inches or less above existing
18 grade;

19 d. Freestanding structures and bulkheads. Fences, freestanding walls,
20 bulkheads, signs, and other similar structures;

21 e. Underground structures. An underground structure, or underground
22 portion of a structure;

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1 f. Eaves and gutters. The first 36 inches of eaves and gutters that project
2 from principal and accessory structures;

3 g. Solar collectors and swimming pools. Solar collectors that comply with
4 Section 23.44.046 and swimming pools that comply with Section 23.44.044.

5 Section 16. A new Section 23.44.011 of the Seattle Municipal Code is added as follows:

6 **23.44.011 Floor area in RSL zones**

7 A. Gross floor area. In RSL zones, gross floor area includes exterior corridors,
8 breezeways, and stairways that provide building circulation and access to dwelling units or
9 sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or
10 sleeping room and that are not used for common circulation, and ground-level walking paths, are
11 not considered gross floor area.

12 B. Floor area ratio (FAR) limits. The FAR limit in RSL zones is 0.75. The applicable
13 FAR limit applies to the total chargeable floor area of all structures on the lot.

14 C. The following floor area is exempt from FAR limits:

- 15 1. All stories, or portions of stories, that are underground.
- 16 2. All portions of a story that extend no more than 4 feet above existing or
17 finished grade, whichever is lower, excluding access.
- 18 3. Fifty percent of floor area contained in structures built prior to January 1, 1982,
19 as single-family dwelling units that will remain in residential use, regardless of the number of
20 dwelling units within the existing structure, provided the exemption is limited to the gross square
21 footage in the single-family dwelling unit as of January 1, 1982.

22 Section 17. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance
23 125603, is amended as follows:

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1 **23.44.012 Height limits**

2 A. Maximum height established. The provisions of this Section 23.44.012 apply in
3 single-family zones, except as provided elsewhere in the Land Use Code for specific types of
4 structures or structures in particular locations.

5 1. Except as provided in subsections 23.44.012.A.2 and 23.44.012.A.3, the
6 maximum permitted height for any structure not located in a required yard is 30 feet.

7 2. ~~((The))~~ In SF 5000, SF 7200, and SF 9600 zones, the maximum permitted
8 height for any structure on a lot 30 feet or less in width is 25 feet.

9 3. ~~((For))~~ In SF 5000, SF 7200, and SF 9600 zones, for a lot or unit lot of any
10 width, if the area of the largest rectangle or other quadrilateral that can be drawn within the lot
11 lines of the lot or unit lot is less than 3,200 square feet the maximum permitted height for any
12 structure on that lot shall be 18 feet. Additional height shall be allowed, subject to the limit that
13 would otherwise apply under subsections 23.44.012.A.1 and 23.44.012.A.2, provided that the
14 elevation at the top of the exterior walls of the structure, exclusive of pitched roofs, does not
15 exceed the average of the elevations at the tops of the walls of single-family residences on
16 abutting lots within the same zone. The limit of this subsection 23.44.012.A.3 shall not apply to
17 additions to single-family residences existing as of February 1, 2013, that do not exceed the
18 greater of 1,000 square feet of new gross floor area or the amount of gross floor area on any one
19 floor of the existing house.

20 ~~((4. The method of determining structure height and lot width is detailed in~~
21 ~~Chapter 23.86, Measurements.))~~

22 * * *

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Section 18. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.44.014 Yards and separations

A. General

1. Yards are required for every lot in a ((SF)) single-family zone. ((A yard that is larger than the minimum size may be provided.))

2. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard provisions shall not apply to the through lot, except pursuant to Section 23.40.030 or 23.40.035.

3. Setbacks from a street or alley may be required in order to meet the provisions of Section 23.53.015.

4. Setbacks from access easements may also be required for principal structures according to the standards in subsections 23.53.025.C.2 and 23.53.025.D.6.

B. Required yards for single-family zones are shown in Table A for 23.44.014.

**Table A for 23.44.014
 Required yards in single-family zones**

<u>Yard</u>	<u>SF 5000, SF 7200, and SF 9600</u>	<u>RSL</u>
<u>Front</u>	<u>20 feet or the average of the front yards of the single-family structures on either side, whichever is less¹</u>	<u>10 feet</u>
<u>Rear</u>	<u>25 feet or 20 percent of lot depth, whichever is less, except that it may never be less than 10 feet²</u>	<u>10 feet except that, if the rear yard abuts an alley, there is no rear yard requirement</u>
<u>Side</u>	<u>5 feet^{3, 4, 5}</u>	<u>5 feet⁵</u>

Footnotes to Table A for 23.44.014

¹ If the natural gradient or slope (as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less) is in excess of 35 percent, the required front yard depth shall be the lesser of: 20 feet less 1 foot for each one percent of gradient or slope in excess of 35 percent; or the average of the front yards on either side.

² If the rear lot line abuts an alley, the centerline of the alley between the side lot lines extended shall be assumed to be the rear lot line for purposes of the provision of rear yard and the

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Table A for 23.44.014

Required yards in single-family zones

determination of lot depth; provided, that at no point shall the principal structure be closer than 5 feet to the alley.

³ In the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall not be less than 10 feet.

⁴ If any side street lot line is a continuation of the front lot line of an abutting single-family zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.

⁵ No side yard is required from a side lot line that abuts an alley.

1 ((A. Front Yards.

2 1. The front yard depth shall be either the average of the front yards of the single-
3 family structures on either side or 20 feet, whichever is less.

4 2. On any lot where the natural gradient or slope, as measured from the front line
5 of the lot for a distance of 60 feet or the full depth of the lot, whichever is less, is in excess of 35
6 percent, the required front yard depth shall be either 20 feet less one foot for each one percent of
7 gradient or slope in excess of 35 percent, or the average of the front yards on either side,
8 whichever is less.

9 3. In the case of a through lot, each yard abutting a street, except a side yard, shall
10 be a front yard. Rear yard provisions shall not apply to the lot, except pursuant to Section
11 23.40.030 or 23.40.035.

12 4. A larger yard may be required in order to meet the provisions of Section
13 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

14 B. Rear Yards

15 1. The rear yard shall be 25 feet.

16 2. The minimum required rear yard for a lot having a depth of less than 125 feet
17 shall be 20 percent of the lot depth and in no case less than 10 feet.

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1 3. ~~When the required rear yard abuts upon an alley along a lot line, the centerline~~
2 ~~of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of~~
3 ~~the provision of rear yard and the determination of lot depth; provided, that at no point shall the~~
4 ~~principal structure be closer than 5 feet to the alley.~~

5 4. ~~When a lot in any single family zone abuts at the rear lot line upon a public~~
6 ~~park, playground or open water, not less than 50 feet in width, the rear yard need not exceed the~~
7 ~~depth of 20 feet.~~

8 C. ~~Side yards. The side yard shall be 5 feet except as follows:~~

9 1. ~~In the case of a reversed corner lot, the key lot of which is in a single family~~
10 ~~zone, the width of the side yard on the street side of the reversed corner lot shall not be less than~~
11 ~~10 feet; or~~

12 2. ~~If any side street lot line is a continuation of the front lot line of an abutting~~
13 ~~single family zoned lot, whether or not separated by an alley, the width of the street side yard~~
14 ~~shall not be less than 10 feet.)~~

15 ((D)) C. ~~Exceptions from standard yard requirements. No structure shall be placed in a~~
16 ~~required yard except ((pursuant to the following)) as follows:~~

17 1. ~~Garages. Garages may be located in required yard subject to the standards of~~
18 ~~Section 23.44.016.~~

19 2. ~~Certain ((Accessory Structures)) accessory structures in ((Side)) side and~~
20 ~~((Rear Yards.)) rear yards~~

21 a. ~~Except for detached accessory dwelling units, any accessory structure~~
22 ~~that complies with the requirements of Section 23.44.040 may be constructed in a side yard that~~
23 ~~abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner~~

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1 lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with
2 the King County (~~Department of Records and Elections~~) Recorder's Office an agreement to
3 this effect between the owners of record of the abutting properties.

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

10 3. A (~~single family~~) principal residential structure may extend into one side yard
11 if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a
12 (~~(10-foot)~~) 10-foot separation between that structure and any principal structure on the abutting
13 lot. The (~~(10-foot)~~) 10-foot separation shall be measured from the wall of the principal structure
14 that is proposed to extend into a side yard to the wall of the principal structure on the abutting
15 lot.

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

18 b. Accessory structures and features of and projections from principal
19 structures, such as porches, eaves, and chimneys are permitted in the (~~(10-foot)~~) 10-foot
20 separation area required by this subsection 23.44.014.C.3 if otherwise allowed in side yards by
21 this subsection (~~(23.44.014.D)~~) 23.44.014.C. For purposes of calculating the distance a structure
22 or feature may project into the (~~(10-foot)~~) 10-foot separation, assume the property line is 5 feet

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1 from the wall of the principal structure proposed to extend into a side yard and consider the 5
2 feet between the wall and the assumed property line to be the required side yard.

3 c. No portion of any structure, including any projection, shall cross the
4 property line.

5 d. The easement shall be recorded with the King County (~~Department of~~
6 ~~Records and Elections~~) Recorder's Office. The easement shall provide access for normal
7 maintenance activities to the principal structure on the lot with less than the required (~~5-foot~~) 5-
8 foot side yard.

9 4. Certain (~~Additions~~) additions. Certain additions to a single-family structure
10 may extend into a required yard if the existing single-family structure is already nonconforming
11 with respect to that yard. The presently nonconforming portion must be at least 60 percent of the
12 total width of the respective facade of the structure prior to the addition. The line formed by the
13 existing nonconforming wall of the structure is the limit to which any additions may be built,
14 except as described (~~below~~) in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions
15 may extend up to the height limit and may include basement additions. New additions to the
16 nonconforming wall or walls shall comply with the following requirements (Exhibit A for
17 23.44.014):

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

21 b. Rear (~~Yard~~) yard. If the addition is a rear wall, the existing wall line
22 may be continued by the addition except that in no case shall the addition be closer than 20 feet
23 to the rear lot line or centerline of an alley abutting the rear lot line;

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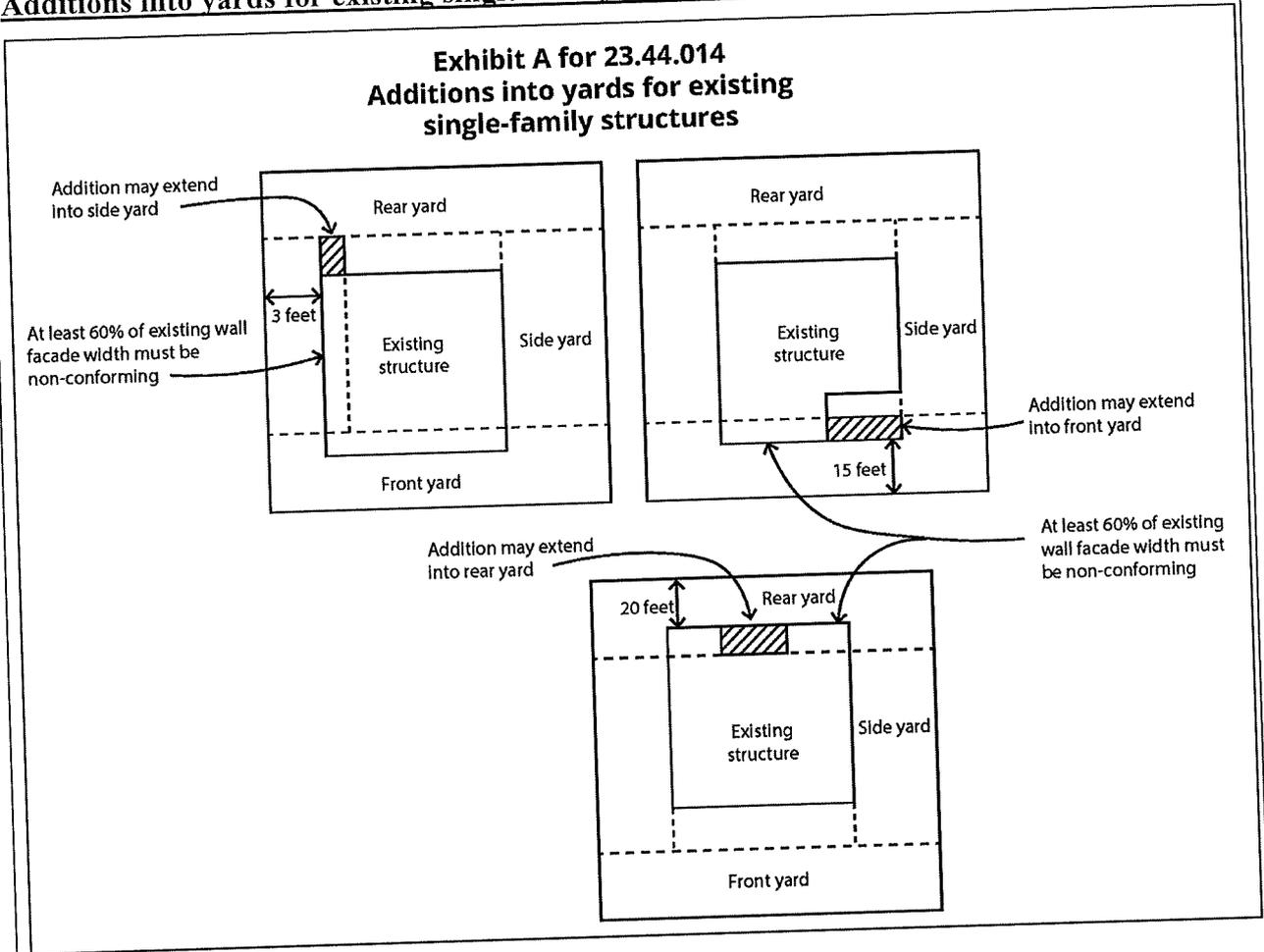
1 c. Front (~~Yard~~) yard. If the addition is a front wall, the existing wall line
2 may be continued by the addition except that in no case shall the addition be closer than 15 feet
3 to the front lot line;

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

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

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1 **Exhibit A for 23.44.014**
2 **Additions into yards for existing single-family structures**



3
4 5. Uncovered porches or steps. Uncovered, unenclosed porches, or steps may
5 project into any required yard, if each component is no higher than 4 feet above existing grade,
6 no closer than 3 feet to any side lot line, and has no horizontal distance greater than 6 feet within
7 the required yard. For each entry to a principal structure, one uncovered, unenclosed porch
8 and/or associated steps are permitted in the required yards.

9 6. Certain features of a structure. Unless otherwise provided elsewhere in this
10 Chapter 23.44, certain features of a principal or accessory structure, except for accessory
11 dwelling units, may extend into required yards if they comply with the following:

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1 a. External architectural details with no living area, such as chimneys,
2 eaves, cornices, and columns, may project no more than 18 inches into any required yard;

3 b. Bay windows are limited to 8 feet in width and may project no more
4 than 2 feet into a required front, rear, and street side yard;

5 c. Other projections that include interior space, such as garden windows,
6 may extend no more than 18 inches into any required yard, starting a minimum of 30 inches
7 above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

8 d. The combined area of features permitted by subsections
9 ((23.44.014.D.6.b and 23.44.014.D.6.e)) 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no
10 more than 30 percent of the area of the facade.

11 7. Covered (~~Unenclosed Decks and Roofs Over Patios~~) unenclosed decks and
12 roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a principal
13 structure, may extend into the required rear yard, but shall not be within 12 feet of the centerline
14 of any alley, or within 12 feet of any rear lot line that is not an alley lot line, or closer to any side
15 lot line in the required rear yard than the side yard requirement of the principal structure along
16 that side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed
17 decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as
18 a deck.

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

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

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

6 9. Barrier-free ((Aeeess)) access. Access facilities for the disabled and elderly that
7 comply with Washington State Building Code, Chapter 11 are permitted in any required yard.

8 10. Freestanding structures and bulkheads

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

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

- 21 1) No part of the structure may exceed 8 feet; and
22 2) Any portion of the structure above 6 feet shall be predominately
23 open, such that there is free circulation of light and air.

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

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

13 e. If located in shoreline setbacks or in view corridors in the Shoreline
14 District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter
15 23.60A, and the Director shall determine the permitted height.

16 11. Decks in ~~((Yards))~~ yards. Decks no higher than 18 inches above existing or
17 finished grade, whichever is lower, may extend into required yards.

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

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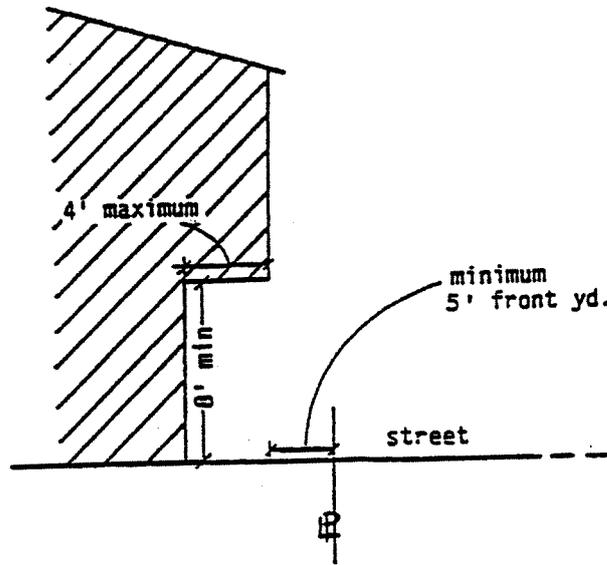
1 13. Solar (~~Collectors~~) collectors. Solar collectors may be located in required
2 yards, subject to the provisions of Section 23.44.046.

3 14. Front (~~Yard Projections for Structures on Lots 30 Feet or Less in Width~~)
4 yard projections for structures on lots 30 feet or less in width. For a structure on a lot in an SF
5 5000, SF 7200, or SF 9600 zone that is 30 feet or less in width, portions of the front facade that
6 begin 8 feet or more above finished grade may project up to 4 feet into the required front yard,
7 provided that no portion of the facade, including eaves and gutters, shall be closer than 5 feet to
8 the front lot line (Exhibit B for 23.44.014), and provided further that no portion of the (~~façade~~)
9 facade of an existing structure that is less than 8 feet or more above finished grade already
10 projects into the required front yard.

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

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



3

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

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

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

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

15 17. Stormwater management

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

- 18 1) Each above-grade GSI feature is less than 4.5 feet tall,
19 excluding piping;
20 2) Each above-grade GSI feature is less than 4 feet wide; and
21 3) The total storage capacity of all above-grade GSI features is no
22 greater than 600 gallons.

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b. Above-grade GSI features larger than what is allowed in subsection

~~((23.44.014.D.17.a))~~ 23.44.014.C.17.a are allowed within a required yard if:

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

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

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

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

~~((18. If the side yard of a lot borders on an alley, a single family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.~~

~~19))~~ 18. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

~~((E))~~ D. Additional ~~((Standards for Structures if Allowed in Required Yards))~~ standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

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

4 3. Except for detached accessory dwelling units in subsection 23.44.041.B, any
5 accessory structure located in a required yard shall (~~not exceed 12 feet in height or 1,000 square~~
6 ~~feet in area.~~) meet both the following standards:

7 a. A maximum height of 12 feet; and

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

9 (~~F. Setback standards from access easements. Setbacks are required for principal~~
10 ~~structures according to the standards in subsection 23.53.025.C.2 and 23.53.025.D.6.~~)

11 E. Separations between multiple structures in RSL zones

12 1. In RSL zones, the minimum required separation between principal structures is
13 10 feet, except for principal structures separated by a driveway or parking aisle.

14 2. If principal structures are separated by a driveway or parking aisle, the
15 minimum required separation between the principal structures is 2 feet greater than the required
16 width of the driveway or parking aisle, provided that the separation is not required to be any
17 greater than 24 feet. If principal structures are separated by a driveway or parking aisle,
18 projections that enclose floor area may extend a maximum of 3 feet into the required separation
19 if they are at least 8 feet above finished grade.

20 3. Uncovered porches or steps, features of a structure listed in subsection
21 23.44.014.C.6, and decks shall be allowed in the separation between principal structures
22 provided they:

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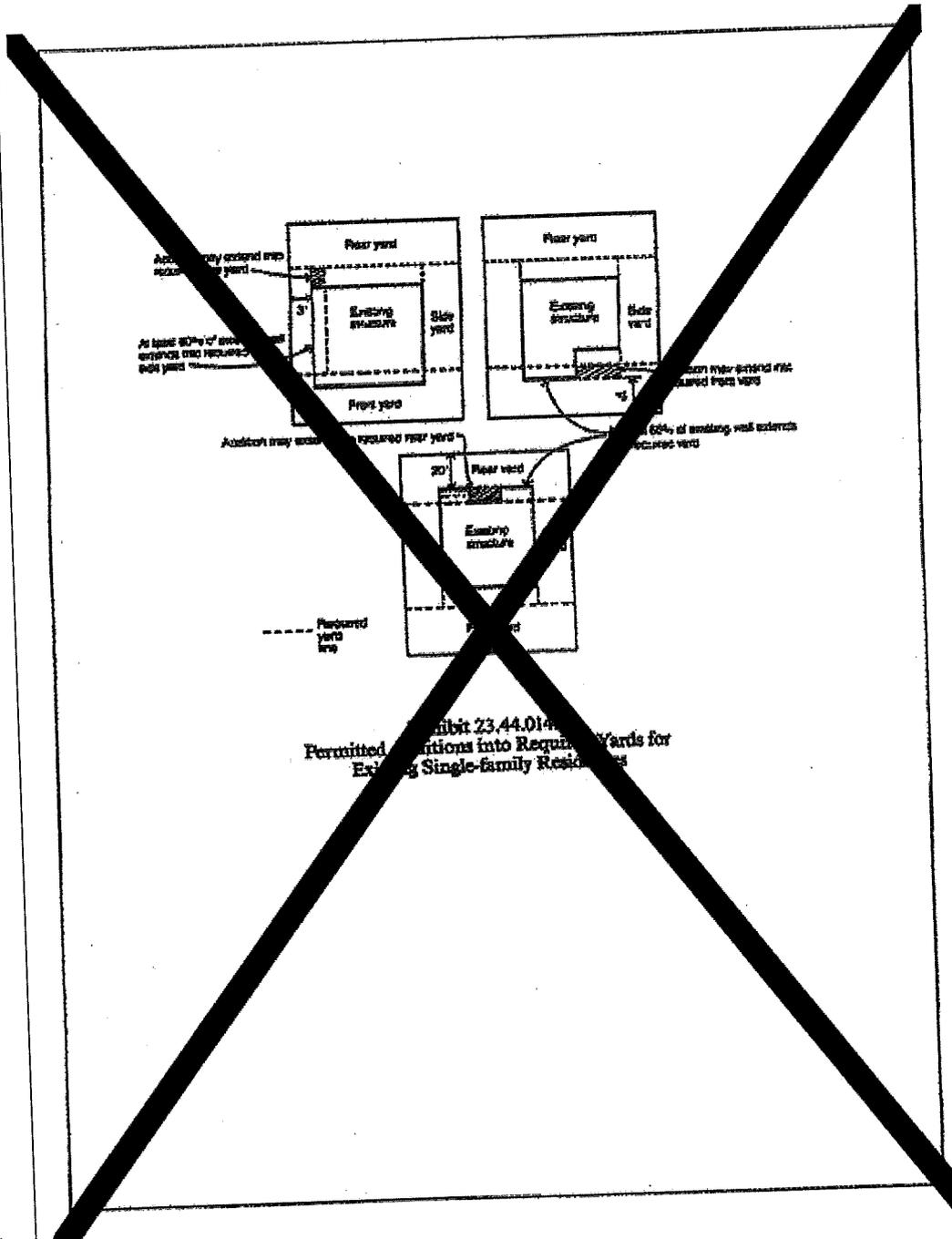
a. Comply with the standards of subsections 23.44.014.C.5, 23.44.014.C.6,

2

and 23.44.014.C.11 if the separation were treated like a yard; and

3

b. Project no more than 3 feet into the separation area.



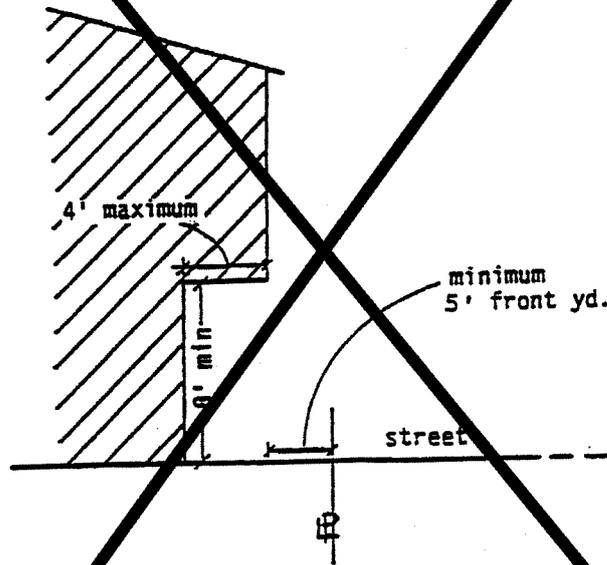
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((Exhibit 23.44.014A))

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Exhibit 23.44.014 B
Front Yard Projections Permitted For Structures
On Lots Thirty Feet Or Less In Width



- 1
- 2
- 3

((Exhibit B for 23.44.014
Front yard projections permitted for structures on lots thirty feet or less in width.))

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1 Section 19. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.44.016 Parking and garages**

4 A. Parking (~~Quantity~~) quantity. Off-street parking is required pursuant to Section
5 23.54.015.

6 B. Access to parking

7 1. Vehicular access to parking from an improved street, alley, or easement is
8 required if parking is required pursuant to Section 23.54.015.

9 2. Access to parking is permitted through a required yard abutting a street only if
10 the Director determines that one of the following conditions exists:

11 a. There is no alley improved to the standards of subsection 23.53.030.C,
12 and there is no unimproved alley in common usage that currently provides access to parking on
13 the lot or to parking on adjacent lots in the same block; or

14 b. Existing topography does not permit alley access; or

15 c. At least 50 percent of alley frontage abuts property in a
16 (~~nonresidential~~) non-residential zone; or

17 d. The alley is used for loading or unloading by an existing

18 (~~nonresidential~~) non-residential use; or

19 e. Due to the relationship of the alley to the street system, use of the alley
20 for parking access would create a significant safety hazard; or

21 f. Parking access must be from the street in order to provide access to a
22 parking space that complies with the Washington State Building Code, Chapter 11; or

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1 g. Providing alley access would require removal of a tree on private
2 property that is an exceptional tree or a tree greater than 2 feet in diameter measured 4.5 feet
3 above the ground, provided that a permanent covenant meeting the standard in subsection
4 25.11.050.C is recorded and all other applicable criteria for tree protection in Chapter 25.11 are
5 met.

6 C. Location of (~~Parking~~) parking

7 1. Parking shall be located on the same lot as the principal use, except as provided
8 in this subsection 23.44.016.C.

9 2. Parking on planting strips is prohibited.

10 3. For lots developed with one (~~single family~~) single-family dwelling, no more
11 than three vehicles may be parked outdoors on any lot.

12 4. Parking accessory to a floating home may be located on another lot if within
13 600 feet of the lot on which the floating home is located. The accessory parking shall be screened
14 and landscaped according to subsection 23.44.016.G.

15 5. Parking accessory to a single-family structure existing on June 11, 1982, may
16 be established on another lot if all the following conditions are met:

17 a. There is no vehicular access to permissible parking areas on the lot.

18 b. Any garage constructed is for no more than two two-axle, or two up to
19 four-wheeled vehicles.

20 c. Parking is screened or landscaped as required by the Director, who shall
21 consider development patterns of the block or nearby blocks.

22 d. The lot providing the parking is within the same block or across the
23 alley from the principal use lot.

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1 e. The accessory parking shall be tied to the lot of the principal use by a
2 covenant or other document recorded with the King County Recorder's Office.

3 D. Parking and garages in required yards

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

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

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

13 a. The garage is a detached garage located entirely in that portion of a side
14 yard that is either within 35 feet of the centerline of an alley or within 25 feet of any rear lot line
15 that is not an alley lot line; or

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

18 ((23.44.014.D.2.a)) 23.44.014.C.2.a.

19 4. Detached garages with vehicular access facing an alley shall not be located
20 within 12 feet of the centerline of the alley except as provided in subsections 23.44.016.D.9,
21 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12.

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1 5. Attached garages shall not be located within 12 feet of the centerline of any
2 alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in
3 subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12.

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

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

9 8. Trailers, boats, recreational vehicles, and similar equipment shall not be parked
10 in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line,
11 or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line,
12 unless fully enclosed in a structure otherwise allowed in a required yard by this subsection
13 23.44.016.D.

14 9. Lots with uphill yards abutting streets. ~~((Parking))~~ In SF 5000, SF 7200, and SF
15 9600 zones, parking for one two-axle or one up to four-wheeled vehicle may be established in a
16 required yard abutting a street according to subsection 23.44.016.D.9.a or 23.44.016.D.9.b only
17 if access to parking is permitted through that yard pursuant to subsection 23.44.016.B.

18 a. Open parking space

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

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1 10. Lots with downhill yards abutting streets. (~~Parking~~) In SF 5000, SF 7200,
2 and SF 9600 zones, parking, either open or enclosed in an attached or detached garage, for one
3 two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if
4 the following conditions are met:

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

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

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

11 d. Parking in a rear yard complies with subsections 23.44.016.D.2,
12 23.44.016.D.5 and 23.44.016.D.6; and

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

15 11. Through lots. On through lots less than 125 feet in depth in SF 5000, SF 7200,
16 and SF 9600 zones, parking, either open or enclosed in an attached or detached garage, for one
17 two-axle or one up to four-wheeled vehicle may be located in one of the required front yards.

18 The front yard in which the parking may be located shall be determined by the Director based on
19 the location of other garages or parking areas on the block. If no pattern of parking location can
20 be determined, the Director shall determine in which yard the parking shall be located based on
21 the prevailing character and setback patterns of the block.

22 12. Lots with uphill yards abutting streets or downhill or through lot front yards
23 fronting on streets that prohibit parking. (~~Parking~~) In SF 5000, SF 7200, and SF 9600 zones,

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1 parking for two two-axle or two up to four-wheeled vehicles may be located in uphill yards
2 abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.9,
3 23.44.016.D.10, or 23.44.016.D.11 if, in consultation with the Seattle Department of
4 Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one
5 side of the street within 200 feet of the lot line over which access is proposed. The Director may
6 authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for
7 access.

8 E. Standards for garages if allowed in required yards. Garages that are either detached
9 structures or portions of a principal structure for the primary purpose of enclosing a two-axle or
10 four-wheeled vehicle may be permitted in required yards according to the following conditions:

11 1. Maximum coverage and size

12 a. Garages, together with any other accessory structures and other portions
13 of the principal structure, are limited to a maximum combined coverage of 40 percent of the
14 required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be
15 calculated from the centerline of the alley.

16 b. Garages located in side or rear yards shall not exceed 1,000 square feet
17 in area.

18 c. In front yards, the area of garages is limited to 300 square feet with 14-
19 foot maximum width if one space is provided, and 600 square feet with 24-foot maximum width
20 if two spaces are provided. Access driveway bridges permitted under subsection

21 ~~((23.44.014.D.8.B))~~ 23.44.014.C.8.b shall not be included in this calculation.

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1 2. Height limits

2 a. Garages are limited to 12 feet in height measured on the facade
3 containing the entrance for the vehicle.

4 b. The ridge of a pitched roof on a garage located in a required yard may
5 extend up to 3 feet above the ~~((12-foot))~~ 12-foot height limit. All parts of the roof above the
6 height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted
7 to extend beyond the ~~((12-foot))~~ 12-foot height limit. ~~((under this provision.))~~

8 c. Open rails around balconies or decks located on the roofs of garages
9 may exceed the ~~((12-foot))~~ 12-foot height limit by a maximum of 3 feet. The roof over a garage
10 shall not be used as a balcony or deck in rear yards.

11 3. Separations. Any detached garage located in a required yard, including
12 projecting eaves and gutters, shall be separated from a principal structure by a minimum of 5 feet
13 including eaves and gutters of all structures. This requirement does not apply to terraced garages
14 that comply with subsection 23.44.016.D.9.b.

15 4. Roof eaves and gutters of a garage located in a required yard may extend a
16 maximum of 18 inches from the exterior wall of the garage. Such roof eaves and gutters are
17 excluded from the maximum coverage and size limits of subsection 23.44.016.E.1.

18 5. Except for terraced garages that comply with ~~((Section))~~ subsection
19 23.44.016.D.9.b, the roof over a garage in a rear yard shall not be used as a balcony or deck.

20 F. Appearance of garage entrances

21 1. Garage setback. ~~((No))~~

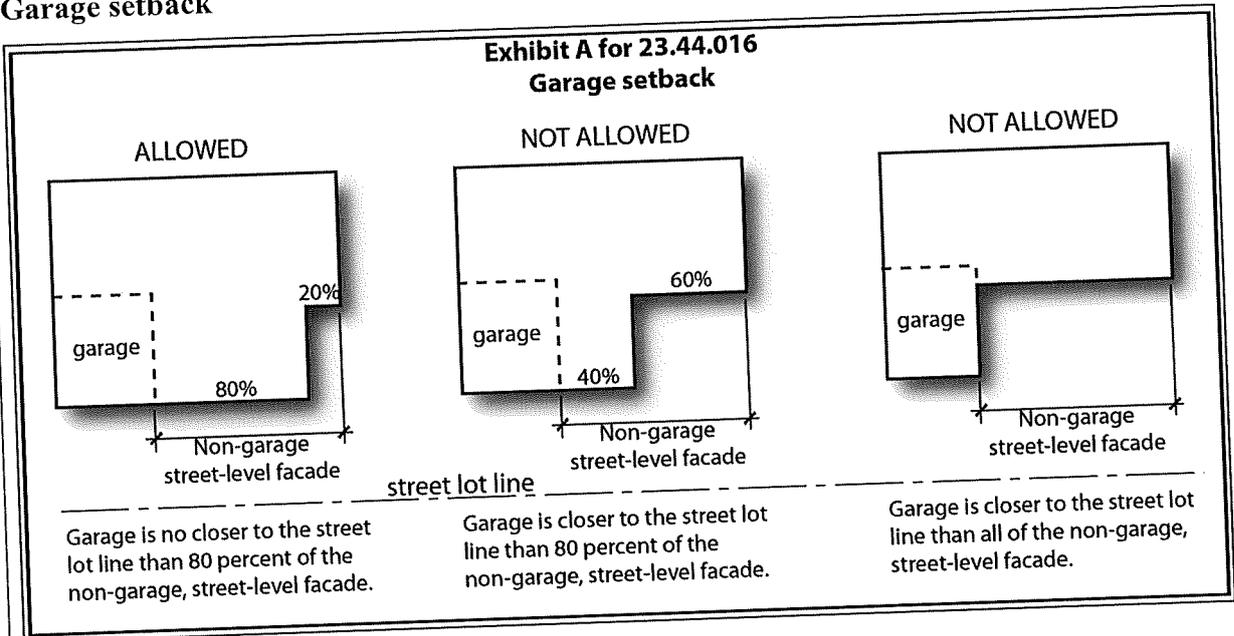
22 a. In SF 5000, SF 7200, and SF 9600 zones, no portion of a garage,
23 whether attached to a principal structure or within a detached accessory structure, may be closer

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1 to the street lot line than 80 percent of the remaining non-garage, street-level facade (see Exhibit
2 A for 23.44.016) of the principal structure to which the garage is accessory. If the entire street-
3 level facade of either a principal or accessory structure is garage, no portion of the garage may be
4 closer to the street lot line than 80 percent of the facade of the story above the street-level facade.

5 b. In RSL zones, garage entrances facing the street shall be set back at
6 least 18 feet from the street lot line.

7 **Exhibit A for 23.44.016**
8 **Garage setback**



9
10 2. Garage entrance width. The total combined horizontal width of all garage
11 entrances on the lot that are located on the front facade may be up to 50 percent of the horizontal
12 width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall
13 be allowed on only one street-facing facade.

14 3. Exemptions

15 a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10,
16 23.44.016.D.11, and 23.44.016.D.12 are not subject to the standards of this subsection
17 23.44.016.F.

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1 b. Garages that are set back more than 35 feet from the front lot line are
2 not subject to the standards of this subsection 23.44.016.F.

3 c. The Director may waive or modify the standards of this subsection
4 23.44.016.F based on one or more of the following factors:

- 5 1) Irregular lot shape;
- 6 2) Topography of the lot;
- 7 3) Configuration of proposed or existing structures on the lot;
- 8 4) Location of exceptional trees as defined in Section 25.11.020;

9 and

10 5) The proposed structure or addition has design features including
11 but not limited to modulation, screening, and landscaping.

12 G. Screening ((-))

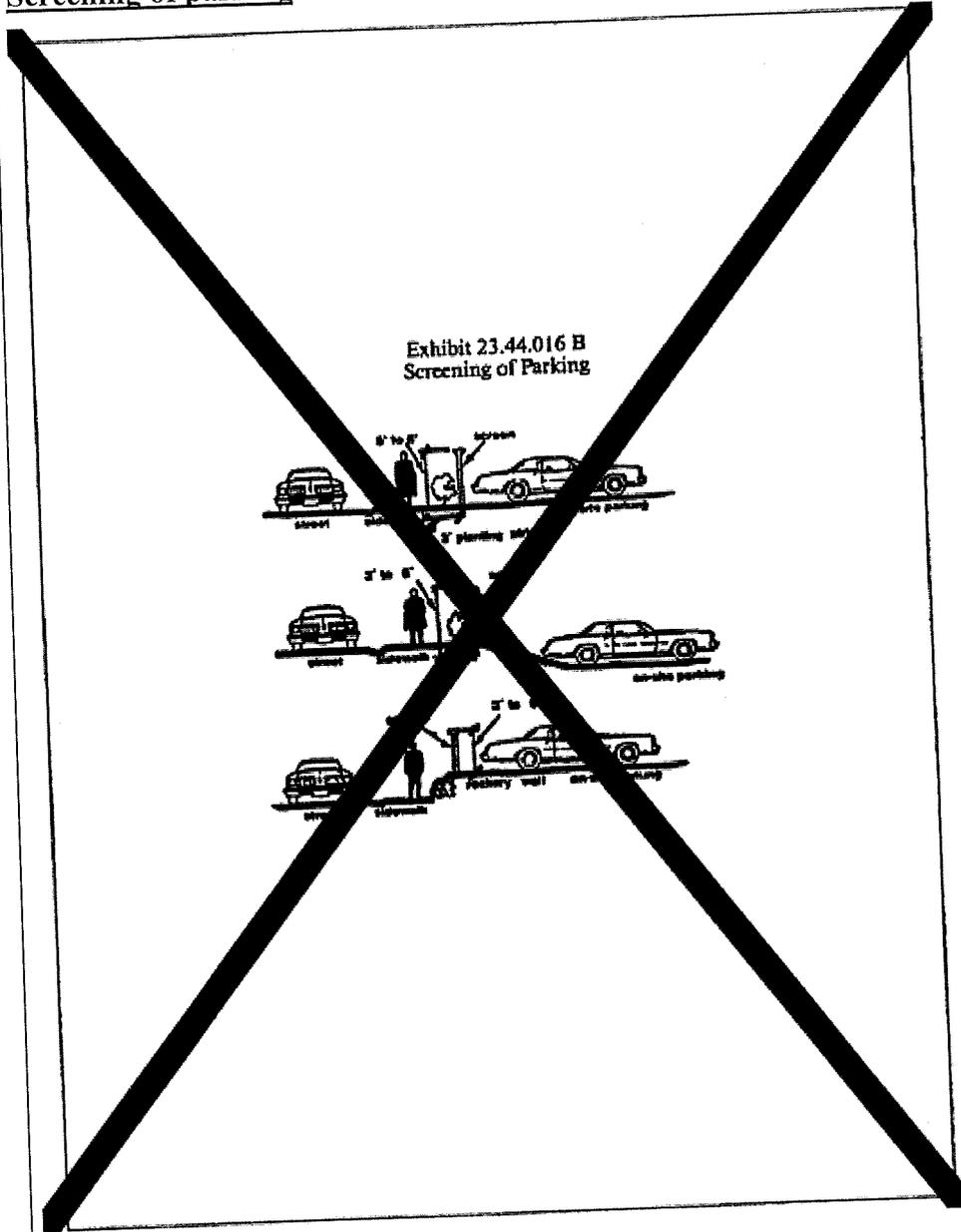
13 1. Parking accessory to floating homes when located on a separate lot from the
14 floating homes shall be screened from direct street view by a fence or wall between ((~~five (5)~~)) 5
15 and ((~~six (6)~~)) 6 feet in height. When the fence or wall runs along the street front, there shall be a
16 landscaped strip on the street side of the fence or wall. This strip may be between ((~~one (1)~~)) 1
17 and ((~~five (5)~~)) 5 feet deep, as measured from the property line, but the average distance from the
18 property line to the fence shall be ((~~three (3)~~)) 3 feet. Such screening shall be located outside any
19 required sight triangle.

20 2. The height of the visual barrier created by the screen required by subsection ((~~4~~
21 ~~of this subsection~~)) 23.44.016.G.1 shall be measured from street level. If the elevation of the lot
22 line is different from the finished elevation of the parking surface, the difference in elevation

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1 may be measured as a portion of the required height of the screen, so long as the screen itself is a
2 minimum of ~~((three (3)))~~ 3 feet in height (see Exhibit B for 23.44.016). ~~((B)-)~~

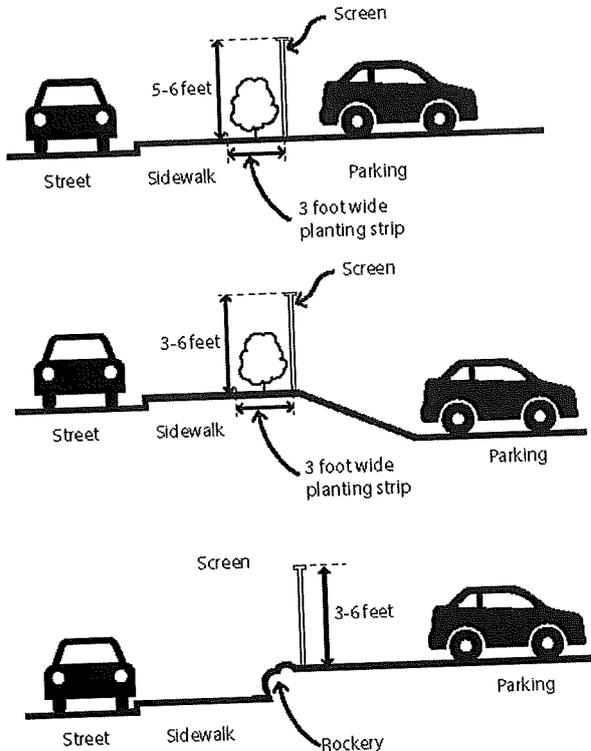
3 **Exhibit B for 23.44.016**
4 **Screening of parking**



5

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Exhibit B for 23.44.016 Screening for parking



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Section 20. A new Section 23.44.017 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.017 Density limits

A. In SF 5000, SF 7200, and SF 9600 zones, only one single-family dwelling unit is allowed per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

B. The following provisions apply in RSL zones:

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

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1 2. ~~((When))~~ Except as provided in subsection 23.44.017.B.3, when calculation of
2 the number of dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction
3 of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction
4 over 0.85 constitutes one additional unit.

5 3. For lots in existence on the effective date of the ordinance introduced as
6 Council Bill 119444, if the number of dwelling units allowed according to subsection
7 23.44.017.B.2 equals less than two, two units are allowed.

8 Section 21. Section 23.44.018 of the Seattle Municipal Code, last amended by Ordinance
9 124378, is renumbered 23.44.021 and further amended as follows:

10 ~~((23.44.018))~~ **23.44.021 General provisions**

11 A. Only those conditional uses identified in this ~~((subchapter))~~ Subchapter II may be
12 authorized as conditional uses in single-family zones. The Master Use Permit Process set forth in
13 Chapter 23.76 ~~((, Procedures for Master Use Permits and Council Land Use Decisions,))~~ shall be
14 used to authorize conditional uses.

15 B. Unless otherwise specified in this ~~((subchapter))~~ Subchapter II, conditional uses shall
16 meet the development standards for uses permitted outright in Sections 23.44.008 through
17 ~~((23.44.016))~~ 23.44.020.

18 C. A conditional use may be approved, conditioned, or denied based on a determination
19 of whether the proposed use meets the criteria for establishing a specific conditional use and

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1 whether the use will be materially detrimental to the public welfare or injurious to property in the
2 zone or vicinity in which the property is located.

3 D. In authorizing a conditional use, the Director or Council may mitigate adverse
4 negative impacts by imposing requirements or conditions deemed necessary for the protection of
5 other properties in the zone or vicinity in which the property is located.

6 E. Any use (~~which~~) that was previously authorized by a conditional use permit but
7 which has been discontinued shall not be reestablished or recommenced except pursuant to a new
8 conditional use permit, provided that such permit is required for the use at the time re-
9 establishment or recommencement is proposed. The following shall constitute conclusive
10 evidence that the conditional use has been discontinued:

11 1. A permit to change the use of the property has been issued and the new use has
12 been established; or

13 2. The property has not been devoted to the authorized conditional use for more
14 than (~~twenty-four (24)~~) 24 consecutive months.

15 (~~Property which is vacant~~) Vacant property, except for dead storage of materials or
16 equipment of the conditional use, shall not be considered as being devoted to the authorized
17 conditional use. The expiration of licenses necessary for the conditional use shall be evidence
18 that the property is not being devoted to the conditional use. A conditional use in a multifamily
19 structure or a multitenant commercial structure shall not be considered as discontinued unless all
20 units are either vacant or devoted to another use.

21 F. Minor structural work that does not increase usable floor area or seating capacity and
22 that does not exceed the development standards applicable to the use shall not be considered an
23 expansion and does not require approval as a conditional use, unless the work would exceed the

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1 height limit of the zone for uses permitted outright. Such work includes but is not limited to roof
2 repair or replacement and construction of uncovered decks and porches, facilities for barrier-free
3 access, bay windows, dormers, and eaves.

4 Section 22. A new Section 23.44.018 of the Seattle Municipal Code is added to
5 Subchapter I of Chapter 23.44 as follows:

6 **23.44.018 Maximum dwelling unit size in RSL zones**

7 The maximum net unit area of any dwelling unit in RSL zones, including any floor area in an
8 accessory dwelling unit, is 2,200 square feet, except as provided in subsection 23.44.018.B.

9 A. The following floor area is exempt from the maximum net unit area limit:

- 10 1. All stories, or portions of stories, that are underground.
11 2. All portions of a story that extend no more than 4 feet above existing or
12 finished grade, whichever is lower, excluding access.

13 B. Certain additions.

14 1. The limit of subsection 23.44.018.A shall not apply to an addition to single-
15 family residences existing on the effective date of the ordinance introduced as Council Bill
16 119444 if the addition:

- 17 a. Adds floor area equal to or less than 20 percent of the floor area that
18 existed on the effective date of the ordinance introduced as Council Bill 119444; or
19 b. Adds floor area only by adding or expanding a second-story, provided
20 that the second-story addition is directly above a portion of the dwelling unit that existed prior to
21 the effective date of the ordinance introduced as Council Bill 119444. For purposes of this
22 subsection 23.44.018.B.2, portions of a story that extend no more than 4 feet above existing or

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1 finished grade, whichever is lower, shall not be considered in the calculation of number of
2 stories.

3 3. Only one addition to any single-family residence may be exempted under this
4 subsection 23.44.018.B.

5 Section 23. A new Section 23.44.019 of the Seattle Municipal Code is added to
6 Subchapter I of Chapter 23.44 as follows:

7 **23.44.019 Design standards in RSL zones**

8 In RSL zones, the following provisions apply:

9 A. Pedestrian access at least 3 feet in width shall be provided between each principal
10 structure and the street. This access may be over a driveway and may cross any required yards or
11 interior separation. The pedestrian access may be part of a driveway, provided that the pathway
12 is differentiated from the driveway by pavement color, texture, or similar technique.

13 B. Each dwelling unit with a street-facing facade that is located within 40 feet of a street
14 lot line shall have a pedestrian entry on that street-facing facade. The pedestrian entry shall be
15 marked with a covered stoop, porch, or other similar architectural entry feature.

16 Section 24. A new Section 23.44.020 of the Seattle Municipal Code is added to
17 Subchapter I of Chapter 23.44 as follows:

18 **23.44.020 Tree requirements**

19 A. Tree requirements in SF 5000, SF 7200, and SF 9600 zones

20 a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000
21 square feet of lot area.

22 b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of
23 tree.

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1 2. The minimum number of caliper inches of tree required may be met by
2 preserving existing trees, planting new trees, or by a combination of preservation and planting.
3 The preservation or planting of trees in the right-of-way may be counted, provided that they are
4 approved by the Director of Transportation.

5 3. Submerged land shall not be included in calculating lot area for purposes of
6 either the tree preservation option or tree planting option.

7 4. Tree measurements. Trees planted to meet the requirements in this subsection
8 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured
9 (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the
10 ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward
11 meeting the tree requirements in this subsection 23.44.020.A. When an existing tree is more than
12 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward
13 meeting the tree requirement.

14 5. Tree preservation plans. If the tree preservation option is chosen, a tree
15 preservation plan must be submitted by a certified arborist and approved. Tree preservation plans
16 shall provide for protection of trees during construction according to standards promulgated by
17 the Director.

18 B. Tree requirements in RSL zones

19 1. Trees sufficient to achieve one point, according to Table A for 23.44.020, per
20 500 square feet of lot area shall be provided for any development:

21 a. Containing one or more new dwelling units;

22 b. Containing more than 4,000 square feet of non-residential uses in either

23 a new structure or an addition to an existing structure; or

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1 c. Expanding surface area parking by more than 20 parking spaces for
 2 automobiles.

3 2. Individual trees preserved during construction or planted after construction,
 4 excluding street trees, count toward the tree score according to Table A for 23.44.020. All
 5 required trees shall meet standards promulgated by the Director to provide for the long-term
 6 health, viability, and coverage of plantings. These standards may include, but are not limited to,
 7 the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air,
 8 and protection practices during construction.

Table A for 23.44.020		
Tree points		
Type of tree	Points for non-conifer trees	Points for conifer trees
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

9 3. Tree protection areas shall be designated for all trees that are proposed to be
 10 preserved to receive points under this subsection 23.49.020.B. No excavation, fill, placing of
 11 materials or equipment, or vehicle operation shall be allowed during construction within a tree
 12 protection area. Tree protection areas shall be an area equal to the outer extent of the dripline of
 13 the tree, except that they may be reduced if the following conditions are met:

14 a. A certified arborist has submitted and received approval for a plan
 15 providing the rationale used to demonstrate that the alternate method provides an adequate level
 16 of protection based on visiting the site and examining the specific tree's size, location, and extent

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1 of root cover, evaluating the tree's tolerance to construction impact based on its species and
2 health, and identifying any past impacts that have occurred within the root zone; and
3 b. The alternative tree protection area is prepared under the supervision of
4 the certified arborist.

5 4. The owner of the subject lot is required to ensure that the trees planted remain
6 healthy for at least five years after inspection by the City and the owner of the subject lot shall be
7 responsible for replacing any trees that do not remain healthy after inspection by the City.

8 C. Street tree requirements in RSL zones

9 1. Street trees are required in RSL zones for development that would add one or
10 more principal dwelling units on a lot, except as provided in subsection 23.43.020.C.2 and
11 Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation
12 approves their removal. The Director, in consultation with the Director of Transportation, shall
13 determine the number, type, and placement of additional street trees to be provided in order to:

- 14 a. Improve public safety;
15 b. Promote compatibility with existing street trees;
16 c. Match trees to the available space in the planting strip;
17 d. Maintain and expand the urban forest canopy;
18 e. Encourage healthy growth through appropriate spacing;
19 f. Protect utilities; and
20 g. Allow access to the street, buildings, and lot.

21 2. If a lot borders an unopened right-of-way, the Director may reduce or waive the
22 street tree requirement along that right-of-way as a Type I decision if, after consultation with the

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1 Director of Transportation, the Director determines that the right-of-way is unlikely to be opened
2 or improved.

3 Section 25. Subsection 23.44.022.D of the Seattle Municipal Code, which section was
4 last amended by Ordinance 125603, is amended as follows:

5 **23.44.022 Institutions**

6 * * *

7 D. General provisions

8 1. New or expanding institutions in single-family zones shall meet the
9 development standards for uses permitted outright in Sections 23.44.008 through ((23.44.016))
10 23.44.020 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution
11 master plan.

12 2. The establishment of a child care center in a legally established elementary or
13 secondary school or community center, or establishment of a shelter for homeless youths and
14 young adults in a legally established elementary or secondary school, is not considered a new use
15 or an expansion of the institutional use provided that:

- 16 a. The use does not violate any condition of approval of the existing
17 institutional use;
- 18 b. The use does not require expansion of the existing structure;
- 19 c. Any new children's play area is located at least 30 feet from any other
20 lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;
- 21 d. If the use is a shelter, the occupants are enrolled students of the
22 established school.

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* * *

1
2 Section 28. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
3 125603, is amended as follows:

4 **23.44.041 Accessory dwelling units**

5 A. Accessory dwelling units, general provisions. The Director may authorize an
6 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the
7 following conditions:

8 1. ((A)) In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a
9 single-family dwelling unit may have no more than one accessory dwelling unit. In an RSL zone,
10 each principal dwelling unit may have no more than one accessory dwelling unit.

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

14 3. The owner(s) of the lot shall comply with the owner occupancy requirements of
15 subsection 23.44.041.C.

16 4. Any number of related persons may occupy each unit in a single-family
17 dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either
18 unit, the total number of persons occupying both units may not altogether exceed eight.

19 5. All accessory dwelling units are required to meet the development standards in
20 Table A for 23.44.041, unless modified in subsection 23.44.041.B:

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1 B. Accessory dwelling units, detached, additional provisions. (~~A detached accessory~~
 2 ~~dwelling unit is also known as a backyard cottage.~~) The Director may authorize a detached
 3 accessory dwelling unit, and that unit may be used as a residence, only under the conditions set
 4 forth in subsection 23.44.041.A and the following additional conditions:

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

Table B for 23.44.041

Development standards for detached accessory dwelling units¹

a. Minimum lot size	4,000 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ²
d. Maximum lot coverage	The provisions of Section 23.44.010 apply.
e. Maximum rear yard coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40 percent of the rear yard.
f. Maximum gross floor area	800 square feet including garage and storage area but excluding covered porches and covered decks that are less than 25 square feet in area, and underground areas measured as set forth in Section 23.86.007.
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection (23.44.014.A) <u>23.44.014.B</u> , except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.
h. Minimum side yard	The provisions of subsection (23.44.014.C) <u>23.44.014.B</u> apply. ((⁷)) ³
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ((^{3, 4, 7})) ^{3, 4, 5}
j. Location of entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.

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**Table B for 23.44.041
 Development standards for detached accessory dwelling units¹**

k. Maximum height limits ((⁵)) ⁶	Lot width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50 ((⁶)) ⁷	50 or greater
(1) Base structure height limit (<u>in</u> feet)	12	14	15	16	16
(2) Height allowed for pitched roof above base structure height limit (<u>in</u> feet)	3	7	7	6	7
(3) Height allowed for shed or butterfly roof above base structure height limit (<u>in</u> feet); see Exhibit A for 23.44.041	3	4	4	4	4
l. Minimum separation from principal structure	5 feet				
m. Number per lot	Only one detached accessory dwelling unit is allowed on a lot.				

Footnotes to Table B for 23.44.041 ((³))

¹ The Director may allow an exception to standards a through f, h, i, and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.

² For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

³ The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.

((³)) ⁴ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

((⁴)) ⁵ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

((⁵)) ⁶ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

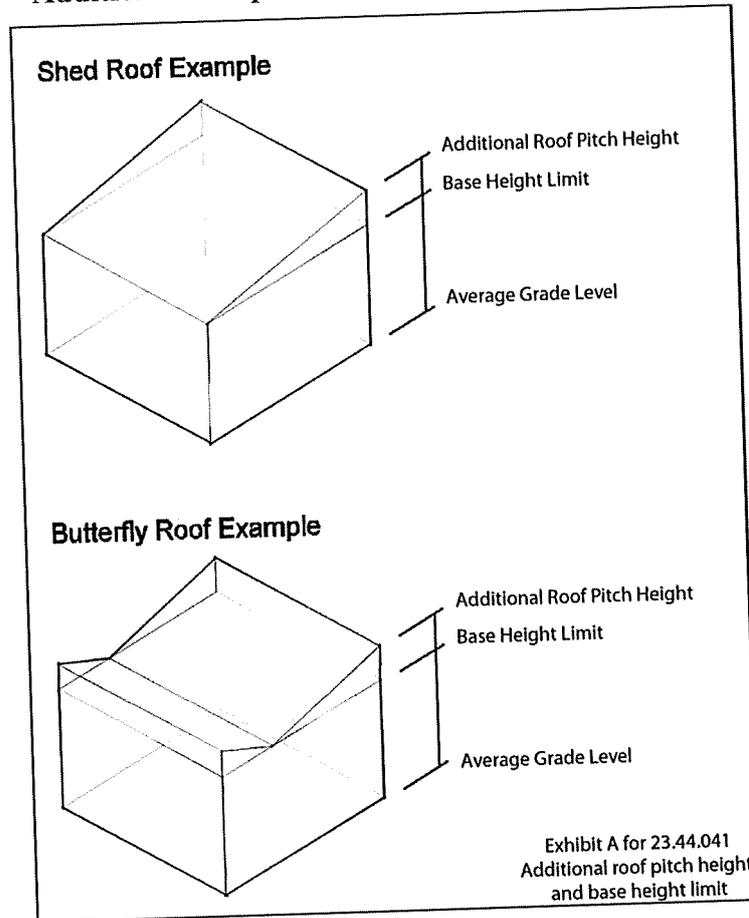
((⁶)) ⁷ Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.

((⁷)) ~~The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.~~

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Exhibit A for 23.44.041
Additional roof pitch height and base height limit



3

4

2. Conversion of accessory structures. An existing accessory structure that is not

5

located in a required front yard, or that is located in a front yard where Section 23.40.030 or

6

23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure

7

complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the

8

Housing and Building Maintenance Code and with the Seattle Residential Code, if work

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requiring a permit is performed on the structure or has previously been performed without a

10

permit. The Director may allow an exception to one or more of the development standards for

11

accessory dwelling units contained in subsection 23.44.041.A.5 and standards a through f, h, i,

12

and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's

13

nonconformity with the standard and the applicant can demonstrate that the accessory structure

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1 was constructed prior to June 1, 1999, as an accessory structure. If an accessory structure
2 constructed prior to June 1, 1999, was replaced to the same configuration in accordance with the
3 standards of Section 23.42.112, then the replacement structure also qualifies for conversion
4 under this subsection 23.44.041.B.2. For purposes of this subsection 23.44.041.B.2, the term
5 "conversion" means either keeping the accessory structure intact or removing and rebuilding the
6 accessory structure, provided that any expansion or relocation of the accessory structure
7 complies with the development standards for detached accessory dwelling units.

8 * * *

9 Section 29. Section 23.44.042 of the Seattle Municipal Code, enacted by Ordinance
10 123378, is amended as follows:

11 **23.44.042 Urban farms**

12 * * *

13 B. An urban farm with over 4,000 square feet of planting area may be permitted as an
14 administrative conditional use accessory to any principal use permitted outright or accessory to a
15 permitted conditional use, pursuant to Sections ((23.44.018)) 23.44.021 and 23.42.051.

16 Section 30. The name of Chapter 23.45 of the Seattle Municipal Code is amended as
17 follows:

18 **Chapter 23.45 ((MULTI-FAMILY)) MULTIFAMILY**

19 Section 31. Section 23.45.502 of the Seattle Municipal Code, last amended by Ordinance
20 125267, is amended as follows:

21 **23.45.502 Scope of provisions**

22 A. This Chapter 23.45 establishes regulations for the following zones:

23 1. Lowrise 1 (LR1);

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1 2. Lowrise 2 (LR2);

2 3. Lowrise 3 (LR3);

3 4. Midrise (MR); ~~(((references to MR zones include the Midrise/85 (MR/85) zone~~

4 ~~unless otherwise noted);)) and~~

5 5. Highrise (HR).

6 B. Zones listed in subsection 23.45.502.A and having an incentive zoning suffix are
7 subject to this Chapter 23.45 and Chapter 23.58A, Incentive Provisions.

8 ~~((C. Zones listed in subsection 23.45.502.A that have a mandatory housing affordability
9 suffix of either (M), (M1), or (M2) are subject to this Chapter 23.45 and to the provisions of
10 Chapters 23.58B and 23.58C. Specific provisions that apply to zones with a mandatory housing
11 affordability suffix are in Section 23.45.517.~~

12 ~~D. Areas in multifamily zones described in subsection 23.76.026.D are vested according
13 to the provisions of subsection 23.76.026.D.))~~

14 C. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay
15 Districts, of this Title 23.

16 D. Other regulations, including but not limited to general use provisions (Chapter 23.42);
17 requirements for streets, alleys, and easements (Chapter 23.53); standards for parking quantity,
18 access, and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs
19 (Chapter 23.55); communication regulations (Chapter 23.57); and methods for measurements
20 (Chapter 23.86), may apply to development proposals.

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1 Section 32. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance
2 125558, is amended as follows:

3 **23.45.508 General provisions**

4 * * *

5 ~~((I. All use provisions and development standards applicable to MR zones, except
6 maximum height, also apply in the MR/85 zone.~~

7 J) I. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is
8 not entitled to a permit for any use or development on a lot in an LR zone that would be
9 inconsistent with any term, condition, or restriction contained either in any recorded agreement
10 that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2,
11 L3, or L4, or in any City Council decision or ordinance related to a rezone of the lot to LDT, L1,
12 L2, L3, or L4 conditioned on a recorded agreement prior to April 19, 2011.

13 K) J. If more than one category of residential use is located on a lot, and if different
14 development standards apply to the different categories of use, then each category's percentage
15 of the total limit imposed by the development standard shall be calculated according to the
16 formula for floor area ratio (FAR) in subsection 23.86.007.E.

17 L) K. Unless otherwise specified, the development standards of each zone shall
18 be applied in that zone, and may not be used in any other zone, ((unless otherwise specified))
19 except that if both zones have the same development standards, the development standard shall
20 be applied to the lot as a whole. If a lot or development site includes more than one zoning
21 designation and a development standard is based on lot area, the lot area used in applying the
22 development standard shall be the portion of the contiguous area with the corresponding zoning
23 designation.

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1 Section 33. Subsection 23.45.509.B of the Seattle Municipal Code, which section was
2 enacted by Ordinance 125267, is amended as follows:

3 **23.45.509 Standards applicable to specific areas**

4 * * *

5 B. University Community Urban Center. The following provisions apply to development
6 in the MR (M1) zone.

7 1. Lots located in MR (M1) zones are eligible as Landmark TDR and TDP
8 sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter
9 23.84A and meets all applicable standards in Section 23.58A.042.

10 2. The maximum amount of TDR and TDP that can be transferred from an
11 eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of
12 the FAR permitted on a lot, ~~((in a Midrise zone with a mandatory housing affordability suffix as~~
13 ~~listed in subsection 23.45.517.B.2,))~~ multiplied by the lot area of the sending site and minus the
14 sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

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

17 C. Structures over 240 feet in HR zones. For development containing one or more
18 structures with heights greater than 240 feet, the following additional conditions shall be met:

19 1. No parking is allowed to be located at or above grade, unless it is separated
20 from all street lot lines by another use; and

21 2. At least 20 percent of the lot area at grade must be common amenity area
22 meeting the standards of Section 23.45.522.

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1 Section 34. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.45.510 Floor area ((ratio (FAR) limits**

4 A. General provisions

5 1. ~~All gross floor area not exempt under subsection 23.45.510.E, including the~~
6 ~~area of stair penthouses with enclosed floor space, counts toward the maximum gross floor area~~
7 ~~allowed under the FAR limits.~~

8 2. ~~The applicable FAR limit applies to the total non-exempt gross floor area of all~~
9 ~~structures on the lot.~~

10 3. ~~If a lot is in more than one zone, the FAR limit for each zone applies to the~~
11 ~~portion of the lot located in that zone, and the floor area on the portion of the lot with the lower~~
12 ~~FAR limit may not exceed the amount that would be permitted if it were a separate lot.))~~

13 A. Gross floor area. In multifamily zones, gross floor area includes exterior corridors,
14 breezeways, and stairways that provide building circulation and access to dwelling units or
15 sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or
16 sleeping room and that are not used for common circulation, and ground-level walking paths, are
17 not considered gross floor area.

18 B. Floor area ratio (FAR) limits in LR and MR zones. FAR limits apply in LR and MR
19 zones as shown in Table A for 23.45.510 , provided that if the LR zone designation includes an
20 incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix
21 designation, up to the limits shown in Table A for 23.45.510, if the applicant complies with
22 Chapter 23.58A, Incentive Provisions.((In LR zones the following standards apply to the

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1 calculation of gross floor area for application of FAR limits:)) The applicable FAR limit applies
 2 to the total chargeable floor area of all structures on the lot.

3 ((1. Exterior corridors, breezeways, and stairways that provide building circulation and
 4 access to dwelling units or sleeping rooms are included in gross floor area.

5 2. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping
 6 room and that are not used for common circulation, and ground-level walking paths, are
 7 excluded from gross floor area.

8 3. Common walls separating individual rowhouse and townhouse dwelling units are
 9 considered to be exterior walls.))

**((Table A for 23.45.510
 FAR in LR zones¹**

Zone	Location Outside or inside urban centers, urban villages, and the Station Area Overlay District	Category of residential use ²			
		Cottage housing developments and single-family dwelling units	Rowhouse developments ³	Townhouse developments ³	Apartments ³
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5 ⁴
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes to Table A for 23.45.510

¹FAR limits for LR zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.B.1.

²If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.

³The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.

⁴On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.))

10

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Table A for 23.45.510

FAR limits in LR and MR zones

<u>Zone</u>	<u>Zones with an MHA suffix</u>	<u>Zones without an MHA suffix</u>
<u>LR1</u>	<u>1.3</u>	<u>1.0</u>
<u>LR2</u>	<u>1.4¹</u>	<u>1.1</u>
<u>LR3 outside urban centers and urban villages</u>	<u>1.8</u>	<u>1.2, except 1.3 for apartments</u>
<u>LR3 inside urban centers and urban villages</u>	<u>2.3</u>	<u>1.2, except 1.5 for apartments</u>
<u>MR</u>	<u>4.5</u>	<u>3.2</u>

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 ((common, ground level)), 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.

