



SEATTLE CITY COUNCIL

Land Use and Neighborhoods Committee

Agenda

Wednesday, August 12, 2020

9:30 AM

Public Hearing

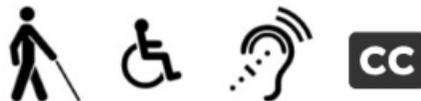
Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

Dan Strauss, Chair
Teresa Mosqueda, Vice-Chair
Debora Juarez, Member
Andrew J. Lewis, Member
Alex Pedersen, Member
M. Lorena González, Alternate

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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Committee Website:

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.8 through September 1, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

Register online to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting will begin two hours before the 9:30 a.m. meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak during the Land Use and Neighborhoods Committee meeting and at the Public Hearing will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Hearing during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at

Dan.Strauss@seattle.gov

Sign-up to provide Public Comment at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 206-684-8566

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

(10 Minutes)

D. Items of Business

1. [CB 119827](#) **AN ORDINANCE** relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 208 of the Official Land Use Map to rezone land in the Rainier Beach neighborhood.

Attachments: [Att 1 – Rezone Map – S. Cloverdale St. Area](#)
[Att 2 – Rezone Map – S. Rose St. Area](#)

Supporting Documents: [Summary and Fiscal Note](#)
[Director’s Report](#)
[Central Staff Memo](#)
[Presentation \(8/12/20\)](#)

Briefing and Public Hearing

Presenters: Geoffrey Wentland, Office of Planning and Community Development; Yolanda Ho, Council Central Staff

2. [CB 119831](#) **AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.**

Attachments: [Full Text: CB 119831](#)

Supporting

Documents: [Summary and Fiscal Note](#)
[Summary Att 1 - Zones Affected](#)
[Central Staff Memo \(7/22/20\)](#)
[Presentation \(7/22/20\)](#)

Briefing, Discussion, and Possible Vote (20 minutes)

Presenter: Lish Whitson, Council Central Staff

3. [CB 119835](#) **AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.**

Attachments: [Full Text: CB 119835](#)

Supporting Documents: [Summary and Fiscal Note](#)
[Director's Report](#)
[Central Staff Memo](#)
[Central Staff Memo for Proposed Substitute](#)
[Proposed Substitute](#)
[Proposed Amendment 1](#)

Briefing, Discussion, and Possible Vote (30 minutes)

Presenter: Mike Podowski, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 119827, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 208 of the Official Land Use Map to rezone land in the Rainier Beach neighborhood.

WHEREAS, the COVID-19 global pandemic is having disproportionate health impacts on communities of

color as evidenced by a relatively higher rates of COVID-19 infections and deaths among communities of color; and

WHEREAS, the economic impacts of the response to the COVID-19 pandemic have disproportionately

impacted persons in lower-wage occupations and sectors that are disproportionately held by persons of color; and

WHEREAS, the Rainier Beach neighborhood is among the neighborhoods in Seattle with the highest

percentage share of non-white households; and

WHEREAS, the Rainier Beach neighborhood is among the neighborhoods in Seattle with the highest relative

risk of displacement according to the Growth and Equity Analysis contained in Seattle's Comprehensive Plan; and

WHEREAS, expanding the amount of community-based rent- and income-restricted affordable housing is a

support that has potential to benefit community members at risk of displacement; and

WHEREAS, social service uses including housing services, food centers, community health centers and similar

uses are direct supports with potential to benefit community members facing economic hardship; and

WHEREAS, the land affected by this rezone has high potential to be used for social services uses and rent- and

income-restrict affordable housing due to its proximity to other similar uses and its ownership by community-based institutions and non-profit housing providers; and

WHEREAS, this ordinance would increase development capacity for housing and social services and increase Mandatory Housing Affordability requirements on a group of parcels that are currently lightly used or vacant in the Rainier Beach area of Seattle; and

WHEREAS, there is no housing on the land affected by this proposed ordinance and therefore no potential for residential displacement; and

WHEREAS, the increased development capacity provided by this ordinance, which would increase the likelihood for near-term construction activity from development and construction, is one form of economic stimulus that can contribute to economic recovery; and

WHEREAS, this proposal will be compatible with the planned land use pattern envisioned in the Comprehensive Plan and the Seattle Municipal Code, since the proposal meets rezone criteria, and would be consistent with the precedent of the mix of uses in other nearby areas and would provide a more gradual stepped transition between higher intensity and lower intensity zoned areas; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on May 21, 2020 and the comment and appeal period expired with no appeal filed; and

WHEREAS, the proposed rezone meets criteria in the Land Use Code as discussed in the Director's Report accompanying this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties identified on page 208 of the Official Land Use Map as shown on Attachments 1 and 2 attached to this ordinance.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if

not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

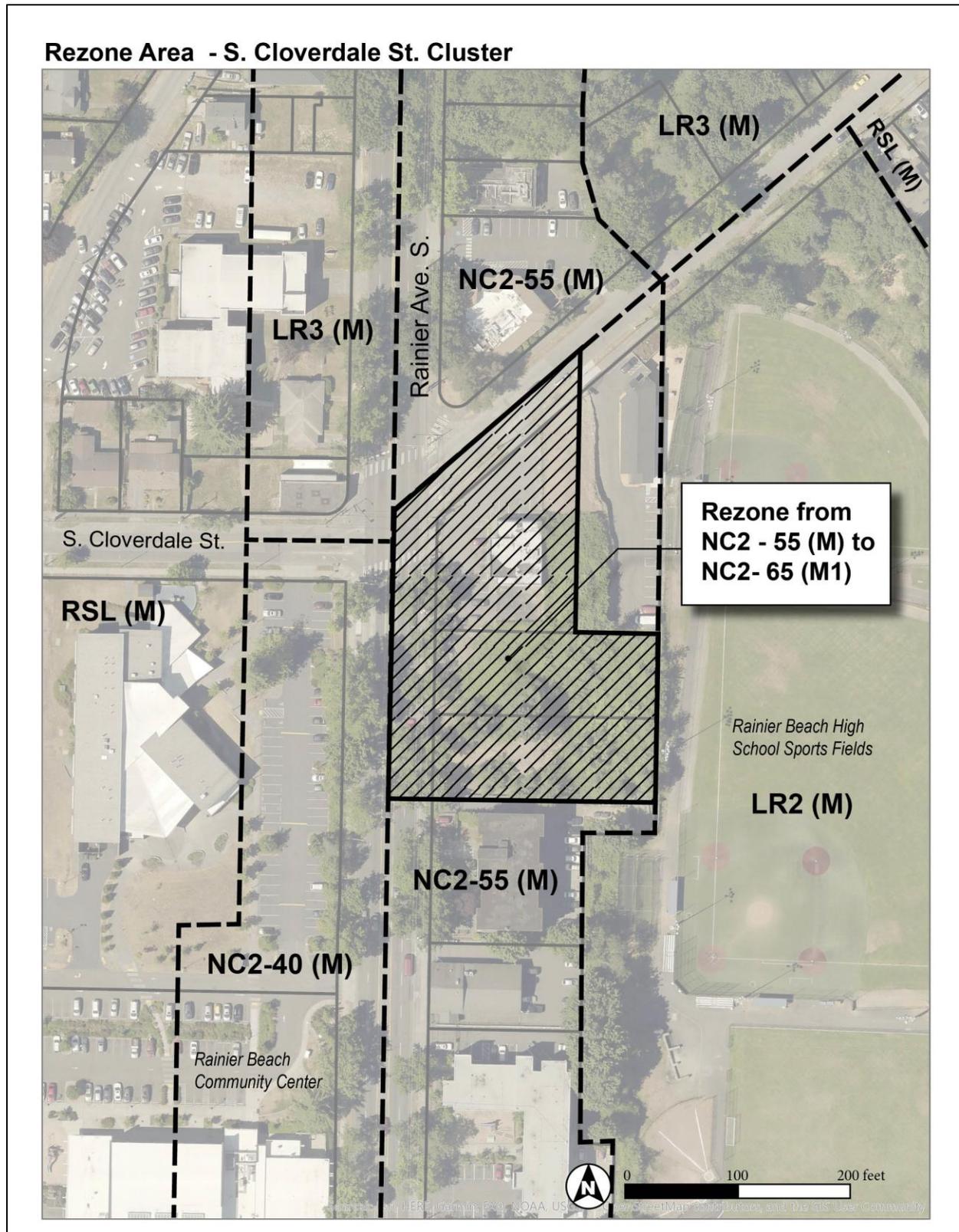
Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

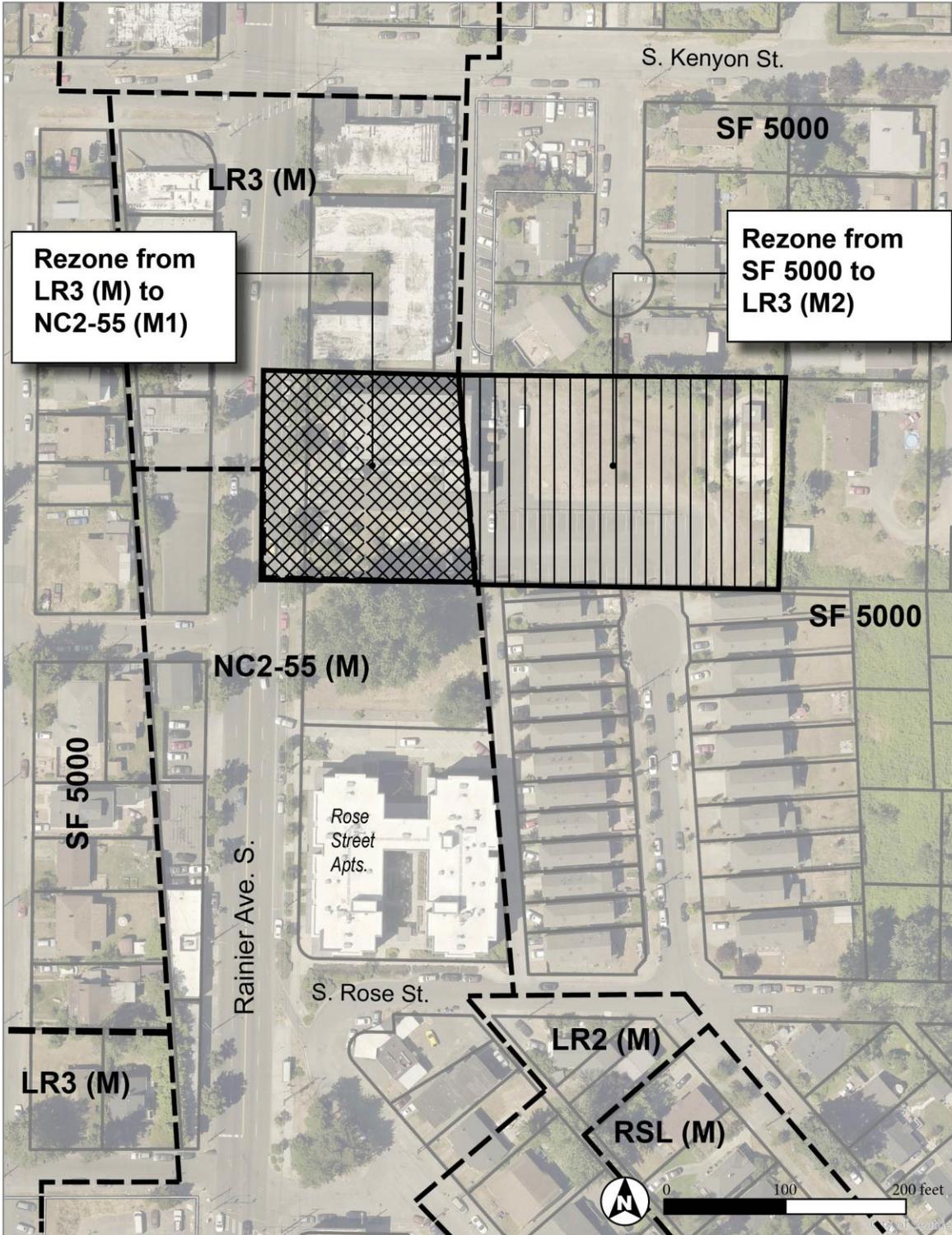
Attachments:
Attachment 1 - Rezone Map - S. Cloverdale St. Area
Attachment 2 - Rezone Map - S. Rose St. Area

Attachment 1 – Rezone Map – S. Cloverdale St. Area



Attachment 2 – Rezone Map – S. Rose St. Area

Rezone Area - S. Rose St. Cluster



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Office of Planning & Community Development (OPCD)	Geoff Wentlandt /684-3586	Christie Parker/684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 208 of the Official Land Use Map to rezone land in the Rainier Beach neighborhood.

Summary and background of the Legislation:

This proposal would implement a suite of zoning changes on land in the Rainier Beach neighborhood on a collection of currently vacant or little-used parcels fronting Rainier Avenue South. The parcels are identified as having a high potential for infill development with affordable multi-family housing and social service uses. In total the proposal would affect 3.16 acres of land in two clusters with multiple parcels each. The parcel clusters are located approximately 1,300 feet or roughly a quarter mile from one another along Rainier Ave. S. at S. Cloverdale St. and S. Rose St.

S. Cloverdale St. Cluster

This cluster of parcels consists of three parcels, totaling 1.15 acres to the northwest of the Rainier Beach High School sports fields. The existing zoning on these parcels is NC2-55 (M). The proposal would rezone these parcels to NC2-65 (M1). The cluster of parcels is within the Rainier Beach urban village.

S. Rose. St. Cluster

This cluster consists of one large parcel north of the existing Rose Street Apartment building that totals 1.57 acres. The parcel fronts onto Rainier Ave. South, is 68,567 sq. ft., and extends east to approximately the middle of the block. This parcel is split-zoned at the approximate midpoint of the parcel, with the front half facing Rainier Ave. S. currently zoned LR3 (M). The rear half of this parcel is currently zoned SF 5000. Under this proposal, the front (Rainier Ave. facing) portion of the large parcel would be rezoned from LR3 (M) to NC2-55 (M1), and the rear portion of the large parcel would be rezoned from SF 5000 to LR3 (M2). The rezones provide a stepped transition from higher intensity commercial zoning on the arterial road, to a multi-family residential zone, before the edge of the Single Family context. Under the proposal, height limits would be stepped, from 55' (NC zone), to 40' (LR3 zone), to 35' (Single Family zone).

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___ X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The legislation is expected to expedite infill development of affordable housing and social service uses. Permitting of the developments would be covered by permit fees. The legislation will have minor impacts to SDCI staff, as they will be called on to update the zoning maps.

Is there financial cost or other impacts of *not* implementing the legislation?

Not implementing this legislation could delay commencement of affordable housing and social services developments.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
The Office of Housing has awarded funds for affordable housing developments on sites affected by this legislation. The legislation will facilitated the expected allocation of the funds.
- b. Is a public hearing required for this legislation?**
Yes. A public hearing is expected to be held in summer 2020.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Publication is required in the Daily Journal of Commerce.
- e. Does this legislation affect a piece of property?**
The legislation will apply to two clusters of parcels along Rainier Ave. S. in the Rainer Beach neighborhood as described above.
- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
This legislation will directly facilitate the development of affordable housing and social services that have strong support from organizations affiliated with communities of color. Expected uses include the Rainier Beach Food Center and the Muslim Housing Services referral offices.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

No new initiative or major programmatic expansion is proposed.

Director's Report Rainier Beach Rezones June 2020

PROPOSAL SUMMARY

The Office of Planning and Community Development proposes legislation to rezone land in the Rainier Beach neighborhood on a collection of currently vacant or little-used parcels fronting Rainier Avenue South. The parcels have a high potential for infill development with affordable multi-family housing and social service uses. The parcels are expected to host development of the Rainier Valley Food Center and the Muslim Housing Services referral office. In total the proposal would affect 2.72 acres of land in two clusters. The clusters are located approximately 1,300 feet or roughly a quarter mile from one another along Rainier Ave. S., at S. Cloverdale St. and S. Rose St.

S. Cloverdale St. Cluster

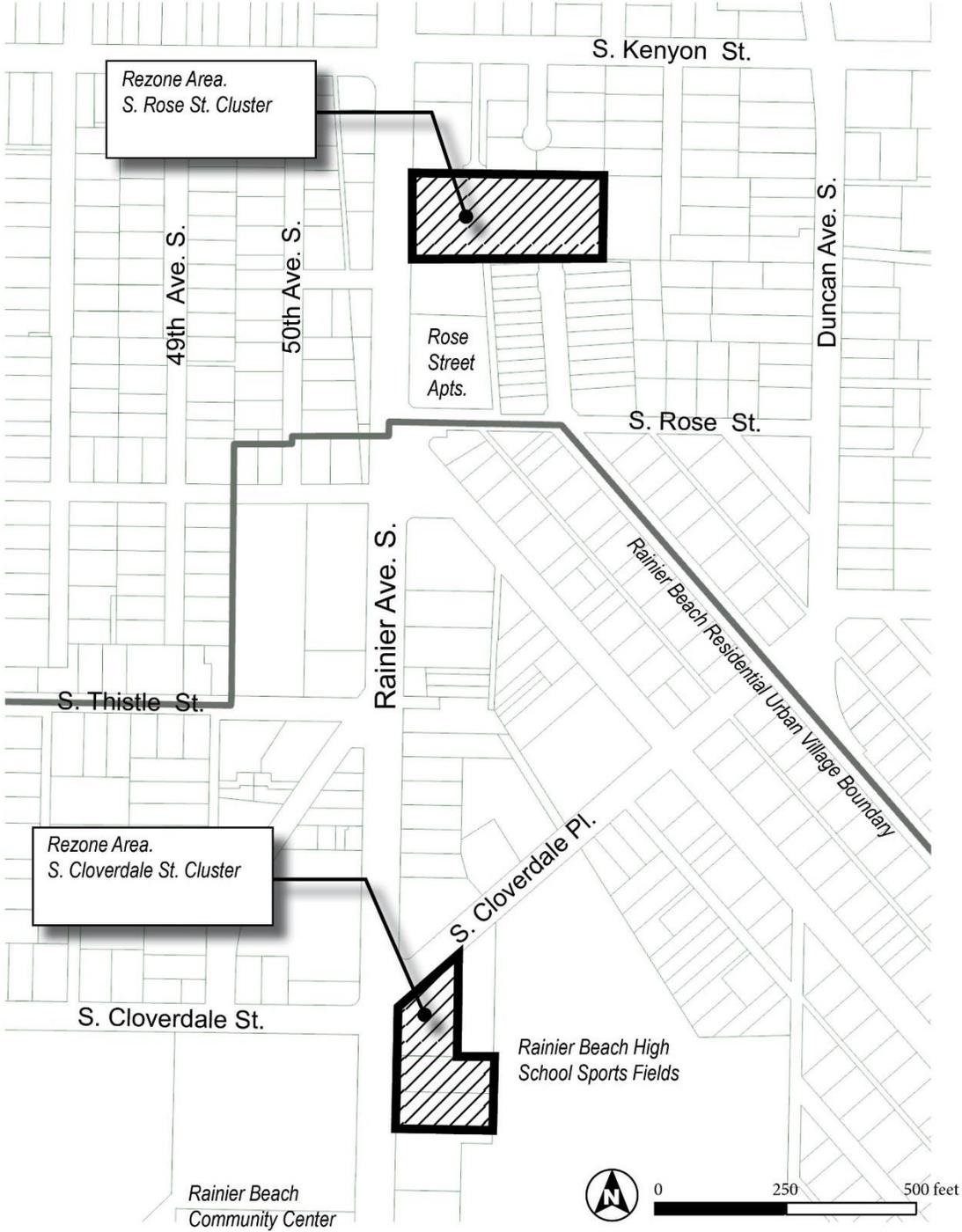
This cluster consists of three parcels, totaling 1.15 acres to the northwest of the Rainier Beach High School sports fields. The existing zoning is Neighborhood Commercial 2 (NC2) with a 55-foot height limit and an (M) Mandatory Housing Affordability (MHA) suffix. The legislation would rezone these parcels to NC2 with a 65 foot height limit and an (M1) MHA suffix. The cluster is within the Rainier Beach urban village.

S. Rose. St. Cluster

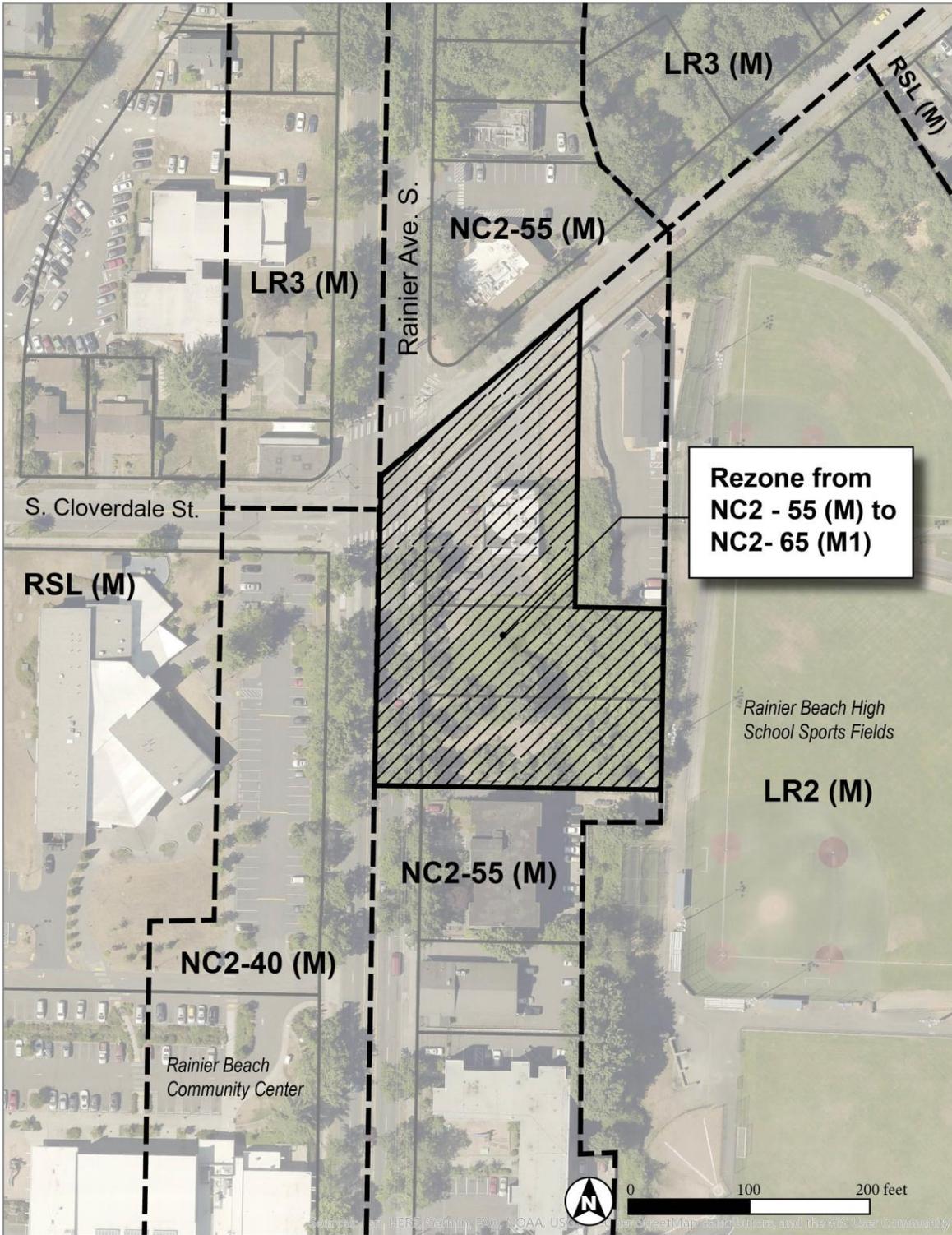
This cluster consists of one very large parcel that has two existing zoning designations, located to the north of the existing Rose Street Apartments. The parcel fronts Rainier Ave. South and is 68,567 sq. ft. (1.57 acres) in size. The parcel is split-zoned at its approximate midpoint, with the front half facing Rainier Ave. S. currently zoned Lowrise 3 multifamily (LR3) with an (M) MHA suffix. This portion would be rezoned to the Neighborhood Commercial 2 zone with a 55 height limit and an (M1) suffix. The rear half of this parcel is currently zoned Single Family 5000 and would be rezoned to the LR3 zone with an (M2) suffix. The large parcel is used as a religious facility.

See also maps and photographs on the following pages.

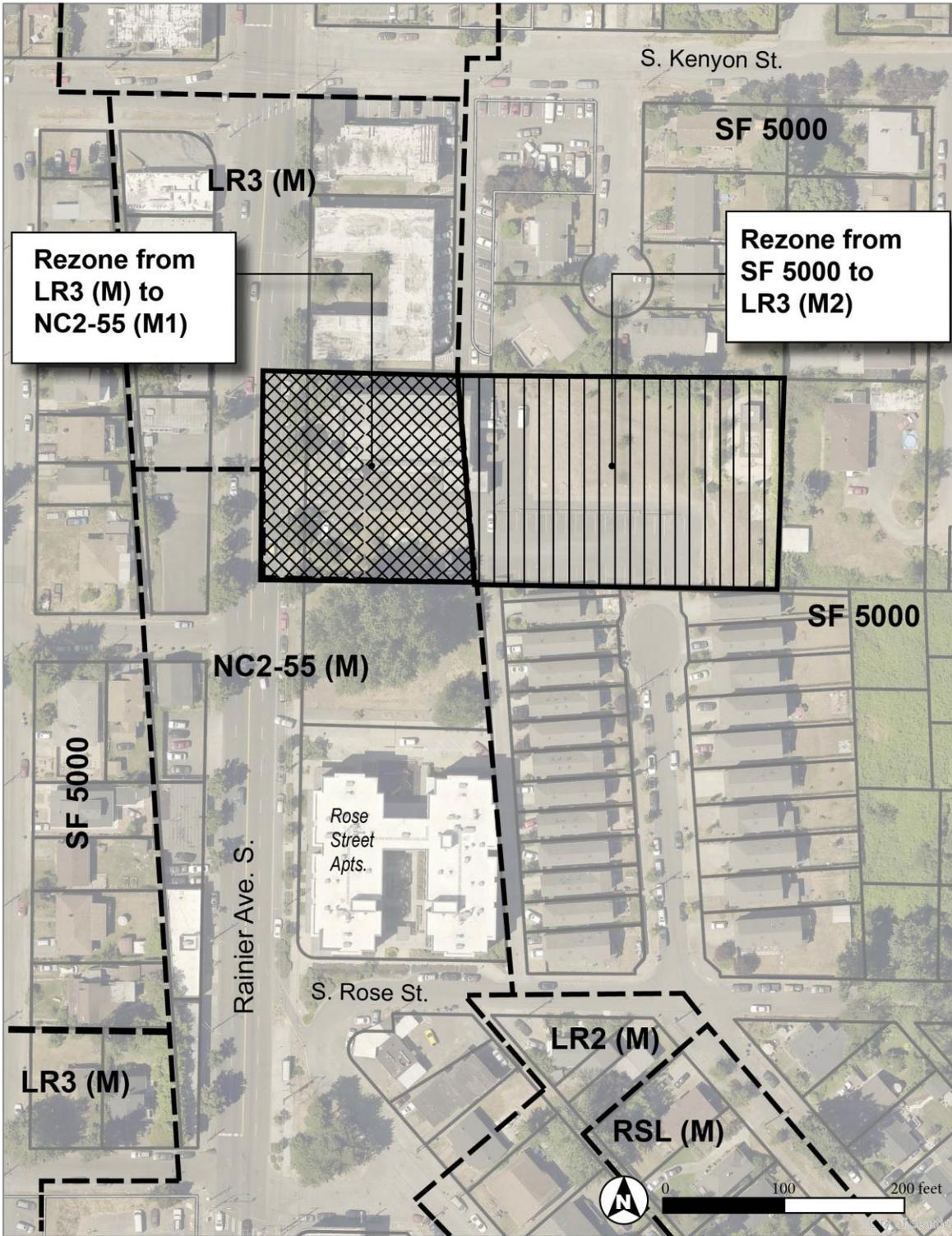
Rezone Areas



Rezone Area - S. Cloverdale St. Cluster



Rezone Area - S. Rose St. Cluster





The Rose. St. cluster. View is looking east across Rainier Ave. S. to the existing Life Change Church structure on the site.



S. Cloverdale St. cluster. View is looking south at the site with the existing New Star Mini Mart on site and the Rainer Beach High School sports fields in the background.

BACKGROUND

The sites proposed for rezone are lands that not-for-profit affordable housing providers are seeking to develop for rent- and income-restricted housing and social services. The incremental zoning changes would increase development capacity to support greater densities or quantities of affordable housing. The proposed rezone supports development that would be in efficient configurations for cost-effective construction due to topographical factors, construction methods, and parcel size. No housing units will be eliminated since there is no existing housing on site. Although this proposal does not include construction, the zoning envelopes could facilitate an estimated 425 new housing units using general assumptions.

At the S. Cloverdale St cluster, Mt. Baker Housing is seeking to build a six-story apartment building that would include the Rainier Beach Food Center on the ground floor. The food center would feature the Rainier Valley Food Bank and other space for food innovation, distribution, and training services. The new apartment homes would be within one-half mile of the Rainier Beach Light Rail Station and would house Individuals/Families at 50-60% Area Median Income and Feature 2-3 bedroom ‘family-sized’ units.

At the Rose St. cluster Bellweather Housing is seeking to build a multi-story apartment building with 2-bedroom plus, affordable family-sized housing units. The development would also feature ground level community space to support families, space for childcare, and not-for-profit offices. The location is close to the Ethiopian Community Center and other nearby East African-owned businesses. The non-profit office space is expected to be occupied by Muslim Housing Services.

State Environmental Policy Act Review (SEPA)

OPCD issued a SEPA checklist and a determination of non-significance (DNS) on May 21, 2020 for the proposed rezones. The decision was published in the Seattle Daily Journal of Commerce and the City’s Land Use Information Bulletin. OPCD received one comment in support of the proposed rezones. The SEPA appeal period expired on June 12, and no appeal was received.

Public Engagement

In 2019 and 2020 the not-for-profit affordable housing providers conducted extensive community outreach regarding their intentions for redevelopment of the affected sites. The agencies have received broad-based community support for their proposals. The Rainier Valley Food Center is a use that is strongly supported by community members in Rainier Beach. Food related uses and facilities are identified as a high priority in the Rainier Beach neighborhood plan.

Compatibility with Existing Use and Development Pattern

A complete analysis of the SMC rezone criteria is provided below to document whether the rezone is appropriate. In addition, the following provides an overview of the compatibility between uses that could occur under the proposed rezones and the surrounding existing context and land use.

S. Cloverdale St. Cluster – The area is already characterized by a mix of ground level commercial spaces and multi-story multifamily residential buildings. The other large use in the immediate area is the Rainier Beach High School sports fields. New mixed-use development would be consistent with the scale and functions of existing activities in the area.

The only structure currently on site is the single-story New Star Mini Mart. A single-story office building built in 2007 is adjacent to the site to the northeast. Directly east of the proposed rezone area is the

Rainier Beach High School sports fields and school buildings. South of the proposed rezone is a four story, wood frame apartment building built in 1960. Other development in the area consists of the Rainier Beach Community Center located on the west side of Rainier Ave S, and the South Lake Service School at the southwest corner of Rainier Ave S and S. Cloverdale St.

S. Rose St. Cluster - This area is already characterized by a mix of ground level commercial spaces and multi-story multifamily residential buildings. A new-mixed use development would be consistent with the scale and functions of existing activities in the area, and would continue the trend of other recent developments in the block.

The existing use on the site is the Life Change Church, which includes religious gathering space and a large parking lot and grounds. Directly south of the site is the six story Rose Street Apartment building, which includes ground level commercial space. This is the newest building in the vicinity, which was constructed in 2010. Directly north of the site are two existing three story multi-family apartment complexes built in the 1950s. A series of one-story commercial structures are located across the street from the proposed rezone area. To the rear of the site is an existing duplex structure, that is separated and buffered from the site by its rear yard. The rear portion of the site is also bordered by single family homes accessed off of S. Wolcott St.

With regard to scale and height limits, the proposed rezones would provide a stepped transition from higher intensity commercial zoning on the Rainier Ave. S., to a multi-family residential zone in the interior of the block, before the edge of the Single Family context. Under the proposal, height limits would be stepped in a west to east direction from 55' (NC zone), to 40' (LR3 zone), to 35' (Single Family zone).

REZONE CRITERIA EVALUATION

Tables below evaluate all SMC rezone criteria relevant to the proposal. The two component rezones of the Rose St. parcel are evaluated separately.

Rezone from Single Family 5000 to Lowrise 3 multifamily (LR3) For the Rear/East Portion of the Rose St. Cluster

SMC	Criterion	Evaluation
23.34.007	Rezone Evaluation	
23.34.007.B	No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.	Noted. Criteria are balanced in this evaluation.
23.34.007.C	Compliance with the provisions of this Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in subsection 23.60A.042.C.	Noted. This evaluation is used for Comp Plan consistency analysis.
23.34.008	General rezone criteria	
23.34.008.B	Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.	The LR3 zone criteria closely match the characteristics of the proposed rezone area as noted below.
23.34.008.C	Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.	There has been no recent zone change for the portion of the lot zoned single family. In 2019 the City incrementally rezoned adjacent multifamily land to implement MHA. Roughly one block north, at 7700 Rainier Ave. S. (Emerald City Commons), in 2010 City Council rezoned a parcel of land from Single

		Family to Neighborhood Commercial with similar geometry and pattern to this proposed rezone.
23.34.008.D	Neighborhood Plans.	
1.	For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan	The Rainier Beach neighborhood plan was adopted in 1999 and amended in 2014.
2.	Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.	The neighborhood plan was taken into consideration.
3.	Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.	The plan does not include specific guidance for rezones of the area in question. The area of the proposed rezone to LR3 is outside of the neighborhood plan study area.
4.	If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.	No amendment to a neighborhood plan is proposed. The rezone area is outside of the neighborhood plan study area.
23.34.008.E	Zoning Principles	
1.	The impact of more intensive zones on less intensive zones, or industrial and commercial zones on other zones, shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.	A transition between more intensive commercial zoning on the Rainier Ave frontage, to multifamily zoning, to single family zoning would be created by the proposal.
2.	Physical buffers may provide an effective separation between different uses and intensities of development.	The rear (east) edge of the proposed multifamily zone would be at the same depth in the block as a vegetated natural area, a topographical change, and a partial street right of way.
3.	Zone boundaries	

3.a.	In establishing boundaries, the following elements shall be considered: 1) Physical buffers as described in subsection 23.34.008.E.2; and 2) Platted lot lines.	The zone boundary would be at a physical buffer (see row above), and at a platted lot line.
3.b.	Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.	The proposal would put a commercial use on Rainier Ave. south facing other existing commercial uses, and the multifamily residential zone would be at the interior of the block facing other residential uses.
4.	In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.	The proposed height limit would be 50', an appropriate height for outside of an urban village.
23.34.008.F	Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings	See below.
F.1	Factors to be examined include, but are not limited to, the following:	See below.
a.	Housing, particularly low-income housing;	The proposed rezone area would have a high likelihood of being developed with rent- and income-restricted affordable housing. There is no existing housing on site and therefore no risk of displacement.
b.	Public services;	Public services are in place as discussed in the SEPA checklist.
c.	Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;	Factors were considered and discussed in the SEPA checklist and decision.
d.	Pedestrian safety;	There are wide sidewalks in place on Rainier Ave. S. and an improved bus stop and plaza area.
e.	Manufacturing activity;	None in the vicinity.

f.	Employment activity;	Future uses on the site are expected to be primarily residential
g.	Character of areas recognized for architectural or historic value;	No historic resources or landmarks are known to be on the site or immediate vicinity.
h.	Shoreline view, public access, and recreation.	There are no views or shorelines in the affected area.
F.2	Service capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:	See rows below.
a.	Street access to the area;	Street access capacity would not be exceeded as discussed in the SEPA checklist and DNS.
b.	Street capacity in the area;	None of these capacities would be exceeded as discussed in the SEPA checklist, and environmental determination.
c.	Transit service;	
d.	Parking capacity;	
e.	Utility and sewer capacity;	
f.	Shoreline navigation;	Not applicable.
23.34.008.G	Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34 .	Although the rear parcel (7931 Duncan Ave. SW) is addressed at Duncan Ave. and is in a Single Family zone, the site is occupied by a multifamily duplex structure.
23.34.008.I	Critical areas. If the area is located in or adjacent to a critical area (Chapter 25.09), the effect of the rezone on the critical area shall be considered.	The only critical area present is a liquefaction prone area. This is a common condition in the Rainier Valley and will be addressed at the time of development activity.
23.34.013	Designation of multifamily zones	
An area zoned single-family that meets the criteria of Section 23.34.011 for single-family designation may not be rezoned to multifamily except as otherwise provided in Section 23.34.010.B.		See the next four rows below for review of whether the single-family zoned portion of the parcel meets the single family designation criteria of 23.34.010 and 23.34.011.
23.34.010	Designation of SF500, SF7200, and SF9600 zones	
A. (Designation of single family zones.)	Except as provided in subsection 23.34.010.B, areas zoned SF 5000, SF 7200, or SF 9600 may be rezoned to zones more intense than SF 5000 only if the City Council determines that the	As documented below, the area proposed for rezone from Single Family does not meet the locational criteria for a single family zone.

	area does not meet the locational criteria for SF 5000, SF 7200, or SF 9600 zones.	
B. (Designation of single family zones)	Areas zoned SF 5000, SF 7200, or SF 9600 that meet the locational criteria contained in subsections 23.34.011.B.1 through 23.34.011.B.3 may only be rezoned to zones more intense than SF 5000 if they are located within the adopted boundaries of an urban village, and the rezone is to a zone that is subject to the provisions of Chapter 23.58B and Chapter 23.58C .	This criterion does not apply because the area proposed for rezone from single family does not meet the locational criteria.
23.34.011.A (Single family zones, function, and locational criteria)	Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.	The lot sizes of the affected lots are 68,579 sq. ft. and 21,026 sq. ft. and contain no single-family structures. The average lot size for single-family lots in the extended vicinity is around 4,500 sq. ft. The rezone area does not meet the single-family function criterion.
23.34.011.B (Single family zones, function, and locational criteria)	Locational criteria. A SF 5000, SF 7200, or SF 9600 zone designation is most appropriate in areas that are outside of urban centers and villages and meet the following criteria:	
B.1	Areas that consist of blocks with at least 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or	Only 8% of the structures in the block are in single family use. 92% of structures in the block contain commercial or multi-family housing uses. This single family location criterion is not met.
B.2	Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or	The 2014 Rainier Beach Neighborhood Plan does not identify the rezone area for single family. The criterion is not met.
B.3	Areas that consist of blocks with less than 70 percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:	There is not an increased trend towards single family residential use in the block, as noted below.
a.	The construction of single-family structures, not including detached accessory dwelling units, in the last five years has been increasing proportionately to the total number of	There is only one single family structure in the block and it was built 106 years ago in 1914.

	constructions for new uses in the area, or	
b.	The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or	There is no trend of improvement to single family homes in the block.
c.	The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five years, or	There is only one single family structure in the block.
d.	The area's location is topographically and environmentally suitable for single-family residential developments.	The parcel size and position in a business district and on an arterial road make it more suitable for mixed use commercial or multi-family use.
23.34.020	Lowrise 3 (LR3) zone, function and locational criteria	
23.34.020.A	Functions. The dual functions of the LR3 zone are to:	
A.1	provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and	The rezone area is connected to the Rainier Ave. S. arterial road. Structures immediately to the south and north of the site along Rainier Ave. S. are multifamily apartments. This function would be provided.
A.2	accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.	Not applicable. The area is not within an urban village or center, but is one block away from the Rainier Beach urban village. This function would not be directly provided.
23.34.020.B	Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:	
B.1.a		Not applicable (not within an urban village).
B.1.b	located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;	The site is one block away from the Rainier Beach urban village, is on an arterial street, and the area is characterized by a mix of structures of low and moderate scale. The criterion is met.
B.2	The area is near neighborhood commercial zones with comparable height and scale;	Yes. The area is near an NC zone with a 55' height limit. The LR3 height limit is 50'.
B.3	The area would provide a transition in scale between LR1 and/or LR2 zones	No. The proposed zone would provide a transition from a residential area to

	and more intensive multifamily and/or commercial zones;	a commercial area, but not from an LR1/LR2 zone.
B.4	The area has street widths that are sufficient for two-way traffic and parking along at least one curb	Yes. Rainier Ave. S. has four vehicular travel lanes and on-street parking right in front of the site.
B.5	The area is well served by public transit;	Yes. The area has a bus stop for the 7 and 9 bus less than a block away. The site is on the frequent transit network.
B.6	The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;	Yes. The site has direct access to the Rainier Ave. S. arterial road.
B.7	The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.v	Yes. There are nearby community centers, schools, parks and retail services.
23.34.020.D	<p>Except as provided in this subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:</p> <p>1.was created by human activity, or 2.is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.</p>	The rezone area is not in a critical area, except that it is a liquefaction prone area as allowed for by D.2.

Rezone from Lowrise 3 Multifamily (LR3) to Neighborhood Commercial 2 with a 55' Height Limit (NC2-55). Front/West Portion of the Rose St. Cluster, facing Rainier Ave. S.

Relevant Rezone Criteria are evaluated. Criteria that are not applicable are not included in the table.

SMC	Criterion	Evaluation
23.34.007	Rezone Evaluation	
23.34.007.B	No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezoning considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.	Noted. Criteria are balanced in this evaluation.
23.34.007.C	Compliance with the provisions of this Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in subsection 23.60A.042.C.	Noted. This evaluation is used for Comp Plan analysis.
23.34.008	General rezoning criteria	
23.34.008.B	Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.	The NC2 zone criteria closely match the characteristics of the proposed rezoning area as noted below.
23.34.008.C	Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezoning shall be examined.	In 2019 the City incrementally rezoned the subject site area from LR3 to LR3 (M) to implement MHA.
23.34.008.D	Neighborhood Plans.	
1.	For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan	The Rainier Beach neighborhood plan was adopted in 1999 and amended in 2014.
2.	Council adopted neighborhood plans that apply to the area proposed for rezoning shall be taken into consideration.	The neighborhood plan was taken into consideration.

3.	Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.	The plan does not include specific guidance for rezones of the area in question. The area proposed for rezone to NC is considered in the plan as a mixed use business and residential corridor.
4.	If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.	No amendment to a neighborhood plan is proposed.
23.34.008.E	Zoning Principles	
1.	The impact of more intensive zones on less intensive zones, or industrial and commercial zones on other zones, shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.	A transition between more intensive commercial zoning on the Rainier Ave frontage, to multifamily zoning, to single family zoning would be created by the proposal.
2.	Physical buffers may provide an effective separation between different uses and intensities of development.	The rear (east) edge of the proposed NC zone would be at the same point as the existing zone change. The point of the zone change provides for the gradual transition from higher intensity to lower intensity zones in a west to east continuum.
3.	Zone boundaries	
3.a.	In establishing boundaries, the following elements shall be considered: 1) Physical buffers as described in subsection 23.34.008.E.2; and 2) Platted lot lines.	The zone boundary between the proposed NC zone and the proposed LR3 zone would be at the existing zone boundary. The boundary provides a transition. The boundary would not be at a parcel line but would mimic the pattern of other zone transition points in the block and other nearby blocks.
3.b.	Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers	The proposal would put a commercial use on Rainier Ave. south facing other existing commercial uses, and the multifamily residential zone would be at the interior

	can provide a more effective separation between uses.	of the block facing other residential uses.
4.	In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.	The proposed height limit would be 55', an appropriate height for outside of an urban village.
23.34.008.F	Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings	See below.
F.1	Factors to be examined include, but are not limited to, the following:	See below.
a.	Housing, particularly low-income housing;	The proposed rezone area would have a high likelihood of being developed with rent- and income-restricted affordable housing. There is no existing housing on site and therefore no risk of displacement.
b.	Public services;	Public services are in place as discussed in the SEPA checklist.
c.	Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;	Factors were considered and discussed in the SEPA checklist and decision.
d.	Pedestrian safety;	There are wide sidewalks in place on Rainier Ave. S. and an improved bus stop and plaza area.
e.	Manufacturing activity;	None in the vicinity.
f.	Employment activity;	Future uses on the site are expected to be primarily residential
g.	Character of areas recognized for architectural or historic value;	No historic resources or landmarks are known to be on the site or immediate vicinity.
h.	Shoreline view, public access, and recreation.	There are no views or shorelines in the affected area.
F.2	Service capacities. Development which can reasonably be anticipated based on the	See rows below.

	proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:	
a.	Street access to the area;	Street access capacity would not be exceeded as discussed in the SEPA checklist and DNS.
b.	Street capacity in the area;	None of these capacities would be exceeded as discussed in the SEPA checklist, and environmental determination.
c.	Transit service;	
d.	Parking capacity;	
e.	Utility and sewer capacity;	
f.	Shoreline navigation;	Not applicable.
23.34.008.G	Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34 .	Although the rear parcel (7931 Duncan Ave. SW) is addressed at Duncan Ave. and is in a Single Family zone, the site is occupied by a multifamily duplex structure.
23.34.008.I	Critical areas. If the area is located in or adjacent to a critical area (Chapter 25.09), the effect of the rezone on the critical area shall be considered.	The only critical area present is a liquefaction prone area. This is a common condition in the Rainier Valley and will be addressed at the time of development activity.
23.34.009	Height limits of the proposed rezone	
If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008 , the following shall apply:		
A.	Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.	The 55' height limit is consistent with the intended scale of mixed use development. There is no risk of residential displacement.
B.	Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.	The area is generally flat and no views will be blocked by the 55' limit.
C.1	The height limits established by current zoning in the area shall be given consideration.	The existing height limit (LR3) is 5' less than proposed. Adjacent land on Rainier Ave. S. is already zoned with a 55' height limit.

C.2	In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.	Within the block there is an existing 5 story apartment building (Rose St. Apartments), and other 3 story apartments.
D.1	Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.	The proposed 55' height limit is consistent with adjacent property zoned with a 55' height limit and other LR3 zoned property zoned with a 50' height limit. Nearby structures fronting Rainier Ave. S. are 3 to 6 stories tall.
D.2	A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.D.2, are present.	A gradual transition in height limits from 55' (NC2-55), to 50' (LR3), to 35' (SF500) is created by the proposal.
E.	Neighborhood plans	The 2012 Neighborhood Plan does not address the proposed rezone area.
23.34.072	Designation of commercial zones	
A.	The encroachment of commercial development into residential areas shall be discouraged.	The change from multifamily to NC would extend the pattern of NC zones on Rainier Ave. S. that is present to the south in the block. Residential uses would continue on the rear/east portion of the proposed rezone area.
B.	Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010 .	The area of the proposed rezone to NC does not meet the criteria for a single family zone.
C.	Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code	A transition from the NC commercial area to multifamily residential to single family residential would be provided.
D.	Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas	The commercial area is contiguous with the compact, walkable Rainier Beach urban village.
E.	The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.	The block and adjacent areas are part of an existing business district populated with multiple East African businesses. Commercial

		zoning on Rainier Ave. S. would compliment this business cluster.
23.34.076	Neighborhood Commercial 2 (NC2) zones, function and locational criteria.	
A.	Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:	See below.
A.1	A variety of small to medium-sized neighborhood-serving businesses;	The zone change to allow commercial would compliment other small and medium sized business in the block including the Kaffa Ethiopian Coffee and Wine Bar, and the Dabal African Mini Mart.
A.2	Continuous storefronts built to the front lot line	The zone change to allow commercial would promote a continuous line of storefronts stretching to the south.
A.3	An atmosphere attractive to pedestrians;	Rainier Ave. S. has wide sidewalks and recent pedestrian improvements including an upgraded bus stop and plaza area in the block.
A.4	Shoppers can drive to the area, but walk from store to store	Shoppers could walk to store to store and to nearby institutions including the Ethiopian Community Center across the street.
B.	Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:	
B.1	Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks	The business district extends for at least two blocks in each direction, and connects to the Rainier Beach urban village.
B.2	Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;	Rainier Ave. S. is a principal arterial and is on the frequent transit network.

B.3	Lack of strong edges to buffer the residential areas;	There are not strong edges to buffer residential areas
B.4	A mix of small and medium sized parcels;	Parcel sizes in the NC zone within the block are a mix, ranging from roughly 5,000 to 30,000 sq. ft. The subject parcel is larger, at over 68,000 sq. ft., but only a portion of the parcel would be zoned NC.
B.5	Limited or moderate transit service.	Transit service is good. The 7 and 9 busses run on Rainier Ave. S.

Rezone from Neighborhood Commercial 2 with a 55’ Height Limit (NC2-55) to Neighborhood Commercial 2 with a 65’ Height Limit (NC2-65) For the S. Cloverdale St. Cluster

23.34.009	Height limits of the proposed rezone	
If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008 , the following shall apply:		
A.	Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.	The 65’ height limit is consistent with the intended scale of mixed use development. There is no risk of residential displacement.
B.	Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.	No views will be blocked by the 65’ limit. The area slopes to the west at the rear of the site, but the adjacent use is the Rainier Beach HS sports fields that would be unaffected by the new height limit.
C.1	The height limits established by current zoning in the area shall be given consideration.	Height limits in the Rainier Beach Urban Village include height limits of 55’, 85’ and 125’.
C.2	In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing	Within nearby blocks there are existing multi-story apartment buildings. Other structures in the area including the Rainier Beach Community Center and nearby

	development is a good measure of the area's overall development potential.	school structures are 30 – 50 high. The proposed 65’ height limit would be roughly one story higher than the existing development pattern.
D.1	Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.	The proposed 65’ height limit would be 10’ higher than adjacent property zoned with a 55’ height limit. Other areas in the urban village have higher height limits.
D.2	A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.D.2, are present.	The site is bordered by the major physical buffer of the sports fields and the wide, Rainier Ave. roadway.
E.	Neighborhood plans	The 2012 Neighborhood Plan envisioned the area for mixed use development and uses related to institutions and services. It did not prescribe a height limit for the specific area.

CONCLUSION

This proposed rezone is consistent with the SMC rezone criteria as demonstrated in this report, and the Comprehensive Plan. A SEPA Determination of Non-Significance has been completed. The proposal would support important public policy objectives including affordable housing and it would provide a direct support to community-based organizations providing services to populations with a high proportion of persons of color. The proposed rezone is recommended for approval.

July 31, 2020

MEMORANDUM

To: Land Use & Neighborhoods Committee
From: Yolanda Ho, Analyst
Subject: Rainier Beach Neighborhood Rezone (Council Bill 119827)

On August 12, 2020, the Land Use & Neighborhoods Committee (Committee) will receive a briefing and hold a public hearing on [Council Bill \(CB\) 119827](#) that would amend the Official Land Use Map to rezone areas located along Rainier Avenue S in the Rainier Beach neighborhood.

This memorandum describes: (1) the areas proposed to be rezoned; (2) CB 119827; (3) a proposed substitute bill; and (4) next steps. A map of the proposed rezone areas is provided in Attachment 1. The proposed substitute version of the bill with technical corrections is provided in Attachment 2.

Background

The proposed rezone includes two areas in the Rainier Beach neighborhood along Rainier Ave S (Attachment 1); one is located near the intersection of S Rose St, and the other is about 1,300 feet (roughly a quarter mile) to the south at the intersection of S Cloverdale St. The total proposed rezone area is 2.72 acres.

S Rose St Rezone Area

This rezone area consists of the majority of a single 1.57-acre parcel (7930 Rainier Ave S) on the east side of Rainier Ave S between S Kenyon St and S Rose St, outside of the Rainier Beach urban village. The parcel faces Rainier Ave S and extends east to approximately the middle of the block. This parcel is split-zoned¹ three ways – it is divided at the approximate east-west midpoint of the parcel, with the eastern portion zoned Single-family (SF) 5000. The western portion is primarily zoned Lowrise 3 with an M Mandatory Housing Affordability (MHA) suffix (LR3 (M)), with a small southern section zoned Neighborhood Commercial 2 with a 55 foot height limit and an M MHA suffix (NC2-55 (M)). The front (western) portion of the parcel is currently occupied by the Life Change Church; the rear (eastern) portion is a partially paved surface parking lot.

The four-story Rose Street Apartment building, constructed in 2010 and owned and operated by Bellwether Housing, is located to the south of the proposed rezone area and is zoned NC2-55 (M). North of the site are two existing three-story apartment buildings built in the 1950s, zoned

¹ A split-zoned parcel is a parcel with two or more zoning designations. All applicable regulations for each particular zone are applied separately for each portion of a parcel which is split-zoned.

LR3 (M). A series of one-story commercial buildings and parking lots are located across Rainier Ave S from the site on parcels zoned LR3 (M) and NC2-55 (M). The adjacent parcel to the east is occupied by an existing duplex that is accessed from Duncan Ave S and is buffered from the site by its rear yard. Along its northeast boundary, the parcel is bordered by single-family houses (zoned SF 5000) along S Wolcott St.

Bellwether Housing is hoping to build a multi-story apartment building with affordable family-sized housing units (two to four-bedroom units serving households with incomes between 50 to 60 percent of Area Median Income (AMI)) in this rezone area. The proposed development would include space for community meetings and childcare. Additionally, the development will include office space reserved for a non-profit organization, which is anticipated to be occupied by Muslim Housing Services. The location is close (0.2 miles) to the Ethiopian Community Center and other nearby East African-owned businesses.

S Cloverdale St Rezone Area

This rezone area consists of three parcels (8600, 8790, and 8800 Rainier Ave S) at the southeast corner of Rainier Ave S and S Cloverdale St, totaling 1.15 acres, and is located within the Rainier Beach Urban Village. The rezone area is currently zoned NC2-55 (M). The parcel at 8600 Rainier Ave S is occupied by a one-story convenience store (New Star Mini Mart). The other two parcels are undeveloped.

The parcel northeast of the proposed rezone area is zoned NC2-55 (M) and occupied by a one-story office building built in 2007. Directly east of the site is the Rainier Beach High School sports fields and school buildings, zoned LR3 (M). South of the proposed rezone is a four-story apartment building built in 1960, zoned NC2-55 (M). Other development in the area consists of the Rainier Beach Community Center located across Rainier Ave S, and South Lake High School at the southwest corner of Rainier Ave S and S Cloverdale St, zoned NC2-40 (M) along Rainier Ave S and RSL (M) to the west.

Mt. Baker Housing is hoping to construct a mixed-use building with affordable housing serving households with incomes between 50 to 60 percent of AMI in this rezone area. The proposal includes ground floor space for the Rainier Beach Food Center that will be operated by the Rainier Valley Food Bank. This center would provide space for food innovation, distribution, and training services. The new development would be within one-half mile of the Rainier Beach Light Rail Station and would feature two to three-bedroom family-sized units.

CB 119827

CB 119827 would rezone the areas described previously as follows:

- S Rose St Rezone Area – the western portion of the area that faces Rainier Ave S and is currently zoned LR3 (M) would be rezoned to NC2-55 (M) and the eastern portion would be rezoned from SF 5000 to LR3 (M2); and
- S Cloverdale St Rezone Area – all three parcels would be rezoned from NC2-55 (M) to NC2-65 (M1).

As required by Title 23 (Land Use Code) of the Seattle Municipal Code (SMC), the Office of Planning and Community Development (OPCD) evaluated the proposal to determine if the zoning changes were consistent with the rezone criteria described in [SMC Chapter 23.34](#). The [OPCD Director's Report](#) includes the detailed analysis of the proposed rezone and concludes that the proposal is consistent with both the rezone criteria and the Comprehensive Plan.

The Director's Report notes that the proposal for the S Rose St Rezone Area would provide a stepped transition from higher intensity commercial zoning on the arterial road (NC zone, 55 feet) to a multifamily residential zone (LR3 zone, 40 feet), before the edge of the Single-family context (SF zone, 35 feet). The S Cloverdale St Rezone Area abuts multifamily and neighborhood commercial zones, and the proposed 10 foot height increase would have little to no impact on these adjacent uses.

OPCD also conducted an analysis of the proposal required by the State Environmental Policy Act (SEPA). On May 21, 2020, OPCD issued a SEPA checklist and a determination of non-significance (DNS) for the proposed rezones. The City received one comment in support of the proposed rezones. The 21-day appeal period expired on June 12, and the City received no appeals.

Substitute Bill

Attachment 2 is a proposed substitute version of the bill that would make the following technical corrections:

- Strikes Attachments 1 and 2, illustrating each of the two rezone areas, and replaces them with a new attachment showing the entire rezone area, and amends the language in CB 119827 accordingly; and
- Corrects the S Rose St Rezone Area to accurately reflect the existing zoning boundaries and, for the western portion of the area, changes the MHA suffix for NC2-55 from M1 to M, which is consistent with the scale of the development capacity increase.

Next Steps

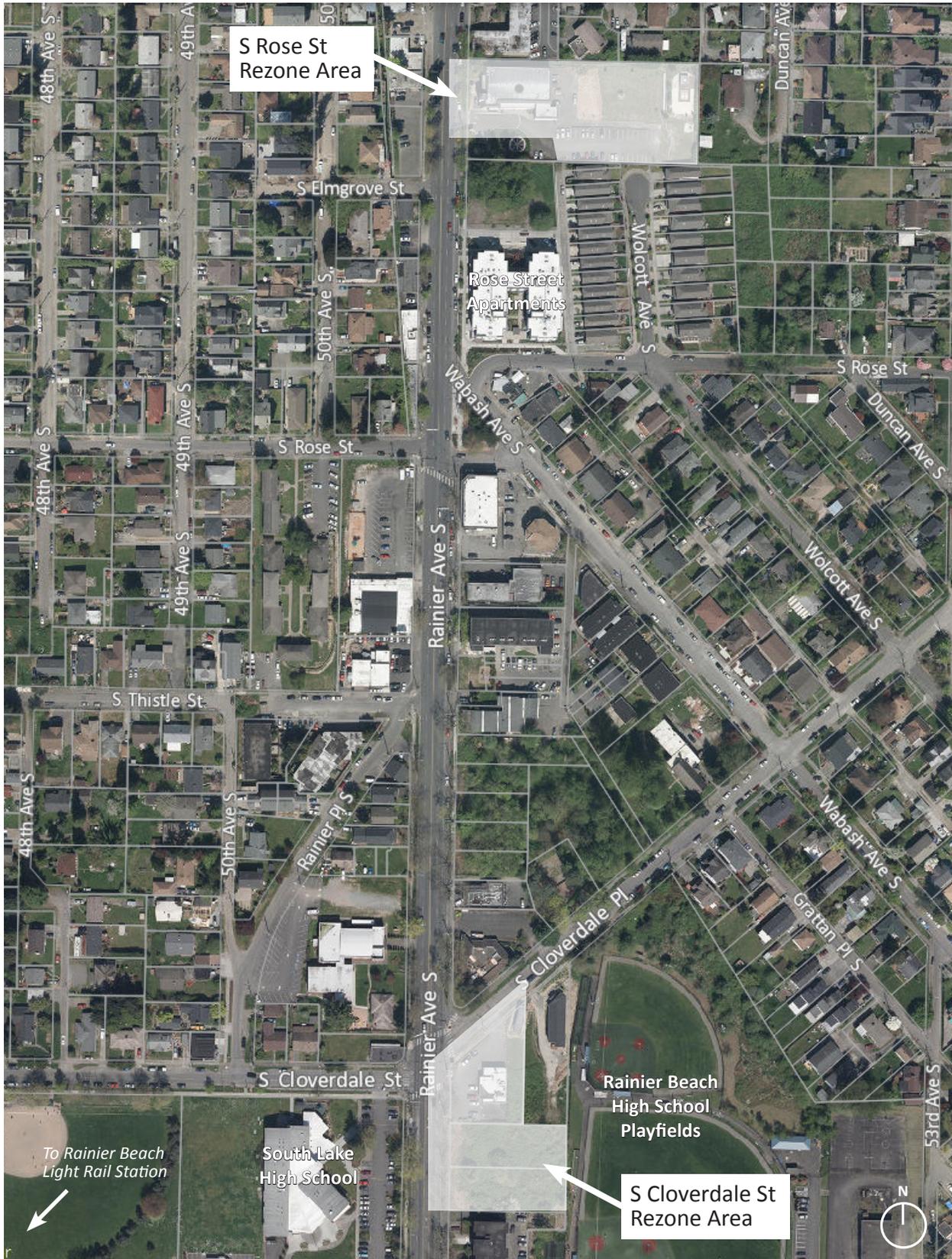
The Committee will continue discussing CB 119827 and possibly vote on September 9.

Attachments:

1. Proposed Rainier Beach Neighborhood Rezone Map
2. Proposed substitute version of CB 119827

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

Attachment 1: Proposed Rainier Beach Neighborhood Rezone Map



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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 208 of the Official Land Use Map to rezone land in the Rainier Beach neighborhood.

..body

WHEREAS, the COVID-19 global pandemic is having disproportionate health impacts on communities of color as evidenced by a relatively higher rates of COVID-19 infections and deaths among communities of color; and

WHEREAS, the economic impacts of the response to the COVID-19 pandemic have disproportionately impacted persons in lower-wage occupations and sectors that are disproportionately held by persons of color; and

WHEREAS, the Rainier Beach neighborhood is among the neighborhoods in Seattle with the highest percentage share of non-white households; and

WHEREAS, the Rainier Beach neighborhood is among the neighborhoods in Seattle with the highest relative risk of displacement according to the Growth and Equity Analysis contained in Seattle’s Comprehensive Plan; and

WHEREAS, expanding the amount of community-based rent- and income-restricted affordable housing is a support that has potential to benefit community members at risk of displacement; and

WHEREAS, social service uses including housing services, food centers, community health centers and similar uses are direct supports with potential to benefit community members facing economic hardship; and

1 WHEREAS, the land affected by this rezone has high potential to be used for social services uses
2 and rent- and income-restrict affordable housing due to its proximity to other similar uses
3 and its ownership by community-based institutions and non-profit housing providers; and

4 WHEREAS, this ordinance would increase development capacity for housing and social services
5 and increase Mandatory Housing Affordability requirements on a group of parcels that
6 are currently lightly used or vacant in the Rainier Beach area of Seattle; and

7 WHEREAS, there is no housing on the land affected by this proposed ordinance and therefore no
8 potential for residential displacement; and

9 WHEREAS, the increased development capacity provided by this ordinance, which would
10 increase the likelihood for near-term construction activity from development and
11 construction, is one form of economic stimulus that can contribute to economic recovery;
12 and

13 WHEREAS, this proposal will be compatible with the planned land use pattern envisioned in the
14 Comprehensive Plan and the Seattle Municipal Code, since the proposal meets rezone
15 criteria, and would be consistent with the precedent of the mix of uses in other nearby
16 areas and would provide a more gradual stepped transition between higher intensity and
17 lower intensity zoned areas; and

18 WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance
19 (DNS) was issued on May 21, 2020 and the comment and appeal period expired with no
20 appeal filed; and

21 WHEREAS, the proposed rezone meets criteria in the Land Use Code as discussed in the
22 Director's Report accompanying this ordinance; NOW, THEREFORE,

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

1 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
2 amended to rezone properties identified on page 208 of the Official Land Use Map as shown on
3 Attachments ~~1 and 2~~ attached to this ordinance.

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

4 Passed by the City Council the _____ day of _____, 2020,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2020.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2020.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2020.