1 ((C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for
 2 23.45.510, the following standards shall be met:

3 1. The applicant shall make a commitment that the proposed development will
 4 meet the green building standard and shall demonstrate compliance with that commitment, all in
 5 accordance with Chapter 23.58D; and

6 2. For all categories of residential use, if the lot abuts an alley and the alley is
 7 used for access, improvements to the alley shall be required as provided in subsections
 8 23.53.030.E and 23.53.030.F, except that the alley shall be paved rather than improved with
 9 crushed rock, even for lots containing fewer than ten dwelling units.

10 3. Parking location if parking is provided

11 a. For rowhouse and townhouse developments, parking shall be totally
 12 enclosed within the same structure as the residential use, located in a structure or portion of a
 13 structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or
 14 structure at the rear of the lot. A parking area not within a structure that is located at the rear of

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1 ~~the lot shall be located behind all structures except, if accessed from an alley, the parking area~~
2 ~~may be located no closer to the front lot line than 50 percent of the lot depth.~~

3 ~~b. For apartments, parking may either:~~

4 ~~1) be totally enclosed within the same structure as the residential~~
5 ~~use; or~~

6 ~~2) on lots located outside of urban centers, urban villages, and the~~
7 ~~Station Area Overlay District, be located off an alley at the rear of the lot, provided that all~~
8 ~~surface parking is limited to a single row of spaces along the alley and access to each surface~~
9 ~~parking space is taken directly from the alley.~~

10 ~~4. Access to parking if parking is provided~~

11 ~~a. Access to required barrier free parking spaces may be from either a~~
12 ~~street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.e, and 23.45.510.C.4.d do not~~
13 ~~apply to required barrier free parking spaces.~~

14 ~~b. If the lot abuts an alley, access to parking shall be from the alley, unless~~
15 ~~one or more of the conditions in subsection 23.45.536.C.2 are met.~~

16 ~~c. If access cannot be provided from an alley, access shall be from a street~~
17 ~~if the following conditions are met:~~

18 ~~1) On corner lots, the driveway shall abut and run parallel to the~~
19 ~~rear lot line of the lot or a side lot line that is not a street lot line.~~

20 ~~2) On a non-corner lot, there is no more than one driveway per 160~~
21 ~~feet of street frontage.~~

22 ~~d. If access to parking does not meet one of the standards in this~~
23 ~~subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an~~

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1 alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for
 2 23.45.510 applies.

3 ~~D)) C.~~ FAR limits in ~~((MR and))~~ HR zones. FAR limits apply ~~((to all structures and lots))~~
 4 in ~~((MR and))~~ HR zones as shown in Table B for 23.45.510. ~~((, provided that if the MR or HR~~
 5 ~~zone designation includes an incentive zoning suffix, then gross floor area may exceed the base~~
 6 ~~FAR as identified in the suffix designation, up to the limits in Table B for 23.45.510, if the~~
 7 ~~applicant complies with Chapter 23.58A, Incentive Provisions.))~~ The applicable FAR limit
 8 applies to the total chargeable floor area of all structures on the lot. All floor area above the base
 9 FAR, up to the maximum FAR, is considered extra floor area achievable through the provisions
 10 of Section 23.45.516 and Chapter 23.58A.

Table B for 23.45.510
~~((Floor area ratios)) FAR limits in ((MR and)) HR zones (([±]))~~

	((MR))	((HR))
Base FAR	((3.2))	((8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet)) <u>7</u>
Maximum FAR, allowed pursuant to <u>Section 23.45.516 and Chapter 23.58A</u> ((and Section 23.45.516))	((4.25))	((13 for structures 240 feet or less in height; 14 for structures over 240 feet)) <u>15</u>

~~((Footnotes to Table B for 23.45.510
[±]The maximum FAR limit for MR zones with a mandatory housing affordability suffix is shown in subsection 23.45.517.B.2.))~~

11 ~~((E)) D.~~ The following floor area is exempt from FAR limits:
 12 1. All stories, or portions of stories, that are underground. ~~((stories.))~~
 13 2. The floor area contained in a ~~((landmark))~~ Landmark structure subject to
 14 controls and incentives imposed by a designating ordinance, if the owner of the ~~((landmark))~~
 15 Landmark has executed and recorded an agreement acceptable in form and content to the
 16 Landmarks Preservation Board, providing for the restoration and maintenance of the historically

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1 significant features of the structure, except that this exemption does not apply to a lot from which
2 a transfer of development potential (TDP) has been made under Chapter 23.58A, and does not
3 apply for purposes of determining TDP available for transfer under Chapter 23.58A.

4 3. The floor area contained in structures built prior to January 1, 1982, as single-
5 family dwelling units that will remain in residential use, regardless of the number of dwelling
6 units within the existing structure, provided that:

7 a. No other principal structure is located between the existing residential
8 structure and the street lot line along at least one street frontage. If the existing residential
9 structure is moved on the lot, the floor area of the existing residential structure remains exempt if
10 it continues to meet this provision; and

11 b. The exemption is limited to the gross floor area in the existing
12 residential structure as of January 1, 1982.

13 4. Portions of a story that extend no more than 4 feet above existing or finished
14 grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following
15 circumstances:

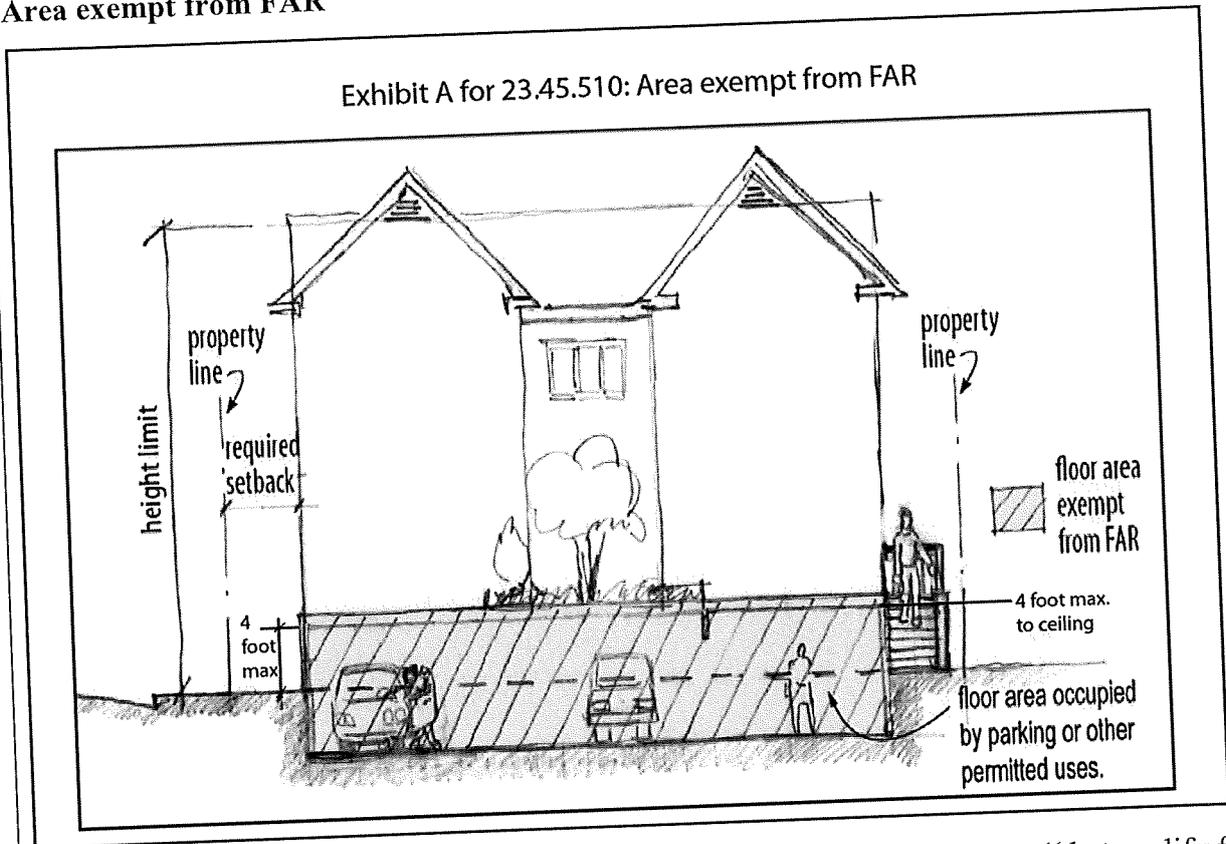
16 a. ~~((apartments))~~ Apartments in LR zones ~~((that qualify for the higher
17 FAR limit shown in Table A for 23.45.510));~~

18 b. ~~((rowhouse))~~ Rowhouse and townhouse developments in LR zones,
19 ~~((located on lots that have a lot depth of 100 feet or less, do not have alley access, and that
20 qualify for the higher FAR limit shown in Table A for 23.45.510;))~~ provided that all parking
21 ~~((access))~~ is located at the rear of the ~~((rowhouse development))~~ structure or is enclosed in
22 structures with garage entrances located on the rear facade; and

23 c. ~~((all))~~ All multifamily structures in MR and HR zones.

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1 **Exhibit A for 23.45.510**
2 **Area exempt from FAR**



3
4 5. For rowhouse and townhouse developments and apartments, ~~((that qualify for~~
5 ~~the higher FAR limit shown in Table A for 23.45.510,))~~ floor area within a ~~((structure))~~ story, or
6 portion of a ~~((structure))~~ story, that is partially above grade ~~((, is used for parking or other~~
7 ~~accessory uses, and has no additional stories above,))~~ if all of the following conditions are met:

8 a. The story, or portion of the story, that is partially above grade is used
9 for parking or other accessory uses and has no additional stories above;

10 ~~((a))~~ b. The average height of the exterior walls enclosing the floor area
11 does not exceed one story, measured from existing or finished grade, whichever is lower;

12 ~~((b))~~ c. The roof area above the exempt floor area is predominantly flat, is
13 used as amenity area, and meets the standards for amenity area at ground level in Section
14 23.45.522; and

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1 ((e)) d. At least 25 percent of the perimeter of the amenity area on the roof
2 above the floor area is not enclosed by the walls of the structure.

3 6. Enclosed common amenity area in HR zones.

4 7. As an allowance for mechanical equipment, in any structure more than 85 feet
5 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection

6 ~~((23.45.510.E))~~ 23.45.510.D.

7 8. In HR zones, ground floor commercial uses meeting the requirements of
8 Section 23.45.532, if the street level of the structure containing the commercial uses has a
9 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

10 9. The floor area of required bicycle parking for small efficiency dwelling units or
11 congregate residence sleeping rooms, if the bicycle parking is located within the structure
12 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
13 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
14 limits.

15 10. Common walls separating individual rowhouse and townhouse dwelling units.

16 11. In the Northgate Urban Center, up to 15,000 square feet of floor area in
17 residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least
18 40,000 square feet in size.

19 ((F)) E. If TDP is transferred from a lot pursuant to Section 23.58A.042, the amount of
20 non-exempt floor area that may be permitted is ~~((the applicable base FAR))~~ an FAR of 7, plus
21 any net amount of TDP previously transferred to the lot, minus the sum of the existing non-
22 exempt floor area on the lot and the amount of TDP transferred.

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1 Section 35. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance
 2 125359, is amended as follows:

3 **23.45.512 Density limits and family-size unit requirements—LR zones**

4 ((A. The minimum lot area per dwelling unit in LR zones for cottage housing
 5 developments, townhouse developments, and apartments is shown on Table A for 23.45.512,
 6 except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and
 7 23.45.512.G.))

((Table A for 23.45.512
 Density limits in Lowrise zones¹

Zone	Units allowed per square foot of lot area by category of residential use ²			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development ⁵	Apartment ⁶
LR1 ⁶	1/1,600	1/1,600 or no limit ⁷	1/2,200 or 1/1,600	1/2,000 duplexes and triplexes only
LR2	1/1,600	No limit	1/1,600 or no limit	1/1,200 or no limit
LR3	1/1,600	No limit	1/1,600 or no limit	1/800 or no limit

Footnotes for Table A for 23.45.512

¹ Density limits for LR zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.C.

² When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

³ See Section 23.45.531 for specific regulations about cottage housing developments.

⁴ One single family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

⁵ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

⁶ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

⁷ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.))

8 A. Density limits

9 1. Except according to subsection 23.45.512.A.4, the following developments
 10 must meet the density limits described in this subsection 23.45.512.A:

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1 a. In LR1 zones, rowhouse development on interior lots less than 3,000
2 square feet in size and all townhouse development; and

3 b. All development in Lowrise zones that do not have a mandatory
4 housing affordability suffix.

5 2. Development described in subsection 23.45.512.A.1 shall not exceed a density
6 of one dwelling unit per 1,300 square feet of lot area, except that apartments in LR3 zones that
7 do not have a mandatory housing affordability suffix shall not exceed a density limit of one
8 dwelling unit per 800 square feet.

9 3. When density calculations result in a fraction of a unit, any fraction up to and
10 including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one
11 additional unit.

12 ~~((B))~~ 4. Density exception for certain types of low-income multifamily residential
13 uses

14 ~~((1))~~ a. The exception in this subsection (~~(23.45.512.B))~~ 23.45.512.A.4
15 applies to (~~low-income disabled multifamily residential uses, low-income elderly multifamily~~
16 residential uses, low-income elderly/low-income disabled multifamily residential uses, and
17 other)) low-income residential uses (~~(5))~~ operated by a public agency or a private nonprofit
18 corporation. (~~(, if they do not qualify for the higher FAR limit shown in Table A for 23.45.510.))~~)

19 ~~((2))~~ b. The uses listed in subsection (~~(23.45.512.B.1))~~ 23.45.512.A.4.a
20 shall have a maximum density of one dwelling unit per 400 square feet of lot area if a majority of
21 the dwelling units are designed for and dedicated to tenancies of at least three months, and the
22 dwelling units remain in (~~low-income disabled multifamily residential use, low-income elderly~~

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1 ~~multifamily residential use, low-income elderly/low-income disabled multifamily residential use,~~
2 ~~or other))~~ low-income residential uses(;) for the life of the structure.

3 B. Family-sized unit requirements in LR1 zones

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

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

10 C. ~~((Carriage houses, nursing))~~ Nursing homes, congregate housing, assisted living
11 facilities, and accessory dwelling units that meet the standards of Section 23.45.545 are exempt
12 from the density limit set in ~~((Table A for 23.45.512))~~ subsection 23.45.512.A and the
13 requirements in subsection 23.45.512.B.

14 ~~((D. In LR1 zones no apartment shall contain more than three dwelling units, except as~~
15 ~~permitted in subsections 23.45.512.E and 23.45.512.G.~~

16 ~~((E))~~ D. Dwelling unit(s) located in structures built prior to January 1, 1982, as single-
17 family dwelling units that will remain in residential use are exempt from density limits ~~((and the~~
18 ~~provisions of subsection 23.45.512.D)).~~

19 ~~((F))~~ E. If dedication of right-of-way is required, permitted density shall be calculated
20 before the dedication is made.

21 ~~((G))~~ F. Adding units to existing structures

22 1. One additional dwelling unit may be added to an existing residential structure
23 regardless of the density restrictions in ~~((subsections))~~ subsection 23.45.512.A ~~((, 23.45.512.B,~~

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1 ~~23.45.512.C, and 23.45.512.D))~~ and the requirements in subsection 23.45.512.B. An additional
 2 unit is allowed only if the proposed additional unit is to be located entirely within an existing
 3 structure, and no additional floor area to accommodate the new unit is proposed to be added to
 4 the existing structure.

5 2. For the purposes of this subsection (~~(23.45.512.G))~~ 23.45.512.F, “existing
 6 residential structures” are those that were established under permit as of October 31, 2001, or for
 7 which a permit has been granted and the permit has not expired as of October 31, 2001.

8 Section 36. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance
 9 125603, is amended as follows:

10 **23.45.514 Structure height**

11 A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514,
 12 the height limits for (~~principal~~) structures (~~permitted~~) in LR zones are as shown on Table A
 13 for 23.45.514.

Table A for 23.45.514

Structure height for (~~Lowrise~~) LR zones (in feet) (¹)

Housing type	LR1	LR2	LR3 outside urban centers, (and) urban villages, and Station Area Overlay Districts	LR3 in urban centers, (and) urban villages, and Station Area Overlay Districts
Cottage housing developments	((18)) <u>22</u>	((18)) <u>22</u>	((18)) <u>22</u>	((18)) <u>22</u>
Rowhouse and townhouse developments	30	((30)) <u>40¹</u>	((30)) <u>40¹</u>	((30)) <u>50¹</u>
Apartments	30	((30)) <u>40¹</u>	((30)) <u>40¹</u>	((40)) <u>50²</u>

Footnotes for Table A for 23.45.514

¹ Height limits for LR zones with a mandatory housing affordability suffix are in subsection 23.45.517.D.

² The height limit is 30 feet on the portions of lots that are within 50 feet of a single family zoned lot, unless the lot in the LR zone is separated from a single family zoned lot by a street.)

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

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Table A for 23.45.514
Structure height for (~~Lowrise~~) LR zones (in feet) (²)

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

1 B. The (~~base and maximum~~) height limits for (~~principal~~) structures (~~permitted~~) in
 2 MR and HR zones are as shown in Table B for 23.45.514, subject to the additions and exceptions
 3 allowed as set forth in this Section 23.45.514.

(~~Table B for 23.45.514~~)
Structure height for MR and HR zones (in feet)¹

	MR	MR/85	HR
Base height limit	60	85	160
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75	85	240 or 300

Footnotes to Table B for 23.45.514:

¹ Height limits for MR zones with a mandatory housing affordability suffix are in subsection 23.45.517.D.)

Table B for 23.45.514
Structure height for MR and HR zones (in feet)

	MR	HR
Height limit	<u>80¹</u>	<u>440</u>

Footnote to Table B for 23.45.514

¹ Except that the height limit is 60 feet in zones without a mandatory housing affordability suffix.

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

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

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1 2. The height limit is 20 feet for ~~((an accessory structure that contains))~~ an
2 accessory dwelling unit. ~~((for a rowhouse or townhouse unit.))~~ The ridge of a pitched roof on an
3 accessory dwelling unit located in a required setback may extend up to 3 feet above the 20-foot
4 height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than
5 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit. ~~((The~~
6 ~~height limit for an accessory dwelling unit that is accessory to a single family dwelling unit shall~~
7 ~~be set according to Section 23.44.041.))~~

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

12 D. Exceptions for pitched roofs in LR zones that are not shed or butterfly roofs ~~((:))~~
13 1. Pitched roofs that are not shed or butterfly roofs may extend up to 5 feet above
14 the height limits set in Table A for 23.45.514, ~~((subject to the following limits,))~~ provided that all
15 parts of the roofs above the height limit have a minimum slope of ~~((6:12))~~ 3:12 ~~((, except as~~
16 ~~provided in subsection 23.45.514.D.5:~~

17 ~~1. For cottage housing developments in all LR zones, the ridge of pitched roofs on~~
18 ~~principal structures may extend up to 7 feet above the height limit.~~

19 ~~2. In LR1 and LR2 zones, for structures subject to a 30 foot height limit, the ridge~~
20 ~~of pitched roofs on principal structures may extend up to 5 feet above the height limit if))~~ and the
21 height exception in subsection 23.45.514.F is not used.

22 ~~((3. In LR3 zones, for structures subject to a 30 foot height limit, the ridge of~~
23 ~~pitched roofs on principal structures may either:~~

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1 a. ~~extend up to 10 feet above the height limit, if the height exception~~
2 ~~provided in subsection 23.45.514.F is not used, and the number of full stories above grade is~~
3 ~~limited to three; or~~

4 b. ~~extend up to 5 feet above the height limit, if the height exception~~
5 ~~provided in subsection 23.45.514.F is used.~~

6 4. ~~In LR3 zones, for structures subject to a 40 foot height limit, the ridge of~~
7 ~~pitched roofs on principal structures may extend up to 5 feet above the height limit provided that~~
8 ~~the height exception in subsection 23.45.514.F is not used.~~

9 5)) 2. Portions of curved roof forms, such as barrel and domed roofs, may have a
10 lesser slope than ~~((6:12))~~ 3:12, if the Director determines that the massing of the roof form is
11 comparable to a pitched roof form such as a gable or gambrel roof that would have a minimum
12 slope of ~~((6:12))~~ 3:12.

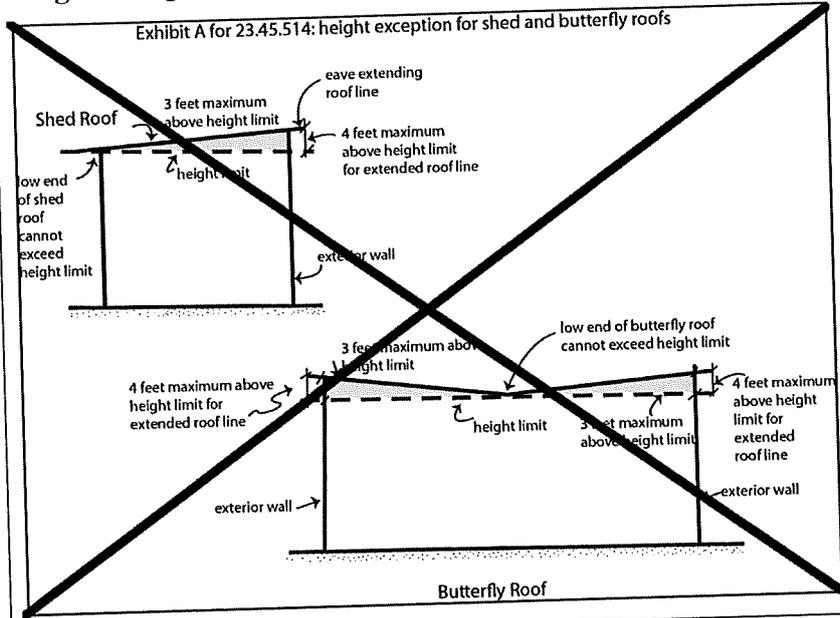
13 E. Shed and butterfly roofs in LR zones

14 1. In LR zones, the high side(s) of a shed or butterfly roof may extend 3 feet
15 above the height limits set in Table A for 23.45.514, provided that the low side(s) of the shed or
16 butterfly roof are no higher than the height limit (see Exhibit A for 23.45.514) if the height limit
17 exception in subsection 23.45.514.F is not used.

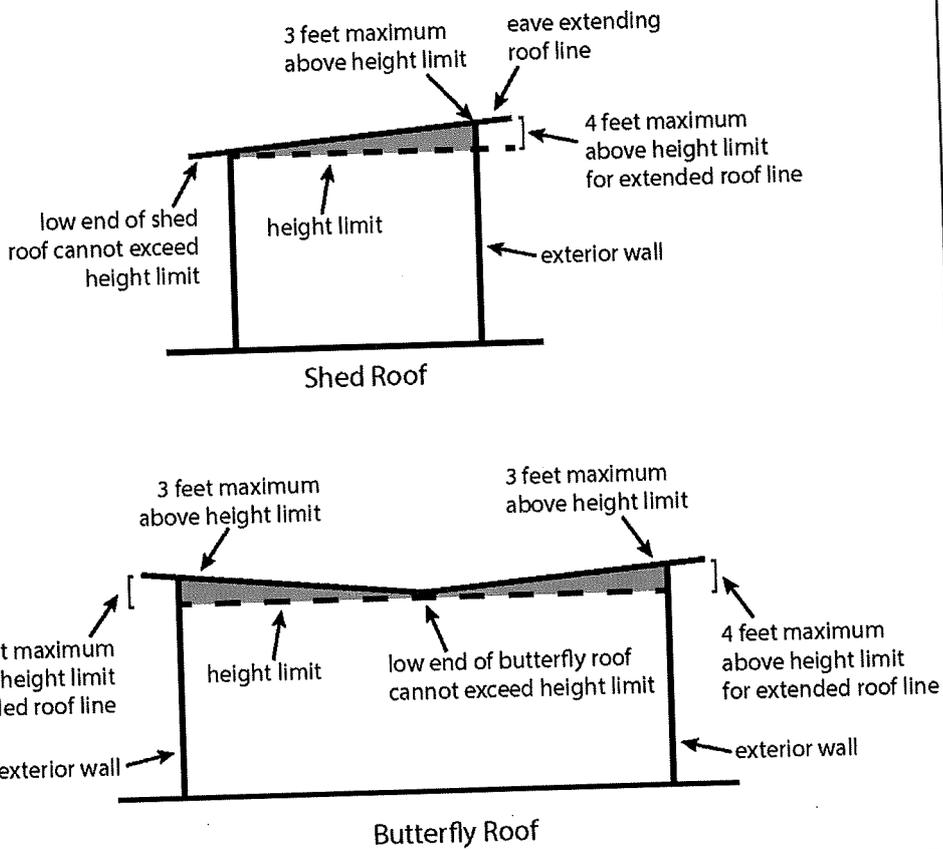
18 2. The roof line of a shed or butterfly roof may be extended in order to
19 accommodate eaves, provided that the highest point of the roof extension is no more than 4 feet
20 above the height limit.

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1 **Exhibit A for 23.45.514**
2 **Height exception for shed and butterfly roofs**



3 **Exhibit A for 23.45.514**
Height exception for shed and butterfly roofs



4

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1 F. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable
2 height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure
3 that includes a story that is partially below-grade, provided that:

4 1. This height exception does not apply to portions of lots that are within 50 feet
5 of a single-family zone boundary line, unless the lot in the LR zone is separated from a single-
6 family zoned lot by a street;

7 2. The number of stories above the partially below-grade story is limited to
8 ~~((three))~~ four stories for residential uses with a ~~((30-foot))~~ 40-foot height limit and to ~~((four))~~
9 five stories for residential uses with a ~~((40-foot))~~ 50-foot height limit;

10 3. On the street-facing facade(s) of the structure, the story above the partially
11 below-grade story is at least 18 inches above the elevation of the street, except that this
12 requirement may be waived to accommodate units accessible to the disabled or elderly,
13 consistent with the Seattle Residential Code, ~~((Section R322))~~ Chapter 3, or the Seattle Building
14 Code, Chapter 11; and

15 4. The average height of the exterior walls of the portion of the story that is
16 partially below-grade does not exceed 4 feet, measured from existing or finished grade,
17 whichever is less.

18 ~~((G. In MR zones, the base height limit is increased by 5 feet if the number of stories in
19 the structure that are more than 4 feet above existing or finished grade, whichever is lower, does
20 not exceed six, and one or more of the following conditions is met:~~

21 ~~1. The FAR exemption provided in Section 23.45.510.E.4 is used;~~

22 ~~2. All stories in the structure, except stories used only for parking, have floor to
23 ceiling heights of 9 feet or more; or~~

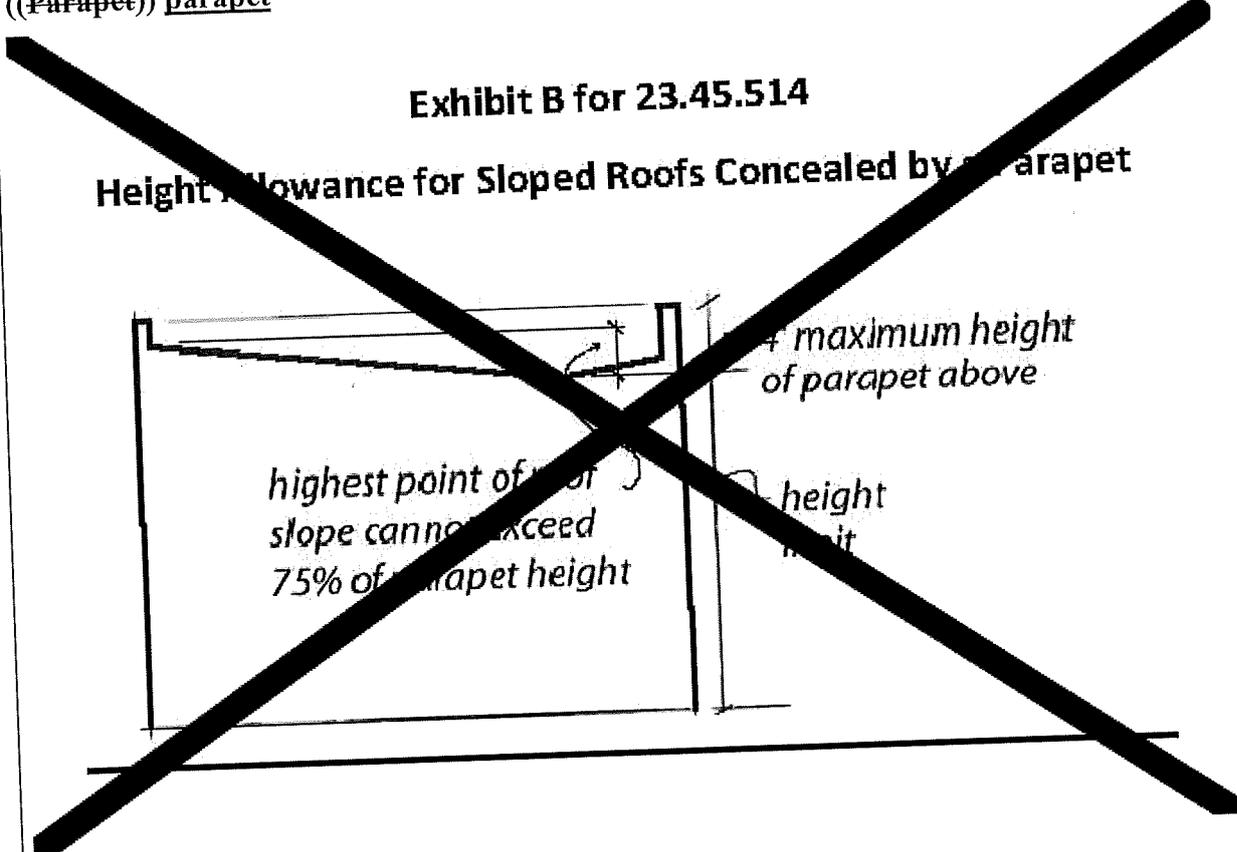
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3. The lot is split between a MR zone and an NC zone, and the base structure height allowed on the NC zoned portion is 65 feet or more.

H)) G. Roofs enclosed by a parapet. Roof surfaces that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest elevation of the roof surface does not exceed 75 percent of the parapet height, and provided that the lowest elevation of the roof surface is no higher than the applicable height limit. See Exhibit B for 23.45.514.

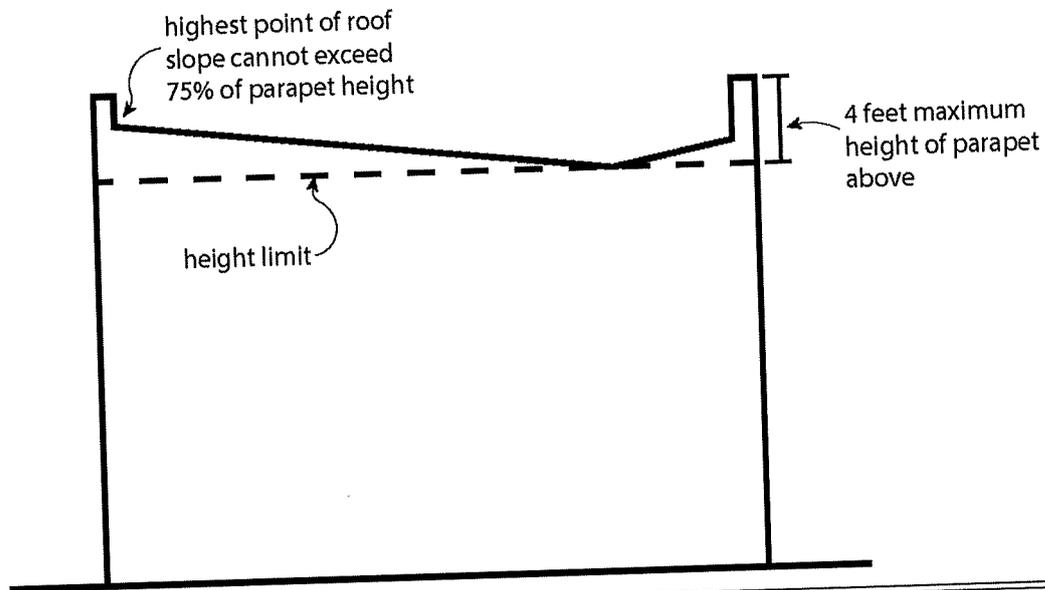
Exhibit B for 23.45.514 ((~~⊕~~))
Height ((~~Allowance~~)) allowance for ((~~Sloped Roofs Concealed~~)) sloped roofs concealed by a ((~~Parapet~~)) parapet



11

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Exhibit B for 23.45.514 Height allowance for sloped roofs concealed by a parapet



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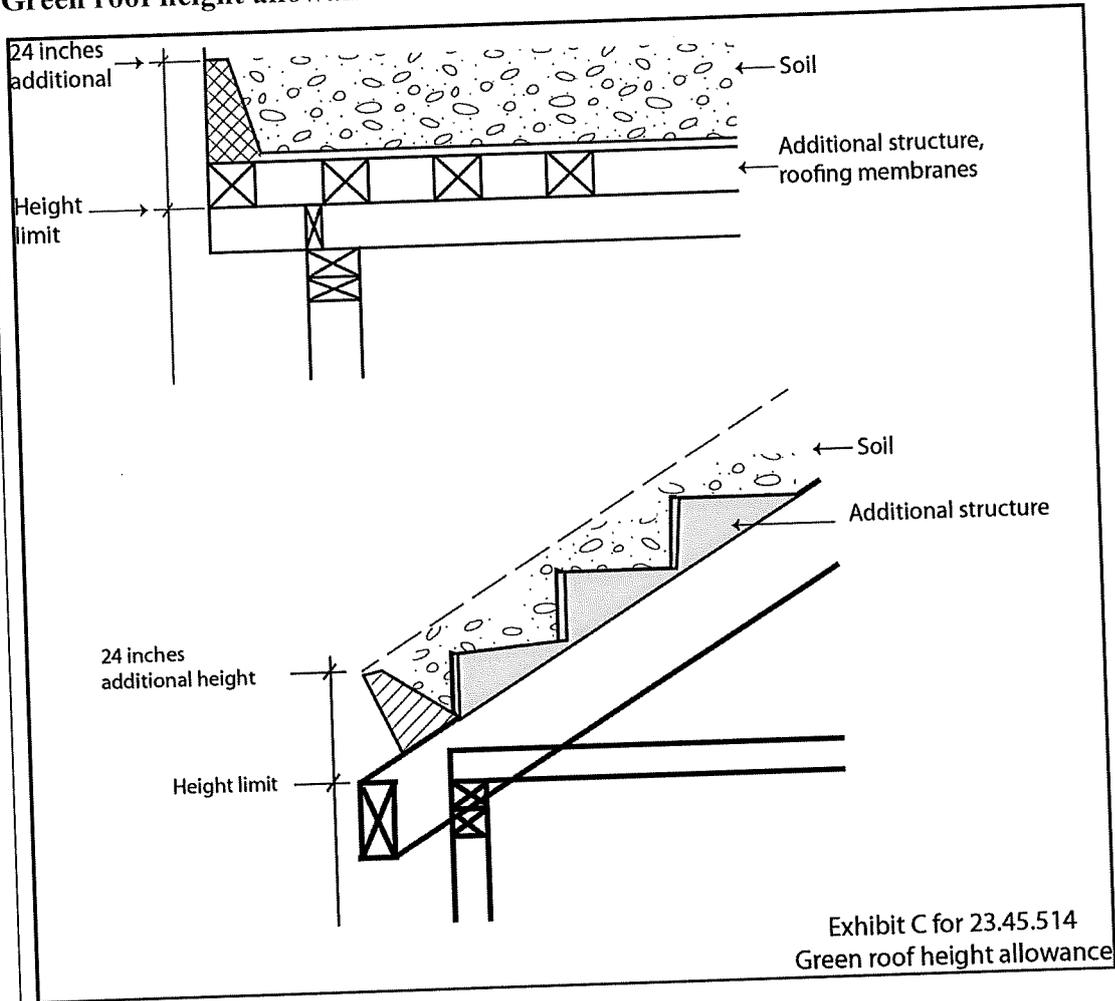
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((F)) H. Green roofs. For any structure with a green roof that meets standards promulgated by the Director and that covers at least 50 percent of the surface of the roof, up to 2 feet of additional height above the maximum height otherwise allowed for the roof is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

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1 **Exhibit C for 23.45.514**
2 **Green roof height allowance**



3
4 **((F)) I. Rooftop features**

5 1. Flagpoles and religious symbols for religious institutions that are located on a
6 roof are exempt from height controls, except as regulated in Chapter 23.64, provided they are no
7 closer to any lot line than 50 percent of their height above the roof portion where attached.

8 2. Open railings, planters, greenhouses not dedicated to food production, parapets,
9 and firewalls on the roofs of principal structures may extend 4 feet above the maximum height
10 limit set in subsections 23.45.514.A, 23.45.514.B, and 23.45.514.F.

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1 3. Architectural projections that result in additional interior space, such as
2 dormers, skylights, and clerestories, are subject to the following limits:

3 a. On pitched roofs, projections may extend to the height of the ridge of a
4 pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions are
5 met:

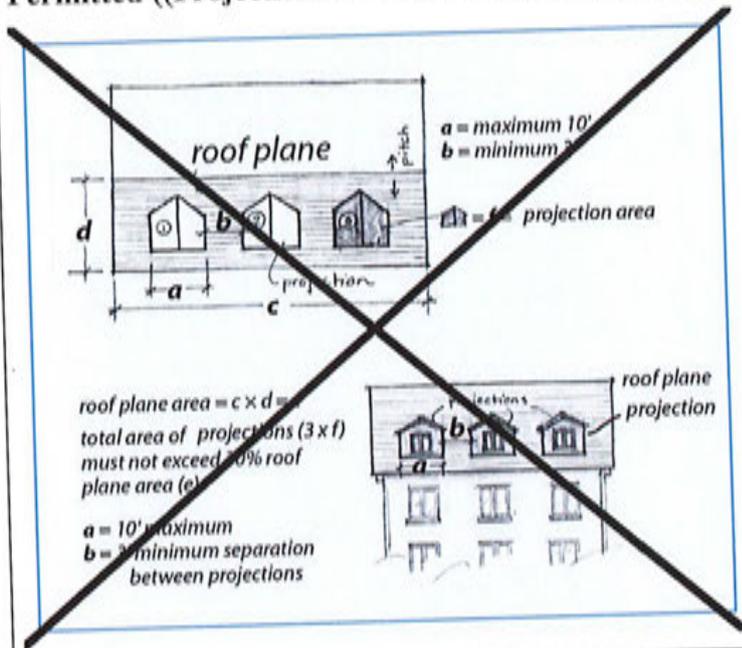
6 1) ~~((the))~~ The total area of the projections is no more than 30
7 percent of the area of each roof plane measured from the plan view perspective;

8 2) ~~((each))~~ Each projection is limited to 10 feet in width; and

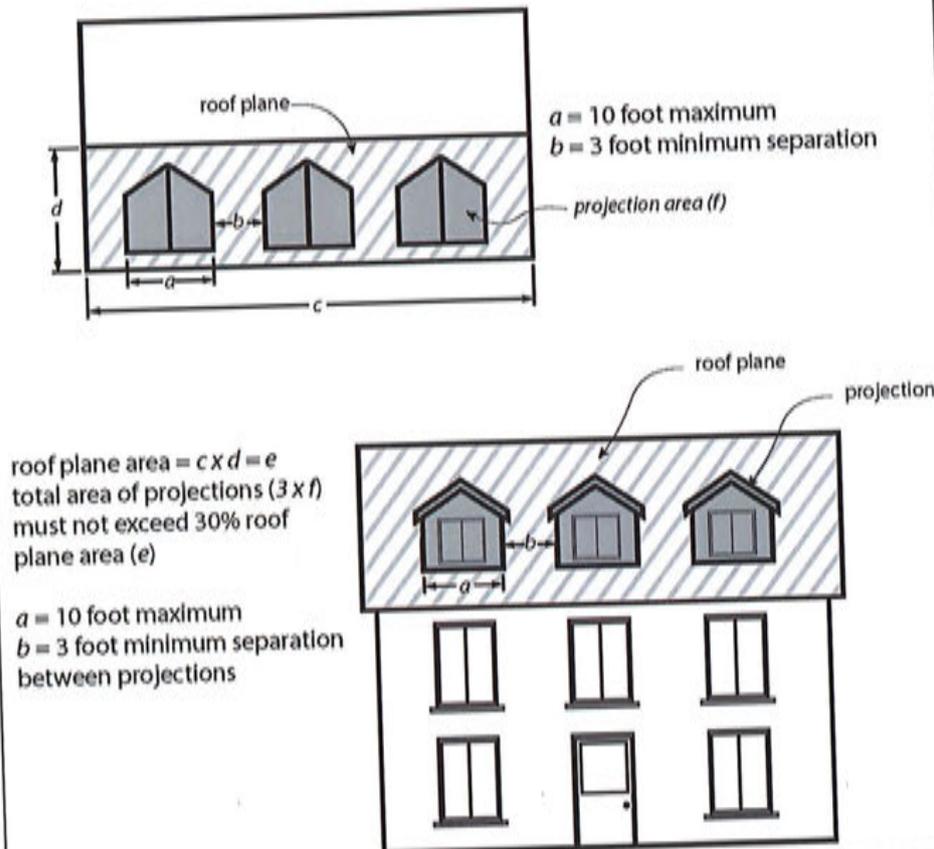
9 3) ~~((each))~~ Each projection is separated by at least 3 feet from any
10 other projection (see Exhibit D for 23.45.514).

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1 **Exhibit D for 23.45.514 ((~~†~~))**
2 **Permitted ((~~Projections on Pitched Roofs~~)) projections on pitched roofs**



3 **Exhibit D for 23.45.514**
Permitted projections on pitched roofs



4

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1 b. On flat roofs, the projections may extend 4 feet above the maximum
2 height limit allowed by subsections 23.45.514.A, 23.45.514.B, and 23.45.514.F if the following
3 requirements are met:

4 1) ~~((the))~~ The total area of the projections is no more than 30
5 percent of the area of the roof plane; and

6 2) ~~((the))~~ The projections are ~~((setback))~~ set back at least 4 feet
7 from any street facing facade.

8 4. In LR zones, the following rooftop features may extend 10 feet above the
9 height limit set in subsections 23.45.514.A and 23.45.514.F, if the combined total coverage of all
10 features in subsections 23.45.514.J.4.a through 23.45.514.J.4.f does not exceed 15 percent of the
11 roof area (or 20 percent of the roof area if the total includes screened mechanical equipment):

12 a. Stair penthouses, except as provided in subsection ~~((23.45.514.J.6))~~
13 23.45.514.I.6;

14 b. Mechanical equipment;

15 c. Play equipment and open-mesh fencing that encloses it, if the fencing is
16 at least 5 feet from the roof edge;

17 d. Chimneys;

18 e. Wind-driven power generators; and

19 f. Minor communication utilities and accessory communication devices,
20 except that height is regulated according to the provisions of Section 23.57.011.

21 5. In MR and HR zones, the following rooftop features may extend 15 feet above
22 the applicable height limit set in ~~((subsections))~~ subsection 23.45.514.B ~~((and 23.45.514.G))~~, if

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1 the combined total coverage of all features does not exceed 20 percent of the roof area, or 25
2 percent of the roof area if the total includes screened mechanical equipment:

3 a. Stair penthouses, except as provided in subsection ((23.45.514.J.6))

4 23.45.514.I.6;

5 b. Mechanical equipment;

6 c. Play equipment and open-mesh fencing that encloses it, if the fencing is
7 at least 5 feet from the roof edge;

8 d. Chimneys;

9 e. Sun and wind screens;

10 f. Penthouse pavilions for the common use of residents;

11 g. Greenhouses and solariums, in each case that meet minimum energy
12 standards administered by the Director;

13 h. Wind-driven power generators; and

14 i. Minor communication utilities and accessory communication devices,
15 except that height is regulated according to the provisions of Section 23.57.011.

16 6. Subject to the roof coverage limits in subsections ((23.45.514.J.4))
17 23.45.514.I.4 and 23.45.514.I.5, elevator penthouses may extend above the applicable height
18 limit up to 16 feet. ~~((If additional height is needed to accommodate energy efficient elevators in
19 HR zones, elevator penthouses may extend the minimum amount necessary to accommodate
20 energy efficient elevators, up to 25 feet above the applicable height limit. Energy efficient
21 elevators are defined by Director's Rule.))~~ Stair penthouses may be the same height as an
22 elevator penthouse if the elevator and stairs are co-located within a common penthouse structure.

23 7. For height exceptions for solar collectors, see Section 23.45.545.

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1 8. In order to protect solar access for property to the north, the applicant shall
2 either locate the rooftop features listed in this subsection (~~(23.45.514.J.8)~~) 23.45.514.I.8 at least
3 15 feet from the north lot line, or provide shadow diagrams to demonstrate that the proposed
4 location of such rooftop features would shade property to the north on January 21 (~~(st)~~) at noon
5 no more than would a structure built to maximum permitted bulk:

- 6 a. Solar collectors;
- 7 b. Planters;
- 8 c. Clerestories;
- 9 d. Greenhouses and solariums that meet minimum energy standards
10 administered by the Director;
- 11 e. Minor communication utilities and accessory communication devices,
12 permitted according to the provisions of Section 23.57.011;
- 13 f. Play equipment;
- 14 g. Sun and wind screens;
- 15 h. Penthouse pavilions for the common use of residents.

16 9. For height limits and exceptions for communication utilities and devices, see
17 Section 23.57.011.

18 10. Greenhouses that are dedicated to food production are permitted to extend 15
19 feet above the applicable height limit, as long as the combined total coverage of all features
20 gaining additional height listed in this subsection (~~(23.45.514.J)~~) 23.45.514.I does not exceed 50
21 percent of the roof area, and the greenhouse meets the requirements of subsection
22 (~~(23.45.514.J.8)~~) 23.45.514.I.8.

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- 1 ~~((11. Additional height in HR zones. A structure may exceed the applicable height~~
2 ~~limit in the HR zone as follows:~~
- 3 ~~a. If the applicable height limit is 240 feet, the height of the structure may~~
4 ~~be increased by 30 feet if the area bounded by the facades of the portion of the structure above~~
5 ~~240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation~~
6 ~~that is halfway between 240 feet and the height of the structure is no greater than 50 percent of~~
7 ~~the area bounded by the facades at a height of 240 feet.~~
- 8 ~~b. If the applicable height limit is 300 feet, the height of a structure may be~~
9 ~~increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above~~
10 ~~300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades~~
11 ~~at an elevation that is halfway between 300 feet and the height of the structure is no greater than~~
12 ~~50 percent of the area bounded by the facades at a height of 300 feet.~~
- 13 ~~e. In all cases the area bounded by the facades extending above the height~~
14 ~~limit may be occupied only by those uses or features otherwise permitted in this Section~~
15 ~~23.45.514 as an exception above the height limit, although any limits on the height or coverage~~
16 ~~of those uses or features totally screened by the facades extending above the applicable height~~
17 ~~limit shall not apply. Height exceptions permitted for screening of rooftop features under other~~
18 ~~provisions of this subsection 23.45.514.J are not permitted above the height gained by a structure~~
19 ~~under this subsection 23.45.514.J.11.))~~

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1 Section 37. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance
2 125173, is amended as follows:

3 **23.45.516 ((Additional height and)) Method to achieve extra residential floor area in ((MR**
4 **and)) HR zones**

5 A. ((General.)) Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless
6 otherwise specified.

7 ~~((1. In MR, MR/85, and HR zones, extra residential floor area may be permitted~~
8 ~~up to the maximum limits allowed by Section 23.45.510.~~

9 ~~2. In MR and HR zones, additional height above the base height limit is permitted~~
10 ~~for structures that qualify for extra residential floor area, up to the maximum limits allowed by~~
11 ~~Sections 23.45.514 and 23.45.516.~~

12 B. ~~Eligible lots. The following lots are eligible for extra residential floor area and, except~~
13 ~~in MR/85 zones, additional height:~~

14 1. ~~Lots in MR or MR/85 zones in urban villages, urban centers, and the Station~~
15 ~~Area Overlay District, except when the lot abuts a lot zoned single family or is directly across an~~
16 ~~alley from a lot zoned single family; and~~

17 2. ~~Lots in HR zones.~~

18 C. HR zones

19 1. ~~Extra residential floor area.))~~

20 B. In HR zones, extra residential floor area above the base FAR may be gained in
21 accordance with Chapter 23.58A subject to the conditions and limits in this Section 23.45.516.

22 1. Up to all extra residential floor area may be gained through the affordable
23 housing incentive program provisions in Section 23.58A.014.

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1 2. Up to 40 percent of extra residential floor area may be gained by one or any
2 combination of:

- 3 a. ~~((transfer))~~ Transfer of development potential;
4 b. ~~((providing))~~ Providing neighborhood open space ~~((or a payment in lieu~~
5 ~~thereof))~~; and/or
6 c. ~~((providing))~~ Providing a neighborhood green street setback if allowed
7 pursuant to subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter
8 23.58A.

9 ~~((2. Structure height~~

10 a. ~~Structures 240 feet or less in height. The applicable height limit in an~~
11 ~~HR zone under subsection 23.45.514.B is 240 feet if the applicant satisfies the conditions for~~
12 ~~extra floor area but not all of the conditions in subsection 23.45.516.C.2.b are met.~~

13 b. ~~Structures over 240 feet. The applicable height limit in an HR zone~~
14 ~~under subsection 23.45.514.B is 300 feet if the applicant satisfies the conditions for extra floor~~
15 ~~area and the following additional conditions are met:~~

16 1) ~~For any structure above a height of 85 feet, the average~~
17 ~~residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet;~~

18 2) ~~No parking is located at or above grade, unless it is separated~~
19 ~~from all street lot lines by another use; and~~

20 3) ~~At least 25 percent of the lot area at grade is one or more~~
21 ~~landscaped open spaces, each with a minimum horizontal dimension of 10 feet, or at least 20~~
22 ~~percent of the lot area at grade is landscaped, common amenity area meeting the standards of~~
23 ~~Section 23.45.522.))~~

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1 C. Structures over 240 feet. For development containing one or more structures with
2 heights greater than 240 feet, the following additional conditions shall be met:

3 1. No parking is allowed to be located at or above grade, unless it is separated
4 from all street lot lines by another use; and

5 2. One of the following is met:

6 a. At least 25 percent of the lot area at grade includes one or more
7 landscaped open spaces, each with a minimum horizontal dimension of 10 feet; or

8 b. At least 20 percent of the lot area at grade must be common amenity
9 area meeting the standards of Section 23.45.522.

10 D. Transferable Development Potential (TDP) from Landmark structures and open space

11 1. Sending lots. TDP may be transferred under the provisions of Section
12 23.58A.040, as modified by this Section 23.45.516, only from Landmark TDP sites and open
13 space TDP sites. In order to be eligible as a Landmark TDP site or open space TDP site, a lot
14 shall be located in First Hill and shall be zoned MR or HR. Sending lots are subject to the limits
15 and conditions in this Chapter 23.45 and Chapter 23.58A. The amount of TDP that may be
16 transferred from a lot is limited to the amount by which the base FAR under Section 23.45.510
17 exceeds floor area on the lot that is not exempt under Section 23.45.510.

18 2. Receiving lots. Any lot located in an HR zone within First Hill is eligible for
19 extra residential floor area according to the provisions of this Section 23.45.516 to receive TDP
20 from an eligible sending lot, subject to the limits and conditions in this Chapter 23.45 and
21 Chapter 23.58A.

22 ~~((E. Combined lot development. When authorized by the Director pursuant to this Section~~
23 ~~23.45.516, lots located on the same block in an HR zone may be combined, whether contiguous~~

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1 ~~or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on~~
2 ~~one or more such lots under this Chapter 23.45 to be used on one or more other lots, according to~~
3 ~~the provisions of this subsection 23.45.516.E.~~

4 1. ~~Up to all of the capacity on one lot, referred to in this subsection 23.45.516.E as~~
5 ~~the "base lot," for chargeable floor area in addition to the base FAR, pursuant to Section~~
6 ~~23.45.510 (referred to in this subsection 23.45.516.E as "bonus capacity"), may be used on one~~
7 ~~or more other lots, subject to compliance with all conditions to obtaining extra residential floor~~
8 ~~area, pursuant to Chapter 23.58A, as modified in this Section 23.45.516. For purposes of~~
9 ~~applying any conditions related to amenities or features provided on site under this Section~~
10 ~~23.45.516, only the lot or lots on which such bonus capacity is used are considered to be the lot~~
11 ~~or site using a bonus. Criteria for use of extra residential floor area that apply to the structure(s)~~
12 ~~shall be applied only to the structure(s) on the lots using the transferred bonus capacity. For~~
13 ~~purposes of the condition to height above 240 feet in subsection 23.45.516.C.2.b.3 of this Section~~
14 ~~23.45.516, all lots in a combined lot development are considered as one lot.~~

15 2. ~~Only if all of the bonus capacity on all lots in a combined lot development is~~
16 ~~used on fewer than all of those lots, there may be transferred from a base lot where no bonus~~
17 ~~capacity is used, to one or more other lots in the combined lot development, up to all of the~~
18 ~~unused base FAR on the base lot, without regard to limits on the transfer of TDP or on use of~~
19 ~~TDP in Chapter 23.58A or subsection 23.45.516.D. Such transfer shall be treated as a transfer of~~
20 ~~TDP for purposes of determining remaining development capacity on the base lot and TDP~~
21 ~~available to transfer under Chapter 23.58A, but shall be treated as additional base FAR on the~~
22 ~~other lots, and, to the extent that, together with other base floor area, it does not exceed the~~
23 ~~amount of chargeable floor area below the base height limit on the lot where it is used, it shall~~

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1 ~~not be treated as extra residential floor area. If less than all of the bonus capacity of the base lot~~
2 ~~is used on such other lots, and if the base lot qualifies as a sending lot for TDP, the unused base~~
3 ~~FAR may be transferred as TDP to the extent permitted by Chapter 23.58A and this Section~~
4 ~~23.45.516, but in each case only to satisfy in part the conditions to achieve extra floor area, not~~
5 ~~as additional base FAR.~~

6 3. ~~To the extent permitted by the Director, the maximum chargeable floor area for~~
7 ~~any one or more lots in the combined lot development may be increased up to the combined~~
8 ~~maximum chargeable floor area under Section 23.45.510 computed for all lots participating in~~
9 ~~the combined lot development, provided that the maximum chargeable floor area on one or more~~
10 ~~other lots in the combined lot development is correspondingly reduced. To the extent permitted~~
11 ~~by the Director, and subject to subsection 23.45.516.E.2, the base floor area for any one or more~~
12 ~~lots in the combined lot development may be increased up to the combined base chargeable floor~~
13 ~~area under Section 23.45.510 computed for all lots participating in the combined lot~~
14 ~~development, provided that the base floor area on one or more other lots in the combined lot~~
15 ~~development is correspondingly reduced.~~

16 4. ~~The Director shall allow a combined lot development only to the extent that the~~
17 ~~Director determines, in a Type I land use decision, that permitting more chargeable floor area~~
18 ~~than would otherwise be allowed on a lot or lots and the corresponding reduction on another lot~~
19 ~~or lots will result in a significant public benefit through one of more of the following:~~

20 a. ~~preservation of a landmark structure located on the block or on an~~
21 ~~adjacent block either through the inclusion of the lot with the landmark structure as a base lot in~~
22 ~~the combined lot development or through the transfer of TDP from the lot with the landmark~~
23 ~~structure to a lot in the combined lot development;~~

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1 ~~b. inclusion on the same block of a structure in which low income housing~~
2 ~~is provided to satisfy all or part of the conditions to earn extra residential floor area; and/or~~

3 ~~e. provision of open space on the same block to satisfy in part the~~
4 ~~conditions to achieve extra residential floor area.~~

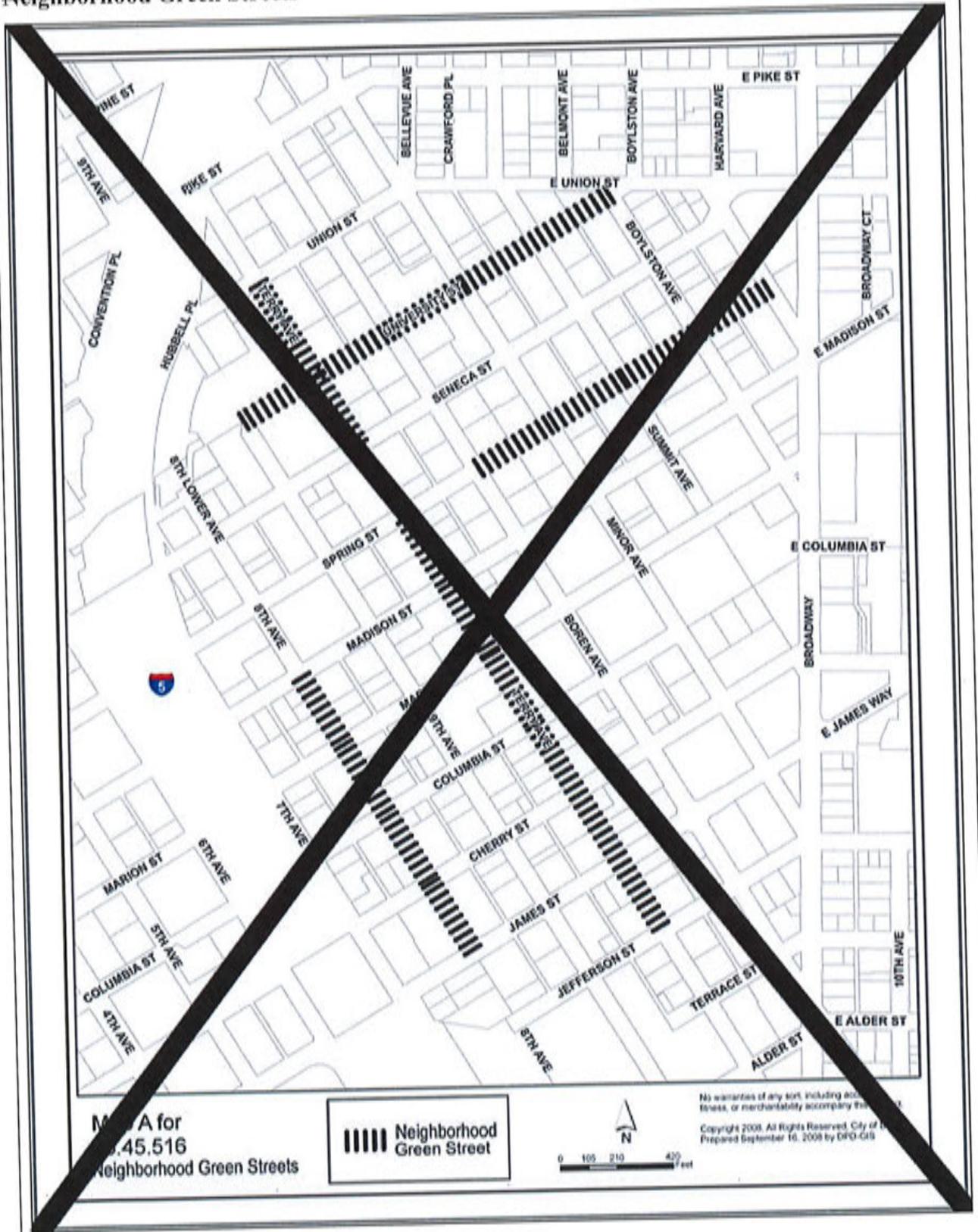
5 ~~5. The fee owners of each of the combined lots shall execute an appropriate~~
6 ~~agreement or instrument, which shall include the legal descriptions of each lot and shall be~~
7 ~~recorded in the King County real property records. In the agreement or instrument, the owners~~
8 ~~shall acknowledge the extent to which development capacity on each base lot is reduced by the~~
9 ~~use of such capacity on another lot or lots, at least for so long as the chargeable floor area for~~
10 ~~which such capacity is used remains on such other lot or lots. The agreement or instrument shall~~
11 ~~also provide that its covenants and conditions shall run with the land and shall be specifically~~
12 ~~enforceable by the parties and by the City of Seattle.~~

13 ~~6. Nothing in this subsection 23.45.516.E shall allow the development on any lot~~
14 ~~in a combined lot development to exceed or deviate from height limits or other development~~
15 ~~standards.~~

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

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1 ((Map A for 23.45.516
2 Neighborhood Green Streets



3

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1 G)) F. Neighborhood open space. In HR zones, subject to the limits in this Section
 2 23.45.516 and Chapter 23.58A, extra residential floor area may be gained through a voluntary
 3 agreement to provide neighborhood open space (~~((or a payment in lieu of neighborhood open~~
 4 ~~space))~~), according to the provisions of Section 23.58A.040.

5 Section 38. Section 23.45.517 of the Seattle Municipal Code, last amended by Ordinance
 6 125432, is amended as follows:

7 ~~23.45.517 ((Multifamily zones with a mandatory))~~ Mandatory housing affordability
 8 ~~((suffix))~~ (MHA) in multifamily zones

9 ~~((The following standards apply to multifamily zones with a mandatory housing affordability~~
 10 ~~suffix, which include (M), (M1), and (M2):~~

11 A. Affordable housing requirements. Development is subject to the provisions of
 12 Chapters ~~23.58B and 23.58C~~.

13 B. Floor area ratio (FAR)

14 1. FAR limits for LR1, LR2, and LR3 zones with a mandatory housing
 15 affordability suffix are shown in Table A for 23.45.517:))

~~((Table A for 23.45.517~~
~~FAR limits for LR1, LR2, and LR3 zones with mandatory housing affordability suffix~~

Zone	Location	Category of residential use			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
LR1	Either outside or inside	1.3	1.3	1.2	1.2
LR2	Either outside or inside	1.3	1.4	1.4	1.4
LR3	Inside	1.3	1.6	2.2	2.3
LR3	Outside	1.3	1.6	1.5	1.8))

16 ~~((2. The base and maximum FAR limit for MR zones with a mandatory housing~~
 17 ~~affordability suffix is 4.5.~~

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1 **C. Density limit**

2 1. The minimum lot area per dwelling unit for cottage housing developments,
 3 rowhouse developments, townhouse developments, and apartments in LR1, LR2, and LR3 zones
 4 with a mandatory housing affordability suffix is shown on Table B for 23.45.517.

5 2. The limit on the number of dwelling units permitted in an apartment in the LR1
 6 zone in subsection 23.45.512.D does not apply to a LR1 zone with a mandatory housing
 7 affordability suffix.))

((Table B for 23.45.517

Density limits in LR1, LR2, and LR3 zones with mandatory housing affordability suffix

Zone	Units allowed per square foot of lot area by category of residential use ^{1,2}			
	Cottage housing development ³ and single family dwelling unit ⁴	Rowhouse development	Townhouse development	Apartment
LR1	No limit	No limit	1/1,600	No limit
LR2	No limit	No limit	No limit	No limit
LR3	No limit	No limit	No limit	No limit

Footnotes to Table B for 23.45.517

¹When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

²Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C.

³See Section 23.45.531 for specific regulations about cottage housing developments.

⁴One single family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.))

8 **((D. Structure height**

9 1. The height limits for principle structures permitted in LR1, LR2, and LR3
 10 zones with a mandatory housing suffix are as shown on Table C for 23.45.517, subject to the
 11 additions and exceptions allowed as set forth in subsection 23.45.514.C through subsection
 12 23.45.514.J.))

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~~((Table C for 23.45.517
 Structure height in LR1, LR2, and LR3 zones with mandatory housing affordability
 suffix (in feet)~~

Housing type	LR1	LR2	LR3	LR3
			Inside urban centers and villages	Outside urban centers and villages
Cottage housing developments	18	18	18	18
Rowhouse and townhouse developments	30	40	50	40
Apartments	30	40	50	40))

1 ~~((2. The height limit for principal structures permitted in MR zones with a~~
 2 ~~mandatory housing affordability suffix is 80 feet, subject to the additions and exceptions allowed~~
 3 ~~as set forth in subsections 23.45.514.C, 23.45.514.H, 23.45.514.I, and 23.45.514.J.~~

4 ~~E. Green building performance. Applicants for development in LR1 and LR2 zones with~~
 5 ~~a mandatory housing affordability suffix shall make a commitment that the proposed~~
 6 ~~development will meet the green building standard and shall demonstrate compliance with that~~
 7 ~~commitment, all in accordance with Chapter 23.58D.))~~

8 LR, MR, and HR zones with a mandatory housing affordability suffix are subject to the
 9 provisions of Chapters 23.58B and 23.58C.

10 Section 39. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
 11 125603, is amended as follows:

12 **23.45.518 Setbacks and separations**

13 A. LR zones ((-))

14 1. Required setbacks for the LR zones are shown in Table A for 23.45.518 and
 15 subsection 23.45.518.A.2.

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Table A for 23.45.518
Required ((Setbacks in LR Zones Measured in Feet)) setbacks in LR zones measured in feet

All LR zones	Category of residential use			
	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with alley; 7 if no alley	0 with alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side setback for facades 40 feet or less in length ¹	5	0 where abutting another rowhouse development ((³)) ² , otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side setback for facades greater than 40 feet in length ((²)) ³	5 minimum	0 where abutting another rowhouse development ((³)) ² , otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnotes to Table A for 23.45.518 ((÷))

¹ Additions to existing nonconforming structures built prior to April 11, 2011, shall be set back a sufficient distance so that the addition complies with setback standards. For any portion of a structure built before April 11, 2011, the average setback applies only to a new addition built after that date. If an addition is to a side wall extended vertically, the existing side wall line may be continued by the addition, provided that the average setback of 7 feet or the 5-foot minimum setback is met.

((² Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.))

((³)² If the side facades of rowhouse developments on abutting lots are not joined, then a 3.5-foot setback is required, except the side setback may be reduced to zero if the abutting lot contains a rowhouse development and an easement is provided along the shared lot line of the abutting lot sufficient to leave a 3.5-foot separation between the principal structures of the abutting rowhouse developments.

³ Portions of structures that qualify for the FAR exemption in subsection 23.45.510.D.5 are not considered part of the facade length for the purposes of determining the side setback requirement.

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1 2. Upper-level setbacks in LR2 and LR3 zones

2 a. An upper-level setback of 12 feet from the front lot line is required for

3 all portions of a structure above the following height:

4 1) Forty-four feet for zones with a height limit of 40 feet; and

5 2) Fifty-four feet for zones with a height limit of 50 feet.

6 b. An upper-level setback of 12 feet from each side or rear lot line that

7 abuts a lot zoned single-family is required for all portions of the structure above 34 feet in height.

8 c. Projections allowed in subsection 23.45.518.H are allowed in upper-

9 level setbacks.

10 d. Structures allowed in subsection 23.45.518.J are not allowed in upper-

11 level setbacks.