13 _____
14 Monica Martinez Simmons, City Clerk

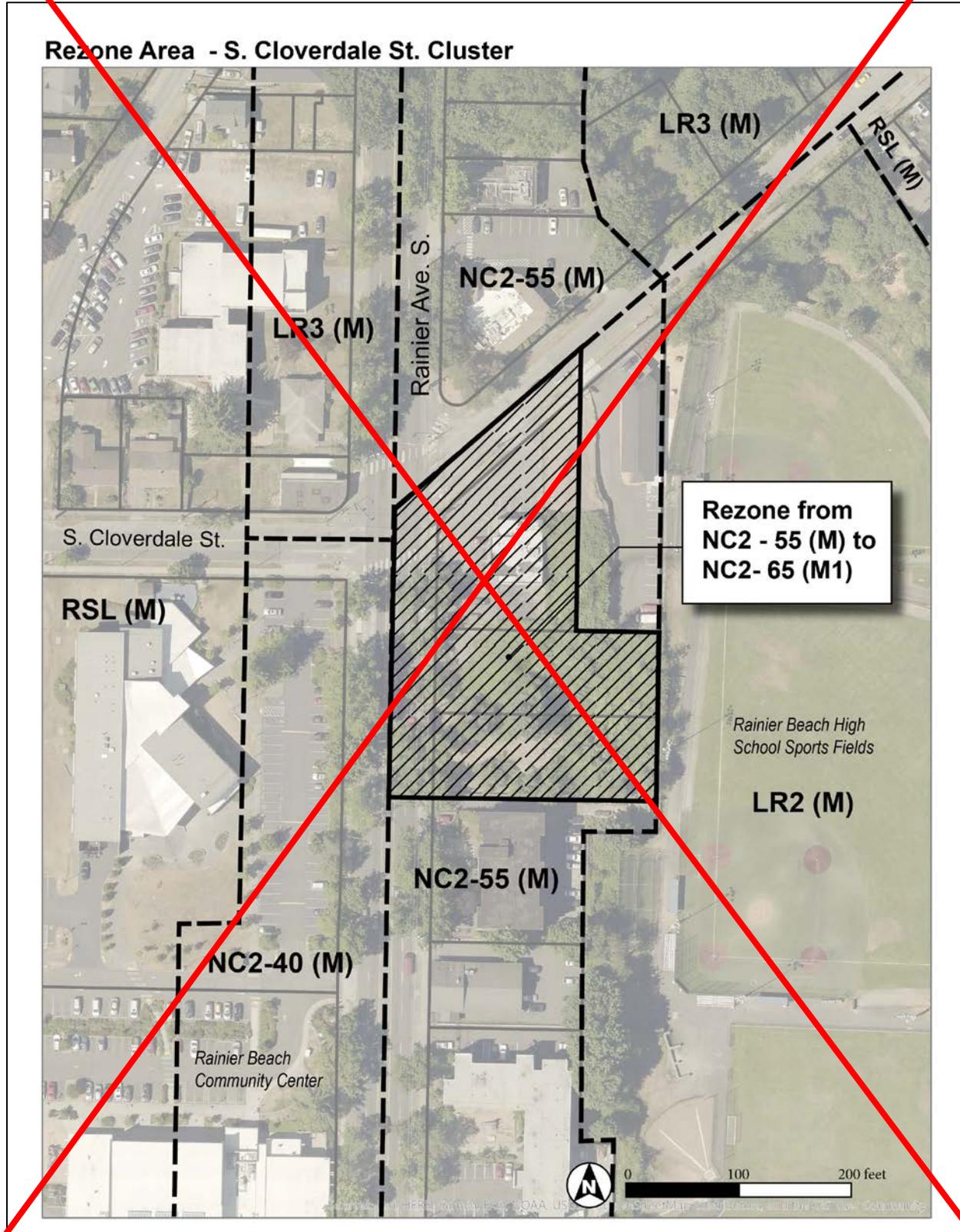
15 (Seal)
16
17
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19

20 Attachments:

21 Attachment 1 – ~~Rezone Map – S. Cloverdale St. Area~~ Rainier Beach Rezone Map

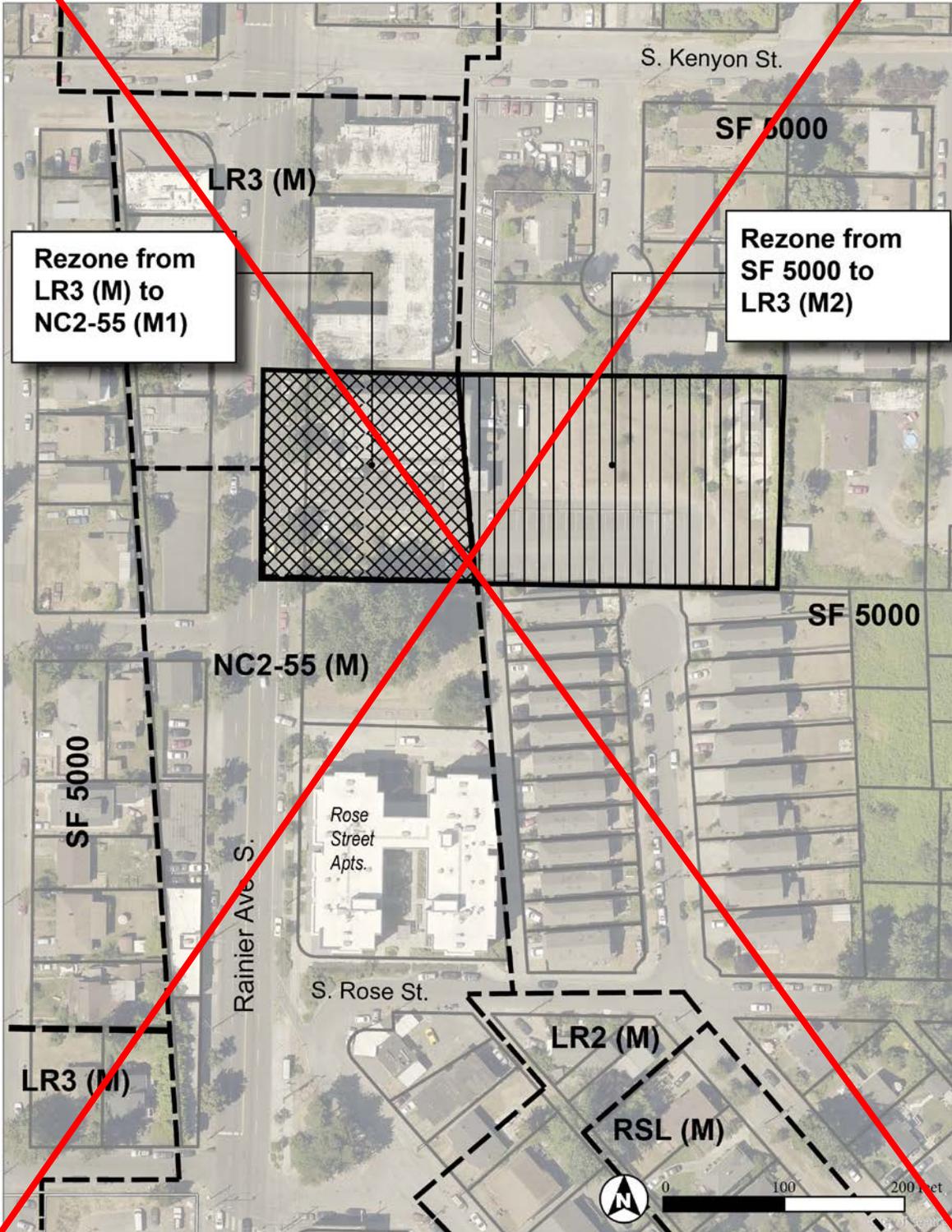
22 ~~Attachment 2 – Rezone Map – S. Rose St. Area~~

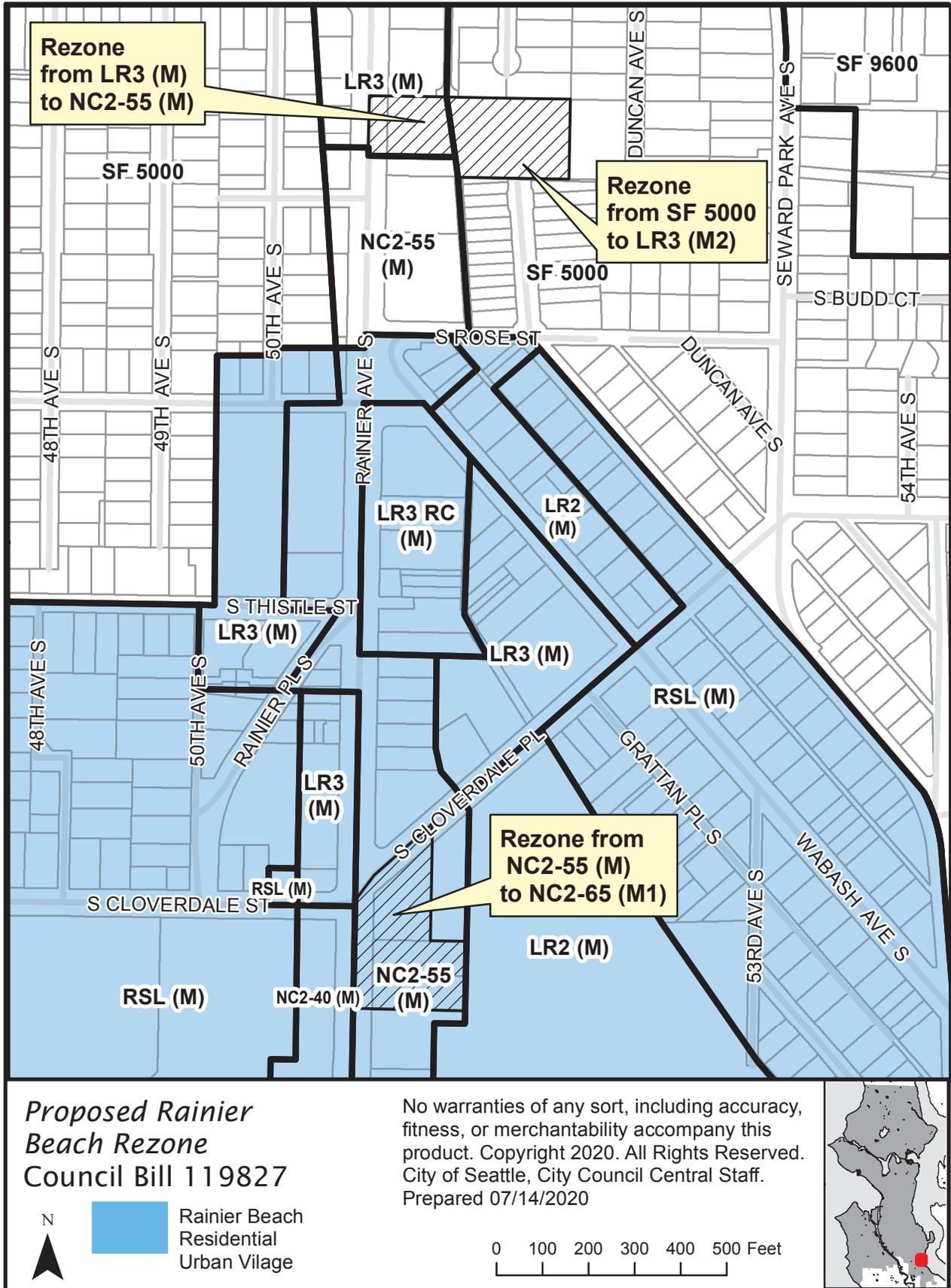
Attachment 1 – Rezone Map – S. Cloverdale St. Area



Attachment 2 – Rezone Map – S. Rose St. Area

Rezone Area - S. Rose St. Cluster



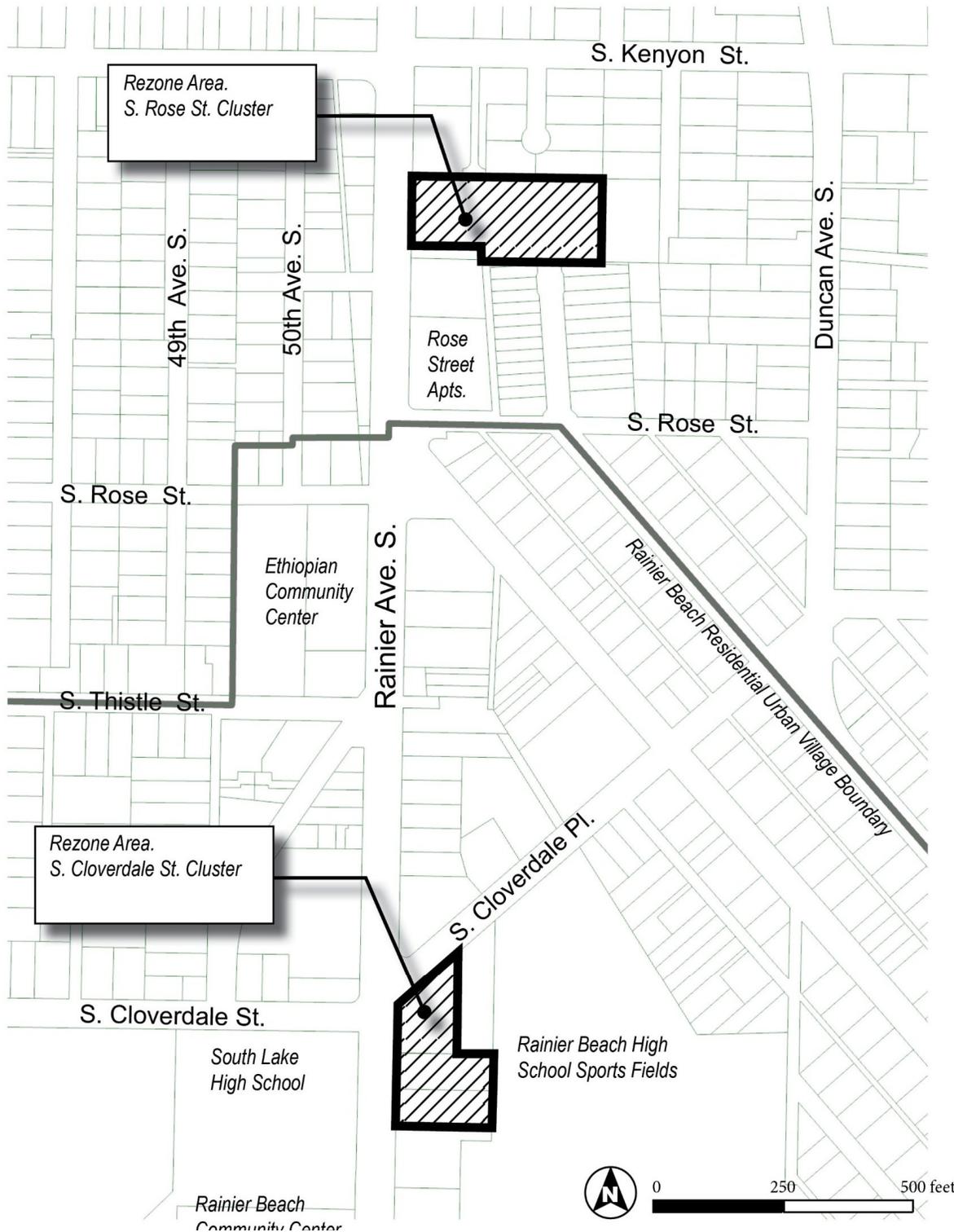


Rainier Beach Area Rezones To Support Affordable Housing

City Council Land Use & Neighborhoods Committee
August 12, 2020



Rezone Areas

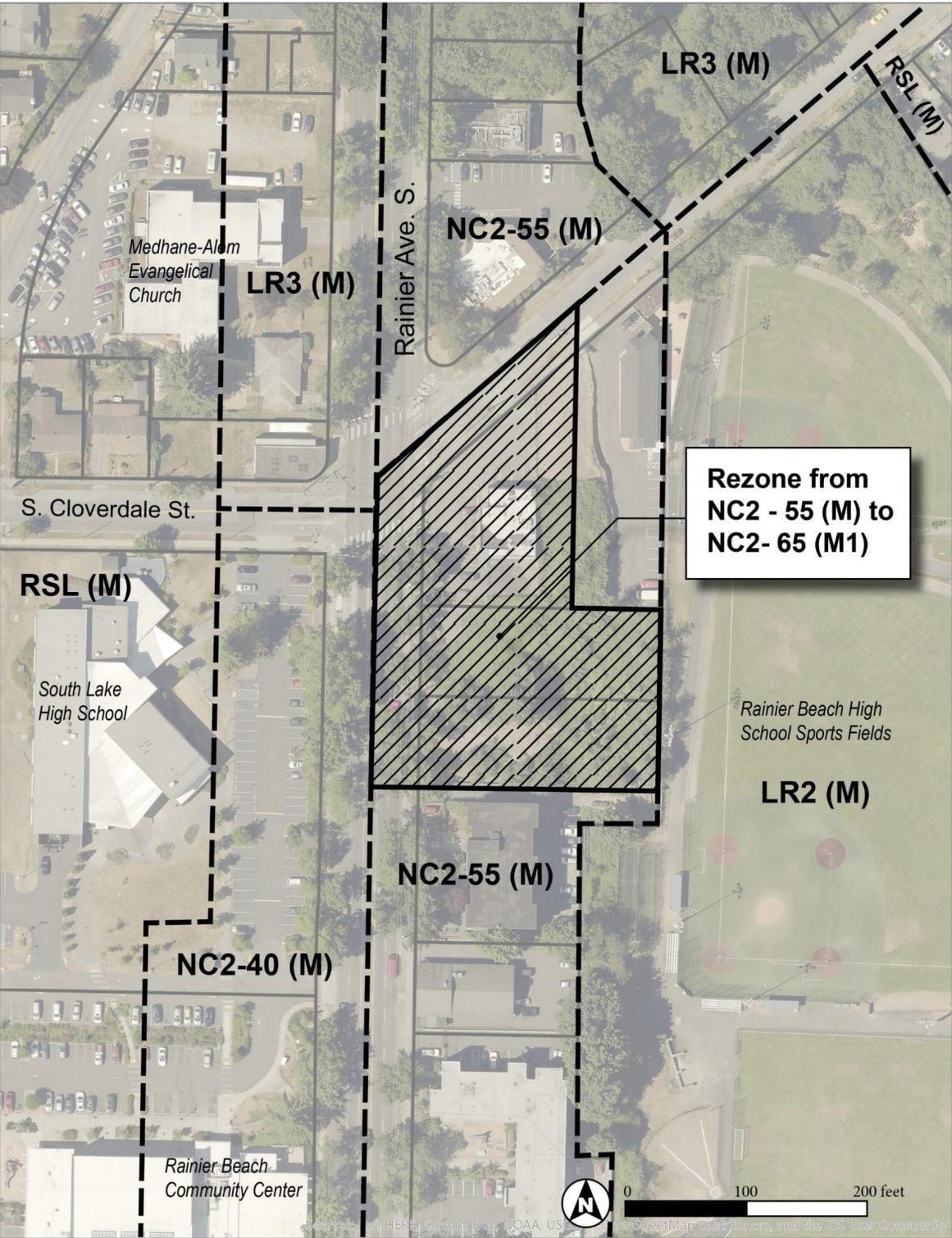


Overview

- Two clusters of parcels totaling 2.72 acres
- Sites are conducive to infill development
- Rezones support expected affordable housing developments and community-supportive services
- Rezones allow more cost-effective construction
- Rezones would implement Comprehensive Plan goals and policies
- Rezones would meet SMC criteria
- SEPA environmental review is complete



Rezone Area - S. Cloverdale St. Cluster

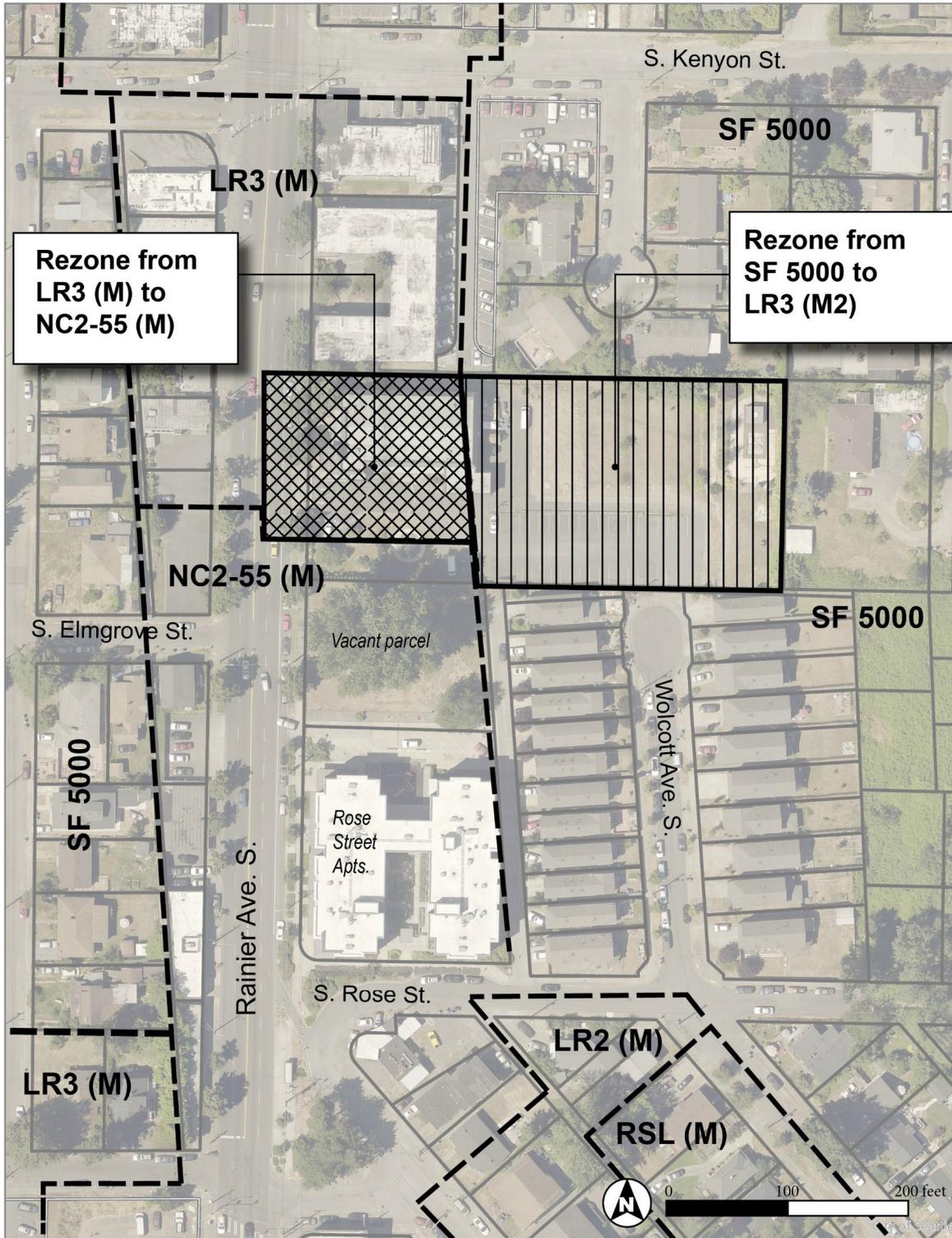


S. Cloverdale St. Cluster

- Rezone increases the height limit from 55' to 65'.
- Base Neighborhood Commercial 2 zone is not proposed for change.



Rezone Area - S. Rose St. Cluster



S. Rose St. Cluster

- Rainier Ave. S. frontage would be rezoned from Lowrise 3 multi-family (LR3) to Neighborhood Commercial 2 with a 55' height limit (NC2-55).
- Rear portion of the parcel would be rezoned from Single Family 5000 to Lowrise 3 multi-family (LR3).



Thank you

Geoffrey.Wentlandt@Seattle.gov

Office of Planning & Community Development





Legislation Text

File #: CB 119831, **Version:** 1

AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

The Full Text is provided as an attachment.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.050 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following requirements:

* * *

D. The occupation may be conducted within any legal principal or accessory dwelling unit or structure ~~((, provided that licensed child care may be conducted only in the principal structure or in an accessory dwelling unit))~~. Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

* * *

F. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the home occupation visible from the exterior of the structure, provided that:

1 Existing institutes for advanced study

2 Other similar institutions

3 The following institutions are prohibited in single-family zones:

4 Hospitals

5 Colleges

6 Museums

7 Private clubs

8 Vocational schools

9 * * *

10 D. General provisions

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

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

18 a. The use does not violate any condition of approval of the existing
19 institutional use;

20 b. The use does not require expansion of the existing structure;

21 c. Any new children's play area is located at least 30 feet from any other
22 lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;

1 d. ~~((If the use is a shelter, the))~~ The occupants are enrolled students of the
2 established school.

3 3. Institutions seeking to establish or expand on property that is developed with
4 residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution
5 campus may be established or expanded beyond 2 1/2 acres if the property proposed for the
6 expansion is substantially vacant land.

7 E. Dispersion. ~~((+))~~ The lot line of any proposed new or expanding institution, other than
8 child care centers ~~((locating in legally established institutions))~~, shall be located ~~((six hundred~~
9 ~~(600)))~~ 600 feet or more from any lot line of any other institution in a residential zone, with the
10 following exceptions:

11 ~~((a-))~~ 1. An institution may expand even though it is within ~~((six hundred (600)))~~
12 600 feet of a public school if the public school is constructed on a new site subsequent to
13 December 12, 1985.

14 ~~((b-))~~ 2. A proposed institution may be located less than ~~((six hundred (600)))~~ 600
15 feet from a lot line of another institution if the Director determines that the intent of the
16 dispersion criteria is achieved due to the presence of physical elements such as bodies of water,
17 large open spaces or topographical breaks or other elements such as arterials, freeways, or
18 nonresidential uses, which provide substantial separation from other institutions.

19 ~~((2. A proposed child care center serving not more than twenty five (25) children~~
20 ~~which does not meet the criteria of subsection E1 of this section may be permitted to locate less~~
21 ~~than six hundred (600) feet from a lot line of another institution if the Director determines that,~~
22 ~~together with the nearby institution(s), the proposed child care center would not:~~

- 1 ~~a. Create physical scale and bulk incompatible with the surrounding~~
- 2 ~~neighborhood;~~
- 3 ~~b. Create traffic safety hazards;~~
- 4 ~~c. Create or significantly increase identified parking shortages; or~~
- 5 ~~d. Significantly increase noise levels to the detriment of surrounding~~
- 6 ~~residents.))~~

* * *

8 Section 4. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
9 125791, is amended as follows:

10 **23.45.510 Floor area**

11 * * *

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

- 13 1. All stories, or portions of stories, that are underground.
- 14 2. The floor area contained in a Landmark structure subject to controls and
- 15 incentives imposed by a designating ordinance, if the owner of the Landmark has executed and
- 16 recorded an agreement acceptable in form and content to the Landmarks Preservation Board,
- 17 providing for the restoration and maintenance of the historically significant features of the
- 18 structure, except that this exemption does not apply to a lot from which a transfer of
- 19 development potential (TDP) has been made under Chapter 23.58A, and does not apply for
- 20 purposes of determining TDP available for transfer under Chapter 23.58A.
- 21 3. The floor area contained in structures built prior to January 1, 1982, as single-
- 22 family dwelling units that will remain in residential use, regardless of the number of dwelling
- 23 units within the existing structure, provided that:

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

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

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

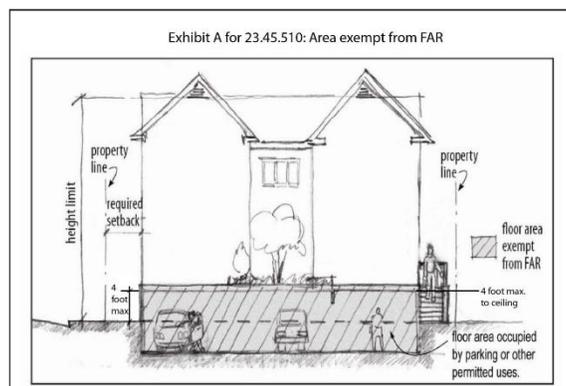
10 a. Apartments in LR zones;

11 b. Rowhouse and townhouse developments in LR zones, provided that all
12 parking is located at the rear of the structure or is enclosed in structures with garage entrances
13 located on the rear facade; and

14 c. All multifamily structures in MR and HR zones.

15 **Exhibit A for 23.45.510**

16 **Area exempt from FAR**



17
18 5. For rowhouse and townhouse developments and apartments, floor area within a
19 story, or portion of a story, that is partially above grade if all of the following conditions are met:

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

3 b. The average height of the exterior walls enclosing the floor area does
4 not exceed one story, measured from existing or finished grade, whichever is lower;

5 c. The roof area above the exempt floor area is predominantly flat, is used
6 as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
7 and

8 d. At least 25 percent of the perimeter of the amenity area on the roof
9 above the floor area is not enclosed by the walls of the structure.

10 6. Enclosed common amenity area in HR zones.

11 7. As an allowance for mechanical equipment, in any structure more than 85 feet
12 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection
13 23.45.510.D.

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

17 9. The floor area of required bicycle parking for small efficiency dwelling units or
18 congregate residence sleeping rooms, if the bicycle parking is located within the structure
19 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
20 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
21 limits.

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

**Table A for 23.47A.004
 Uses in Commercial zones**

Uses	Permitted and prohibited uses by zone ¹				
	NC1	NC2	NC3	C1	C2
* * *					
E. INSTITUTIONS					
E.1. Institutions not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious facilities	P	P	P	P	P
E.4. Schools, elementary or secondary	P	P	P	P	P
<u>E.5. Child care centers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

* * *

KEY

A = Permitted as an accessory use only
 CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
 CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
 P = Permitted
 S = Permitted in shoreline areas only
 X = Prohibited
 CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010
 10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010
 20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010
 25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010
 35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010
 40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010
 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

Footnotes to Table A for 23.47A.004

¹ In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

² In addition to the provisions in this Chapter 23.47A, uses that entail major marijuana activity are subject to the requirements of Section 23.42.058.

³ For commercial uses with drive-in lanes, see Section 23.47A.028.

⁴ Subject to subsection 23.47A.004.H.

⁵ Permitted at Seattle Center.

⁶ Bed and breakfasts in existing structures are permitted outright with no maximum size limit.

⁷ Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

⁸ Medical service uses that are located in an urban center or urban village, which are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families having incomes at or below 200 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major Institution Master Plan.

⁹ Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.

¹⁰ Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

¹¹ Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.

¹² Subject to subsection 23.47A.004.G.

¹³ Permitted pursuant to subsection 23.47A.004.D.7.

¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.

¹⁵ Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.

¹⁶ Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

¹⁷ Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.

¹⁸ Permitted at Seattle Center; see Section 23.47A.011.

¹⁹ Flexible-use parking is subject to Section 23.54.026. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²⁰ Permitted as surface parking only on surface parking lots existing as of January 1, 2017. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²¹ Permitted outright, except prohibited in the SAOD.

²² See Chapter 23.57, Communications regulations, for regulation of communication utilities.

²³ A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

1

2

Section 7. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance

3

125791, is amended as follows:

4

23.47A.013 Floor area ratio

5

* * *

6

B. The following gross floor area is not counted toward FAR:

7

1. All stories, or portions of stories, that are underground;

8

2. All portions of a story that extend no more than 4 feet above existing or

9

finished grade, whichever is lower, excluding access;

10

3. Gross floor area of a transit station, including all floor area open to the general

11

public during normal hours of station operation but excluding retail or service establishments to

12

which public access is limited to customers or clients, even where such establishments are

13

primarily intended to serve transit riders;

14

4. On a lot containing a peat settlement-prone environmentally critical area,

15

above-grade parking within or covered by a structure or portion of a structure, if the Director

16

finds that locating a story of parking below grade is infeasible due to physical site conditions

17

such as a high water table, if either:

18

a. The above-grade parking extends no more than 6 feet above existing or

19

finished grade and no more than 3 feet above the highest existing or finished grade along the

1 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
2 pursuant to subsection 23.47A.012.A.3; or

3 b. All of the following conditions are met:

- 4 1) No above-grade parking is exempted by subsection
5 23.47A.013.B.4.a;
- 6 2) The parking is accessory to a residential use on the lot;
- 7 3) Total parking on the lot does not exceed one space for each
8 residential dwelling unit plus the number of spaces required for non-residential uses; and
- 9 4) The amount of gross floor area exempted by this subsection
10 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
11 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
12 greater; and
- 13 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
14 and 23.47A.012.C.6;
- 15 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8; and
- 16 7. The floor area of required bicycle parking for small efficiency dwelling units or
17 congregate residence sleeping rooms, if the bicycle parking is located within the structure
18 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
19 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
20 limits((-) ;
- 21 8. All gross floor area in child care centers.

22 * * *

1 Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.48.005 Uses**

4 * * *

5 D. Required street-level uses

6 1. One or more of the following uses listed in this subsection 23.48.005.D.1 are
7 required: (i) at street-level of the street-facing facade along streets designated as Class 1
8 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C;
9 (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;
10 and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2
11 streets shown on Map A for 23.48.740:

12 a. General sales and service uses;

13 b. Eating and drinking establishments;

14 c. Entertainment uses;

15 d. Public libraries;

16 e. Public parks;

17 f. Arts facilities;

18 g. Religious facilities; ~~((and))~~

19 h. Light rail transit stations~~((=))~~ ; and

20 i. Child care centers.

21 2. Standards for required street-level uses. Required street-level uses shall meet
22 the development standards in subsection 23.48.040.C, and any additional standards for Seattle
23 Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

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* * *

Section 9. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.48.605 Uses in SM-U zones

* * *

C. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Human services uses;
- i. Child care centers (~~facilities~~); and
- j. Light rail transit stations.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

1
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Map A for 23.48.605

Locations of street-level use requirements



3

1 Section 10. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance
2 125791, is amended as follows:

3 **23.48.620 Floor area ratio in SM-U zones**

4 * * *

5 C. Floor area exempt from FAR. In addition to the exempt floor area identified in
6 subsection 23.48.020.B, the following floor area is exempt from FAR limits:

7 1. The floor area contained in a Landmark structure subject to controls and
8 incentives imposed by a designating ordinance if the owner of the Landmark has executed and
9 recorded an agreement acceptable in form and content to the Landmarks Preservation Board
10 providing for the rehabilitation and maintenance of the historically significant features of the
11 structure including but not limited to a certificate of approval for the modification of the
12 Landmark. This exemption does not apply to a lot from which a Landmark TDR or TDP has
13 been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or
14 TDP available for transfer under Chapter 23.58A;

15 2. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C,
16 whether required or not, that meet the development standards of subsection 23.48.040.C;

17 3. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C
18 that abut and have access onto a mid-block corridor meeting the standards of subsection
19 23.48.640.F and the applicable standards in Section 23.58A.040;

20 4. Floor area for ((~~a preschool,~~) an elementary school(;;)) or a secondary school,
21 which may include minimum space requirements for associated uses including but not limited to
22 academic core functions, child care, administrative offices, a library, maintenance facilities, food
23 service, interior recreation, and specialty instruction space, provided that;

1 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
2 letter to the Director from the operator of the school indicating that, based on the Master Use
3 Permit plans, the operator has determined that the development would meet the operator's
4 specifications; and

5 b. Prior to issuance of a building permit, the applicant shall submit a
6 written certification by the operator to the Director that the operator's specifications have been
7 met;

8 5. Floor area used for theaters or arts facilities, which for the purposes of this
9 Section 23.48.620 may be operated either by for-profit or not-for-profit organizations;

10 6. Floor area in a vulnerable masonry structure included on a list of structures that
11 meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided
12 that the structure is retained for a minimum of 50 years according to the provisions that apply to
13 a qualifying "vulnerable masonry structure" TDR or TDP sending site in subsection
14 23.58A.042.F.3;

15 7. All gross floor area of a light rail transit station and related passenger
16 amenities;

17 8. All gross floor area of a human service use;

18 9. Floor area in enclosed portions of a mid-block corridor or other enclosed open
19 space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where
20 the feature is located. The exemption applies regardless of whether a floor area bonus is
21 obtained;

1 **23.49.011 Floor area ratio**

2 * * *

3 B. Exemptions and deductions from FAR calculations

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

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

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

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

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

18 3) Overhead weather protection is provided satisfying Section
19 23.49.018;

20 c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J,
21 provided that:

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

1 e. Bicycle commuter shower facilities required by subsection
2 23.54.015.K.8.

3 2. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1,
4 within an IC 85-175 zone, the following exemptions from FAR calculations apply:

5 a. As an allowance for mechanical equipment, 3.5 percent of the total
6 chargeable gross floor area that is not otherwise exempt under this subsection 23.50.028.C.

7 b. All gross floor area for solar collectors and wind-driven power
8 generators.