12 e. Rooftop features are not allowed in upper-level setback except as

13 follows:

14 1) A pitched roof, other than a shed roof or butterfly roof, is

15 allowed in the upper-level setback if all parts of the roof are pitched at a rate of not less than 6:12

16 and not more than 12:12.

17 2) Open railings may extend up to 4 feet above the height at which

18 the setback begins.

19 3) Parapets may extend up to 2 feet above the height at which the

20 setback begins.

21 B. MR zones ((-))

22 1. Minimum setbacks for the MR zone are shown in Table B for 23.45.518 and

23 subsection 23.45.518.B.2.

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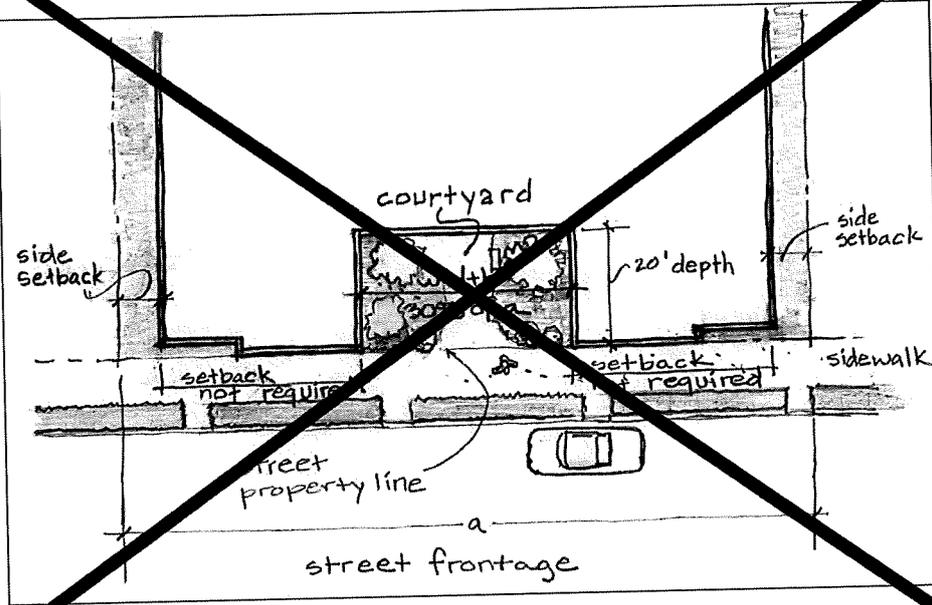
1 ((Table B for 23.45.518: MR Setbacks))

Table B for 23.45.518	
MR setbacks measured in feet	
Setback ((Location)) location	Required ((Setback Amount)) setback amount
Front and side setback from street lot lines	7 ((feet)) average ((setback)) ; 5 ((feet)) minimum ((setback)) No setback is required if a courtyard is provided that is at grade and abuts the street (see Exhibit A for 23.45.518), and the courtyard has: <ul style="list-style-type: none"> • a minimum width equal to 30 percent of the width of the abutting street frontage or 20 feet, whichever is greater; and • a minimum depth of 20 feet measured from the abutting street lot line.
	((No setback is required if a courtyard abuts the street (see Exhibit A for 23.45.518) and the courtyard has: <ul style="list-style-type: none"> • a minimum width equal to 30 percent of the width of the abutting street frontage or 20 feet, whichever is greater; and • a minimum depth of 20 feet measured from the abutting street lot line.))
Rear setback	15 ((feet)) from a rear lot line that does not abut an alley; or 10 ((feet)) from a rear lot line abutting an alley.
Side setback from interior lot line	For portions of a structure: <ul style="list-style-type: none"> • 42 feet or less in height: 7 average; 5 minimum • Above 42 feet in height: 10 average; 7 minimum
	((• 42 feet or less in height: 7 foot average setback; 5 foot minimum setback. • Above 42 feet in height: 10 foot average setback; 7 foot minimum setback.))

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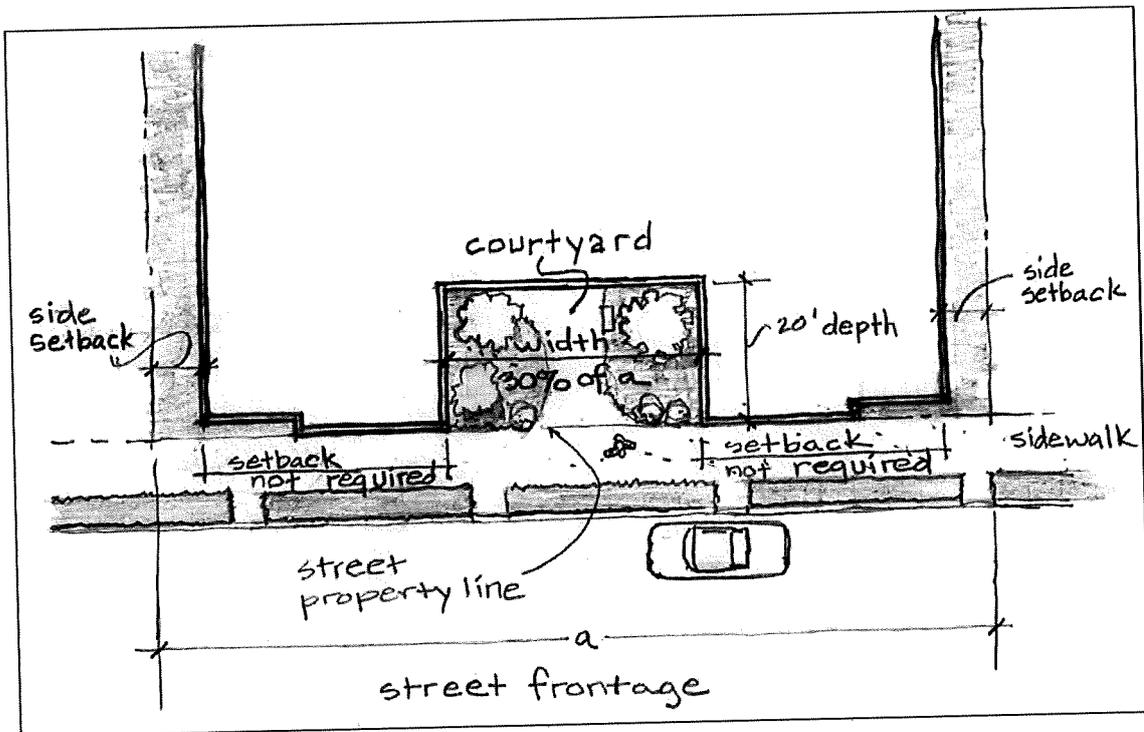
- 1 Exhibit A for 23.45.518 ((:))
- 2 MR ((~~Courtyard Example~~)) courtyard example

Exhibit A for 23.45.518: MR Courtyard Example



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Exhibit A for 23.45.518: MR courtyard example



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2. Upper-level setbacks in MR zones

a. For lots abutting a street that is less than 56 feet in width, all portions of the structure above 70 feet in height must be set back 15 feet from the front lot line abutting that right-of-way.

b. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

c. Structures allowed in subsection 23.45.518.J are not allowed in upper-level setbacks.

d. Rooftop features are not allowed in upper-level setback except as follows:

1) Open railings may extend up to 4 feet above the height at which the setback begins.

2) Parapets may extend up to 2 feet above the height at which the setback begins.

C. HR zones. Minimum setbacks for HR zones are shown in Table C for 23.45.518.

Table C for 23.45.518

HR ((Setbacks)) setbacks measured in feet (see also Exhibit B for 23.45.518)

Setbacks for structures 85 feet in height or less

Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.B.

Setbacks for structures greater than 85 feet in height

Lot line abutting a street	For portions of a structure: <ul style="list-style-type: none"> • 45 feet or less in height: ((7-foot)) <u>7</u> average ((setback)) ; ((5-foot)) <u>5</u> minimum, ((setback)) except that no setback is required for frontages occupied by street-level uses or dwelling units with a direct entry from the street; • Greater than 45 feet in height: ((10-foot)) <u>10</u> minimum ((setback))
Lot line abutting an alley	((Rear lot line abuts an alley:)) For portions of a structure: <ul style="list-style-type: none"> • 45 feet or less in height: no setback required; • Greater than 45 feet in height: ((10-foot)) <u>10</u> minimum ((setback))

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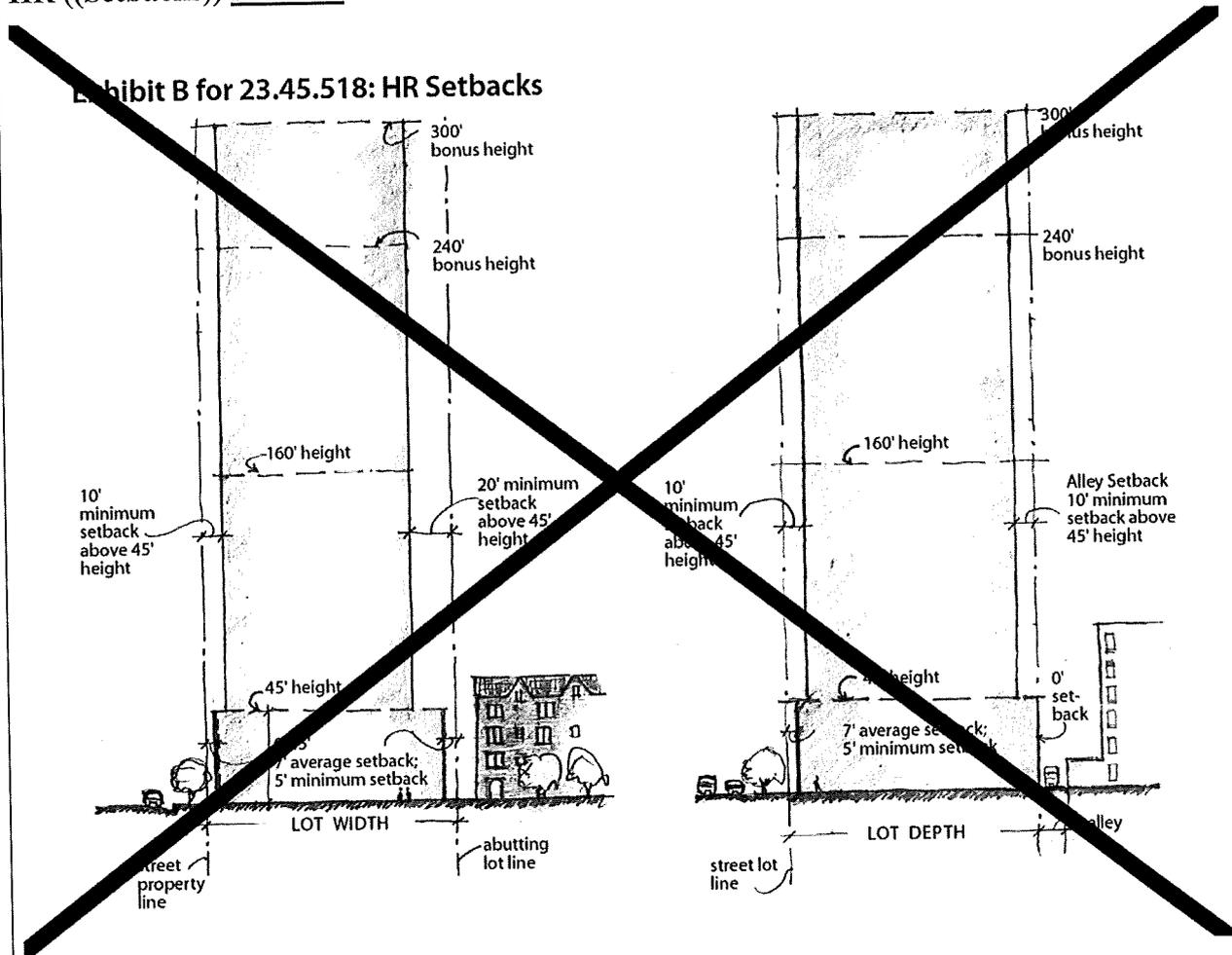
Table C for 23.45.518

HR ((Setbacks)) setbacks measured in feet (see also Exhibit B for 23.45.518)

Lot line that abuts neither a street nor alley	For portions of a structure: <ul style="list-style-type: none">• 45 feet or less in height: ((7-foot)) 7 average; ((setback;)) ((5-foot)) 5 minimum, ((setback;)) except that no setback is required for portions abutting an existing structure built to the abutting lot line;• Greater than 45 feet in height: ((20-foot)) 20 minimum ((setback;))
--	--

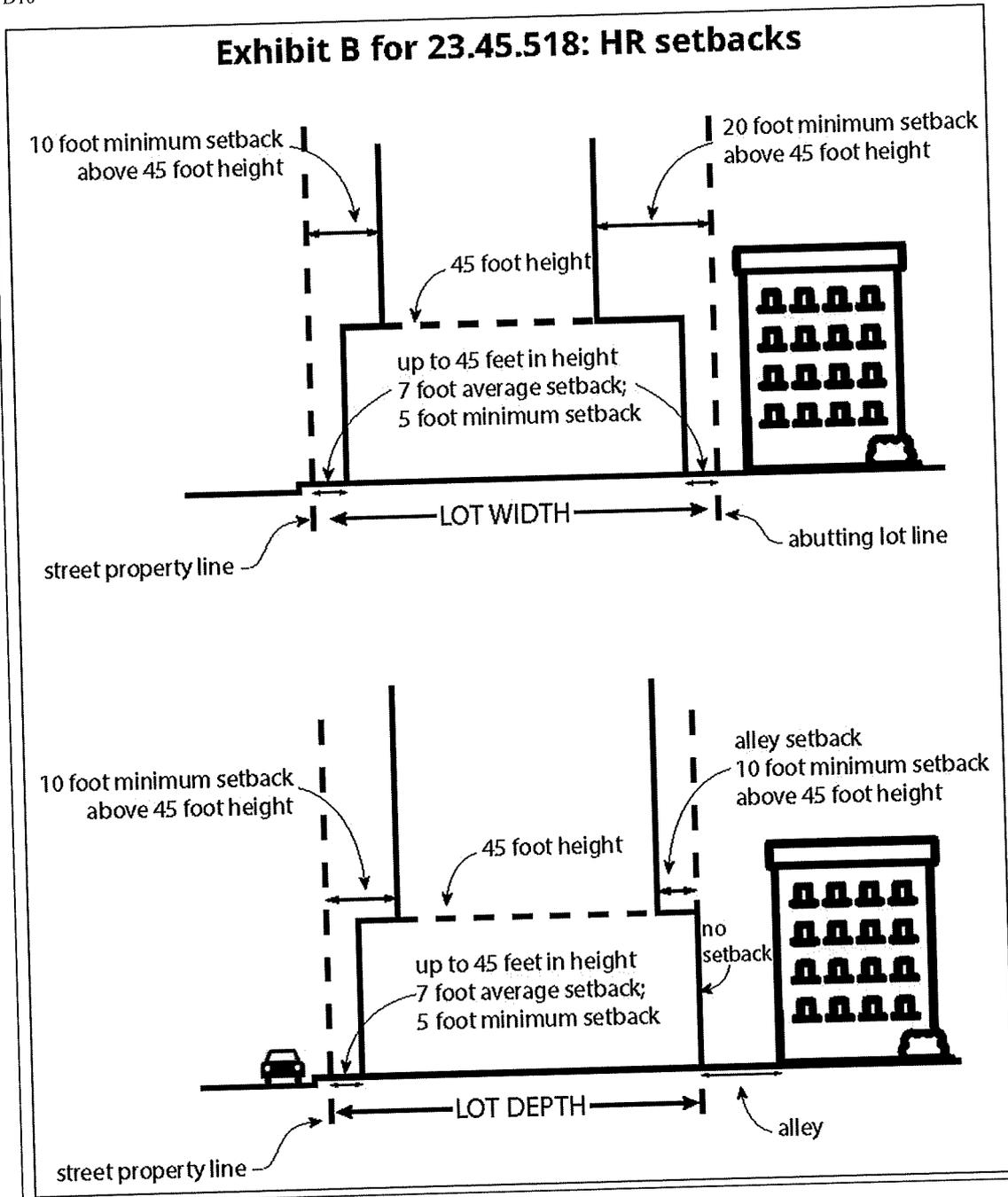
1 **Exhibit B for 23.45.518 ((;))**

2 **HR ((Setbacks)) setbacks**



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D. Through lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

E. Other setback requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for ~~((streets, alleys and easements))~~ Streets, Alleys, and Easements.

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1 F. Separations between multiple structures ((-))

2 1. In LR and MR zones, the minimum required separation between principal
3 structures at any two points on different interior facades is 10 feet, except for cottage housing
4 developments, and principal structures separated by a driveway or parking aisle.

5 2. In LR and MR zones, if principal structures are separated by a driveway or
6 parking aisle, the minimum required separation between the principal structures is 2 feet greater
7 than the required width of the driveway or parking aisle, provided that the separation is not
8 required to be any greater than 24 feet. If principal structures are separated by a driveway or
9 parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the
10 required separation if they are at least 8 feet above finished grade.

11 3. Cottage housing developments in LR and MR zones:

12 a. The minimum required separation between principal structures at any
13 two points on different interior facades is 6 feet, unless there is a principal entrance on an interior
14 facade, in which case the minimum separation required from that facade is 10 feet.

15 b. Facades of principal structures shall be separated from facades of
16 accessory structures by a minimum of 3 feet.

17 ~~((4. HR zones. Where two or more structures or portions of a structure above 85
18 feet in height are located on one lot, the minimum horizontal separation between interior facades
19 in each height range is as provided in Table D for 23.45.518.~~

Table D for 23.45.518: HR Facade Separation for Structures on the Same Lot	
((Height Range	Minimum separation required between interior facades
0 to 45 feet	No minimum
Above 45 feet up to 160 feet	30 feet
Above 160 feet	40 feet))

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1 G. Front and rear setbacks and all separations on lots containing certain environmentally
2 critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

3 H. Projections permitted in required setbacks and separations

4 1. Cornices, eaves, gutters, roofs, and other forms of weather protection may
5 project into required setbacks and separations a maximum of 4 feet if they are no closer than
6 3 feet to any lot line.

7 2. Garden windows and other features that do not provide floor area may project a
8 maximum of 18 inches into required setbacks and separations if they:

9 a. ~~((are))~~ Are a minimum of 30 inches above the finished floor;

10 b. ~~((are))~~ Are no more than 6 feet in height and 8 feet wide; and

11 c. ~~((combined))~~ Combined with bay windows and other features with floor
12 area, make up no more than 30 percent of the area of the facade.

13 3. Bay windows and other features that provide floor area may project a
14 maximum of 2 feet into required setbacks and separations if they:

15 a. ~~((are))~~ Are no closer than 5 feet to any lot line;

16 b. ~~((are))~~ Are no more than 10 feet in width; and

17 c. ~~((combined))~~ Combined with garden windows and other features
18 included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

19 4. Unenclosed decks up to 18 inches above existing or finished grade, whichever
20 is lower, may project into required setbacks or separations to the lot line.

21 5. Unenclosed porches or steps

22 a. Unenclosed porches or steps no higher than 4 feet above existing grade,
23 or the grade at the street lot line closest to the porch, whichever is lower, may extend to within

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- 1 ((1)) a. ~~((no))~~ No closer than 5 feet to any lot line;
- 2 ((2)) b. ~~((no))~~ No more than 20 feet wide; and
- 3 ((3)) c. ~~((separated))~~ Separated from other decks and balconies on the
- 4 same facade of the structure by a distance equal to at least 1/2 the width of the projection.
- 5 ((J)) I. Structures in required setbacks or separations, except upper-level setbacks
- 6 1. Detached garages, carports, or other accessory structures may be located in
- 7 required separations and required rear or side setbacks, subject to the following requirements:
- 8 a. Any accessory structure located between a principal structure and a side
- 9 lot line shall provide the setback required for the principal structure;
- 10 b. Any portion of an accessory structure located more than 25 feet from a
- 11 rear lot line shall be set back at least 5 feet from the side lot line;
- 12 c. Accessory structures shall be set back at least 7 feet from any lot line
- 13 that abuts a street; and
- 14 d. Accessory structures shall be separated by at least 3 feet from all
- 15 principal structures, including the eaves, gutters, and other projecting features of the principal
- 16 structure.
- 17 2. Ramps or other devices necessary for access for the disabled and elderly that
- 18 meet the Seattle Residential Code, ~~((Section R322))~~ Chapter 3, or Seattle Building Code, Chapter
- 19 11, ~~((--))~~ Accessibility, are permitted in any required setback or separation.
- 20 3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or
- 21 less in width, are permitted in any required setback or separation.
- 22 4. Underground structures are permitted in any required setback or separation.

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1 5. Solar collectors may be permitted in required setbacks or separations, pursuant
2 to the provisions of Section 23.45.545.

3 6. Freestanding structures, signs and similar structures 6 feet or less in height
4 above existing or finished grade, whichever is lower, may be erected in each required setback or
5 separation, provided that signs meet the provisions of Chapter 23.55, Signs.

6 7. Fences ((-))

7 a. Fences no greater than 6 feet in height are permitted in any required
8 setback or separation, except that fences in the required front setback extended to side lot lines or
9 in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height.
10 Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. If a fence is
11 placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined
12 height is limited to 9.5 feet.

13 b. Up to 2 feet of additional height for architectural features such as arbors
14 or trellises on the top of a fence is permitted, if the architectural features are predominately open.

15 c. Fence height may be averaged along sloping grades for each 6-foot-long
16 segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when
17 the height permitted by subsection ((23.45.518.J.7.a)) 23.45.518.I.7.a is 6 feet, or 6 feet in height
18 when the height permitted by subsection ((23.45.518.J.7.a)) 23.45.518.I.7.a is 4 feet.

19 8. Bulkheads and retaining walls ((-))

20 a. Bulkheads and retaining walls used to raise grade may be placed in each
21 required setback if they are limited to 6 feet in height, measured above existing grade. A
22 guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing
23 as of January 3, 1997.

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1 b. Bulkheads and retaining walls used to protect a cut into existing grade
2 may not exceed the minimum height necessary to support the cut or 6 feet measured from the
3 finished grade on the low side, whichever is greater. If the bulkhead is measured from the low
4 side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle
5 Residential Code or Seattle Building Code requirements may be placed on top of the bulkhead or
6 retaining wall. Any fence shall be set back a minimum of 3 feet from such a bulkhead or
7 retaining wall.

8 9. Arbors may be permitted in required setbacks or separation under the following
9 conditions:

10 a. In each required setback or separation, an arbor may be erected with no
11 more than a 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a
12 maximum height of 8 feet. At least 50 percent of both the sides and the roof of the arbor shall be
13 open, or, if latticework is used, there shall be a minimum opening of 2 inches between
14 crosspieces.

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

20 10. Above-grade green stormwater infrastructure (GSI) features are allowed
21 without setback or separation restrictions if:

22 a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;

23 b. Each above-grade GSI feature is less than 4 feet wide; and

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1 c. The total storage capacity of all above-grade GSI features is no greater
2 than 600 gallons.

3 11. Above-grade GSI features larger than what is allowed in subsection
4 ~~((23.45.518.J.10))~~ 23.45.518.I.10 are allowed within a required setback or separation if:

5 a. Above-grade GSI features do not exceed ~~((10))~~ ten percent coverage of
6 any one setback or separation area;

7 b. No portion of an above-grade GSI feature is located closer than 2.5 feet
8 from a side lot line; and

9 c. No portion of an above-grade GSI feature projects more than 5 feet into
10 a front or rear setback area.

11 12. Mechanical equipment. Heat pumps and similar mechanical equipment, not
12 including incinerators, are permitted in required setbacks if they comply with the requirements of
13 Chapter 25.08. No heat pump or similar equipment shall be located within 3 feet of any lot line.
14 Charging devices for electric cars are considered mechanical equipment and are permitted in
15 required setbacks if not located within 3 feet of any lot line.

16 ~~((K))~~ J. Exceptions for existing single-family structures ~~((:))~~

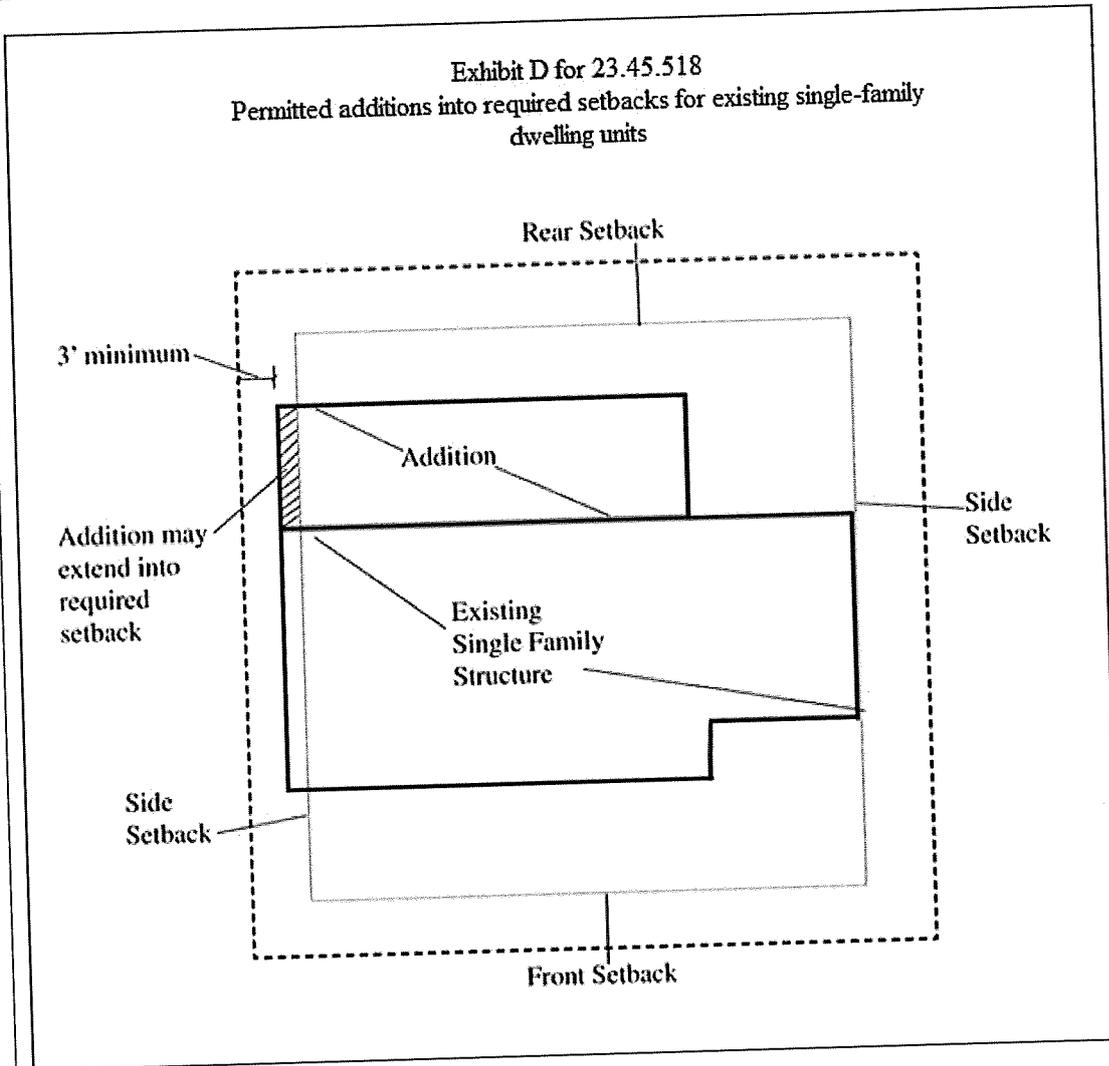
17 1. In all multifamily zones, certain additions to a single-family dwelling unit may
18 extend into a required side setback if the structure is already nonconforming with respect to that
19 setback, and if the presently nonconforming section is at least 60 percent of the total width of the
20 respective facade of the structure prior to the addition. The line formed by the nonconforming
21 wall of the structure shall be the limit to which any additions may be built, which may extend up
22 to the height limit and may include basement additions (Exhibit D for 23.45.518), provided that
23 additions shall be at least 3 feet from the side lot line.

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1 2. An existing single-family dwelling unit in a (~~Lowrise~~) LR zone may be
2 converted to a multifamily use without conforming to setback standards for apartments in
3 subsection 23.45.518.A, provided that the building envelope is not changed. For the purposes of
4 this subsection (~~(23.45.518.K.2)~~) 23.45.518.J.2, “existing single-family dwelling unit” is one that
5 was established under permit as of October 31, 2001, or for which a permit has been granted and
6 the permit has not expired on October 31, 2001.

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1 **Exhibit D for 23.45.518**
2 **Permitted additions into required setbacks for existing single-family dwelling units**



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~~((L. In LR zones, a minimum upper level setback from all street lot lines is required in addition to any required ground level setback, as follows:~~

- ~~1. For structures with a 30 foot height limit according to Table A for 23.45.514, the upper level setback requirement is 12 feet above a height of 34 feet.~~
- ~~2. For structures with a 40 foot height limit according to Table A for 23.45.514, the upper level setback requirement is 16 feet above a height of 44 feet.~~

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1 3. ~~The minimum upper level setback shall be provided at all points along the~~
2 ~~length of the street property line as measured from finished grade.~~

3 4. ~~In addition to the projections permitted in subsection 23.45.518.H, open~~
4 ~~railings, and parapets that are predominantly transparent above a height of 1.5 feet, may be~~
5 ~~located in the required upper level setback.))~~

6 Section 40. Section 23.45.520 of the Seattle Municipal Code, last amended by Ordinance
7 124378, is amended as follows:

8 **23.45.520 HR zone ((~~width and floor size limits~~)) upper-level development standards**

9 ((A. ~~In HR zones, for structures over 85 feet in height, portions of structures above a~~
10 ~~height of 45 feet are limited to a maximum facade width of 110 feet. The width of the structure~~
11 ~~measured along the longest street lot line may be increased as follows, provided that if both~~
12 ~~street lot lines are of the same length, the increase in the width of the facade is only permitted~~
13 ~~along one street lot line:~~

14 1. ~~A maximum facade width of 130 feet is permitted, provided that the average~~
15 ~~gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or~~

16 2. ~~If the applicant earns bonus residential floor area by providing all of the~~
17 ~~affordable housing within the project pursuant to Section 23.58A.014, the maximum facade~~
18 ~~width of the structure above 45 feet in height is 150 feet, provided that the average gross floor~~
19 ~~area of all stories above 45 feet in height does not exceed 12,000 square feet.~~

20 B. ~~All portions of structures above 85 feet in height that reach the maximum facade width~~
21 ~~limit specified in subsection 23.45.520.A must be separated from any other portion of a structure~~
22 ~~on the lot above 45 feet at all points by the minimum horizontal distance shown on Table D for~~

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1 ~~23.45.518, except that projections permitted in required setbacks and separations pursuant to~~
2 ~~subsections 23.45.518.H and 23.45.518.I are permitted.)~~)

3 A. For the purpose of this Section 23.45.520, a "tower" is any portion of a structure that
4 exceeds 45 feet in height, excluding rooftop features permitted above the height limit. Rooftop
5 features permitted above the height limit shall not be included in calculating the gross floor area
6 per story and floor area coverage of a tower.

7 B. If any proposed or existing structures in HR zones exceed a height of 85 feet,
8 excluding rooftop features permitted above the height limit, all structures or portions of
9 structures greater than 45 feet in height are subject to following standards:

10 1. A structure may have one or more towers.

11 2. The maximum width of an individual tower is 130 feet.

12 3. The average gross floor area per story of an individual tower shall not exceed
13 10,000 square feet and the maximum gross floor area for any individual story of an individual
14 tower shall not exceed 10,500 square feet.

15 4. The average gross floor area per story of all towers on the lot shall not exceed
16 60 percent of the lot area.

17 5. Where two or more towers are located on the lot, the minimum horizontal
18 separation between proposed towers or between proposed and existing towers shall be 40 feet.

19 Section 41. Subsection 23.45.522.A of the Seattle Municipal Code, which section was
20 last amended by Ordinance 124952, is amended as follows:

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1 **23.45.522 Amenity area**

2 A. Amount of amenity area required for rowhouse and townhouse developments and
3 apartments in LR zones

4 1. The required amount of amenity area for rowhouse and townhouse
5 developments and apartments in LR zones is equal to 25 percent of the lot area.

6 2. A minimum of 50 percent of the required amenity area shall be provided at
7 ground level, except that amenity area provided on the roof of a structure that meets the
8 provisions of subsection (~~(23.45.510.E.5)~~) 23.45.510.D.5 may be counted as amenity area
9 provided at ground level.

10 3. For rowhouse and townhouse developments, amenity area required at ground
11 level may be provided as either private or common space.

12 4. For apartments, amenity area required at ground level shall be provided as
13 common space.

14 * * *

15 Section 42. Section 23.45.528 of the Seattle Municipal Code, last amended by Ordinance
16 125272, is amended as follows:

17 **23.45.528 Structure width and depth limits for lots greater than 9,000 square feet in**

18 **Midrise zones**

19 The width and depth limits of this Section 23.45.528 apply to lots greater than 9,000 square feet
20 in MR zones.

21 A. The width of principal structures shall not exceed 150 feet.

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1 B. Structure depth

2 1. The depth of principal structures shall not exceed (~~75~~) 80 percent of the depth
3 of the lot, except as provided in subsection 23.45.528.B.2.

4 2. Exceptions to structure depth limit. To allow for front setback averaging and
5 courtyards as provided in Section 23.45.518, structure depth may exceed the limit set in
6 subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth
7 does not exceed the lot coverage that would have otherwise been allowed without use of the
8 courtyard or front setback averaging provisions.

9 Section 43. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance
10 124843, is amended as follows:

11 **23.45.529 Design standards**

12 A. Intent. The intent of the design standards in this Section 23.45.529 is to:

13 1. Enhance street-facing and side facades to provide visual interest, promote new
14 development that contributes to an attractive streetscape, and avoid the appearance of blank walls
15 along a street or adjacent residential property;

16 2. Foster a sense of community by integrating new pedestrian-oriented
17 multifamily development with the neighborhood street environment and promoting designs that
18 allow easy surveillance of the street by area residents;

19 3. Promote livability in multifamily areas by providing a sense of openness and
20 access to light and air; and

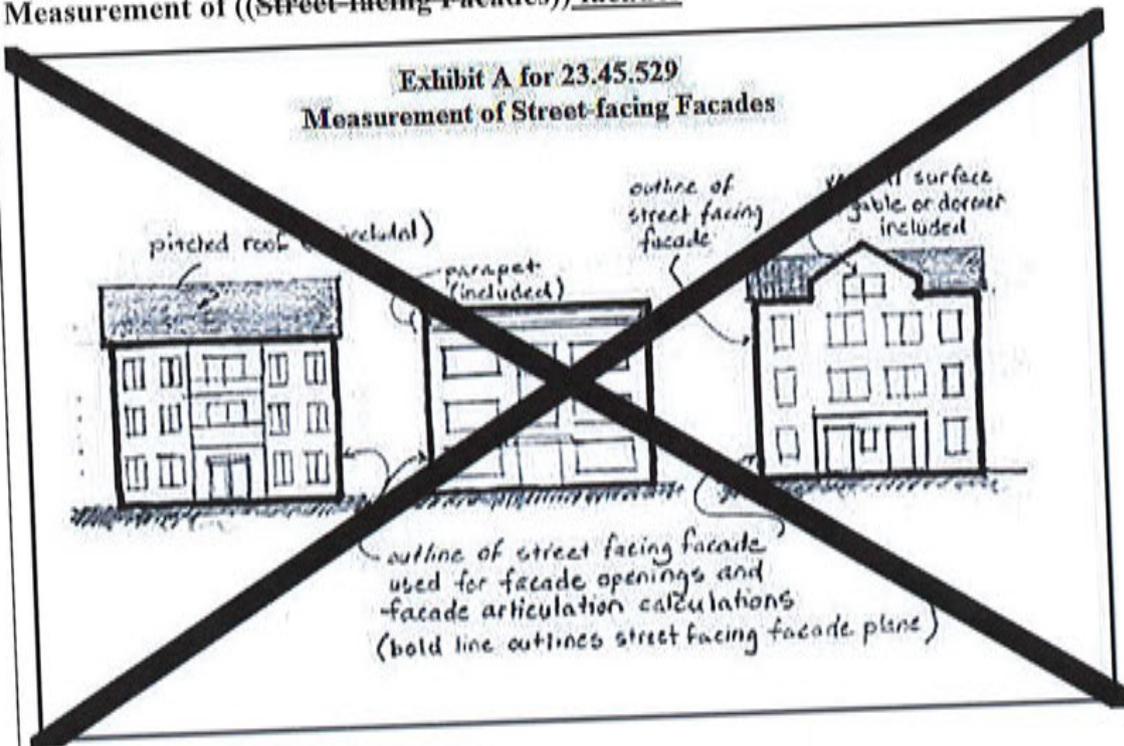
21 4. Encourage the compatibility of a variety of housing types with the scale and
22 character of neighborhoods where new multifamily development occurs.

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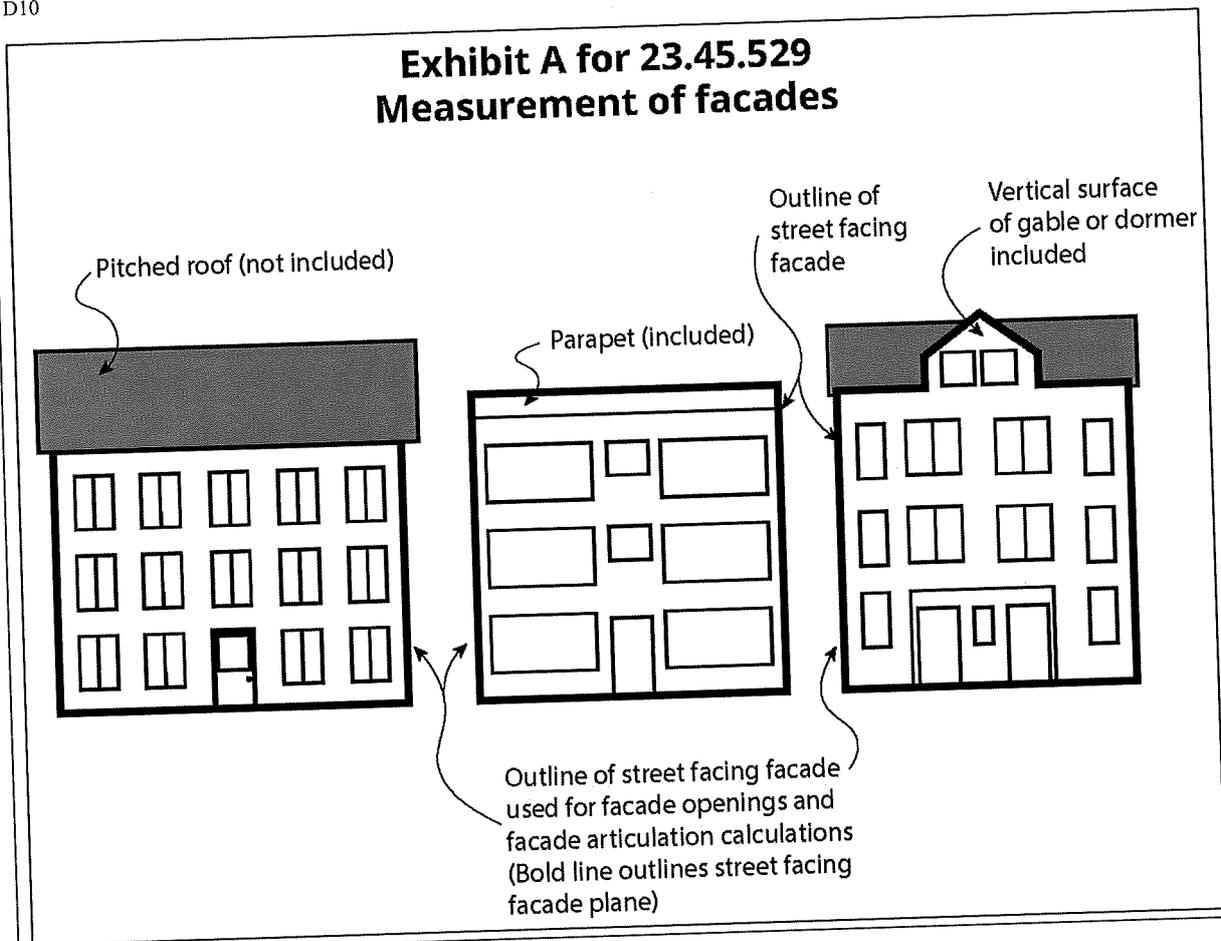
1 B. Application of provisions. The provisions of this Section 23.45.529 apply to all
2 residential uses that do not undergo any type of design review pursuant to Chapter 23.41, except
3 single-family dwelling units.

4 C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a
5 "street-facing facade" includes all vertical surfaces enclosing interior space, including gables and
6 dormers, as shown in Exhibit A for 23.45.529.

7 **Exhibit A for 23.45.529**
8 **Measurement of ((Street-facing-Facades)) facades**



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1. Facade openings

a. At least 20 percent of the area of each street-facing facade shall consist of windows and/or doors, except as provided in subsection 23.45.529.C.1.b. If a front and side facade are street-facing, the two facades may be combined for the purpose of this calculation.

b. For any rowhouse or townhouse dwelling unit that has ((a)) both a front and a side facade that are street-facing, the percentage of the side street-facing facade required to consist of windows and/or doors is reduced to ((10)) ten percent for the portion of the facade associated with that dwelling unit. This reduction to ((10)) ten percent is not allowed if the facades are combined for the purpose of this standard pursuant to subsection 23.45.529.C.1.a or if any of the exceptions in subsection 23.45.529.C.3 are applied.

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1 c. Windows count toward the requirement for facade openings in this
2 subsection 23.45.529.C.1 only if they are transparent. Windows composed of glass blocks or
3 opaque glass, garage doors, and doors to utility and service areas ((;)) do not count.

4 2. Facade articulation

5 a. If a street-facing facade or portion of a street-facing facade is not
6 vertical, the Director shall determine whether the facade is substantially vertical and required to
7 comply with this subsection 23.45.529.C.

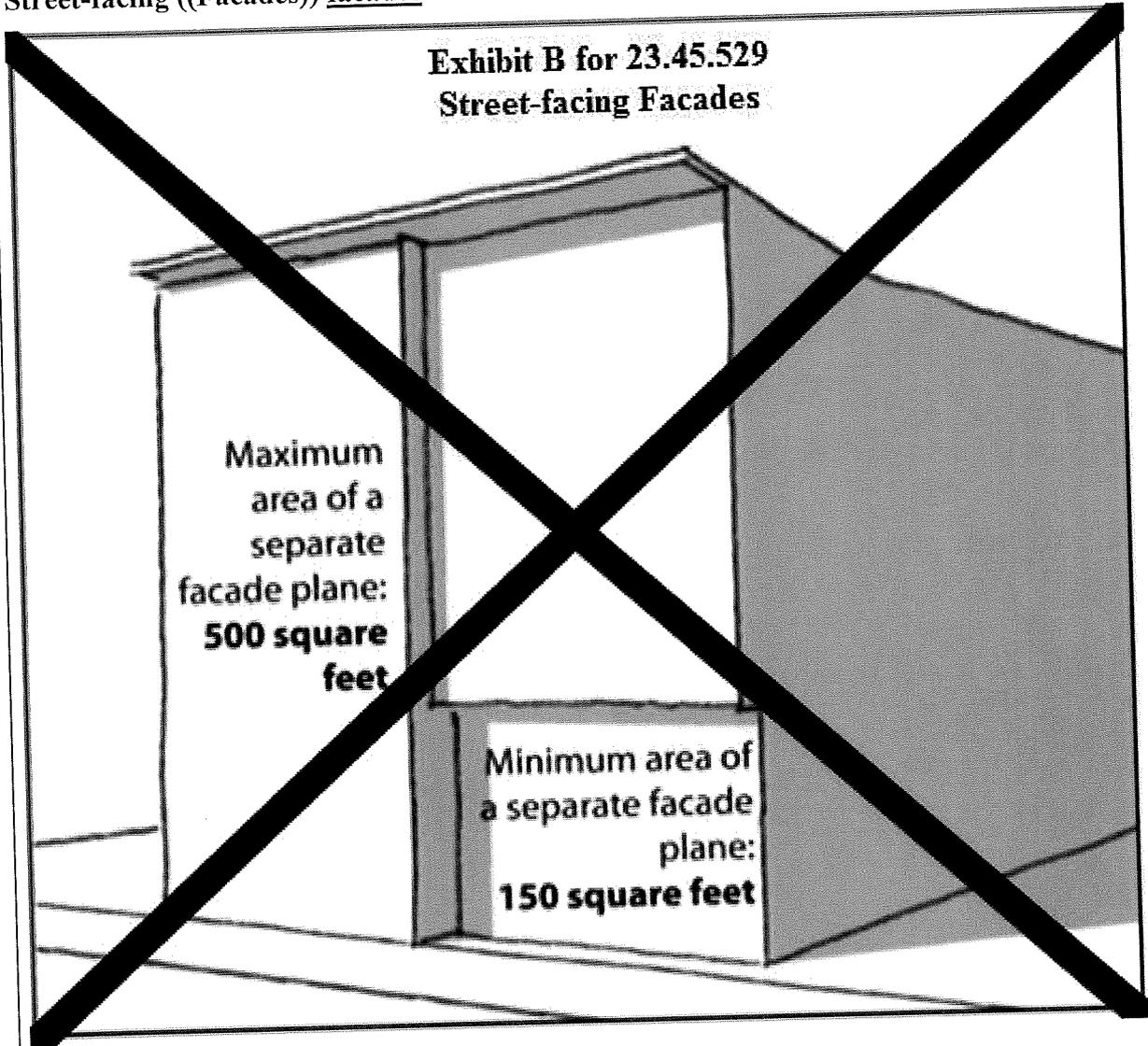
8 b. If the street-facing facade of a structure exceeds 750 square feet in area,
9 division of the facade into separate facade planes is required (see Exhibit B for 23.45.529).

10 c. In order to be considered a separate facade plane for the purposes of this
11 subsection 23.45.529.C.2, a portion of the street-facing facade shall have a minimum area of 150
12 square feet and a maximum area of 500 square feet, and shall project or be recessed from
13 abutting facade planes by a minimum depth of 18 inches.

14 d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is
15 required to mark roof lines, porches, windows, and doors on all street-facing facades.

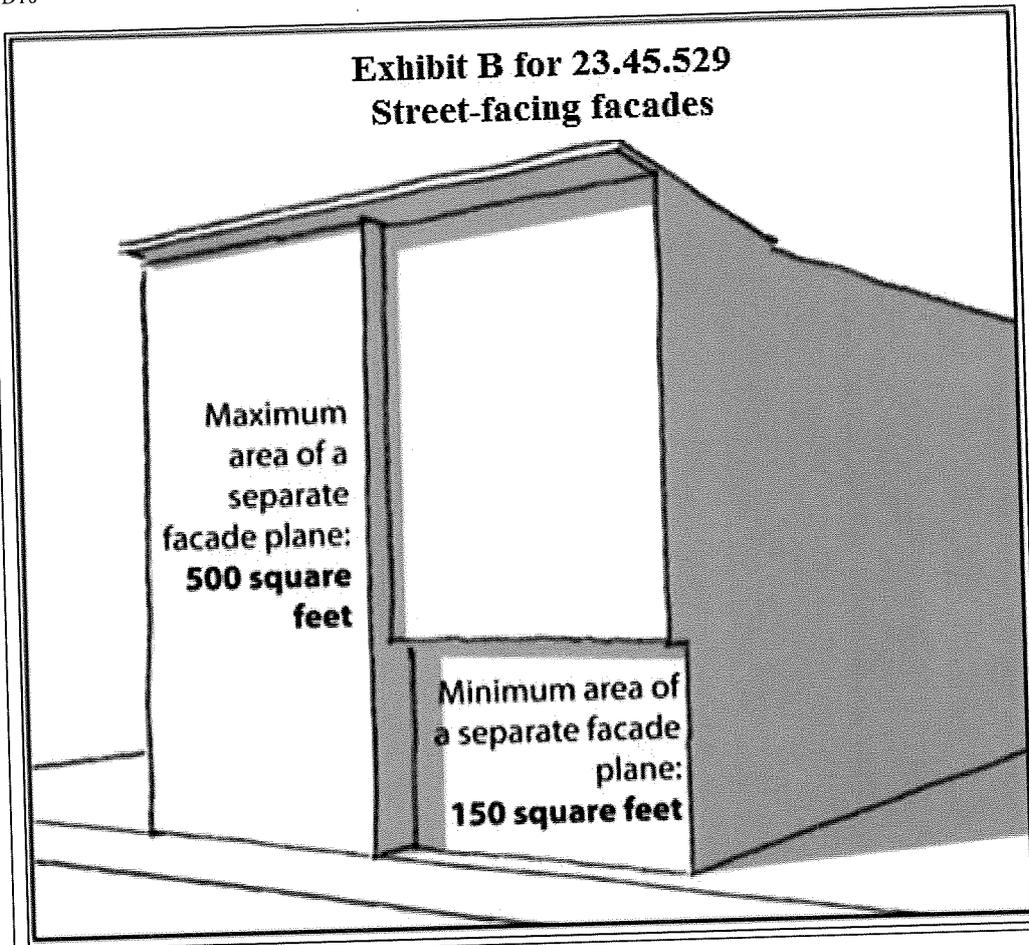
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- 1 **Exhibit B for 23.45.529**
- 2 **Street-facing ((Faeades)) facades**



3

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3. The Director may allow exceptions to the facade ((openings)) opening requirements in subsection 23.45.529.C.1 and the facade articulation requirements in subsection 23.45.529.C.2, if the Director determines that the street-facing facade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.E.2, 23.45.529.F.3, and 23.45.529.G.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing facade treatments:

- a. Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the facade;

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1 b. Incorporation of architectural features that add interest and dimension to
2 the facade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or
3 balconies;

4 c. Special landscaping elements provided to meet Green Factor
5 requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls
6 covering a minimum of 25 percent of the facade surface;

7 d. Special fenestration treatment, including an increase in the percentage
8 of windows and doors to at least 25 percent of the street-facing facade(s).

9 D. Treatment of side facades that are not street-facing. For the purposes of this subsection
10 23.45.529.D, a side facade that is not street-facing includes all vertical surfaces enclosing interior
11 space, including gables and dormers, as shown in Exhibit A for 23.45.529, if located within 10
12 feet of a side lot line.

13 1. If the side facade of a structure that is not street-facing exceeds 1,000 square
14 feet in area, one of the following must be met:

15 a. A portion of the side facade with a minimum area of 250 square feet and
16 a maximum area of 750 square feet shall project or be recessed from abutting facade planes by a
17 minimum depth of 18 inches; or

18 b. The side facade shall include vertical or horizontal variations in
19 building materials or color, covering a minimum of 25 percent of the facade surface.

20 2. Structures shall be designed to maintain the privacy of dwelling units by
21 minimizing placement of proposed windows where they would directly align with windows on
22 the side facade of a structure on an abutting lot located within 20 of the side property line or by

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1 use of fencing, screening, landscaping, or translucent windows to create privacy between
2 buildings.

3 ((D)) E. Design standards for cottage housing developments ((-))

4 1. Pedestrian entry. Each cottage with a street-facing ((~~façade~~)) facade that is
5 located within 10 feet of the street lot line shall have a visually prominent pedestrian entry
6 through the use of covered stoops, porches, or other architectural entry features. For cottages on
7 corner lots that have more than one street-facing ((~~façade~~)) facade within 10 feet of the street lot
8 line, a visually prominent pedestrian entry is required on only one of the street-facing facades.
9 Access to these entrances may be through a required private amenity area that abuts the street.

10 2. Architectural expression. Cottage housing developments shall include
11 architectural details that reduce the visual scale of the units. Each cottage shall employ one or
12 more of the following design techniques to reduce visual scale of the units:

13 a. Attached covered porch;

14 b. Roofline features such as dormers or clerestories;

15 c. Bay windows;

16 d. Variation in siding texture and materials; and

17 e. Other appropriate architectural techniques demonstrated by the
18 applicant to reduce the visual scale of cottages.

19 ((E)) F. Design standards for rowhouse developments ((-))

20 1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the
21 street-facing facade that is designed to be visually prominent through the use of covered stoops,
22 porches, or other architectural entry features. For rowhouse units on corner lots, a visually
23 prominent pedestrian entry is required on only one of the street-facing facades.

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1 2. Front setback. Design elements to provide a transition between the street and
2 the rowhouse units, such as landscaping, trees, fences, or other similar features, are required in
3 the front setback.

4 3. Architectural expression. The street-facing (~~façade~~) facade of a rowhouse unit
5 shall provide architectural detail or composition to visually identify each individual rowhouse
6 unit as seen from the street. Design elements such as trim or molding, modulation, massing,
7 color and material variation, or other similar features may be used to achieve visual identification
8 of individual units. Rooftop features, such as dormers or clerestories, or roofline variation may
9 be used to visually identify individual rowhouse units.

10 (~~F~~) G. Design (~~Standards~~) standards for townhouse developments (~~(-)~~)

11 1. Building orientation. Townhouse developments shall maximize the orientation
12 of individual units to the street by complying with one of the following conditions:

13 a. At least 50 percent of the townhouse units shall be located so that there
14 is no intervening principal structure between the unit and the street, unless the intervening
15 principal structure was established under permit as of October 31, 2001, or was granted a permit
16 on October 31, 2001, and the permit has not expired; or

17 b. All townhouse units shall have direct access to a common amenity area
18 meeting the requirements of Section 23.45.522 that either abuts the street or is visible and
19 accessible from the street by a clear pedestrian pathway.

20 2. Pedestrian pathway. A clear pedestrian pathway from the street to the entrance
21 of each townhouse unit shall be provided. The pedestrian pathway may be part of a driveway,
22 provided that the pathway is differentiated from the driveway by pavement color, texture, or

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1 similar technique. Signage identifying townhouse unit addresses and the directions to the unit
2 entrance(s) from the street shall be provided.

3 3. Pedestrian entry. Each townhouse unit ((-)) with a street-facing ((~~façade~~))
4 façade shall have a pedestrian entry on the street-facing facade that is designed to be a visually
5 prominent feature through the use of covered stoops, porches, or other architectural entry
6 features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on
7 only one of the street-facing facades.

8 4. Architectural expression. Architectural detail or composition shall be provided
9 to visually identify each individual townhouse unit, as seen from the public street. Design
10 elements such as trim or molding, modulation, massing, color and material variation, or other
11 similar features may be used to achieve visual identification of individual units. Rooftop
12 features, such as dormers or clerestories, or roofline variation may be used to visually identify
13 individual townhouse units.

14 ((G)) H. Building entry orientation standards for apartments ((-))

15 1. For each apartment structure, a principal shared pedestrian entrance is required
16 that faces either a street or a common amenity area, such as a landscaped courtyard, that abuts
17 and has direct access to the street. Additional pedestrian entrances to individual units are
18 permitted.

19 2. If more than one apartment structure is located on a lot, each apartment
20 structure separated from the street by another principal structure shall have a principal entrance
21 that is accessible from a common amenity area with access to the street.

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1 3. The shared entrance of each apartment structure shall have a pedestrian entry
2 that is designed to be visually prominent, through the use of covered stoops, overhead weather
3 protection, a recessed entry, or other architectural entry features.

4 Section 44. A new Section 23.45.530 of the Seattle Municipal Code is added as follows:

5 **23.45.530 Green building standards**

6 For projects exceeding the floor area ratio (FAR) in Table A for 23.45.530, the applicant shall
7 make a commitment that the proposed development will meet the green building standard and
8 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 (FAR)
LR1	1.1
LR2	1.2
LR3 outside urban centers and urban villages	1.6
LR3 inside urban centers and urban villages	1.8
MR	3.45
HR	7.0

9 Section 45. Section 23.45.532 of the Seattle Municipal Code, last amended by Ordinance
10 124843, is amended as follows:

11 **23.45.532 Standards for ground floor commercial uses in MR and HR zones**

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

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

17 2. The commercial use is permitted only on the ground floor of a structure that
18 contains at least one dwelling unit. On sloping lots, the commercial use may be located at more

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1 than one level within the structure as long as the floor area in commercial use does not exceed the
2 area of the structure's footprint.

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

5 a. the maximum size of use of a multi-purpose retail sales establishment is
6 10,000 square feet; and

7 b. the maximum size of a medical service use located in the Northgate
8 Urban Center is 10,000 square feet.

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

13 B. No loading berths are required for ground-floor commercial uses. If provided, loading
14 berths shall be located so that access to residential parking is not blocked.

15 C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

16 Section 46. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance
17 125603, is amended as follows:

18 **23.45.536 Parking location, access, and screening**

19 A. Off-street parking spaces are required to the extent provided in Chapter 23.54.

20 B. Location of parking

21 1. If parking is required, it shall be located on the same lot as the use requiring the
22 parking, except as otherwise provided in this subsection 23.45.536.B.

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1 2. Surface parking

2 a. Except as otherwise provided in this subsection 23.45.536.B, surface
3 parking may be located anywhere on a lot except:

4 ~~((a.))~~ 1) Between a principal structure and a street lot line;

5 ~~((b.))~~ 2) In the required front setback or side street side setback;

6 and

7 ~~((c.))~~ 3) Within ~~((7))~~ 20 feet of any street lot line.

8 b. If access is taken directly from an alley, surface parking may be located
9 anywhere within 25 feet from an alley lot line provided it is no closer than 7 feet to any street lot
10 line.

11 3. Parking in a structure. Parking may be located in a structure or under a
12 structure, provided that no portion of a garage that is higher than 4 feet above existing or finished
13 grade, whichever is lower, shall be closer to a street lot line than any part of the street-level,
14 street-facing facade of the structure in which it is located;

15 4. On a through lot, parking may be located between the structure and one front
16 lot line. The front setback in which the parking may be located will be determined by the
17 Director based on the prevailing character and setback patterns of the block.

18 5. On waterfront lots in the Shoreline District, parking may be located between
19 the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep
20 parking away from the edge of the water, as required by Chapter 23.60A, Shoreline (~~(District)~~)

21 Master Program Regulations.

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1 6. Parking that is required and accessory to a residential or non-residential use
2 may be located on a lot within 800 feet of the lot where the use that requires the parking is
3 located, provided that:

- 4 a. The lot is not located in a single-family zone; and
5 b. The requirements of Section 23.54.025 for required parking are met.

6 C. Access to parking

7 1. Alley access required. Except as otherwise expressly required or permitted in
8 subsections 23.45.536.C or 23.45.536.D, access to parking shall be from the alley if the lot abuts
9 an alley and one of the conditions in this subsection 23.45.536.C.1 is met: ((-))

- 10 a. The alley is improved to the standards of subsection 23.53.030.C; or
11 ((~~b. The development gains additional FAR pursuant to subsection~~
12 ~~23.45.510.C; or~~
13 e)) b. The Director determines that alley access is feasible and desirable to
14 mitigate parking access impacts, improve public safety, and/or maintain on-street parking
15 capacity.

16 2. Street access required. Access to parking shall be from the street if:

- 17 a. The lot does not abut an alley.
18 b. The lot abuts an alley, and the Director determines that the alley should
19 not be used for access for one or more of the following reasons:

- 20 1) Due to the relationship of the alley to the street system, use of
21 the alley for parking access would create a significant safety hazard;
22 2) Topography makes alley access infeasible; or

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1 ~~((either))~~ the street ~~((or alley, or both))~~ where alley access would otherwise be required if
2 providing access from an alley would reduce accessibility to a dwelling unit for persons with
3 disabilities.

4 6. If the alley is used for access, the alley shall be improved according to the
5 standards in subsections 23.53.030.E and 23.53.030.F, ~~((, except that if a development gains~~
6 ~~additional FAR pursuant to subsection 23.45.510.C, the alley shall be paved rather than~~
7 ~~improved with crushed rock, even for lots containing fewer than ten units.))~~

8 7. If the lot does not abut an improved alley or street, access may be permitted
9 from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys,
10 and Easements.

11 8. If street access is required, either:

12 a. Driveways that provide access from the street to garages opening on a
13 street-facing facade of individual townhouse or rowhouse units shall be paved with permeable
14 materials; or

15 b. Access to a majority of garages opening on street-facing facades of
16 individual townhouse or rowhouse units shall be provided by shared driveways.

17 D. Screening of parking

18 1. Parking shall be screened from direct street view by:

19 a. The street-facing facade of a structure;

20 b. Garage doors;

21 c. A fence or wall; or

22 d. Landscaped areas, including bioretention facilities or landscaped berms.

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1 2. Screening provided by a fence, wall, or vegetation in a landscaped area shall
2 not be located within any required sight triangle and shall meet the following conditions:

3 a. The fence, wall, or vegetation in the landscaped area shall be at least
4 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is
5 present. If the elevation of the ground at the base of the fence, wall, or landscaped area is higher
6 than the finished elevation of the parking surface, the difference in elevation may be measured as
7 a portion of the required height of the screen, so long as the fence, wall, or vegetation in the
8 landscaped area is at least 3 feet in height. If located in a setback, the fence or wall shall meet the
9 requirements of subsection ~~((23.45.518.J.7))~~ 23.45.518.I.7.

10 b. The fence, wall, or vegetation in the landscaped area shall be set back at
11 least 3 feet from the lot line.

12 3. Screening by garage doors in LR zones. If parking is provided in a garage in or
13 attached to a principal structure and garage door(s) face a street, the garage door(s) may be no
14 more than 75 square feet in area.

15 E. Other provisions. Garage doors in LR zones and MR zones facing the street shall be
16 set back at least ~~((15))~~ 18 feet from the street lot line, and shall be no closer to the street lot line
17 than the street-facing facade of the structure.

18 Section 47. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance
19 125603, is amended as follows:

20 **23.45.545 Standards for certain accessory uses**

21 * * *

22 I. In LR zones, accessory dwelling units are allowed, in single-family, rowhouse, and
23 townhouse units, as follows:

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1 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
2 townhouse unit that is a “principal unit”. A “principal unit” is a dwelling unit that is not an
3 accessory dwelling unit.

4 2. The owner of a principal unit shall comply with the owner occupancy
5 requirements of subsection 23.44.041.C.

6 3. The height limit for a detached accessory dwelling unit is 20 feet, except that
7 the ridge of a pitched roof on a detached accessory dwelling may extend up to 3 feet above the
8 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not
9 less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.

10 ((3)) 4. The maximum gross floor area of an accessory dwelling unit is 650 square
11 feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40
12 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of
13 garages, storage sheds, and other non-habitable spaces.

14 ((4)) 5. An accessory dwelling unit shall be located completely within the same
15 structure as the principal unit or in an accessory structure located between the single-family,
16 rowhouse, or townhouse unit and the rear lot line.

17 ((5)) 6. The entrance to an accessory dwelling unit provided within the same
18 structure as the principal unit shall be provided through one of the following configurations:

- 19 a. Through the primary entry to the principal unit; or
20 b. Through a secondary entry on a different facade than the primary entry
21 to the principal unit; or

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

4 ((6)) 7. Exterior stairs. Exterior stairs providing access to an accessory dwelling
5 unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory
6 dwelling unit located above a garage.

7 ((7)) 8. Parking. Parking is not required for an accessory dwelling unit.

8 ((8)) 9. In the Shoreline District, accessory dwelling units in single-family,
9 rowhouse, and townhouse units shall be as provided in Chapter 23.60A, and where allowed in
10 the Shoreline District, they are also subject to the provisions in this subsection 23.45.545.I.

11 ~~((J. An accessory dwelling unit within an established single-family dwelling unit or on~~
12 ~~the lot of an established single-family dwelling unit shall be considered an accessory use to the~~
13 ~~single-family dwelling unit, shall meet the standards listed for accessory dwelling units in~~
14 ~~Section 23.44.041, and shall not be considered a separate dwelling unit for any development~~
15 ~~standard purposes in multifamily zones. In the Shoreline District, accessory dwelling units in~~
16 ~~single-family dwelling units shall be as provided in Chapter 23.60A and where allowed in the~~
17 ~~Shoreline District, they are also subject to the provisions in this subsection 23.45.545.J.~~

18 K)) J. Urban farms are subject to the standards in Section 23.42.051 and the conditional
19 use requirement in subsection 23.45.504.C.8.

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1 Section 48. Section 23.47A.002 of the Seattle Municipal Code, last amended by
2 Ordinance 125267, is amended as follows:

3 **23.47A.002 Scope of provisions**

4 A. This Chapter 23.47A describes the authorized uses and development standards for the
5 following zones:

- 6 1. Neighborhood Commercial 1 (NC1);
- 7 2. Neighborhood Commercial 2 (NC2);
- 8 3. Neighborhood Commercial 3 (NC3);
- 9 4. Commercial 1 (C1); and
- 10 5. Commercial 2 (C2).

11 B. Zones listed in subsection 23.47A.002.A and having an incentive zoning suffix are
12 subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.

13 ~~((C. Zones listed in subsection 23.47A.002.A that have a mandatory housing affordability~~
14 ~~suffix of either (M), (M1), or (M2) are subject to this Chapter 23.47A and to the provisions of~~
15 ~~Chapters 23.58B and 23.58C. Specific provisions for zones with a mandatory housing~~
16 ~~affordability suffix are in Section 23.47A.017.~~

17 ~~D)) C.~~ C. Some land in ~~((C zones and NC))~~ these zones may be regulated by Subtitle III,
18 Division 3, Overlay Districts, of this Title 23.

19 ~~((E)) D.~~ D. Other regulations, including but not limited to ~~((major marijuana activity~~
20 ~~(Section 23.42.058)))~~ general use provisions (Chapter 23.42); requirements for streets, alleys,
21 and easements (Chapter 23.53); standards for parking quantity, access, and design (Chapter
22 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55);
23 communications regulations (Chapter 23.57); and methods for measurements (Chapter 23.86)

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1 may apply to development proposals. (~~Communication utilities and accessory communication~~
2 ~~devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter~~
3 ~~23.47A and additional regulations in Chapter 23.57, Communications Regulations.~~)

4 Section 49. Subsection 23.47A.005.D of the Seattle Municipal Code, which section was
5 last amended by Ordinance 125272, is amended as follows:

6 **23.47A.005 Street-level uses**

7 * * *

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

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

12 a. Arts facilities;

13 b. Community gardens;

14 c. Eating and drinking establishments;

15 d. Entertainment uses, except for adult cabarets, adult motion picture
16 theaters, and adult panorams;

17 e. Food processing and craft work;

18 f. Institutions, except hospitals or major institutions;

19 g. Lodging uses;

20 h. Medical services;

21 i. Offices, provided that no more than 30 feet of the street-level, street-
22 facing facade of a structure may contain an office use;

23 j. Parks and open spaces;

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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; and

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.

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;

11th Avenue;

12th Avenue;

13th Avenue, between East Madison Street and East Pine Street;

14th Avenue South, except within the North Beacon Hill Residential Urban Village;

15th Avenue East;

15th Avenue Northeast, north of Lake City Way Northeast;

15th Avenue Northwest;

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- 1 15th Avenue South;
- 2 17th Avenue Northwest;
- 3 20th Avenue Northwest;
- 4 22nd Avenue Northwest;
- 5 23rd Avenue;
- 6 24th Avenue Northwest;
- 7 25th Avenue Northeast;
- 8 32nd Avenue West;
- 9 35th Avenue Northeast, except within the Lake City Hub Urban Village;
- 10 35th Avenue Southwest, except within the West Seattle Junction Hub
- 11 Urban Village;
- 12 39th Avenue Northeast;
- 13 Aurora Ave North, except within the Bitter Lake Village Hub Urban
- 14 Village;
- 15 Ballard Avenue (~~(NW)~~) Northwest;
- 16 Beacon Avenue South;
- 17 Boren Avenue;
- 18 Boylston Avenue, except within the Pike/Pine Conservation Overlay
- 19 District;
- 20 Broadway;
- 21 Broadway East;
- 22 California Avenue Southwest;
- 23 Delridge Way Southwest;

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- 1 Dexter Avenue North;
- 2 East Green Lake Drive North;
- 3 East Green Lake Way North;
- 4 East Madison Street;
- 5 East Olive Way;
- 6 East Pike Street;
- 7 East Pine Street; ((:))
- 8 East Union Street, except within the Pike/Pine Conservation Overlay
- 9 District only lots abutting East Union Street between Broadway and East Madison Street;
- 10 Eastlake Avenue East;
- 11 First Avenue North, except within the Upper Queen Anne Residential
- 12 Urban Village;
- 13 Fremont Avenue North;
- 14 Fremont Place North;
- 15 Galer Street;
- 16 Green Lake Drive North;
- 17 Greenwood Avenue North;
- 18 Lake City Way Northeast;
- 19 Leary Avenue ((NW)) Northwest;
- 20 Linden Avenue North;
- 21 Madison Street;
- 22 Martin Luther King Jr. Way South;

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- 1 Mary Avenue Northwest, between Holman Road Northwest and
- 2 Northwest 87th Street;
- 3 Mercer Street;
- 4 North 34th Street;
- 5 North 35th Street;
- 6 North 45th Street;
- 7 North 85th Street;
- 8 Northeast 43rd Street;
- 9 Northeast 45th Street, except between Linden Ave North and Evanston
- 10 Ave North;
- 11 Northeast 55th Street, east of 15th Avenue Northeast;
- 12 Northeast 65th Street;
- 13 Northeast 125th Street;
- 14 Northwest 65th Street;
- 15 Northwest 85th Street;
- 16 Northwest 90th Street, between Mary Avenue Northwest and 14th Avenue
- 17 Northwest;
- 18 Northwest Market Street;
- 19 Phinney Avenue North, between North 58th Street and North 63rd Street;
- 20 Pike Street;
- 21 Pine Street;
- 22 Queen Anne Avenue North;
- 23 Rainier Avenue South;

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- 1 Roosevelt Way Northeast;
- 2 Roy Street;
- 3 Sand Point Way Northeast;
- 4 South Alaska Street;
- 5 South Cloverdale Street;
- 6 South Henderson Street;
- 7 South Jackson Street;
- 8 South Lander Street;
- 9 South McClellan Street;
- 10 South Othello Street;
- 11 Southwest Alaska Street;
- 12 Stone Way North;
- 13 Summit Avenue, except within the Pike/Pine Conservation Overlay
- 14 District;
- 15 Terry Avenue;
- 16 University Way Northeast;
- 17 Wallingford Avenue North;
- 18 West Dravus Street;
- 19 West Galer Street;
- 20 West Green Lake Drive North;
- 21 West McGraw Street, except within the Upper Queen Anne Residential
- 22 Urban Village; and
- 23 ~~((West Green Lake Drive North; and))~~

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1 Woodlawn Avenue Northeast.

2 Section 50. Section 23.47A.008 of the Seattle Municipal Code, last amended by
3 Ordinance 125603, is amended as follows:

4 **23.47A.008 Street-level development standards**

5 A. Basic street-level requirements

6 1. The provisions of this subsection 23.47A.008.A apply to:

- 7 a. Structures in NC zones;
8 b. Structures that contain a residential use in C zones;
9 c. Structures in C zones across the street from residential zones; and
10 d. All structures in pedestrian-designated zones.

11 2. Blank facades

12 a. For purposes of this Section 23.47A.008, facade segments are
13 considered blank if they do not include at least one of the following:

- 14 1) Windows;
15 2) Entryways or doorways;
16 3) Stairs, stoops, or porticos;
17 4) Decks or balconies; or
18 5) Screening and landscaping on the facade itself.

19 b. Blank segments of the street-facing facade between 2 feet and 8 feet
20 above the sidewalk may not exceed 20 feet in width.

21 c. The total of all blank facade segments may not exceed 40 percent of the
22 width of the facade of the structure along the street.

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1 3. Street-level, street-facing facades shall be located within 10 feet of the street lot
2 line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

3 B. Non-residential street-level requirements

4 1. In addition to the provisions of subsection 23.47A.008.A, the provisions of this
5 subsection 23.47A.008.B apply to:

- 6 a. Structures with street-level non-residential uses in NC zones;
- 7 b. Structures with street-level non-residential uses that also contain
8 residential uses in C zones;
- 9 c. Structures with street-level non-residential uses in C zones across the
10 street from residential zones; and
- 11 d. All structures in pedestrian designated zones.

12 2. Transparency

13 a. Sixty percent of the street-facing facade between 2 feet and 8 feet above
14 the sidewalk shall be transparent. For purposes of calculating the 60 percent of a structure's
15 street-facing facade, the width of a driveway at street level, not to exceed 22 feet, may be
16 subtracted from the width of the street-facing facade if the access cannot be provided from an
17 alley or from a street that is not a designated principal pedestrian street.

18 b. Transparent areas of facades shall be designed and maintained to
19 provide views into and out of the structure. Except for institutional uses, no permanent signage,
20 window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items
21 shall completely block views into and out of the structure between 4 feet and 7 feet above
22 adjacent grade. The installation of temporary signs or displays that completely block views may
23 be allowed if such temporary sign complies with subsection 23.55.012.B.

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1 3. Depth provisions for new structures or new additions to existing structures((~))

2 a. Non-residential uses greater than 600 square feet shall extend an
3 average depth of at least 30 feet and a minimum depth of 15 feet from the street-level, street-
4 facing facade.

5 b. In pedestrian designated zones, non-residential uses less than 600
6 square feet in size shall extend an average depth of at least 20 feet and a minimum depth of 10
7 feet from the street-level, street-facing facade.

8 c. If the combination of the requirements of Sections 23.47A.005 or
9 23.47A.008 and ((this)) these depth requirements would result in a requirement that an area
10 greater than 50 percent of the structure's footprint be dedicated to non-residential use, the
11 Director may modify the street-facing facade or depth requirements, or both, so that no more
12 than 50 percent of the structure's footprint is required to be non-residential.

13 4. Height provisions for new structures or new additions to existing structures.

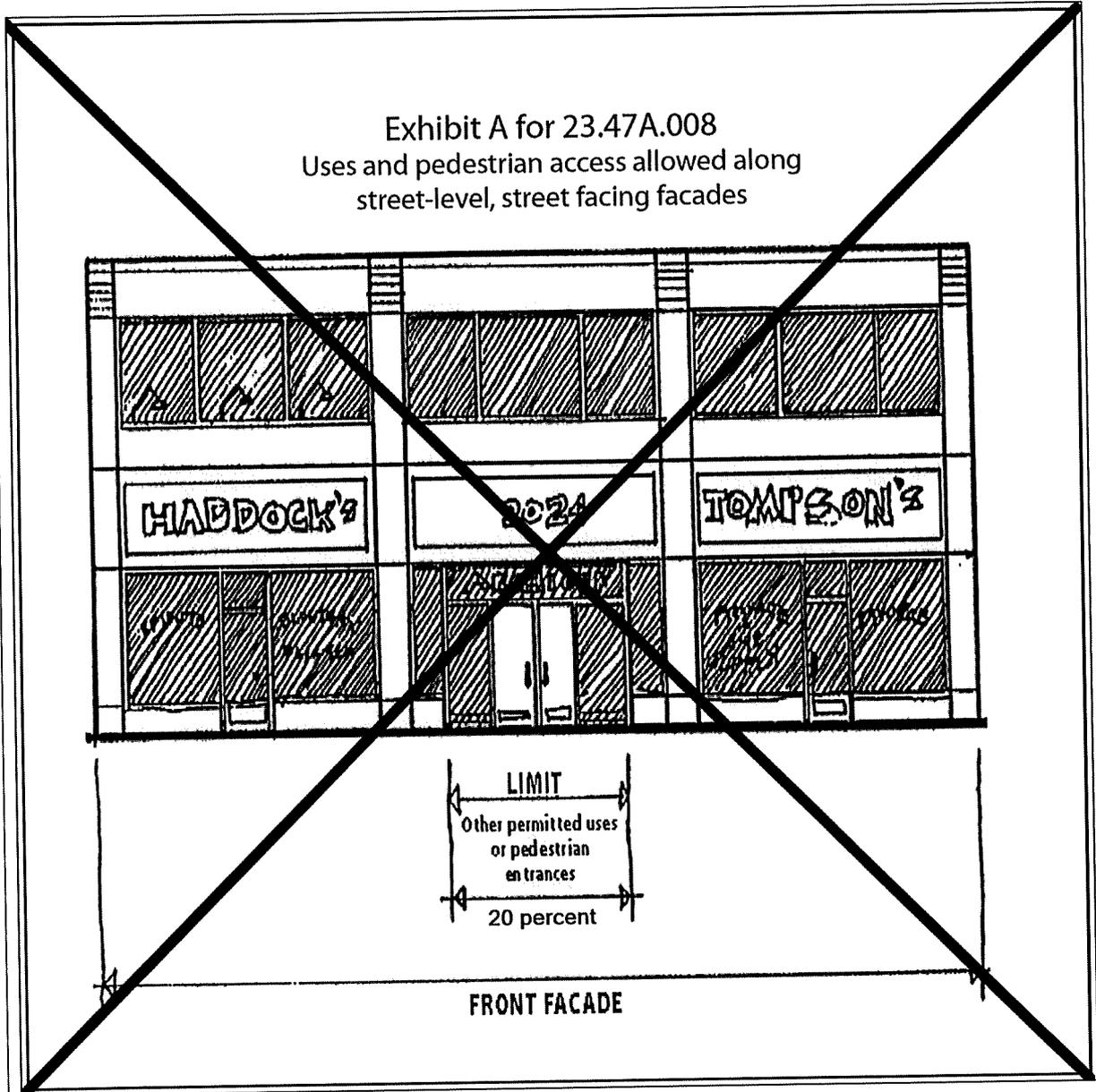
14 Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.

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

17 1. A minimum of 80 percent of the width of a structure's street-level, street-facing
18 facade that faces a principal pedestrian street shall be occupied by uses listed in subsection
19 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted
20 uses and/or pedestrian entrances (see Exhibit A for 23.47A.008).

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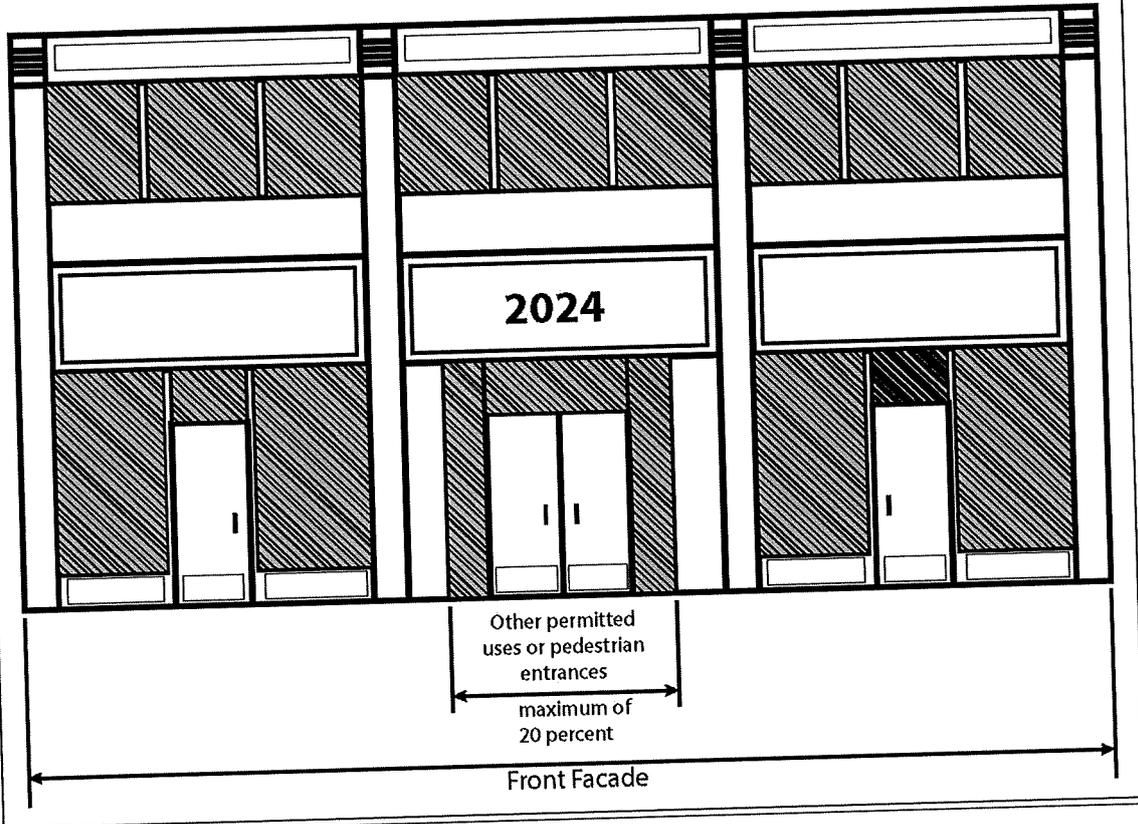
- 1 **Exhibit A for 23.47A.008**
- 2 **Uses and pedestrian access allowed along street-level, street-facing facades**



3

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Exhibit A for 23.47A.008 Uses and pedestrian access allowed along street-level, street-facing facades



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2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

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1 4. Overhead weather protection

2 a. Continuous overhead weather protection (i.e., canopies, awnings,
3 marquees, and arcades) is required along at least 60 percent of the street frontage of a structure
4 on a principal pedestrian street, except for structures within the Pike/Pine Conservation Overlay
5 District on lots that contain a character structure as provided in Chapter 23.73.

6 b. The covered area shall have a minimum width of 6 feet, unless there is a
7 conflict with existing or proposed street trees or utility poles, in which case the width may be
8 adjusted to accommodate such features as provided in subsection 23.47A.008.C.4.f.

9 c. The overhead weather protection must be provided over the sidewalk, or
10 over a walking area within 10 feet immediately adjacent to the sidewalk. When provided
11 adjacent to the sidewalk, the covered walking area must be at the same grade or within 18 inches
12 of sidewalk grade and meet Washington state requirements for barrier-free access.

13 d. The lower edge of the overhead weather protection shall be a minimum
14 of 8 feet and a maximum of 12 feet above the sidewalk for projections extending a maximum of
15 6 feet. For projections extending more than 6 feet from the structure, the lower edge of the
16 weather protection shall be a minimum of 10 feet and a maximum of 15 feet above the sidewalk.

17 e. Adequate lighting for pedestrians shall be provided. The lighting may
18 be located on the facade of the building or on the overhead weather protection.

19 f. Where the standards listed in this subsection 23.47A.008.C.4 conflict
20 with the vertical and horizontal clearance requirements in the street rights-of-way, the standards
21 may be modified by the Director in consultation with the Director of Transportation.

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1 5. Maximum width and depth limits

2 a. The maximum width and depth of a structure, or of a portion of a
3 structure for which the limit is calculated separately according to subsection 23.47A.008.C.5.b, is
4 250 feet, except as otherwise provided in subsection 23.47A.008.C.5.c.

5 b. For purposes of this subsection 23.47A.008.C.5, the width and depth
6 limits shall be calculated separately for a portion of a structure if:

7 1) There are no connections allowing direct access, such as
8 hallways, bridges, or stairways, between that portion of a structure and other portions of a
9 structure; or

10 2) The only connections between that portion of a structure and
11 other portions of a structure are in stories, or portions of a stories, that are underground or extend
12 no more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to
13 the floor above the partially below-grade story, excluding access.

14 c. For purposes of this subsection 23.47A.008.C.5, the following portions
15 of a structure shall not be included in measuring width and depth:

16 1) Designated Landmark structures that are retained on the lot.

17 2) Stories of a structure on which more than 50 percent of the total
18 gross floor area is occupied by any of the following uses:

19 a) Arts facilities;

20 b) Community clubs or community centers;

21 c) Child care centers;

22 d) Elementary or secondary schools;

23 e) Performing arts theaters; or

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f) Religious facilities.

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

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

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.

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

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

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

- 21 1) Within the same urban village as the structure;
22 2) Within 400 lineal feet of the structure, if the structure is located
23 within an urban center; or

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1 street-level, street-facing facade, and shall not contain any of the primary features of the
2 residential (live) portion of the live-work unit, such as kitchen, (~~bathroom,~~) sleeping, or laundry
3 facilities, or bathrooms containing a shower or bathtub. These basic residential features shall be
4 designed and arranged to be separated from the work portion of the live-work unit by a physical
5 divider such as a wall or partition.

6 2. Each live-work unit must have a pedestrian entry on the street-facing facade
7 that is designed to be visually prominent and provide direct access to the non-residential portions
8 of the unit.

9 3. Each live-work unit must include an exterior sign with the name of the business
10 associated with the live-work unit. Such signage shall be clearly associated with the unit and
11 visible to pedestrians outside of the building.

12 4. The owner of each live-work unit must keep a copy of the current business
13 license associated with the business located in that unit on file.

14 F. The Director may allow exceptions to the street-level requirements of this Section
15 23.47A.008, as a Type I decision, for projects that are not subject to the Design Review process,
16 except that in a pedestrian-designated zone exceptions may not be granted for requirements for
17 residential uses at street level, transparency requirements, or floor-to-floor height requirements
18 as described in subsection 23.41.012.B. Exceptions may be granted if the Director determines
19 that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

20 1. (~~maintain~~) Maintain pedestrian access to the structure;

21 2. (~~maintain~~) Maintain urban form consistent with adjacent structures and
22 previous design review decisions on the site;

23 3. (~~maintain~~) Maintain the visibility of non-residential uses;

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1 4. ((~~maintain~~)) Maintain the privacy of residential uses; or

2 5. ((~~allow~~)) Allow the continued use of an existing structure without substantial
3 renovation.

4 G. In a structure existing on January 1, 2012, an accessory dwelling unit may be
5 established if it is accessory to an existing dwelling unit and if it meets minimum housing
6 standards of Chapter 22.206, even if nonconforming to standards of subsection 23.47A.008.D.

7 Section 51. Section 23.47A.009 of the Seattle Municipal Code, last amended by
8 Ordinance 125603, is amended as follows:

9 **23.47A.009 Standards applicable to specific areas**

10 A. Resolution of standards conflicts. To the extent there is a conflict between this Section
11 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

12 B. West Seattle Junction Hub Urban Village. The following provisions apply to
13 development in the NC3 ((~~85(4.75))~~) 95 zone located between SW Alaska Street, SW Edmunds
14 Street, Fauntleroy Way SW, and 40th Ave SW:

15 1. Lot coverage limit. The maximum lot coverage permitted for principal and
16 accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.

17 2. The total permitted FAR is as identified in ((~~subsection 23.47A.013.E~~)) Section
18 23.47A.013.

19 3. Maximum width of structures. The maximum width of all portions of a
20 structure measured parallel to a north-south street lot line is 275 feet.

21 4. Setback and separation requirements

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

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

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

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

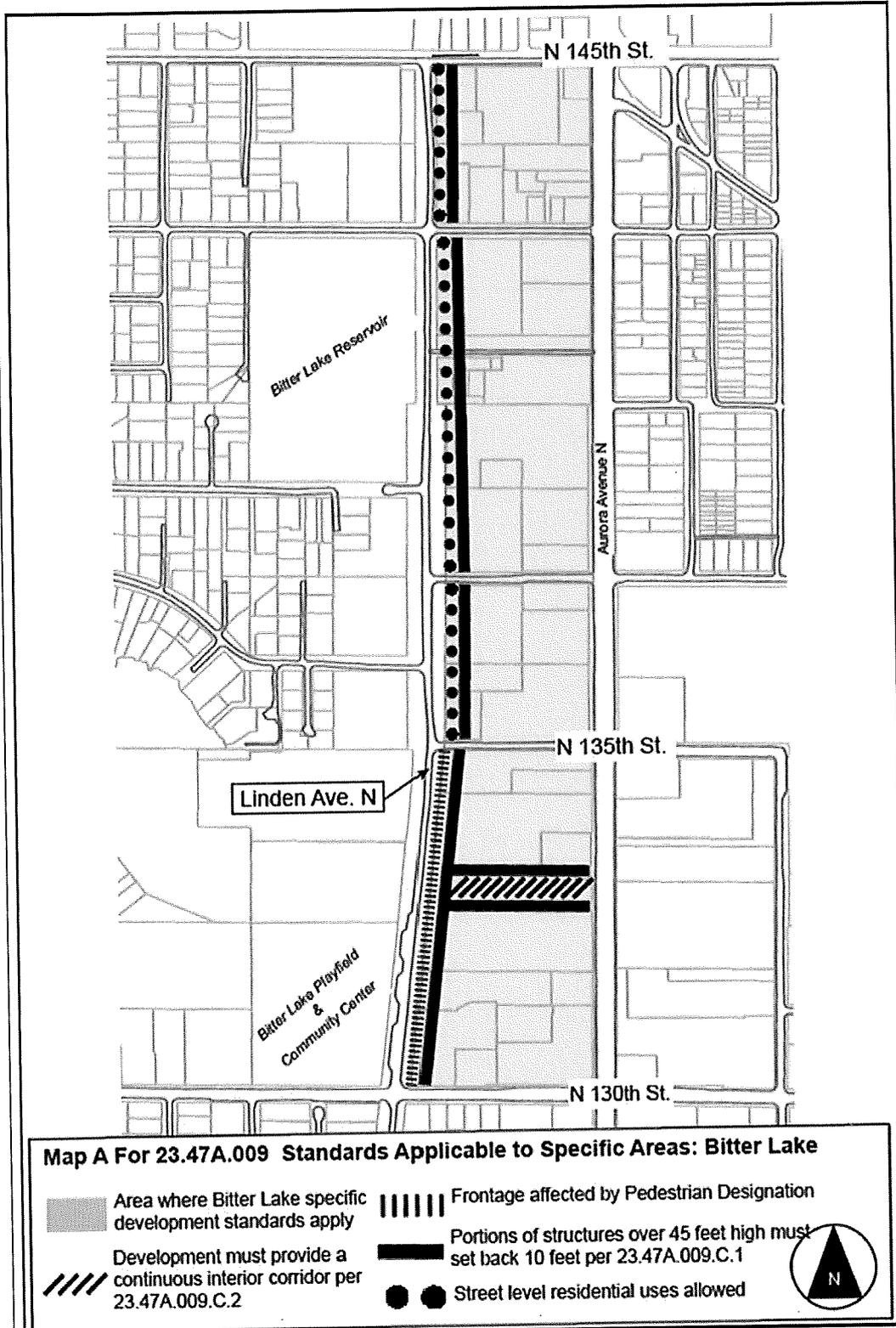
8 3) Structures located within 100 feet of Fauntleroy Way SW are
9 exempt from the upper-level setback requirement.

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

12 C. Bitter Lake Village Hub Urban Village. Development on lots designated on Map A for
13 23.47A.009 shall meet the following requirements:

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1 **Map A for 23.47A.009**
2 **Standards Applicable to Specific Areas: Bitter Lake**



3

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1 1. Upper-level setback requirement. The following standards apply to
2 development on lots abutting the east side of Linden Ave North or along both sides of the
3 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.E))~~ 23.47A.014.G.

13 2. Corridor requirement. An access corridor shall be provided on lots over
14 ~~((eight))~~ 8 acres that abut Linden Avenue North and Aurora Avenue North, to connect Linden
15 Avenue North and Aurora Avenue North. The location of the proposed corridor shall be clearly
16 shown on the site 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.

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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~~) Match trees to the available space;
10 2) (~~complement~~) Complement existing or planned street trees on
11 abutting streets; and
12 3) (~~encourage~~) Encourage healthy growth through appropriate
13 spacing.

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

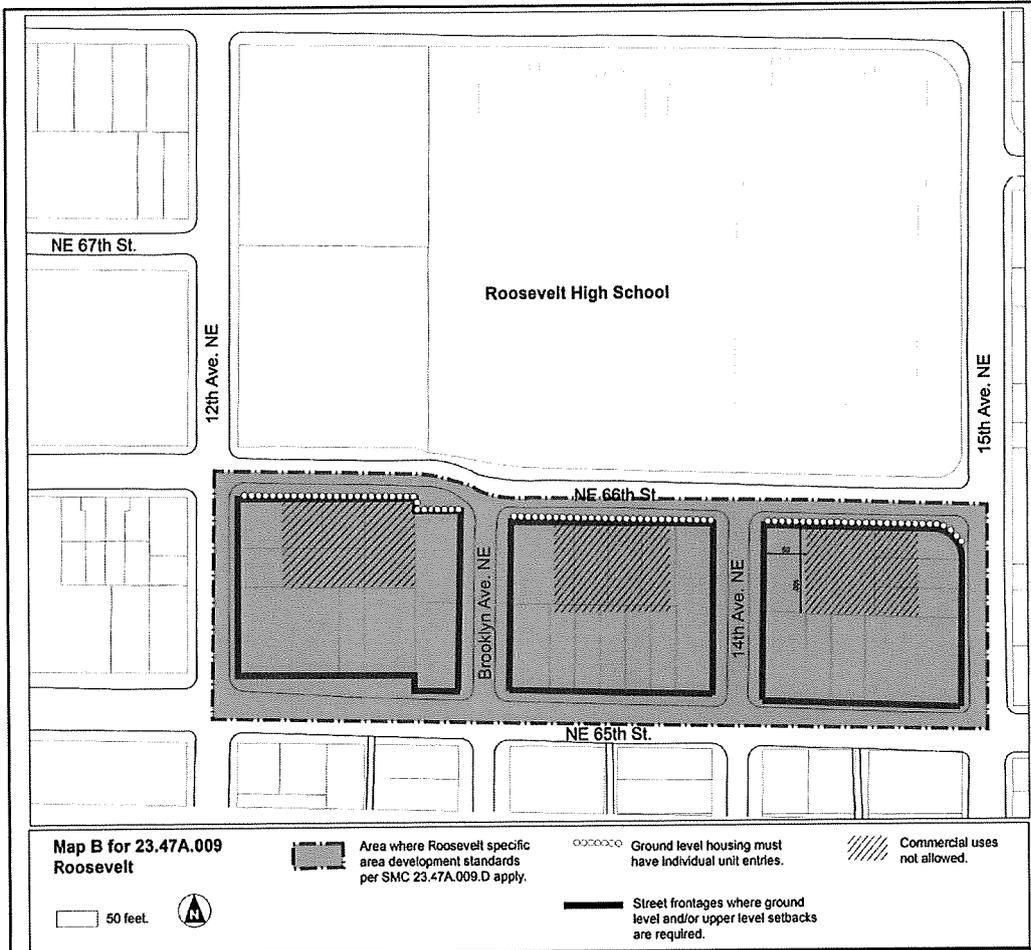
15 f. The corridor shall not include any features or structures except the
16 following:

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

19 2) Parking meeting the standards of Section 23.54.030 is allowed
20 along vehicle access lanes within the corridor. Such parking is in addition to the maximum
21 number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection
22 23.47A.032.A do not apply to access to parking from the corridor.

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1 **Map B for ((23.47.009)) 23.47A.009**
2 **Roosevelt**



3
4 1. Setback requirements

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

6 1) Northeast 66th Street. An average ground-level setback of 10
7 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The
8 minimum upper-level setback shall be provided in addition to the required ground-level setback
9 at all points along the length of the street property line at 45 feet of height and above, as
10 measured from average finished grade.

11 2) Brooklyn Avenue Northeast. An average ground-level setback
12 of 5 feet along the length of the street property line and a minimum upper-level setback of 4 feet.

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1 The minimum upper-level setback shall be provided in addition to the required ground-level
2 setback at all points along the length of the street property line at 45 feet of height and above, as
3 measured from average finished grade.

4 3) 14th Avenue Northeast. An average ground-level setback of 15
5 feet and a minimum ground-level setback of 5 feet along the length of the street property line and
6 a minimum upper-level setback of 3 feet. The minimum upper-level setback shall be provided in
7 addition to the required ground-level setback at all points along the length of the street property
8 line at 45 feet of height and above, as measured from average finished grade.

9 4) 15th Avenue Northeast. A minimum ground-level setback of
10 5 feet along the length of the street property line and an average upper-level setback of 7 feet.
11 The average upper-level setback shall be provided in addition to the required ground-level
12 setback at all points along the length of the street property line at 45 feet of height and above, as
13 measured from average finished grade.

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

17 b. Structures permitted in required setbacks are subject to subsection
18 ((23.47A.014.E)) 23.47A.014.G, except that:

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

22 2) Stoops or porches providing direct access to individual housing
23 units may project up to 5 feet into the required ground-level setback area, except that portions of

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1 stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is
2 lower, may extend to a street lot line. The 2.5-foot height limit for stoops or porches does not
3 apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of
4 the total ground-level setback area.

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

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

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

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

18 2. Landscaping. Required ground-level setbacks shall be landscaped, and may
19 include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and
20 other amenities or landscaped areas approved by the ~~((Seattle Department of Construction and
21 Inspections))~~ Director are permitted in required ground-level setbacks.

22 3. Limit on commercial uses. Commercial uses are prohibited within 80 feet of
23 the street property line of Northeast 66th Street, except within 50 feet of the intersections of

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1 Northeast 66th Street with Brooklyn Avenue Northeast, 14th Avenue Northeast, 12th Avenue
2 Northeast, and 15th Avenue Northeast, as shown on Map B for 23.47A.009.

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

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

12 E. Lake City. The following provisions apply to development proposed on lots that are
13 40,000 square feet in size or greater and located in NC zones as shown on Map C for
14 23.47A.009.

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1 1. Maximum lot coverage

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

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

6 1) Portions of a structure that are below grade or that do not extend
7 more than 4 feet above the finished grade.

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

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

12 4) The first 4 feet of unenclosed porches or steps for residential
13 units.

14 c. In the portion of the lot that is not covered by structures, owners are
15 encouraged to provide improvements at-grade that enhance the usability and livability of the lot
16 for occupants and visitors, such as pedestrian circulation areas, landscaping, lighting, weather
17 protection, art, or other similar improvements.

18 2. Facade modulation

19 a. Facade modulation requirements apply to all portions of a structure up
20 to a height of 35 feet and located within 10 feet of a street lot line on streets designated by Map
21 C for 23.47A.009.

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1 b. The maximum width of any unmodulated facade is 100 feet. Facades
2 longer than 100 feet shall be modulated by stepping back the facade from the street lot line for a
3 minimum depth of 10 feet and a minimum width of 15 feet.

4 c. Facade modulation requirements do not apply to portions of a structure
5 that are below grade or that do not extend more than 2 feet above the finished grade at the lot
6 line.

7 3. Maximum structure width

8 a. On streets designated by Map C for 23.47A.009, the maximum allowed
9 structure width is 250 feet.

10 b. Structure width limits do not apply to portions of a structure that are
11 below grade or that do not extend more than 2 feet above the finished grade at the lot line.

12 4. Upper-level setbacks

13 a. On streets designated by Map C for 23.47A.009, a setback with an
14 average depth of 10 feet from abutting street lot lines is required for portions of a structure above
15 a height of 35 feet. The maximum depth of a setback that can be used to calculate the average
16 setback is 20 feet.

17 b. A setback with an average depth of 15 feet from abutting street lot lines
18 is required for portions of a structure above a height of 65 feet. The maximum depth of a setback
19 that can be used to calculate the average setback is 25 feet.

20 5. Structures permitted in required setbacks are subject to subsection
21 ((23.47A.014.E)) 23.47A.014.G.

22 F. Ballard Hub Urban Village. The following provisions apply to development proposed
23 in NC zones within the Ballard Hub Urban Village.

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

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

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

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

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

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

12 4) The first 4 feet of unenclosed porches or steps for residential
13 units.

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

19 2. Facade modulation

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

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

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

8 3. Maximum structure width

9 a. The maximum allowed structure width is 250 feet.

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

13 4. Setback requirements

14 a. Street-level setbacks

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

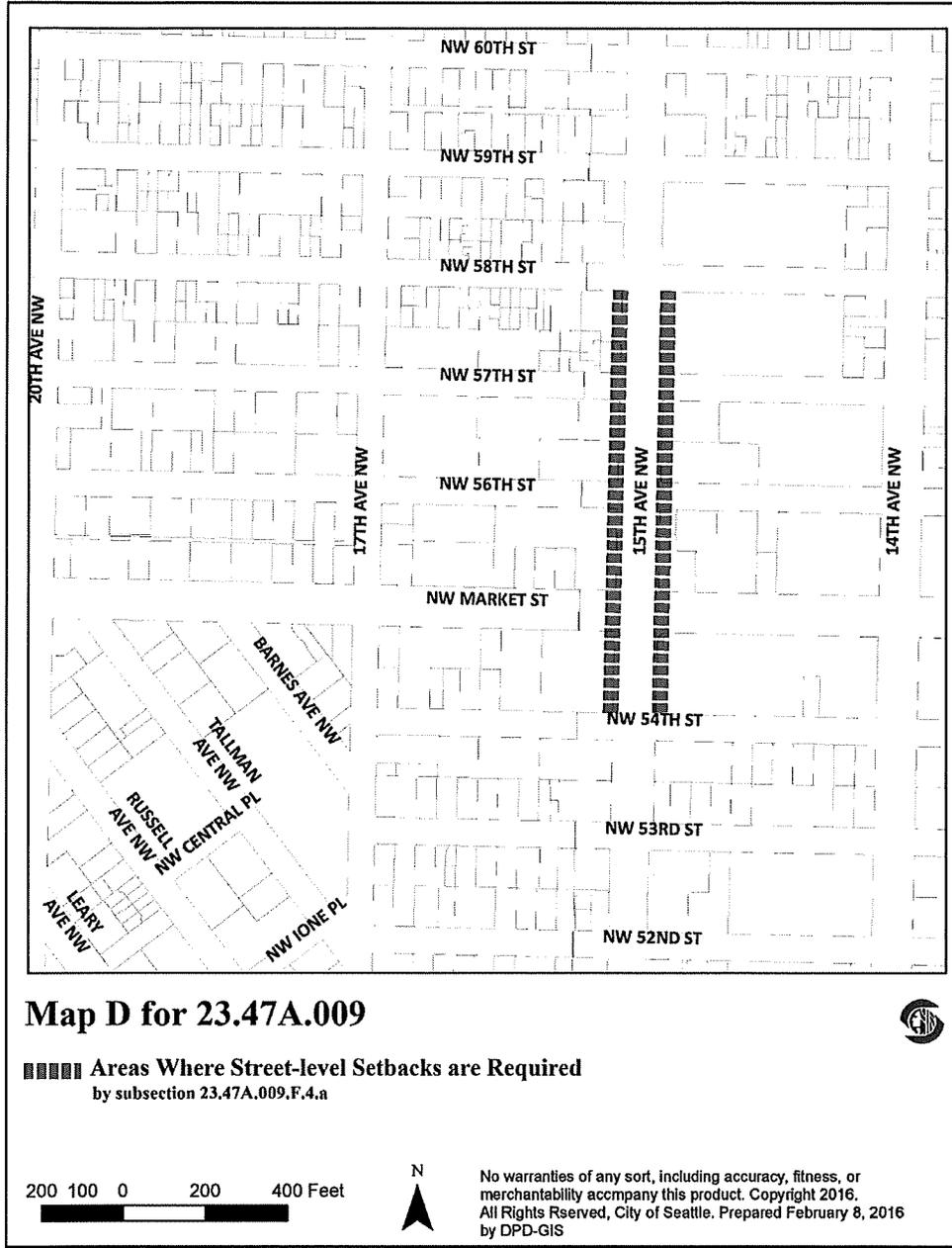
18 2) The provisions of subsection 23.47A.009.F.2 do not apply to the
19 area described in subsection 23.47A.009.F.4.a.1.

20 b. Upper-level setbacks

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

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1 **Map D for 23.47A.009**
2 **Areas Where Street-level Setbacks are Required**



3

4 G. University Community Urban Center. The following provisions apply to specified NC

5 zones within the portion of the University Community Urban Center west of 15th Avenue NE.

6 1. Maximum width and depth limits. The following standards apply to NC zones

7 with a mapped height limit exceeding 40 feet:

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

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

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

- 16 1) Community clubs or community centers;
17 2) Religious facilities;
18 3) Arts facilities;
19 4) ~~((Preschool,))~~ Child care centers or elementary ((,)) or
20 secondary schools; or
21 5) Performing arts theaters.

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

3 a. Lots located in NC3 and NC3P zones with height limits of 55 feet or
4 greater are eligible as open space, vulnerable masonry structure, or Landmark TDR and TDP
5 sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter
6 23.84A and meets all applicable standards in Section 23.58A.042.

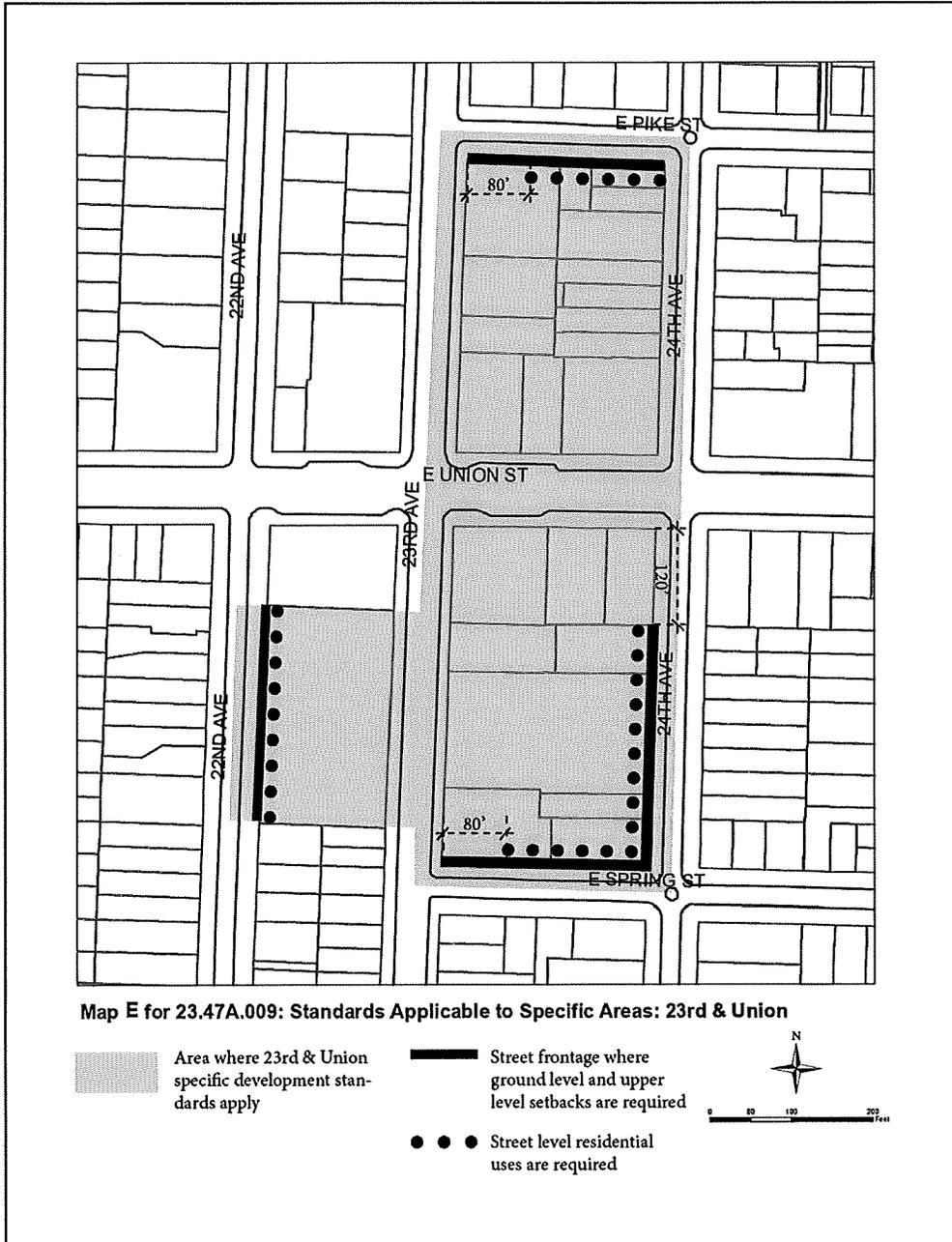
7 b. The maximum amount of TDR and TDP that can be transferred from an
8 eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of
9 the FAR permitted on a lot that is solely occupied by residential uses or non-residential uses in
10 the zone where the sending site is located, as shown on Table A for 23.47A.013, ~~((and Table A~~
11 ~~for 23.47A.017 for zones with a mandatory housing affordability suffix,))~~ multiplied by the lot
12 area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR
13 and TDP previously transferred.

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

16 H. 23rd and Union. The following provisions apply to development proposed in NC
17 zones within the area shown on Map E for 23.47A.009.

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1 **Map E for 23.47A.009**
2 **Standards applicable to specific areas: 23rd & Union**



- 3
- 4 1. Setback requirements. Setbacks are required along East Spring Street, East Pike
- 5 Street, 22nd Avenue, and 24th Avenue as shown on Map E for 23.47A.009 as follows:
- 6 a. A minimum street-level setback of 5 feet along the length of the street
- 7 property line unless a larger setback is required by subsection 23.47A.008.D.2; and

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1 b. A minimum upper-level setback of 15 feet for all portions of a structure
2 greater than 35 feet in height as measured from the average finished grade along the sidewalk;
3 and

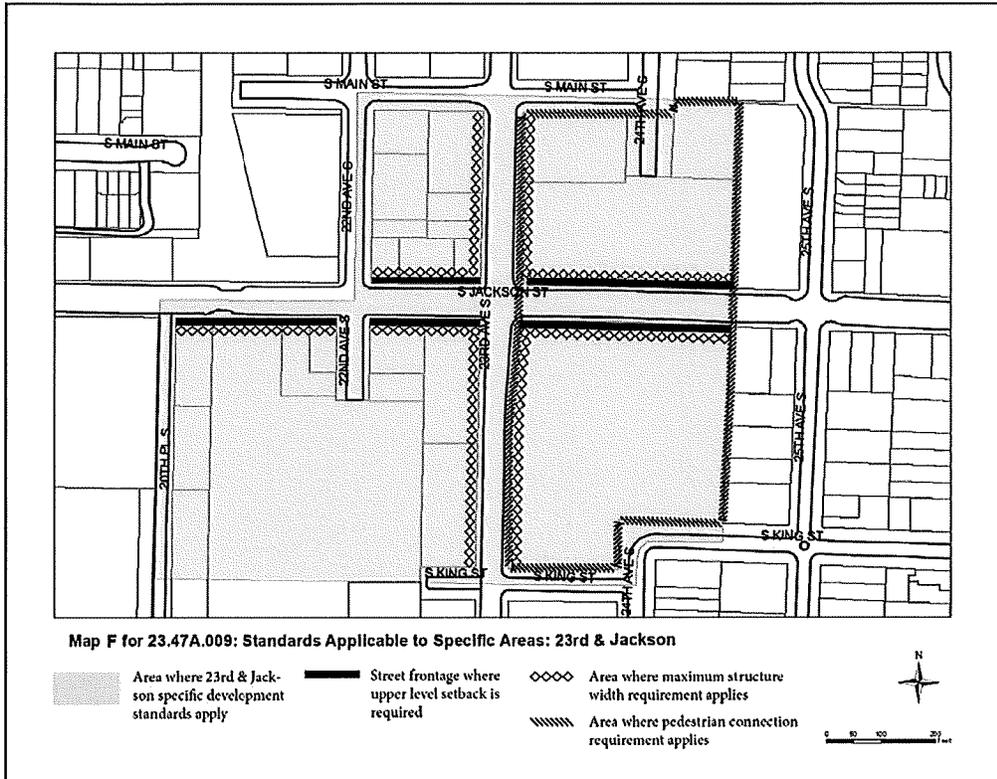
4 c. Structures permitted in required setbacks are subject to subsection
5 ~~((23.47A.014.E))~~ 23.47A.014.G.

6 2. Street-level residential uses. Street-level residential uses are required along East
7 Spring Street, East Pike Street, 22nd Avenue, and 24th Avenue as shown on Map E for
8 23.47A.009 except for the portions of East Pike Street and East Spring Street measured within 80
9 feet of the property line abutting 23rd Avenue and portion of 24th Avenue measured within 120
10 feet of the property line abutting East Union Street.

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1 I. 23rd and Jackson. The following provisions apply to development proposed in NC
2 zones within the area shown on Map F for 23.47A.009.

3 **Map F for 23.47A.009**
4 **Standards applicable to specific areas: 23rd & Jackson**



5
6 1. Setback requirements
7 a. Along South Jackson Street facing property lines as shown on Map F
8 for 23.47A.009, a minimum upper-level setback of 10 feet is required for all portions of a
9 structure greater than 45 feet in height as measured from the average finished grade.

10 b. Structures permitted in required setbacks are subject to subsection
11 ((23.47A.014.E)) 23.47A.014.G.

12 2. Maximum structure width. On streets designated by Map F for 23.47A.009, the
13 maximum allowed structure width is 250 feet. Facade modulation or building separation can be
14 considered as a break in the maximum structure width if:

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1 a. A portion of the street-facing facade projects or is recessed from
2 abutting facade by a minimum depth of 15 feet and a minimum width of 15 feet; or

3 b. A building separation is provided with a minimum width of 15 feet
4 between structures.

5 3. Pedestrian connection requirement. A proposal that includes development
6 between South Main Street and South King Street and is located within 400 feet east of 23rd
7 Avenue South shall provide a north-south pedestrian connection in area as shown on Map F for
8 23.47A.009, subject to the following requirements:

9 a. If the pedestrian connection is located adjacent to the right-of-way, it
10 should be incorporated into existing or planned sidewalks.

11 b. The pedestrian connection shall have a minimum width of 15 feet, and
12 include at least one of the following:

13 1) Entries to retail stores or other buildings;

14 2) Seating areas for pedestrians;

15 3) Street furniture;

16 4) Bicycle parking;

17 5) Landscaping;

18 6) Pedestrian scale lighting;

19 7) Water features; or

20 8) Overhead weather protection.

21 c. The pedestrian connection shall include a minimum 6-foot paved
22 walkway width and shall be designed to connect to existing or planned sidewalks and
23 crosswalks.

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1 d. The connection may be located between structures, or may be located in
2 a parking area if the paved walkway is separated from the parking area with special pavements or
3 other treatments to protect pedestrians from vehicles.

4 Section 52. Section 23.47A.012 of the Seattle Municipal Code, last amended by
5 Ordinance 125272, is amended as follows:

6 **23.47A.012 Structure height**

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

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

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

13 1) Either:

14 a) A floor-to-floor height of 13 feet or more is provided for
15 non-residential uses at street level; or

16 b) A residential use is located on a street-level, street-facing
17 facade, provided that the average height of the exterior facades of any portion of a story that is
18 partially below-grade does not exceed 4 feet, measured from existing or finished grade,
19 whichever is less, and the first floor of the structure at or above grade is at least 4 feet above
20 sidewalk grade; and

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

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

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

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

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

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

13 5) The structure is not allowed additional height under subsection
14 23.47A.012.A.1.a.

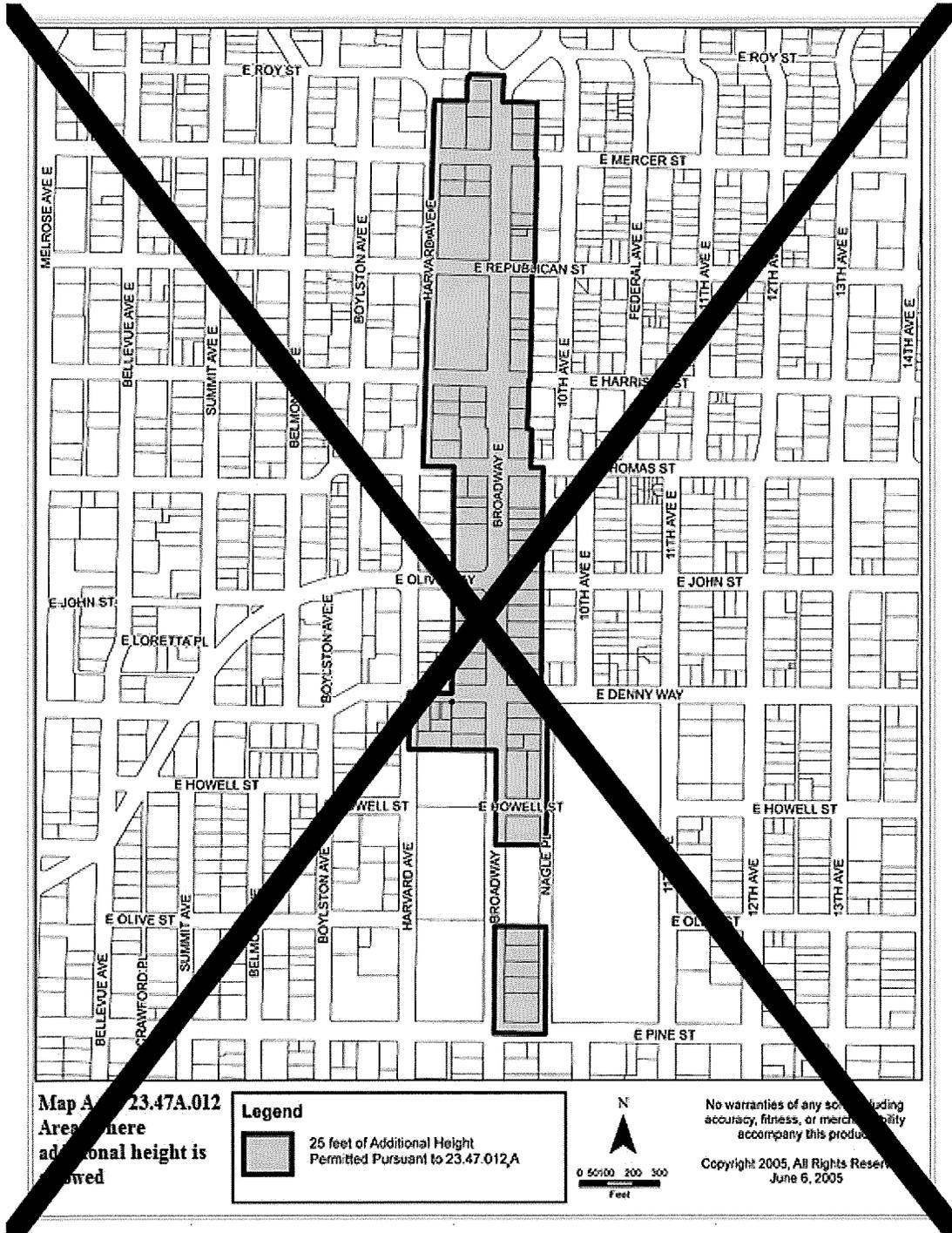
15 c. The Director shall reduce or deny the additional structure height
16 allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block
17 views from neighboring residential structures of any of the following: Mount Rainier, the
18 Olympic and Cascade Mountains, the downtown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

20 ~~((2. For any lot within the designated areas shown on Map A for 23.47A.012, the~~
21 ~~height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land~~
22 ~~Use Map may be increased to 65 feet and may contain floor area as permitted for a 65-foot zone,~~
23 ~~according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain~~

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1 only residential uses, and provided that no additional height is allowed under subsection
2 23.47A.012.A.1.))

3 ((Map A for 23.47A.012
4 Areas where additional height is allowed))



5

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1 ((3)) 2. Within the Station Area Overlay District within the University

2 Community Urban Center, maximum structure height may be increased to 125 feet when all of
3 the following are met:

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

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

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

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

13 e. This subsection ((23.47A.012.A.3)) 23.47A.012.A.2 can be used only
14 once for each development that is functionally related.

15 ((4)) 3. On a lot containing a peat settlement-prone environmentally critical area,
16 the height of a structure may exceed the otherwise applicable height limit and the other height
17 allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of
18 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill
19 sides of the structure, the maximum elevation of the structure height shall be no greater than the
20 height allowed by the first sentence of this subsection ((23.47A.012.A.4)) 23.47A.012.A.3. The
21 Director may apply the allowances in this subsection ((23.47A.012.A.4)) 23.47A.012.A.3 only if
22 the following conditions are met:

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

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

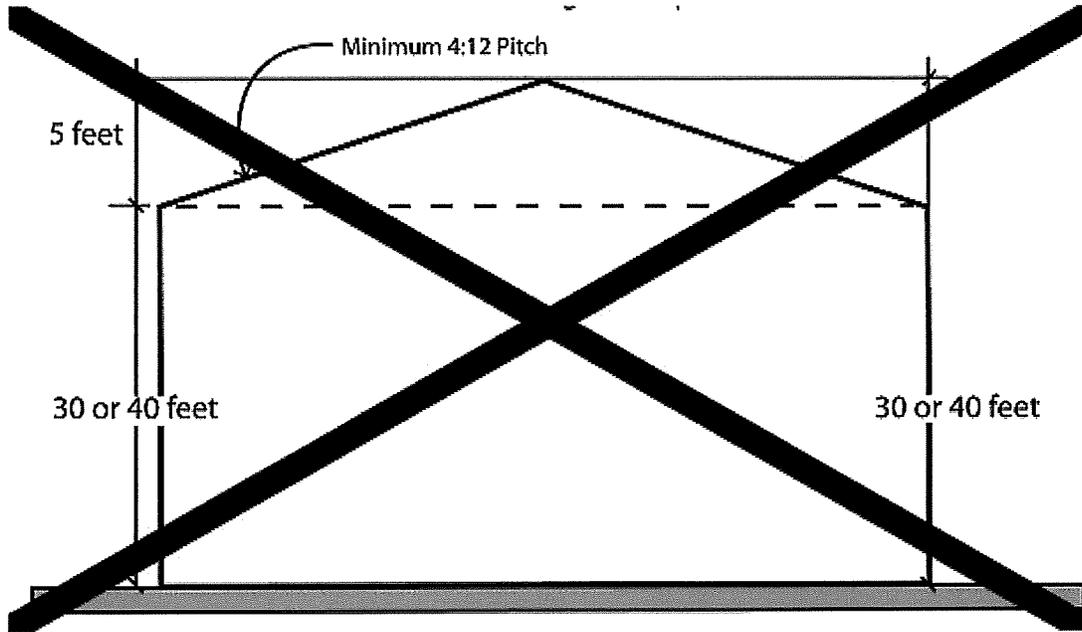
8 c. Other than the additional story of parking allowed according to this
9 subsection (~~(23.47A.012.A.4)~~) 23.47A.012.A.3, the additional height shall not allow an
10 additional story beyond the number of stories that could be built under the otherwise applicable
11 height limit.

12 ~~((5))~~ 4. In zones that are located within the Pike/Pine Conservation Overlay
13 District with a mapped height limit of ~~((65 feet, or with a mapped height limit of 40 feet with~~
14 ~~provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2))~~
15 75 feet, the provisions of Section 23.73.014 apply.

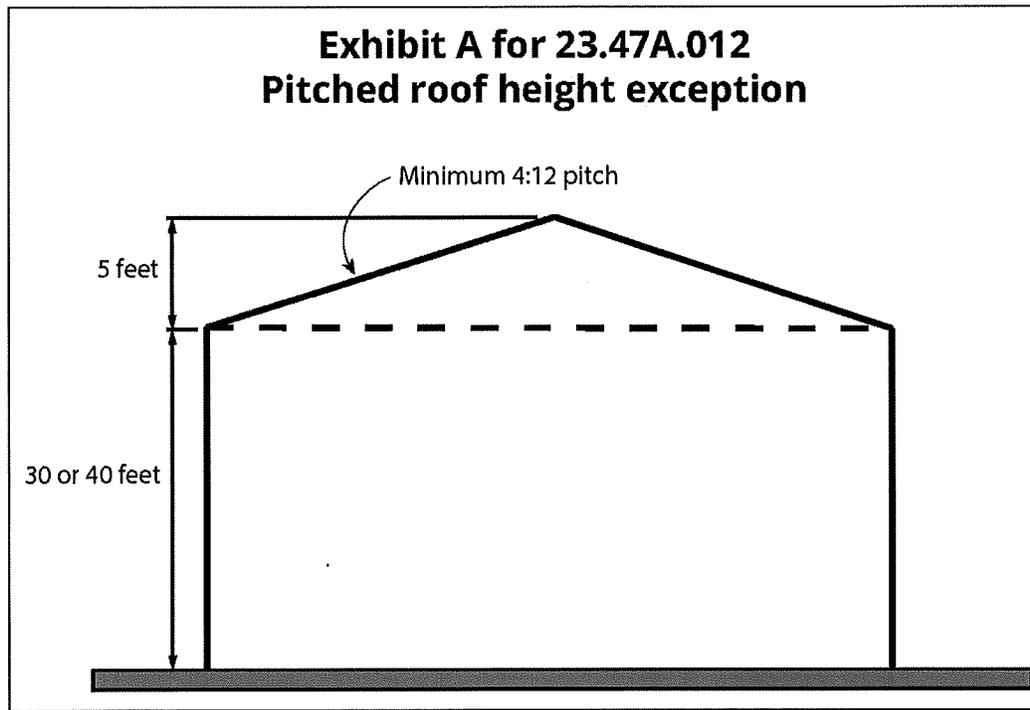
16 B. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to
17 5 feet above the otherwise applicable height limit in zones with height limits of 30 or 40 feet, if
18 all parts of the roof above the otherwise applicable height limit are pitched at a rate of not less
19 than 4:12 (Exhibit A for 23.47A.012).

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- 1 **Exhibit A for 23.47A.012 ((:))**
- 2 **Pitched ((Roof Height Exception)) roof height exception**



3



4

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1 C. Rooftop features

2 1. Smokestacks, chimneys, flagpoles, and religious symbols for religious
3 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport
4 Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

5 2. Open railings, planters, skylights, clerestories, greenhouses, solariums,
6 parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by
7 subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever
8 is higher. Insulation material, rooftop decks and other similar features, or soil for landscaping
9 located above the structural roof surface ((;)) may exceed the maximum height limit by up to
10 ((two)) 2 feet if enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2.

11 3. Solar ((Collectors.)) collectors

12 a. In zones with mapped height limits of 30 or 40 feet, solar collectors may
13 extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

14 b. In zones with height limits of 65 feet or more, solar collectors may
15 extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

16 4. Except as provided below, the following rooftop features may extend up to 15
17 feet above the applicable height limit, as long as the combined total coverage of all features
18 gaining additional height listed in this subsection 23.47A.012.C.4, including weather protection
19 such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the
20 roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or
21 screened mechanical equipment:

22 a. Solar collectors;

23 b. Mechanical equipment;

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1 c. Play equipment and open-mesh fencing that encloses it, as long as the
2 fencing is at least 15 feet from the roof edge;

3 d. Wind-driven power generators;

4 e. Minor communication utilities and accessory communication devices,
5 except that height is regulated according to the provisions of Section 23.57.012; and

6 f. Stair and elevator penthouses may extend above the applicable height
7 limit up to 16 feet. ~~((When additional height is needed to accommodate energy efficient
8 elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the
9 minimum amount necessary to accommodate energy efficient elevators, up to 25 feet above the
10 applicable height limit. Energy efficient elevators shall be defined by Director's Rule. When
11 additional height is allowed for an energy efficient elevator, stair penthouses may be granted the
12 same additional height if they are co-located with the elevator penthouse.~~

13 ~~5. Within the South Lake Union Urban Center, the combined total coverage of all
14 features listed in subsection 23.47A.012.C.4 may be increased to 65 percent of the roof area,
15 provided that the following are satisfied:~~

16 a. ~~The additional rooftop coverage allowed by this subsection
17 23.47A.012.C.5 is used to accommodate mechanical equipment that is accessory to a research
18 and development laboratory; and~~

19 b. ~~All mechanical equipment is screened; and~~

20 c. ~~No rooftop features other than wind-driven power generators are located
21 closer than 10 feet from the roof edge.~~

22 ~~6)) 5. Greenhouses that are dedicated to food production are permitted to extend
23 15 feet above the applicable height limit if the combined total coverage of all features gaining~~

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1 additional height listed in this subsection 23.47A.012.C does not exceed 50 percent of the roof
2 area, and the greenhouse adheres to the setback requirements in subsection ((23.47A.012.C.7))
3 23.47A.012.C.6.

4 ((7)) 6. The rooftop features listed in this subsection ((23.47A.012.C.7))
5 23.47A.012.C.6 shall be located at least 10 feet from the north lot line unless a shadow diagram
6 is provided that demonstrates that locating such features within 10 feet of the north lot line would
7 not shade property to the north on January ((21st)) 21 at noon more than would a structure built
8 to maximum permitted height and FAR:

- 9 a. Solar collectors;
- 10 b. Planters;
- 11 c. Clerestories;
- 12 d. Greenhouses and solariums;
- 13 e. Minor communication utilities and accessory communication devices,
14 permitted pursuant to the provisions of Section 23.57.012;
- 15 f. Non-firewall parapets; and
- 16 g. Play equipment.

17 ((8)) 7. Structures existing prior to May 10, 1986₂ may add new or replace
18 existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall
19 comply with the noise standards of Section 23.47A.018.

20 ((9)) 8. For height limits and exceptions for communication utilities and accessory
21 communication devices, see Section 23.57.012.

22 D. Solar ((Retrofits)) retrofits. The Director may permit the retrofitting of solar collectors
23 on conforming or nonconforming structures existing on June 9, 1986₂ as a special exception

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1 pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2 Such a retrofit may be permitted to exceed established height limits, if the following conditions
3 are met:

- 4 1. There is no feasible alternative solution to placing the collector(s) on the roof;
- 5 2. The positioning of such collector(s) minimizes view blockage and shading of
6 property to the north, while still providing adequate solar access for the collectors; and
- 7 3. Such collector(s) meet minimum energy standards administered by the
8 Director.

9 E. Height (~~(Exceptions for Public Schools.)~~) exceptions for public schools

10 1. For new public school construction on new public school sites, the maximum
11 permitted height shall be the maximum height permitted in the zone.

12 2. For new public school construction on existing public school sites, the
13 maximum permitted height shall be the maximum height permitted in the zone or 35 feet plus 15
14 feet for a pitched roof complying with subsection 23.47A.012.E.5, whichever is greater.

15 3. For additions to existing public schools on existing public school sites, the
16 maximum height permitted shall be the maximum height permitted in the zone, the height of the
17 existing school, or 35 feet plus 15 feet for a pitched roof complying with subsection
18 23.47A.012.E.5, whichever is greater.

19 4. Development standard departure for structure height may be granted pursuant
20 to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on
21 new and existing public school sites to the extent not otherwise permitted outright, maximum
22 height that may be granted as a development standard departure in zones with height limits of 30
23 or 40 feet shall be 35 feet plus 15 feet for a pitched roof complying with subsection

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1 23.47A.012.E.5 for elementary schools and 60 feet plus 15 feet for a pitched roof complying
2 with subsection 23.47A.012.E.5 for secondary schools. All height maximums may be waived by
3 the Director when waiver would contribute to the demolition of fewer residential structures.

4 5. To qualify for additional height for a pitched roof under this subsection
5 23.47A.012.E, all parts of the roof above the height otherwise allowed must be pitched at a rate
6 of not less than 3:12 and the roof must not be a shed roof or butterfly roof.

7 Section 53. Section 23.47A.013 of the Seattle Municipal Code, last amended by
8 Ordinance 125603, is amended as follows:

9 **23.47A.013 Floor area ratio**

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

14 ~~((1. All gross floor area not exempt under subsection 23.47A.013.D is counted~~
15 ~~against the maximum gross floor area allowed by the permitted FAR.~~

16 ~~2. If there are multiple structures on a lot, the highest FAR limit applicable to any~~
17 ~~structure on the lot applies to the combined non-exempt gross floor area of all structures on the~~
18 ~~lot, subject to subsection 23.47A.013.A.4.~~

19 ~~3. Except as provided in subsections 23.47A.013.D.2 and 23.47A.013.D.5,~~
20 ~~parking that is within or covered by a structure or portion of a structure and that is within a story~~
21 ~~that is not underground shall be included in gross floor area calculations.~~

22 ~~4. If a lot is in more than one zone, the FAR limit for each zone applies to the~~
23 ~~portion of the lot located in that zone, and the floor area on the portion of the lot with the lower~~

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1 FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is
 2 in both a multifamily zone and a commercial zone, the floor area on the commercial portion of
 3 the lot may not exceed the maximum that would be allowed if the commercial portion of the lot
 4 were a separate lot.

5 B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E,
 6 23.47A.013.F, and 23.47A.013.G, maximum FAR allowed in C-zones and NC-zones is shown in
 7 Table A for 23.47A.013, provided that if the commercial zone designation includes an incentive
 8 zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to
 9 obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.))

((Table A for 23.47A.013 Maximum floor area ratio (FAR) outside of the Station Area Overlay District[†]						
	Height limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
1. Total FAR permitted on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7
n/a – not applicable						
Footnotes to Table A for 23.47A.013						
[†] Maximum FAR limits for zones with a mandatory housing affordability suffix are shown on Table A for 23.47A.017.))						

10

Table A for 23.47A.013 Floor area ratio (FAR) limit outside of the Station Area Overlay District	
Height limit (in feet)	FAR
<u>30</u>	<u>2.5</u>
<u>40</u>	<u>3.0¹</u>
<u>55</u>	<u>3.75</u>

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Table A for 23.47A.013
Floor area ratio (FAR) limit outside of the Station Area Overlay District

<u>Height limit (in feet)</u>	<u>FAR</u>
<u>65</u>	<u>4.5</u>
<u>75</u>	<u>5.5</u>
<u>85</u>	<u>5.75</u>
<u>95</u>	<u>6.25</u>
<u>145</u>	<u>7</u>
<u>200</u>	<u>8.25²</u>

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 Center, the maximum FAR is 12 if the development contains at least 4 FAR of residential uses.