9 c. The gross floor area of the following uses located at street level,
10 provided that the conditions of Section 23.50.039 are satisfied:

11 1) General sales and service uses;

12 2) Eating and drinking establishments;

13 3) Entertainment use;

14 4) Public libraries;

15 5) Child care (~~facilities~~) centers;

16 6) Religious facilities; and

17 7) Automotive sales and service.

18 3. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1,
19 within IG1 and IG2 zones, the gross floor area of rooftop recreational space accessory to office
20 use meeting the standards of subsection 23.50.012.D is exempt from FAR calculations.

21 * * *

22 Section 15. Section 23.84A.018 of the Seattle Municipal Code, last amended by
23 Ordinance 123478, is amended as follows:

1 **23.84A.018 "I"**

2 * * *

3 "Institution" means structure(s) and related grounds used by organizations for the
4 provision of educational, medical, cultural, social and/or recreational services to the community,
5 including but not limited to the following uses:

6 * * *

7 4. "Child care center" means an institution that regularly provides care to a group
8 of children for less than (~~twenty-four (24)~~) 24 hours a day, whether for compensation or not.
9 Preschools, cooperative child care exchanges, and drop-in centers where children receive care by
10 the day shall be considered to be child care centers.

11 * * *

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Lish Whitson/206-615-1674	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

Summary and background of the Legislation:

The City Council is proposing to amend the Land Use Code (Title 23 SMC) to update requirements for child care centers, to allow them to be built throughout the city.

The legislation would:

- Remove limits on child care centers in home occupations.
- Allow child care centers as a permitted use in single-family zones.
- Remove dispersion requirements for child care centers in multifamily areas.
- Exempt child care centers from floor area limits in multifamily zones and commercial zones.
- Remove maximum size limits for child care centers in some commercial zones.
- Add code flexibility for child care centers in Seattle Mixed zones.

The bill responds to a need for additional child care spaces to serve residents of the City of Seattle in locations near their homes and workplaces. State and County studies have shown a need for child care centers and have recommended loosening regulations in order to allow them to be built as needed. The result of the legislation is likely to be an increase in child care spaces in single-family areas, where they are currently limited by conditional use requirements.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The Seattle Department of Construction and Inspections (SDCI) would enforce the proposed legislation. It could reduce the number of conditional use applications that staff is required to review, but could increase enforcement requests related to the City's noise ordinance.

b. Is a public hearing required for this legislation?

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

Yes, the City Council's Land Use and Neighborhood's Committee will hold a public hearing prior to any action on the bill. The Chair's intent is to hold a public hearing on June 24, 2020.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

If yes, please describe the measures taken to comply with RCW 64.06.080.

Yes the City Council's Land Use and Neighborhood's Committee will hold a public hearing prior to any action on the bill. The Chair's intent is to hold a public hearing as early as June 24, 2020.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

Yes, notice of the public hearing will be required. Notice of a determination of non-significance under the State Environmental Policy Act was published on April 27.

e. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

This legislation amends zoning regulations and the types of uses and development that can occur across the city. Summary Attachment 1 shows the zoning categories affected by the proposed legislation.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

The proposed legislation is intended to increase access to childcare across the city, particularly in residential neighborhoods. By increasing the ability of child care providers to locate in single-family areas where land is cheaper, there may be an expansion of childcare centers across the City. In addition, by allowing child care centers to locate in single-family areas, fewer child care centers may locate in multifamily areas, which are disproportionately occupied by Black, Indigenous, People of Color and low-income residents of the city. The Council will use its normal language access approach to provide communications to the public.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This answer should highlight measurable outputs and outcomes.

Not applicable

List attachments/exhibits below:

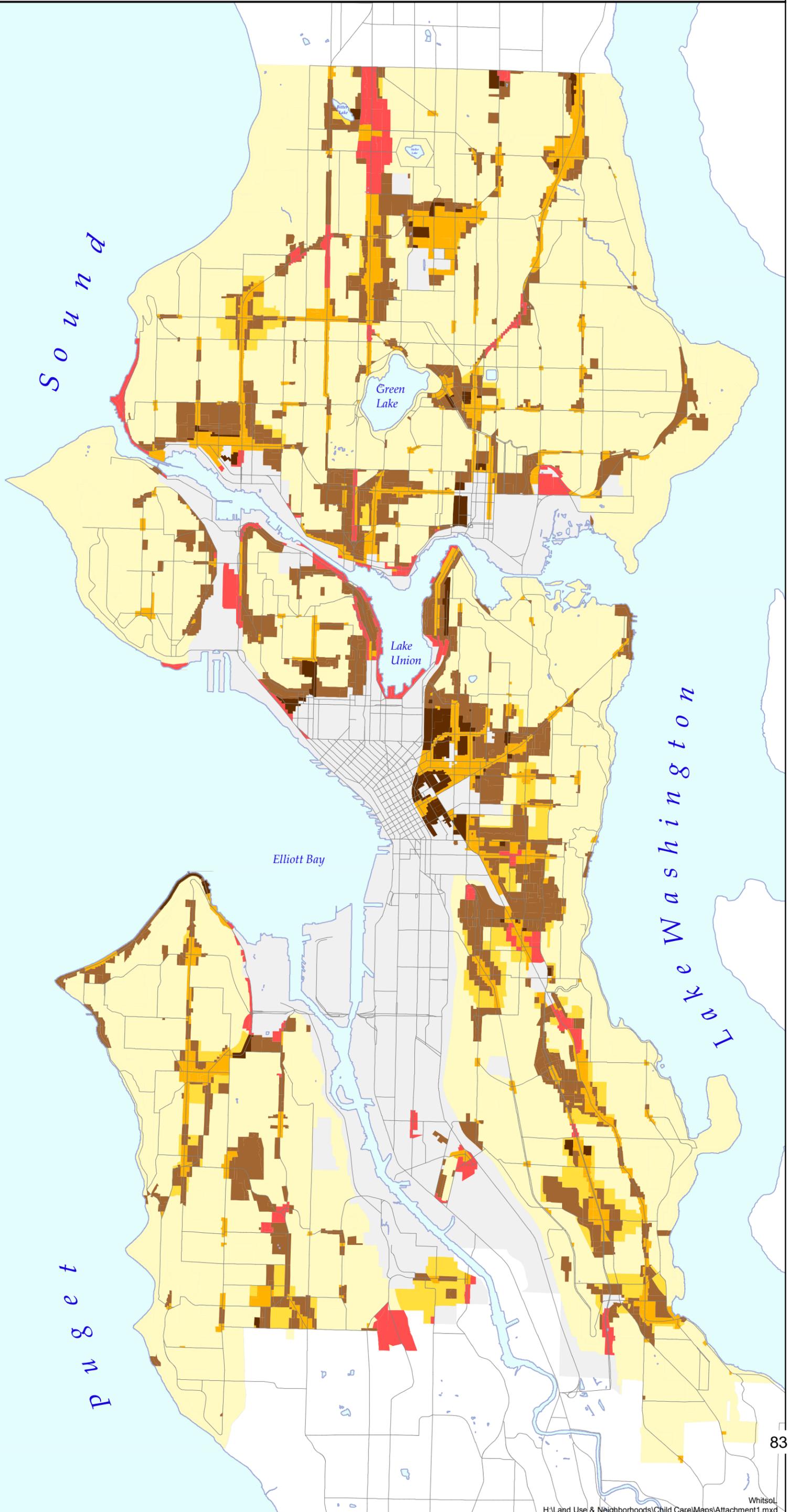
Summary Attachment 1 – Zones affected by the Childcare Near You Proposal

Attachment 1

Zones affected by the Childcare Near You Proposal

Zoning Category

- Commercial
- Neighborhood Commercial
- High-Density Multi-Family
- Lowrise Multi-Family
- Residential Small Lot
- Single Family
- Arterial Streets



July 17, 2020

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Lish Whitson, Analyst
Subject: CB 119831: Childcare Near You Package

On Wednesday, July 22, 2020, the Land Use and Neighborhoods Committee will begin consideration of [CB 119831](#), Councilmember Strauss' Childcare Near You package. The proposed legislation is intended to encourage the creation of new childcare centers across Seattle by (1) removing regulatory hurdles to open a new childcare center and (2) providing incentives to build mixed-use buildings that incorporate a childcare center.

The bill would amend the Seattle Land Use Code (Title 23 of the Seattle Municipal Code (SMC)) to reduce impediments to opening new childcare centers in Seattle through the following changes to the Land Use Code:

- Allow childcare centers as a use permitted outright in all zones without size limits or dispersal requirements;
- Exempt all floor area in childcare centers from floor area ratio (FAR) limits in zones where preschools are currently exempt; and
- Exempt all floor area in childcare centers from FAR limits in some commercial and multifamily zones.

This bill only address the Land Use Code regulations related to where childcare centers can open and operate. This legislation does not address other impediments to the creation of new childcare centers, such as state licensing requirements, or issues related to childcare quality or costs.

This memorandum describes: (1) the current City and State regulations that apply to the design and construction of childcare centers; (2) the current state of childcare in Seattle and the need for additional childcare centers, (3) the proposed legislation, and (4) next steps in the Council's review of the legislation.

Current Childcare Regulations and Policies

The primary licensing authority for childcare centers in Washington State is the Washington Department of Children, Youth and Families (DCYF). They DCYF license two primary categories of childcare centers: child day care centers and family day care providers. Family day care providers offer day care within a home for less than 24 hours a day and are limited to no more than twelve children. Child day care centers also provide care for less than 24 hours a day but limits on the number of children permitted in the center are based on the age of the children, the amount of space available within the center, and the staffing provided.

DCYF does not license some categories of childcare providers including: (1) family and neighbors providing care, (2) cooperative childcare exchanges, (3) drop-in centers where children receive care by the day, and (4) centers providing education for less than four hours a day. The last three categories of childcare would be considered a “childcare center” under the Seattle Municipal Code, therefore, land use regulations for childcare centers apply to both those facilities that are licensed by DCYF and those that are not.

Childcare centers are allowed in all of Seattle’s zoning districts. However, the use is not treated the same across all zones. In Single-family zones, except for a family day care provider operating as a home occupation, opening a new childcare center requires a “conditional use” permit that adds time and expense to opening a childcare center. In Downtown and some Seattle Mixed zones, on the other hand, the zoning regulations provide incentives to add childcare centers to new development projects.

This section describes the different regulations by zone and then summarizes three sections of the code that apply across the City’s zones (definitions, home occupation regulations and parking).

Regulations by Zone

The City takes different approaches to regulating childcare centers depending on the intended level of activity in the zone. In single-family zones, childcare centers are discouraged through conditional use requirements which increase the time and cost of permitting and limit the locations where childcare centers may be located. The Seattle Department of Construction and Inspections (SDCI) reviews and issues a decision on conditional use permits submitted to establish a childcare center. SDCI’s decision to approve a childcare center can be appealed to the Seattle Hearing Examiner. In Downtown zones, childcare centers are incentivized through the provision of additional floor area for projects that include or contribute toward childcare centers. Table 1 summarizes these regulations.

Table 1: Summary of regulations by zone

Zone	SMC Chapter	Permitted	Maximum size	Dispersion requirements from other institutions	Incentives
Single-family (SMC 23.44)	23.44	Most are Conditional use (see SMC 23.44.022 for conditions)	None (centers >4,000 square feet have additional requirements)	600 feet (unless located in an existing institution or serving fewer than 25 children)	Additional housing units in clustered housing developments and planned residential developments
Multifamily (SMC 23.45)	23.45	Yes (centers that do not meet development standards may be permitted as a conditional use)	None	600 feet	None
Commercial (SMC 23.47A)	23.47A	Yes	NC1: 10,000 sf NC2: 25,000 sf Others: None	None	No limits on building width or commercial space for floors with a childcare center
Seattle Mixed (SMC 23.48)	23.48	Yes	None	None	Additional floor area is allowed for projects that provide or contribute toward childcare space and affordable housing. Special incentives in South Lake Union, Uptown and the University District, some of which only apply to preschools.
Downtown (SMC 23.49)	23.49	Yes	None	None	Additional floor area for projects that provide or contribute toward childcare space and affordable housing.
Industrial (SMC 23.50)	23.50	Yes	Yes	None	In higher-density IC zones, childcare centers are exempt from floor area limits.

Definition (SMC Section [23.84A.018](#))

“Childcare center” is defined in the Land Use Code as an institutional use, “that regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools [are] considered to be childcare centers.” Institutions are the structures and grounds used by an organization to provide “educational, medical, cultural, social or recreational services to the community.”

Home Occupations (SMC Section [23.42.050](#))

For any zone that allows residential uses, SMC 23.42.050 allows childcare centers as a home occupation associated with a residential unit. These centers are permitted as accessory uses and do not require any additional permits, provided that they comply with the limits set. Requirements for home occupation uses include:

- a. The childcare center must be “clearly incidental” to the use of the dwelling unit as a dwelling;
- b. Customer visits must be by appointment;
- c. The occupation can only be conducted within a principal building or accessory dwelling unit;
- d. There can be no outdoor evidence of the home occupation, except that outdoor play areas and any alterations required to comply with licensing requirements are permitted;
- e. There cannot be an increase on-street parking or traffic congestion as a result of the facility;
- f. Noise, odor, smoke, dust, light and glare, and electrical interference and other similar impacts may not be detectable beyond the property line;
- g. Childcare centers are limited to 12 children a day, including the operator’s children.

Regulations a and g are also requirements of State licensing requirements for family day care providers.

Quantity and design standards for access, off-street parking, and solid waste storage (SMC Chapter [23.54](#))

One parking space is required per ten students, or each teacher, whichever is higher. No parking is required in urban centers, station area overlays or frequent transit service areas. Parking requirements can be reduced based on a transportation plan.

A long-term bicycle parking space is required for every 4,000 square feet. A short-term bicycle parking space is required for every 20 students, with at least two spaces provided no matter the size of the center.

Loading spaces are required for facilities that are larger than 40,000 square feet.

Childcare in Seattle

In 2018 there were 44,000 children in Seattle under the age of six¹. Approximately nine percent of Seattle households (31,700) included children under the age of six.² Approximately 75 percent of children under six are in a household where all parents are employed.³ Using this measure, 33,000 children under six in Seattle may need childcare. A report from the Washington State Department of Commerce on the costs of childcare found “in 2019 that 18% of workers with children under the age of six quit, and 9% reported being fired or let go from a job, due to childcare issues.”⁴

There are approximately 600 childcare centers in Seattle.⁵ As of 2018, there were approximately 57,000 spaces in 1,837 childcare centers across King County.⁶ In 2018, there were approximately 157,000 children under six in King County.⁷

Both King County and Washington State have recently released reports on the costs of childcare. King County’s Women’s Advisory Board published a report in 2018 that found that “childcare in King County is among the most costly in the nation.”⁸ Among their recommendations were recommendations that local governments should streamline permitting processes for childcare centers. In 2019, the Washington State Childcare Collaborative Task Force found that:

Washington seriously lacks childcare capacity... Half of respondents [to a survey] found it difficult to find and keep. The most cited reason: no available care near the person's home or work... Insufficient access to affordable, high-quality childcare means fewer parents in the workforce, more missed work, less productivity and lower economic games. It also means fewer children will be able to take care of development supports, social-emotional

¹ U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Table B09001, data.census.gov, March 13, 2020.

² U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Public Use Microdata Sample (PUMS), Table HUPAC, data.census.gov, March 13, 2020.

³ U.S. Census Bureau, American Community Survey, ACS 5-Year Estimates - Public Use Microdata Sample (2018), <https://data.census.gov/mdat/?#/search?ds=ACSPUMS5Y2018&cv=HUPAC,WORKSTAT&rv=ucgid&wt=WGTP&g=7950000US5311601,5311602,5311603,5311604,5311605>, March 13, 2020.

⁴ Washington State Department of Commerce, “The Mounting Costs of Childcare: Impacts of childcare affordability and access to Washington’s employers and economy”

⁵ Seattle Finance and Administrative Services Department, Active Business License Tax Certificate Data, data.seattle.gov, March 13, 2020

⁶ Childcare Aware, “2018 Data Report: Trends, Childcare Supply, Cost of Care, & Demand for Referrals”, Sarah Kelley, Business and Data Analyst, January 31, 2019.

⁷ U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Table B09001, data.census.gov, March 13, 2020.

⁸ King County Women’s Advisory Board, “Supporting King County’s Women, Families and Employers: Improving childcare access and affordability throughout King County,” 2018.

skill-building opportunities and learning environments for school readiness and success offered by high-quality childcare programs.⁹

The Task Force also recommended that “state, local and nonprofit agencies should ... continuously review and improve licensing standards to streamline permitting, licensing and development of childcare facilities.”

Between 2015 and 2019, 51 childcare centers received permits to open in Seattle. Table 2 summarizes those applications:

Table 2: 2015-2019 Childcare centers permitted by SDCI

Zone/ Approval Type	# of Projects	Average time to approval (days)	Longest time to approval (days)	Total spaces in new centers	Average spaces per center	Average square feet per center	Largest center (sf)
Single-Family							
Conditional Use	10	248	363	329	33	2,616	6,770
Permitted Outright	4	95	189	142	36	1,947	2,653
Multifamily	5	148	405	209	42	1,378	14,244
Commercial	24	127	454	1,508	63	4,402	17,064
Downtown/ Seattle Mixed	2	232	350	302	151	12,006	12,512
Industrial	6	182	389	923	154	12,478	16,371
TOTAL	51	161	454	3,413	67	4,811	17,064

Source: Seattle Department of Constructions and Inspections, Land Use Permits and Building Permits from data.seattle.gov, February 2020

On average, it took significantly longer to receive a conditional use permit to create a childcare center in a Single-family zone than to receive land use and building permits to open a childcare center in other zones. In all other zones, the longest permitting times were for childcare centers proposed as part of large new mixed-use buildings. Generally, for the projects with the longest permit times, the childcare center made up a small portion of the total project. The shortest permit times were for childcare centers that moved into existing office or retail spaces. The median childcare center was 3,200 square feet and was designed to accommodate approximately 40 children.

⁹ Childcare Collaborative Task Force, “Recommendations to the Legislature under SHB 2367, Laws of 2018”, Washington Department of Commerce, November 1, 2019

Childcare Near You

The Childcare Near You legislation would amend provisions throughout the Land Use Code to remove regulatory hurdles to creating a childcare facility that are compatible with the surrounding area. Changes fall into three categories:

1. allowing childcare as a principal use outright;
2. providing limited incentives for childcare centers to be added to mixed-use buildings; and
3. expanding some exemptions that currently only apply to preschools to all types of childcare center.

Table 3 summarizes the proposed changes by zone and is followed by descriptions of changes to two citywide provisions. For a detailed description of the proposed changes, please see the Staff Report for the bill, available with the legislation [here](#).

Table 3: Childcare Near You Proposal: Summary of Changes by Zone

Zone	SMC Chapter	Permitted	Maximum size	Dispersion requirements from other institutions	Incentives
Single-family (SMC 23.44)	23.44	Yes – would no longer be a conditional use	None – No extra requirements for larger facilities	None – dispersal requirement removed	<i>No change</i>
Multifamily (SMC 23.45)	23.45	<i>No change</i>	<i>No change</i>	None – dispersal requirement removed	<i>No change</i>
Commercial (SMC 23.47A)	23.47A	<i>No change</i>	No maximum size limit in NC1 and NC2 zones	<i>No change</i>	<i>No change</i>
Seattle Mixed (SMC 23.48)	23.48	<i>No change</i>	<i>No change</i>	<i>No change</i>	Special incentives in South Lake Union, Uptown & University District expanded to include all childcare centers.
Downtown (SMC 23.49)	23.49	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Industrial (SMC 23.50)	23.50	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>

Home Occupations

SMC Section 23.42.050 would be amended to remove restrictions on the size and location of childcare centers that are accessory to a residence, allowing State regulations for family day care providers to control the location of the day care activity and the number of children permitted.

The bill would allow childcare centers to be located in an accessory building separate from the principal unit, allowing for more flexibility in how the childcare center operates. This change would provide flexibility to configure a childcare center on a lot. All lot coverage and building height limits would apply to that separate structure.

The bill would remove a 12-child limit on the number of children permitted in a home occupation childcare center. This would allow for additional childcare slots in larger residences only if the State changes its requirements for child day care centers.

Definitions

The bill amends the definition of childcare center (SMC 23.84A.018) to clarify that cooperative childcare programs and drop in centers are considered childcare centers. The added uses are types of childcare centers that are not required to receive licenses from the State, but that best fall under the definition of childcare center in the City's land use code.

Next Steps

The Land Use and Neighborhoods Committee will hold a public hearing on the bill at its meeting on July 22, 2020 at 9:30 a.m. If Councilmembers are considering amendments to the bill, please contact me as soon as possible. Amendments to land use legislation often require extra notice prior to Council final action.

Appendices:

1. Single-family Zone Conditional Use Requirements

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

Appendix 1: Single-Family Conditional Use Requirements for Child Care Centers

23.44.022 – Institutions

A. Institutions Identified.

The following institutions may be permitted as conditional uses in single-family zones:

- Community centers
- Child care centers**
- Private schools
- Religious facilities
- Libraries
- Existing institutes for advanced study
- Other similar institutions

The following institutions are prohibited in single-family zones:

- Hospitals
- Colleges
- Museums
- Private clubs
- Vocational schools

* * *

D. General provisions

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution master plan.
2. The establishment of a **child care center** in a legally established elementary or secondary school or community center, or establishment of a shelter for homeless youths and young adults in a legally established elementary or secondary school, is not considered a new use or an expansion of the institutional use provided that:
 - a. The use does not violate any condition of approval of the existing institutional use;
 - b. The use does not require expansion of the existing structure;
 - c. Any new children's play area is located at least 30 feet from any other lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;
 - d. If the use is a shelter, the occupants are enrolled students of the established school.
3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution campus may be established or expanded beyond 2 1/2 acres if the property proposed for the expansion is substantially vacant land.

E. Dispersion.

1. The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions:
 - a. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.
 - b. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.
2. A proposed **child-care center** serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:
 - a. Create physical scale and bulk incompatible with the surrounding neighborhood;
 - b. Create traffic safety hazards;
 - c. Create or significantly increase identified parking shortages; or
 - d. Significantly increase noise levels to the detriment of surrounding residents.

F. Demolition of Residential Structures. No residential structure shall be demolished, nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director

may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

- H. Noise and Odors.** For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

I. Landscaping

1. The Director shall promulgate rules to foster the long-term health, viability, and coverage of plantings. The rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All landscaping provided to meet the requirements of this Section 23.44.022 shall comply with these rules.
2. Landscaping that achieves a Green Factor score of 0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:
 - a. development containing more than four new dwelling units;
 - b. development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or
 - c. any parking lot containing more than 20 new parking spaces for automobiles.

- J. Light and Glare.** Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited.

Nonreflective surfaces shall be used to help reduce glare.

K. Bulk and siting

1. Lot area. If the proposed site is more than one acre in size, the Director may require the following and similar development standards:
 - a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing

development patterns on the block or blocks within which the institution is located are kept to a minimum;

- b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially-zoned block fronts in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.
2. Yards. Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line. If the Director finds that a reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard setback may be reduced to 5 feet. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings.

Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.
4. Height Limit.
 - a. Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.
 - b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than

four to twelve (4:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

L. Parking and Loading Berth Requirements.

1. Quantity and Location of Off-street Parking.
 - a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles is encouraged.
 - b. Parking and loading is required as provided in Section 23.54.015.
 - c. The Director may modify the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022.M. The modification shall be based on adopted City policies and shall:
 1. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and
 2. Not cause undue traffic through residential streets nor create a safety hazard.
2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.
3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;
2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;
3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;
4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;
5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.

* * *



SEATTLE CITY COUNCIL
CENTRAL STAFF



Childcare Near You

LISH WHITSON, LEGISLATIVE ANALYST

LAND USE AND NEIGHBORHOODS COMMITTEE

JULY 22, 2020

Outline

- Childcare regulations
- Current conditions
- Proposal



Photo: U.S. Air Force/Rhonda Siciliano

Childcare regulations

Washington State

Department of Children Youth and Families

Licenses childcare centers

- Health, wellness and safety
- Programs and activities
- Indoor and outdoor space standards
- Feeding and napping
- Staffing requirements
- Licensing and record-keeping

City of Seattle

Regulates childcare businesses and uses

- Business licenses
- Principal or accessory use
- Impacts to surrounding community
- Incentives to incorporate childcare in development

State licensed childcare

Family Home programs

- Up to 12 children, based on age, staffing and expertise
- Treated as a home occupation under Seattle zoning

Childcare centers

- Number of children regulated based on space and staffing
- Standards for space and operation

Not licensed, but regulated as a childcare center under zoning

- Cooperative care for less than 4 hours a day
- Government-sponsored centers
- Drop-in childcare centers

Seattle's childcare regulations

Single Family

- Limit size of family care centers
- Require conditional use approval for other childcare centers
- Allow appeals if approved



Downtown

- Allow as a use permitted outright
- Bonus for on-site childcare centers
- Contributions for off-site childcare
- Exempt floor area in childcare use
- No size limit

Seattle's childcare regulations

Home occupations (family care centers)

- Permitted outright up to 12 children
- Only within a dwelling unit
- No outdoor evidence, except play space and ADA access

Single Family zones

- Conditional use, can be appealed the Hearing Examiner
- Must be 600 feet from any other institution
- Noise, odor, lighting, yards, appearance of bulk, parking and loading considered in conditional use review

Seattle's childcare regulations

Multifamily zones

- Permitted outright, must be 600 feet from other institutions

Commercial zones

- Permitted outright
- Size limits in Neighborhood Commercial 1 & 2 zones consistent with other uses in zone

Industrial zones

- Permitted outright

Seattle's childcare regulations

Downtown and Seattle Mixed zones

- Permitted outright
- Exempt from floor area limits
- Extra floor area allowed for provision of childcare onsite or contributions toward offsite childcare centers

Demand for childcare

In 2018*

31,700 households with children under 6

44,000 children under 6

In 75% of households with children under 6 all parents work outside the home

33,000 children under 6 may need some childcare

* American Community Survey data

Supply of childcare

Approximately 16,400 spaces in 910 childcare centers in Seattle

50% of Seattle's Census Tracts meet definition of "childcare deserts"*

24% of Seattle's Census Tracts contain no childcare centers

- * "A childcare desert is any census tract with more than 50 children under age 5 that contains either no childcare providers or so few options that there are more than three times as many children as licensed childcare slots."

Source: America's child care deserts in 2018, Rasheed Malik, Katie Hamm, Leila Schochet, Cristina Novoa, Simon Workman, and Steven Jessen-Howard, Center for American Progress, 2018

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New childcare centers

Recently permitted childcare centers (2015-2019):

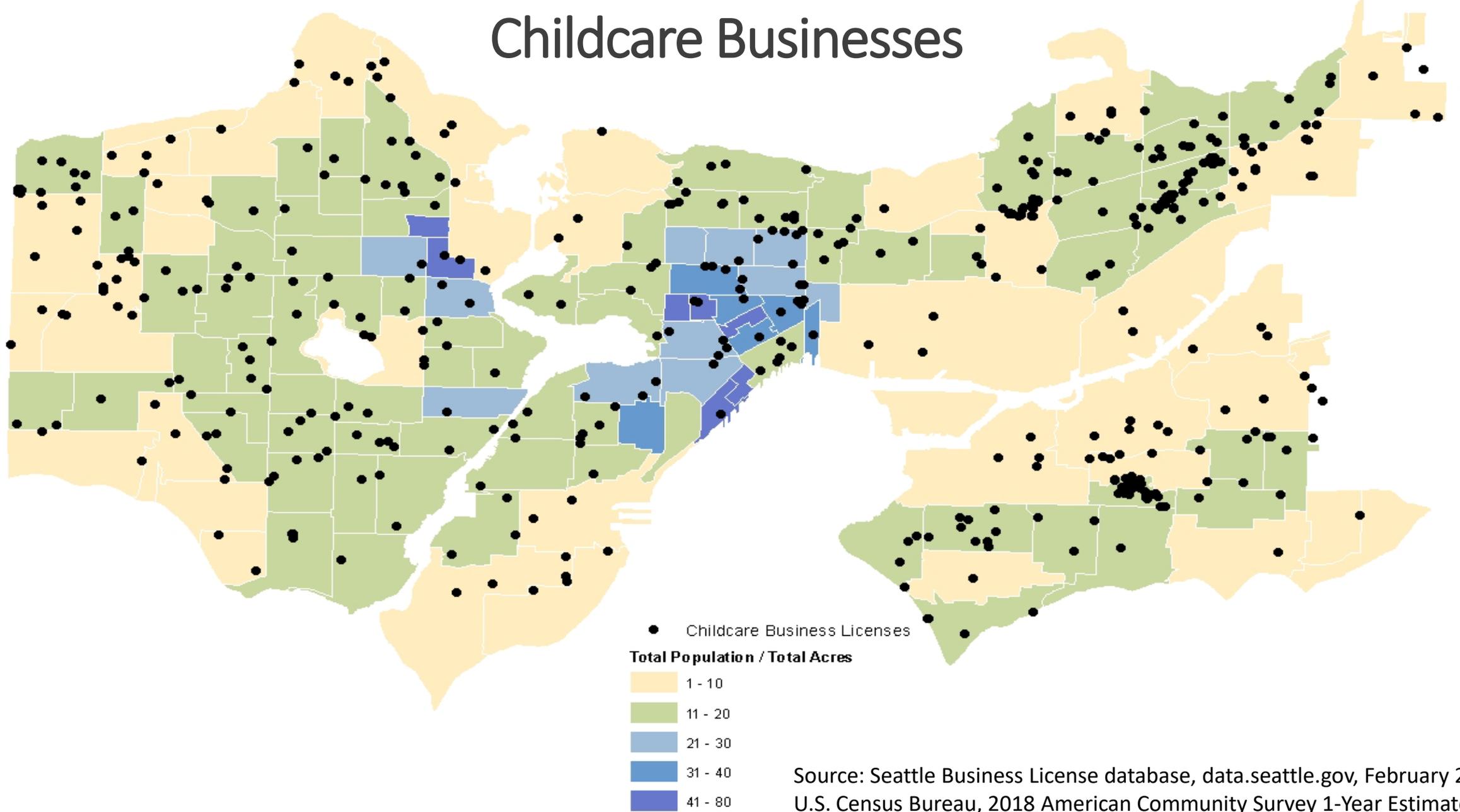
- 51 centers received land use or building permits
- Average size of new childcare centers: 4,811 square feet
- Largest childcare centers are in Downtown and Industrial zones (>12,000 sf)
- Smallest childcare centers are in single-family and multifamily zones (1,400 sf)
- Average capacity of new childcare centers: 67 children
- Total capacity of new childcare centers: 3,400 children

Permitting timelines

Time to approval:

- Averaged 161 days (~5 months) across all zones
- In single family zones where conditional use: 248 days on average (~8 months)
- In single family zones where permitted outright: 91 days on average (~3 months)

Childcare Businesses



Source: Seattle Business License database, data.seattle.gov, February 2, 2010
U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates

Childcare Near You Package

Home occupations (Family care centers)

- Remove limit on the number of children
- Allow childcare in accessory buildings

Single Family zones

- Permit outright
- Remove dispersal requirements

Childcare Near You Package

Multifamily zones

- Remove dispersal requirements
- Exempt childcare from floor area limits in midrise and highrise zones

Commercial zones

- Remove size limits (10,000 square feet in NC1 and 25,000 square feet in NC2)

Childcare Near You Package

Seattle Mixed zones

- Allow at street level along key pedestrian streets
- Provide floor area incentives that currently apply to preschools to all childcare centers

Future Steps

- Review incentive programs that mitigate increased height and density through provision of childcare space

Questions?



Legislation Text

File #: CB 119835, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

The full text of the Council Bill is attached to this file.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.512, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.040 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.040 Rental housing registration, compliance declaration, and renewals

A. With the exception of rental housing units identified in subsection 22.214.030.A, all properties containing rental housing units shall be registered with the Department according to the registration deadlines in this subsection 22.214.040.A. After the applicable registration deadline, no one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a

1 property owner owns more than one housing unit in a condominium or cooperative building, the
2 owner may submit a single registration application for the units owned in the building. Properties
3 with rental housing units shall be registered according to the following schedule:

4 1. By July 1, 2014 all properties with ten or more rental housing units, and any
5 property that has been subject to two or more notices of violation or one or more emergency
6 orders of the Director for violating the standards in Chapters 22.200 through 22.208 where
7 enforced compliance was achieved by the Department or the violation upheld in a final court
8 decision;

9 2. By January 1, 2015 all properties with five to nine rental housing units; and

10 3. Between January 1, 2015 and December 31, 2016, all properties with one to
11 four rental housing units shall be registered according to a schedule established by Director's
12 rule. The schedule shall include quarterly registration deadlines; and shall be based on dividing
13 the city into registration areas that are, to the degree practicable, balanced geographically and by
14 rough numbers of properties to be registered in each area.

15 * * *

16 E. The fees for rental housing registration, renewal, or reinstatement, or other fees
17 necessary to implement and administer the Rental Registration and Inspection Ordinance
18 program, shall be adopted by amending Chapter 22.900. A rental housing registration or renewal
19 shall not be issued until all fees required under this Chapter 22.214 have been paid.

20 * * *

21 H. A rental housing registration must be renewed according to the following procedures:

22 1. A registration renewal application and the renewal fee shall be submitted ((at
23 ~~least 30 days~~)) before the current registration expires;

1 the Department shall inform the property owner or owner's agent of the units selected for
2 inspection no earlier than ten calendar days prior to the inspection.