1 ((C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay
 2 District is shown in Table B for 23.47A.013 provided that if the commercial zone designation
 3 includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A,
 4 Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown in the
 5 suffix designation.))

Table B for 23.47A.013
((Maximum floor)) Floor area ratio (FAR) limit in the Station Area Overlay District

	<u>((Height limit in feet</u>					
	<u>30</u>	<u>40</u>	<u>65</u>	<u>85</u>	<u>125</u>	<u>160</u>
Maximum FAR	3	4	5.75	6	6	7))
<u>Height limit (in feet)</u>	<u>FAR</u>					
<u>30</u>	<u>2.5</u>					
<u>40</u>	<u>3.25</u>					
<u>55</u>	<u>4.25</u>					
<u>65</u>	<u>4.75</u>					
<u>75</u>	<u>6</u>					
<u>85</u>	<u>6</u>					
<u>95</u>	<u>6.25</u>					
<u>145</u>	<u>7</u>					
<u>200</u>	<u>8.25</u>					

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1 ((~~Ⓓ~~)) B. The following gross floor area is not counted toward ((~~maximum~~)) FAR:

2 1. All ((~~underground~~)) stories, or portions of stories, that are underground;

3 2. All portions of a story that extend no more than 4 feet above existing or
4 finished grade, whichever is lower, excluding access;

5 3. Gross floor area of a transit station, including all floor area open to the general
6 public during normal hours of station operation but excluding retail or service establishments to
7 which public access is limited to customers or clients, even where such establishments are
8 primarily intended to serve transit riders;

9 ~~((4. Within First Hill, on lots zoned NC3 with a 160-foot height limit, all gross
10 floor area occupied by a residential use;~~

11 ~~5))~~ 4. On a lot containing a peat settlement-prone environmentally critical area,
12 above-grade parking within or covered by a structure or portion of a structure, if the Director
13 finds that locating a story of parking below grade is infeasible due to physical site conditions
14 such as a high water table, if either:

15 a. The above-grade parking extends no more than 6 feet above existing or
16 finished grade and no more than 3 feet above the highest existing or finished grade along the
17 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
18 pursuant to subsection 23.47A.012.A.3; or

19 b. All of the following conditions are met:

20 1) No above-grade parking is exempted by subsection
21 ~~((23.47A.013.D.5.a))~~ 23.47A.013.B.4.a;

22 2) The parking is accessory to a residential use on the lot;

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1 3) Total parking on the lot does not exceed one space for each
2 residential dwelling unit plus the number of spaces required for non-residential uses; and

3 4) The amount of gross floor area exempted by this subsection
4 ~~((23.47A.013.D.5.b))~~ 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones
5 with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height
6 limit 65 feet or greater; and

7 ~~((6))~~ 5. Rooftop greenhouse areas meeting the standards of subsections
8 ~~((23.47A.012.C.6 and 23.47A.012.C.7))~~ 23.47A.012.C.5 and 23.47A.012.C.6; ~~((and))~~

9 ~~((7))~~ 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;
10 ~~((and))~~ and

11 ~~((8))~~ 7. The floor area of required bicycle parking for small efficiency dwelling
12 units or congregate residence sleeping rooms, if the bicycle parking is located within the
13 structure containing the small efficiency dwelling units or congregate residence sleeping rooms.
14 Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt
15 from FAR limits.

16 ~~((E))~~ C. Within the Station Area Overlay District within the University Community
17 Urban Center, for office structures permitted prior to 1971, the area of the lot for purposes of
18 calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on
19 which the existing structure is located, provided the office structure is to be part of a functionally
20 related development occupied by a single entity with over 500,000 square feet of area in office
21 use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this
22 subsection ~~((23.47A.013.E))~~ 23.47A.013.C, and the maximum permitted FAR is 8.

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1 ~~((F. Within the West Seattle Junction Hub Urban Village, on lots zoned NC3-85(4.75),~~
 2 ~~the total permitted FAR for all uses within a mixed-use structure containing residential and non-~~
 3 ~~residential uses is 5.5.~~

4 G) D. Within the portion of the Greenwood Residential Urban Village, on lots zoned
 5 NC2 ((40)) 55 that are located abutting NW 85th Street between 1st Avenue NW and 3rd
 6 Avenue NW, the total permitted FAR within a mixed-use structure containing residential and
 7 non-residential uses is 4.

8 ((H)) E. Minimum FAR

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

11 a. A pedestrian-designated zone in an urban center, urban village, or
 12 Station Area Overlay District; or

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

Table C for 23.47A.013						
Minimum floor area ratio (FAR) ((⁺))						
((Height limit in feet	30	40	65	85	125	160
Minimum FAR	<u>1.5</u>	<u>1.5</u>	<u>2</u>	<u>2</u>	<u>2.5</u>	<u>2.5</u>)
<u>Height limit (in feet)</u>			<u>Minimum FAR</u>			
<u>30</u>			<u>1.5</u>			
<u>40</u>			<u>1.5</u>			
<u>55</u>			<u>2</u>			
<u>65</u>			<u>2</u>			
<u>75</u>			<u>2</u>			
<u>85</u>			<u>2</u>			
<u>95</u>			<u>2</u>			
<u>145</u>			<u>2.5</u>			
<u>200</u>			<u>2.5</u>			

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Table C for 23.47A.013
Minimum floor area ratio (FAR) (([±]))

((Footnotes to Table C for 23.47A.013

[±]Minimum floor area ratios for zones with a mandatory affordable housing suffix are shown on Table B for 23.47A.017.))

1 2. The minimum FAR requirement provided in subsection ((23.47A.013.H.1))

2 23.47A.013.E.1 does not apply if:

3 a. Additional floor area is added to an existing structure on a lot that is

4 nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;

5 b. The lot is larger than five acres;

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

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

8 e. The lot is to be occupied by a nonprofit medical service use that

9 provides a specialized service, such as kidney dialysis, that is not currently provided in the

10 applicable urban village.

11 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or

12 as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when

13 calculating lot size for the purpose of determining the minimum FAR requirement provided in

14 subsection ((23.47A.013.H.1)) 23.47A.013.E.1.

15 4. The Director, in consultation with the Director of the Department of

16 Neighborhoods, may waive the minimum FAR requirement provided in subsection

17 ((23.47A.013.H.1)) 23.47A.013.E.1 for lots that contain a designated Landmark, or for lots

18 within a Landmark District pursuant to Title 25 or within a Special Review District pursuant to

19 Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a

20 Landmark or meet adopted District design and development guidelines.

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1 5. The Director may waive the minimum FAR requirement provided in subsection
2 ~~((23.47A.013.H.1))~~ 23.47A.013.E.1 for lots within the Pike/Pine Conservation Overlay District
3 pursuant to Chapter 23.32, if the Director determines that the proposed development promotes
4 neighborhood conservation objectives.

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

7 a. ~~((Gross floor area below grade))~~ All stories, or portions of stories, that
8 are underground; and

9 b. Gross floor area containing parking.

10 ~~((7. In zones with an incentive zoning suffix, the minimum FAR requirement is~~
11 ~~the FAR indicated by the incentive zoning suffix if that FAR is less than the FAR required by~~
12 ~~subsection 23.47A.013.H.1.))~~

13 Section 54. Section 23.47A.014 of the Seattle Municipal Code, last amended by
14 Ordinance 125603, is amended as follows:

15 **23.47A.014 Setback requirements**

16 A. ~~((Definition. For the purposes of this Section 23.47A.014, “portions of structures”~~
17 ~~include those features listed in subsection 23.47A.012.C, Rooftop features.))~~ Rooftop features
18 are not allowed in setbacks, except that for upper-level setbacks:

19 1. Open railings may extend up to 4 feet above the height at which the setback
20 begins.

21 2. Parapets may extend up to 2 feet above the height at which the setback begins.

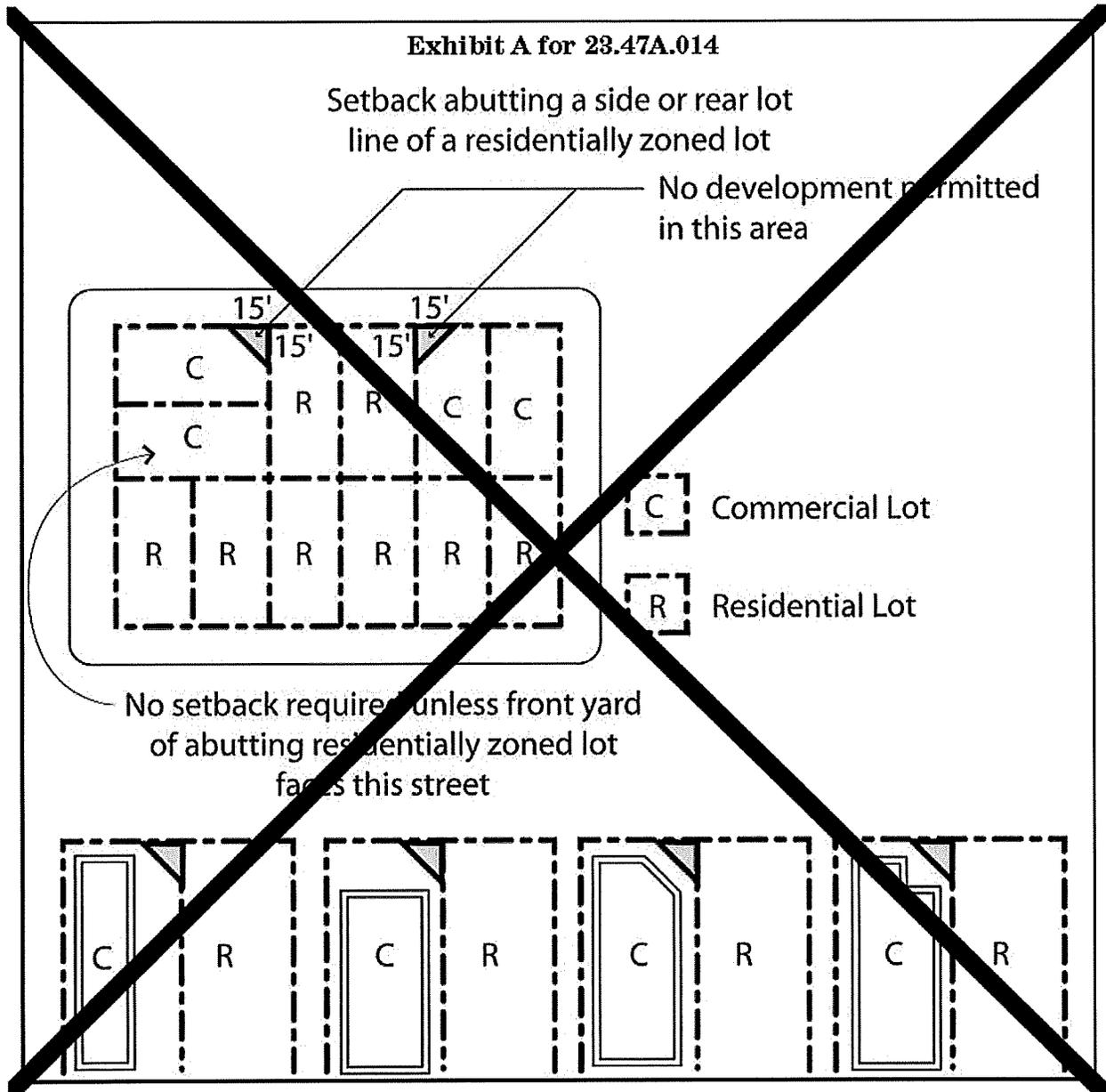
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1 B. Setback requirements for lots abutting or across the alley from residential zones

2 1. A setback is required where a lot abuts the intersection of a side lot line and
3 front lot line of a lot in a residential zone or a lot that is zoned both commercial and residential if
4 the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of
5 the lot. The required setback forms a triangular area. Two sides of the triangle extend along the
6 street lot line and side lot line 15 feet from the intersection of the residentially zoned lot's front
7 lot line and the side lot line abutting the residentially zoned lot. The third side connects these two
8 sides with a diagonal line across the commercially ((-)) zoned lot (Exhibit A for 23.47A.014).

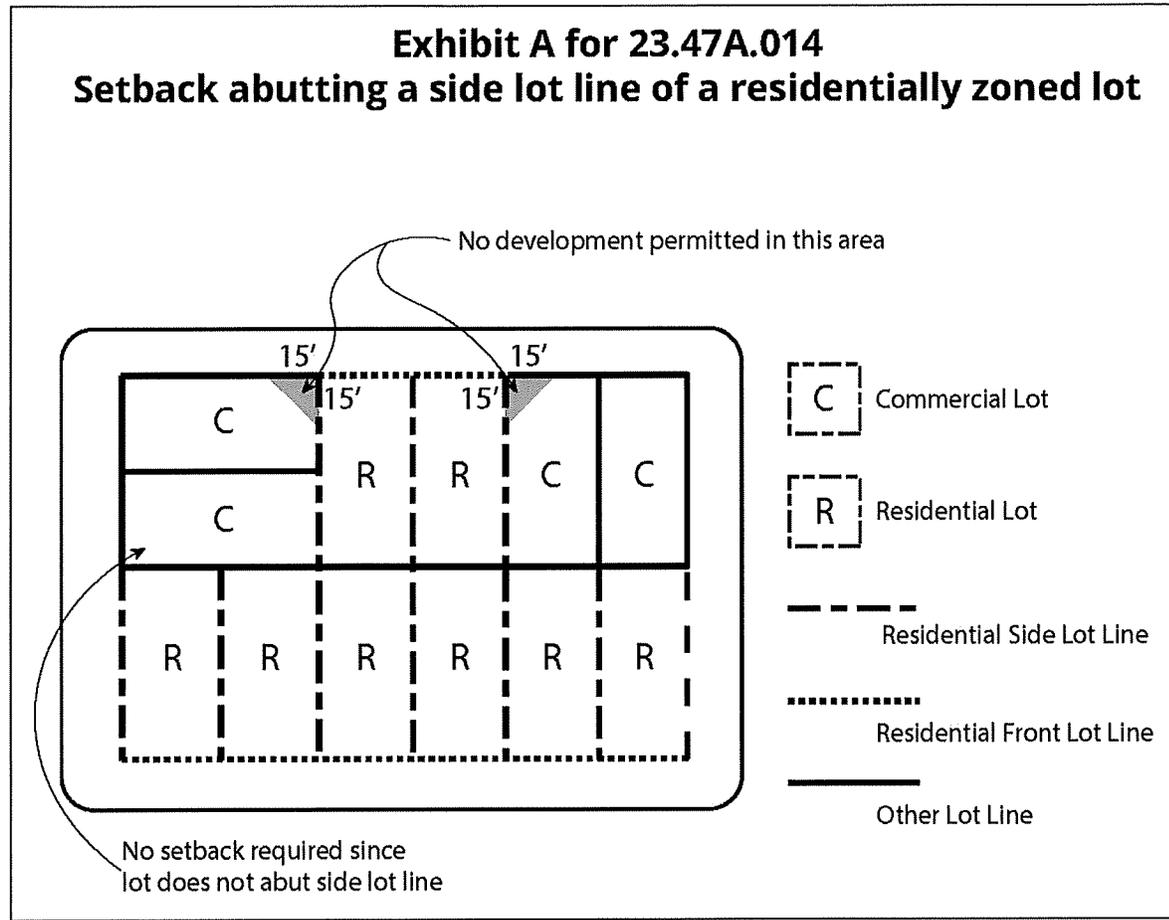
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- 1 **Exhibit A for 23.47A.014**
- 2 **((~~Setback~~)) Setback abutting a side ((~~or rear~~)) lot line of a residentially zoned lot**



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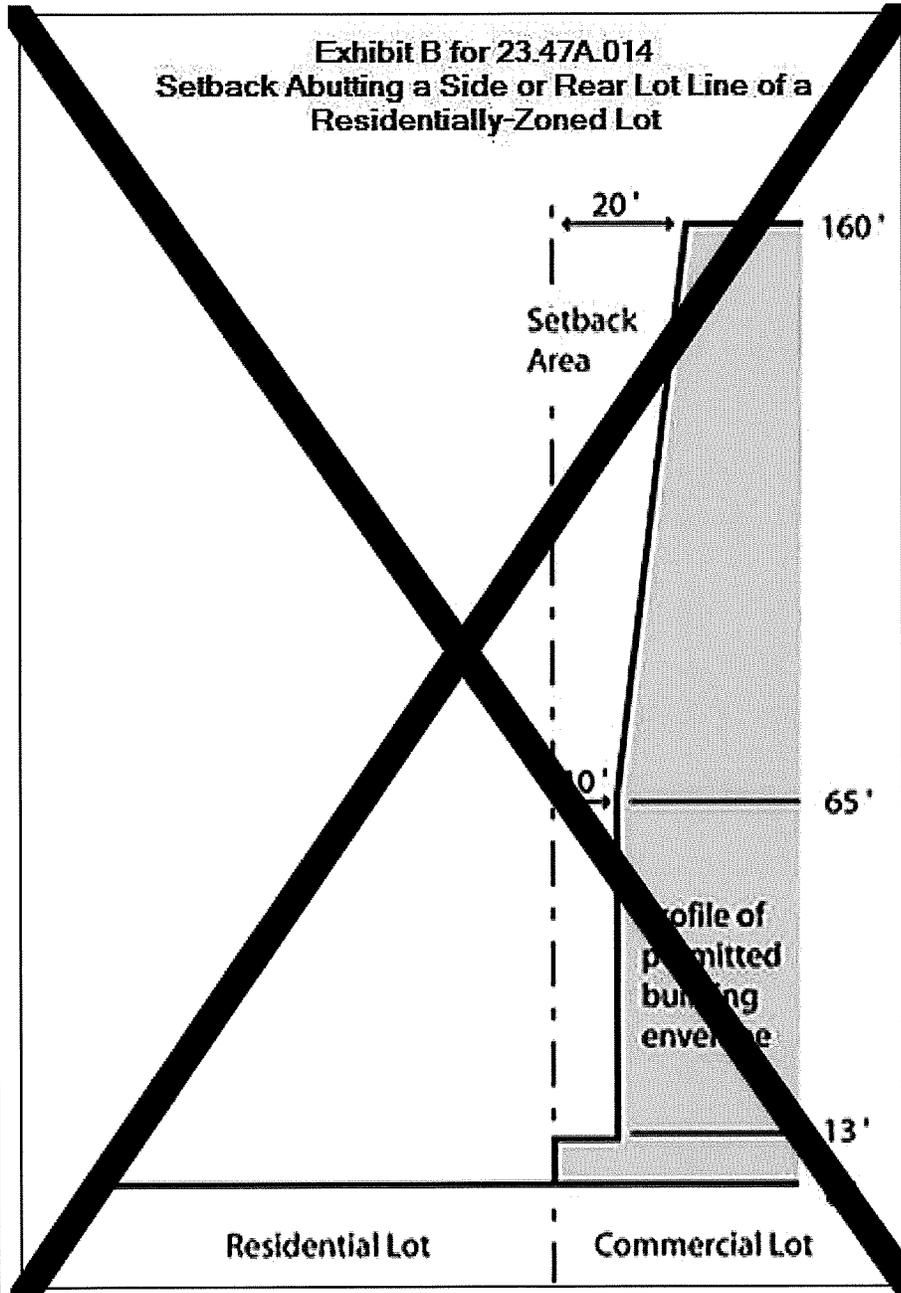
2. ((A)) An upper-level setback is required along any rear or side lot line that abuts a lot in ~~((a residential))~~ an LR, MR, or HR zone or that abuts a lot that is zoned both commercial and ~~((residential))~~ LR, MR, or HR if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:

a. Ten feet for portions of structures above 13 feet in height to a maximum of 65 feet; and

b. For each portion of a structure above 65 feet in height, additional setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion exceeds 65 feet, up to a maximum setback of 20 feet (Exhibit B for 23.47A.014).

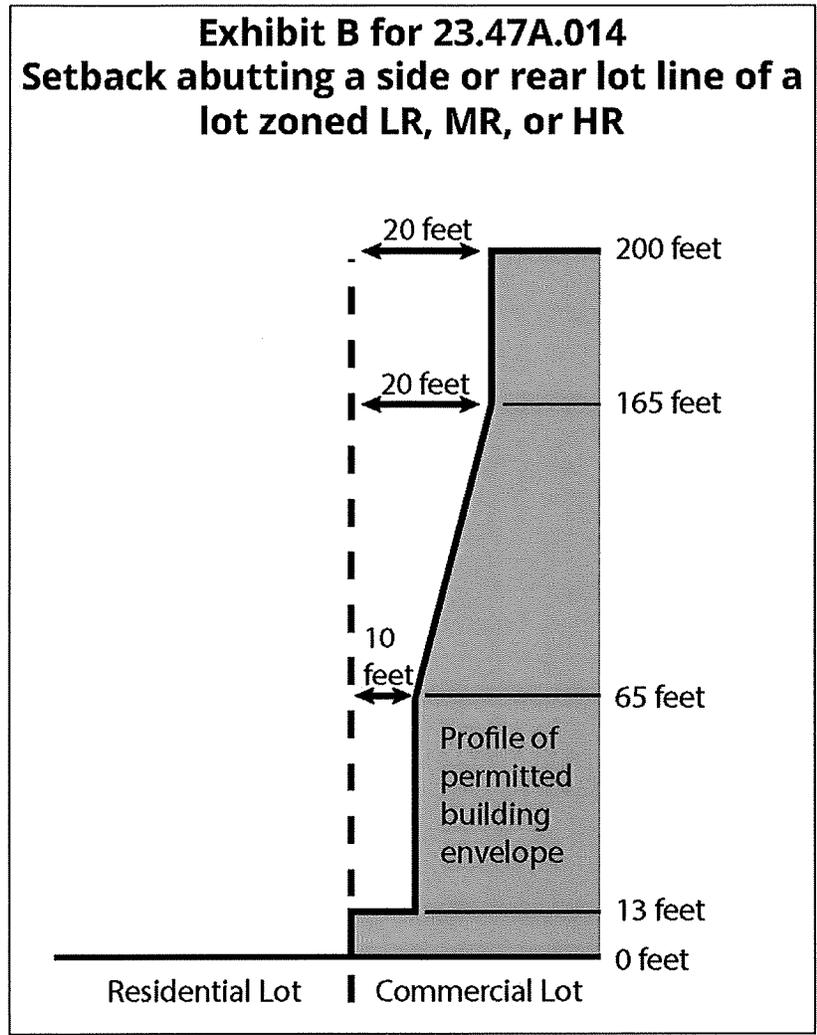
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- 1 **Exhibit B for 23.47A.014**
- 2 **Setback ((~~Abutting a Side or Rear Lot Line of a Residentially-Zoned Lot~~) abutting a side**
- 3 **or rear lot line of a lot zoned LR, MR, or HR**



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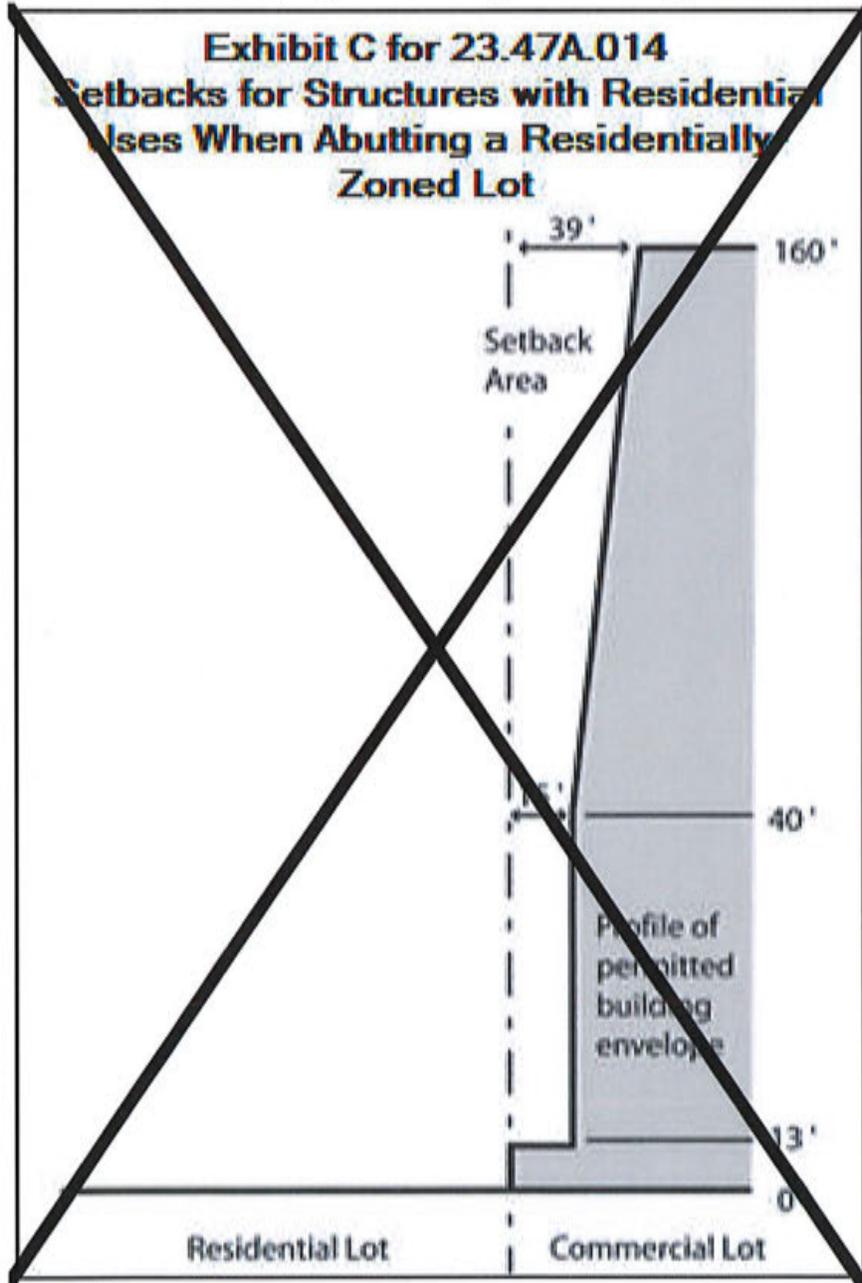
3. ((For a structure containing a residential use, a)) An upper-level setback is required along any ((side or)) rear or side lot line that abuts a lot in ((a residential)) a single-family zone, ((or)) that is across an alley from a lot in ((a residential)) a single-family zone, or that abuts a lot that is zoned both commercial and ((residential)) single-family if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot((s)) as follows:

a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and

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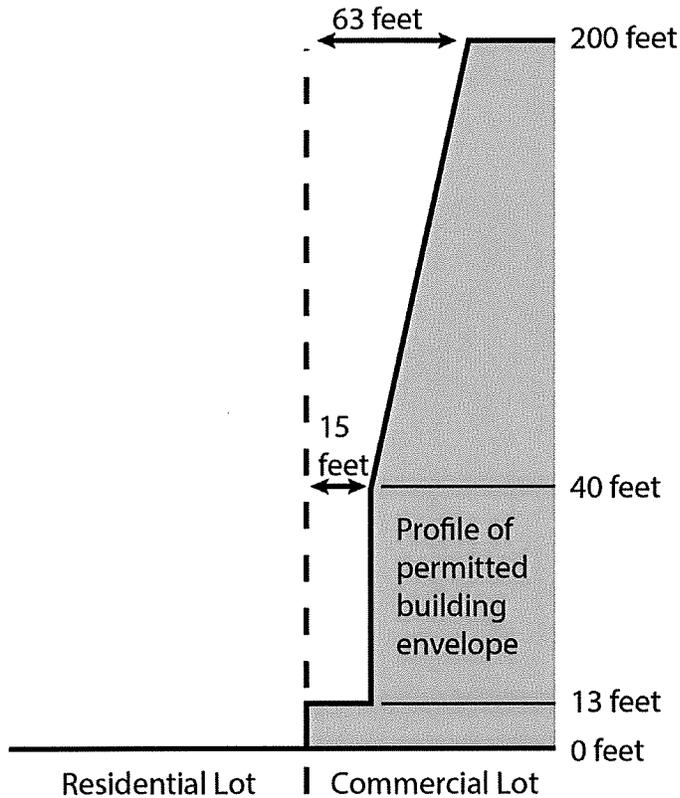
1 b. For each portion of a structure above 40 feet in height, additional
2 setback at the rate of ~~((2))~~ 3 feet of setback for every 10 feet by which the height of such portion
3 exceeds 40 feet (Exhibit C for 23.47A.014).

4 **Exhibit C for 23.47A.014**
5 ~~((Setbacks for Structures with Residential Uses When Abutting))~~ Setback abutting or
6 across an alley from a ((Residentially-Zoned-Lot)) lot zoned single-family



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Exhibit C for 23.47A.014 Setback abutting or across an alley from a lot zoned single-family



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4. One-half of the width of an abutting alley may be counted as part of the required setback. For the purpose of this Section 23.47A.014, the alley width and the location of the rear lot line shall be determined prior to any dedication that may be required for alley improvement purposes.

5. No entrance, window, or other opening is permitted closer than 5 feet to an abutting residentially-zoned lot.

C. Upper-level setbacks for street-facing facades. For zones with a height limit of 75 feet, 85 feet, or 95 feet, the street-facing facade shall be set back as follows:

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1 1. For zones with a height limit of 75 feet, portions of structures above 65 feet
2 must be set back from the front lot line by an average depth of 8 feet.

3 2. For zones with a height limit of 85 feet or 95 feet, portions of structures above
4 75 feet must be set back from the front lot line by an average depth of 8 feet.

5 3. Where a portion of the facade is set back more than 15 feet, the setback depth
6 for that portion of the facade shall be considered 15 feet for purposes of calculating the average
7 setback. No more than 20 percent of the portion of the structure that must be set back may have a
8 setback of less than 5 feet.

9 D. Facade modulation. For structures with a width of more than 250 feet, at least one
10 portion of the structure 30 feet or greater in width must be set back a minimum of 15 feet from
11 the front property line. For structures with a width of more than 500 feet, at least two portions of
12 the structure 30 feet or greater in width and separated by at least 100 feet must be set back a
13 minimum of 15 feet from the front property line.

14 ((C)) E. A minimum 5-foot landscaped setback may be required under certain conditions
15 and for certain uses according to Section 23.47A.016, Screening and landscaping standards.

16 ((D)) F. Mobile home parks. A minimum 5-foot setback is required along all street lot
17 lines of a mobile home park. The setback must be landscaped according to the provisions of
18 subsection 23.47A.016.D.2.

19 ((E)) G. Structures and projections in required setbacks

20 1. Decks and balconies

21 a. Decks with open railings may extend into the required setback, but are
22 not permitted within 5 feet of a lot in a residential zone, except as provided in subsection

23 ~~((23.47A.014.E.1.b))~~ 23.47A.014.G.1.b.

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1 b. Decks that are accessory to residential uses and are no more than 18
2 inches above existing or finished grade, whichever is lower, are permitted within 5 feet of a lot in
3 a residential zone.

4 2. Eaves, cornices, and gutters projecting no more than 18 inches from the
5 structure facade are permitted in required setbacks.

6 3. Ramps or other devices necessary for access for the disabled and elderly, which
7 meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

8 4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than 5
9 feet in width, are permitted in required setbacks.

10 5. Fences, bulkheads, freestanding walls, and other similar structures

11 a. Fences, freestanding walls, and other similar structures 6 feet or less in
12 height above existing or finished grade, whichever is lower, are permitted in required setbacks.
13 The 6-foot height may be averaged along sloping grade for each 6-foot-long segment of the
14 fence, but in no case may any portion of the fence exceed 8 feet.

15 b. Bulkheads and retaining walls used to raise grade may be placed in any
16 required setback when limited to 6 feet in height, measured above existing grade. A guardrail no
17 higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of
18 September 30, 1994. If a fence is placed on top of a new bulkhead or retaining wall, the
19 maximum combined height is limited to $((9\frac{1}{2}))$ 9.5 feet.

20 c. Bulkheads and retaining walls used to protect a cut into existing grade
21 may not exceed the minimum height necessary to support the cut or 6 feet, whichever is greater.
22 When the bulkhead is measured from the low side and it exceeds 6 feet, an open guardrail of no
23 more than 42 inches meeting Building Code requirements may be placed on top of the bulkhead

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1 or retaining wall. A fence must be set back a minimum of 3 feet from such a bulkhead or
2 retaining wall.

3 6. Setback requirements do not limit underground structures.

4 7. Detached solar collectors are permitted in required setbacks. Such collectors
5 may be no closer than 5 feet to any other principal or accessory structure, and no closer than
6 3 feet to any lot line that abuts a residentially ((-)) zoned lot.

7 8. Dumpsters and other trash receptacles, except for trash compactors, located
8 outside of structures are not permitted within 10 feet of any lot line that abuts a residential zone
9 and must be screened per the provisions of Section 23.47A.016.

10 9. Green stormwater infrastructure (GSI) features are allowed without setback
11 restrictions if:

12 a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;
13 b. Each above-grade GSI feature is less than 4 feet wide; and
14 c. The total storage capacity of all above-grade GSI features is no greater
15 than 600 gallons.

16 10. Above-grade GSI features larger than what is allowed in subsection
17 ((23.47A.014.E.9)) 23.47A.014.G.9 are allowed within a required setback if:

18 a. Above-grade GSI features do not exceed ((40)) ten percent coverage of
19 any one setback area;

20 b. No portion of an above-grade GSI feature is located closer than 2.5 feet
21 from a side lot line;

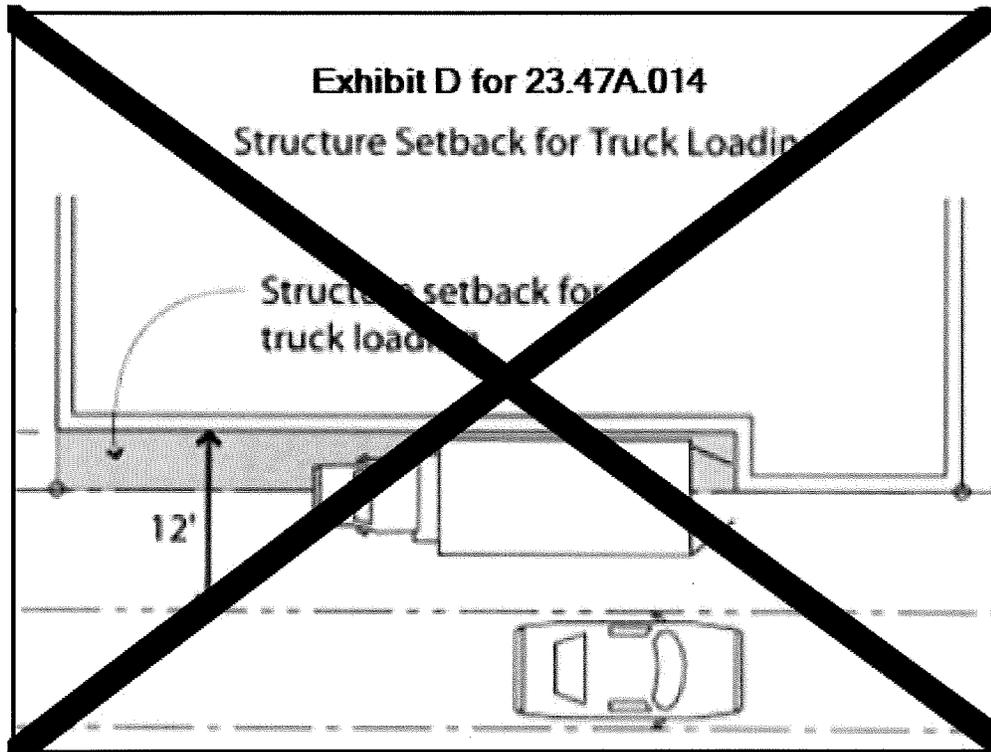
22 c. No portion of an above-grade GSI feature projects more than 5 feet into
23 a front or rear setback area; and

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1 d. Above-grade GSI features meet all applicable Building Code and
2 Plumbing Code requirements.

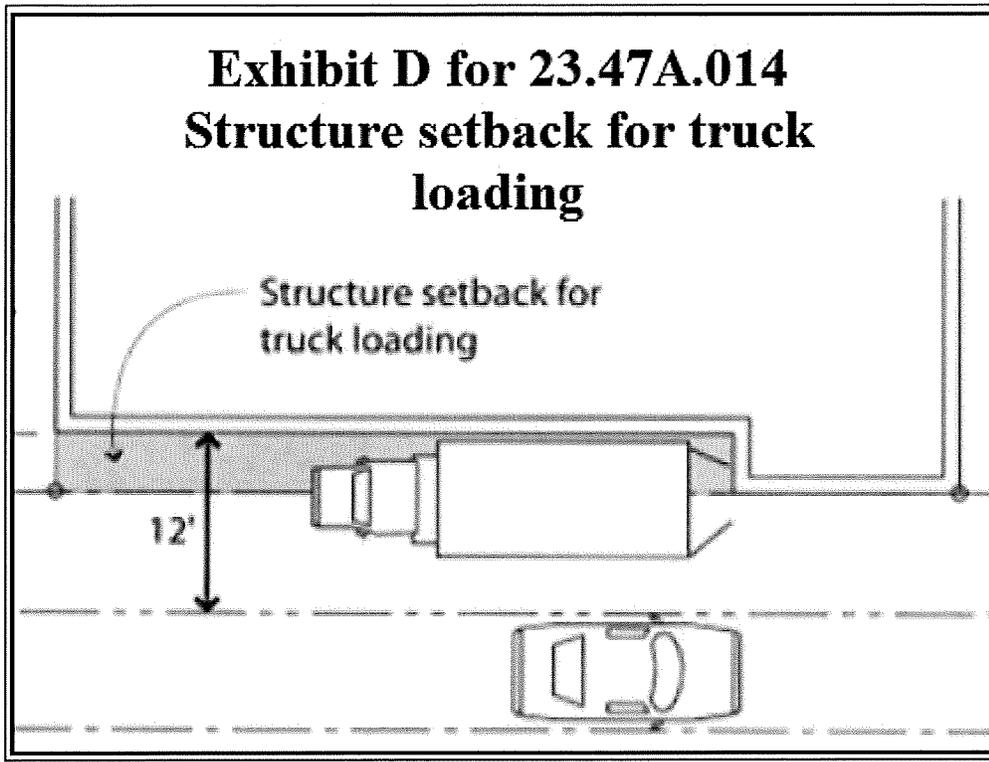
3 ((F)) H. Setback requirement for loading adjacent to an alley. Where access to a loading
4 berth is from the alley, and truck loading is parallel to the alley, a setback of 12 feet is required
5 for the loading berth, measured from the centerline of the alley (Exhibit D for 23.47A.014). This
6 setback must be maintained up to a height of 12 feet.

7 **Exhibit D for 23.47A.014**
8 **Structure ((Setback for Truck Loading)) setback for truck loading**



9

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((G)) I. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.

Section 55. Section 23.47A.017 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

23.47A.017 ((Commercial zones with a mandatory)) Mandatory housing affordability ((suffix)) in C and NC zones

((The following standards apply to C or NC zones with a mandatory housing affordability suffix of either (M), (M1), or (M2):)) C and NC zones with a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

((A. Affordable housing requirements. Development is subject to the provisions of Chapters 23.58B and 23.58C.

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1 B. Floor area ratio (FAR). The maximum FAR allowed in C or NC zones with a
 2 mandatory housing affordability suffix is shown on Table A for 23.47A.017.

Table A for 23.47A.017						
Maximum floor area ratio (FAR) for C or NC zones with a mandatory housing affordability suffix						
Height limit (in feet)	30	40	55	65	75	85
Maximum FAR for any single use on a lot	2.5	3	3.75	4.25	5.5	4.5
Maximum FAR	2.5	3	3.75	4.75	5.5	6.

3 C. Minimum FAR

4 1. The minimum FAR required in NC zones with a mandatory housing
 5 affordability suffix is shown on Table B for 23.47A.017.

Table B for 23.47A.017						
Minimum floor area ratio (FAR) for NC zones with a mandatory housing affordability suffix						
Height limit (in feet)	30	40	55	65	75	85
Minimum FAR	1.5	1.5	1.5	2	2	2

6 2. In C zones with a mandatory housing affordability suffice there is no minimum
 7 required FAR.))

8 Section 56. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance
 9 125432, is amended as follows:

10 **23.48.002 Scope of provisions**

11 A. This Chapter 23.48 identifies uses that are or may be permitted in all Seattle Mixed
 12 zones and establishes development standards. The Seattle Mixed zone boundaries are shown on
 13 the Official Land Use Map. Seattle Mixed zone designations for specific geographic areas are
 14 identified in Table A for 23.48.002. The SM-SLU designation with a height limit suffix may be
 15 applied to SM-SLU zoned land in the South Lake Union Urban Center. The SM-D designation
 16 with a height limit range may be applied to SM-D zoned land in the West Dravus area. The SM-

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1 NR designation with a height limit suffix may be applied to SM-NR zoned land in the North
2 Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned
3 land in the University Community Urban Center. The SM-UP designation with a height limit
4 suffix may be applied to SM-UP zoned land in the Uptown Urban Center. The SM-RB
5 designation with a height limit suffix may be applied to SM-RB zoned land in the Rainier Beach
6 Urban Village.

Table A for 23.48.002 Seattle Mixed zone designations for geographic areas	
Zone designation	Geographic area
((SM-SLU	South Lake Union Urban Center))
SM-D	West Dravus area
SM-NR	North Rainier area
<u>SM-RB</u>	<u>Rainier Beach</u>
<u>SM-SLU</u>	<u>South Lake Union Urban Center</u>
SM-U	University Community Urban Center
SM-UP	Uptown Urban Center

7 B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay
8 Districts, of this Title 23.

9 C. The provisions of this Subchapter I of Chapter 23.48 are applicable to all ((SM))
10 Seattle Mixed zones, including ((SM)) Seattle Mixed zones in geographic areas shown on Table
11 A for 23.48.002. Supplemental regulations for ((SM)) Seattle Mixed zones in specific geographic
12 areas are provided for in the subsequent subchapters of this Chapter 23.48. To the extent
13 provisions in a supplemental subchapter conflict with provisions in this Subchapter I, the
14 provisions of the supplemental subchapter shall prevail.

15 ((C)) D. Other regulations, ((such as requirements for)) including but not limited to
16 ((major marijuana activity (Section 23.42.058))) general use provisions (Chapter 23.42);
17 requirements for streets, alleys, and easements (Chapter 23.53); ((quantity and design)) standards

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1 for parking quantity, access, (~~off-street parking,~~) and design (Chapter 23.54); standards for
2 solid waste storage (Chapter 23.54); signs (Chapter 23.55); communication regulations (Chapter
3 23.57); and measurements (Chapter 23.86) may apply to development proposals.

4 (~~Communication utilities and accessory communication devices except as exempted in Section~~
5 ~~23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in~~
6 ~~Chapter 23.57.~~)

7 Section 57. Subsection 23.48.021.A of the Seattle Municipal Code, which section was
8 last amended by Ordinance 125432, is amended as follows:

9 **23.48.021 Extra floor area in Seattle Mixed zones**

10 A. General

11 1. Development achieving extra floor area under (~~Section 23.48.020 or~~) Section
12 23.48.025 shall provide public amenities according to the standards of this Section 23.48.021 and
13 Chapter 23.58A. If the development is not located within an adopted Local Infrastructure Project
14 Area as per Map A for 23.58A.044, extra floor area shall be achieved through the requirements
15 of subsection 23.48.021.B. If the development is located within an adopted Local Infrastructure
16 Project Area, extra floor area shall be achieved through the requirements of subsection
17 23.48.021.C.

18 2. Development achieving extra floor area in Seattle Mixed zones shall meet the
19 conditions of this Section 23.48.021 and provide public amenities according to the standards of
20 this Section 23.48.021 and Chapter 23.58A, except where supplemented in the applicable
21 subchapter.

22 3. Definitions in Section 23.58A.004 apply in this Section 23.48.021 unless
23 otherwise specified.

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Section 58. Subsection 23.48.025.A of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.48.025 Structure height

A. Height limits

1. The height limits for structures in ~~((the SM))~~ Seattle Mixed zones are as shown on the Official Land Use Map, Chapter 23.32, except as otherwise provided in this Section 23.48.025 or in the applicable subchapters of this Chapter 23.48 for ~~((SM))~~ Seattle Mixed zone designations for specific geographic areas shown in Table A for 23.48.002. In certain zones, as specified in this Section 23.48.025, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. In the SM-SLU ~~((S))~~ and SM-D~~((S and SM-NR))~~ zones, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation, and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. ~~((Within zones that have an incentive zoning suffix, the number in the suffix is the base FAR.))~~

* * *

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1 Section 59. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance
2 125432, is amended as follows:

3 **23.48.040 Street-level development standards**

4 A. Street-facing facade requirements. The following street-facing facade requirements
5 apply to facades facing a Class 1, Class 2, or Class 3 Pedestrian Street, Neighborhood Green
6 Streets, and all other streets, as shown on Map A for 23.48.240, Map A for 23.48.440, ~~((or))~~ Map
7 A for 23.48.740, or Map A for 23.48.940:

8 1. Primary pedestrian entrance. In the SM-SLU, SM-NR, and SM-UP zones, each
9 new structure facing a Class 1 Pedestrian Street, and in the SM-RB zone each new structure
10 facing a Class 2 Pedestrian Street, is required to provide a primary building entrance for
11 pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or
12 below the sidewalk grade.

13 2. Minimum facade height. In the SM-SLU, ~~((and))~~ SM-NR, and SM-RB zones, a
14 minimum facade height is required for the street-facing facades of new structures, unless all
15 portions of the structure are lower than the required minimum facade height listed below.

16 a. On Class 1 Pedestrian Streets, the minimum height for street-facing
17 facades is 45 feet.

18 b. On Class 2 Pedestrian Streets and Neighborhood Green Streets, the
19 minimum height for street-facing facades is 25 feet.

20 c. On all other streets, the minimum height for street-facing facades is
21 15 feet.

22 B. Transparency and blank facade requirements. In the SM-SLU, SM-NR, SM-U, ~~((and~~
23 ~~the))~~ SM-UP, and SM-RB zones, the provisions of this subsection 23.48.040.B apply to the area

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1 of a street-facing facade between 2 feet and 8 feet above a sidewalk but do not apply to portions
2 of a structure in residential use or, within the SM-U (~~(district)~~) District, to portions of a structure
3 in use as a light rail transit station.

4 1. Transparency requirements

5 a. In the SM-SLU, SM-NR, SM-U, (~~and~~) SM-UP, and SM-RB zones, on
6 Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, a minimum of
7 60 percent of the street-facing facade must be transparent, except that if the slope of the street
8 frontage abutting the lot exceeds 7.5 percent, the required amount of transparency is 45 percent
9 of the street-facing facade.

10 b. In the SM-SLU, SM-D, SM-NR, SM-U, (~~and~~) SM-UP, and SM-RB
11 zones, for all other streets not specified in subsection 23.48.040.B.1.a, a minimum of 30 percent
12 of the street-facing facade must be transparent, except that if the slope of the street frontage
13 abutting the lot exceeds 7.5 percent, the minimum amount of transparency required is 22 percent
14 of the street-facing facade.

15 c. Only clear or lightly tinted glass in windows, doors, and display
16 windows is considered transparent. Transparent areas shall be designed and maintained to
17 provide views into and out of the structure. Except for institutional uses, no permanent signage,
18 window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items
19 shall completely block views into and out of the structure between 4 feet and 7 feet above
20 adjacent grade. The installation of temporary signs or displays that completely block views may
21 be allowed if such temporary installations comply with subsection 23.55.012.B.

22 2. Blank facade limits. Any portion of the street-facing facade that is not
23 transparent is considered to be a blank facade and is subject to the following:

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1 a. In the SM-SLU, SM-NR, SM-U, ~~((and))~~ SM-UP, and SM-RB zones, for
2 Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, the following
3 apply:

4 1) Blank facades are limited to segments 15 feet wide. Blank
5 facade width may be increased to 30 feet if the Director determines that the facade is enhanced
6 by architectural detailing, artwork, landscaping, or other similar features that have visual interest.

7 2) The total width of all blank facade segments shall not exceed 40
8 percent of the width of the street-facing facade of the structure on each street frontage, or 55
9 percent of the width of the street-facing facade if the slope of the street frontage abutting that lot
10 exceeds 7.5 percent.

11 b. All other streets not specified in subsection 23.48.040.B.2.a are subject
12 to the following:

13 1) Blank facades are limited to segments 30 feet wide. Blank
14 facade width may be increased to 60 feet if the Director determines as a Type I decision that the
15 facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that
16 have visual interest.

17 2) The total width of all blank facade segments shall not exceed 70
18 percent of the width of the street-facing facade of the structure on each street frontage; or 78
19 percent if the slope of the street frontage abutting that lot exceeds 7.5 percent.

20 c. Any blank segment of a street-facing facade shall be separated by
21 transparent areas that are at least 2 feet wide.

22 C. Development standards for required street-level uses. Street-level uses that are
23 required by subsection 23.48.005.D or 23.48.605.C, and street-level uses exempt from FAR

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1 calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2, or 23.48.720.B.2,
2 whether required or not, shall meet the following development standards:

3 1. Where street-level uses are required, a minimum of 75 percent of the applicable
4 street-level, street-facing facade shall be occupied by uses listed in subsection 23.48.005.D.1.
5 The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular
6 entrances.

7 2. There is no minimum frontage requirement for street-level uses provided at
8 locations where they are not required but are exempt from FAR calculations under the provisions
9 of subsection 23.48.220.B.2 or 23.48.620.B.2.

10 3. The space occupied by street-level uses shall have a minimum floor-to-floor
11 height of 13 feet and extend at least 30 feet in depth at street level from the street-front facade.

12 4. If the minimum requirements of subsection 23.48.040.C.1 and the depth
13 requirements of subsection 23.48.040.C.2 would require more than 50 percent of the structure's
14 footprint to be occupied by required uses in subsection 23.48.005.D, the Director may modify the
15 street-facing facade or depth requirements, or both, so that no more than 50 percent of the
16 structure's footprint is required to be occupied by the uses required by subsection 23.48.005.D.

17 5. Street-level uses shall be located within 10 feet of the street lot line, except for
18 the following:

19 a. Required street-level uses may be located more than 10 feet from the
20 applicable street lot line if they abut an outdoor amenity area provided to meet the requirements
21 of Section 23.48.045, or other required or bonused amenity area or open space provided for in
22 this Chapter 23.48 that separates the portion of the street-facing facade including the required
23 street-level uses from the street lot line;

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1 b. If a street-level setback is required from the street lot line by the
2 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance shall be measured from
3 the line established by the required setback; and

4 c. If development standards in this Chapter 23.48 require modulation of
5 the street-facing facade at street level, the required street-level uses may abut the street-level
6 setback area provided to comply with the modulation standards.

7 6. Pedestrian access to street-level uses shall be provided directly from the street,
8 from permitted outdoor common amenity area, or from open space abutting the street. Pedestrian
9 entrances shall be located no more than 3 feet above or below sidewalk grade or at the same
10 elevation as the abutting permitted outdoor common amenity area or required or bonused open
11 space.

12 D. Maximum width. The provisions of this subsection 23.48.040.D apply to all structures
13 in SM-U zones and structures along Class 1 pedestrian streets in all other Seattle Mixed zones,
14 except the provisions of this subsection 23.48.040.D do not apply in SM-SLU zones.

15 1. The maximum width of a structure, or of a portion of a structure for which the
16 limit is calculated separately according to subsection 23.48.040.D.2, as measured along all
17 streets in SM-U zones and along Class 1 pedestrian street in other Seattle Mixed zones, except
18 SM-SLU zones, is 250 feet, except as otherwise provided in subsection 23.48.040.D.3.

19 2. For purposes of this subsection 23.48.040.D, the width limit shall be calculated
20 separately for a portion of a structure if:

21 a. There are no connections allowing direct access, such as hallways,
22 bridges, or stairways, between that portion of a structure and other portions of a structure; or

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1 b. The only connections between that portion of a structure and other
2 portions of a structure is in stories, or portions of a stories, that are underground or extend no
3 more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the
4 floor above the partially below-grade story, excluding access.

5 3. For purposes of this subsection 23.48.040.D, the following portions of a
6 structure shall not be included in facade width measurement:

7 a. Designated Landmark structures that are retained on the lot.

8 b. Structures in SM-U zones that qualify as vulnerable masonry structures
9 according to Section 23.48.630 and are retained on the lot.

10 c. Stories of a structure on which more than 50 percent of the total gross
11 floor area is occupied by any of the following uses:

12 1) Arts facilities;

13 2) Community clubs or community centers;

14 3) Child care centers;

15 4) Elementary or secondary schools;

16 5) Performing arts theaters; or

17 6) Religious facilities.

18 Section 60. A new Section 23.48.050 of the Seattle Municipal Code is added as follows:

19 **23.48.050 Mandatory housing affordability (MHA) requirements**

20 The provisions of Chapters 23.58B and 23.58C apply in all Seattle Mixed zones, except SM-
21 SLU 85/65-160 zones and SM-UP zones that do not have a mandatory housing affordability
22 suffix.

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1 Section 61. Subsection 23.48.055.C of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125432, is amended as follows:

3 **23.48.055 Landscaping and screening standards**

4 * * *

5 C. Screening for specific uses

6 1. Gas stations shall provide 3-foot-high screening along lot lines abutting all
7 streets, except within required sight triangles.

8 2. Surface parking areas

9 a. Surface parking areas abutting streets. Surface parking areas shall
10 provide 3-foot-high screening along the lot lines abutting all streets, except within required sight
11 triangles.

12 b. Surface parking areas abutting alleys. Surface parking areas shall
13 provide 3-foot-high screening along the lot lines abutting an alley. The Director may reduce or
14 waive the screening requirement for part or all of the lot line abutting the alley when required
15 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

16 3. Parking in structures. Except as provided for by subsection 23.48.085.B,
17 parking located at or above street level in a garage shall be screened as follows:

18 a. On Class 1 and Class 2 Pedestrian Streets and Neighborhood Green
19 Streets shown on Map A for 23.48.240, ~~((and))~~ Map A for 23.48.440, and Map A for 23.48.940,
20 and on all streets in SM-U and SM-UP zones, parking is not permitted at street level unless
21 separated from the street by other uses, provided that garage doors need not be separated. The
22 facade of the separating uses shall be subject to the transparency and blank facade standards in
23 Section 23.48.040.

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1 b. On all other streets shown on Map A for 23.48.240 and Map A for
2 23.48.440, parking is permitted at street level if at least 30 percent of the street frontage of the
3 parking area, excluding that portion of the frontage occupied by garage doors, is separated from
4 the street by other uses. The facade of the separating uses shall be subject to the transparency and
5 blank facade standards in Section 23.48.040. The remaining parking shall be screened from view
6 at street level and the street facade shall be enhanced by architectural detailing, artwork,
7 landscaping, or similar visual interest features.

8 c. The perimeter of each floor of parking above street level shall have an
9 opaque screen at least 3.5 feet high, except in the SM-SLU, SM-U, and SM-UP zones, where
10 specific requirements for the location and screening of parking located on stories above the street
11 level apply.

12 4. Fences or free-standing walls associated with utility services uses may obstruct
13 or allow views to the interior of a site. Where site dimensions and site conditions allow,
14 applicants are encouraged to provide both a landscaped setback between the fence or wall and
15 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,
16 through the height, design or construction of the fence or wall, including the use of materials,
17 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any
18 fence or free-standing wall for a utility service use shall provide either:

19 a. A landscaped area a minimum of 5 feet in depth between the wall or
20 fence and the street lot line; or

21 b. Architectural detailing, artwork, vegetated trellises, decorative fencing,
22 or similar features to provide visual interest facing the street lot line, as approved by the Director.

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Section 62. Section 23.48.300 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.300 Applicability in Dravus

The provisions in Sections 23.48.320 through ~~((23.48.325))~~ 23.48.345 of the Seattle Mixed-Dravus (SM-D) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between Sections 23.48.005 through 23.48.095 and Sections 23.48.320 through ~~((23.48.325))~~ 23.48.345, the provisions in the SM-D zone apply.

Section 63. Section 23.48.320 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.320 Floor area ratio (FAR) in Dravus

~~((Uses))~~ Development in the SM-D ~~((40-85))~~ 55/95 zone ~~((are))~~ is not subject to an FAR limit.

Section 64. Section 23.48.325 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.325 Structure height in Dravus

~~((Height limits in the SM-D 40-85 zone))~~

A. ~~((Base height limit. Structures in))~~ In the SM-D ~~((40-85))~~ 55/95 zone, ~~((are subject to a height limit of 40 feet, except as otherwise provided in Chapter 23.58A.))~~ the height limit for portions of a structure in non-residential use is 55 feet and the height limit for portions of a structure in residential use is 95 feet.

B. ~~((Additional height for structures with only residential uses above 40 feet. A structure in the SM-D 40-85 zone that has only residential uses above a height of 40 feet is subject to a maximum height limit of 85 feet, if the following conditions are met:~~

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1 ~~1. The applicant satisfies the conditions for bonus development under Section~~
2 ~~23.48.021.~~

3 ~~2. The portion of any structure above 45 feet in height shall be set back at least 50~~
4 ~~feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of decks,~~
5 ~~balconies with open railings, eaves, cornices, and gutters is permitted in the required setback, and~~
6 ~~the exceptions for pitched roofs and rooftop features of subsection 23.48.025.B are allowed~~
7 ~~above the 45 foot height limit in the required setback.~~

8 C.) Exceptions for pitched roofs and rooftop features. Additional height above the
9 applicable limit pursuant to ((subsections)) subsection 23.48.325.A ((, 23.48.325.B, or
10 ~~23.48.325.B.2,~~)) is allowed for pitched roofs and certain rooftop features, as set forth in
11 subsections 23.48.025.B and 23.48.025.C.

12 Section 65. A new Section 23.48.340 of the Seattle Municipal Code is added to
13 Subchapter III of Chapter 23.48 as follows:

14 **23.48.340 Upper-level setback from West Dravus Street**

15 Portions of a structure above 55 feet in height shall be set back at least 50 feet from West Dravus
16 Street, except that the first 4 feet of the horizontal projection of decks, balconies with open
17 railings, eaves, cornices, and gutters is permitted in the required setback, and pitched roofs and
18 rooftop features as allowed by subsections 23.48.025.B and 23.48.025.C are allowed above the
19 55-foot height limit in the required setback.

20 Section 66. A new Section 23.48.345 of the Seattle Municipal Code is added to
21 Subchapter III of Chapter 23.48 as follows:

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1 **23.48.345 Green building standards**

2 For projects that exceed a height of 55 feet, excluding pitched roofs and rooftop features
 3 permitted above the applicable height limit pursuant to subsections 23.48.025.B and
 4 23.48.025.C, the applicant shall make a commitment that the proposed development will meet
 5 the green building standard and shall demonstrate compliance with that commitment, all in
 6 accordance with Chapter 23.58D.

7 Section 67. Section 23.48.400 of the Seattle Municipal Code, enacted by Ordinance
 8 124883, is amended as follows:

9 **23.48.400 Applicability in North Rainier**

10 The provisions in Sections 23.48.420 through ~~((23.48.435))~~ 23.48.445 of the Seattle Mixed-
 11 North Rainier (SM-NR) zone are in addition to and supplement the provisions of Sections
 12 23.48.005 through 23.48.095. In cases of conflicts between ~~((these))~~ Sections 23.48.005 through
 13 23.48.095 and Sections 23.48.420 through ~~((23.48.435))~~ 23.48.445, the provisions in the SM-NR
 14 zone apply.

15 Section 68. Section 23.48.420 of the Seattle Municipal Code, last amended by Ordinance
 16 125272, is amended as follows:

17 **23.48.420 Floor area ratio (FAR) in North Rainier**

Table A for 23.48.420		
FAR ((Limits)) <u>limits</u> in North Rainier		
Zone	FAR limits for all uses	
	((Base FAR	Maximum FAR))
SM-NR ((65)) <u>75</u>	((3.5)) <u>5.25</u>	((5))
((SM-NR-55/75	2.0 ⁺	No limit))
SM-NR ((85)) <u>95</u>	((4.5)) <u>6.25</u>	((6))

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Table A for 23.48.420 FAR ((Limits)) <u>limits</u> in North Rainier		
Zone	FAR limits for all uses	
	((Base FAR	Maximum FAR))
SM-NR ((125)) <u>145</u>	5 <u>base</u> 8.25 <u>maximum</u>	((8))
((Footnotes to Table A for 23.48.420 ⁺ Floor area that exceeds an FAR of 2.0 must be obtained by providing public benefits through the incentive zoning program as per Chapter 23.58A.))		

1 ((Within zones that have an incentive zoning suffix, the number in the suffix within parentheses
 2 is the base FAR.))

3 Section 69. Section 23.48.421 of the Seattle Municipal Code, enacted by Ordinance
 4 124883, is amended as follows:

5 **23.48.421 Extra ((Floor area ratio (FAR) in North Rainier)) floor area in the SM-NR 145**
 6 **zone**

7 ((Calculation outside of an adopted Local Infrastructure Project Area)) In the SM-NR 145 zone,
 8 extra floor area above the base FAR and up to the maximum FAR shall be achieved as follows:

9 A. Means to achieve extra residential floor area. ((If the maximum height for residential
 10 use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay
 11 District, the)) The applicant shall:

12 1. ((achieve 60)) Achieve 65 percent of the extra residential floor area on the lot
 13 by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

14 2. ((achieve 40)) Achieve 35 percent of the extra residential floor area by using
 15 open space amenities pursuant to Section 23.58A.040.

16 B. Means to achieve extra non-residential floor area. ((If the maximum height limit for
 17 non-residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area
 18 Overlay District, the)) The applicant shall:

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1 1. (~~achieve 75~~) Achieve 65 percent of the extra non-residential floor area on the
2 lot by using bonus non-residential floor area for affordable housing pursuant to Section
3 23.58A.024; and

4 2. (~~achieve 25~~) Achieve 35 percent of the extra non-residential floor area by
5 using open space amenities pursuant to Section 23.58A.040.

6 Section 70. Section 23.48.425 of the Seattle Municipal Code, enacted by Ordinance
7 124883, is repealed:

8 ~~**((23.48.425 Structure height in North Rainier**~~

9 ~~In zones listed below in this Section 23.48.425, the applicable height limit for portions of a~~
10 ~~structure that contain non-residential and live-work uses is shown as the first figure after the~~
11 ~~zone designation and the height limit for portions of a structure in residential use is shown as the~~
12 ~~first figure following the “/”. Within zones that have an incentive zoning suffix, the number in~~
13 ~~the suffix shall be the base FAR.~~

14 ~~SM-NR-55/75-(2.0))~~

15 Section 71. A new Section 23.48.445 of the Seattle Municipal Code is added to
16 Subchapter IV of Chapter 23.48 as follows:

17 **23.48.445 Green building standards**

18 For projects exceeding the FAR in Table A for 23.45.445, the applicant shall make a
19 commitment that the proposed development will meet the green building standard and shall
20 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

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Table A for 23.48.445 Green building standard thresholds for SM-NR zones	
Zone	FAR
SM-NR 75	3.5
SM-NR 95	4.5
SM-NR 145	5

1 Section 72. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance
 2 125603, is amended as follows:

3 **23.48.620 Floor area ratio in SM-U zones**

4 A. Floor area ratio (FAR) limits. Except as otherwise specified in this Section 23.48.620,
 5 FAR limits for the SM-U 85 zone are as shown in Table A for 23.48.620; FAR limits for the
 6 SM-U/R 75-240 zone are as shown in Table B for 23.48.620 ((;)) and FAR limits for the SM-U
 7 75-240 and the SM-U 95-320 zones are as shown in Table C for 23.48.620.

Table A for 23.48.620 FAR limits for SM-U 85 zone	
Base FAR	Maximum FAR¹
4.75	6.0

Footnotes to Table A for 23.48.620
¹ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.

8

Table B for 23.48.620 FAR limits for SM-U/R 75-240 zone			
FAR limit for non-residential uses	FAR limits for residential uses and mixed use¹		
	Base FAR	Maximum FAR for lots with structures that do not exceed the midrise height limit^{2, 3}	Maximum FAR for lots with a highrise structure
0.5	4.75	6	10

Footnotes to Table B for 23.48.620
¹ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.
² Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.
³ An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.

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Table C for 23.48.620			
FAR limits for SM-U 75-240 and SM-U 95-320 zones			
Zone	FAR limits for lots with structures that do not exceed the midrise height limit¹		
	Base FAR	Maximum FAR	
SM-U 75-240 SM-U 95-320	4.75	6	
Zone	FAR limits for lots with a highrise structure		
	Base FAR for all uses	Maximum FAR for non-residential uses	Maximum FAR for residential uses and for all uses in a mixed-use development^{2, 3}
SM-U 75-240	4.75	7	10
SM-U 95-320	4.75	7	12

Footnotes to Table C for 23.48.620
¹ Height of structure excludes rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.
² An additional increment of up to 1.0 FAR above the maximum FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.
³ For lots that include both residential and non-residential uses, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

2

B. Additional increment of chargeable floor area above the base FAR. On lots that

3

include uses or features specified in this subsection 23.48.620.B, an additional increment of

4

chargeable floor area is permitted above the base FAR as follows:

5

1. For all SM-U zones, an additional increment of 0.5 FAR is permitted above the

6

base FAR of the zone shown on Table A, Table B, or Table C for 23.48.620 if a lot includes one

7

or more qualifying Landmark structures, subject to the following conditions:

8

a. The structure is rehabilitated to the extent necessary so that all features

9

and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good

10

condition and consistent with the applicable ordinances and with any certificates of approval

11

issued by the Landmarks Preservation Board, all as determined by the Director of the

12

Department of Neighborhoods; and

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1 b. A notice is recorded in the King County real estate records, in a form
2 satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of
3 this Chapter 23.48.

4 c. For purposes of this subsection 23.48.620.B, a “qualifying Landmark”
5 is a structure that:

6 1) (~~is~~) Is subject, in whole or in part, to a designating ordinance
7 pursuant to Chapter 25.12; and

8 2) (~~is~~) Is on a lot on which no improvement, object, feature, or
9 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
10 designating ordinance.

11 d. A qualifying Landmark that allows for the additional increment of FAR
12 under this subsection 23.48.620.B.1 is not eligible as a Landmark transferable development
13 rights (TDR) or transferable development (~~(rights)~~) potential (TDP) sending site. For so long as
14 any of the chargeable floor area of the increment allowed above the base FAR of the zone under
15 this subsection 23.48.620.B.1 remains on the lot, each Landmark for which the increment was
16 granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall
17 maintain the exterior and interior of each qualifying Landmark in good condition and repair and
18 in a manner that preserves the features and characteristics that are subject to designation or
19 controls by ordinance unless the Landmarks Preservation Board has issued a certificate of
20 approval for the modification or demolition of the Landmark.

21 e. In the SM-U/R 75-240 zone, the additional increment of chargeable
22 floor area allowed above the base FAR shall be for residential use only.