3 * * *

4 E. A certificate of compliance shall be issued by a qualified rental housing inspector,
5 based upon the inspector's physical inspection of the interior and exterior of the rental housing
6 units, and the inspection shall be conducted not more than 60 days prior to the certificate of
7 compliance date. A certificate of compliance shall not be issued until all fees required under this
8 Chapter 22.214 have been paid.

9 * * *

10 Section 3. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance
11 125815, is amended as follows:

12 **23.22.062 Unit lot subdivisions**

13 A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of
14 land for residential development including single-family dwelling units, townhouse, rowhouse,
15 and cottage housing developments, and existing apartment structures built prior to January 1,
16 2013, but not individual apartment units, in all zones in which these uses are permitted, or any
17 combination of the above types of residential development as permitted in the applicable zones.

18 If development standards applicable to the parent lot are met, a unit lot may be undeveloped
19 open space or may be developed with a use accessory to the principal use established on the
20 parent lot.

21 B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041
22 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed
23 with uses described in subsection 23.22.062.A (~~above~~) may be subdivided into individual unit

1 lots. The development as a whole shall meet development standards applicable at the time the
2 permit application is vested. As a result of the subdivision, development on individual unit lots
3 may be nonconforming as to some or all of the development standards based on analysis of the
4 individual unit lot, except that any private usable open space or private amenity area for each
5 dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

6 * * *

7 Section 4. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance
8 124378, is amended as follows:

9 **23.22.100 Design standards**

10 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
11 standards set forth in this Section 23.22.100:

12 * * *

13 D. Special (~~(Exception)~~) exception. The Director's recommendation on a proposed
14 subdivision, as a Type II special exception decision, may modify the standards of subsection
15 23.22.100.C.3, if the applicant demonstrates that the proposed plat meets the following criteria:

16 1. The property has one of the following conditions not created by the applicant:

17 a. (~~(Natural topographic features or)~~) Topography, natural obstructions,
18 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment
19 that prevent the platting of one or more lots according to the standards of subsection

20 23.22.100.C.3;

21 b. Location of existing principal structures that are retained on a lot
22 existing prior to the proposed platting require a platting configuration of one or more lots that
23 cannot reasonably meet the standards of subsection 23.22.100.C.3;

1 c. Location of existing easements or feasibility of access to portions of the
2 property prevents the configuration of proposed plat lines that meet the standards of subsection
3 23.22.100.C.3.

4 2. Modification of the standards of subsection 23.22.100.C.3 shall be the
5 minimum necessary to allow platting of lots that each contain a building area for development
6 meeting the development standards of the zone in which the proposed plat is located.

7 3. Lots created under the special exception standards of this subsection
8 23.22.100.D shall not have a configuration that requires a variance from setbacks and yard
9 requirements of the Land Use Code or a variance or exception from ~~((the Regulations for~~
10 ~~Environmentally Critical Areas)) Chapter 25.09~~ for any development that may be proposed on
11 the lots.

12 * * *

13 Section 5. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance
14 125603, is amended as follows:

15 **23.24.040 Criteria for approval**

16 * * *

17 B. Special ~~((Exception))~~ exception. The Director may modify the standards of subsection
18 23.24.040.A.8, as a Type II special exception decision, if the applicant demonstrates that the
19 proposed plat meets the following criteria:

20 1. The property has one of the following conditions not created by the applicant:

21 a. ~~((Natural topographic features or))~~ Topography, natural obstructions,
22 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment

1 that prevent the platting of one or more lots according to the standards of subsection
2 23.24.040.A.8;

3 b. Location of existing principal structures that are retained on lots
4 existing prior to the proposed platting require a platting configuration of one or more lots that
5 cannot reasonably meet the standards of subsection 23.24.040.A.8;

6 c. Location of existing easements or feasibility of access to portions of the
7 property prevents the configuration of proposed plat lines that meet the standards of subsection
8 23.24.040.A.8.

9 2. Modification of the standards of subsection 23.24.040.A.8 shall be the
10 minimum necessary to allow platting of lots that each contain a building area for development
11 meeting the development standards of the zone in which the proposed plat is located.

12 3. Lots created under the special exception standards of this subsection
13 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard
14 requirements of the Land Use Code or a variance or exception from ~~((the Regulations for~~
15 ~~Environmentally Critical Areas))~~ Chapter 25.09 for any development that may be proposed on
16 the lots.

17 Section 6. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance
18 125815, is amended as follows:

19 **23.24.045 Unit lot subdivisions**

20 A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of
21 land for residential development including single-family dwelling units, townhouse, rowhouse,
22 and cottage housing developments, and existing apartment structures built prior to January 1,
23 2013, but not individual apartment units, in all zones in which these uses are permitted, or any

1 combination of the above types of residential development as permitted in the applicable zones.

2 If development standards applicable to the parent lot are met, a unit lot may be undeveloped
3 open space or may be developed with a use accessory to the principal use established on the
4 parent lot.

5 B. Except for any lot for which a permit has been issued pursuant to Sections 23.44.041
6 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed
7 with uses described in subsection 23.24.045.A (~~above~~) may be subdivided into individual unit
8 lots. The development as a whole shall meet development standards applicable at the time the
9 permit application is vested. As a result of the subdivision, development on individual unit lots
10 may be nonconforming as to some or all of the development standards based on analysis of the
11 individual unit lot, except that any private, usable open space or private amenity area for each
12 dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

13 C. Subsequent platting actions, additions, or modifications to the structure(s) may not
14 create or increase any nonconformity of the parent lot.

15 D. Access easements and joint use and maintenance agreements shall be executed for use
16 of common garage or parking areas, common open space (such as common courtyard open space
17 for cottage housing), and other similar features, as recorded with the (~~Director of the~~) King
18 County (~~Department of Records and Elections~~) Recorder's Office. For common parking areas
19 and garages, access easements and joint use and maintenance agreements shall include the right
20 to use any required electric vehicle charging infrastructure and the terms of use.

21 E. Within the parent lot, required parking for a dwelling unit may be provided on a
22 different unit lot than the lot with the dwelling unit, as long as the right to use that parking is

1 formalized by an easement on the plat, as recorded with the (~~Director of the~~) King County
2 (~~Department of Records and Elections~~) Recorder's Office.

3 F. The facts that the unit lot is not a separate buildable lot, and that additional
4 development of the individual unit lots may be limited as a result of the application of
5 development standards to the parent lot, shall be noted on the plat, as recorded with the
6 (~~Director of the~~) King County (~~Department of Records and Elections~~) Recorder's Office.

7 Section 7. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance
8 125603, is amended as follows:

9 **23.28.030 Criteria for approval**

10 A. The Director shall approve an application for a lot boundary adjustment if it is
11 determined that:

12 1. No additional lot, tract, parcel, site, or division is created by the proposed
13 adjustment;

14 2. No lot contains insufficient area and dimensions to meet the minimum
15 requirements for development as calculated under the development standards of the zone in
16 which the lots affected are situated, except as provided in Section 23.44.010, and under any
17 applicable regulations for siting development on parcels with riparian corridors, wetlands,
18 wetland buffers, or steep slopes in Chapter 25.09 or Section 23.60A.156. Adjusted lots shall
19 continue to be regarded as existing lots for purposes of Chapter 25.09. Any required
20 nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall
21 be required as set out in Section 25.09.335;

22 3. Every proposed adjusted lot shall conform to the following standards for lot
23 configuration, unless a modification is authorized under subsection 23.28.030.A.4:

1 a. If an adjusted lot is proposed with street frontage, then one lot line shall
2 abut the street for at least 10 feet; and

3 b. No adjusted lot shall be less than 10 feet wide for a distance of more
4 than 10 feet as measured at any point; and

5 c. No adjusted lot shall have more than six separate lot lines. The lot lines
6 shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way
7 or existing lot line; and

8 d. If a lot to be adjusted abuts upon an alley, and that alley is either
9 improved or required to be improved according to the standards of Section 23.53.030, then no
10 adjusted lot shall be proposed that does not provide alley access, except that access from a street
11 to an existing use or structure is not required to be changed to alley access. Either the proposed
12 adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in
13 which the property is located or an access easement from the adjusted lot or lots shall be
14 provided to the alley that meets access standards for the zone in which the property is located.

15 4. Modification. The ~~((Director's recommendation on a proposed lot adjustment
16 may modify the))~~ standards of subsection 23.28.030.A.3 ~~((if the applicant demonstrates that the
17 proposed lot boundary adjustment meets the following criteria))~~ may be modified if at least one
18 of the following criteria applies:

19 a. ~~((The property has one of the following conditions not created by the
20 applicant:))~~ One or more of the existing lots prior to the lot boundary adjustment is irregular in
21 shape;

22 ~~((+))~~ b. ((Natural topographic features or)) Topography, natural
23 obstructions, configuration of existing lot lines prior to lot line adjustment, existing platting

1 patterns, or street alignment prevent the reconfiguration of one or more lots according to the
2 standards of subsection 23.28.030.A.3;

3 ((2)) c. Location of existing principal structures that are retained on lots
4 existing prior to the proposed lot boundary adjustment require a reconfiguration of one or more
5 lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;

6 ((3)) d. Location of existing easements or feasibility of access to portions
7 of the property prevents the reconfiguration of lot lines that meet the standards of subsection
8 23.28.030.A.3((-)) ; or

9 e. The lot boundary adjustment establishes an irregular lot line that
10 resulted from an adverse possession claim.

11 ~~((b. Modification of the standards of subsection 23.28.030.A.3 shall be the~~
12 ~~minimum necessary to allow adjusted lots that each contain a building area for development that~~
13 ~~meets the development standards of the zone in which the proposed lot boundary adjustment is~~
14 ~~located.))~~

15 5. ~~((The))~~ No adjusted lot shall be approved for development without a
16 determination that it is capable of being served by existing or extended infrastructure for ~~((has~~
17 ~~adequate))~~ drainage; a determination that the lot has water supply and sanitary sewage disposal;
18 and a determination that there is access for vehicles, utilities, and fire protection;

19 6. The lot boundary adjustment is consistent with applicable provisions of this
20 Title 23 including, for lots in the Shoreline District, conformance with the applicable provisions
21 of Section 23.60A.168.

22 * * *

1 Section 8. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance
2 125612, is amended as follows:

3 **23.40.060 Living Building Pilot Program**

4 * * *

5 B. Minimum standards. A project shall qualify for the Living Building Pilot Program if it
6 is located outside of the shoreline jurisdiction, is reviewed in accordance with the full design
7 review process provided in Section 23.41.014, and meets full Living Building Certification by
8 achieving either all of the imperatives of the International Living Future Institute's (ILFI) Living
9 Building Challenge SM 3.1 or 4.0 certification or all of the following:

10 1. The project meets ILFI Living Building Challenge SM Petal certification (~~by~~
11 ~~attaining at least three of the seven performance areas, or "Petals," of the ILFI Living Building~~
12 ~~Challenge~~ SM ~~program, (Place, Water, Energy, Health and Happiness, Materials, Equity, and~~
13 ~~Beauty), including at least one of the following three petals: Water, Energy, or Materials));~~

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

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

19 4. The project uses only nonpotable water to meet the demand for toilet and urinal
20 flushing, irrigation, hose bib, cooling tower (make up water only), and water features, except to
21 the extent other applicable local, state, or federal law requires the use of potable water.

22 * * *

1 Section 9. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.41.004 Applicability**

4 A. Design review required

5 1. Subject to the exemptions in subsection 23.41.004.B, design review is required
6 in the following areas or zones when development is proposed that exceeds a threshold in Table
7 A or Table B for 23.41.004:

- 8 a. Multifamily;
- 9 b. Commercial;
- 10 c. Seattle Mixed;
- 11 d. Downtown; and
- 12 e. Stadium Transition Area Overlay District as shown in Map A for
13 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

14 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
15 in the following areas or zones when commercial or institution development is proposed that
16 exceeds a threshold in Table A or Table B for 23.41.004:

- 17 a. Industrial Buffer; and
- 18 b. Industrial Commercial.

19 3. The gross floor area of the following uses is not included in the total gross floor
20 area of a development for purposes of determining if a threshold is exceeded:

- 21 a. Religious facilities;
- 22 b. Elementary and secondary schools;
- 23 c. Uses associated with a Major Institution Master Plan (MIMP); or

1 d. Development of a major institution use within a Major Institution
2 Overlay (MIO) district.

3 4. Any development proposal participating in the Living Building or 2030
4 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060
5 and 23.40.070, including a development proposal for an existing structure, regardless of size or
6 site characteristics, is subject to full design review according to Section 23.41.014.

7 5. Any development proposal, regardless of size or site characteristics, is subject
8 to the administrative design review process according to Section 23.41.016 if it receives public
9 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
10 agreement, covenant or other legal instrument recorded on the property title and enforceable by
11 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
12 County, U.S. Department of Housing and Urban Development, or other similar entity as
13 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy
14 by households earning no greater than 60 percent of median income, and controls the rents that
15 may be charged, for a minimum period of 40 years.

16 6. Any development proposal that is located in a Master Planned Community
17 zone and that includes a request for departures, regardless of size or site characteristics, is subject
18 to full design review according to Section 23.41.014. If a development proposal in a Master
19 Planned Community zone does not include a request for departures, the applicable design review
20 procedures are in Section 23.41.020.

21 7. Subject to the exemptions in subsection 23.41.004.B, design review is required
22 for additions to existing structures when the size of the proposed addition or expansion exceeds a
23 threshold in Table A or Table B for 23.41.004. Administrative design review, as described in

1 Section 23.41.016, is required for certain other additions to existing structures according to rules
 2 promulgated by the Director.

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.

A.	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type ¹
	B.1. Less than 8,000 square feet	No design review ^{2, 3}
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

	B.3. 35,000 square feet or greater	Full design review ⁴
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type ¹
	C.1. Less than 8,000 square feet	No design review ^{2, 3}
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full design review ⁴

Footnotes to Table A for 23.41.004

¹Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

²The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after ~~((the effective date of the ordinance introduced as Council Bill 119057))~~ November 4, 2017. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

³The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after ~~((the effective date of the ordinance introduced as Council Bill 119057))~~ November 4, 2017.

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

⁴Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 4 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

1 * * *

2 Section 10. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
3 125927, is amended as follows:

4 **23.41.012 Development standard departures**

5 * * *

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

8 * * *

9 11. Structure height, except that:

10 a. Within the Roosevelt Commercial Core building height departures up to
11 an additional 3 feet may be granted for properties zoned (~~NC3-65~~) NC3-75 (Map A for
12 23.41.012, Roosevelt Commercial Core);

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

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

5 d. Within the PSM 85-120 zone in the area shown on Map A for
6 23.49.180, departures may be granted from development standards that apply as conditions to
7 additional height, except for floor area ratios and provisions for adding bonus floor area above
8 the base FAR;

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

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

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

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

17 1) The departure is needed to protect a tree that is located on the lot
18 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in
19 diameter measured 4.5 feet above the ground; and

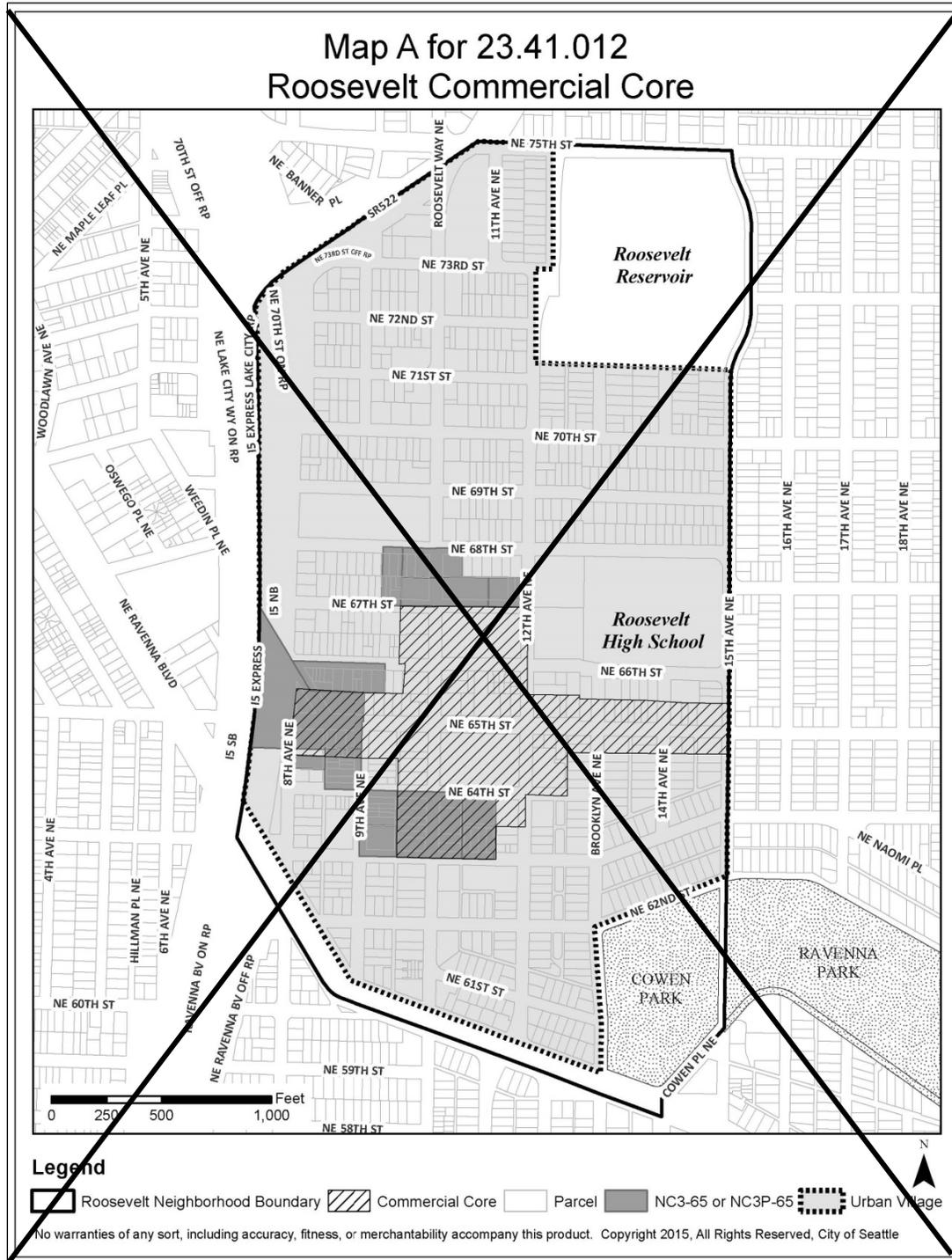
20 2) Avoiding development in the tree protection area will reduce the
21 total development capacity of the site((-)) ;

22 g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial
23 and Downtown zones, departures for rooftop features may be granted from rooftop coverage

1 limits and setback standards from the roof edge, but not from the height limits for rooftop
2 features.

3 * * *

1 **Map A for 23.41.012 Roosevelt Commercial Core**

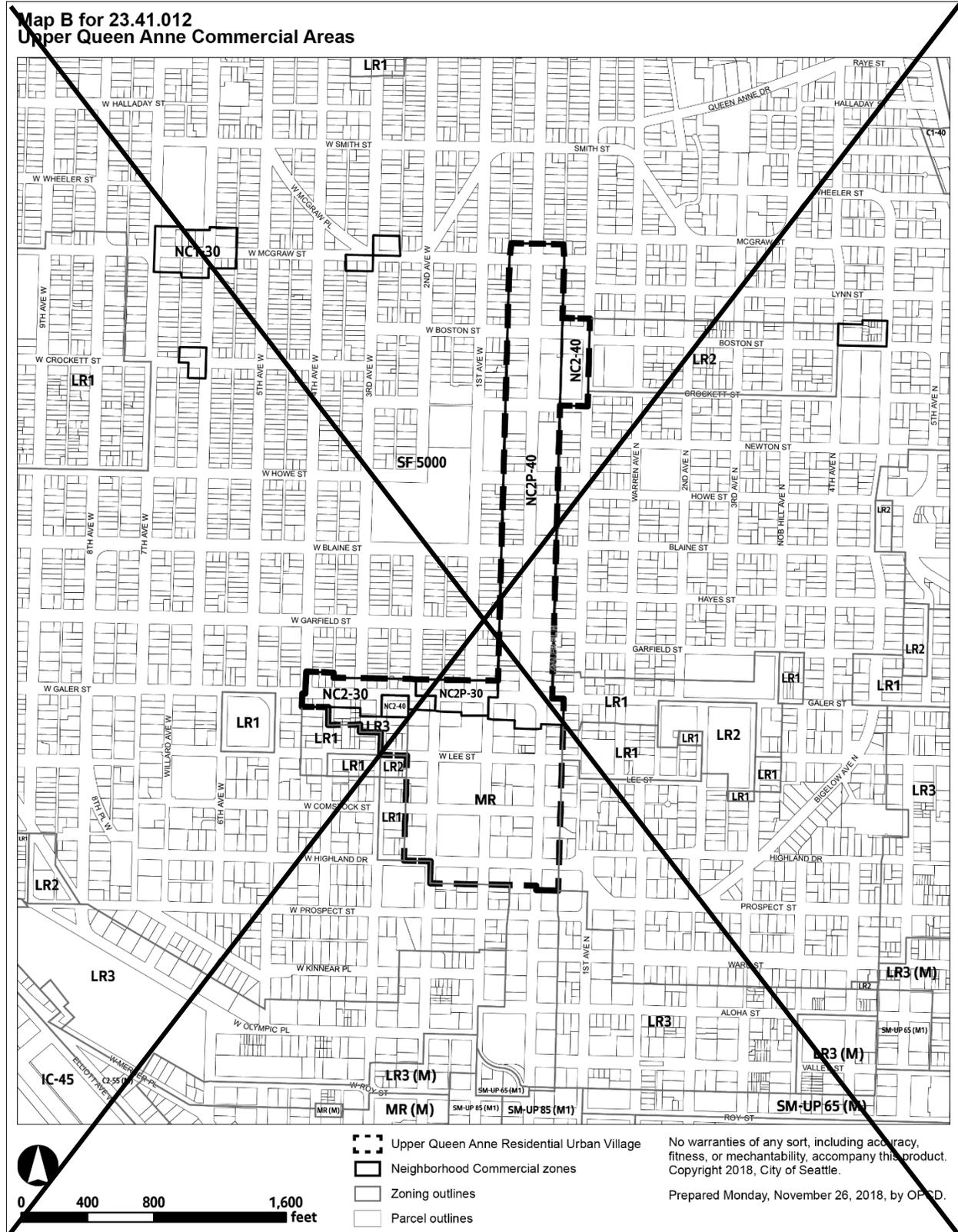


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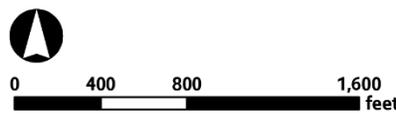
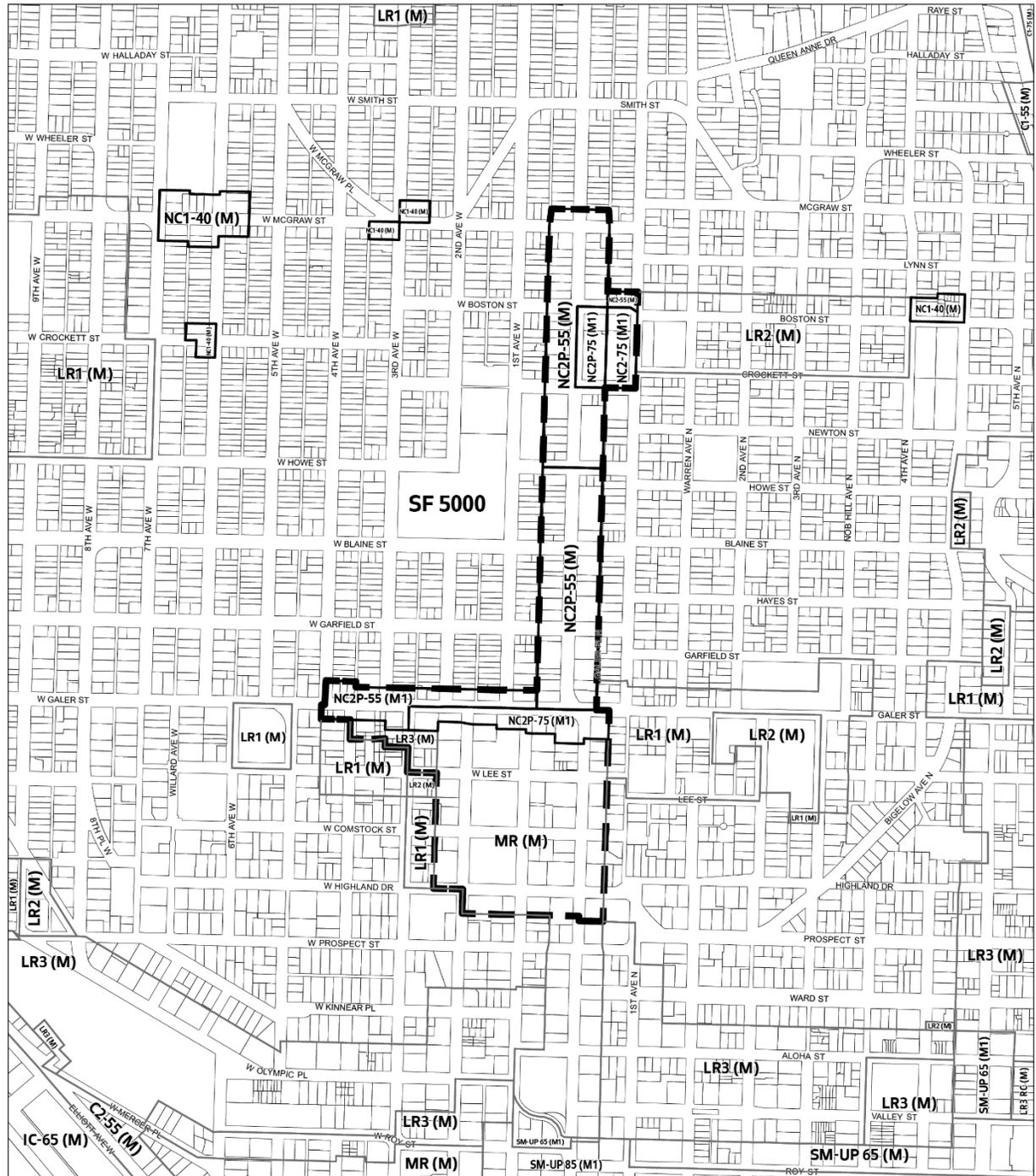
1
 2

Map B for 23.41.012 Upper Queen Anne Commercial Areas



3

**Map B for 23.41.012
 Upper Queen Anne Commercial Areas**



- Upper Queen Anne Residential Urban Village
- Neighborhood Commercial zones
- Zoning outlines
- Parcel outlines

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 Prepared Monday, June 24, 2019, by OPCD.

1 Section 11. Section 23.42.048 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.42.048 Configuration of dwelling units**

4 A. Dwelling units. In all zones a dwelling unit exists if the ~~((use))~~ area meets the
5 requirements of subsection 23.42.048.A.1 or ~~((23.41.048.A.2))~~ 23.42.048.A.2 and if the ~~((use))~~
6 area is not ~~((an adult family home,))~~ a congregate residence~~((, assisted living facility,))~~ or
7 nursing home, and is not located in a hotel, motel, or public facility such as a fire station.

8 1. A separate or separable area within a building, including:

9 a. ~~((a))~~ A complete food preparation area. A room or portion of a room
10 designed, arranged, intended, or used for cooking or otherwise making food ready for
11 consumption that contains a sink, and a stove or range, a refrigerator, and a countertop, shall be
12 considered a complete food preparation area; and

13 b. ~~((a))~~ A bathroom containing a toilet, and a shower or bathtub; and

14 c. ~~((one))~~ One or more sleeping rooms.

15 2. A sleeping room with an associated private bathroom including a toilet, and a
16 shower or bathtub, within a separate or separable area of a building that contains more than ~~((4))~~
17 four sleeping rooms, if:

18 a. ~~((fifty))~~ Fifty percent or more of the sleeping rooms in the separate or
19 separable area have an associated private bathroom including a toilet, and a shower or bathtub; or

20 b. ~~((less))~~ Less than 30 percent of the floor area of the separate or
21 separable area is in shared space such as a living or dining room.

22 3. For the purposes of this subsection 23.42.048.A, a separate or separable area is
23 an area having direct access to the exterior of the building or access to the exterior via hallways

1 and stairways that are primarily ingress/egress routes to the exterior rather than leading to
2 common kitchens and living areas.

3 * * *

4 Section 12. Subsection 23.42.112.B of the Seattle Municipal Code, which section was
5 last amended by Ordinance 123649, is amended as follows:

6 **23.42.112 Nonconformity to development standards**

7 * * *

8 B. A structure nonconforming to development standards and occupied by or accessory to
9 a residential use may be rebuilt or replaced but may not be expanded or extended in any manner
10 that increases the extent of nonconformity unless specifically permitted by this code.

11 1. A survey by a licensed Washington surveyor, or other documentation
12 acceptable to the Director, documenting the extent of nonconformity and confirming that the
13 plans to rebuild or replace a residential structure create no unpermitted increase in
14 nonconformity shall be required prior to approval of any permit to rebuild or replace a
15 nonconforming residential structure.

16 2. Additions to a rebuilt nonconforming residential structure that meet current
17 development standards are allowed.

18 3. Nonconforming development that is not structural, including but not limited to
19 access or location of parking, may be maintained if a structure is rebuilt according to the
20 requirements of this subsection 23.42.112.B.

21 * * *

22 Section 13. Subsection 23.44.008.C of the Seattle Municipal Code, which section was
23 last amended by Ordinance 125791, is amended as follows:

1 **23.44.008 Development standards for uses permitted outright**

2 * * *

3 C. Floating homes are subject to the provisions of Chapter 23.60A(~~(, Shoreline District,)~~)
4 and are also subject to the parking provisions of this (~~(Section 23.44.008)~~) Chapter 23.44.

5 * * *

6 Section 14. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.44.010 Minimum lot area and lot coverage**

9 * * *

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

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

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

22 1) To be counted as a separate lot for the purposes of calculating
23 the mean area of the lots on a block front, a lot must be entirely within a single-family zone, and

1 d. The historic lot exception. The historic lot exception may be applied to
2 allow separate development of lots already in existence if the lot has an area of at least 2,500
3 square feet, and was established as a separate building site in the public records of the county or
4 City prior to July 24, 1957, by deed, contract of sale, platting, or building permit. The qualifying
5 lot shall be subject to the following provisions:

6 1) A lot is considered to have been established as a separate
7 building site by deed if the lot was held under separate ownership from all abutting lots for at
8 least one year after the date the recorded deed transferred ownership. A lot is considered to have
9 been established as a separate building site by contract of sale only if that sale would have
10 caused the property to be under separate ownership from all abutting lots.

11 2) If two contiguous lots have been held in common ownership at
12 any time after January 18, 1987, and a principal structure extends onto or over both lots, neither
13 lot qualifies for the exception. If the principal structure does not extend onto or over both lots,
14 but both lots were required to meet development standards other than parking requirements in
15 effect at the time the structure was built or expanded, neither lot qualifies for the exception
16 unless the vacant lot is not needed to meet current development standards other than parking
17 requirements. If the combined property fronts on multiple streets, the orientation of the principal
18 structure shall not be considered when determining if it could have been built to the same
19 configuration without using the vacant lot or lots as part of the principal structure's building site.

20 3) Lots that do not otherwise qualify for this exception cannot
21 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act
22 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of

1 removing from the principal structure minor features that do not contain enclosed interior space,
2 including but not limited to eaves and unenclosed decks.

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

7 e. The lot is within a clustered housing planned development pursuant to
8 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a
9 development approved as an environmentally critical areas conditional use pursuant to Section
10 25.09.260.

11 f. If a lot qualifies for an exception to the lot area requirement under
12 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
13 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that
14 also qualify for separate development may be adjusted through the lot boundary adjustment
15 process if the adjustment maintains the existing lot areas, increases the area of a qualifying
16 substandard lot without reducing another lot below the minimum permitted lot area, or causes the
17 areas of the lots to become more equal provided the number of parcels qualifying for separate
18 development is not increased.

19 2. Limitations

20 a. Development may occur on a substandard lot containing a riparian
21 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the
22 provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat
23 described in Section 23.60A.160, only if one of the following conditions applies:

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

3 * * *

4 Section 15. Subsection 23.44.014.C of the Seattle Municipal Code, which section was
5 last amended by Ordinance 125854, is amended as follows:

6 **23.44.014 Yards**

7 * * *

8 C. Exceptions from standard yard requirements. No structure shall be placed in a required
9 yard except as follows:

10 1. Garages. (~~Garages~~) Attached and detached garages may be located in a
11 required yard subject to the standards of Section 23.44.016.

12 * * *

13 3. A principal residential structure or a detached accessory dwelling unit may
14 extend into one side yard if an easement is provided along the side or rear lot line of the abutting
15 lot, sufficient to leave a 10-foot separation between that structure and any principal structure or
16 detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured
17 from the wall of the principal structure or the wall of the detached accessory dwelling unit that is
18 proposed to extend into a side yard to the wall of the principal structure or detached accessory
19 dwelling unit on the abutting lot.

20 a. No structure or portion of a structure may be built on either lot within
21 the 10-foot separation, except as provided in this Section 23.44.014.