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1 2. For all SM-U zones, an additional increment of up to 0.5 FAR is permitted
2 above the base FAR of the zone if a lot includes a human service use, subject to the following
3 conditions:

4 a. The amount of the additional increment of FAR permitted above the
5 base FAR under this subsection 23.48.620.B.2 shall not exceed the gross square footage of floor
6 area in the human service use.

7 b. The minimum area provided for one or more human service uses shall
8 be 2,500 square feet of interior space;

9 c. The location of the human service use shall be accessible to the elderly
10 and disabled, with exterior and interior directional signage clearly visible from the street;

11 d. The space shall be occupied by a human service use for the life of the
12 project on the lot. If the property owner is unable to secure a human service use to occupy the
13 space, after a six-month period, if the space remains unoccupied, it may be used for non-profit
14 purposes as a community and/or public area, under the following conditions:

15 1) The space shall be made available to community and charitable
16 organizations and is not to be used for profit-making activities;

17 2) The space shall be made available for both day and evening use;

18 3) The space shall be made available on a first-come, first-served
19 basis to community and charitable organizations;

20 4) There shall be no charge for use of the space, except for any
21 costs that may be necessary by the interim use; and

22 5) Availability of the space and the contact person(s) shall be made
23 known to community and charitable groups through means such as newspaper articles, radio

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1 announcements, flyers to organizations, and contacts with umbrella organizations such as the
2 University District Conversation on Homelessness.

3 e. The property owner shall maintain all elements of the human service
4 space, including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-
5 maintained condition, and the following shall apply:

6 1) Any additional improvements beyond the minimum
7 requirements needed for specific service activities may be provided either by the applicant or the
8 agency. The specifics shall be included in the lease agreement. Depending on the terms of the
9 agreement, the tenant may be required to pay for utilities, insurance, taxes, and maintenance
10 expenses. In addition, the tenant may be required to pay for development costs specifically
11 required to meet the needs of the lessee.

12 2) Rent shall not be charged for use of the space.

13 f. No permit after the first building permit, no permit for any construction
14 activity other than excavation and shoring, and no permit for occupancy of existing floor area by
15 any use shall be issued for development that includes a human service use to gain the increase in
16 base FAR until the applicant has demonstrated to the satisfaction of the Director that a lease with
17 a qualified human service agency has been secured to occupy the space for a minimum of five
18 years.

19 g. In the SM-U/R 75-240 zone, the additional increment of chargeable
20 floor area allowed above the base FAR shall be for residential use only.

21 3. For the SM-U 75-240 and SM-U 95-320 zones, an additional increment of 0.5
22 FAR is permitted above the base FAR of the zone as shown on Table ((€)) B for 23.48.620 if a

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1 lot includes a preschool, an elementary school, or a secondary school, provided that the school
2 meets the conditions for floor area exempt from FAR in subsection 23.48.620.C.4.

3 4. For the SM-U 85 zone, an additional increment of chargeable floor area up to
4 0.5 FAR is permitted above the base FAR of the zone shown on Table A for 23.48.620 for a lot
5 that includes one or more vulnerable masonry structures included on a list of structures that meet
6 specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that
7 the following conditions are met:

8 a. The amount of the additional increment of FAR permitted above the
9 base FAR under this subsection 23.48.620.B.4 shall not exceed the gross square footage of floor
10 area in the vulnerable masonry structures retained on the lot, and shall in no case exceed 0.5
11 FAR; and

12 b. The vulnerable masonry structure shall be retained according to the
13 provisions of subsection 23.58A.042.F.3 for a structure that qualifies as a vulnerable masonry
14 structure TDR or TDP sending site, and the structure shall be retained on the lot for the life of the
15 project.

16 5. The additional chargeable floor area allowed as an increment above the base
17 FAR for individual uses and features specified in this subsection 23.48.620.B may be combined,
18 provided that in no case shall the total amount of additional chargeable floor area allowed above
19 the base FAR exceed 1 FAR and in no case shall more than one increment of additional floor
20 area be allowed for the same use or feature on the lot.

21 6. Extra floor area achieved as provided for in Section 23.48.622 shall be
22 chargeable floor area added above the increment of FAR allowed under the provisions of this
23 subsection 23.48.620.B.

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* * *

Section 73. Section 23.48.621 of the Seattle Municipal Code, enacted by Ordinance 125267, is repealed:

~~((23.48.621 Mandatory housing affordability (MHA) in SM-U zones~~

~~SM-U zones located in the University Community Urban Center are subject to the provisions of Chapters 23.58B and 23.58C.))~~

Section 74. Section 23.48.635 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.635 Maximum width ~~((and depth))~~ limits in SM-U zones

~~((A. The maximum width and depth limit of a structure is 250 feet, except as otherwise provided in this Section 23.48.635. The width and depth limits do not apply to below-grade or partially below-grade stories with street-facing facades that do not extend more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially below-grade story, excluding access.~~

~~B. For the stories of a structure subject to width and depth limits, all portions of the same story that are horizontally contiguous, including any portions connected by doorways, ramps, bridges, elevated stairways, and other such devices, shall be included in the measurement of width and depth. The width and depth limit of stories in separate structures or structures on the same lot that abut but are not internally connected shall be measured separately, except that designated Landmark structures and structures that qualify as vulnerable masonry structures according to Section 23.48.630 that are retained on the lot are excluded from the width and depth measurement, whether internally connected to a new structure or not.~~

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Table A for 23.48.646
Facade modulation for midrise structures in SM-U 75-240 and SM-U 95-320 zones and for structures in SM-U 85 zone

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line (in feet)
Stories up to 45 feet in height ¹	120 ((feet))
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	80 ((feet))

Footnotes to Table A for 23.48.646
¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.

1

Table B for 23.48.646
Facade modulation for highrise structures in SM-U 75-240 and SM-U 95-320 zones

Height of street-facing portion of structure	Maximum length of unmodulated facade within 10 feet of street lot line (in feet)
Stories up to 45 feet in height ¹	160 ((feet))
Stories above 45 feet in height, ¹ up to the midrise height limit of the zone	120 ((feet))
Stories above the midrise height limit of the zone	80 ((feet))

Footnotes to Table B for 23.48.646
¹ On a lot with a light rail transit station, the height for the modulation standard is increased from 45 feet to 55 feet.

2

* * *

3

Section 76. Section 23.48.650 of the Seattle Municipal Code, enacted by Ordinance

4

125267, is amended as follows:

5

23.48.650 Required open space for large lot developments in SM-U zones

6

A. Open space meeting the standards of this Section 23.48.650 is required in all SM-U zones for development on a lot exceeding 30,000 square feet.

7

8

B. Open space required by subsection 23.48.650.A shall meet the following standards:

9

1. The minimum amount of required open space shall be equal to 15 percent of

10

the lot area.

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1 2. Area qualifying as required open space may include both unenclosed usable
 2 open space and limited amounts of enclosed areas, as provided for in this subsection 23.48.650.B
 3 and as specified in Table A for 23.48.650.

Table A for 23.48.650		
Limits on open space allowed as enclosed and unenclosed areas		
Type of open space	Minimum amount required	Maximum amount allowed
Usable open space open to the sky subject to subsection 23.48.650.B.5	60 percent	No limit
Open space covered overhead by the structure, such as an arcade or building cantilever, and subject to subsection 23.48.650.B.6	None	20 percent
Enclosed open space providing amenity features such as a public atrium, a shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor and subject to subsection 23.48.650.B.7	None	35 percent

4 3. Minimum area. The required open space shall generally be provided as one
 5 connected area that is accessible at street level, with variations in elevation allowed to
 6 accommodate changes in topography or to provide for features such as ramps that improve
 7 access for persons with disabilities. If the required amount of open space exceeds 4,500 square
 8 feet, open space areas may be provided at separate locations on the lot, provided that no separate
 9 area is less than 2,000 square feet.

10 4. The average horizontal dimension for an area qualifying as the required
 11 unenclosed usable open space is 20 feet, and the minimum horizontal dimension is 10 feet.

12 5. Area provided as usable open space shall be open to the sky and directly
 13 accessible from an abutting street, with no structures containing floor area separating this portion
 14 of the required open space area from the street frontage, in order to allow both visual and
 15 physical access to the space for pedestrians from the street.

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1 6. Open space provided as unenclosed space covered overhead by the structure for
2 weather protection shall abut a street lot line and be open and accessible to pedestrians along the
3 sidewalk. The area shall have an average horizontal dimension of 10 feet and a minimum
4 horizontal dimension of 5 feet, and the minimum vertical clearance of the covered space shall be
5 20 feet.

6 7. Open space provided as enclosed interior space, such as a public atrium, a
7 shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor, shall meet
8 all of the following requirements:

9 a. The space shall have direct access for pedestrians, including persons
10 with disabilities, from the street, or from an outdoor, usable public open space abutting the street;

11 b. The space shall be provided as one continuous area that is a minimum
12 of 2,000 square feet in size, with an average horizontal dimension of 20 feet and a minimum
13 horizontal dimension of 10 feet. Enclosed area that abuts and is accessible to exterior open space
14 is not considered a separate area for the purposes of determining the minimum area requirements
15 of subsection 23.48.650.B.3;

16 c. The minimum floor-to-ceiling height of any enclosed area is 15 feet;
17 and

18 d. Space, such as lobby area and corridors used solely to provide access
19 between the structure's principal street entrance and elevators, does not qualify as enclosed
20 interior open space for the purposes of this subsection 23.48.650.B.7.

21 8. All areas provided as open space under this Section 23.48.650 shall be
22 accessible to persons with disabilities.

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1 9. Features provided under this subsection 23.48.650.B are eligible to qualify as
2 amenity area for residential uses required by Section 23.48.045, provided the standards of that
3 Section 23.48.045 are met.

4 10. Features provided under this subsection 23.48.650.B that satisfy the
5 requirements for open space amenities in Section 23.48.624 and Section 23.58A.040 are eligible
6 for a floor area bonus to gain extra floor area according to the provisions of Section ~~((23.48.621))~~
7 23.48.622.

8 11. Usable open space satisfying the requirements of this subsection 23.48.650.B
9 may be provided on a site other than the project site, provided that the following conditions are
10 met:

11 a. The alternate open space site is located within an SM-U zone and within
12 500 feet of the project site;

13 b. The minimum area of the usable open space at the alternate site is 4,500
14 square feet;

15 c. The minimum size of the open space on an ~~((alternates))~~ alternate site
16 and the maximum distance from the project may be increased or decreased for a project if the
17 Director determines, as a Type I decision, that such adjustments are reasonably necessary to
18 provide for open space that will meet the additional need for open space caused by the project,
19 enhance public access to the open space, and/or allow for a significant share of the required open
20 space to also be accommodated on the project site.

21 d. The owner of any lot on which off-site open space is provided to meet
22 the requirements of this subsection 23.48.650.B shall execute and record an easement in a form
23 acceptable to the Director assuring compliance with the requirements of this Section 23.48.650.

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1 The Director is authorized to accept such an easement, provided that the terms do not impose any
2 costs or obligations on the City.

3 12. Usable open space provided on a site other than the project site according to
4 subsection 23.48.650.B.11 that satisfies the requirements for a neighborhood open space in
5 Section 23.58A.040 is eligible for a floor area bonus to gain extra floor area according to the
6 provisions of Section (~~(23.48.621)~~) 23.48.622.

7 Section 77. Section 23.48.721 of the Seattle Municipal Code, enacted by Ordinance
8 125432, is repealed:

9 ~~**(23.48.721 Mandatory housing affordability (MHA) in SM-UP zones**~~

10 ~~The provisions of Chapters 23.58B and 23.58C apply in all SM-UP zones where there is a~~
11 ~~mandatory housing affordability suffix.))~~

12 Section 78. A new Subchapter VIII, which includes new Sections 23.48.900, 23.48.905,
13 23.48.920, 23.48.940, and 23.48.945, is added to Chapter 23.48 of the Seattle Municipal Code as
14 follows:

15 **Subchapter VIII Rainier Beach Standards**

16 **23.48.900 Applicability in Rainier Beach**

17 The provisions in this Subchapter VIII for the Seattle Mixed – Rainier Beach (SM-RB) zone are
18 in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases
19 of conflicts between Sections 23.48.005 through 23.48.095 and this Subchapter VIII, the
20 provisions of this Subchapter VIII apply.

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1 **23.48.905 Uses in SM-RB zones**

2 Residential and live-work uses are prohibited in street-level, street-facing facades facing Class 2
3 Pedestrian Streets in the Rainier Beach Residential Urban Village shown on Map A for
4 23.48.940.

5 **23.48.920 Floor area ratio in SM-RB zones**

6 A. Except as described in subsection 23.48.920.B, the floor area ratio (FAR) limit in SM-
7 RB zones is as shown in Table A for 23.48.920.

Table A for 23.48.920 FAR limits in SM-RB zones	
Zone	FAR
SM-RB 55	2.25
SM-RB 85	3.75
SM-RB 125	3.75

8 B. The FAR limit listed in Table A for 23.48.920 shall be increased by an amount of floor
9 area equal to twice the amount of floor area occupied by the following uses, up to a maximum
10 increase in FAR of 1.0 in SM-RB 55 and SM-RB 85 zones and 2.0 in SM-RB 125 zones:

- 11 1. Light manufacturing;
- 12 2. College;
- 13 3. School, vocational, or fine arts;
- 14 4. Food processing and craft work;
- 15 5. Child care center; or
- 16 6. Residential development that receives public funding and/or an allocation of
17 federal low-income housing tax credits, and is subject to a regulatory agreement, covenant, or
18 other legal instrument recorded on the property title and enforceable by The City of Seattle,
19 Washington State Housing Finance Commission, State of Washington, King County, U.S.

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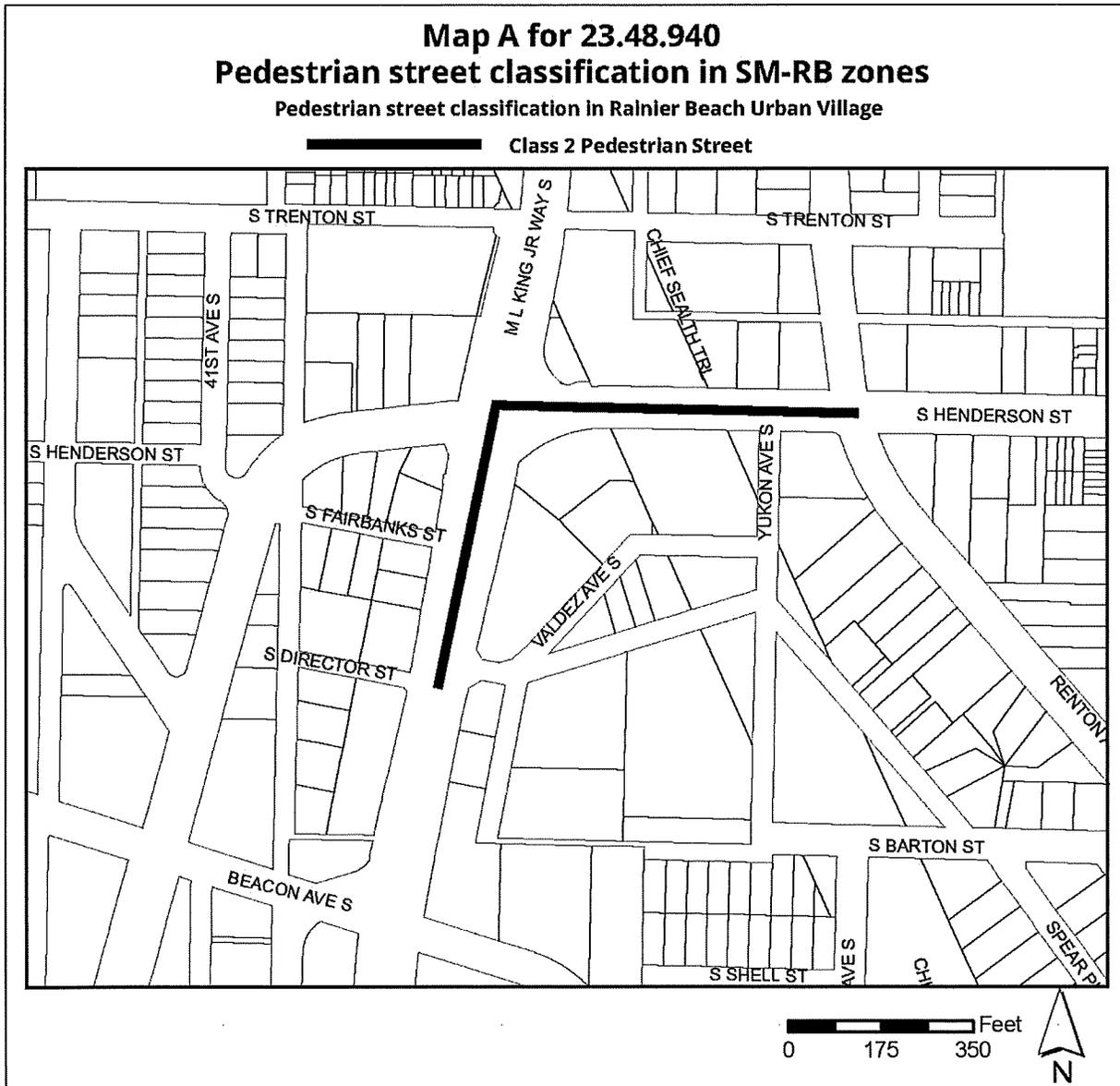
1 Department of Housing and Urban Development, or other similar entity as approved by the
2 Director of Housing, that restricts at least 40 percent of the units to occupancy by households
3 earning no greater than 60 percent of median income, and controls the rents that may be charged,
4 for a minimum period of 40 years.

5 **23.48.940 Street-level development standards in SM-RB zones**

6 A. Pedestrian streets in SM-RB zones are as shown in Map A for 23.48.940.

7 **Map A for 23.48.940**

8 **Pedestrian street classification in SM-RB zones**



9

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1 B. On pedestrian streets shown on Map A for 23.48.940, the street-facing facade of a
2 structure may be set back up to 12 feet from the street lot line subject to the following:

3 1. The setback area shall be landscaped according to the provisions of Section
4 23.48.055;

5 2. Setbacks greater than 12 feet are permitted for up to 30 percent of the length of
6 portions of the street facade that are set back from the street lot line, provided that these setbacks
7 are located 20 feet or more from any street corner; and

8 3. Any required outdoor amenity area provided in accordance with Section
9 23.48.045 is not considered part of the setback area and may extend beyond the limit on setbacks
10 from the street lot line that would otherwise apply under subsections 23.48.940.B.1 or
11 23.48.940.B.2.

12 C. Except on pedestrian streets, loading docks may count toward meeting the
13 transparency standards of subsection 23.48.040.B in the Rainier Beach Residential Urban
14 Village.

15 **23.48.945 Parking and loading in SM-RB zones**

16 The standards of Sections 23.48.055 and 23.48.085 are modified as follows for portions of lots
17 that do not abut a pedestrian street for a development that includes space with one or more uses
18 listed in subsections 23.48.920.B.1 through 23.48.920.B.6:

19 A. Surface parking is not required to be separated from the street by other uses.

20 B. Two two-way curb cuts are allowed, provided no curb cuts are located on pedestrian
21 streets.

22 C. The amount of lot area allocated to accessory surface parking can be as much as 50
23 percent of the total lot area.

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1 Section 79. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance
2 125291, is amended as follows:

3 **23.50.020 Structure height exceptions and additional restrictions**

4 * * *

5 ~~((B. Additional height restrictions for certain structures in 45-foot height limit area. In~~
6 ~~zones with a 45-foot height limit, except as provided for IC zones in Section 23.50.028,~~
7 ~~structures with no story at least 15 feet in height are limited to a maximum height of 40 feet.~~

8 ~~€))~~ B. Structures existing prior to October 8, 1987, that exceed the height limit of the
9 zone may add the rooftop features listed as conditioned in subsection 23.50.020.A. The existing
10 roof elevation of the structure is considered the applicable height limit for the purpose of adding
11 rooftop features.

12 Section 80. Section 23.50.026 of the Seattle Municipal Code, last amended by Ordinance
13 125291, is amended as follows:

14 **23.50.026 Structure height in IC zones**

15 A. Except as may be otherwise provided in this Title 23, the maximum structure height in
16 IC zones for all uses is as designated on the Official Land Use Map, Chapter 23.32. Maximum
17 structure height may be increased or reduced as provided in this Section 23.50.026 or Section
18 23.50.020. An overlay district may increase or reduce the maximum structure height.

19 B. Water-dependent uses within the Shoreline District are subject to only the height limits
20 of the applicable shoreline environment, Chapter 23.60A.

21 ~~((C. Within the area shown in Exhibit A for 23.50.026, areas zoned IC-45 are subject to~~
22 ~~the following height regulations (See Exhibit A for 23.50.026):~~

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1 1. ~~Except as provided in subsection 23.50.026.C.2.c, structures with no story at~~
2 ~~least 15 feet in height are limited to a maximum height of 40 feet.~~

3 2. ~~A 65 foot structure height is permitted as a special exception provided that:~~

4 a. ~~Provision is made for view corridor(s) looking from Elliott Avenue~~
5 ~~toward Puget Sound;~~

6 1) ~~The location of the view corridor(s) shall be determined by the~~
7 ~~Director upon consideration of such factors as existing view corridors, the location of street~~
8 ~~rights of way, and the configuration of the lot,~~

9 2) ~~The view corridor(s) shall have a width not less than 35 percent~~
10 ~~of the width of the lot,~~

11 3) ~~The minimum width of each required view corridor shall be 30~~
12 ~~feet measured at Elliott Avenue West,~~

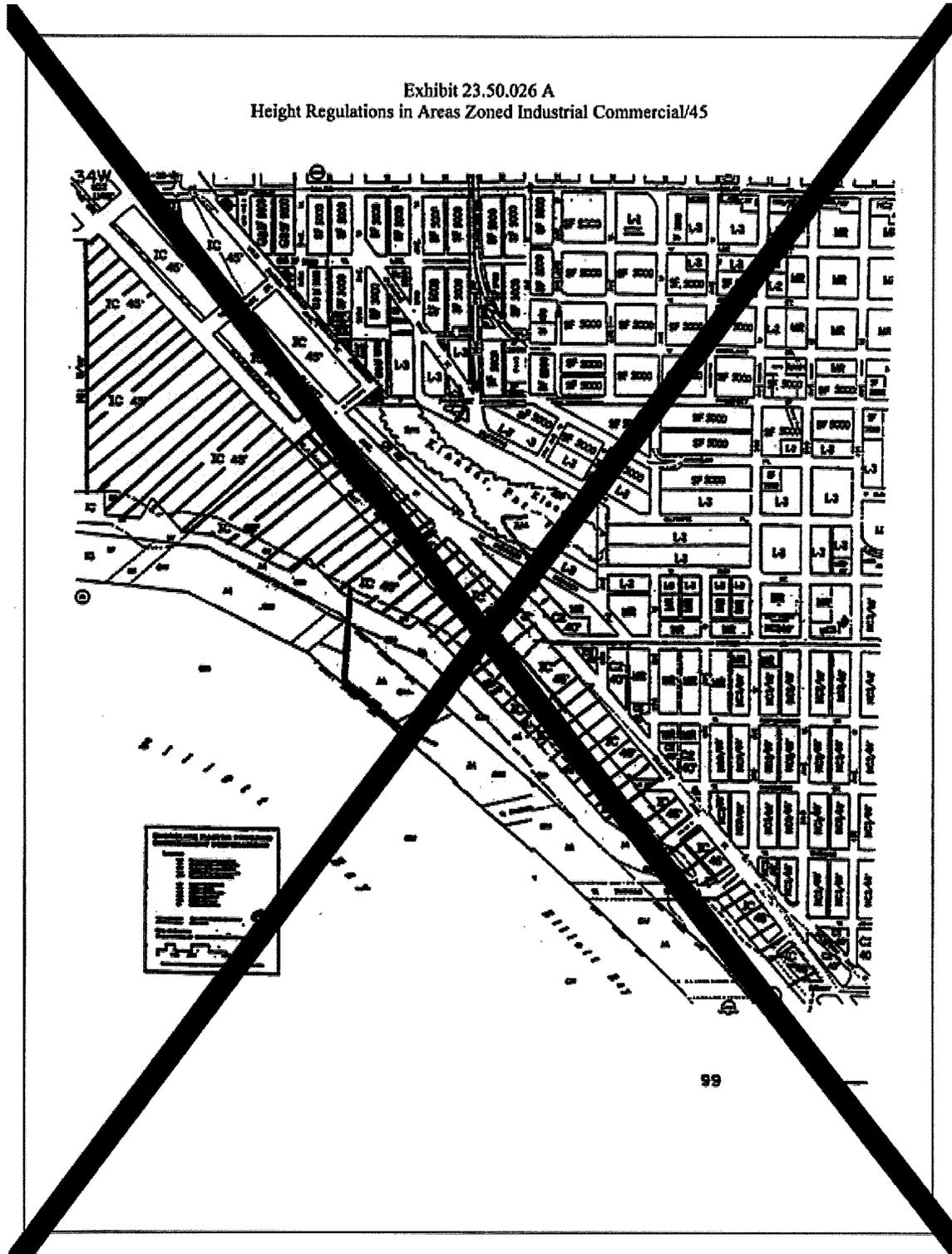
13 4) ~~Measurement, modification, or waiver of the view corridor(s)~~
14 ~~shall be according to Chapter 23.60A, Shoreline District measurement regulations. Where a~~
15 ~~waiver under these provisions is granted by the Director, the 65 foot structure height shall still be~~
16 ~~permitted,~~

17 5) ~~Parking for motor vehicles shall not be located in the view~~
18 ~~corridor unless the area of the lot where the parking would be located is 4 or more feet below the~~
19 ~~level of Elliott Avenue West;~~

20 b. ~~Development shall be located so as to maximize opportunities for views~~
21 ~~of Puget Sound for residents and the general public; and~~

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- 1 ((Exhibit A for 23.50.026
- 2 Height Regulations in Areas Zoned Industrial Commercial))



3

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1 Section 81. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance
 2 125558, is amended as follows:

3 **23.50.028 Floor area ((limits))**

4 ((The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable
 5 floor area on a lot, except as expressly otherwise provided.

6 A. Industrial General 1 (IG1) and Industrial General 2 (IG2), FAR. The maximum FAR
 7 in IG1 and IG2 zones is 2.5.

8 B. Industrial Buffer (IB), FAR. The maximum FAR in IB zones is 2.5.

9 C. Industrial Commercial (IC), FAR. The base and maximum FARs in IC zones are set
 10 forth on Table A for 23.50.028.))

11 A. Floor Area Ratio (FAR) limits apply in Industrial zones as shown in Table A for
 12 23.50.028. The applicable FAR limit applies to the total chargeable floor area of all structures on
 13 the lot.

Table A for 23.50.028 Floor area ratio ((s)) (FAR) limits		
Zone designation	((Base)) FAR limits for all uses	((Maximum FAR))
<u>IG1 and IG2</u>	<u>2.5</u>	
<u>IB</u>	<u>2.5</u>	
All IC zones except as otherwise stated in this table	((2.5)) <u>2.75</u>	((2.5))
IC 65 and IC 85 zones within the Stadium Transition Area Overlay District	((3)) <u>3.25</u>	((3))

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Table A for 23.50.028		
Floor area ratio ((s)) (FAR) limits		
Zone designation	((Base)) FAR limits for all uses	((Maximum FAR))
IC 85-175 zone	<p>Base of 2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services.</p> <p>Maximum of 4.0¹ except that, if the total chargeable floor area of uses identified in the base FAR column is greater than 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.</p>	<p>((4.0¹ except that if the total chargeable floor area of uses identified in the base FAR column is greater than 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.))</p>

((Footnotes)) Footnote to Table A for 23.50.028
¹ ((Additional)) All floor area above the base FAR, up to the maximum FAR, is considered extra floor area ((above the base FAR allowed according to)) and must be achieved through the provisions of subsection ((23.50.028.D)) 23.50.028.B and Chapter 23.58A.

- 1 ((D)) B. Extra floor area in IC 85-175
- 2 1. In an IC 85-175 zone, extra non-residential floor area as defined in Section
- 3 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for
- 4 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section
- 5 23.50.033, and Chapter 23.58A.
- 6 a. Twenty-five percent of any extra non-residential floor area shall be
- 7 gained through the transfer of TDR pursuant to Section 23.50.053.
- 8 b. Seventy-five percent of any extra non-residential floor area shall be
- 9 gained as bonus non-residential floor area pursuant to Section 23.58A.024, or through the
- 10 transfer of housing TDR under Section 23.50.053, or both.

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1 2. In an IC 85-175 zone, in addition to satisfying the conditions of subsection
2 ((23.50.028.D.1)) 23.50.028.B.1, for development to exceed the base FAR on a lot that has an
3 area of 50,000 square feet or more, the Director shall make an individual determination of
4 project impacts on the need for pedestrian facilities and complete a voluntary agreement between
5 the property owner and the City to mitigate identified impacts, if any. The Director may consider
6 the following as impact mitigation:

7 a. Pedestrian walkways on a lot, including through-block connections on
8 through lots, where appropriate, to facilitate pedestrian circulation by connecting structures to
9 each other and abutting streets;

10 b. Sidewalk improvements, including sidewalk widening, to accommodate
11 increased pedestrian volumes and streetscape improvements that will enhance pedestrian comfort
12 and safety; and

13 c. Measures that will contribute to the improvement of pedestrian
14 facilities, such as the following improvements applicable to the vicinity north of South Royal
15 Brougham Way and south of South Charles Street east of 4th Avenue South:

16 1) Improvements to 6th Avenue South as the primary pedestrian
17 and bicycle corridor connecting new development to the surrounding area and transit facilities;

18 2) Improvements to facilitate pedestrian wayfinding to and from
19 the Stadium Light Rail Station;

20 3) Improvements to enhance the pedestrian environment, such as
21 providing overhead weather protection, landscaping, and other streetscape improvements; and

22 4) Improved pedestrian and bicycle crossing of Airport Way South
23 at 6th Avenue South.

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1 3. In an IC 85-175 zone, in addition to satisfying the conditions of subsections
2 ((~~23.50.028.D.1 and 23.50.028.D.2~~)) 23.50.028.B.1 and 23.50.028.B.2, if applicable, for
3 development to exceed the base FAR and include 85,000 or more square feet of gross office
4 floor area, the Director shall make an individual determination of project impacts on the need for
5 open space resources. The Director may limit floor area or allow floor area subject to conditions,
6 which may include a voluntary agreement between the property owner and the City to mitigate
7 identified impacts, if any. The Director shall take into account the findings of subsection
8 23.49.016.A in assessing the demand for open space generated by a typical office project in an
9 area permitting high employment densities.

10 a. The Director may consider the following as mitigation for open space
11 impacts:

12 1) Open space provided on-site or off-site, consistent with the
13 provisions in subsection 23.49.016.C, or provided through payment-in-lieu, consistent with
14 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an IC
15 85-175 zone that is accessible to the project occupants, and

16 2) Additional pedestrian space through on-site improvements or
17 streetscape improvements provided as mitigation for project impacts on pedestrian facilities
18 pursuant to subsection ((~~23.50.028.D.3~~)) 23.50.028.B.3.

19 b. The Director may determine that open space meeting standards
20 differing from those contained or referred to in subsection 23.49.016.C will mitigate project
21 impacts, based on consideration of relevant factors, including the following:

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1 a. ~~((Three and one-half))~~ As an allowance for mechanical equipment, 3.5
2 percent of the total chargeable gross floor area ~~((in a structure, as an allowance for mechanical~~
3 ~~equipment. Calculation of the allowance is based on the remaining gross floor area after all other~~
4 ~~exempt space permitted in subsection 23.50.028.E is deducted))~~ that is not otherwise exempt
5 under this subsection 23.50.028.C.

6 ~~((b. For structures built prior to June 2, 2011, the area covered by new or~~
7 ~~replacement mechanical equipment placed on the roof.~~

8 e)) b. All gross floor area for solar collectors and wind-driven power
9 generators.

10 ~~((d))~~ c. The gross floor area of the following uses located at street level,
11 provided that the conditions of Section 23.50.039 are satisfied:

- 12 1) General sales and service uses;
- 13 2) Eating and drinking establishments;
- 14 3) Entertainment use;
- 15 4) Public libraries;
- 16 5) Child care facilities;
- 17 6) Religious facilities; and
- 18 7) Automotive sales and service.

19 3. In addition to areas exempt from FAR calculations in subsection
20 ~~((23.50.028.E.1))~~ 23.50.028.C.1, within IG1 and IG2 zones, the gross floor area of rooftop
21 recreational space accessory to office use meeting the standards of subsection 23.50.012.D is
22 exempt from FAR calculations.

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1 ((F)) D. Within IC 85-175 zones, gross floor area used for accessory parking within
2 stories that are completely above finished grade is not exempt, except that in an IC 85-175 zone,
3 if the Director finds, as a Type I decision, that locating all parking below grade is infeasible due
4 to physical site conditions such as a high water table, contaminated soils conditions, or proximity
5 to a tunnel, and that the applicant has placed or will place the maximum feasible amount of
6 parking below or partially below grade, the Director may exempt all or a portion of accessory
7 parking that is above finished grade. If any exemption is allowed under this subsection
8 ~~((23.50.028.F))~~ 23.50.028.D, all parking provided above grade shall be subject to the screening
9 requirements of subsection 23.50.038.B.6.

10 ~~((G. Mechanical equipment. Area covered by mechanical equipment located on the roof
11 of a structure, whether enclosed or not, is included as part of the calculation of floor area, unless
12 expressly exempted by an applicable provision of this Section 23.50.028.))~~

13 Section 82. Subsection 23.50.053.A of the Seattle Municipal Code, which section was
14 last amended by Ordinance 125291, is amended as follows:

15 **23.50.053 Transfer of development rights within an IC 85-175 zone**

16 A. General standards for the transfer of transferable development rights (TDR) to lots in
17 an IC 85-175 zone

18 1. To achieve extra non-residential floor area above the base FAR that may be
19 allowed in an IC 85-175 zone pursuant to ~~((subsection 23.50.028.D))~~ Section 23.50.028, an
20 applicant may use TDR to the extent permitted under this subsection 23.50.053.A.

21 2. South Downtown Historic TDR, open space TDR from zones within South
22 Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014 may

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1 be transferred from a Downtown zone to a lot eligible as a receiving site in an IC 85-175 zone.

2 No other TDR may be used in an IC 85-175 zone under this Section 23.50.053.

3 3. Except as expressly permitted pursuant to subsection 23.50.053.A,
4 development rights or potential floor area may not be transferred to a lot in an IC 85-175 zone.

5 4. No permit after the first building permit, no permit for any construction activity
6 other than excavation and shoring, and no permit for occupancy of existing floor area by any use
7 based upon TDR will be issued for development that includes TDR until the applicant's
8 possession of TDR is demonstrated to the satisfaction of the Director.

9 * * *

10 Section 83. Subsection 23.50.055.A of the Seattle Municipal Code, which section was
11 last amended by Ordinance 125291, is amended as follows:

12 **23.50.055 Street-facing facade requirements and upper-level development standards in an**
13 **IC 85-175 zone**

14 The following development standards apply to all lots within an IC 85-175 zone: ((-))

15 A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony
16 railings and other non-structural features or non-structural walls are not considered parts of the
17 facade.

18 1. Minimum facade height. A minimum facade height of 25 feet is required for
19 facades that face streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.

20 The minimum facade height for facades facing other streets is 15 feet. A minimum facade height
21 does not apply if all portions of a structure are lower than the applicable minimum facade height.

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1 2. Facade setback limits. The total area of street-level setbacks between the street
2 lot line and the street-facing facade is limited to the area determined by multiplying the
3 averaging factor by the width of the structure measured parallel to the abutting street.

4 a. The averaging factor is five for facades that face streets shown on Map
5 A for 23.50.016.

6 b. For all other street-facing facades, the averaging factor is ten.

7 c. The maximum width, measured along the street lot line, of any setback
8 area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot
9 frontage on that street, whichever is less.

10 d. For all lots subject to facade setback limits, the following conditions
11 apply:

12 1) Parking is prohibited between the facade and the street lot line.

13 2) The maximum setback of the facade from street lot lines within
14 20 feet of an intersection is 10 feet.

15 e. If the presence of a utility easement or other condition requires the
16 street-facing facade to set back from the street lot line, the Director may, as a Type I decision,
17 select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk widening into
18 the lot is required as mitigation pursuant to subsection (~~23.50.028.D~~) 23.50.028.B, the setback
19 area permitted by the applicable averaging factor shall be measured from the new edge of the
20 sidewalk within the lot rather than the street lot line.

21 3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is
22 required on facades facing streets shown on Map A for 23.50.016, Industrial Streets Landscaping
23 Plan.

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1 Sidewalks, curbs, and curb ramps are required only for the portion of the lot that abuts the
2 designated street.

3 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
4 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,
5 curbs, and curb ramps are required when new lots, other than unit lots, are created through the
6 full or short subdivision platting process or when development is proposed. Sidewalks, curbs,
7 and curb ramps are required only for the portion of the lot that abuts the arterial.

8 4. In ~~((SF and LR1))~~ single-family zones, sidewalks, curbs, and curb ramps are
9 required when ten or more lots are created through the full subdivision platting process or when
10 ten or more dwelling units are developed.

11 5. Outside of ~~((SF and LR1))~~ single-family zones, except in IG1 and IG2 zones
12 and on lots in IB zones that are not directly across the street from or abutting a lot in a residential
13 or commercial zone, sidewalks, curbs, and curb ramps are required when six or more lots, other
14 than unit lots, are created through the full or short subdivision platting process or when six or
15 more dwelling units are developed.

16 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not
17 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,
18 curbs, and curb ramps are required when the following ~~((nonresidential))~~ non-residential uses are
19 developed:

20 a. ~~((750))~~ Seven hundred and fifty square feet or more of gross floor area
21 of major and minor vehicle repair uses and ~~((multipurpose))~~ multi-purpose retail sales; or

22 b. ~~((4,000))~~ Four thousand square feet or more of ~~((nonresidential))~~ non-
23 residential uses not listed in subsection 23.53.006.D.6.a.

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Section 85. Subsection 23.53.025.C of the Seattle Municipal Code, which section was last amended by Ordinance 123963, is amended as follows:

23.53.025 Access easement standards

* * *

C. Vehicle (~~(Access Easements Serving at Least Five but Fewer Than Ten Single Family Dwelling Units, or at Least Three but Fewer than Ten Multifamily Dwelling Units)~~) access easements serving at least five but fewer than ten single-family dwelling units, or at least three but fewer than ten multifamily dwelling units ((-))

1. Easement width, surfaced width, length, turn around, and curbcut width shall be as required in subsection 23.53.025.B;

2. No single-family structure shall be closer than 5 feet to the easement, except that structural features allowed to extend into required yards under (~~Section 23.44.014.D.6~~) subsection 23.44.014.C.6 are also allowed to extend into the (~~five foot~~) 5-foot setback from an easement.

* * *

Section 86. Table B for 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 125603, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

Table B for 23.54.015 Required Parking for ((Residential Uses)) <u>residential uses</u>	
Use	Minimum parking required
I. General residential uses	
A. Adult family homes	1 space for each dwelling unit

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Table B for 23.54.015	
Required Parking for ((Residential Uses)) residential uses	
Use	Minimum parking required
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker's quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 sleeping rooms
F. Cottage housing developments	1 space for each dwelling unit
G. Floating homes	1 space for each dwelling unit
H. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I. Multifamily residential uses, except as otherwise provided in this Table B for 23.54.015 ¹	1 space per dwelling unit, or 1 space for each 2 small efficiency dwelling units
J. Nursing homes ²	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K. Single-family dwelling units	1 space for each dwelling unit
II. Residential use requirements for specific areas	
L. All residential uses within urban centers or within the Station Area Overlay District ¹	No minimum requirement
M. All residential uses in commercial, RSL, and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within a frequent transit service area ^{1, 4}	No minimum requirement
N. Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 ¹	1 space per dwelling unit for dwelling units with fewer than ((two)) 2 bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus 0.25 spaces per bedroom for dwelling units with 3 or more bedrooms

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Table B for 23.54.015	
Required Parking for ((Residential Uses)) residential uses	
Use	Minimum parking required
O. Multifamily dwelling units, within the Alki area shown on Map B for 23.54.015 ¹	1.5 spaces for each dwelling unit
III. Multifamily residential use requirements with rent and income criteria	
P. For each dwelling unit rent and income-restricted at or below 80 percent of the median income ^{1, 5}	No minimum requirement

Footnotes to Table B for 23.54.015

¹ 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 such provision may apply, the provision requiring the least amount of minimum parking applies, except that if item O in Part II of ~~((this table))~~ Table B for 23.54.015 applies, it shall supersede any other applicable requirement in Part I or Part II of ~~((this table))~~ Table B for 23.54.015. The minimum amount of parking prescribed by Part III of Table B for 23.54.015 applies to individual units within a use, structure, or development instead of any requirements in Parts I or II of Table B for 23.54.015.

² For development within single-family zones, the Director may waive some or all of the minimum parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the minimum parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions are effective only as long as the conditions that justify the waiver are present. When the conditions are no longer present, the development shall provide the amount of minimum parking that otherwise is required.

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 Part III of Table B for ~~((23.45.015))~~ 23.54.015, the minimum amounts of parking prescribed by Part ~~((1))~~ I of Table B for ~~((23.45.015))~~ 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.

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Table B for 23.54.015	
Required Parking for ((Residential Uses)) residential uses	
Use	Minimum parking required
⁵ Dwelling units qualifying for parking reductions according to Part III of Table B for 23.54.015 shall be subject to a recorded restrictive housing covenant or recorded regulatory agreement that includes rent and income restrictions at or below 80 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions qualifying the development for parking reductions according to Part III of Table B for 23.54.015 shall be for a term of at least 15 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.	

* * *

Section 87. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.54.040 Solid waste and recyclable materials storage and access

A. Except as provided in subsection 23.54.040.I, in RSL, downtown, multifamily, master planned community, and commercial zones, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for 23.54.040 for all new structures, and for existing structures to which two or more dwelling units are added.

1. Residential uses proposed to be located on separate platted lots, for which each dwelling unit will be billed separately for utilities, shall provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for 23.54.040.

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1 zoning suffix. The provisions in this Chapter 23.58A specify conditions under which extra floor
2 area may be allowed, as exceptions to the otherwise applicable floor area or base height limit, or
3 both, subject to the maximum limits stated in the provisions of the zone and to all other
4 applicable requirements and approvals. Nothing in this Chapter 23.58A authorizes allowance of
5 extra floor area, or the construction or use of any structure, contrary to any other provisions of
6 this Title 23 or Title 25. Developments for which extra floor area is sought may be subject to
7 conditions under other chapters and titles of the Seattle Municipal Code, including without
8 limitation conditions imposed pursuant to Chapter 25.05, Environmental Policies and
9 Procedures.

10 B. The provisions of this ((subchapter)) Subchapter I apply generally to projects using
11 any of the incentive provisions in this Chapter 23.58A, unless otherwise expressly provided in
12 the applicable subchapter of this Chapter 23.58A or in the provisions of the zone.

13 C. Nothing in this Chapter 23.58A shall be construed to confer on any owner or
14 developer any development rights or property interests. The availability and terms of any
15 allowance of extra floor area depend on the regulations in effect on the relevant date for
16 consideration of a permit application for the project proposing to use such extra floor area,
17 pursuant to Section 23.76.026, notwithstanding any prior approvals, interpretations or
18 agreements by the Director, Housing Director, or other official regarding the eligibility of any
19 actual or proposed facility or feature to satisfy conditions for extra floor area.

20 Section 89. Subsection 23.58A.014.C of the Seattle Municipal Code, which section was
21 last amended by Ordinance 124919, is amended as follows:

22 **23.58A.014 Bonus residential floor area for affordable housing**

23 * * *

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1 C. Payment option. The payment option is available only where the maximum height for
2 residential use under the provisions of the zone is more than 85 feet and only if the Director
3 determines that the payment achieves a result equal to or better than providing the affordable
4 housing on-site and the payment does not exceed the approximate cost of developing the same
5 number and quality of housing units that would otherwise be developed. ~~((; or for development
6 of a single purpose commercial structure in zones with an incentive zoning suffix.))~~ The amount
7 of the in-lieu payment made at the time specified in subsection 23.58A.014.C.2 shall be based on
8 the payment amount that is in effect when vesting of a Master Use Permit occurs under Section
9 23.76.026.

10 1. Amount of payments ((-))

11 a. Except as provided in subsection 23.58A.014.C.1.b, in lieu of all or part
12 of the performance option, an applicant may pay to the City \$15.15 per square foot of gross
13 bonus residential floor area.

14 b. In the South Lake Union Urban Center, in lieu of all or part of the
15 performance option, an applicant may pay to the City \$21.68 per square foot of gross bonus
16 residential floor area. On July 1, 2014, and on the same day annually thereafter the in-lieu
17 payment amount in this subsection 23.58A.014.C.1.b shall automatically adjust in proportion to
18 the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bellevue,
19 ~~((metropolitan area))~~ WA, All Items (1982-84 = 100), as determined by the U.S. Department of
20 Labor, Bureau of Labor Statistics, or successor index, from the time the in-lieu payment was
21 established or last adjusted.

22 2. Timing of payments. Cash payments shall be made prior to issuance and as a
23 condition to issuance of any permit after the first building permit for a development and before

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1 Section 90. The name of Subchapter IV of Chapter 23.58A of the Seattle Municipal Code
2 is amended as follows:

3 **Subchapter IV Extra Floor Area in Zones ((With)) with ((An)) an Incentive Zoning Suffix**

4 Section 91. Section 23.58A.028 of the Seattle Municipal Code, enacted by Ordinance
5 123770, is repealed:

6 ~~((23.58A.028 Application of incentive zoning in legislative rezones~~

7 ~~A. When the City Council approves a Type V legislative rezone pursuant to Section~~
8 ~~23.76.062, the Council may elect to apply the incentive zoning provisions of this chapter to all or~~
9 ~~part of the area being rezoned. If the Council decides to apply this chapter, then the maximum~~
10 ~~floor area ratio permitted within the area subject to this chapter is the floor area ratio of the~~
11 ~~previous zone, as described in subsection 23.58A.028.B below, unless the applicant for project~~
12 ~~approval gains additional floor area ratio pursuant to this chapter.~~

13 ~~B. For the sole purpose of establishing base FAR and/or base residential floor area under~~
14 ~~this chapter, the following shall be applied as the base FAR and/or base residential floor area~~
15 ~~when rezoning from one of the following zones:~~

16 ~~1. Single Family zones: .75~~

17 ~~2. Lowrise 1 Zones: 1.2~~

18 ~~3. Lowrise 2 Zones: 1.3~~

19 ~~4. Lowrise 3 Zones:~~

20 ~~a. Outside urban centers, urban villages, and the Station Area Overlay~~

21 ~~District: 1.6~~

22 ~~b. Inside urban centers, urban villages, and the Station Area Overlay~~

23 ~~District: 2.0~~

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1 ~~5. Commercial zones as shown in Table A for 23.58A.028.~~

((Table A for 23.58A.028			
Base FAR outside of the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
1.	2.25	3	4.25
Base FAR in the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
2.	3	4	5.75))

2 ~~6. Within an overlay district, other than the Station Area Overlay District, where~~
 3 ~~overlay district provisions for FAR prevail over the FAR provisions of the underlying zone, the~~
 4 ~~FAR prescribed in the overlay provisions shall be used to establish the Base FAR and/or Base~~
 5 ~~Residential Floor Area.))~~

6 Section 92. Section 23.58B.020 of the Seattle Municipal Code, last amended by
 7 Ordinance 125233, is amended as follows:

8 **23.58B.020 Applicability and general requirements**

9 A. Voluntary agreement; impact mitigation options. If an applicant elects to seek
 10 approval of a permit for a development as described according to subsection 23.58B.020.B, the
 11 applicant shall:

12 1. Enter into a voluntary agreement with the City to mitigate impacts on the need
 13 for affordable housing according to this Chapter 23.58B.

14 2. The applicant shall mitigate impacts on the need for housing affordable to
 15 households of new lower wage workers either through the payment option according to Section

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1 23.58B.040 or through the performance option according to Section 23.58B.050. (~~or a~~
2 ~~combination thereof.~~)

3 3. In the absence of a signed voluntary agreement, acceptance of the permit by the
4 applicant shall constitute a voluntary agreement for the purpose of this Chapter 23.58B.

5 * * *

6 C. Commercial development is exempt from the requirements according to this Chapter
7 23.58B if the structure containing commercial uses also contains floor area in residential use that
8 is publicly funded and/or has received an allocation of federal low-income housing tax credits,
9 and is subject to a regulatory agreement, covenant, or other legal instrument recorded on the
10 property title and enforceable by The City of Seattle, Washington State Housing Finance
11 Commission, State of Washington, King County, U.S. Department of Housing and Urban
12 Development, or other similar entity as approved by the Director of Housing, (1) which restricts
13 at least 40 percent of the residential units to occupancy by households earning no greater than 60
14 percent of median income, and controls the rents that may be charged, for a minimum period of
15 40 years, or (2) which restricts at least 40 percent of the residential units to be sold to households
16 earning no greater than 80 percent of median income, for a minimum period of 50 years. The
17 sale price for sales subsequent to the initial sale shall be calculated to allow modest growth in
18 homeowner equity while maintaining long-term affordability for future buyers. All buyers of
19 such an ownership unit subsequent to the initial sale shall be households with incomes no greater
20 than 80 percent of median income at initial occupancy.

21 * * *

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1 Section 93. Section 23.58B.040 of the Seattle Municipal Code, last amended by
2 Ordinance 125371, is amended as follows:

3 **23.58B.040 Mitigation of impacts—payment option**

4 A. Amount of cash contributions

5 1. An applicant complying with this Chapter 23.58B through the payment option
6 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
7 amount per square foot according to Table A or Table B for 23.58B.040 and Map A for
8 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or
9 gross floor area in commercial use that is not underground if there is no FAR limit in the
10 underlying zone, as follows:

11 a. Including chargeable floor area in commercial use in the following:

- 12 1) A new structure;
- 13 2) An addition to a structure;
- 14 3) A change of use from residential use to commercial use; or
- 15 4) Any combination of the above; and

16 b. Excluding chargeable floor area in commercial use as follows:

- 17 1) The first 4,000 gross square feet of street-level commercial uses;

18 and

- 19 2) Street-level commercial uses along a designated principal

20 pedestrian street in a Pedestrian designated zone.

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Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$15.00
DH2/85	Not applicable
DMC 75	\$8.25
DMC 95	\$8.00
DMC 85/75-170	\$8.00
DMC 145	\$10.00
DMC 170	\$8.00
DMC 240/290-440	\$10.00
DMC 340/290-440	\$12.50
DOC1 U/450-U	\$14.75
DOC2 500/300-550	\$14.25
DRC 85-170	\$13.50
DMR/C 75/75-95	\$8.00
DMR/C 75/75-170	\$8.00
DMR/C 95/75	\$17.50
DMR/C 145/75	\$17.50
DMR/C 280/125	\$14.25
DMR/R 95/65	\$14.00
DMR/R 145/65	\$16.00
DMR/R 280/65	\$16.00
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	\$8.00
IDM 165/85-170	\$20.75
IDR 45/125-270	\$8.00
IDR 170	\$8.00
IDR/C 125/150-270	\$20.75
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$8.00

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Table A for 23.58B.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
SM-SLU 175/85-280	\$11.25
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$8.25
SM-SLU 100/95	\$8.00
SM-SLU 145	\$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

1

Table B for 23.58B.040			
Payment calculation amounts: Outside Downtown, SM-SLU, and SM-U zones			
Zone	Payment calculation amount per square foot		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	\$5.00	\$7.00	\$8.00
Zones with an (M1) suffix	\$8.00	\$11.25	\$12.75
Zones with an (M2) suffix	\$9.00	\$12.50	\$14.50
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00

2 2. Automatic adjustments to payment amounts. On March 1, 2016, and on the
 3 same day (~~each year thereafter~~) in 2017, 2018, and 2019, the amounts for payment calculations
 4 according to Table A and Table B for 23.58B.040 shall automatically adjust in proportion to the
 5 annual change for the previous calendar year (January 1 through December 31) in the Consumer
 6 Price Index, All Urban Consumers, Seattle-Tacoma- (~~Bremerton~~) Bellevue, WA, All Items
 7 (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or
 8 successor index. On March 1, 2020, and on the same day each year thereafter, the amounts for

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1 payment calculations according to Table A and Table B for 23.58B.040 shall automatically
2 adjust in proportion to the annual increase for the previous calendar year (January 1 through
3 December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bellevue,
4 WA, Shelter (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor
5 Statistics, or successor index.

6 * * *

7 B. Deposit and use of cash contributions

8 1. Cash contributions shall be deposited by the Director of Housing in a special
9 account established solely for preservation and production of housing affordable for renter
10 households with incomes no higher than 60 percent of median income and for owner households
11 with incomes no higher than 80 percent of median income. Earnings on balances in the special
12 account shall accrue to that account.

13 2. Use of cash contributions shall support the preservation and production of
14 renter-occupied housing within ~~((the city of))~~ Seattle, or the preservation and production of
15 owner-occupied housing within Seattle, as follows. Rental housing supported by the cash
16 contributions shall be rent- and income-restricted to serve households with incomes no higher
17 than 60 percent of median income for a minimum period of 50 years, with an expectation of
18 ongoing affordability. ~~((Use of cash contributions may also include capital expenditures for~~
19 ~~development of owner-occupied housing within the city of Seattle.))~~ At least 5 percent of total
20 cash contributions on a yearly basis shall be dedicated to capital expenditures for development of
21 owner-occupied housing. Dedicated funds may be committed over multiple years based on the
22 availability of eligible projects. Owner-occupied housing supported by the cash contributions
23 shall be priced to serve and sold to households with incomes no higher than 80 percent of median

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1 income, with resale restrictions for a minimum period of 50 years, with an expectation of
2 ongoing affordability.

3 * * *

4 Section 94. Section 23.58B.050 of the Seattle Municipal Code, last amended by
5 Ordinance 125371, is amended as follows:

6 **23.58B.050 Mitigation of impacts—performance option**

7 A. (~~Amount of MHA-C housing~~) Performance option

8 1. An applicant complying with this Chapter 23.58B through the performance
9 option shall provide total square feet of housing meeting the standards of subsection
10 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
11 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
12 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, or
13 gross floor area in commercial use that is not underground if there is no FAR limit in the
14 underlying zone, as follows:

15 a. Including chargeable floor area in commercial use in the following:

- 16 1) A new structure;
17 2) An addition to a structure;
18 3) A change of use from residential use to commercial use; or
19 4) Any combination of the above; and

20 b. Excluding chargeable floor area in commercial use as follows:

- 21 1) The first 4,000 gross square feet of street-level commercial uses;

22 and

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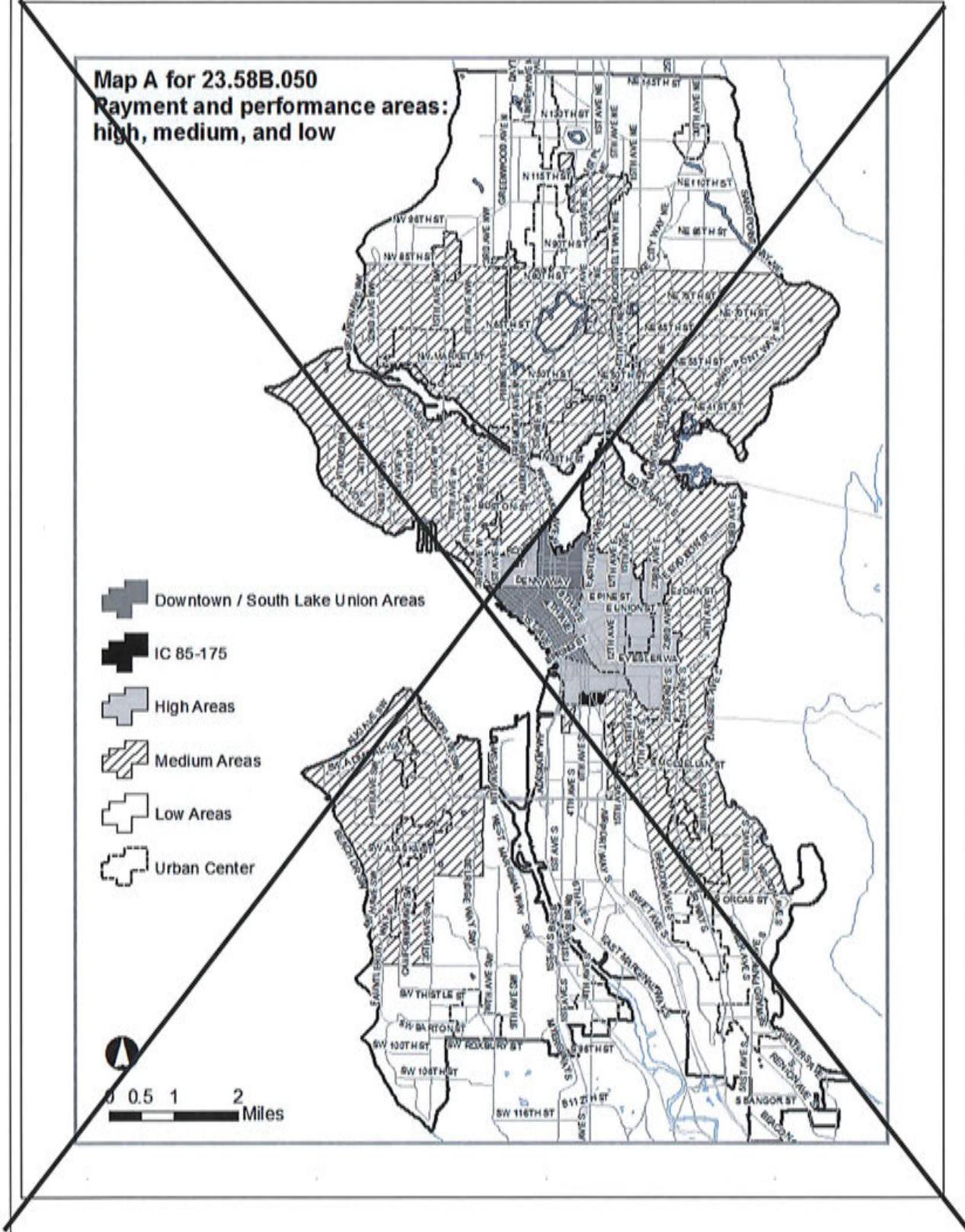
Table A for 23.58B.050	
Performance calculation amounts: In Downtown, SM-SLU and SM-U zones	
Zone	Performance calculation amount per square foot
IDM 85/85-170	5.0%
IDM 165/85-170	7.0%
IDR 45/125-270	5.0%
IDR 170	5.0%
IDR/C 125/150-270	7.0%
PMM-85	Not applicable
All PSM zones	Not applicable
SM-SLU 100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	5.0%
SM-SLU 175/85-280	6.8%
SM-SLU 240/125-440	6.1%
SM-SLU/R 65/95	5.0%
SM-SLU 100/95	5.0%
SM-SLU 145	5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

1

Table B for 23.58B.050			
Performance calculation amounts:			
Outside Downtown, SM-SLU, and SM-U zones			
Zone	Performance calculation amount per square foot		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	6.1%	6.1%	6.1%
Zones with an (M) suffix	5.0%	5.0%	5.0%
Zones with an (M1) suffix	8.0%	8.0%	8.0%
Zones with an (M2) suffix	9.0%	9.0%	9.0%
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

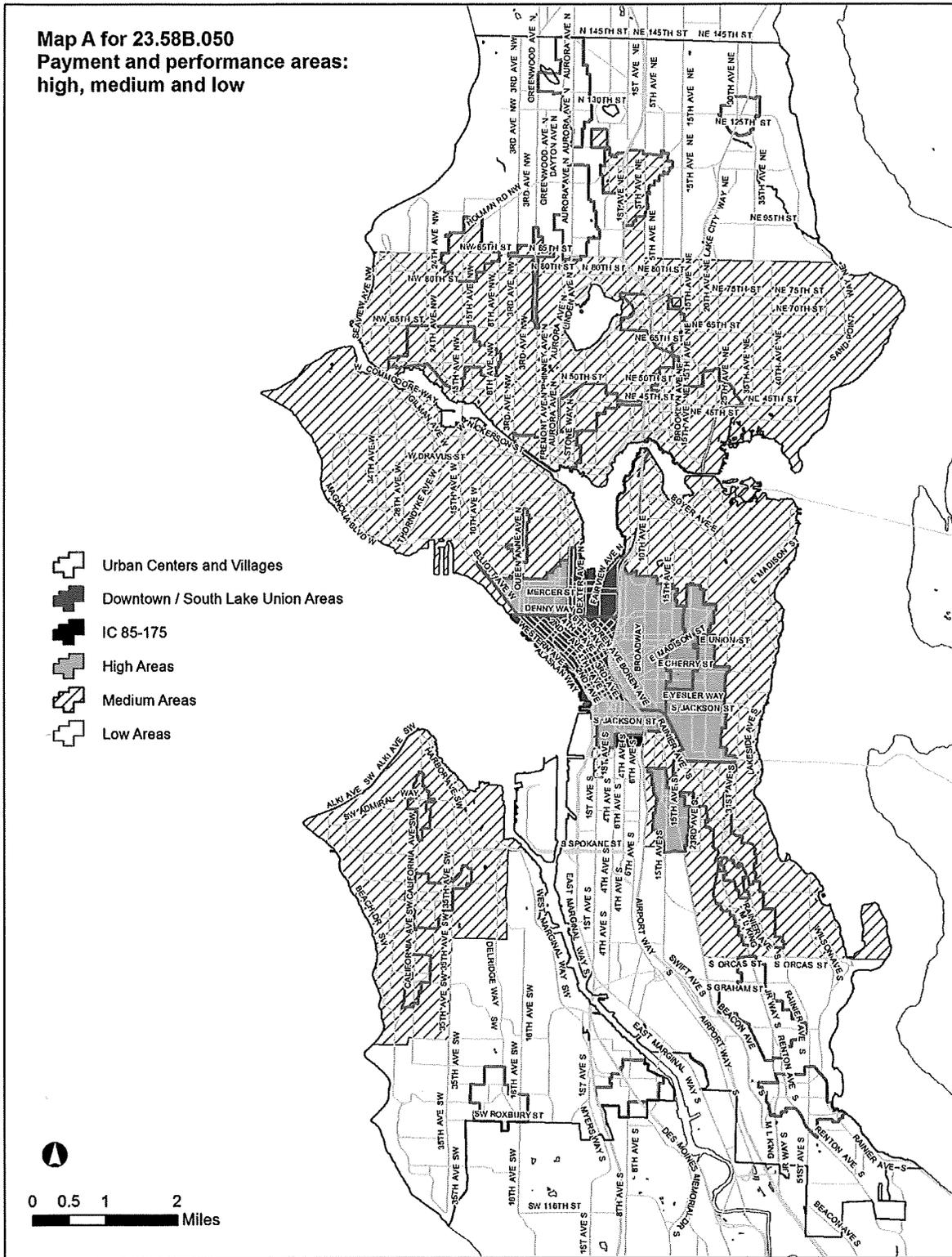
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1 **Map A for 23.58B.050**
2 **Payment and performance areas: high, medium, and low**



3

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1 B. Performance standards

2 1. General performance standards. All MHA-C housing shall meet the following
3 standards:

4 a. Duration. The obligation to provide MHA-C housing shall be for a
5 minimum period of 75 years from the date of issuance of the ~~((final Certificate of Occupancy))~~
6 certificate of occupancy, or if a ~~((Certificate of Occupancy))~~ certificate of occupancy is not
7 required, from the date of the final building permit inspection, for the MHA-C housing; provided
8 that, in the case of demolition of a structure containing both MHA-C housing provided according
9 to this Section 23.58B.050 and units provided to comply with Chapter 23.58C through the
10 performance option according to Section 23.58C.050, the obligation to provide MHA-C housing
11 shall last no longer than the time specified according to subsection 23.58C.050.B.1.b.1.

12 b. Tenure. MHA-C housing shall be rental housing for eligible households
13 according to subsection 23.58B.050.B.1.f.

14 c. Rent limits. Monthly rent for MHA-C housing shall not exceed 30
15 percent of 60 percent of median income or, in the case of any unit with net unit area of 400
16 square feet or less, 30 percent of 40 percent of median income. For purposes of this subsection
17 23.58B.050.B.1.c, "monthly rent" includes a utility allowance for heat, gas, electricity, water,
18 sewer, and refuse collection, to the extent such items are not paid for tenants by the owner, and
19 also includes any recurring fees that are required as a condition of tenancy.

20 d. Type. MHA-C housing shall be dwelling units, except for accessory
21 dwelling units or detached accessory dwelling units.

22 e. Comparability. MHA-C housing shall be comparable to the other
23 dwelling units to be developed in terms of the following:

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- 1 1) Number and size of bedrooms and bathrooms;
- 2 2) Net unit area measured as square feet;
- 3 3) Access to amenity areas;
- 4 4) Functionality; and
- 5 5) Term of the lease.

6 f. Eligible households. MHA-C housing shall serve only:

7 1) At initial occupancy by a household:

8 a) For a unit with net unit area of 400 square feet or less,
9 households with incomes no higher than 40 percent of median income; or

10 b) For a unit with net unit area of greater than 400 square
11 feet, households with incomes no higher than 60 percent of median income.

12 2) At the time of annual certification according to subsection
13 23.58B.050.B.1.m:

14 a) For a unit with net unit area of 400 square feet or less,
15 households with incomes no greater than 60 percent of median income;

16 b) For a unit with net unit area of greater than 400 square
17 feet, households with incomes no greater than 80 percent of median income.

18 g. Public subsidy. If any public subsidy, including the Multifamily
19 Housing Property Tax Exemption authorized by Chapter 5.73 and chapter 84.14 RCW, is used
20 for a development containing MHA-C housing, and as a condition of the public subsidy income
21 levels of occupants and the rents that may be charged for any units in the development are
22 restricted, the units provided to comply with this Chapter 23.58B shall be different units than the
23 units that are subject to such restrictions as a condition of the public subsidy.

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1 h. Time of completion. Except as provided according to subsection
2 23.58B.050.B.2.d, MHA-C housing shall be completed and ready for occupancy at or before the
3 time when a (~~final Certificate of Occupancy~~) certificate of occupancy is issued for the
4 development, or if a certificate of occupancy is not required, at or before the date of the final
5 building permit inspection, mitigating impacts according to this Chapter 23.58B, and shall be a
6 condition to any right of the applicant to such (~~Certificate of Occupancy~~) certificate of
7 occupancy.

8 i. Age of construction; distribution. MHA-C housing shall be newly
9 constructed and shall be generally distributed throughout the residential portion of the
10 development.

11 j. Affirmative marketing. MHA-C housing shall be affirmatively marketed
12 to attract eligible households from all racial, ethnic, and gender groups in the housing market
13 area of the property, particularly to inform and solicit applications from households who are
14 otherwise unlikely to apply for housing in the development. Proposed marketing efforts shall be
15 submitted to the Office of Housing for review and approval. Records documenting affirmative
16 marketing efforts shall be maintained and submitted to the Office of Housing upon request.

17 k. Reporting. At such times as may be authorized by the Director of
18 Housing, but no less than annually, and for as long as the agreement according to subsection
19 23.58B.050.B.1.q remains in effect, the owner of the MHA-C housing shall submit to the
20 Director of Housing a written report, verified upon oath or affirmation by the owner,
21 demonstrating compliance with this Chapter 23.58B. The written report shall state, at a
22 minimum, the occupancy and vacancy of each unit of MHA-C housing, the monthly rents
23 charged for each MHA-C housing unit, and the income and size of each household occupying the

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1 MHA-C housing. The Director of Housing may require other documentation to ensure
2 compliance with this subsection 23.58B.050.B and any agreement according to subsection
3 23.58B.050.B.1.q, including but not limited to documentation of rents, copies of tenant
4 certifications, and documentation supporting determinations of tenant income (including
5 employer's verification or check stubs), and other documentation necessary to track program
6 outcomes and the demographics of households served. The first annual report shall include
7 documentation of issuance of the ~~((final Certificate of Occupancy))~~ certificate of occupancy, or if
8 a certificate of occupancy is not required, the date of final building permit inspection, for the
9 MHA-C housing. The Director of Housing is authorized to assess a late fee of \$50 per day, to
10 accrue starting 14 days from the date the Office of Housing notifies the owner of the MHA-C
11 housing that the report is overdue, until the report is submitted.

12 1. Limitation on charges. Fees charged to eligible households upon move-
13 in or transfer within a development containing MHA-C housing shall be limited to a reasonable
14 level to be established by the Director of Housing by rule. No tenant of a rental unit may be
15 charged fees for income verifications or reporting requirements related to this Chapter 23.58B.

16 m. Annual certification, third party verification

17 1) The owner of the MHA-C housing shall obtain from each
18 tenant, no less than annually, a certification of household size and annual income in a form
19 acceptable to the City. The owner shall examine the income of each tenant household according
20 to 24 CFR 5.609, with guidance from the HUD Occupancy Handbook 4350.3, Chapter 5. The
21 owner also shall examine the income and household size of any tenant at any time when there is
22 evidence that the tenant's written statement was not complete or accurate. If so requested by the
23 City, the owner shall obtain such certifications and/or examine incomes and household sizes at

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1 o. Over-income households; unit substitution. If, based on any
2 certification, a previously eligible household occupying a unit of MHA-C housing is determined
3 to be ineligible due to exceeding the income limits according to subsection 23.58B.050.B.1.f, the
4 owner of the development containing the MHA-C housing shall, through the process according
5 to subsection 23.58B.025.A.5, designate a comparable substitute unit of MHA-C housing within
6 the development, as approved by the Director of Housing, as soon as such a unit becomes
7 available, and upon such designation the requirements according to this subsection 23.58B.050.B
8 shall transfer to the substitute unit. All of the comparable rental units in the development that
9 contains the MHA-C housing shall be considered potential comparable substitute replacement
10 units. Upon such determination that a previously eligible household is ineligible, the owner shall
11 promptly give the ineligible household notice of such determination and notice that the
12 requirements according to this subsection 23.58B.050.B shall transfer to a substitute unit when
13 such unit becomes available. Upon the transfer of the requirements, the owner shall give the
14 ineligible household six months' notice prior to any rent increase.

15 p. Maintenance, insurance. MHA-C housing, and the development in
16 which the MHA-C housing is located, shall be maintained by the owner in decent and habitable
17 condition, including the provision of adequate basic appliances. The owner shall keep the MHA-
18 C housing, and the development in which the MHA-C housing is located, insured by an
19 insurance company licensed to do business in the state of Washington and reasonably acceptable
20 to the City, against loss by fire and other hazards included with broad form coverage, in the
21 amount of 100 percent of the replacement value.

22 q. Agreement. The City and the owner of the MHA-C housing shall enter
23 into an agreement specifying the requirements according to this Section 23.58B.050. The

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1 agreement shall be recorded on the title of the property on which the MHA-C housing is located.
2 The requirements specified in the agreement shall be consistent with final plans for the MHA-C
3 housing.

4 r. Casualty

5 1) If a unit of MHA-C housing is destroyed or rendered unfit for
6 occupancy by casualty, the owner of the MHA-C housing shall, through the process according to
7 subsection 23.58B.025.A.5, designate a comparable substitute unit of MHA-C housing within the
8 development, as approved by the Director of Housing, as soon as such unit becomes available,
9 which the tenant household of the unit of MHA-C housing affected by casualty shall be allowed
10 to move into, and upon such designation the requirements according to subsection 23.58B.050.B
11 shall transfer to the substitute unit.

12 2) If any casualty loss results in the loss of the unit or units of
13 MHA-C housing for a period of one year or more, the duration according to subsection
14 23.58B.050.B.1.a shall be automatically extended beyond the original term hereof for a period
15 equal to the period of time for which the unit or units of MHA-C housing are not in service and
16 no comparable units of MHA-C housing have been provided and placed in service within the
17 development.

18 2. Additional performance standards. In addition to meeting the standards in
19 subsection 23.58B.050.B.1, MHA-C housing located on a site other than the same lot as the
20 development required to mitigate affordable housing impacts according to this Chapter 23.58B
21 shall meet the following additional standards:

22 a. Equal or better mitigation. The applicant shall demonstrate to the
23 satisfaction of the Director of Housing that affordable housing impact mitigation provided

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1 through the performance option on a site other than the same lot as the development required to
2 mitigate affordable housing impacts according to this Chapter 23.58B is equal to or better than
3 mitigation provided through performance on the same lot.

4 b. Location. MHA-C housing provided on a site other than the same lot as
5 the development required to mitigate affordable housing impacts according to this Chapter
6 23.58B shall be located:

7 1) Within the same urban center or urban village as the
8 development required to mitigate affordable housing impacts according to this Chapter 23.58B;
9 or

10 2) Within one mile of the development required to mitigate
11 affordable housing impacts according to this Chapter 23.58B if such development is located
12 outside of an urban center or urban village.

13 c. Developer's agreement. If the owner of the development required to
14 mitigate affordable housing impacts according to this Chapter 23.58B is not the owner of the
15 MHA-C housing, then in addition to the agreement required according to subsection
16 23.58B.050.B.1.q, the owner of the development required to mitigate affordable housing impacts
17 according to this Chapter 23.58B and the owner of the MHA-C housing shall execute a
18 developer's agreement, acceptable to the Director of Housing, allowing the exclusive use of the
19 MHA-C housing to satisfy the requirements according to this Chapter 23.58B in return for
20 necessary and adequate financial support to the development of that MHA-C housing.

21 d. Letter of credit

22 1) If the MHA-C housing is located on a site other than the same
23 lot as the development required to mitigate affordable housing impacts according to this Chapter

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1 B. Applicability. Except as provided according to subsection 23.58C.025.C, this Chapter
2 23.58C shall apply to development that includes units, whether such development occurs through
3 one or more of the following:

4 1. Construction of a new structure;

5 2. Construction of an addition to an existing structure that results in an increase in
6 the total number of units;

7 3. Alterations within an existing structure that result in an increase in the total
8 number of units; or

9 4. Change of use that results in an increase in the total number of units.

10 C. Development is exempt from the requirements of this Chapter 23.58C if it receives
11 public funding and/or an allocation of federal low-income housing tax credits, and is subject to a
12 regulatory agreement, covenant, or other legal instrument recorded on the property title and
13 enforceable by The City of Seattle, Washington State Housing Finance Commission, State of
14 Washington, King County, U.S. Department of Housing and Urban Development, or other
15 similar entity as approved by the Director of Housing, (1) which restricts at least 40 percent of
16 the residential units to occupancy by households earning no greater than 60 percent of median
17 income, and controls the rents that may be charged, for a minimum period of 40 years, or (2)
18 which restricts at least 40 percent of the residential units to be sold to households earning no
19 greater than 80 percent of median income, for a minimum period of 50 years. The sale price for
20 sales subsequent to the initial sale shall be calculated to allow modest growth in homeowner
21 equity while maintaining long-term affordability for future buyers. All buyers of such an
22 ownership unit subsequent to the initial sale shall be households with incomes no greater than 80
23 percent of median income at initial occupancy.

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1 D. Relationship to incentive zoning. Where the provisions of the zone refer to this Chapter
2 23.58C and where bonus residential floor area or extra residential floor area may be achieved
3 according to the provisions of the zone and/or Chapter 23.58A, the following provisions apply:

4 1. All requirements to provide low-income or moderate-income housing, or
5 affordable housing as defined in Section 23.58A.004, for achieving bonus residential floor area
6 or extra residential floor area according to the provisions of the zone and/or Chapter 23.58A shall
7 be satisfied solely by compliance with this Chapter 23.58C.

8 2. Any non-housing requirements for achieving bonus residential floor area or
9 extra residential floor area shall be satisfied according to the provisions of the zone and/or
10 Chapter 23.58A.

11 3. Extra residential floor area achieved in HR zones by transfer of development
12 potential, providing neighborhood open space, or providing a neighborhood green street setback
13 according to Section 23.45.516.B.2 shall be excluded from the gross floor area of the
14 development for purposes of Section 23.58C.040.A.1 and the units contained in such extra floor
15 area shall be excluded from the total number of units in the structure for purposes of Section
16 23.58C.050.A.1.

17 * * *

18 Section 96. Section 23.58C.040 of the Seattle Municipal Code, last amended by
19 Ordinance 125371, is amended as follows:

20 **23.58C.040 Affordable housing— (~~Payment~~) payment option**

21 A. Payment amount

22 1. An applicant complying with this Chapter 23.58C through the payment option
23 shall provide a cash contribution to the City, calculated by multiplying the payment calculation

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1 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
 2 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
 3 area of parking located in stories, or portions of stories, that are underground, and excluding any
 4 floor area devoted to a domestic violence shelter, as follows:

5 a. In the case of construction of a new structure, the gross floor area in
 6 residential use and the gross floor area of live-work units;

7 b. In the case of construction of an addition to an existing structure that
 8 results in an increase in the total number of units within the structure, the gross floor area in
 9 residential use and the gross floor area of live-work units in the addition;

10 c. In the case of alterations within an existing structure that result in an
 11 increase in the total number of units within the structure, the gross floor area calculated by
 12 dividing the total gross floor area in residential use and gross floor area of live-work units by the
 13 total number of units in the proposed development, and multiplying that quotient by the net
 14 increase in units in the structure;

15 d. In the case of change of use that results in an increase in the total
 16 number of units, the gross floor area that changed to residential use or live-work units; or

17 e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Payment calculation amount per square foot
DH1/45	Not ((Applicable)) <u>applicable</u>
DH2/55	Not ((Applicable)) <u>applicable</u>
DH2/75	\$12.75
DH2/85	Not ((Applicable)) <u>applicable</u>
DMC 75	\$12.75
DMC 85/75-170	\$20.75

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

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1 yearly basis shall be dedicated to support ownership housing. Dedicated funds may be committed
2 over multiple years based on availability of eligible projects.

3 2. Income levels

4 a. Rental housing supported by cash contributions shall be rent- and
5 income-restricted to serve households with incomes no greater than 60 percent of median income
6 for a minimum period of 50 years, with an expectation of ongoing affordability.

7 b. Ownership housing supported by cash contributions shall be priced to
8 serve and sold to households with incomes no greater than 80 percent of median income for a
9 minimum period of 50 years, with an expectation of ongoing affordability.

10 * * *

11 Section 97. Section 23.58C.050 of the Seattle Municipal Code, last amended by
12 Ordinance 125432, is amended as follows:

13 **23.58C.050 Affordable housing—performance option**

14 A. Performance amount

15 1. An applicant complying with this Chapter 23.58C through the performance
16 option shall provide, as part of the units to be developed in each structure, a number of units that
17 meet the requirements according to subsection 23.58C.050.C calculated by multiplying the
18 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
19 as applicable, by the total number of units to be developed in each structure, excluding units in a
20 domestic violence shelter.

21 2. If the number of units that meet the requirements according to subsection
22 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
23 applicant shall:

- 1 a. Round up to two units; or
- 2 b. Provide one dwelling unit that meets the requirements according to
- 3 subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
- 4 Housing.

5 3. If the number of units that meet the requirements according to subsection
6 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
7 includes a fraction of a unit, the applicant shall:

- 8 a. Round up to the nearest whole unit; or
- 9 b. Round down to the nearest whole unit and pay a cash contribution for
- 10 the fraction of a unit not otherwise provided, calculated by multiplying the payment calculation
- 11 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
- 12 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to
- 13 subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and
- 14 dividing the resulting number by the total number of units required to be provided based on the
- 15 calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this
- 16 subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

17 4. When the applicant elects to comply with this Chapter 23.58C through the
18 performance option for a development that contains multiple structures and the calculation
19 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,
20 the Director may, as a Type I decision in consultation with the Director of Housing, allow such
21 fractions of units to be combined, provided:

- 22 a. If the sum of the combined fractions of units calculated according to this
- 23 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

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1 1) Round up to two units; or
 2 2) Provide one dwelling unit that meets the requirements according
 3 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
 4 Housing;

5 b. If the sum of the combined fractions of units calculated according to
 6 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
 7 applicant shall:

8 1) Round up to the nearest whole unit; or
 9 2) Round down to the nearest whole unit and pay a cash
 10 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
 11 23.58C.050.A.3.b; and

12 c. The construction of the structure(s) containing the units that meet the
 13 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
 14 earlier time than completion of construction of other structures in the development containing
 15 units.

Table A for 23.58C.050 Performance calculation amounts: In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
DH1/45	Not ((Applicable)) applicable
DH2/55	Not ((Applicable)) applicable
DH2/75	5.0%
DH2/85	Not ((Applicable)) applicable
DMC 75	5.0%
DMC 85/75-170	7.0%
DMC 95	5.0%
DMC 145	5.1%

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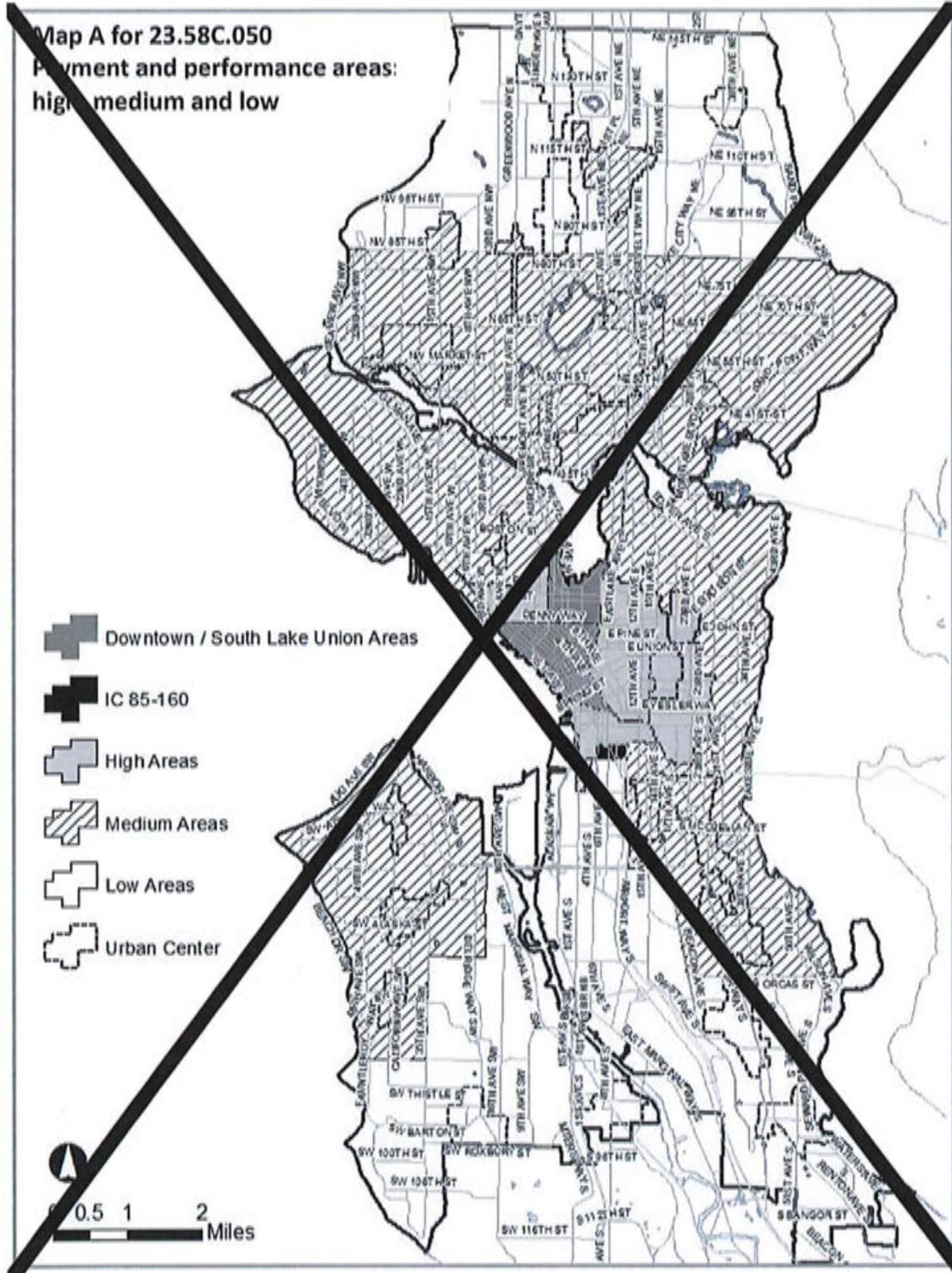
Table A for 23.58C.050	
Performance calculation amounts:	
In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
DMC 170	2.1%
DMC 240/290-440	3.2%
DMC 340/290-440	3.2%
DMR/C 75/75-95	7.0%
DMR/C 75/75-170	7.0%
DMR/C 95/75	5.0%
DMR/C 145/75	4.6%
DMR/C 280/125	5.1%
DMR/R 95/65	5.0%
DMR/R 145/65	4.6%
DMR/R 280/65	5.1%
DOC1 U/450-U	4.7%
DOC2 500/300-550	4.0%
DRC 85-170	3.9%
IDM-65-150	Not ((Applicable)) <u>applicable</u>
IDM-75-85	Not ((Applicable)) <u>applicable</u>
IDM 85/85-170	7.0%
IDM 165/85-170	7.0%
All IDR and IDR/C zones	7.0%
PMM-85	Not ((Applicable)) <u>applicable</u>
All PSM zones	Not ((Applicable)) <u>applicable</u>
SM-SLU 85/65-160	Not ((Applicable)) <u>applicable</u>
SM-SLU 85-280	3.9%
SM-SLU 100/95	2.9%
SM-SLU 100/65-145	3.0%
SM-SLU 145	3.0%
SM-SLU 175/85-280	3.9%
SM-SLU 240/125-440	3.9%
SM-SLU/R 65/95	5.0%
SM-U 85	6.0%

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Table B for 23.58C.050			
Performance calculation amounts			
Outside Downtown , SM-SLU, and SM-U 85 zones			
Zone	Percentage set-aside per total number of units to be developed in each structure		
	Low	Medium	High
Zones with an (M) suffix	((RESERVED)) 5.0%	((RESERVED)) 6.0%	7.0%
Zones with an (M1) suffix	((RESERVED)) 8.0%	9.0%	10.0%
Zones with an (M2) suffix	((RESERVED)) 9.0%	((RESERVED)) 10.0%	11.0%

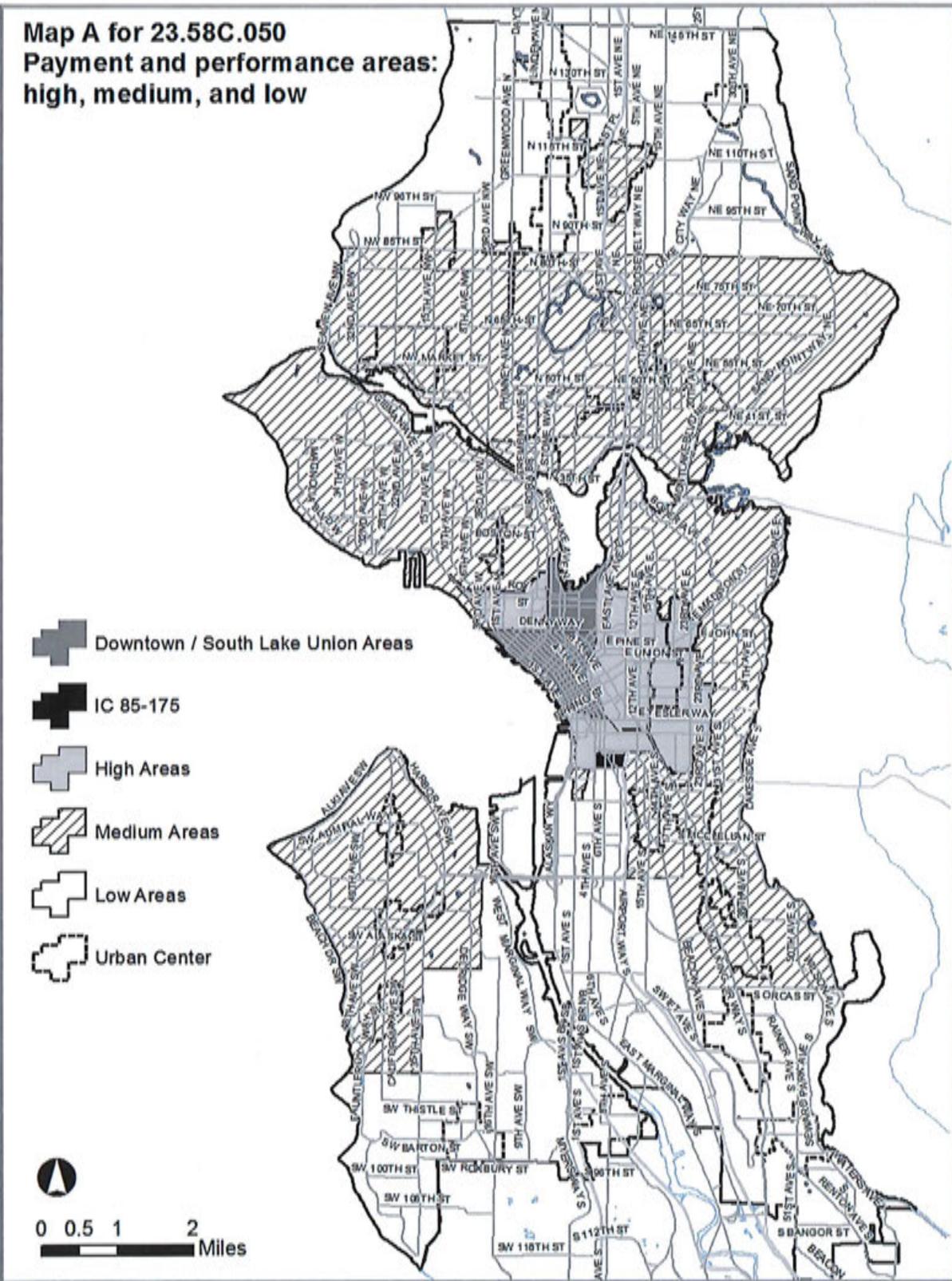
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- 1 **Map A for 23.58C.050**
- 2 **Payment and performance areas: high, medium, and low**



3

Map A for 23.58C.050
Payment and performance areas:
high, medium, and low



1
2

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1 C. Performance requirements. Units provided to comply with this Chapter 23.58C

2 through the performance option shall meet the following requirements:

3 1. Distribution. Units provided through the performance option shall be generally
4 distributed throughout each structure in the development containing units.

5 2. ~~((Unit size, type, and term of lease))~~ Comparability ~~((a-))~~ Units provided
6 through the performance option shall be comparable to the other units to be developed in terms
7 of the following:

8 ~~((1))~~ a. Status as a dwelling unit, live-work unit, or congregate residence
9 sleeping room;

10 ~~((2))~~ b. Number and size of bedrooms and bathrooms;

11 ~~((3))~~ c. Net unit area measured by square feet;

12 ~~((4))~~ d. Access to amenity areas;

13 ~~((5))~~ e. Functionality; and

14 ~~((6))~~ f. Term of the lease.

15 ~~((b. The bedroom and bathroom sizes for units provided through the
16 performance option shall be generally comparable to the bedroom and bathroom sizes for the
17 other units to be developed.))~~

18 3. Eligible households. Units provided through the performance option shall serve
19 only:

20 a. At initial occupancy by a household:

21 1) For a rental unit with net unit area of 400 square feet or less,
22 households with incomes no greater than 40 percent of median income;

1 restrictions on the income levels of occupants and the rents or sale prices that may be charged,
2 the units provided to comply with this Chapter 23.58C shall be different units than the units that
3 are subject to such restrictions as a condition of the public subsidy.

4 6. Additional requirements for rental units provided through the performance
5 option

6 a. Rent levels. Monthly rent shall not exceed 30 percent of 60 percent of
7 median income or, in the case of rental units with net unit area of 400 square feet or less, 30
8 percent of 40 percent of median income. For purposes of this subsection 23.58C.050.C.6.a,
9 “monthly rent” includes a utility allowance for heat, gas, electricity, water, sewer, and refuse
10 collection, to the extent such items are not paid for tenants by the owner, and any recurring fees
11 that are required as a condition of tenancy.

12 b. Limitation on charges. Fees charged to eligible households upon move-
13 in or transfer within the development shall be limited to a reasonable level to be established by
14 the Director of Housing by rule. No tenant of a rental unit may be charged fees for income
15 verifications or reporting requirements related to this Chapter 23.58C.

16 c. Annual certification, third party verification

17 1) The owner of the rental unit shall obtain from each tenant, no
18 less than annually, a certification of household size and annual income in a form acceptable to
19 the City. The owner shall examine the income of each tenant household in accordance with 24
20 CFR 5.609, with guidance from the HUD Occupancy Handbook 4350.3, Chapter 5. The owner
21 also shall examine the income and household size of any tenant at any time when there is
22 evidence that the tenant’s written statement was not complete or accurate. If so requested by the
23 City, the owner shall obtain such certifications and/or examine incomes and household sizes at

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1 determinations of tenant income (including employer's verification or check stubs), and other
2 documentation necessary to track program outcomes and the demographics of households
3 served. The first annual report shall include documentation of issuance of the certificate of
4 occupancy or final building permit inspection for the rental unit. The Director of Housing is
5 authorized to assess a late fee of \$50 per day, to accrue starting 14 days from the date the Office
6 of Housing notifies the owner of the rental unit that the report is overdue, until the report is
7 submitted.

8 e. Annual fee. The owner of the rental unit shall pay the Office of Housing
9 an annual fee of \$150 per rental unit for the purposes of monitoring compliance with the
10 requirements according to this Section 23.58C.050. On March 1, 2017, and on the same day each
11 year thereafter, the annual fee shall automatically adjust in proportion to the annual change for
12 the previous calendar year (January 1 through December 31) in the Consumer Price Index, All
13 Urban Consumers, Seattle-Tacoma-~~(Bremerton)~~Bellevue, WA, All Items (1982-1984 = 100),
14 as determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

15 f. Over-income households; unit substitution. If, based on any
16 certification, a previously eligible household occupying a rental unit provided through the
17 performance option is determined to be ineligible due to exceeding the income limits according
18 to subsection 23.58C.050.C.3.b, the owner of the development to which this Chapter 23.58C
19 applies shall, through the process according to subsection 23.58C.030.A.6, designate a
20 comparable substitute rental unit within the development, as approved by the Director of
21 Housing, as soon as such a unit becomes available, and upon such designation the requirements
22 according to this subsection 23.58C.050.C shall transfer to the substitute unit. Upon such
23 determination that a previously eligible household is ineligible, the owner shall promptly give the

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1 ineligible household notice of such determination and notice that the requirements according to
2 this subsection 23.58C.050.C will transfer to a substitute unit when such unit becomes available.
3 Upon the transfer of the requirements, the owner shall give the ineligible household six months'
4 notice prior to any rent increase.

5 g. Maintenance, insurance. Rental units provided through the performance
6 option, and the structure in which they are located, shall be maintained by the owner in decent
7 and habitable condition, including the provision of adequate basic appliances. The owner shall
8 keep such units, and the structure in which they are located, insured by an insurance company
9 licensed to do business in the state of Washington and reasonably acceptable to the City, against
10 loss by fire and other hazards included with broad form coverage, in the amount of 100 percent
11 of the replacement value.

12 h. Casualty

13 1) If a rental unit provided through the performance option is
14 destroyed or rendered unfit for occupancy by casualty that does not affect all of the other units in
15 the development to which this Chapter 23.58C applies, the owner of the development shall,
16 through the process according to subsection 23.58C.030.A.6, designate a comparable substitute
17 rental unit within the development, as approved by the Director of Housing, as soon as such a
18 unit becomes available, which the tenant household of the unit affected by casualty shall be
19 allowed to move into, and upon such designation the requirements according to this subsection
20 23.58C.050.C shall transfer to the substitute unit.

21 2) If all of the units in the development to which this Chapter
22 23.58C applies are substantially destroyed by casualty, including by earthquake or fire, the
23 requirements according to this subsection 23.58C.050.C shall terminate.

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1 i. Conversion to ownership housing. If all of the units to whose
2 development this Chapter 23.58C applies according to subsection 23.58C.025.B in a structure are
3 converted to ownership housing, including through a conversion to condominiums, prior to 75
4 years from the date of certificate of occupancy or, if a certificate of occupancy is not required,
5 from the date of the final building permit inspection, for the development to which this Chapter
6 23.58C applies according to subsection 23.58C.025.B:

7 1) The owner of the development shall, at the time of such
8 conversion, either pay to the City a payment in lieu of continuing affordability or convert the
9 rental units provided through the performance option to ownership units provided through the
10 performance option, as follows:

11 a) Where a payment in lieu of continuing affordability is
12 made, the amount of the payment shall be equal to the amount of the cash contribution according
13 to subsection 23.58C.040.A that would have been required at the time of issuance of the first
14 building permit that includes the structural frame for the structure if the applicant had elected the
15 payment option, adjusted for each calendar year following issuance of that permit in proportion
16 to the annual ~~((change))~~ increase in the Consumer Price Index, All Urban Consumers, Seattle-
17 Tacoma- ~~((Bremerton))~~ Bellevue, WA, ~~((All Items))~~ Shelter (1982-1984 = 100), as determined
18 by the U.S. Department of Labor, Bureau of Labor Statistics or successor index, multiplied times
19 the percentage in Table C for 23.58C.050 that corresponds to the number of years that the rental
20 units provided through the performance option satisfied the requirements according to this
21 subsection 23.58C.050.C. The City shall use the payment to support continued housing
22 affordability in The City of Seattle consistent with applicable statutory requirements.

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1 j. Demolition or change of use

2 1) If the units to whose development this Chapter 23.58C applies
3 according to subsection 23.58C.025.B are in a single structure and the structure is demolished, or
4 its use is changed, prior to 75 years from the date of certificate of occupancy or, if a certificate of
5 occupancy is not required, from the date of the final building permit inspection, for the
6 development to which this Chapter 23.58C applies according to subsection 23.58C.025.B, so as
7 to eliminate all of the units to whose development this Chapter 23.58C applies according to
8 subsection 23.58C.025.B in that structure, the owner of the development shall pay to the City a
9 payment in lieu of continuing affordability for each rental unit provided through the performance
10 option that is eliminated, as follows:

11 a) The payment shall be based on the difference between
12 the monthly restricted rent according to subsection 23.58C.050.C.6.a for each rental unit
13 provided through the performance option that is eliminated and the average monthly rent of a
14 comparable unit according to subsection 23.58C.050.C.2 that is not subject to rent and income
15 restrictions and is located in the same payment and performance area as shown on Map A for
16 23.58C.050, multiplied by the typical number of months between demolition of multifamily
17 housing on a property and completion of redevelopment of a property in the zone in which the
18 eliminated rental unit is located, not to exceed 30 months. The Director shall by rule establish an
19 appropriate methodology and inputs for determining the payment amount in particular zones.

20 b) The City shall use the payment to support continued
21 housing affordability in The City of Seattle, including but not limited to providing rental
22 assistance to the tenants of rental units provided through the performance option that were
23 eliminated.

1 7. Additional requirements for ownership units provided through the performance
2 option

3 a. Affordable sale price; down payment. The initial sales price for an
4 ownership unit provided through the performance option shall be an amount according to which
5 total ongoing housing costs do not exceed 35 percent of 65 percent of median income, in order to
6 allow for equity growth for individual homeowners while maintaining affordability for future
7 buyers. The Director of Housing shall establish by rule the method for calculating the initial sales
8 price including standard assumptions for determining upfront housing costs, including the down
9 payment, and ongoing housing costs, which shall include mortgage principal and interest
10 payments, homeowner's insurance payments, homeowner or condominium association dues and
11 assessments, and real estate taxes and other charges included in county tax billings. The Director
12 of Housing may establish a maximum down payment amount for eligible households at initial
13 sale of an ownership unit. The applicant for the development to which this Chapter 23.58C
14 applies shall be responsible for any costs incurred in the initial sale of an ownership unit
15 necessary to ensure compliance with this Chapter 23.58C, including but not limited to marketing
16 to eligible households, income verification, buyer education, and verification of buyer financing.

17 b. Affordable resale price. For an ownership unit provided through the
18 performance option, the sale price for sales subsequent to the initial sale shall be calculated to
19 allow modest growth in homeowner equity while maintaining long-term affordability for future
20 buyers. All buyers of an ownership unit subsequent to the initial sale shall be households with
21 incomes no greater than 80 percent of median income at initial occupancy. The Director of
22 Housing shall by rule:

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1 calendar year (January 1 through December 31) in the Consumer Price Index, All Urban
2 Consumers, Seattle-Tacoma-~~((Bremerton))~~Bellevue, WA, All Items (1982-1984 = 100), as
3 determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

4 e. Ongoing stewardship. Either prior to or subsequent to the initial sale,
5 the Director of Housing is authorized to designate an agency or organization with sufficient
6 capacity, as approved by the Director of Housing, to perform ongoing stewardship and
7 management functions for ownership units provided through the performance option, including
8 but not limited to the following:

- 9 1) Calculating maximum sale prices;
- 10 2) Marketing sales to eligible households;
- 11 3) Screening, educating, and selecting eligible households;
- 12 4) Approving buyer financing; and
- 13 5) Managing successive resales to eligible households.

14 8. Additional requirements for units provided through the performance option on
15 a site other than the same lot as the development required to comply with this Chapter 23.58C:

16 a. Equal or better – comparability of units. The applicant shall demonstrate
17 to the satisfaction of the Director of Housing that units provided through the performance option
18 on a site other than the same lot as the development required to comply with this Chapter 23.58C
19 are equal to or better than units provided through performance on the same lot.

20 b. Location. Units provided through the performance option on a site other
21 than the same lot as the development required to comply with this Chapter 23.58C shall be
22 located in a Lowrise or Residential Small Lot zone. In addition, units shall be located:

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1 1) Within the same urban center or urban village as the
2 development required to comply with this Chapter 23.58C; or

3 2) Within one mile of the development required to comply with
4 this Chapter 23.58C if such development is located outside of an urban center or urban village.

5 c. Tenure. Units provided through the performance option on a site other
6 than the same lot as the development required to comply with this Chapter 23.58C shall be
7 ownership units and shall comply with all additional requirements for ownership units according
8 to subsection 23.58C.050.C.7.

9 d. Public subsidy. If any public subsidy is used for a development, and the
10 public subsidy operates through subjecting units in the development to restrictions on the income
11 levels of occupants and the rents or sale prices that may be charged, the development shall not be
12 eligible to provide units through the performance option according to subsection 23.58C.050.C.8.

13 e. Developer's agreement. If the owner of the development required to
14 comply with this Chapter 23.58C is not the owner of the units provided through the performance
15 option, then in addition to the agreement required according to subsection 23.58C.050.E, the
16 owner of the development required to comply with this Chapter 23.58C and the owner of the
17 units provided through the performance option shall execute a developer's agreement, acceptable
18 to the Director of Housing, allowing the exclusive use of the units provided through the
19 performance option to satisfy the requirements according to this Chapter 23.58C in return for
20 necessary and adequate financial support to the development of those units provided through the
21 performance option.

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1 Section 98. Section 23.58D.002 of the Seattle Municipal Code, enacted by Ordinance
2 125163, is amended as follows:

3 **23.58D.002 Green building standard**

4 A. When a commitment to meet the green building standard is required (~~((to qualify for~~
5 ~~additional height or extra floor area))~~ in the applicable zone, the owner shall make a commitment
6 that the proposed development will meet the green building standard, or a substantially
7 equivalent or superior standard, and shall demonstrate compliance with that commitment in
8 accordance with the provisions of Section 23.58D.004.

9 B. If a site contains existing structures developed according to a version of the Land Use
10 Code in effect before April 19, 2011, the existing structures and any additions to those structures
11 are not required to be upgraded to the current green building standard. ~~((to qualify for additional~~
12 ~~height or extra floor area for those structures.))~~ Any entirely new structure proposed to be built
13 on the lot shall meet the current green building standard. ~~((to gain the extra FAR for the site or~~
14 ~~additional height for the structure.))~~ If a ~~((structure is))~~ site contains existing structures
15 developed ((under)) according to a version of the Land Use Code in effect on or after April 19,
16 2011, ((and was not built using all available extra FAR, then in order for the structure or addition
17 to gain the extra FAR,)) the ((structure)) existing structures and any additions to those structures
18 shall be updated to the current green building standard.

19 C. The Director shall adopt and amend rules establishing the green building standard and
20 enabling an owner to demonstrate compliance with a commitment to meet the standard using a
21 substantially equivalent or superior standard.

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1 Section 99. Section 23.58D.006 of the Seattle Municipal Code, last amended by
2 Ordinance 125492, is amended as follows:

3 **23.58D.006 Penalties**

4 * * *

5 C. Failure to comply with the owner's commitment that the development will meet the
6 green building standard is a violation of the Land Use Code independent of the failure to
7 demonstrate compliance; however, failure to comply with the owner's commitment shall not
8 affect the right to occupy any ~~((extra))~~ floor area, and if a penalty is paid in the amount
9 determined under subsection 23.58D.006.B, no additional penalty shall be imposed for the
10 failure to comply with the commitment.

11 D. In addition to the owner, the applicant for the development for which ~~((additional
12 height or extra floor area was obtained in exchange for))~~ a commitment to meet the green
13 building standard was required shall be jointly and severally responsible for compliance and
14 liable for any penalty imposed pursuant to this Section 23.58D.006.

15 * * *

16 Section 100. Section 23.71.030 of the Seattle Municipal Code, last amended by
17 Ordinance 123495, is amended as follows:

18 **23.71.030 Development standards for transition areas within the Northgate Overlay
19 District**

20 A. To promote compatibility between different types and intensities of development
21 located within and along the boundary of the Northgate Overlay District, a transition shall be
22 provided between zones where different intensities of development may occur.

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1 B. The requirements of this Section 23.71.030 apply to development on lots in the more
2 intensive zones under the following conditions:

3 1. Where a lot zoned (~~(Lowrise 3, (LR3),)~~) Midrise (MR) (~~(, Midrise/85~~
4 (~~MR/85~~)) or Highrise (HR) abuts or is across (~~(a street or)~~) an alley from a lot zoned (~~(Single-~~
5 ~~Family)~~) Single-family (~~((SF))~~), Lowrise 1 (LR1), or Lowrise 2 (LR2); and

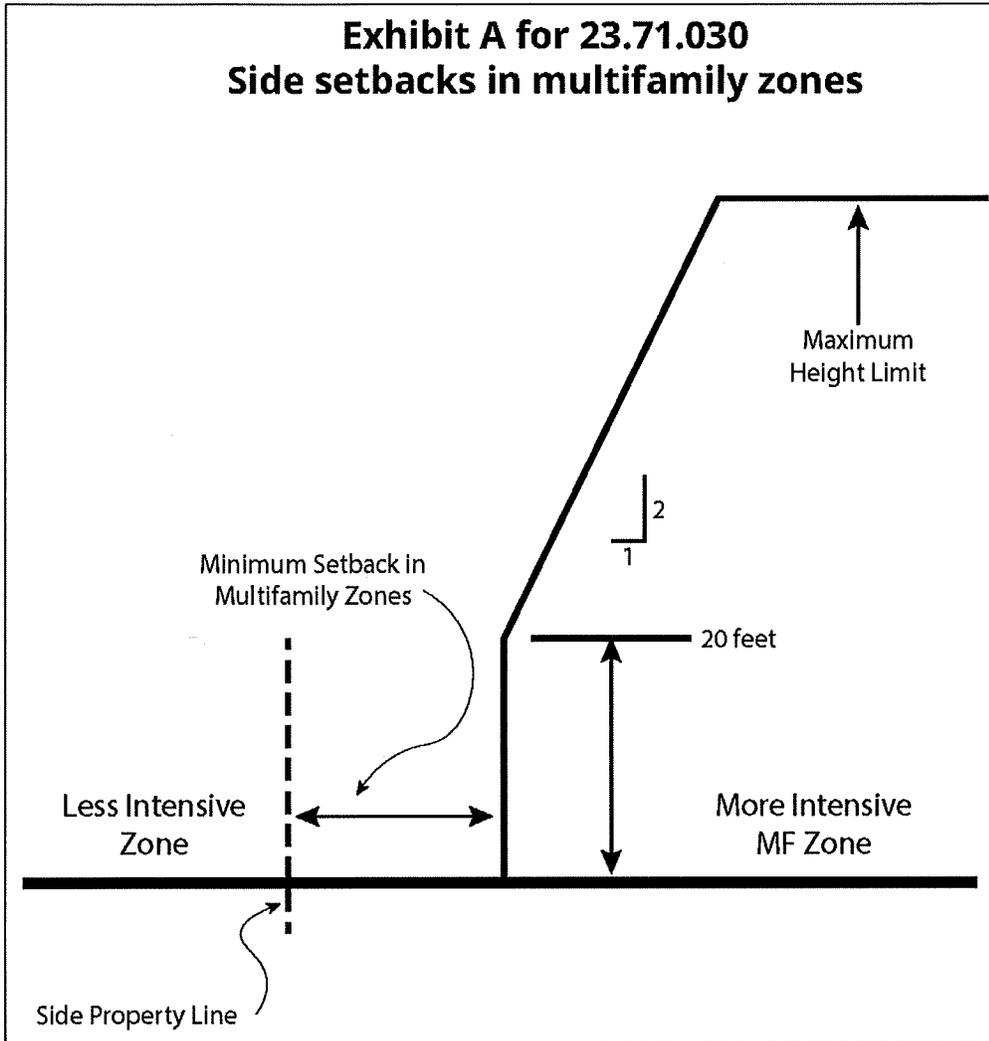
6 2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height
7 limit of 40 feet or greater abuts or is across (~~(a street or)~~) an alley from a lot zoned (~~(Single-~~
8 ~~Family)~~) Single-family (~~((SF))~~), Lowrise 1 (LR1), or Lowrise 2 (LR2).

9 C. Side (~~(Setbacks Abutting)~~) setbacks abutting or (~~(Aeross)~~) across an (~~(Alley.)~~) alley

10 1. For (~~(multifamily)~~) structures in multifamily zones, an additional side setback
11 of (~~(one (1))~~) 1 foot for each (~~(two (2))~~) 2 feet of a structure height above (~~(twenty (20))~~) 20 feet
12 is required (Exhibit (~~(23.71.032-A)~~) A for 23.71.030).

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1 **Exhibit A for 23.71.030**
2 **Side setbacks in multifamily zones**

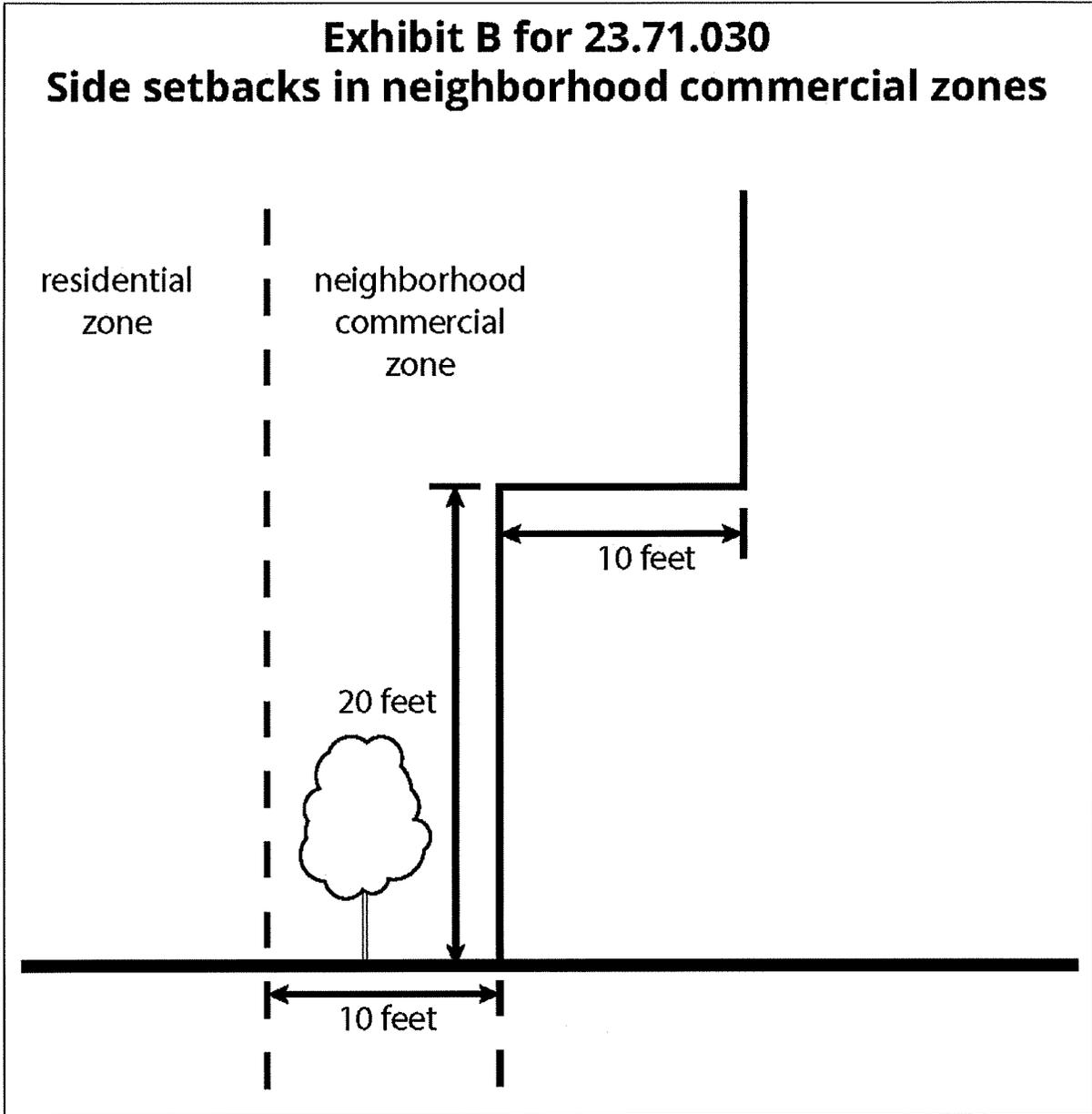


3
4 2. ((A)) For structures in C or NC zones, a side setback of ((ten (10))) 10 feet is
5 required for all portions of ((a commercial or mixed-use)) the structure ((twenty (20))) 20 feet or
6 less in height ((Exhibit 23.71.032 B.

7 3. An)) and an additional side setback of ((ten (10))) 10 feet is required for all
8 portions of ((a commercial or mixed-use)) the structure exceeding ((twenty (20))) 20 feet
9 (Exhibit ((23.71.032 B)) B for 23.71.030).

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- 1 **Exhibit B for 23.71.030**
- 2 **Side setbacks in neighborhood commercial zones**



- 3
- 4 ((4)) 3. Side setbacks shall be landscaped within ((five (5))) 5 feet of the abutting
- 5 property line, unless the setback is used for parking, in which case the parking area shall be
- 6 screened as otherwise required by this ((code)) Title 23.

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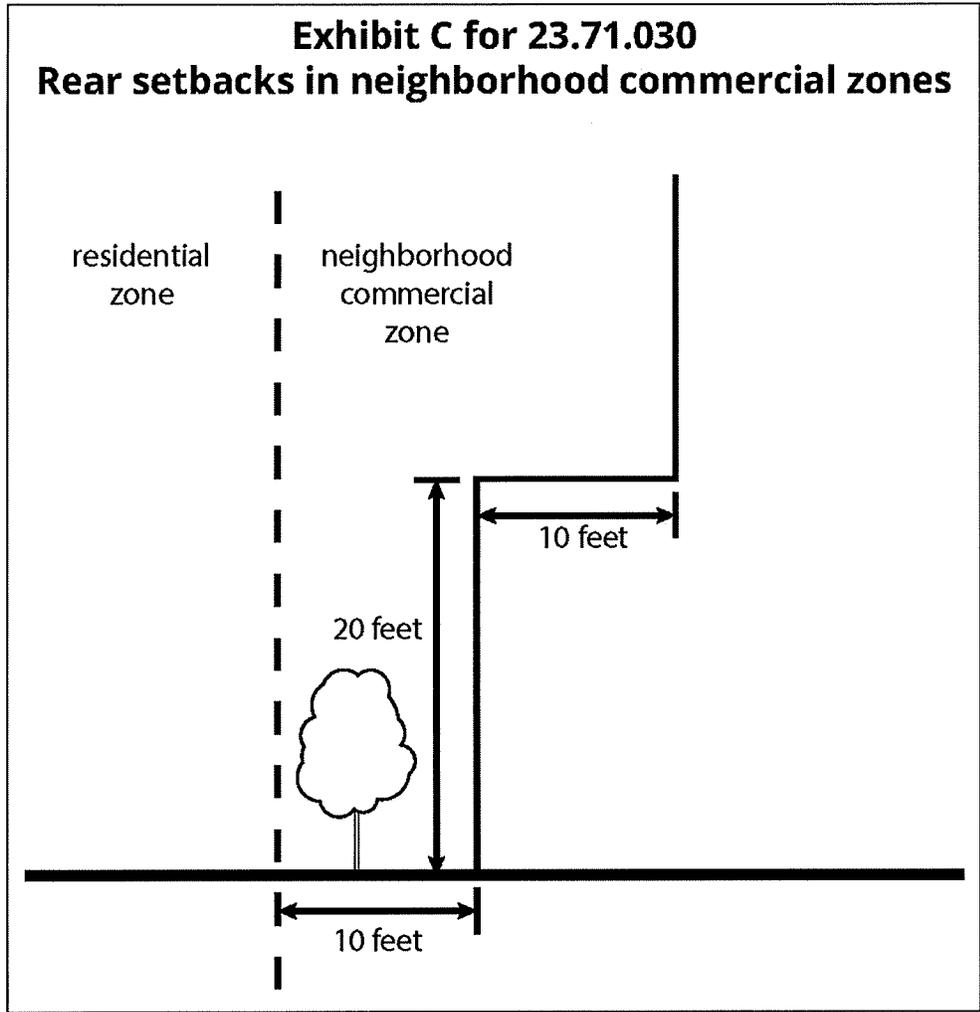
1 D. Rear (~~(Setbacks Abutting or Across an Alley.)~~) setbacks abutting or across an alley

2 1. For (~~(multifamily)~~) structures in multifamily zones, a rear setback of (~~(twenty~~
3 (~~20~~)) 20 feet is required or the minimum required by the standards of the underlying zone (~~(for~~
4 ~~multifamily structures)~~), whichever is greater.

5 2. (~~(A)~~) For structures in C or NC zones, a rear setback of (~~(ten (10))~~) 10 feet is
6 required for all portions of (~~(a commercial or mixed use)~~) the structure (~~(twenty (20))~~) 20 feet or
7 less in height (~~((Exhibit 23.71.032 C). 3. An)~~) and an additional rear setback of (~~(ten (10))~~) 10
8 feet is required for all portions of (~~(a commercial or mixed use)~~) the structure exceeding (~~(twenty~~
9 (~~20~~)) 20 feet (Exhibit (~~(23.71.032 C)~~) C for 23.71.030).

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1 **Exhibit C for 23.71.030**
2 **Rear setbacks in neighborhood commercial zones**



3
4 ((4)) 3. Rear setbacks shall be landscaped unless used for parking, in which case
5 the parking area shall be screened and landscaped as otherwise required by this ((code)) Title 23.

6 ((E. Side or Rear Setbacks for Multifamily Structures Abutting a Street. A side or rear
7 setback of eight (8) feet, or the minimum required for multifamily structures by the underlying
8 zone, whichever is greater, is required for portions of a multifamily structure thirty (30) feet or
9 less in height along all street rights-of-way less than eighty (80) feet wide across from the less
10 intensive zone. Portions of a multifamily structure in excess of thirty (30) feet in height shall be

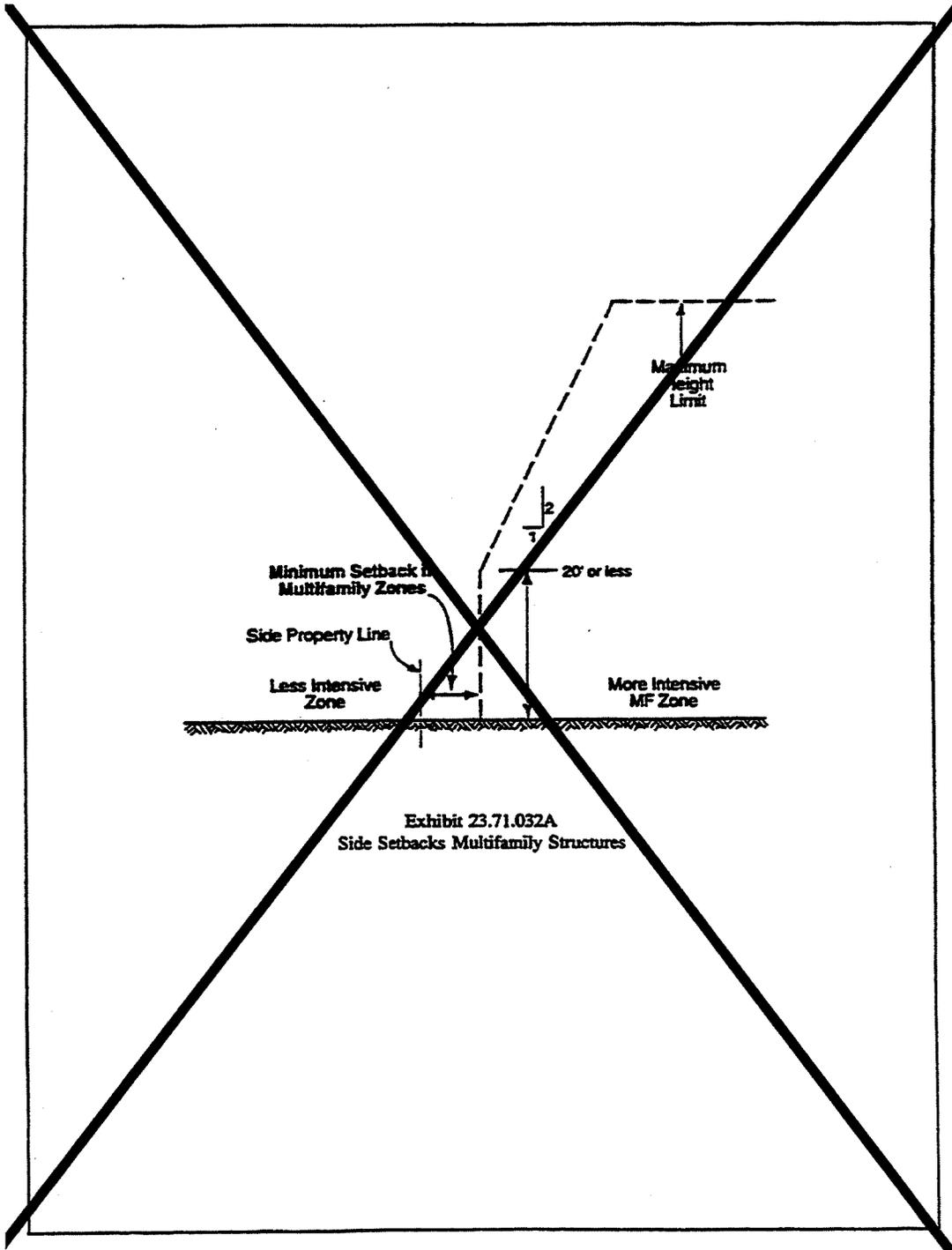
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1 ~~set back an additional one (1) foot for each two (2) feet of structure height above thirty (30) feet~~
2 ~~(Exhibit 23.71.032D).~~

3 ~~F. Front Setbacks for Multifamily Structures Abutting a Street. Where the front lot line of~~
4 ~~the more intensively zoned lot is across a street right-of-way which is less than eighty (80) feet~~
5 ~~wide from the less intensively zoned lot, the minimum front setback shall be ten (10) feet for all~~
6 ~~portions of a multifamily structure thirty (30) feet or less in height. For portions of a structure~~
7 ~~exceeding thirty (30) feet in height, an additional front setback of one (1) foot for every two (2)~~
8 ~~feet of structure height in excess of thirty (30) feet shall be required (Exhibit 23.71.032E).~~

9 ~~G. Setbacks for Commercial or Mixed Use Structures Abutting a Street. No side or rear~~
10 ~~setback abutting a street is required for the portion of commercial or mixed use structures~~
11 ~~containing street level retail sales and service uses oriented towards the street. Where blank~~
12 ~~walls, parking or other nonretail sales and service uses occupy portions of the structure facing the~~
13 ~~street a five (5) foot setback shall be required and screened and landscaped as required by the~~
14 ~~underlying zone.)~~

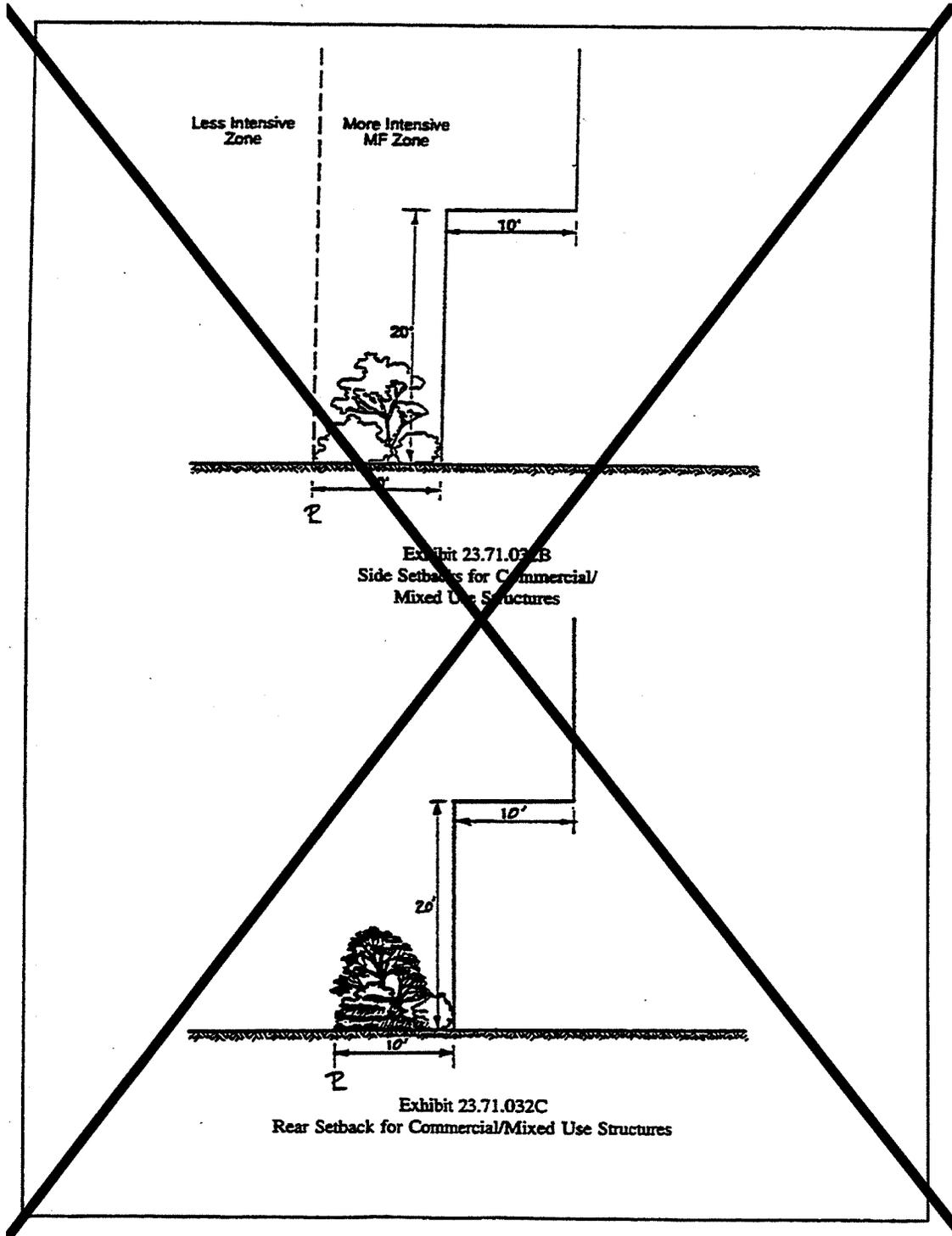
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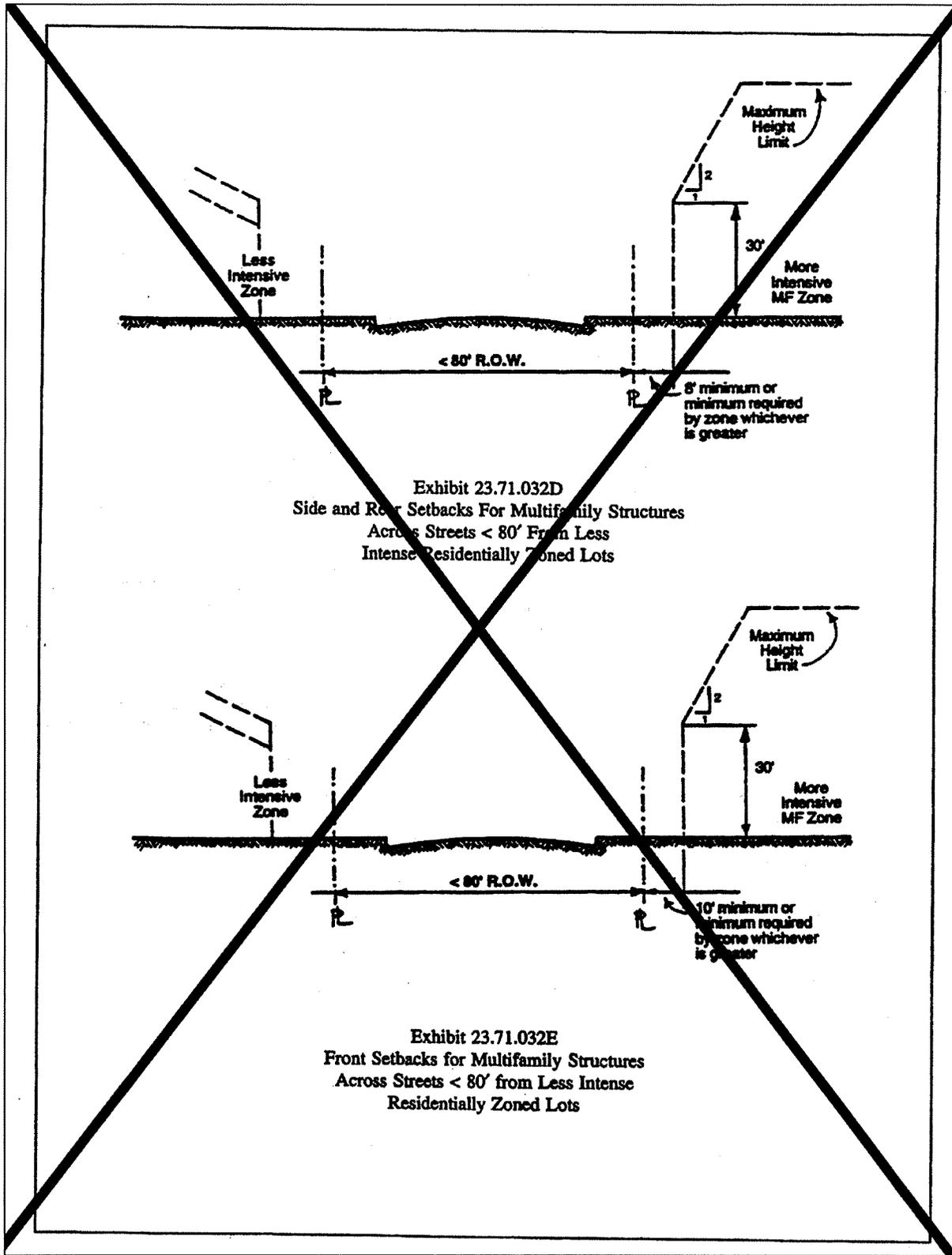
1 ((Exhibits 23.71.032B, 23.71.032C))



2

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1 ((Exhibits 23.71.032D, 23.71.032E))



2

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1 Section 101. Section 23.71.040 of the Seattle Municipal Code, enacted by Ordinance
2 116795, is repealed:

3 ~~((23.71.040 Density limits for residential uses in commercial zones within the Northgate~~
4 ~~Overlay District.~~

5 A. Residential uses in commercial zones with a thirty (30) foot height limit may not
6 exceed a density of one (1) dwelling unit for every eight hundred (800) square feet of lot area.

7 B. Residential uses in commercial zones with a forty (40) foot height limit may not
8 exceed a density of one (1) dwelling unit for every six hundred (600) square feet of lot area.

9 C. There is no density limit for residential use in commercial zones with height limits of
10 sixty five (65) feet or greater.

11 D. Development meeting the requirements for mixed use as provided in Section
12 23.71.038 is allowed a twenty (20) percent increase in permitted density over the density
13 permitted by subsections A and B of this section.))

14 Section 102. Section 23.73.009 of the Seattle Municipal Code, last amended by
15 Ordinance 125429, is amended as follows:

16 **23.73.009 Floor area ((ratio))**

17 A. For lots with residential uses only, or lots that include both residential and non-
18 residential uses, the total FAR ((limits in Section 23.47A.013 for the underlying zone apply))
19 limit shall not exceed 3.75, except as provided in this Section 23.73.009 and in Section
20 23.73.024 for projects using transfer of development potential. ((, and provided the gross floor
21 area of non-residential uses does not exceed 2 FAR, except as permitted in subsection
22 23.73.009.B.))