22 b. Accessory structures, other than detached accessory dwelling units, and
23 features of and projections from principal structures, such as porches, eaves, and chimneys, are

1 permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise
2 allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a
3 structure or feature may project into the 10-foot separation, assume the property line is 5 feet
4 from the wall of the principal structure or detached accessory dwelling unit proposed to extend
5 into a side yard and consider the 5 feet between the wall and the assumed property line to be the
6 required side yard.

7 c. ~~((NØ))~~ Notwithstanding subsection 23.44.014.C.3.b, no portion of any
8 structure, including eaves or any other projection, shall cross the actual property line.

9 d. The easement shall be recorded with the King County Recorder's
10 Office. The easement shall provide access for normal maintenance activities to the principal
11 structure on the lot with less than the required 5-foot side yard.

12 4. Certain additions. Certain additions to an existing single-family structure, or an
13 existing accessory structure if being converted to a detached accessory dwelling unit, may extend
14 into a required yard if the existing single-family structure or existing accessory structure is
15 already nonconforming with respect to that yard. The presently nonconforming portion must be
16 at least 60 percent of the total width of the respective facade of the structure prior to the addition.
17 The line formed by the existing nonconforming wall of the structure is the limit to which any
18 additions may be built, except as described in subsections 23.44.014.C.4.a through
19 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement
20 additions. New additions to the nonconforming wall or walls shall comply with the following
21 requirements (Exhibit A for 23.44.014):

1 a. Side yard. If the addition is a side wall, the existing wall line may be
2 continued by the addition except that in no case shall the addition be closer than 3 feet to the side
3 lot line;

4 b. Rear yard. If the addition is a rear wall, the existing wall line may be
5 continued by the addition except that in no case shall the addition be closer than 20 feet to the
6 rear lot line or centerline of an alley abutting the rear lot line or, in the case of an existing
7 accessory structure being converted to a detached accessory dwelling unit, 3 feet to the rear lot
8 line;

9 * * *

10 5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may
11 project into any required yard, if ~~((each component is))~~ the surface of porches or steps are no
12 higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has ~~((no~~
13 horizontal distance)) a width and depth no greater than 6 feet within the required yard. For each
14 entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are
15 permitted in the required yards.

16 * * *

17 17. Stormwater management

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

20 1) Each above-grade GSI feature is ~~((less))~~ no more than 4.5 feet
21 tall, excluding piping;

22 2) Each above-grade GSI feature is ~~((less))~~ no more than 4 feet
23 wide; and

1 a. The garage is a detached garage (~~located entirely in~~) and extends only
2 into that portion of a side yard that is either within 35 feet of the centerline of an alley or within
3 25 feet of any rear lot line that is not an alley lot line; or

4 b. An agreement between the owners of record of the abutting properties,
5 authorizing the garage in that location, is executed and recorded, pursuant to subsection
6 23.44.014.C.2.a.

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

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

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

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

18 8. Trailers, boats, recreational vehicles and similar equipment shall not be parked
19 in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line,
20 or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line,
21 unless fully enclosed in a structure otherwise allowed in a required yard by this subsection
22 23.44.016.D.

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

5 a. Open parking space

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

9 2) The parking area shall be at least an average of 6 feet below the
10 existing grade prior to excavation and/or construction at a line that is 10 feet from the street lot
11 line; and

12 3) The parking space shall be no wider than 10 feet for one parking
13 space at the parking surface and no wider than 20 feet for two parking spaces if permitted as
14 provided in subsection 23.44.016.D.12.

15 b. Terraced garage

16 1) The height of a terraced garage is limited to no more than 2 feet
17 above existing or finished grade, whichever is lower, for the portions of the garage that are 10
18 feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend
19 up to 3 feet above this 2-foot height limit. All parts of the roof above the 2-foot height limit shall
20 be pitched at a rate of not less than 4:12. No portion of a shed roof shall be permitted to extend
21 beyond the 2-foot height limit of this provision. Portions of a terraced garage that are less than 10
22 feet from the street lot line shall comply with the height standards in subsection 23.44.016.E.2;

1 1. The use shall be compatible with the existing configuration of the site and with
2 the existing design and/or construction of the structure without significant alteration; and

3 2. The use shall be allowed only when it is demonstrated that uses permitted in the
4 zone are impractical because of site configuration or structure design and/or that no permitted
5 use can provide adequate financial support necessary to sustain the structure or site in a
6 reasonably good physical condition; and

7 3. The use shall not be detrimental to other properties in the zone or vicinity or to
8 the public interest.

9 B. The parking requirements for a use allowed in a landmark are those listed in Section
10 23.54.015. These requirements may be waived pursuant to (~~Section~~) subsection 23.54.020.C.

11 Section 18. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
12 125854, is amended as follows:

13 **23.44.041 Accessory dwelling units**

14 A. General provisions. The Director may authorize an accessory dwelling unit, and that
15 dwelling unit may be used as a residence, only under the following conditions:

16 1. Number of accessory dwelling units allowed on a lot

17 a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a
18 principal single-family dwelling unit may have up to two accessory dwelling units, provided that
19 the following conditions are met:

20 1) Only one accessory dwelling unit may be a detached accessory
21 dwelling unit; and

22 2) A second accessory dwelling unit is allowed only if((-):

Table A for 23.44.041
Development standards for detached accessory dwelling units ^{1, 2}

a. Minimum lot size	3,200 square feet			
b. Minimum lot width	25 feet			
c. Minimum lot depth	70 feet ³			
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.			
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.			
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and storage areas, <u>covered</u> porches and covered decks that are less than 25 square feet in area, and gross floor <u>area</u> that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit. The bicycle parking area shall be provided in a safe((;)) and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.			
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴			
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. ^{4, 5, 6}			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits ^{7, 8, 9}	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater

Table A for 23.44.041
Development standards for detached accessory dwelling units ^{1, 2}

(1) Base structure height limit (in feet) ¹⁰	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
1. Minimum separation from principal ((dwelling unit)) structure	5 feet			

Footnotes to Table A for 23.44.041

¹The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

²The Director may allow an exception to standards i and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

³For 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.

⁴External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished

Table A for 23.44.041
Development standards for detached accessory dwelling units^{1, 2}

floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

⁵If 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.

⁶On 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.

⁷Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁸Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to ~~((æw))~~ standard k if all conditions of subsection 23.44.012.C.3 are satisfied.

⁹Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

* * *

1
2 Section 19. Section 23.45.506 of the Seattle Municipal Code, last amended by Ordinance
3 125558, is amended as follows:

4 **23.45.506 Administrative conditional uses**

5 A. Uses permitted as administrative conditional uses in Section 23.45.504~~((;))~~ may be
6 permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506
7 are met.

8 B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the
9 development standards for uses permitted outright. If an existing structure is nonconforming to
10 development standards, then no conditional use is required for any alterations that do not
11 increase the nonconformity.

12 * * *

1 Section 20. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
2 125791, is amended as follows:

3 **23.45.518 Setbacks and separations**

4 * * *

5 H. Projections permitted in required setbacks and separations

6 1. Cornices, eaves, gutters, roofs, and other forms of weather protection may
7 project into required setbacks and separations a maximum of 4 feet if they are no closer than 3
8 feet to any lot line.

9 2. Garden windows and other features that do not provide floor area may project a
10 maximum of 18 inches into required setbacks and separations if they:

- 11 a. Are a minimum of 30 inches above the finished floor;
- 12 b. Are no more than 6 feet in height and 8 feet wide; and
- 13 c. Combined with bay windows and other features with floor area, make
14 up no more than 30 percent of the area of the facade.

15 3. Bay windows and other features that provide floor area may project a
16 maximum of 2 feet into required setbacks and separations if they:

- 17 a. ~~((are))~~ Are no closer than 5 feet to any lot line;
- 18 b. ~~((are))~~ Are no more than 10 feet in width; and
- 19 c. ~~((combined))~~ Combined with garden windows and other features
20 included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

21 4. Unenclosed decks up to 18 inches above existing or finished grade, whichever
22 is lower, may project into required setbacks or separations ~~((to the lot line))~~.

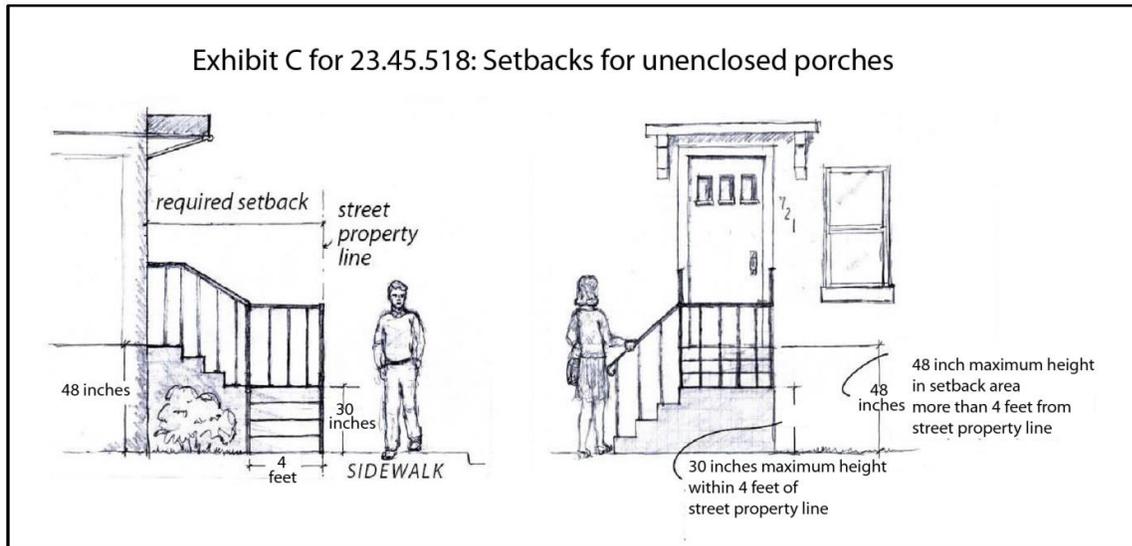
23 5. Unenclosed porches or steps

1 a. Unenclosed porches or steps no higher than 4 feet above existing grade,
2 or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4
3 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in
4 height from existing or finished grade, whichever is lower, excluding guard rails or hand rails,
5 may extend to a street lot line. See Exhibit C for 23.45.518.

6 b. Unenclosed porches or steps no higher than 4 feet above existing grade
7 may project into the required rear setback or required separation between structures a maximum
8 of 4 feet provided they are a minimum of 5 feet from a rear lot line.

9 c. Unenclosed porches or steps permitted in required setbacks and
10 separations shall be limited to a combined maximum width of 20 feet.

11 **Exhibit C for 23.45.518 Setbacks for unenclosed porches**



12
13 d. Permitted porches or steps may be covered, provided that no portions of
14 the cover-structure, including any supports, are closer than 3 feet to any lot line.

15 6. Fireplaces and chimneys may project up to 18 inches into required setbacks or
16 separations.

1 a. Above-grade GSI features do not exceed ten percent coverage of any
2 one setback or separation area;

3 b. No portion of an above-grade GSI feature is located closer than 2.5 feet
4 from a side lot line; and

5 c. No portion of an above-grade GSI feature projects more than 5 feet into
6 a front or rear setback area.

7 * * *

8 Section 21. Subsection 23.45.522.D of the Seattle Municipal Code, which section was
9 last amended by Ordinance 125791, is amended as follows:

10 **23.45.522 Amenity area**

11 * * *

12 D. General requirements. Required amenity areas shall meet the following conditions:

13 1. All units shall have access to a common or private amenity area.

14 2. Enclosed amenity areas

15 a. In LR zones, an amenity area shall not be enclosed within a structure.

16 b. In MR and HR zones, except for cottage housing, no more than 50
17 percent of the amenity area may be enclosed, and this enclosed area shall be provided as
18 common amenity area.

19 3. Projections into amenity areas. Structural projections that do not provide floor
20 area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8
21 feet above finished grade.

22 4. Private amenity areas

1 a. There is no minimum dimension for private amenity areas, except that if
2 a private amenity area ((abuts)) is located between the structure and a side lot line that is not a
3 side street lot line, the minimum horizontal dimension shall be measured from the side lot line
4 and is required to be a minimum of 10 feet.

5 b. An unenclosed porch that is a minimum of 60 square feet in size and
6 that faces a street or a common amenity area may be counted as part of the private amenity area
7 for the rowhouse, townhouse, or cottage to which it is attached.

8 5. Common amenity areas for rowhouse and townhouse developments and
9 apartments shall meet the following conditions:

10 a. No common amenity area shall be less than 250 square feet in area, and
11 common amenity areas shall have a minimum horizontal dimension of 10 feet.

12 b. Common amenity areas shall be improved as follows:

13 1) At least 50 percent of a common amenity area provided at
14 ground level shall be landscaped with grass, ground cover, bushes, bioretention facilities, and/or
15 trees.

16 2) Elements that enhance the usability and livability of the space
17 for residents, such as seating, outdoor lighting, weather protection, art, or other similar features,
18 shall be provided.

19 c. The common amenity area required at ground level for apartments shall
20 be accessible to all apartment units.

21 6. Parking areas, vehicular access easements, and driveways do not qualify as
22 amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area

1 if the design of the woonerf is approved through a design review process pursuant to Chapter
2 23.41.

3 7. Swimming pools, spas, and hot tubs may be counted toward meeting the
4 amenity area requirement.

5 8. Rooftop areas excluded because they are near minor communication utilities
6 and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as
7 amenity areas.

8 * * *

9 Section 22. Subsection 23.45.545.C of the Seattle Municipal Code, which section was
10 last amended by Ordinance 125854, is amended as follows:

11 **23.45.545 Standards for certain accessory uses**

12 * * *

13 C. Solar collectors

14 1. Solar collectors that meet minimum written energy conservation standards
15 administered by the Director are permitted in required setbacks, subject to the following:

16 a. Detached solar collectors are permitted in required rear setbacks, no
17 closer than 5 feet to any other principal or accessory structure.

18 b. Detached solar collectors are permitted in required side setbacks, no
19 closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the
20 side lot line.

21 2. Sunshades that provide shade for solar collectors that meet minimum written
22 energy conservation standards administered by the Director may project into southern front or
23 rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3

1 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade
2 may be no closer than 5 feet to the lot line.

3 3. Solar collectors on roofs. Solar collectors (~~(that meet minimum written energy~~
4 ~~conservation standards administered by the Director and)~~) that are located on a roof are permitted
5 as follows:

6 a. In LR zones up to 4 feet above the maximum height limit or 4 feet
7 above the height of stair or elevator penthouse(s), whichever is higher; and

8 b. In MR and HR zones up to 10 feet above the maximum height limit or
9 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

10 c. If the solar collectors would cause an existing structure to become
11 nonconforming, or increase an existing nonconformity, the Director may permit the solar
12 collectors as a special exception pursuant to Chapter 23.76. (~~(Such s)~~)Solar collectors may be
13 permitted under this subsection 23.45.545.C.3.c even if the structure exceeds the height limits
14 established in this subsection 23.45.545.C.3, (~~(when)~~) if the following conditions are met:

15 1) There is no feasible alternative solution to placing the
16 collector(s) on the roof; and

17 2) (~~(Such)~~) The collector(s) are located so as to minimize view
18 blockage from surrounding properties and the shading of property to the north, while still
19 providing adequate solar access for the solar collectors.

20 * * *

21 Section 23. Section 23.47A.008 of the Seattle Municipal Code, last amended by
22 Ordinance 125791, is amended as follows:

23 **23.47A.008 Street-level development standards**

1 * * *

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

4 * * *

5 5. Maximum width and depth limits

6 a. The maximum width and depth of a structure, or of a portion of a
7 structure for which the limit is calculated separately according to subsection 23.47A.008.C.5.b, is
8 250 feet, except as otherwise provided in subsection 23.47A.008.C.5.c. Structure width may
9 exceed 250 feet if the structure complies with the modulation standards in subsection
10 23.47A.014.D.

11 b. For purposes of this subsection 23.47A.008.C.5, the width and depth
12 limits shall be calculated separately for a portion of a structure if:

13 1) There are no connections allowing direct access, such as
14 hallways, bridges, or stairways, between that portion of a structure and other portions of a
15 structure; or

16 2) The only connections between that portion of a structure and
17 other portions of a structure are in stories, or portions of ((a)) stories, that are underground or
18 extend no more than 4 feet above the sidewalk, measured at any point above the sidewalk
19 elevation to the floor above the partially below-grade story, excluding access.

20 c. For purposes of this subsection 23.47A.008.C.5, the following portions
21 of a structure shall not be included in measuring width and depth:

22 1) Designated Landmark structures that are retained on the lot.

1 * * *

2 Section 24. Section 23.47A.012 of the Seattle Municipal Code, last amended by
3 Ordinance 125791, is amended as follows:

4 **23.47A.012 Structure height**

5 * * *

6 C. Rooftop features

7 1. Smokestacks, chimneys, flagpoles, and religious symbols for religious
8 institutions are exempt from height controls, except as regulated in Chapter 23.64(~~(, Airport~~
9 ~~Height Overlay District)~~), provided they are a minimum of 10 feet from any side or rear lot line.

10 2. Open railings, planters, skylights, clerestories, greenhouses, solariums,
11 parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by
12 subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever
13 is higher. Insulation material(~~(, rooftop decks and other similar features,))~~ or soil for landscaping
14 located above the structural roof surface may exceed the maximum height limit by up to 2 feet if
15 enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2. Rooftop decks
16 and other similar features may exceed the maximum height limit by up to two feet, and open
17 railings or parapets required by the Building Code around the perimeter of rooftop decks or other
18 similar features may exceed the maximum height limit by the minimum necessary to meet
19 Building Code requirements.

20 * * *

21 Section 25. Subsection 23.47A.013.B of the Seattle Municipal Code, which section was
22 last amended by Ordinance 125791, is amended as follows:

23 **23.47A.013 Floor area ratio**

* * *

B. The following gross floor area is not counted toward FAR:

1. All stories, or portions of stories, that are underground;
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:
 - a. The above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.3; or
 - b. All of the following conditions are met:
 - 1) No above-grade parking is exempted by subsection 23.47A.013.B.4.a;
 - 2) The parking is accessory to a residential use on the lot;
 - 3) Total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for non-residential uses; and

1 (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;
2 and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2
3 streets shown on Map A for 23.48.740:

- 4 a. General sales and service uses;
- 5 b. Eating and drinking establishments;
- 6 c. Entertainment uses;
- 7 d. Public libraries;
- 8 e. Public parks;
- 9 f. Arts facilities;
- 10 g. Religious facilities; ~~((and))~~
- 11 h. Light rail transit stations((-)) ; and
- 12 i. Child care centers.

13 2. Standards for required street-level uses. Required street-level uses shall meet
14 the development standards in subsection 23.48.040.C, and any additional standards for Seattle
15 Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

16 * * *

17 Section 27. A new Section 23.48.007 is added to the Seattle Municipal Code as follows:

18 **23.48.007 Major Phased Developments**

19 A. An applicant may seek approval of a Major Phased Development, as defined in
20 Section 23.84A.025. A Major Phased Development proposal is subject to the provisions of the
21 zone in which it is located and shall meet the following thresholds:

- 22 1. Minimum site size of 5 acres, composed of contiguous parcels or parcels
23 divided only by one or more rights-of-way.

1 2. The proposed project, which at time of application is a single, functionally
2 interrelated campus, contains more than one building, with a minimum total gross floor area of
3 200,000 square feet.

4 3. The first phase of the development consists of at least 100,000 square feet in
5 gross building floor area.

6 4. At the time of application, the project is consistent with the general character of
7 development anticipated by Land Use Code regulations.

8 B. A Major Phased Development application shall be submitted, evaluated, and approved
9 according to the following:

10 1. The application shall contain a level of detail that is sufficient to reasonably
11 assess anticipated impacts, including those associated with a maximum build-out, within the
12 timeframe requested for Master Use Permit extension.

13 2. A Major Phased Development component shall not be approved unless the
14 Director concludes that anticipated environmental impacts, such as traffic, open space, shadows,
15 construction impacts and air quality, are not significant or can be effectively monitored and
16 conditions imposed to mitigate impacts over the extended life of the permit.

17 3. Expiration or renewal of a permit for the first phase of a Major Phased
18 Development is subject to the provisions of Chapter 23.76. The Director shall determine the
19 expiration date of a permit for subsequent phases of the Major Phased Development through the
20 analysis provided for above; such expiration shall be no later than 15 years from the date of
21 issuance.

22 C. Changes to the approved Major Phased Development

1 1. When an amendment to a Master Use Permit with a Major Phased
2 Development component is requested, the Director shall determine whether the amendment is
3 minor or not.

4 a. A minor amendment is one that meets the following criteria:

5 1) Substantial compliance with the approved site plan and
6 conditions imposed in the existing Master Use Permit with the Major Phased Development
7 component with no substantial change in the mix of uses and no major departure from the bulk
8 and scale of structures originally proposed; and

9 2) Compliance with applicable requirements of this Title 23 in
10 effect at the time of the original Master Use Permit approval; and

11 3) No significantly greater impact would occur.

12 2. If the Director determines that the amendment is minor, the Director may
13 approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the
14 original approval shall be retained.

15 3. If the Director determines that the amendment is not minor, the applicant may
16 either continue under the existing Major Phased Development approval or may submit a revised
17 Major Phased Development application. The revised application shall be the subject of a Type II
18 decision. Only the portion of the site affected by the revision shall be subject to regulations in
19 effect on the date of the revised Major Phased Development application, notwithstanding any
20 provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the
21 portion of the site affected by the revision.

22 Section 28. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
23 125603, is amended as follows:

1 **23.48.020 Floor area ratio (FAR)**

2 A. General provisions

3 1. All gross floor area not exempt under subsection 23.48.020.~~((D))~~B counts
4 toward the gross floor area allowed under the FAR limits.

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

7 3. If a lot is in more than one zone, the FAR limit for each zone applies to the
8 portion of the lot located in that zone.

9 B. Floor area exempt from FAR calculations. The following floor area is exempt from
10 maximum FAR calculations:

11 1. All underground stories or portions of stories.

12 2. Portions of a story that extend no more than 4 feet above existing or finished
13 grade, whichever is lower, excluding access.

14 3. As an allowance for mechanical equipment, in any structure 65 feet in height or
15 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
16 calculations. Calculation of the allowance includes the remaining gross floor area after all
17 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
18 located on the roof of a structure, whether enclosed or not, is not included as part of the
19 calculation of total gross floor area.

20 4. All gross floor area for solar collectors and wind-driven power generators.

21 5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

22 6. The floor area of required bicycle parking for small efficiency dwelling units or
23 congregate residence sleeping rooms, if the bicycle parking is located within the structure

1 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
2 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
3 limits.

4 7. Child care centers.

5 * * *

6 Section 29. Section 23.48.025 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.48.025 Structure height**

9 * * *

10 C. Rooftop features

11 * * *

12 4. The following rooftop features may extend up to 15 feet above the maximum
13 height limit, so long as the combined total coverage of all features listed in this subsection
14 23.48.025.C.4, including weather protection such as eaves or canopies extending from rooftop
15 features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total
16 includes stair or elevator penthouses or screened mechanical equipment:

17 a. Solar collectors;

18 b. Stair and elevator penthouses;

19 c. Mechanical equipment;

20 d. Atriums, greenhouses, and solariums;

21 e. Play equipment and open-mesh fencing that encloses it, as long as the
22 fencing is at least 15 feet from the roof edge;

1 f. Minor communication utilities and accessory communication devices,
2 except that height is regulated according to the provisions of Section 23.57.012; and

3 g. Covered or enclosed common amenity area for structures exceeding a
4 height of 125 feet.

5 * * *

6 Section 30. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance
7 125927, is amended as follows:

8 **23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center**

9 A. General provisions

10 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for
11 specified SM zones within the South Lake Union Urban Center are as shown in Table A for
12 23.48.220 and Table B for 23.48.220. In the zones shown on Table A for 23.48.220, all non-
13 exempt floor area above the base FAR is considered extra floor area. Extra floor area may be
14 obtained, up to the maximum FAR, only through the provision of public amenities according to
15 Section 23.48.021 and Chapter 23.58A.

Table A for 23.48.220
FAR limits for specified zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
SM-SLU 100/65-145	4.5	6.5	4.5

Table A for 23.48.220
FAR limits for specified zones in South Lake Union Urban Center

SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5 ²	8	6
SM-SLU 85- 280	0.5/3 ³	NA	6
SM-SLU 240/125-440	5 ²	8	10

Footnotes to Table A for 23.48.220

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

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

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

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

1

Table B for 23.48.220
FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones

Zone	FAR limits for all uses	
	Base FAR	Maximum FAR
SM-SLU/R 65/95	Not applicable	Not applicable
SM-SLU 100/95	4.5	6.75
SM-SLU 145	5	9.5 ¹

Footnote to Table B for 23.48.220

¹ The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

* * *

Section 31. Subsection 23.48.225.A of the Seattle Municipal Code, which section was last amended by Ordinance 125927, is amended as follows:

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

1. In zones listed below in this subsection 23.48.225.A.1, 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. Except as stated in Section 23.48.025, the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A (~~and if the structure complies with the standards for tower development specified in Section 23.48.240 (Street level development standards in South Lake Union Urban Center) and Section 23.48.245 (Upper level development standards in South Lake Union Urban Center))~~):

SM-SLU 100/65-145

SM-SLU 85/65-160

SM-SLU 175/85-280

SM-SLU 240/125-440

1 include upper-level floor area limits, gross floor area limits and podium heights, upper-level
2 setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block,
3 and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this
4 Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 100/65-
5 145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 175/85-280 and SM-SLU 85-280
6 zones, or 125 feet for the SM-SLU 240/125-440 zone.

7 A. Upper-level floor area limit. For residential towers, the average gross floor area of all
8 stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent of
9 the lot area, provided that:

10 1. In no case shall the gross floor area of stories above the podium height exceed
11 the gross floor area limits of subsection 23.48.245.B.2; and

12 2. The limit on towers per block in subsection 23.48.245.F applies.

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

16 1. Floor area limit for structures or portions of structures occupied by non-
17 residential uses:

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

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

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

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

8 c. Within locations in the SM-SLU 175/85-280 zone meeting the standards
9 in subsection 23.48.230.B for extra height in South Lake Union Urban Center, there is no floor
10 area limit for structures that do not exceed a height of 120 feet and that are designed for research
11 and development laboratory use and administrative office associated with research and
12 development laboratories.

13 d. For structures or portions of structures with non-residential uses that
14 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of
15 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the
16 structure above the specified podium height indicated for the lot on Map A for 23.48.245,
17 excluding rooftop features or stories with rooftop features that are otherwise permitted above the
18 height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor
19 area of 24,000 square feet per story, except that the average gross floor area for stories above the
20 specified podium height is 30,000 square feet for structures on a lot that meets the following
21 conditions:

22 1) The lot has a minimum area of 60,000 square feet; and

1 3. Floor area limit for mixed-use development. This subsection 23.48.245.B.3
2 applies to structures or portions of structures that include both residential and non-residential
3 uses, as provided for in subsection 23.48.220.A.2.

4 a. For a story that includes both residential and non-residential uses, the
5 gross floor area limit for all uses combined shall not exceed the floor area limit for non-
6 residential uses, provided that the floor area occupied by residential use shall not exceed the floor
7 area limit otherwise applicable to residential use.

8 b. For a mixed-use structure with residential uses located on separate
9 stories from non-residential uses, the floor area limits shall apply to each use at the applicable
10 height limit.

11 4. Podium standards. The standards for podiums apply only to structures or
12 portions of structures that include a tower that is subject to a floor area limit.

13 a. Height limit for podiums. The specific podium height for a lot is shown
14 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley
15 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to
16 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet
17 deep. If the street lot line is not straight, the measurement will be from the point where the
18 distance between the street lot line and the rear lot line is the narrowest. The podium height is
19 measured from the grade elevation at the street lot line. In the SM-SLU 85/65-160 and the SM-
20 175/85-280 zones on the blocks bounded by Valley Street or Roy Street, Mercer Street, ((9th))
21 Dexter Avenue North, and Fairview Avenue North, the line on Map A for 23.48.245 demarcating
22 the different podium heights within these blocks is located 120 feet north of the northerly line of
23 Mercer Street.

1 b. Podium floor area limits. For the podiums of structures with residential
2 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1
3 and for structures with non-residential uses that exceed a height of 85 feet, the average gross
4 floor area (~~((coverage of required lot area, pursuant to subsection 23.48.245.A.))~~) for all the stories
5 below the podium height specified on Map A for 23.48.245((;)) shall not exceed 75 percent of
6 the lot area required for residential tower development, except that floor area is not limited for
7 each story if the total number of stories below the podium height is three or fewer stories, or if
8 the conditions in subsection 23.48.245.B.4.c apply.

9 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does not
10 apply if a lot includes one of the following:

11 1) Usable open space that meets the provisions of subsection
12 23.48.240.F; or

13 2) A structure that has been in existence prior to 1965 and the
14 following conditions are met:

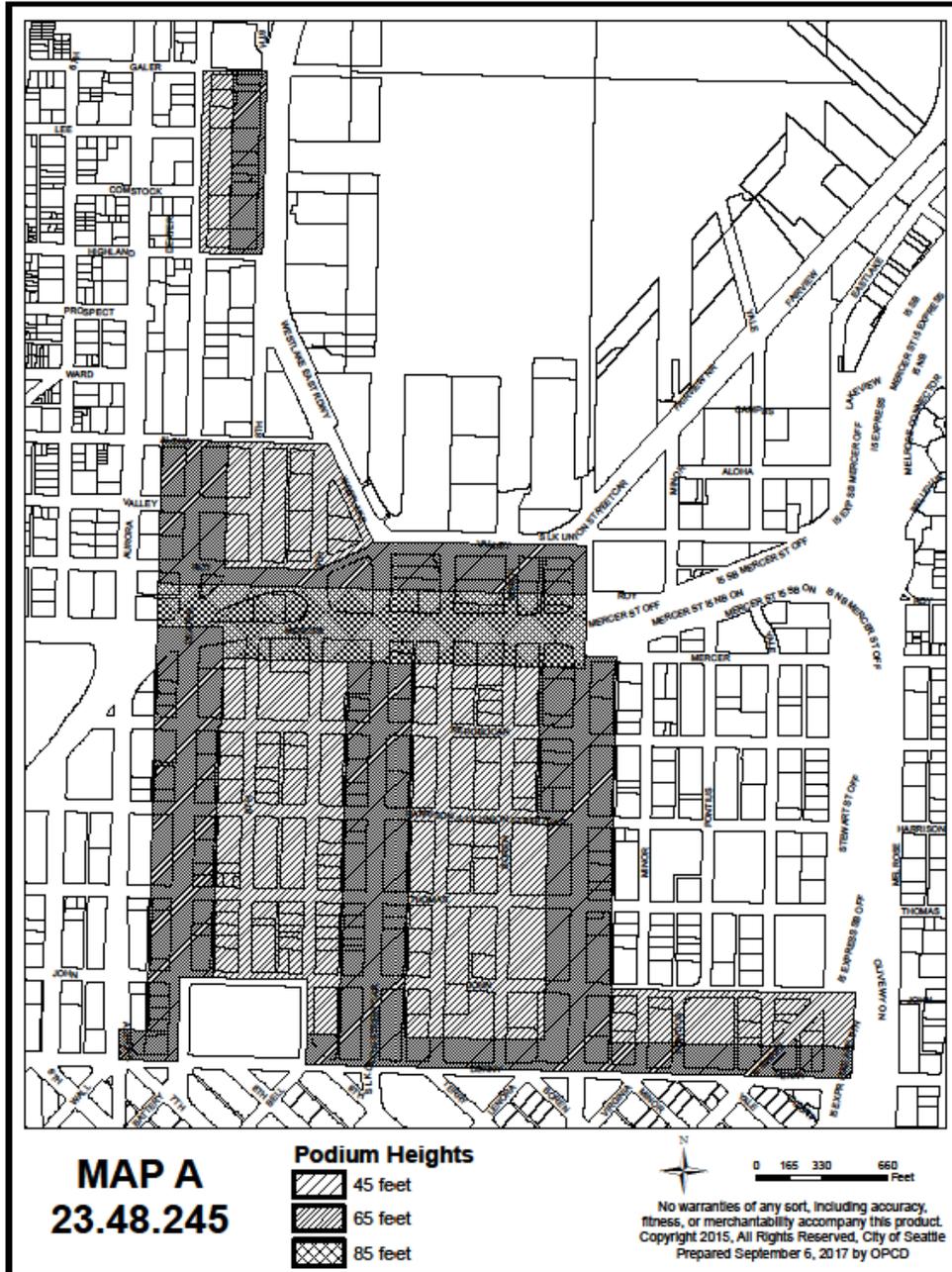
15 a) The structure is rehabilitated and maintained to comply
16 with applicable codes and shall have a minimum useful life of at least 50 years from the time that
17 it was included on the lot with the project allowed to waive the podium area limit;

18 b) The owner agrees that the structure shall not be
19 significantly altered for at least 50 years from the time that it was included on the lot with the
20 project allowed to waive the podium area limit. Significant alteration means the following:

21 i. Alteration of the exterior facades of the structure,
22 except alterations that restore the facades to their original condition;

- 1 subsection 23.48.245.B.5, "aerial connections" are enclosed connections between structures that
- 2 are located on the same block and that do not cross above public right-of-way.

3 **Map A for 23.48.245 Podium Heights**



- 4
- 5 C. Upper-level setbacks

1 1. The following requirements for upper-level setbacks in this subsection
2 23.48.245.C.1 apply to development that meets the following conditions:

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

5 b. For lots in the SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-
6 280, and SM-SLU 240/125-440 zones located within the South Lake Union Urban Center, the
7 development includes a tower structure with residential uses exceeding the base height limit
8 established for residential uses in the zone under subsection 23.48.225.A.1, or includes a
9 structure with non-residential uses that exceed a height of ((85)) 95 feet.

10 2. The required upper-level setbacks for development specified in subsection
11 23.48.245.C.1 shall be provided as follows:

12 a. For portions of a structure facing the applicable street, the maximum
13 height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

14 b. For portions of a structure exceeding the maximum height above which
15 a setback is required, the minimum depth of the setback, measured from the abutting applicable
16 street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245
Required upper-level setbacks for development meeting the conditions of subsection
23.48.245.C

Column 1: Location of lot	Column 2: Height above which setback is required (in feet)	Column 3: Minimum depth of setback from applicable street lot line (in feet)
Thomas Street, south side, between Aurora Ave N to 8 th Ave N	45	50
Thomas Street, south side, between 8 th Ave N and 9 th Ave N	45	40

**Table A for 23.48.245
Required upper-level setbacks for development meeting the conditions of subsection
23.48.245.C**

Thomas Street, south side, between 9 th Ave N and alley between Fairview Ave N and Minor Ave N	45	30
John Street, north side, between Aurora Ave N and 9 th Ave N	45	30
John Street, north side, between 9 th Ave N and Boren Ave N	45	15
John Street, south side, between Aurora Ave N and Minor Ave N	45	30
Boren Ave N, both sides, between Mercer Street and John Street	65 ¹	10 ¹
Fairview Ave N, west side, between Mercer Street and John Street	65	10
Fairview Ave N, east side, between Mercer Street to John Street	65	10

Footnotes to Table A for 23.48.245

¹On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

* * *

F. Limit on towers per block or block front

1. For purposes of this subsection 23.48.245.F and subsection 23.48.245.G, a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

1 a. The tower is physically present, except that a tower that is physically
2 present is not considered "existing" if the owner of the lot where the tower is located has applied
3 to the Director for a permit to demolish the tower and provided that no building permit for the
4 proposed tower is issued until the demolition of the tower that is physically present has been
5 completed;

6 b. The tower is a proposed tower for which a complete application for a
7 Master Use Permit or building permit has been submitted, provided that:

8 1) ~~((the))~~ The application has not been withdrawn or cancelled
9 without the tower having been constructed; and

10 2) ~~((#))~~ If a decision on that application has been published or a
11 permit on the application has been issued, the decision or permit has not expired, and has not
12 been withdrawn, cancelled, or invalidated, without the tower having been constructed.

13 c. The tower is a proposed tower for which a complete application for
14 early design guidance has been filed and a complete application for a Master Use Permit or
15 building permit has not been submitted, provided that the early design guidance application will
16 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
17 not submitted within 90 days of the date of the early design guidance public meeting if one is
18 required, or within 90 days of the date the Director provides guidance if no early design meeting
19 is required, or within 150 days of the first early design guidance public meeting if more than one
20 early design guidance public meeting is held.

21 2. Only one residential tower, or one tower with non-residential uses exceeding 85
22 feet in height, is permitted on a single block front, except as modified by subsections
23 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

1 3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one
2 non-residential tower structure with a hotel use meeting residential development standards is
3 permitted per block.

4 4. In the SM-SLU 100/65-145 zone, more than one residential tower is permitted
5 on a block front if the lot area is 30,000 square feet or more.

6 5. Only one tower with non-residential uses exceeding 85 feet in height is
7 permitted on a block, unless the tower meets the requirements of Section 23.48.230 or unless all
8 of the following conditions apply:

9 a. The tower is on a lot with a minimum area of 60,000 square feet. The
10 area of one or more lots, separated only by an alley, may be combined for the purposes of
11 calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot
12 area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of
13 acquisition of right-of-way by the City;

14 b. A minimum separation of 60 feet is provided between all portions of
15 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If
16 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted;

17 c. A minimum of 15 percent of the lot area is provided as landscaped open
18 space at ground level, allowing for some area to be provided above grade to adapt to topographic
19 conditions, provided that such open space is accessible to people with disabilities. The required
20 open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one
21 continuous area;

22 d. A pedestrian connection meeting the development standards of
23 subsection 23.48.240.H for through-block pedestrian connections for large lot developments is

1 provided through the lot to connect the north/south avenues abutting the lot. If the lot abuts an
2 avenue that has been vacated, the connection shall be to an easement providing public access
3 along the original alignment of the avenue. In addition, if the slope of the lot between the
4 north/south avenues exceeds a slope of ten percent, a hillclimb shall be provided;

5 e. The application of the provisions in this subsection 23.48.245.F.5 shall
6 not result in more than two structures on a block with either non-residential uses above 85 feet in
7 height or with residential use above the base height limit for residential use, except as allowed by
8 subsection 23.48.245.F.5.f;

9 f. ~~((For lots that, as a result of a street vacation, exceed 150,000 square
10 feet, the Director shall, as a Type I decision, determine the permitted number of structures with
11 non-residential uses above 85 feet in height or with residential use above the base height limit,
12 based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions existing prior
13 to the street vacation))~~ The block front on the east side of Terry Avenue North between Denny
14 Way and Thomas Street shall be treated as two block fronts, separated by the location of John
15 Street, if extended between Boren Avenue North and Terry Avenue North;

16 g. The Director shall make a determination of project impacts on the need
17 for pedestrian and bike facilities and complete a voluntary agreement between the property
18 owner and the City to mitigate impacts, if any. The Director may consider the following as
19 impact mitigation:

20 1) Pedestrian walkways on a lot, including through-block
21 connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting
22 structures to each other and abutting streets;

1 provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in
2 subsection 23.58A.042.F.3.

3 Section 34. Section 23.48.724 of the Seattle Municipal Code, enacted by Ordinance
4 125432, is amended as follows:

5 **23.48.724 Extra floor area for open space amenities in SM-UP 160 zone**

6 A. In the SM-UP 160 zone, extra floor area may be gained above the base FAR specified
7 for the zone in Section 23.48.720 in projects that provide open space amenities in accordance
8 with Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this
9 Section 23.48.724.

10 B. Projects that include the following open space amenities are eligible for extra floor
11 area as specified in Section 23.48.722:

12 1. Green street improvements on designated Neighborhood Green Streets shown
13 on Map A for 23.48.740;

14 2. Green street setbacks on lots abutting a designated Neighborhood Green Street
15 shown on Map A for 23.48.740; ~~((and))~~

16 3. Mid-block corridor~~((?))~~ ; and

17 4. Neighborhood open space.

18 C. To be eligible for a floor area bonus, open space amenities shall comply with the
19 applicable development standards and conditions specified in Section 23.58A.040, except that
20 for a mid-block corridor the provisions of subsection 23.48.740.C.2 apply in addition to the
21 conditions of Section 23.58A.040.

22 Section 35. Section 23.48.740 of the Seattle Municipal Code, adopted by Ordinance
23 125432, is amended as follows:

1 **23.48.740 Street-level development standards in SM-UP zones**

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

3 In addition, the following requirements apply:

4 A. Street-level facade requirements; setbacks from street lot lines

5 Street-facing facades of a structure (~~are must~~) shall be built to the lot line except as
6 follows:

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

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

16 * * *

17 3. For streets designated as Class II and Class III Pedestrian Streets and Green
18 Streets as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the
19 street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to
20 the following (as shown on Exhibit B for 23.48.740):

21 a. The setback area shall be landscaped according to the provisions of
22 subsection 23.48.055.A.~~(2)~~3;

1 subsection 23.49.008.B shall not be combined with any other height exception for screening or
2 rooftop features to gain additional height.

3 * * *

4 Section 37. Subsection 23.49.011.B of the Seattle Municipal Code, which section was
5 last amended by Ordinance 125603, is amended as follows:

6 **23.49.011 Floor area ratio**

7 * * *

8 B. Exemptions and deductions from FAR calculations

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

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

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

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

21 2) The exempt space extends a minimum depth of 15 feet from the
22 street-level, street-facing facade; ~~((and))~~

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

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

5 5. No permit after the first building permit, and in any event, no permit for any
 6 construction activity other than excavation and shoring or for occupancy of existing floor area by
 7 any use based upon TDR, will be issued for development that includes TDR until the applicant's
 8 possession of TDR is demonstrated according to rules promulgated by the Director to implement
 9 this Section 23.49.014.

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

Zones ¹	Types of TDR					
	Within-block TDR	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ⁽²⁾	S, R ⁽²⁾	X	S, R ⁽²⁾	S, R ⁽²⁾	R
DMC 340/290-440	S, R	S, R	S	S, R	S, R	R
DMC 145 and DMC 240/290-440	S ⁽³⁾ ₂	S, R	S, R	S, R	S, R	R
DMC 170	X	S, R	S, R	S, R	S, R	R
DMC 95 and DH2	X	S, R	X	S, R	S, R	R

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

DMC 75 and DMC 85/75- 170	X	S	X	S	S	R
DMR	X	S, R ⁽⁽⁴⁾⁾ ₃	X	S, R ⁽⁽⁴⁾⁾ ₃	S, R ⁽⁽⁴⁾⁾ ₃	R ⁽⁽⁴⁾⁾ ₃
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁽⁽⁵⁾⁾ ₄	S
IDM	X	S, R	X	X	S, R ⁽⁽⁵⁾⁾ ₄	S, R
PSM	X	S	X	X	S ⁽⁽⁵⁾⁾ ₄	S, R

S = Eligible sending lot.

R = Eligible receiving lot.

X = Not permitted.

Footnotes to Table A for 23.49.014:

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

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

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

⁽⁴⁾₃Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

⁽⁵⁾₄Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

1 * * *

2 Section 39. Section 23.49.056 of the Seattle Municipal Code, last amended by Ordinance

3 125173, is amended as follows:

1 **23.49.056 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
2 **Downtown Mixed Commercial (DMC) street facade, landscaping, and street setback**
3 **requirements**

4 Standards are established in this Section 23.49.056 for DOC1, DOC2, and DMC zones, for the
5 following elements:

6 Minimum facade heights,

7 Setback limits,

8 Facade transparency,

9 Blank facade limits,

10 Street trees, and

11 Setback and landscaping requirements in the Denny Triangle.

12 These standards apply to each lot line that abuts a street designated on Map 1F or another map
13 identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space
14 TDR sites, and apply along other lot lines and to circumstances as expressly stated in this Section
15 23.49.056. The standards for each street frontage shall vary according to the pedestrian
16 classification of the street on Map 1F or another map identified in a note to Map 1F and to the
17 property line facades ~~((are))~~ as required by Map 1H. Standards for street landscaping and setback
18 requirements in subsection 23.49.056.F also apply along lot lines abutting streets in the Denny
19 Triangle, as shown on Map A for 23.49.056.

20 * * *

21 B. Facade setback limits

1 **Table A for 23.49.166**
2 **Required Side Setbacks Above 65 Feet, DMR Zones Outside South Downtown**
3 **Except DMR/R ((85/65)) 95/65 Zones**

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
Greater than 120 feet up to 180 feet	20 feet
Greater than 180 feet	40 feet

4 2. In DMR zones within South Downtown, setbacks of 10 feet are required from
5 side lot lines that are not street lot lines, for portions of structures above a height of 65 feet.

6 B. Green ((~~Street Setbacks~~)) street setbacks. In DMR zones outside South Downtown,
7 except in DMR/R ((85/65)) 95/65 zones, a setback is required from the street lot line abutting a
8 green street designated on Map 1B. The setback shall be as follows:

9 1. Ten feet for portions of structures above 65 feet in height to a maximum of 85
10 feet; and

11 2. For each portion of a structure above 85 feet in height, an additional setback is
12 required at a rate of one foot of setback for every five feet that the height of such portion exceeds
13 85 feet.

14 C. Green ((~~Street Setbacks~~)) street setbacks in South Downtown. In DMR zones in South
15 Downtown, a setback from the street lot line is required on designated green streets for buildings
16 greater than 65 feet in height. The required setback is determined by Table ((€)) B for 23.49.166:

17 **Table ((€)) B for 23.49.166**
18 **Required Setbacks on Designated Green Streets For Buildings Greater Than 65 Feet in**
19 **Height in DMR Zones in South Downtown**

Height of Portion of Structure	Required Setback in Feet
Greater than 45 feet up to 85 feet	10
Greater than 85 feet up to 150 feet	15

20

1 Section 41. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance
2 125757, is amended as follows:

3 **23.52.008 Applicability of this Subchapter II**

4 A. Applicability. The requirements of this Subchapter II apply to proposed new
5 development as described in Table A for 23.52.008. Development located within an urban center
6 or urban village that is subject to SEPA environmental review per Chapter 25.05 is exempt from
7 this Subchapter II of Chapter 23.52.

Table A for 23.52.008 Development Location and Thresholds		
Development location	Number of dwelling units	Gross square feet of non-residential uses ¹ when located in a mixed-use development ²
Urban centers, other than the Downtown Urban Center	31 to 200	Greater than 12,000 up to 30,000
Downtown Urban Center	81 to 250	Greater than 12,000 up to 30,000
<u>Urban villages</u>	<u>31 to 200</u>	<u>Greater than 12,000 up to 30,000</u>
Outside urban centers <u>and urban villages</u>	NA	NA
NA: Not applicable		
Footnotes to Table A for 23.52.008:		
¹ Not including gross floor area dedicated to accessory parking.		
² The mixed-use development must contain at least one dwelling unit.		

8 * * *

9 Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance
10 125791, is amended as follows:

11 **23.54.015 Required parking and maximum parking limits**

12 A. Required parking. The minimum number of off-street motor vehicle parking spaces
13 required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than
14 institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for

1 institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based
2 upon gross floor area of a use within a structure minus gross floor area in parking uses, and the
3 square footage of a use when located outside of an enclosed structure, or as otherwise specified.
4 Maximum parking limits for specific uses and specific areas are set forth in subsection
5 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section
6 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020(~~(~~
7 ~~Parking quantity exceptions,~~) unless otherwise specified. This Chapter 23.54 does not apply to
8 parking for construction activity, which is regulated by Section 23.42.044.

9 * * *

10 D. Parking waivers for non-residential uses

11 1. In all commercial zones (~~(and in pedestrian designated zones)~~), no parking is
12 required for the first 1,500 square feet of each business establishment or the first 15 fixed seats
13 for motion picture and performing arts theaters.

14 2. In all other zones, no parking is required for the first 2,500 square feet of gross
15 floor area of non-residential uses in a structure, except for the following:

16 a. (~~(structures)~~) Structures or portions of structures occupied by restaurants
17 with drive-in lanes,

18 b. (~~(motion)~~) Motion picture theaters,

19 c. (~~(offices)~~) Offices, or

20 d. (~~(institution)~~) Institution uses, including Major Institution uses.

21 When two or more uses with different parking ratios occupy a structure, the 2,500 square
22 foot waiver is prorated based on the area occupied by the non-residential uses for which the
23 parking waiver is permitted.

* * *

1
2 K. Bicycle parking. The minimum number of ~~((off-street))~~ parking spaces for bicycles
3 required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles
4 shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for
5 bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015,
6 one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle
7 parking is required, except single-family residential use is exempt from bicycle parking
8 requirements. The minimum requirements are based upon gross floor area of the use in a
9 structure minus gross floor area in parking uses, or the square footage of the use when located
10 outside of an enclosed structure, or as otherwise specified.

11 1. Rounding. For long-term bicycle parking, calculation of the minimum
12 requirement shall round up the result to the nearest whole number. For short-term bicycle
13 parking, calculation of the minimum requirement shall round up the result to the nearest whole
14 even number.

15 2. Performance standards. Provide bicycle parking in a highly visible, safe, and
16 convenient location, emphasizing user convenience and theft deterrence, based on rules
17 promulgated by the Director of the Seattle Department of Transportation that address the
18 considerations in this subsection 23.54.015.K.2.

19 a. Provide secure locations and arrangements of long-term bicycle
20 parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking
21 should be installed in a manner that avoids creating conflicts with automobile accesses and
22 driveways.

1 b. ~~((Provide))~~ For a garage with bicycle parking and motor vehicle parking
2 for more than two dwelling units, provide pedestrian and bicycle access to long-term bicycle
3 parking that is separate from other vehicular entry and egress points or uses the same entry or
4 egress point but has a marked walkway for pedestrians and bicyclists.

5 c. Provide adequate lighting in the bicycle parking area and access routes
6 to it.

7 d. If short-term bicycle parking facilities are not clearly visible from the
8 street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate
9 amounts and in highly visible ~~((indoor and outdoor))~~ locations in a manner that promotes easy
10 wayfinding for bicyclists. ~~((Wayfinding signage shall be visible from adjacent on-street bicycle~~
11 ~~facilities.))~~

12 e. Provide signage to long-term bicycle parking that is oriented to building
13 users.

14 ~~((e-))~~ f. Long-term bicycle parking shall be located where bicyclists are
15 not required to carry bicycles on interior stairs to access the parking.

16 ~~((f-))~~ g. Where practicable, long-term bicycle parking shall include a
17 variety of rack types to accommodate different types of bicycles.

18 ~~((g-))~~ h. Install bicycle parking hardware so that it can perform to its
19 manufacturer's specifications and any design criteria promulgated by the Director of the Seattle
20 Department of Transportation, allowing adequate clearance for bicycles and their riders.

21 ~~((h-))~~ i. Provide full weather protection for all required long-term bicycle
22 parking.

23 3. Location of bicycle parking

1 a. ~~((Bicycle))~~ Long-term bicycle parking required for residential uses shall
2 be located on-site except as provided in subsection 23.54.015.K.3.c.

3 b. Short-term bicycle parking may be provided on the lot or in an adjacent
4 right-of-way, subject to approval by the Director of the Seattle Department of Transportation, or
5 as provided in subsection 23.54.015.K.3.c.

6 c. Both long term and short-term bicycle parking for residential uses may
7 be provided off-site if within 600 feet of the residential use to which the bicycle parking is
8 accessory and if the site of the bicycle parking is functionally interrelated to the site of the
9 residential use to which the bicycle parking is accessory, such as within a unit lot subdivision or
10 if the sites are connected by access easements, or if a covenant or similar property right is
11 established to allow use of the off-site bicycle parking.

12 4. ~~((Bicycle))~~ Long-term bicycle parking required for small efficiency dwelling
13 units and congregate residence sleeping rooms is required to be covered for full weather
14 protection. If the required, covered long-term bicycle parking is located inside the building that
15 contains small efficiency dwelling units or congregate residence sleeping rooms, the space
16 required to provide the required long-term bicycle parking shall be exempt from ~~((Floor Area~~
17 ~~Ratio))~~ floor are ratio (FAR) limits. Covered long-term bicycle parking that is provided beyond
18 the required bicycle parking shall not be exempt from FAR limits.

19 5. Bicycle parking facilities shared by more than one use are encouraged.

20 6. Except as provided in subsection 23.54.015.K.7, bicycle parking facilities
21 required for non-residential uses shall be located:

22 a. On the lot; or

1 b. For a functionally interrelated campus containing more than one
2 building, in a shared bicycle parking facility within 600 feet of the lot; or

3 c. Short-term bicycle parking may be provided in an adjacent right-of-
4 way, subject to approval by the Director of the Seattle Department of Transportation.

5 7. ~~((Both long-term and short-term bicycle parking for))~~ For non-residential uses
6 on a functionally interrelated campus containing more than one building, both long-term and
7 short-term bicycle parking may be located in an off-site location within 600 feet of the lot, and
8 short-term public bicycle parking may be provided in a ~~((public place))~~ right-of-way, subject to
9 approval by the Director of the Seattle Department of Transportation. The Director of the Seattle
10 Department of Transportation may consider whether bicycle parking in the public place shall be
11 sufficient in quality to effectively serve bicycle parking demand from the site.

12 8. Bicycle commuter shower facilities. Structures containing 100,000 square feet
13 or more of office use floor area shall include shower facilities and clothing storage areas for
14 bicycle commuters. Two showers shall be required for every 100,000 square feet of office use.
15 They shall be available in a manner that results in equal shower access for all users. The facilities
16 shall be for the use of the employees and occupants of the building, and shall be located where
17 they are easily accessible to bicycle parking facilities, which may include in places accessible by
18 elevator from the bicycle parking location.

19 9. Bicycle parking spaces within dwelling units, other than a private garage, or on
20 balconies do not count toward the bicycle parking requirement.

21 * * *

Table B for 23.54.015 Required ((Parking)) <u>parking</u> for residential uses
--

Use	Minimum parking required
I. General residential uses	
* * *	
K. Single-family dwelling units ³	1 space for each dwelling unit

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Footnotes to Table B for 23.54.015

¹The 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 Table B applies, it shall supersede any other applicable requirement in Part I or Part II of this 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.

²For 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.

³No 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.

* * *

Table D for 23.54.015 Parking for ((Bicyeles)) <u>bicycles</u> ¹		
Use	Bike parking requirements	
	Long-term	Short-term
* * *		

D. RESIDENTIAL USES ³

D.1.	Congregate residences ⁴	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures ^{4,5}	1 per dwelling unit ((and 1 per small efficiency dwelling unit))	1 per 20 dwelling units
D.3.	Single-family residences	None	None

E. TRANSPORTATION FACILITIES

E.1.	Park and ride facilities on surface parking lots	At least 20 ⁽⁽⁵⁾⁾⁶	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None
E.4.	Rail transit facilities and passenger terminals	Spaces for 5% of projected AM peak period daily ridership ⁽⁽⁵⁾⁾⁶	Spaces for 2% of projected AM peak period daily ridership

Footnotes to Table D for 23.54.015:

¹ Required bicycle parking includes long-term and short-term amounts shown in this table.

² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.

⁴For congregate residences that are owned by a not-for-profit entity or charity, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.

⁵For each dwelling rent and income-restricted at or below 60 percent of the median income, there is no minimum required short-term and long-term bicycle parking requirement. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 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 or the Washington State Housing Finance Commission. 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.

⁽⁵⁾⁶The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

1 Section 43. Subsection 23.54.025.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125558, is amended as follows:

3 **23.54.025 Off-site required parking**

4 A. Where allowed

5 1. Off-site parking provided to fulfill required parking may be established by
6 permit on a lot if the parking proposed is otherwise allowed by the provisions of this Title 23 on
7 the lot where the off-site parking is proposed or is already established by permit on the lot where
8 the off-site parking is proposed.

9 2. ~~((All applicable))~~ The standards in this Chapter 23.54 that apply to ~~((for))~~
10 parking accessory to the use for which the parking is required shall be met on the lot where off-
11 site parking is proposed, if new parking spaces are proposed to be developed. Existing parking

1 c. Collection location shall not be within a bus stop or within the street
2 right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

3 d. If accessed directly by a collection vehicle, whether into a structure or
4 otherwise, a ~~((21-foot))~~ 24-foot overhead clearance shall be provided.

5 * * *

6 Section 46. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
7 last amended by Ordinance 125792, is amended as follows:

8 **23.58C.040 Affordable housing—payment option**

9 A. Payment amount

10 1. An applicant complying with this Chapter 23.58C through the payment option
11 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
12 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
13 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
14 area of parking located in stories or portions of stories that are underground, and excluding any
15 floor area devoted to a domestic violence shelter, as follows:

16 a. In the case of construction of a new structure, the gross floor area in
17 residential use and the gross floor area of live-work units;

18 b. In the case of construction of an addition to an existing structure that
19 results in an increase in the total number of units within the structure, the gross floor area in
20 residential use and the gross floor area of live-work units in the addition;

21 c. In the case of alterations within an existing structure that result in an
22 increase in the total number of units within the structure, the gross floor area calculated by
23 dividing the total gross floor area in residential use and gross floor area of live-work units by the

1 total number of units in the proposed development, and multiplying that quotient by the net
2 increase in units in the ((~~structure~~)) development;

3 d. In the case of change of use that results in an increase in the total
4 number of units, the gross floor area that changed to residential use or live-work units; or

5 e. Any combination of the above.

6 2. Automatic adjustments to payment amounts. On March 1, 2017, and on the
7 same day in 2018 and 2019, the amounts for payment calculations according to Table A and
8 Table B for 23.58C.040 shall automatically adjust in proportion to the annual change for the
9 previous calendar year (January 1 through December 31) in the Consumer Price Index, All
10 Urban Consumers, Seattle-Tacoma- Seattle-Tacoma-Bellevue, WA, All Items (1982-84 = 100),
11 as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.
12 On March 1, 2020, and on the same day each year thereafter, the amounts for payment
13 calculations according to Table A and Table B for 23.58C.040 shall automatically adjust in
14 proportion to the annual increase for the previous calendar year (January 1 through December
15 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bellevue, WA, Shelter
16 (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or
17 successor index.

18 * * *

19 Section 47. Section 23.58D.006 of the Seattle Municipal Code, last amended by
20 Ordinance 125791, is amended as follows:

21 **23.58D.006 Penalties**

22 A. Failure to timely submit the report required by subsection 23.58D.004.B is a violation
23 of the Land Use Code. The penalty for such violation shall be \$500 per day from the date when

1 the report was due to the date it is submitted. The penalty shall accrue even if the owner is not
2 notified of the violation.

3 B. Failure to demonstrate compliance with the owner's commitment to meet the green
4 building standard is a violation of the Land Use Code. The penalty for each violation is subject to
5 a maximum penalty of two percent of the construction value set forth in the building permit for
6 the development based on the extent of noncompliance with the commitment.

7 C. Failure to comply with the owner's commitment that the development will meet the
8 green building standard is a violation of the Land Use Code independent of the failure to
9 demonstrate compliance; however, failure to comply with the owner's commitment shall not
10 affect the right to occupy any floor area, and if a penalty is paid in the amount determined under
11 subsection 23.58D.006.B, no additional penalty shall be imposed for the failure to comply with
12 the commitment.

13 D. ~~((In addition to the owner, the applicant for the development for which a commitment
14 to meet the green building standard was required shall be jointly and severally responsible for
15 compliance and liable for any penalty imposed pursuant to this Section 23.58D.006.~~

16 ~~E.))~~ Use of penalties. An account shall be established in the City's General Fund to
17 receive revenue from penalties under this Section 23.58D.006. Revenue from penalties under this
18 Section 23.58D.006 shall be allocated to activities or incentives to encourage and promote the
19 development of sustainable buildings. The Director shall recommend to the Mayor and City
20 Council how these funds should be allocated.

21 Section 48. Subsection 23.66.342.B of the Seattle Municipal Code, which section was
22 last amended by Ordinance 125558, is amended as follows:

23 **23.66.342 Parking and access**

* * *

B. Accessory parking and loading

1. Parking quantity. The number of parking spaces required for any use shall be the number required by the underlying zoning, except that restaurants shall be required to provide one space per 500 square feet for all gross floor area in excess of 2,500 square feet; motion picture theaters shall be required to provide one space per 15 seats for all seats in excess of 150; and other entertainment uses shall be required to provide one space per 400 square feet for all gross floor area in excess of 2,500 square feet.

2. Exceptions to parking quantity. To mitigate the potential impacts of required accessory parking and loading on the District, the Director of the Department of Neighborhoods, after review and recommendation by the Special Review Board, and after consultation with the Director of Transportation, may waive or reduce required parking, ~~((and))~~ loading, and bicycle parking, under the following conditions:

a. After incorporating high-occupancy vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

b. Strict application of the parking, ~~((or))~~ loading, or bicycle parking standards would adversely affect desirable characteristics of the District; or

c. An acceptable parking and loading plan is submitted to meet parking demands generated by the use. Acceptable elements of the parking and loading plan may include but shall not be limited to the following:

- 1) Valet parking service;
- 2) Validation system;

- 1 3) Lease of parking from parking management company;
- 2 4) Provision of employee parking; and
- 3 5) Accommodations for commercial deliveries and passenger drop
- 4 off and pick up.

5 * * *

6 Section 49. Subsection 23.69.032.E of the Seattle Municipal Code, which section was last
7 amended by Ordinance 124919, is amended as follows:

8 **23.69.032 Master plan process**

9 * * *

10 E. Draft ~~((Report))~~ report and ~~((Recommendation))~~ recommendation of the Director~~((:))~~

11 1. Within five ~~((5))~~ weeks of the publication of the final master plan and EIS,
12 the Director shall prepare a draft report on the application for a master plan as provided in
13 Section 23.76.050~~((, Report of the Director))~~.

14 2. In the Director's Report, a determination shall be made whether the planned
15 development and changes of the Major Institution are consistent with the purpose and intent of
16 this ~~((chapter))~~ Chapter 23.69, and represent a reasonable balance of the public benefits of
17 development and change with the need to maintain livability and vitality of adjacent
18 neighborhoods. Consideration shall be given to:

19 a. The reasons for institutional growth and change, the public benefits
20 resulting from the planned new facilities and services, and the way in which the proposed
21 development will serve the public purpose mission of the major institution; and

22 b. The extent to which the growth and change will significantly harm the
23 livability and vitality of the surrounding neighborhood.

1 structure, unless a departure is approved through the design review process to allow the removal
2 of the character structure based on the provisions of subsection 23.41.012.B. The owner of the
3 lot shall execute and record in the King County real property records an agreement to provide for
4 the maintenance of the required residential uses for the life of the project.

5 D. In addition to the floor area exempt under the provisions of the underlying zone, the
6 following floor area is exempt from the calculation of gross floor area subject to an FAR limit if
7 a character structure is retained on the lot:

8 1. The following street-level uses complying with the standards of Section
9 23.47A.008 and subsection 23.73.008.B:

- 10 a. General sales and services;
- 11 b. Major durables retail sales;
- 12 c. Eating and drinking establishments;
- 13 d. Museums;
- 14 e. Religious facilities;
- 15 f. Libraries; and
- 16 g. Automotive retail sales and service uses located within an existing

17 structure or within a structure that retains a character structure as provided in Section 23.73.015.

18 2. Floor area used for theaters or arts facilities.

19 3. All floor area in residential use in a development that retains all character
20 structures on the lot as provided in Section 23.73.015, or that uses the transfer of development
21 potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a
22 departure is approved through the design review process to allow the removal of a character
23 structure based on the provisions of subsection 23.41.012.B.

1 4. In areas where the underlying zoning is NC3P-75, all floor area in any use if
2 the lot that is to be developed is 8,000 square feet or less in area and has been either vacant or in
3 parking use since February 27, 1995.

4 5. Floor area in non-residential use within a character structure that meets the
5 minimum requirements for retaining a character structure in subsection 23.73.024.C.4, provided
6 that the non-residential use does not displace a residential use existing in the structure since
7 January 18, 2012.

8 Section 51. Subsection 23.73.012.A of the Seattle Municipal Code, which section was
9 last amended by Ordinance 125429, is amended as follows:

10 **23.73.012 Structure width and depth limits**

11 A. Structure width limit outside the Conservation Core. Outside the Conservation Core
12 identified on Map A for 23.73.010, for all portions of a structure that abut Pike, East Pike, Pine,
13 or East Pine Streets, structure width shall be limited to 50 percent of the total width of all lots on
14 the block (~~((face))~~) front, measured along the street lot line, on block (~~((faces))~~) fronts that exceed
15 170 feet in width, except that the structure width limit calculation does not include the following:

16 1. Portions of a character structure that are retained according to the provisions in
17 Section 23.73.015, whether connected to a new structure or not;

18 2. Portions of a new structure that are separated from the street lot line by another
19 lot;

20 3. Portions of a new structure that are separated from the street lot line by an
21 adjacent structure located on the same lot that is not a character structure, provided that the
22 adjacent structures are not internally connected above or below grade; and

1 4. Portions of a new structure that are separated from the street lot line by a
2 character structure that is retained according to the provisions of Section 23.73.015.

3 * * *

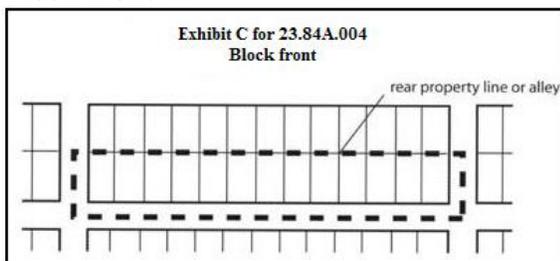
4 Section 52. Section 23.84A.004 of the Seattle Municipal Code, last amended by
5 Ordinance 125603, is amended as follows:

6 **23.84A.004 "B"**

7 * * *

8 "Block front" means the land area along one side of a street bound on three sides by the
9 centerline of platted streets and on the fourth side by an alley, ~~((or))~~ rear lot lines, or another lot's
10 side lot lines (Exhibit C for 23.84A.004). For blocks in Downtown zones and all Seattle Mixed
11 (SM) zones within specific geographic areas set forth in Table A to 23.48.002, if there is no alley
12 or rear lot line, a line that approximates the centerline of the block shall be used to establish the
13 line dividing the two block fronts of the block, taking into consideration the location of vacated
14 alleys on the block, if any, and the location and orientation of alleys and rear lot lines on
15 surrounding blocks.

16 **Exhibit C for 23.84A.004**
17 **Block front**



18 * * *
19

20 Section 53. Section 23.84A.032 of the Seattle Municipal Code, last amended by
21 Ordinance 125854, is amended as follows:

22 **23.84A.032 "R"**

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"Residential use" means any one or more of the following:

* * *

23. "Townhouse development" means a multifamily residential use that is not a rowhouse development, and in which:

a. Each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. No portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage, including shared parking garages that project up to 4 feet above grade; and

c. Each dwelling unit is attached along at least one common wall to at least one other dwelling unit or live-work unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit or live-work unit on a common lot line.