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1 B. ~~((Non-residential))~~ The gross floor area of non-residential uses ((are)) is limited to a
2 maximum of 2.25 FAR, except ~~((that for development on a lot that meets one of the following~~
3 ~~conditions, the FAR limits for non-residential uses in Section 23.47A.013 for the underlying~~
4 ~~zone applies:))~~ as provided in this Section 23.73.009 and in Section 23.73.024 for projects using
5 transfer of development potential.

6 C. For development on a lot that meets one of the following conditions, the FAR limits in
7 subsections 23.47A.013.A and 23.47A.013.B do not apply and the FAR limits for the underlying
8 zone apply instead:

9 1. A character structure has not existed on the lot since January 18, 2012; or
10 2. For lots that include a character structure, all character structures on the lot are
11 retained according to Section 23.73.015 ~~((, unless))~~ or a departure is approved through the design
12 review process to allow the removal of a character structure based on the provisions of
13 subsection 23.41.012.B. If the lot includes a character structure that has been occupied by
14 residential uses since January 18, 2012, the same amount of floor area in residential uses shall be
15 retained in that structure, unless a departure is approved through the design review process to
16 allow the removal of the character structure based on the provisions of subsection 23.41.012.B.
17 The owner of the lot shall execute and record in the King County real property records an
18 agreement to provide for the maintenance of the required residential uses for the life of the
19 project.

20 ~~((C))~~ D. In addition to the floor area exempt under the provisions of the underlying zone,
21 the following floor area is exempt from the calculation of gross floor area subject to an FAR
22 limit:

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- 1 1. The following street-level uses complying with the standards of Section
2 23.47A.008 and subsection 23.73.008.B:
 - 3 a. General sales and services;
 - 4 b. Major durables retail sales;
 - 5 c. Eating and drinking establishments;
 - 6 d. Museums;
 - 7 e. Religious facilities;
 - 8 f. Libraries; and
 - 9 g. Automotive retail sales and service uses located within an existing
10 structure or within a structure that retains a character structure as provided in Section 23.73.015.
- 11 2. Floor area used for theaters or arts facilities, ~~((, which for the purposes of this~~
12 ~~Section 23.73.009 only, may be operated either by for-profit or not-for-profit organizations.))~~
- 13 3. All floor area in residential use in a development that retains all character
14 structures on the lot as provided in Section 23.73.015, or that uses the transfer of development
15 potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a
16 departure is approved through the design review process to allow the removal of a character
17 structure based on the provisions of subsection 23.41.012.B.
- 18 4. In areas where the underlying zoning is ~~((NC3P-65))~~ NC3P-75, all floor area in
19 any use if the lot that is to be developed is 8,000 square feet or less in area and has been either
20 vacant or in parking use since February 27, 1995.
- 21 5. Floor area in non-residential use within a character structure that meets the
22 minimum requirements for retaining a character structure in subsection 23.73.024.C.4, provided

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1 that the non-residential use does not displace a residential use existing in the structure since
2 January 18, 2012.

3 Section 103. Section 23.73.010 of the Seattle Municipal Code, last amended by
4 Ordinance 125429, is amended as follows:

5 **23.73.010 Floor area limits outside the Conservation Core**

6 A. Floor area limit. The following provisions apply to lots located outside the boundaries
7 of the Conservation Core identified on Map A for 23.73.010.

8 1. The maximum gross floor area of any single story above 35 feet in height is
9 limited to 15,000 square feet, except as provided in subsections 23.73.010.A.2, 23.73.010.A.3,
10 23.73.010.B, and ~~((23.73.010.C))~~ 23.73.010.C.

11 2. For a project that is allowed extra height above the height limit by subsection
12 23.73.014.A, the 35-foot height above which the floor area limit applies is increased to 39 feet,
13 provided that the provisions for allowing additional height under subsection 23.73.014.A are
14 met.

15 3. For a project that is allowed extra height above the height limit by subsection
16 23.73.014.B, the 35-foot height above which the floor area limit applies is increased to 39 feet,
17 provided that:

18 a. The provisions for allowing additional height under subsection
19 23.73.014.B are met, and

20 b. The minimum floor-to-ceiling height of non-residential uses at street
21 level is at least 13 feet, except that if a character structure is retained according to Section
22 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of

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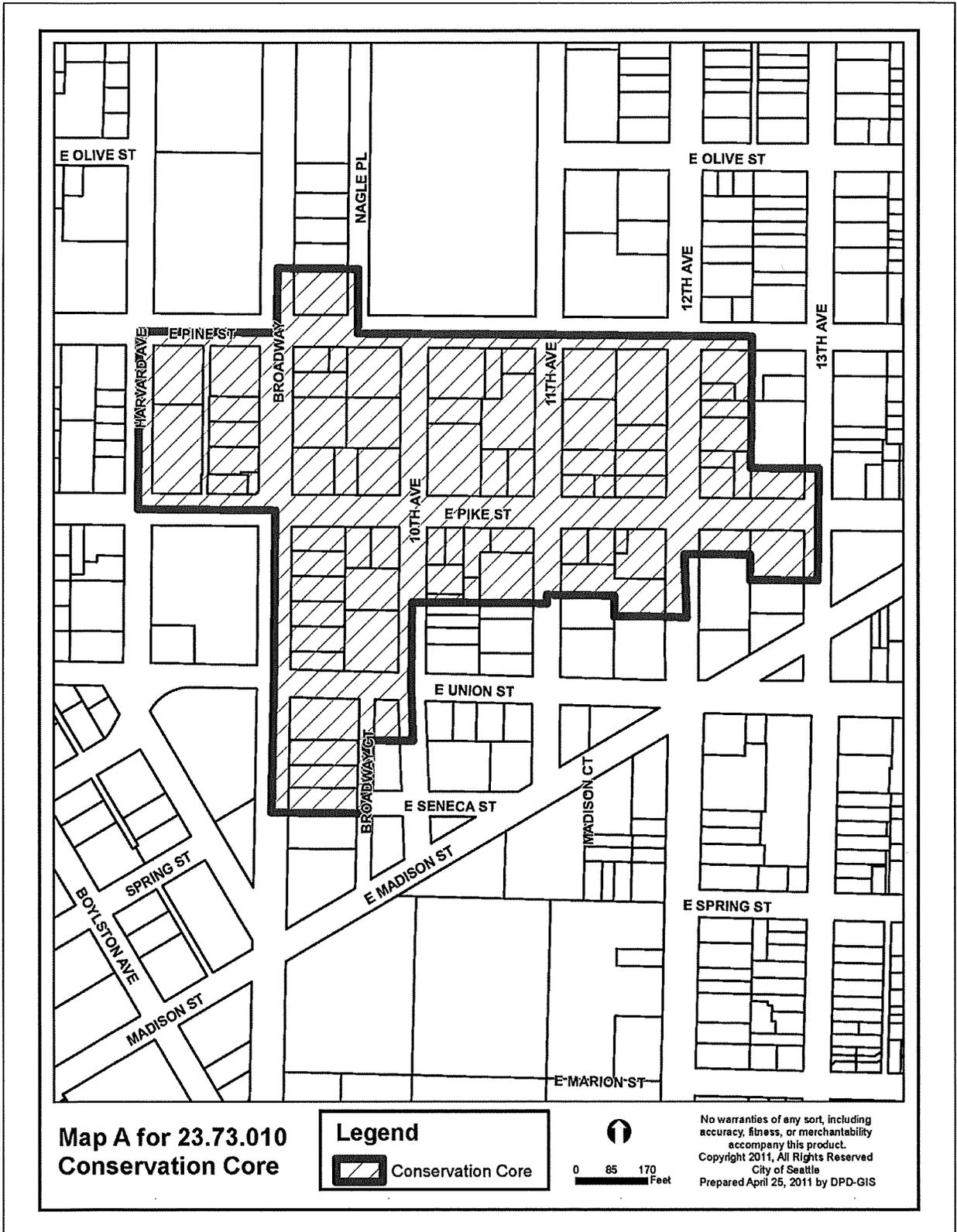
1 the character structure need not exceed the original floor-to-ceiling height of the character
2 structure.

3 4. On a lot with more than one structure or more than one portion of the same
4 structure that exceeds 35 feet in height, the floor area limit applies to the combined portions of
5 each story above 35 feet in height. If 39 feet is the height above which the floor area limit applies
6 as allowed by subsection 23.73.010.A.1 and subsection 23.73.010.A.2, then the floor area limit
7 applies to the combined portions of each story above 39 feet.

8 5. If new structures on the same or abutting lots have internal connections above
9 or below grade, each of the stories of the connected structures are considered to be a single story
10 for the purpose of calculating the floor area subject to the floor area limit.

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1 **Map A for 23.73.010 ((±))**
2 **Conservation Core**



3

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1 B. Exceptions to floor area limit

2 1. A 15 percent increase in the floor area limit is permitted for projects that meet
3 the following conditions:

4 a. The project retains all the character structures existing on the lot, unless
5 a departure is approved through the design review process to allow the removal of a character
6 structure based on the provisions of subsection 23.41.012.B; and

7 b. The project includes uses that contribute to the area's recognized
8 character as an arts district, including performing arts space or artist-studio dwellings that
9 typically have design requirements such as nonstandard floor-to-ceiling heights that reduce the
10 total amount of usable floor area in a structure; or

11 c. A minimum of 50 percent of the total gross floor area of the project is
12 housing that is affordable to and occupied by "income-eligible households," as defined in
13 Section 23.58A.004, and is subject to recorded covenants approved by the Director that ensure
14 that the housing remains available to these households for a minimum of 50 years; or

15 d. Through the design review process a determination is made that
16 including one or more of the following features offsets the increase in the bulk of the project and
17 allows for a design treatment that achieves the intent of the neighborhood design guidelines
18 better than adhering to the floor area limit that would apply without the exception:

19 1) A landscaped courtyard that is visible from the sidewalk and
20 located primarily at street level on a street that is not a principal pedestrian street;

21 2) A through-block pedestrian corridor that connects parallel
22 streets bounding the project, consistent with the neighborhood design guidelines; or

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1 the envelope or interior of the character structure. Connections between the new structure and the
2 facades of the retained character structure that do not face a public street are allowed.

3 Section 104. Section 23.73.014 of the Seattle Municipal Code, last amended by
4 Ordinance 125429, is amended as follows:

5 **23.73.014 Height exceptions**

6 A. Height exception for street-level uses. In zones with a mapped height limit of ~~((65))~~ 75
7 feet, an additional 4 feet of height above the height limit of the zone is allowed for structures that
8 include uses listed as required street-level uses in subsection 23.47A.005.D.1 or live-work use if
9 the following conditions are met:

10 1. The floor-to-ceiling height of the street-level uses or live-work units located at
11 street level is 13 feet or more, except when a character structure is retained according to Section
12 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of
13 the character structure need not exceed the original floor-to-ceiling height of the character
14 structure;

15 2. The additional height will not permit an additional story to be built beyond the
16 number that could be built under a ~~((65-foot))~~ 75-foot height limit; and

17 3. The transparency requirements for street-facing facades in subsection
18 23.47A.008.B.2 are met for the portion of the street-facing facades between 2 feet and 12 feet
19 above the sidewalk. Only clear or lightly-tinted glass shall be considered transparent. For a
20 character structure that is retained in a new project according to Section 23.73.015, measurement
21 for required transparency of the street-facing facades of the character structure shall be according
22 to the provisions of subsection 23.86.026.B.

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1 B. Height exception for lots that include a character structure. In zones with a ~~((65-foot))~~
2 75-foot mapped height limit, ~~((or with a 40-foot mapped height limit with provisions allowing~~
3 ~~for additional height up to 65 feet according to subsection 23.47A.012.A,))~~ 10 feet of additional
4 height is allowed above the ~~((65-foot))~~ 75-foot height limit if the following requirements are met:

5 1. The lot includes a character structure and all character structures on the lot are
6 retained according to the provisions of Section 23.73.015, unless a departure is approved through
7 the design review process to allow removal of a character structure based on the provisions of
8 subsection 23.41.012.B;

9 2. The additional floor area above the ~~((65))~~ 75-foot height limit is occupied
10 solely by residential use, except as otherwise permitted by subsection 23.73.014.B.3; and

11 3. ~~((A))~~ In a project that is permitted the FAR of the underlying zone for non-
12 residential uses under subsection ~~((23.73.009.B may be allowed to occupy the))~~ 23.73.009.C,
13 additional floor area permitted above the ~~((65-foot))~~ 75-foot height limit under this subsection
14 23.73.014.B may be occupied by non-residential uses if a departure is approved through the
15 design review process, provided that there is no additional increase in the FAR for non-
16 residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a
17 departure shall be based on a determination that the additional height will result in a better design
18 treatment and accommodate features that promote the development objectives of the Pike/Pine
19 Conservation Overlay District by:

20 a. Maintaining greater portions of existing character structures on the lot
21 through design treatments that exceed the minimum standards of subsection 23.73.015.A,
22 retaining an entire character structure, or retaining a large number of character structures if the

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1 number and siting of the structures pose severe limitations on the amount of floor area that can
2 be achieved in the new project within the applicable height limit; or

3 b. Providing space for features that enhance pedestrian circulation and
4 walkability in the area, such as ((~~though~~)) through-block pedestrian corridors, or open spaces at
5 locations that support the gateway and open space concepts promoted in the neighborhood
6 design guidelines; or

7 c. Accommodating uses, such as theater space or arts facilities that support
8 the area's arts and culture function but that may have special spatial needs that require additional
9 design flexibility to incorporate them into the project, provided the uses are maintained for the
10 life of the project as provided for in a recorded covenant approved by the Director.

11 C. Height exception for character structure TDP receiving sites. A height exception for
12 character structure TDP receiving sites is allowed according to subsection 23.73.024.B.

13 D. If a project uses more than one of the height exceptions permitted by this Section
14 23.73.014, the maximum height shall be the height permitted by the exception allowing the
15 greatest height increase.

16 E. Additional height for rooftop features. For structures using the height exceptions
17 specified in this Section 23.73.014, additional height is permitted above the maximum height
18 allowed by the exception to accommodate rooftop features as permitted under subsection
19 23.47A.012.C.

20 Section 105. Section 23.73.024 of the Seattle Municipal Code, last amended by
21 Ordinance 125603, is amended as follows:

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1 **23.73.024 Transfer of development potential**

2 A. General standards for the transfer of development potential (TDP) within the
3 Pike/Pine Conservation Overlay District ((-))

4 1. For a lot located in an (~~NC3P-65~~) NC3P-75 zone within the Pike/Pine
5 Conservation Overlay District shown on Map A for 23.73.004, an applicant may use TDP to
6 obtain any of the following:

7 a. A floor area exemption for residential and live-work unit floor area, as
8 permitted under subsection (~~(23.73.009.C.3)~~) 23.73.009.D.3;

9 b. A height exception to allow an additional 10 feet above the (~~(65)~~) 75-
10 foot height limit; and

11 c. A 25 percent increase in the floor area limit as provided in subsection
12 23.73.010.B.3.

13 2. Within the Conservation Core shown on Map A for 23.73.010, a lot that is an
14 eligible sending site meeting the provisions of subsection 23.73.024.C may transfer development
15 potential to any lot that is an eligible receiving site meeting the provisions of subsection
16 23.73.024.B. Eligible receiving sites may only gain development potential from eligible sending
17 sites that are also located within the Conservation Core.

18 3. Development potential may not be transferred from one lot to another except as
19 allowed by this Chapter 23.73.

20 4. Development potential may be transferred from eligible sending sites meeting
21 the provisions of subsection 23.73.024.C to locations outside the Pike/Pine Conservation Overlay
22 District if TDP transfer to specifically identified areas or lots is authorized by City ordinance.

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1 B. Standards for character structure TDP receiving sites. A lot must meet the following
2 conditions in order to be eligible to achieve extra residential floor area through TDP:

3 1. TDP receiving sites shall be located in an (~~NC3P-65~~) NC3P-75 zone within
4 the Pike/Pine Conservation Overlay District, provided that:

5 a. Development of the receiving site shall not result in the demolition of a
6 structure designated as a (~~landmark~~) Landmark according to Chapter 25.12 or its alteration in a
7 manner that is inconsistent with Chapter 25.12 or an ordinance imposing controls on the
8 (~~landmark~~) Landmark structure.

9 b. Development on the lot that is the receiving site shall not result in the
10 demolition or significant alteration of a character structure that is not a designated (~~landmark~~)
11 Landmark and that has existed on the site since January 18, 2012, unless a departure is approved
12 through the design review process to allow the removal of a character structure based on the
13 provisions of subsection 23.41.012.B. For the purposes of this subsection 23.73.024.B.1.b,
14 significant alterations to a character structure would result in conditions that would preclude
15 compliance with the minimum requirements of subsection 23.73.024.C.4.

16 2. An additional 10 feet in height above the height limit of the zone is permitted
17 on a lot that is an eligible TDP receiving site.

18 3. Any residential and live-work floor area that is exempt from the FAR limit as
19 allowed by subsection (~~23.73.009.C.3~~) 23.73.009.D.3, or any floor area that exceeds the
20 maximum floor area limit as allowed under subsection 23.73.010.B.3, or that is located above
21 (~~65~~) 75 feet in height shall be achieved through the use of TDP.

22 4. Floor area gained through the use of TDP shall be for residential and live-work
23 unit use only.

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1 and except for parking accessory to a spectator sports facility or exhibition hall. Nonrequired
2 parking accessory to a spectator sports facility or exhibition hall is not permitted in the overlay
3 district.

4 2. Curb cuts. Curb cuts are limited to three (~~((3))~~) per block front along north-
5 south streets and Railroad Way South within the area described in subsection (~~((C of this section))~~)
6 23.74.010.C. No curb cuts are allowed within the first (~~((forty (40)))~~) 40 feet from any intersection
7 described in subsection (~~((C of this section))~~) 23.74.010.C. On east-west streets outside the area
8 described in subsection (~~((C of this section))~~) 23.74.010.C, curb cuts are limited to two (~~((2))~~) per
9 block front. On east-west streets, additional curb cuts may be allowed if no other access is
10 possible, including in the (~~((forty (40)))~~) 40 feet from intersections described in subsection (~~((C of~~
11 ~~this section))~~) 23.74.010.C.

12 B. For the areas marked on Map A for 23.74.010, the following development standards
13 and provisions apply to all uses and structures except for spectator sports facilities:

14 1. Floor (~~((Area Ratio))~~) area ratio (FAR) and floor area limits (~~((=))~~)

15 a. The maximum FAR for all uses is (~~((3.0))~~) 3.25. FAR limits of the
16 underlying zone do not apply. (~~((, but))~~)

17 b. The gross floor area limits for certain uses in subsection 23.50.027.A.1,
18 (~~((on gross floor area of certain uses,))~~) including limits based on lot area, do apply.

19 2. Exemptions. (~~((The))~~) In addition to the FAR exemptions in subsection
20 23.50.028.E, the first 75,000 square feet of street-level general sales and service, medical
21 services, animal shelters or kennels, automotive sales and services, marine sales and services,
22 eating and drinking establishments, or lodging uses on any lot are exempt from the maximum
23 FAR limit. (~~((Exemptions in subsection 23.50.028.E also apply.))~~)

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1 C. Pedestrian environment. The following development standards apply to each use and
2 structure, except spectator sports facilities, to the extent that the use or structure either is on a lot
3 fronting on Railroad Way South, First Avenue South, South Holgate between First Avenue
4 South and Occidental Avenue South, or Occidental Avenue South, or is within a 40-foot radius
5 measured from any of the block corners of First Avenue South or Occidental Avenue South
6 intersecting with the following streets: Railroad Way South, South Royal Brougham, South
7 Atlantic, South Massachusetts, South Holgate, and any other streets intersecting with First
8 Avenue or Occidental Avenue South that may be established between South Holgate Street and
9 Railroad Way South, as depicted in Map A for 23.74.010. Railroad Way South, First Avenue
10 South, South Holgate Street, and Occidental Avenue South within the Stadium Transition Area
11 Overlay District, and all street areas within a 40-foot radius of any of those block corners
12 described above, are referred to in this Section 23.74.010 as the “pedestrian environment,”
13 except that in applying this Section 23.74.010 to a through lot abutting on Occidental Avenue
14 South and on First Avenue South, Occidental Avenue South is not considered part of the
15 pedestrian environment.

16 1. (~~Street Facade Requirements~~) Street-facing facade requirements. The
17 following requirements apply to street-facing facades or portions thereof facing streets or
18 portions of streets in the pedestrian environment:

19 a. Minimum (~~Facade Height~~) facade height. Minimum facade height is
20 25 feet, but minimum facade heights do not apply if all portions of the structure are lower than
21 the elevation of the required minimum facade height.

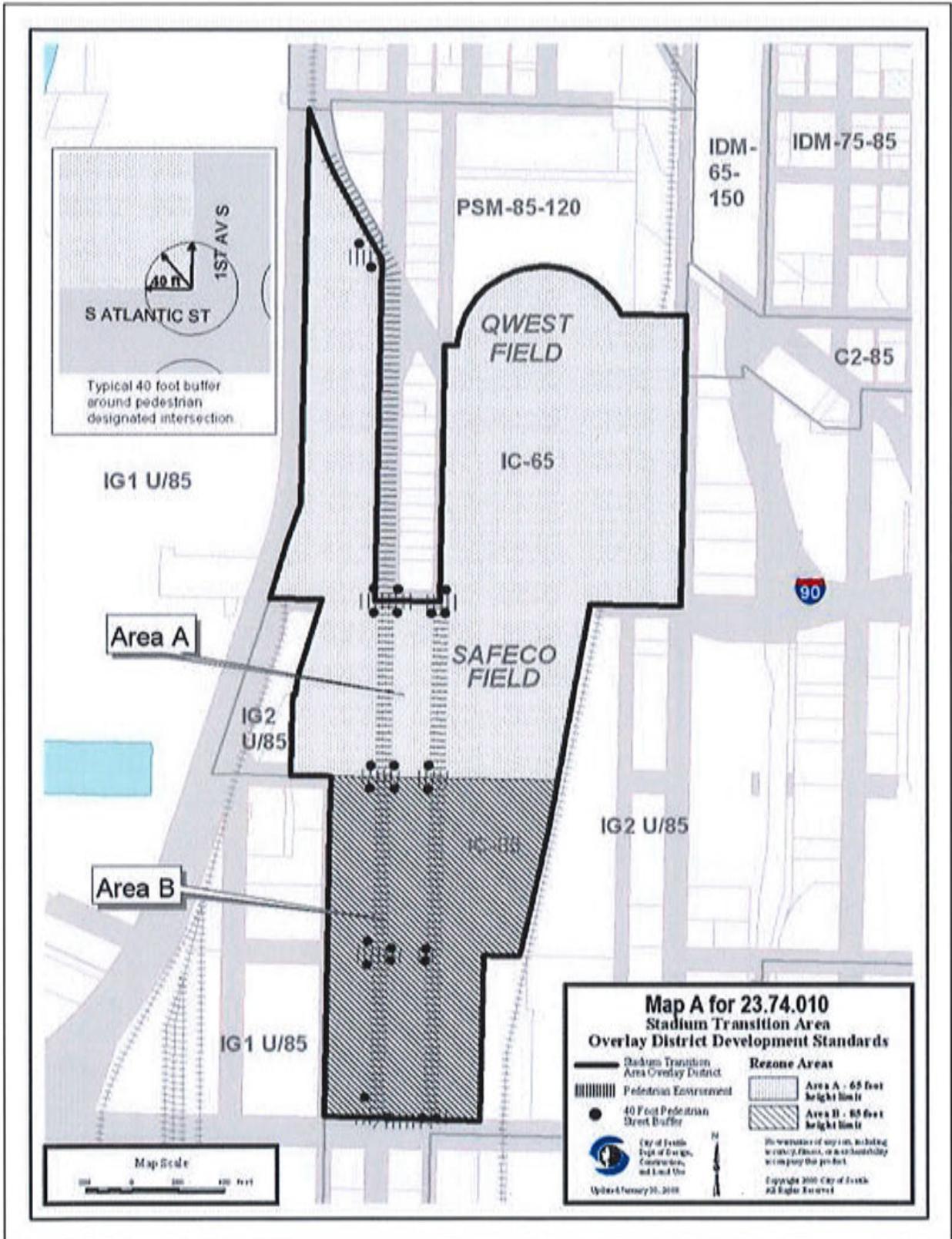
1 to street lot lines abutting the pedestrian environment, to the following uses, where a principal or
2 accessory use is located outdoors: outdoor storage (except for outdoor storage associated with
3 florists and horticultural uses), sales and rental of motorized vehicles, towing services, sales and
4 rental of large boats, dry boat storage, heavy commercial sales (except for fuel sales), heavy
5 commercial services, outdoor sports and recreation, wholesale showrooms, mini-warehouse,
6 warehouse, transportation facilities (except for rail transit facilities), utilities (except for utility
7 service uses), and light and general manufacturing.

8 4. Blank facades, (~~(and Transparency Requirements)~~) transparency requirements,
9 street trees, and screening. In addition to the blank facade requirements of subsection
10 23.50.038.B, the blank (~~(façade)~~) façade limits and transparency and street tree requirements of
11 subsections 23.49.056.C, 23.49.056.D, and 23.49.056.E, and the screening of parking
12 requirements of subsection 23.49.019.B apply to facades or portions thereof facing streets in the
13 pedestrian environment, except that requirements for Class I Pedestrian Streets and designated
14 green streets do not apply.

15 5. Principal (~~(Pedestrian Entrances)~~) pedestrian entrances. A principal pedestrian
16 entrance to a structure having a facade along Railroad Way South, First Avenue South, or
17 Occidental Avenue South shall be located on Railroad Way South, First Avenue South, or
18 Occidental Avenue South, respectively. If the structure has facades along both First Avenue
19 South and Occidental Avenue South, a principal pedestrian entrance is required only on First
20 Avenue South.

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1 **Map A for 23.74.010**
2 **Stadium Transition Area Overlay District development standards**



3

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1 Section 107. Subsection 23.76.060.C of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125272, is amended as follows:

3 **23.76.060 Expiration and extension of Council land use decisions**

4 * * *

5 C. Contract (~~(Rezones-)~~) rezones

6 1. The provisions of this (~~(section)~~) subsection 23.76.060.C.1 apply except as
7 otherwise provided in the Council decision on a contract rezone. (~~(a-)~~) A zoning designation
8 established by a contract rezone shall expire three years after the date of the Council action
9 approving the rezone, except as follows:

10 (~~(1)~~) a. If, prior to the end of the three-year period, a complete application
11 is filed for a Master Use Permit to establish a use on the rezoned property, the zoning designation
12 shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the application is
13 made so long as that application remains pending. The zoning designation shall expire
14 immediately upon any cancellation of the application that occurs after the end of the three-year
15 period, unless another such application filed before the end of that period is pending at the time
16 of such cancellation;

17 (~~(2)~~) b. If a Master Use Permit is issued based on an application that is
18 sufficient to extend the three-year period under subsection (~~(23.76.060.C.1.a.1)~~)
19 23.76.060.C.1.a, then the zoning designation shall not expire pursuant to this Section 23.76.060
20 as to the lot or lots for which the permit is issued unless and until the Master Use Permit expires
21 without a certificate of occupancy having been issued for any structure constructed or altered for
22 a use authorized by any such Master Use Permit, and then shall immediately expire. If such a

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1 certificate of occupancy is issued, then the zoning designation shall not expire pursuant to this
2 Section 23.76.060 for that lot or lots;

3 ((3)) c. If only a portion of the rezoned property is the subject of a
4 particular application or Master Use Permit, then the zoning designation shall expire as to the
5 other portions of the rezoned property at the same time as if that application had not been made
6 or that permit not issued, as the case may be.

7 2. When a contract rezone expires, the Official Land Use Map is automatically
8 amended so the zoning designation in effect immediately prior to the contract rezone applies to
9 the subject property, except to the extent otherwise expressly provided by ordinance. The
10 Director shall file a notice of expiration with the City Clerk and with the King County Recorder
11 and shall cause the reversion to the former designation to be shown on published land use maps,
12 but the expiration shall be effective notwithstanding any failure to make such filing or to reflect
13 such expiration in any published information. Unless expressly stated otherwise in any property
14 use and development agreement (PUDA) recorded in connection with a rezone, if the zoning
15 designation expires as to all property subject to the PUDA, then all restrictions and requirements
16 in the PUDA shall terminate.

17 3. Regardless of whether the time period for expiration has elapsed or a certificate
18 of occupancy has been issued as described in subsection ((23.76.060.C.1.a.2)) 23.76.060.C.1.b,
19 the zoning designation established by a contract rezone shall no longer be in effect upon the
20 effective date of a subsequent rezoning by the Council of the subject property, either through a
21 site-specific rezone or as part of an area-wide rezone.

22 a. Effective on or after the effective date of such subsequent rezoning of
23 all property subject to a PUDA recorded in connection with the prior rezone, some or all of that

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1 property may be released from some or all of the conditions of the PUDA if the release is
2 authorized by ordinance. Such release may be authorized without following the PUDA
3 amendment procedures in Section 23.76.058, except that notice and a comment period shall be
4 provided pursuant to subsection 23.76.058.C.3. In making the decision whether to release all or
5 part of the PUDA, the Council shall consider factors such as:

6 ~~((a. whether))~~ 1) Whether any of the property subject to the PUDA
7 has been or may still be developed in a manner that was permitted under the designation
8 established by the contract rezone and would not be permitted under the subsequent rezoning;
9 and

10 ~~((b. the))~~ 2) The extent to which any terms of the PUDA as applied
11 to the subsequently rezoned property are relevant to the impacts of any development of that
12 property occurring subsequent to the PUDA.

13 b. Effective on or after the effective date of such subsequent rezoning of
14 all property subject to a PUDA recorded in connection with the prior rezone, if the subsequent
15 rezone is to a zone with a mandatory housing affordability suffix, the property shall be released,
16 without authorization by ordinance, from all of the conditions of a PUDA that was accepted prior
17 to January 1, 2016, if the Director finds as a Type I decision as part of a Master Use Permit or
18 building permit for a development proposal that the conditions of the PUDA are limited to one or
19 more of the provisions listed in subsections 23.76.060.C.3.b.1 through 23.76.060.C.3.b.4.

20 1) Provisions requiring development of the property to comply
21 with the permit for an associated development proposal, once issued.

22 2) Provisions establishing limitations on maximum floor area or
23 height.

1 Section 109. Section 23.84A.048 of the Seattle Municipal Code, last amended by
2 Ordinance 125267, is amended as follows:

3 **23.84A.048 “Z”**

4 * * *

5 “Zone, ~~((single family))~~ single-family” ~~((or “SF zone”))~~ means a zone with a
6 classification that includes any of the following: SF_5000, SF_7200, ~~((and))~~ SF_9600, and RSL.
7 ~~((Solely for the purposes of the provisions of this title that impose standards or regulations based
8 upon adjacency or any other juxtaposition or relationship to a single family zone, “zone, single
9 family” also shall include any zone with a classification that includes RSL, which classification
10 also may include one or more suffixes.))~~

11 Section 110. Section 23.86.002 of the Seattle Municipal Code, last amended by
12 Ordinance 125603, is amended as follows:

13 **23.86.002 General provisions**

14 A. For all calculations, the applicant shall be responsible for supplying drawings
15 illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient
16 detail to allow verification upon inspection or examination by the Director.

17 B. Fractions

18 1. Unless otherwise indicated, if any measurement technique for determining the
19 number of items required or allowed, including but not limited to motor vehicle parking, or
20 required trees or shrubs, results in fractional requirements, any fraction up to and including 0.5 of
21 the applicable unit of measurement shall be disregarded and fractions over 0.5 shall require the
22 next higher full unit of measurement.

1 3. The area of parking that is enclosed or covered by a structure or portion of a
2 structure.

3 B. Net unit area. Where development standards refer to net unit area, net unit area shall
4 include all floor area bounded by the inside surface of the perimeter walls of the unit, as
5 measured at the floor line. Net unit area excludes spaces shared by multiple units and accessible
6 to all building occupants such as common hallways or lobbies. Net unit area includes any walls
7 internal to the unit.

8 C. Underground floor area. Except as otherwise expressly provided in this Title 23, if
9 gross floor area ((of underground)) in stories, or portions of stories, that are underground is
10 exempted from a calculation, the amount of ((below grade)) underground gross floor area
11 exempted is measured as follows:

12 1. ((An underground story is that)) A story or portion of a story ((for which)) is
13 considered underground if the ceiling above, or the roof surface if there is no next floor above, is
14 at or below the abutting existing or finished grade, whichever is lower (See Exhibit A for
15 23.86.007).

16 2. To determine the amount of gross floor area that is ((below grade))
17 underground:

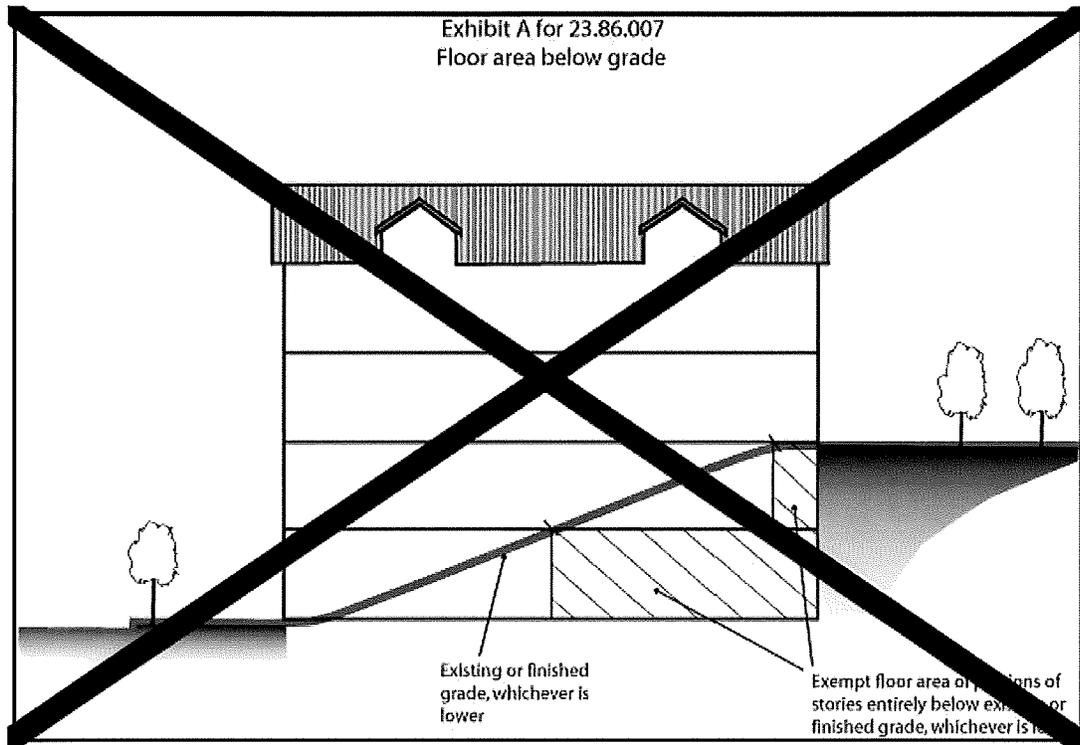
18 a. ((determine)) Determine the elevation of the ceiling of the underground
19 story, or the roof surface if there is no next floor above the underground story;

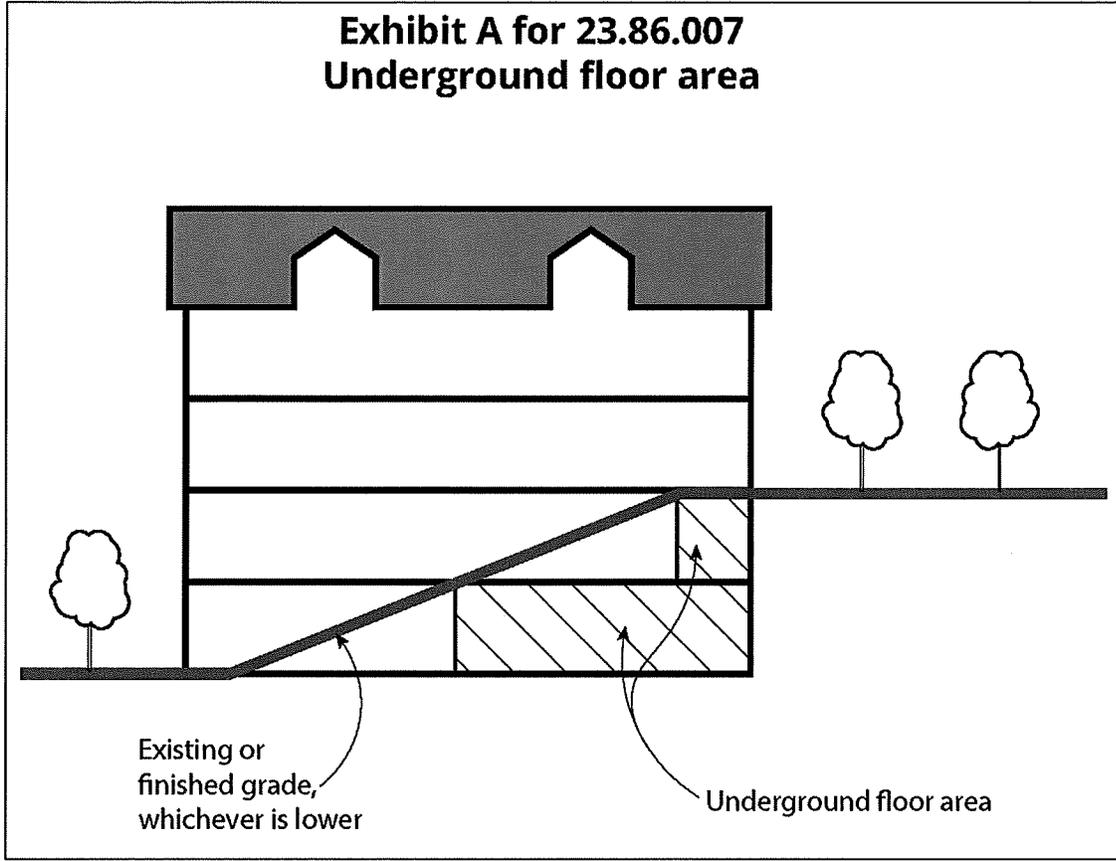
20 b. ((determine)) Determine the points along the exterior wall of the story
21 where the ceiling elevation or roof surface elevation above intersects the abutting corresponding
22 existing or finished grade elevation, whichever is lower;

1 c. ~~((draw))~~ Draw a straight line across the story connecting the two points
2 on the exterior walls;

3 d. ~~((the))~~ The gross floor area ~~((of an underground story or portion of an~~
4 ~~underground story))~~ in stories, or portions of stories, that are underground is the area that is at or
5 below the straight line drawn in subsection ~~((23.86.007.A.2.e above))~~ 23.86.007.C.2.c.

6 **Exhibit A for 23.86.007**
7 **~~((Floor area below grade))~~ Underground floor area**





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((B)) D. Pursuant to subsections ((~~23.45.510.E~~ and ~~23.47A.013.D~~)) 23.44.011.C, 23.45.510.D, and 23.47A.013.B, and Section 23.48.020, for certain structures in RSL, multifamily, commercial, and Seattle Mixed zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. Determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 feet below the roof surface if there is no next floor above the partially below-grade story;

1 2. Determine the points along the exterior wall of the story where the elevation
2 determined in subsection ~~((23.86.007.B.1))~~ 23.86.007.D.1 above intersects the abutting
3 corresponding existing or finished grade elevation, whichever is lower;

4 3. Draw a straight line across the story connecting the two points on the exterior
5 walls; and

6 4. The gross floor area of the partially below-grade story or portion of a partially
7 below-grade story is the area of the story that is at or below the straight line drawn in subsection
8 ~~((23.86.007.B.3 above))~~ 23.86.007.D.3, excluding openings required by the Building Code for
9 egress. (See Exhibit B for 23.86.007.) ~~((:))~~

1 ((C)) E. Public rights-of-way are not considered part of a lot when calculating FAR or
2 gross floor area allowed for residential development not subject to FAR in a downtown or SM-
3 SLU zone except that, if dedication of right-of-way is required as a condition of a proposed
4 development, the area of dedicated right-of-way is included.

5 ((D)) F. If a lot is in more than one zone, the FAR limit for each zone applies to the
6 portion of the lot located in that zone, except that if the sole difference between the zoning
7 designations for portions of a lot is the base FAR, allowable floor area based on the calculations
8 for the separate portions of the lot may be provided on the lot, and except that, if both zones are
9 LR zones or both zones are either C or NC zones, then the allowed total floor area may be
10 located anywhere on the lot.

11 ~~((E. In LR zones, if more than one category of residential use is located on a lot, the FAR~~
12 ~~limit for each category of residential use is based on each category's percentage of total structure~~
13 ~~footprint area, as follows:~~

14 1. Calculate the footprint, in square feet, for each category of residential use. For
15 purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior
16 walls of the structure.

17 2. Calculate the total square feet of footprint of all categories of residential uses
18 on the lot.

19 3. Divide the square footage of the footprint for each category of residential
20 structure in subsection 23.86.007.E.1 above by the total square feet of footprints of all residential
21 uses in subsection 23.86.007.E.2 above.

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1 4. ~~Multiply the percentage calculated in subsection 23.86.007.E.3 for each~~
2 ~~housing category by the area of the lot. The result is the area of the lot devoted to each housing~~
3 ~~category.~~

4 5. ~~The FAR limit for each category of residential use is the applicable one for that~~
5 ~~use multiplied by the percentage calculated in subsection 23.86.007.E.4.~~

6 6. ~~If the FAR limit for all categories of residential use on the lot is the same, then~~
7 ~~the FAR limit is calculated as if there was only one category of residential use on the lot.~~

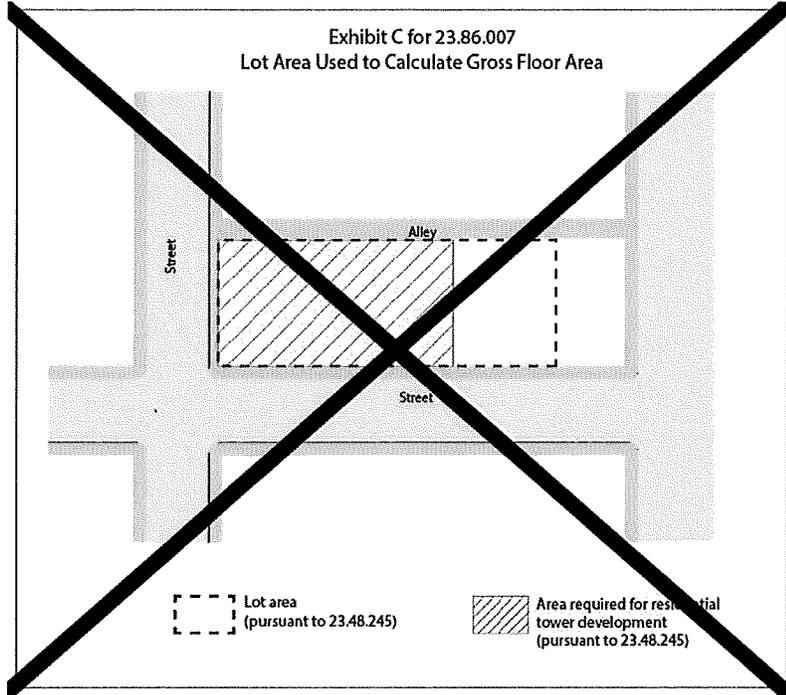
8 7. ~~FAR contained in structures built prior to January 1, 1982 as single family~~
9 ~~dwelling units meeting the requirements of subsection 23.45.510.E.3 is not included in the~~
10 ~~calculation of the FAR limit.~~

11 F)) G. In ~~((the))~~ SM-SLU zones, the lot area used to calculate the gross floor area (GFA)
12 allowed for structures or portions of structures subject to an FAR limit on sites that include a
13 residential tower shall be based on the area of the lot excluding the lot area required for tower
14 development (see Exhibit C for 23.86.007) as follows:

15 (Lot area - Area required for tower development) X FAR = Allowed GFA

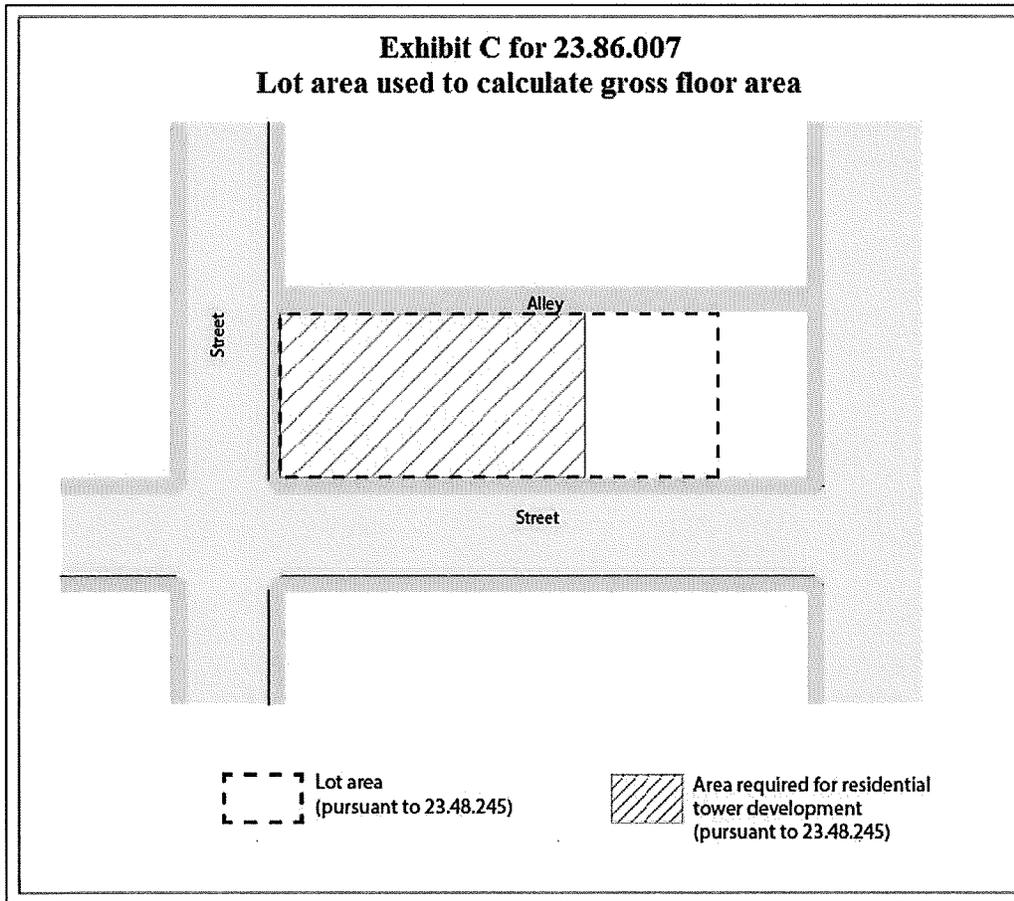
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1 **Exhibit C for 23.86.007**
2 **Lot Area Used to Calculate Gross Floor Area**



3

Exhibit C for 23.86.007
Lot area used to calculate gross floor area



4

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1 Section 112. Section 23.86.012 of the Seattle Municipal Code, last amended by
2 Ordinance 125081, is amended as follows:

3 **23.86.012 Multifamily and commercial zone setback measurement**

4 * * *

5 C. Upper-level setback

6 1. Upper-level setbacks apply only to portions of structures that occur above the
7 height at which the setback begins.

8 2. For upper-level setbacks required from a street lot line, the height at which the
9 setback begins is measured at all points along the street lot line from sidewalk grade or, if there
10 is no sidewalk, from finished grade at the street lot line.

11 3. For upper-level setbacks required from other lot lines, the height at which the
12 setback begins is measured at all points along the lot line from the finished grade where the wall
13 meets the grade or, if the structure is cantilevered or posted, where the downward projection of
14 the portion of the structure that is cantilevered or posted meets the grade.

15 Section 113. Subsection 23.86.014.C of the Seattle Municipal Code, which section was
16 last amended by Ordinance 123495, is amended as follows:

17 **23.86.014 Structure width measurement**

18 * * *

19 C. Portions of a structure that are not considered part of the principal structure for the
20 purpose of measuring structure width are as follows:

21 1. The first 4 feet of eaves, cornices, and gutters that project from an exterior wall;

22 2. The first 18 inches of chimneys that project from an exterior wall;

1 Section 115. Subsections 23.86.016.B and 23.86.016.C of the Seattle Municipal Code,
2 which section was last amended by Ordinance 124843, are amended as follows:

3 **23.86.016 Structure and lot depth measurement**

4 * * *

5 B. Portions of a structure considered part of the principal structure for the purpose of
6 measuring structure depth are as follows:

7 1. Carports and garages attached to the principal structure, unless they are
8 attached by a structural feature not counted in structure depth under subsection 23.86.016.C;

9 2. Accessory structures, other than carports and garages, that are not listed in
10 subsection 23.86.016.C, if they are less than 3 feet from the principal structure at any point;

11 3. Exterior corridors, hallways, and open, above-grade walkways;

12 4. Enclosed porches, decks, balconies, and other enclosed projections; (~~(, except~~
13 ~~as provided in subsection 23.43.008.C;)) and~~

14 5. Projecting segments of a facade unless they are not counted in structure depth
15 in subsection 23.86.016.C.

16 C. Portions of a structure that are not considered part of the principal structure for the
17 purpose of measuring structure depth are as follows:

18 1. The first 4 feet of eaves, cornices, and gutters that project from an exterior wall;

19 2. The first 18 inches of chimneys that project from an exterior wall;

20 3. Attached solar greenhouses meeting minimum energy standards administered
21 by the Director;

1 a. If multiple elements listed on Table A for ((Section)) 23.86.019 occupy
2 the same area (for example, groundcover under a tree), count the full square footage or
3 equivalent square footage of each element.

4 b. Landscaping elements in the right-of-way between the lot line and the
5 roadway may be counted, provided that they are approved by the Director of the Department of
6 Transportation.

7 c. Elements listed in Table A for ((Section)) 23.86.019 that are provided to
8 satisfy any other requirements of this ((Code)) Title 23 may be counted.

9 d. For trees, large shrubs, and large perennials, use the equivalent square
10 footage of each tree or shrub according to Table B for ((Section)) 23.86.019.

11 e. For vegetated walls, use the square footage of the portion of the wall
12 covered by vegetation. All vegetated wall structures, including fences counted as vegetated
13 walls, shall be constructed of durable materials, provide adequate planting area for plant health,
14 and provide appropriate surfaces or structures that enable plant coverage.

15 f. For all elements other than trees, large shrubs, large perennials, and
16 vegetated walls, square footage is determined by the area of the portion of a horizontal plane that
17 lies over or under the element.

18 g. All permeable paving and structural soil credits together may not count
19 for more than one third of the lot's Green Factor score.

20 3. Add together all the products calculated under subsection 23.86.019.A.2 to
21 determine the Green Factor numerator.

22 4. Divide the Green Factor numerator by the lot area to determine the Green
23 Factor score.

1

((Table A for Section 23.86.019: Green Factor Landscape Elements))

Table A for 23.86.019	
Green Factor landscape elements	
Green Factor ((Landscape Elements)) landscape elements	Multiplier
A. Planted ((Areas)) areas (choose one of the following for each planting area)	
((1. Planted areas with a soil depth of less than 24 inches	0.1))
((2)) 1. Planted areas with a soil depth of 24 inches or more:	0.6
((3)) 2. Bioretention facilities meeting standards of the Stormwater Code, Title 22, Subtitle VIII ((of the Seattle Municipal Code))	1.0
B. Plants	
1. Mulch, ground covers, or other plants normally expected to be less than 2 feet tall at maturity((-))	0.1
2. ((Large)) <u>Medium</u> shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	0.3
3. <u>Large shrubs</u> or other perennials at least 4 feet tall at maturity	<u>0.3</u>
((3)) 4. Small trees	0.3
((4)) 5. Small/medium trees	((0.3)) 0.5
((5)) 6. Medium/large trees	((0.4)) 0.7
((6)) 7. Large trees	((0.4)) 0.9
((7)) 8. Preservation of existing ((large)) trees at least 6 inches in diameter at breast height	((0.8)) 1.0
C. Green roofs	
1. Planted over at least 2 inches but less than 4 inches of growth medium	0.4
2. Planted over at least 4 inches but less than 8 inches of growth medium	((0.7)) 0.6
3. Planted over at least 8 inches of growth medium	<u>0.8</u>
D. Vegetated walls in C and NC zones only	((0.7)) 0.4
((E. Water features using harvested rainwater and under water at least six months per year	0.7))
((F)) E. Permeable paving	
1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.2
2. Installed over at least 24 inches of soil and/or gravel	0.5
((G)) F. Structural soil	((0.2)) 0.5
((H)) G. Bonuses applied to Green Factor landscape elements:	
1. Landscaping that consists entirely of drought- tolerant or native plant species	0.1
2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater	0.2
3. Landscaping visible from adjacent rights-of-way or public open space	((0.1)) 0.2

Table A for 23.86.019	
Green Factor landscape elements	
Green Factor ((Landscape Elements)) <u>landscape elements</u>	Multiplier
4. Landscaping in food cultivation	0.1

1
2

**((Table B for Section 23.86.019
 Equivalent square footage of trees and large shrubs))**

Table B for 23.86.019	
Equivalent square footage of trees and large shrubs	
Landscape ((Elements)) <u>elements</u>	Equivalent ((Square Feet)) <u>square feet</u>
Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	9 per plant
Large shrubs or ((large)) other perennials at least 4 feet tall at maturity	((12 square feet)) 36 per plant
Small trees	75 ((square feet)) per tree
Small/medium trees	150 ((square feet)) per tree
Medium/large trees	250 ((square feet)) per tree
Large trees	350 ((square feet)) per tree
Existing ((large)) trees	20 ((square feet)) per inch of trunk diameter 4.5 feet above grade

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Section 117. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 125399, is amended as follows:

23.91.002 Scope of this Chapter 23.91

A. Violations of the following provisions of this Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (((Chapter 23.43,)) (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A and a notice of violation has been issued requiring compliance with subsection 22.206.200.F;

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1 2. Construction or maintenance of structures in required yards or setbacks in
2 residential zones (~~((Chapter 23.43,))~~) (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter
3 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII);

4 3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot
5 contains a vacant structure subject to the vacant building maintenance standards contained in
6 subsection 22.206.200.A;

7 4. Keeping of animals (Section 23.42.052); and

8 [5. Reserved.]

9 6. The following violations of the Shoreline (~~((district))~~) District, Chapter 23.60A:

10 a. Discharging, leaking, or releasing solid or liquid waste and untreated
11 effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

12 b. Releasing debris and other waste materials from construction,
13 maintenance, repair, or in operation or management of a property, into any water body
14 (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U);

15 c. Conducting activity in or over water outside the allowed work windows
16 (subsection 23.60A.152.J); and

17 d. Closing required public access (Section 23.60A.164).

18 B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect,
19 limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken
20 pursuant to Chapter 23.90.

21 Section 118. Section 25.05.800 of the Seattle Municipal Code, last amended by
22 Ordinance 125603, is amended as follows:

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1 **25.05.800 Categorical exemptions**

2 The proposed actions contained in this Section 25.05.800 are categorically exempt from
3 threshold determination and environmental impact statement requirements, subject to the rules
4 and limitations on categorical exemptions contained in Section 25.05.305.

5 A. Minor new construction; flexible thresholds

6 1. The exemptions in this subsection 25.05.800.A apply to all licenses required to
7 undertake the construction in question. To be exempt under this Section 25.05.800, the project
8 shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in
9 subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county,
10 the lower of the agencies' adopted levels shall control, regardless of which agency is the lead
11 agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- 12 a. Is undertaken wholly or partly on lands covered by water;
- 13 b. Requires a license governing discharges to water that is not exempt
14 under RCW 43.21C.0383;
- 15 c. Requires a license governing emissions to air that is not exempt under
16 RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or
- 17 d. Requires a land use decision that is not exempt under subsection
18 25.05.800.F.

19 2. The following types of construction are exempt, except when undertaken
20 wholly or partly on lands covered by water:

- 21 a. The construction or location of residential or mixed-use development
22 containing no more than the number of dwelling units identified in Table A for 25.05.800;

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Table B for 25.05.800			
Exemptions for non-residential uses			
Zone	((Non-residential uses))		
	Exempt area of use (square feet of gross floor area)		
	Outside of urban centers	Within urban centers where growth estimates have not been exceeded	Within urban centers where growth estimates have been exceeded
SF, RSL and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 ¹ or 30,000	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000	12,000
C1, C2, ((SM-SLU, SM-D, SM-U, SM-NR, and SM-UP)) and Seattle Mixed zones	12,000	12,000 ¹ or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	12,000 ¹ or 30,000	12,000

Footnotes to Table B for 25.05.800
 NA = not applicable
 Urban centers are identified in the Seattle Comprehensive Plan
¹ New non-residential 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). Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

- 1 d. The construction of a parking lot designed for 40 or fewer automobiles,
- 2 as well as the addition of spaces to existing lots up to a total of 40 spaces;
- 3 e. Any fill or excavation of 500 cubic yards or less throughout the total
- 4 lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt
- 5 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
- 6 shall be exempt; ((-))
- 7 f. Mixed-use construction, including but not limited to projects combining
- 8 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
- 9 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in

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1 combination may have a probable significant adverse environmental impact in the judgment of
2 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

3 g. In zones not specifically identified in this subsection 25.05.800.A, the
4 standards for the most similar zone addressed by this subsection 25.05.800.A apply;

5 h. For the purposes of this subsection 25.05.800.A, “mixed-use
6 development” means development having two or more principal uses, one of which is a
7 residential use comprising 50 percent or more of the gross floor area;

8 i. To implement the requirements of Table A for 25.05.800 and Table B
9 for 25.05.800, the Director shall establish implementation guidance by rule for how growth is
10 measured against exemption limits and how changes to thresholds will occur if exemption limits
11 are reached. The exemption limits shall consist of the growth estimates established in the
12 Comprehensive Plan for a given area, minus a “cushion” of ten percent to assure that
13 development does not exceed growth estimates without SEPA review; and

14 j. The Director shall monitor residential and employment growth and
15 periodically publish a determination of growth for each urban center. Residential growth shall
16 include, but need not be limited to, net new units that have been built and net new units in
17 projects that have received a building permit but have not received a certificate of occupancy.
18 Per implementation guidance established by rule, if the Director determines that exemption
19 limits have been reached for an urban center, subsequent development will be subject to the
20 lower thresholds as set forth in Table A for 25.05.800 and Table B for 25.05.800.

21 * * *

22 Section 119. Section 25.11.040 of the Seattle Municipal Code, last amended by
23 Ordinance 125292, is amended as follows:

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1 **25.11.040 Restrictions on tree removal ((-))**

2 A. Tree removal or topping is prohibited in the following cases, except as provided in
3 Section 25.11.030, or where the tree removal is required for the construction of a new structure,
4 retaining wall, rockery, or other similar improvement that is approved as part of an issued
5 building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080:

6 1. All trees 6 inches or greater in diameter, measured 4.5 feet above the ground,
7 on undeveloped lots;

8 2. Exceptional trees on undeveloped lots; and

9 3. Exceptional trees on lots in Lowrise, Midrise, ~~((and Commercial))~~ commercial,
10 and single-family zones ~~((or on lots 5,000 square feet or greater in a Single family or Residential~~
11 ~~Small Lot zone))~~.

12 B. Limits on Tree Removal. In addition to the prohibitions in subsection 25.11.040.A, no
13 more than three trees 6 inches or greater in diameter, measured 4.5 feet above the ground, may
14 be removed in any one-year period on lots in Lowrise, Midrise, ~~((and Commercial))~~ commercial,
15 and single-family zones ~~((or on lots 5,000 square feet or greater in a Single family or Residential~~
16 ~~Small Lot zone))~~, except when the tree removal is required for the construction of a new
17 structure, retaining wall, rockery, or other similar improvement that is approved as part of an
18 issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080.

19 C. Tree removal in Environmentally Critical Areas shall comply with the provisions of
20 Section 25.09.070.

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1 Section 120. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
2 120410, is amended as follows:

3 **25.11.060 Tree protection on sites undergoing development in ~~((Single-family and~~
4 ~~Residential Small Lot)) single-family zones ((-))~~**

5 A. Exceptional ~~((Trees:))~~ trees

6 1. The Director may permit a tree to be removed only if:

7 a. ~~((the))~~ The maximum lot coverage permitted on the site according to
8 ~~((SMC))~~ Title 23 ~~((, the Land Use Code,))~~ cannot be achieved without extending into the tree
9 protection area or into a required front and/or rear yard to an extent greater than provided for in
10 subsection ~~((A.2 of this section))~~ 25.11.060A.2; or

11 b. ~~((avoiding))~~ Avoiding development in the tree protection area would
12 result in a portion of the house being less than ~~((fifteen (15)))~~ 15 feet in width.

13 2. Permitted extension into front or rear yards shall be limited to an area equal to
14 the amount of the tree protection area not located within required yards. The maximum
15 projection into the required front or rear yard shall be ~~((fifty (50)))~~ 50 percent of the yard
16 requirement.

17 3. If the maximum lot coverage permitted on the site can be achieved without
18 extending into either the tree protection area or required front and/or rear yards, then no such
19 extension into required yards shall be permitted.

20 ~~((B. Trees Over Two (2) Feet in Diameter Measured Four and One-half (4½) Feet Above~~
21 ~~the Ground.~~

22 ~~4))~~ B. Trees over ~~((two (2)))~~ 2 feet in diameter measured 4.5 feet above the ground shall
23 be identified on site plans. ~~((2-))~~ In order to protect such trees, ~~((over two (2) feet in diameter))~~

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1 an applicant may modify their development proposal to extend into front and/or rear yards in the
2 same manner as provided for exceptional trees in subsection 25.11.060.A ~~((of this section,~~
3 ~~above))~~).

4 ~~((C. The development shall meet the tree requirements of Section 23.44.008 I.))~~
5 Section 121.

6 Notwithstanding the intent expressed in Section 2 of Ordinance 125108, the Council
7 intends the following with respect to the initial implementation phase of the Mandatory Housing
8 Affordability - Residential (MHA-R) program and ongoing program review.

9 1. The Council recognizes that payment amounts for zones with an MHA suffix
10 reflect market conditions, such as rents and capitalization rates, that existed at the time the initial
11 proposal for each MHA implementation area was developed. As part of the initial
12 implementation phase, the Council intends to consider adjusting the payment amounts for zones
13 with an MHA suffix to reflect the most current market conditions through a bill separate from
14 Council Bill 119444. The Council will consider changes to payment amounts for zones with an
15 MHA suffix through that separate bill no later than July 1, 2019. As part of that consideration the
16 Council will also consider whether to adjust the boundaries of high, medium, and low areas for
17 MHA implementation based on changed market conditions.

18 2. The date for submission to the Council of the July 1, 2019, report on past and
19 anticipated program performance, which the Council requested through Ordinance 125108, is
20 extended to December 1, 2020. That report should include an assessment of past and anticipated
21 program performance, including an assessment of whether a developer building outside of the
22 Downtown and South Lake Union Urban Centers would be economically indifferent between
23 performance and payment given market conditions at that time.

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* * *

1
2 Section 122. The City Council expresses the following intent as to future actions related
3 to this ordinance. The Council is enacting the rezones effected by Section 1 of this ordinance
4 based on an expectation that those rezones are accompanied by requirements to provide a
5 substantial amount of affordable housing. If the imposition of requirements under Chapter
6 23.58C of the Seattle Municipal Code as contemplated by this ordinance is determined to be
7 unlawful, it is the Council's intent to (1) implement an alternative approach, in connection with
8 some or all of the development capacity provided by the rezones effected by Section 1 of this
9 ordinance, resulting in provision of a substantial amount of affordable housing; (2) take steps to
10 prevent the continuance of the new zoning and increased development capacity in the absence of
11 substantial affordable housing requirements by repealing the rezones effected by Section 1 of
12 this ordinance; and/or (3) take other actions, including a moratorium on some or all development,
13 while an alternative approach is implemented.

14 Section 123. The Director of the Seattle Department of Construction and Inspections is
15 requested to propose an in-lieu fee payment for tree planting in RSL zones using a ratio of
16 dollars to tree point. This ratio may be based on the City's costs associated with purchasing,
17 installing, and maintaining a small tree for five years or rules promulgated by the Director
18 regarding tree valuation. Payments in lieu of trees will be deposited in a reserve account
19 established solely to support tree planting and establishment with the goal of advancing the
20 City's Equity and Environment Agenda, including reducing racial disparities in tree canopy
21 coverage between residential neighborhoods.

22 The Council requests that the Seattle Department of Transportation, Department of Parks
23 and Recreation, and Seattle Public Utilities identify opportunities to use these funds, consistent

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1 with code provisions governing the use of cash contributions, for planting and establishing trees
2 on public and private property. These may include existing efforts or developing new initiatives,
3 such as creating a grant program for community-based organizations to distribute trees to Seattle
4 residents and educate them about tree maintenance. The Council requests that these departments
5 provide a report to Council on the fee amount and opportunities for use of the funds by October
6 1, 2019.

7 Section 124. The City Council hereby makes the Findings of Fact in Attachment 3 to this
8 ordinance.

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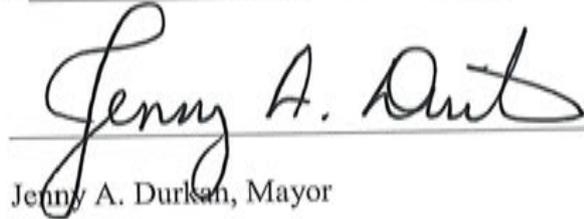
1 Section 125. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 18th day of March, 2019,
5 and signed by me in open session in authentication of its passage this 18th day of
6 March, 2019.

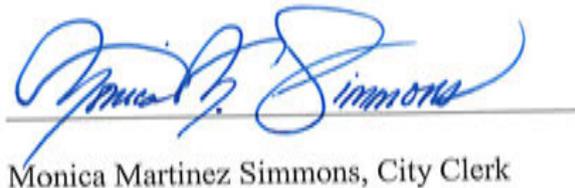


7
8 President _____ of the City Council

9 Approved by me this 20TH day of MARCH, 2019.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 20th day of MARCH, 2019.

13 
14 Monica Martinez Simmons, City Clerk

15 (Seal)

- 16 Attachments:
17 Attachment 1 – Maps of Specific Rezone Areas
18 Attachment 2 – Maps of Areas Excluded from Rezone

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1 Attachment 3 – Findings of Fact