* * *

Section 54. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 125869, is amended as follows:

23.84A.036 "S"

* * *

"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this ~~((title))~~ Title 23.

1 dedication of right-of-way is required as a condition of a proposed development, the area of
2 dedicated right-of-way is included in these calculations.

3 * * *

4 Section 56. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance
5 125492, is amended as follows:

6 **23.90.018 Civil enforcement proceedings and penalties**

7 A. In addition to any other remedy authorized by law or equity, any person violating or
8 failing to comply with any of the provisions of this Title 23 shall be subject to a cumulative
9 penalty of up to \$150 per day for each violation from the date the violation begins for the first
10 ten days of noncompliance; and up to \$500 per day for each violation for each day beyond ten
11 days of noncompliance until compliance is achieved, except as provided in subsection
12 23.90.018.B. In cases where the Director has issued a notice of violation, the violation will be
13 deemed to begin for purposes of determining the number of days of violation on the date
14 compliance is required by the notice of violation. In addition to the per diem penalty, a violation
15 compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged
16 for the third inspection and all subsequent inspections until compliance is achieved. The
17 compliance inspection charges shall be deposited in the General Fund.

18 B. Specific violations

19 1. Violations of Section 23.71.018 are subject to penalty in the amount specified
20 in subsection 23.71.018.H.

21 2. Violations of the requirements of subsection 23.44.041.C are subject to a civil
22 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection
23 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection

1 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of
2 \$5,000, in addition to any criminal penalties.

3 3. Violation of Chapter 23.58D with respect to a failure to timely submit the
4 report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to
5 meet the green building standard is subject to a penalty in an amount determined by subsection
6 23.58D.006.

7 4. Violation of subsection 23.40.007.B with respect to failure to demonstrate
8 compliance with a waste diversion plan for a structure permitted to be demolished under
9 subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

10
$$P = SF \times .02 \times RDR,$$

11 where:

12 P is the penalty;

13 SF is the total square footage of the structure for which the demolition permit was
14 issued; and

15 RDR is the refuse disposal rate, which is the per ton rate established in Chapter
16 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at
17 City recycling and disposal stations by the largest class of vehicles.

18 5. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a,
19 and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an
20 on-premises sign permit for a particular sign and the actual sign is not being used for on-
21 premises purposes or does not meet the definition of an on-premises sign as defined in Chapter
22 23.84A, are subject to a civil penalty of \$1,500 per day for each violation from the date the
23 violation begins until compliance is achieved.

1 Section 58. 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 _____ day of _____, 2020,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2020.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2020.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2020.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Construction and Inspections	Bill Mills/206-684-8738	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

Summary and background of the Legislation: Ongoing maintenance of the Land Use Code and related land use regulations periodically requires amendments that are relatively small scale and have limited scope and impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying existing code provisions.

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying development regulations is necessary from time to time to correct errors and omissions when they are discovered, and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code. The last omnibus ordinance was adopted in 2018. A more detailed summary of the proposed amendments is included in the Director's Report.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Is there financial cost or other impacts of *not* implementing the legislation?

No financial impacts. Failure to adopt the proposed cleanup amendments to the Land Use Code and related regulations would continue lack of clarity and cause ongoing interpretive issues.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

Yes. The City Council must hold a public hearing, to be scheduled before the Planning, Land Use and Zoning or successor committee.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the Land Use Information Bulletin on October 3, 2019.

e. Does this legislation affect a piece of property?

No. The amendments are of general application throughout the City of Seattle.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

No implications for RSJI are anticipated. The legislation is not likely to impact vulnerable or disadvantaged communities.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

N/A

List attachments/exhibits below:

None.

DIRECTOR'S REPORT AND RECOMMENDATION

2019/2020 Omnibus Ordinance

December 23, 2019

Introduction

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include relatively minor changes that don't warrant independent legislation, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language. Following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

22.214.040 Rental Registration and Inspection Ordinance – Rental housing registration, compliance declaration, and renewals

Three changes are proposed.

The first change, to Subsection 22.214.040.A, would add language to clarify that Rental Registration and Inspection Ordinance (RRIO) inspections in rented condominiums include common areas that the tenant can access, such as entry areas and stairways. These areas should be safely maintained for the tenant occupying the condo unit.

The second change, to Subsection 22.214.040.E, would add language to clarify that registration is not complete and a registration certificate will not be issued until all fees are paid. Fees are a required element of compliance with the RRIO program.

The third change would strike existing language requiring submittal of a rental housing registration renewal application at least 30 days before the current registration expires. The thirty-day period is not needed to process renewals. Renewal can happen instantaneously via SDCI's online system and even a paper renewal requires only a few days to process.

22.214.050 Rental Registration and Inspection Ordinance – Inspection and certificate of compliance required

Two changes are proposed.

A recent change to a two-year registration cycle for RRIO also reduced the inspection exemption period for new or substantially altered properties from five years to two years. The proposed change to subsection 22.214.050.A returns the exemption to five years, which was the intent even with the change in the registration cycle.

A second change, to subsection 22.214.050.E, would clarify that an inspection is not complete, and a certificate of compliance will not be issued, until all fees are paid. Fees are a required element of compliance with the RRIO program.

23.22.062 Subdivisions – Preliminary Plat Considerations – Unit lot subdivisions

The proposed additional language would allow unit lots to be designated as undeveloped open space or to be developed with an accessory use only, provided that all development standards applicable to the parent lot are met. Some disagreement has occurred about whether unit lots must contain dwelling units or may be set aside as open space (such as non-disturbance area in an ECA) or may be developed only with accessory structures and uses (parking spaces, swimming pools, etc.). The change is consistent with existing interpretation and practice and makes the practice explicit in the Code.

23.22.100 Subdivisions – Design standards

See the discussion under 23.24.040 below.

23.24.040 Short Plats – Criteria for approval

Current language for the special exception to the standard limiting new lots to six sides hinders SDCI's ability to consider a range of reasons for relief from strict application of the Code . The proposed amendment to subsection 23.24.040.B.1.a would broaden the criterion to allow somewhat more discretion to approve a plat. The current language limits the relief criterion to "natural" topography, while the change would allow consideration of historic platting patterns or configuration and angled or irregular street alignment that could also cause a challenge in configuring a proposed plat to six sides.

23.24.045 Short Plats – Unit lot subdivisions

See explanation under entry for 23.22.062 above.

23.28.030 Lot boundary adjustments - Criteria for approval

Two changes are proposed.

The first proposed change, to subsection 23.28.030.A.4, would allow modifications to the lot shape standards, such as the requirement that a lot have no more than six sides, based on existing irregular lot shapes or if the proposed lot boundary adjustment (LBA) is establishing an irregular lot line resulting from a claim of adverse possession. The rationale for the change is to better achieve the intent of lot shape standards to protect neighborhood character from unnecessarily odd-shaped parcels and the application of development standards when the resulting lots are subsequently developed. However, there are situations where flexibility in applying standards is called for, in particular the limit on the number of sides of a lot, due to existing circumstances. Some but not all of those circumstances are addressed by the current code language. Additional amendments are meant to provide flexibility where that is reasonable.

The second proposed change, to subsection 23.28.030.A.5, would require applicants to demonstrate that proposed adjusted lots would be served by existing or extended infrastructure prior to lot boundary adjustment approval. The new language would provide a means to better address issues with utility improvement requirements for LBAs that usually come from Seattle Public Utilities. If lots are reconfigured by LBA and at least one lot no longer fronts on a

suitable water or sewer main, for example, the intent of the new language is to avoid a later argument from a developer that they were “surprised” by potentially costly connection requirements. LBAs, as a “Type I” nondiscretionary review, cannot be conditioned like a short subdivision to require utility improvements, but the change would provide authority to require the applicant to show where the utility connection would be located for purposes of evaluating a future building permit application.

23.40.060 Living Building Pilot Program

Section 23.40.060.B sets forth standards for a project to qualify for the Living Building Pilot Program, which require meeting the International Living Future Institute (ILFI) Living Building Challenge. ILFI has adopted a new version of the Living Building Challenge, version 4.0, that is proposed to be referenced in Section 23.40.060.B. The Living Building Challenge has specific “petal” certification requirements that are different in version 4.0 than in the current version 3.1. Both versions of the Living Building Challenge are in effect during a “grace period” for version 3.1, so the proposed solution to updating the listing of specific requirements or having two listings is to just reference petal certification in general. The change will avoid the need for future Code changes if the Living Building Challenge is changed again in future.

23.41.004 Design Review – Applicability

Two changes are proposed.

The first change is as follows: The City’s Law Department asked the publisher of the City Code, MuniCode Corporation, to ignore amendments made to 23.41.004.A by Ordinance 125612, because that ordinance used the wrong base code for the amendment. The base Code should have been the Code as amended by Ordinance 125429, which made a variety of changes to the Design Review program and became effective in July 2018. The legislative history shows Ordinance 125612 as the last amending ordinance for 23.41.004 but the actual language in the text reflects the Code prior to Ordinance 125429. The proposed changes are to 23.41.004.A.4 to incorporate the language used in Ordinance 125429.

The second change is to Table A for 23.41.004. Footnote 4 to the table appears in Part B of the table and allows proposals that would otherwise be subject to full design review to go through administrative design review if they elect the Mandatory Housing Affordability (MHA) performance option. The footnote reference does not appear in Part C of the table (which applies to less intensive uses than Part B but otherwise has the same footnotes). Since the square footage thresholds for the various types of design review are the same in both Part B and Part C of the table, the omission of the footnote reference appears to be an oversight and is proposed to be added as a clarification.

23.41.012 Design Review – Development standard departures

Two changes are proposed.

The first change is to 23.41.012.B.11.a, updating an incorrect reference to the NC3-65 zone in the Roosevelt Commercial Core to NC3-75 due to changes to the zone designation previously

adopted by the City Council, and also updating zoning references on Maps A and B for 23.41.012.

The second change is to subsection 23.41.012.B.11.g. The process for Design Review allows applicants for new structures to propose design departures from many development standards of the Land Use Code, but Section 23.41.012 prohibits departures from specific standards as listed, including height. The Code allows various rooftop features to exceed the structure height limit, provided these features meet certain rooftop coverage limits and requirements for setbacks from a roof edge. SDCI practice has been to allow departures from these coverage and setback limits. The proposed change to Section 23.41.012.B.11 would add language to the Code specifically providing for these departures in Midrise and Highrise multifamily, commercial, and downtown zones. The rationale is that the departure is not from a height limit, but rather from standards intended to regulate appearance of a structure roof, and this is a subject within appropriate purview of a design review board.

23.42.048 General Use Provisions – Configuration of dwelling units

There is a contradiction between this section and certain definitions. Section 23.42.048 currently says in part: "In all zones a dwelling unit exists if the use meets the requirements of subsections 23.42.048.A.1 or 23.41.48.A.2 and if the use is not an adult family home, congregate residence, assisted living facility, or nursing home." However, under the definitions in Section 23.84A.032, an adult family home is "in a dwelling unit," and an assisted living facility includes "assisted living units," which by definition under Section 23.84A.002 are dwelling units. In addition, certain uses not intended to be regulated as dwelling units, such as hotel rooms and sleeping facilities in fire stations, are of the configurations described in subsections A.1 and A.2.

The proposed change is to modify the language in the introductory paragraph of subsection 23.42.048.A to remove adult family homes and assisted living facilities from the list. The change would also expressly exclude hotels, motels, and sleeping areas in fire stations. The change would also clarify that Mandatory Housing Affordability (MHA) applies, under Section 23.58C.025, to adult family homes and assisted living facilities. Consistent with Council's original intent in adopting MHA because the definitions of these uses clearly describe them as dwelling units or accessory to a dwelling unit, while the definitions of congregate residence and nursing home defines these uses as residential but not specifically as dwelling units, except in the case of a nursing home with eight or fewer persons living as a household.

23.42.112 General Use Provisions – Nonconformity to development standards

The existing Code allows structures nonconforming to development standards that are occupied by a residential use or are accessory to a residential use to be rebuilt or replaced. The proposed change would add language to clarify that nonconforming development that is not structural, such as existing street access rather than alley access or a parking pad in a required front yard, could be maintained if a residential structure is rebuilt. This change would clarify current interpretive difficulty with the current Code where, for example, a nonconforming garage with street access might be required to be rebuilt with an orientation toward an alley, even though the intent of the Code is to allow a nonconforming structure to be rebuilt in its existing configuration.

23.44.008 Residential, Single-Family – Development standards for uses permitted outright

Section 23.44.008.C says that floating homes are subject to the parking provisions of Section 23.44.008, but there are no parking requirements in that section. Historically, at least as far back as 1987, the Code simply cross referenced to “this chapter,” so the change would simply reference “Chapter 23.44.”

23.44.010 Residential, Single-Family – Lot requirements

Three changes are proposed.

The first change is to the “Seventy-Five/Eighty Rule” in subsection 23.44.010.B.1.a, which is a minimum lot area exception allowing lots to qualify as building sites if they are at least 75 percent of the required minimum lot area and have an area at least 80 percent of the mean lot area of the other lots on the same block front and within the same zone. The current language exempts lots developed with institutional uses, parks, or nonconforming nonresidential uses from the calculation of the 80 percent part of the test, as these uses are usually on larger lots that would make the averaging test harder to meet. Instead of listing specific uses, the proposed change would simply exempt publicly owned properties, and lots developed with nonresidential uses, from the test. The change more clearly supports the intent behind the exception, which is to allow creation or development of undersized lots that are in scale with other residentially developed lots on a block front, but not to penalize a property owner if the block front also includes a nonresidential use, such as a church or electrical substation.

The second proposed change is to the “Historic Lot Exception” of subsection 23.44.010.B.1.d, which allows separate development of lots in existence as of July 24, 1957 if they are at least 2,500 square feet in area and established in the public records by deed, platting, or building permit. Prior to amendments to this section enacted in 2014, the public records that could be relied on to establish lots also included contracts of sale. The proposed change would restore contracts of sale to the list of applicable public records that serve as a basis for the exception under the added condition that the contract was acted upon to separate the subject portion of the property from the portion it previously joined.. The historic lot exception is meant to allow separate development of certain undersized lots that were created before minimum lot area requirements were first imposed and were held with the likely expectation that they could be separately developed. A number of types of public record were eliminated from the list when this provision was reformed in 2014, based on a conclusion that separate description in such documents did not reflect any historical intention that the parcel could be separately developed. However, this public record is meaningful in this context when it is acted upon and clearly reflects the intent for separate development.

The third change is to the special exception process, requiring public notice and an appealable land use decision for development of lots less than 3,200 square feet in area. The change would reference Section 23.76.006 instead of Section 23.76.004, because the written list in 23.76.006 controls over the table of decisions in 23.76.004. Further, the change specifies that the special exception applies only to parcels that have not been previously developed, as the original regulation was enacted in response to neighborhood concerns that they were surprised by new

development of parcels that they had no idea could qualify as separate lots. The special exception process provides timely notice to neighbors that such a lot has been deemed to qualify for separate development. In a case where a lot has less than 3,200 square feet of lot area but has already been separately developed, the potential for surprise to neighbors does not exist.

23.44.014 Residential, Single-Family – Yards

Eight changes are proposed.

The first change, to Section 23.44.014.C.1, would specify that both attached and detached garages may be located in required yards. There is sometimes confusion about whether the existing language, which just references “garages,” is only for detached garages and does not clearly address attached garages that project into a required yard. Since Section 23.44.016 contains standards for both attached and detached garages, the proposed fix clarifies that both attached and detached garages are regulated by that section.

The second change is to subsection 23.44.014.C.3.b. Subsection 23.44.014.C.3 in general sets forth a yard exception that allows both a principal residential structure and a detached accessory dwelling unit to be built closer to a lot line than the required 5-foot side yard if there is sufficient space for an easement, known as a side yard easement, that will provide a 10-foot separation between the principal residence or detached accessory dwelling unit and any principal structure or detached accessory dwelling unit on the abutting lot. Subsection 23.44.014.C.3.b further allows certain features of a principal structure or accessory structures other than detached accessory dwelling units, to project into the required side yard but requires that the projections be calculated based on an assumed property line that is 5 feet from the wall of the principal structure. The change would clarify that the assumed property line must also be 5 feet from the wall of a detached accessory dwelling unit.

A third change, to subsection 23.44.014.C.3.c, clarifies the construction of certain structural features within a side yard easement. While subsection 23.44.014.C.3.b allows some structural features such as porches, eaves or chimneys to extend into a side yard easement, the change to subsection 23.44.014.C.3.c clarifies that no portion of a structure, including any projections, may cross the actual property line.

The fourth change clarifies the language of a change made to subsection 23.44.014.C.4 by Ordinance 125854, which changed the requirements for accessory dwelling units. In the introductory paragraph of subsection 23.44.014.C.4, the current language allows “certain additions” to either an existing single-family structure or an existing accessory structure to extend into a required yard if the “existing single-family structure” is already nonconforming with respect to that yard. The intent was to allow not only the principal structure but an existing accessory structure to take advantage of this yard exception, but the current language appears to apply to the accessory structure only if the principal structure is nonconforming. The change clarifies that the exception applies if the “existing single-family structure or accessory structure” is already nonconforming to the yard standards.

The fifth change, also needed as a result of a change made to subsection 23.44.014.C.4 by Ordinance 125854, would amend subsection 23.44.014.C.4.b to clarify that, for certain additions to a nonconforming rear wall of an existing accessory structure being converted to a detached accessory dwelling unit, the rear wall must be at least 3 feet from the rear lot line. The current language reads as if the rear wall of the accessory structure must be at least 20 feet from the rear lot line or the centerline of an alley, if there is one. That standard is for principal residences, but the spirit of the code amendments for existing accessory structures suggests that the intent was to allow an existing nonconforming accessory structure to be 3 feet from the rear lot line similar to what is allowed for a side yard, since entirely new detached accessory dwelling units may be constructed to within 5 feet of a rear lot line without an alley or up to the rear lot line if there is an alley.

The sixth change is a minor clarification of subsection 23.44.014.C.5, regulating uncovered porches and steps in yards. The current language states that “no horizontal distance” of these features may be greater than 6 feet in a required yard. A literal reading of “horizontal distance” would allow only a circular porch or steps, so the phrase is proposed to be changed to “width and depth” no greater than 6 feet.

The seventh change clarifies that the yard exceptions for green stormwater infrastructure in 23.44.017.C.17 apply to structures that are no more than 4.5 feet tall and no more than 4 feet wide, rather than “less than” these dimensions.

The eighth change adds a new subsection 23.44.014.C.19, to specifically state that below grade structures are permitted in yards, or rather “under” yards. While Section 23.84A.046 defines “Yard” as the area from the ground upward, it is not intuitive to all code users to look in the definitions to understand that below grade structures may be allowed in required yards.

23.44.016 Residential, Single-Family – Parking and garages

Two changes are proposed.

The first change is to add an introductory paragraph of subsection 23.44.016.D. There is currently a lack of clarity between subsections 23.44.016.D.3 and D.5. The proposed change is to add an introductory discussion to subsection D to clarify what the entire subsection is trying to accomplish, and that the intent is to regulate both attached and detached garages except as distinguished in individual subsections D.1 through D.12.

The second change is to subsection 23.44.016.D.3.a, which regulates location of detached garages in side yards that abut the rear or side yard of another lot or the rear yard of a reversed corner lot (a lot on a corner whose side yard abuts the front yard of the lot behind it) within 5 feet of a key lot's (a lot behind a reversed corner lot) side lot line. In a case where the detached garage is located partly in the principal building area and partly in both a required rear yard and the “portion of a side yard that is within 35 feet of the centerline of an alley,” a literal read of the Code could lead one to conclude that the detached garage is not permitted unless it's located entirely in the side yard that is within 35 feet of the center line of an alley. This does not make sense because the garage could only be 5 feet wide.

23.44.026 Residential, Single-Family – Use of landmark structures

The proposal is to change the section to allow an administrative conditional use review for a use not otherwise permitted in the zone to apply to both landmark structures, as it does now, and to the “sites” on which they are located. There are cases where whole sites are landmarked and it may have been the intent of the code to allow for a use on the site, but the code only states “structure.” The proposal would be to add “or site” to everywhere the Code language says “structure.”

23.44.041 Residential, Single-Family – Accessory dwelling units

Four changes are proposed to correct minor errors caused by Ordinance 125854, which made a variety of changes to the provisions for accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs).

The first proposed change is to subsection 23.44.041.A.2 to make the language clearer that if a second ADU is proposed within an existing principal residential structure, it can be added without meeting either a green building standard, often difficult for older structures, or an affordable housing requirement for renters. These additional requirements for constructing a second ADU would apply only to new construction as originally intended by Council.

The second and third proposed changes are to Table A for 23.44.041, line f. Prior to the changes in Ordinance 125854, the features excluded from the maximum size limit included both covered porches and covered decks up to 25 square feet in area. The Ordinance deleted the word “covered” before porches, which appears to allow any porch to be excluded from maximum size limits while continuing to limit the exclusion for decks to covered decks. The change would once again specify that porches must also be covered to qualify for the exclusion. The third change inserts the word “area” following a reference to “gross floor.” It is clear the word was left out as the term referenced elsewhere in line f is “gross floor area.”

The fourth proposed change is to Table A for 23.44.041, line l. Prior to the changes in Ordinance 125854, the minimum separation requirement for a DADU was 5 feet from a principal structure. The ordinance changed the standard to 5 feet from a principal dwelling unit. However, the change inadvertently narrowed the standard to separation from a dwelling unit, but it is possible that separation from a structure containing another type of permitted principal use could be required. The term “principal structure” is broader than “principal dwelling unit,” so the proposal is to change the term back to what it was before the adoption of Ordinance 125854.

23.45.506 Multifamily – Administrative conditional uses

Existing subsection 23.45.506.B provides that uses permitted as administrative conditional uses shall meet development standards, such as height and floor area limits, for uses permitted outright. The proposed change would add a sentence exempting alterations to existing nonconforming structures from conditional use review if existing nonconformity to development standards is not expanded or extended, or if no new nonconformity is created.

23.45.518 Multifamily – Setbacks and separations

Three changes are proposed.

The first change is to subsection 23.45.518.H.4, which allows decks up to 18 inches above grade to project into required setbacks or separations between structures “to the lot line.” This is confusing because setbacks relate to lot lines, but separations are between structures on a development site, and thus it is unclear how far a deck may project into separations. The change would remove “to the lot line” to allow decks up to 18 inches above grade to project into setbacks and separations to any extent.

The second change would add a new subsection 23.45.518.H.8 to allow mechanical equipment to project into required setbacks if the equipment complies with the Noise Ordinance and is at least 3 feet from a lot line. The language is already in effect for single-family zones and applies the same standards to multifamily zones.

The third change, to subsection 23.45.518.I.10, clarifies that the setback exceptions for green stormwater infrastructure apply to structures that are no more than 4.5 feet tall and no more than 4 feet wide, rather than “less than” these dimensions. See also 23.44.014.D.17

23.45.522 Multifamily – Amenity area

The existing language in subsection 23.45.522.D.4 requires a private amenity area to have a minimum horizontal dimension of 10 feet if it “abuts” a side lot line that is not a side street lot line. The use of the defined term “abut” in this provision results in situations where it is possible to set back the imaginary line of the required amenity area a foot or even inches from the side lot line to avoid providing a minimum 10-foot dimension. The change would remove the term “abuts” and require a private amenity area located between a structure and a side lot line that is not a side street lot line to have the minimum 10-foot horizontal dimension.

23.45.545 Multifamily – Standards for certain accessory uses

The proposed changes to Subsection 23.45.545.C3 would make the requirements for adding solar collectors on rooftops the same as it is for single-family zones. The first change would strike the requirement that solar collectors placed on roofs must “meet minimum written energy conservation standards administered by the Director” of SDCI so the language matches single-family zones. The other minor changes would clarify that solar collectors may be added to either stair or elevator penthouses on roofs, rather than to elevator penthouses only as currently stated in the existing Code.

23.47A.008 Commercial – Street-level development standards

Two changes are proposed.

The first change is to new maximum width and depth limits for structures added as a new street level development standard under subsection 23.47A.008.C.5 by Ordinance 125791, the Mandatory Housing Affordability (MHA) legislation. The width and depth are limited to 250 feet. In subsection 23.47A.014.D (the setbacks section), the code requires façade modulation requirements if a building exceeds certain width standards. The Code both prohibits a building longer than 250 feet but also requires mitigation for long buildings. This is internally

inconsistent. The proposed change would allow an exception to the structure width limit, but not depth, if the façade is modulated according to subsection 23.47A.014.D.

The second change would correct a cross reference in subsection 23.47A.008.D.2.

23.47A.012 Commercial – Structure height

Subsection 23.47A.012.C as currently written allows rooftop decks to exceed the structure height limit by two feet but also limits railings or parapets that might be placed at the edge of the roof or roof deck to a maximum of four feet above the structure height limit. Thus, railings or parapets are only allowed to extend two feet above a roof deck if the deck is built two feet above the height limit. This limitation prevents construction of roof decks above the height limit because the Building Code requires a minimum 44-inch height for railings or parapets around a roof deck. This height added to the two-foot allowance for the roof deck results in railings and parapets that are higher than the four-foot maximum currently allowed for them. The change would allow railings and parapets around the perimeter of roof decks to be the minimum height necessary to meet Building Code requirements.

23.47A.013 Commercial - Floor area ratio

The proposed change, to 23.47A.013.B, would allow treatment of child care centers in commercial zones as exempt from floor area ratio (FAR) limits, as is allowed in downtown zones. In downtown zones, child care centers are currently listed as required street-level uses and all child care centers, not just required street-level uses, are exempt from FAR calculations. In commercial zones, institutions, except hospitals and major institutions, are listed as a type of required use along designated principle pedestrian streets along 80 percent of the street-level, street-facing façade per Section 23.47A.005.D. Child care centers are defined as an institutional use per Section 23.84A.018. Child care centers are not currently exempt from FAR calculations. The change would exempt them to encourage their placement in structures in these zones. A similar proposal is suggested for the Seattle Mixed zones at Sections 23.48.005 and 23.48.020.

23.48.005 Seattle Mixed – Uses

The proposed change would add child care centers to the list of uses that are required at street level. Child care centers are permitted outright in the Seattle Mixed (SM) zones. Under the SM general provisions for uses, under 23.48.005.D, child care centers are not currently listed as a required street-level use and child care centers are not exempt from FAR calculations; however, child care centers are a required street level use under several area-specific SM zones. In South Lake Union, floor area in child care use is exempt from FAR; in the University District, child care facilities are a type of required street-level use; in Northgate, child care facilities are a type of required street-level use; and in Rainier Beach, there is a FAR bonus for child care centers.

Recommendations include:

- Amend SMC 23.48.005.D.1 to include child care centers as a type of required street-level use.
- Amend SMC 23.48.020.B to include child care centers as a use whose floor area is exempt from FAR calculations.

23.48.007 Seattle Mixed – Major Phased Developments

The proposed change would add the Major Phased Development process to Seattle Mixed (SM) zones, providing the same language already in the Code for industrial zones and for all commercial zones other than SM. These provisions, common in zones for nonresidential development, were omitted when the SM zone was originally adopted.

23.48.020 Seattle Mixed – Floor area ratio (FAR)

The proposed change to 23.48.020.A.1 fixes an incorrect cross reference.

Under 23.48.020.B, child care centers would be added to the list of uses exempt from FAR calculations (see detailed explanation under 23.48.005 above).

23.48.025 Seattle Mixed – Structure height

The proposed change, to subsection 23.48.025.C.4.b, would add elevator penthouses to the rooftop features permitted to extend up to 15 feet above the maximum height limit. This is a clarification only, since the lead paragraph of subsection C.4 already mentions elevator penthouses but they are left out of the list of specific features following the lead paragraph.

23.48.220 Seattle Mixed – Floor area ratio (FAR) in South Lake Union Urban Center

The proposed change would clarify the difference between “Base FAR” and “Maximum FAR” in Table A for 23.48.220 by adding language stating that non-exempt floor area above the base FAR is considered extra floor area, which may be obtained only by providing public amenities per Section 23.48.021 and Chapter 23.58A. This explanation is found in all other FAR regulations elsewhere in the Code that establish both a base and maximum FAR.

23.48.225 Seattle Mixed – Structure height in South Lake Union Urban Center

The proposed change clarifies subsection 23.48.225.A.1. The subsection explains the difference between the base and maximum height limits, but the current Code structure leads to the conclusion that if any design departures were granted from street-level or upper-level development standards in Sections 23.48.240 or 23.48.245, a project could not use incentive zoning to gain extra floor area above applicable height limits. This is inconsistent with the intent of the provisions and historic practice. The solution is to strike the last part of the section that requires compliance with .240 and .245 clarifying that departures to these standards may be granted and the project may participate in incentive zoning.

23.48.245 Seattle Mixed – Upper-level development standards in South Lake Union Urban Center

Five changes are proposed.

The first change is to correct a cross reference in subsection 23.48.245.B.1.d.2.

The second and third changes clarify podium standards under subsection 23.48.245.B.4. The existing language says that the height limit extends from the street lot line to a parallel alley lot line or, if there is no alley parallel to the street lot line, to a distance of 120 feet from the street lot line or to the rear lot line if the lot is less than 120 feet deep. This standard assumes a straight street lot line but does not provide guidance on how to measure the height limit from a curved or

irregular street lot line. The change would add language explaining that the measurement from a street lot line that is not straight is from the point where the distance between the street lot line and the rear lot line is the narrowest.

Podium floor area limits are set under subsection 23.48.245.B.4.b. The current language presents two issues. The subsection refers to "average floor area *coverage*". Also, in discussing an average floor area limit for the *podium*, it refers to standards that apply to the average floor area limit for the *tower*.

Issue 1:

"Coverage" is not a good term to use in this context. Elsewhere in the code, "lot coverage" controls the area of the lot that may be covered with a structure. This provision is not regulating lot coverage. If floor plates were somehow offset, cantilevering, "coverage" would include the outer bounds of the whole structure, projected to the ground plane. Instead, this regulation is revised to measure the outer bounds of each floor plate, averaged against all other floor plates.

Issue 2:

The subsection refers back to subsection A, "pursuant to". But subsection A addresses a tower, and this subsection addresses a podium. They are different parts of the building. The proposed change is to remove reference to "coverage" and instead use the term "average gross floor area", as is reference elsewhere in Section 23.48.245. The change also removes the confusing reference to subsection 23.48.245.A.

The fourth change is to upper-level setback standards in subsection 23.48.245.C for development of structures on sites with frontage on certain streets listed in Table A for 23.48.245. The proposal would raise the height limit for imposing upper-level setbacks on structures containing non-residential uses from 85 feet to 95 feet to match the 95-foot limit in Section 23.48.231, which allows non-residential buildings in zones with 85-foot height limits for those structures to go to 95 feet without being considered a tower, if they are otherwise precluded from achieving tower heights by tower spacing or other regulations.

The fifth change is to tower limits per block or block front in 23.48.245.F. John Street is interrupted in South Lake Union between Terry and Boren because of the grade. The proposed changes clarify that "block front" on the east side of Terry does not stretch all the way from Denny to Thomas, but rather it was intended that John St (if extended) would separate two block fronts there, and thus the undedicated area is also regarded as separating the two block fronts.

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

In the Uptown neighborhood, street-level uses are exempt from FAR limits in subsection 23.48.720.C.4, but the exemption language does not specifically say that the exemption applies to all street-level uses "whether required or not." This is similar to exemptions in other neighborhoods zoned Seattle Mixed. The proposed change would allow the exemption for any street-level use, as the omission of that clarifying language in the Uptown regulations was an oversight.

23.48.724 Seattle Mixed – Extra floor area for open space amenities in SM-UP 160 zone

Section 23.48.722 provides methods to achieve extra floor area in the SM-UP 160 zone (Seattle Mixed Uptown, with a structure height limit of 160 feet). This extra floor area is to be achieved by providing affordable housing for 65 percent of the extra floor area, and the remaining 35 percent is to be achieved by transfer of development rights or transfer of development potential (TDR or TDP) within the Uptown Urban Center, or by providing open space amenities per Section 23.48.724. Currently there are no TDR's or TDP's in Uptown. Section 23.48.724 allows only green street improvements or a mid-block corridor as a choice of open space amenities. The proposed change would include neighborhood open space in a new subsection of 23.48.724, as neighborhood open space is also included as an open space amenity in the incentive zoning chapter under Section 23.58A.040.

23.48.740 Seattle Mixed – Street-level development standards in SM-UP zones

The changes correct a typo and a cross reference.

23.49.008 Downtown Zoning – Structure height

The proposed change to subsection 23.49.008.B would add the Downtown Office Core 2 (DOC2) zone to the eligible zones allowing 10 percent extra height for an interesting roof and to accommodate mechanical and common recreation area. Similar development types and scale are allowed in the DOC2 zone and the Downtown Mixed Commercial (DMC) zone where this allowance currently applies.

23.49.011 Downtown Zoning – Floor area ratio

Traditionally, mezzanine spaces are considered to be “chargeable” FAR, because they are, in fact, floor area as defined in the Land Use Code. However, mezzanines in spaces that are otherwise FAR exempt such as street-level use spaces should also be considered exempt. Currently they don't meet the definition of “street-level” so they would be chargeable. This impacts buildings with existing spaces that would like to build out retail but may not have FAR to spare. A mezzanine should be able to be added that does not interrupt the required floor to floor heights, for the minimum depth from the façade, so that the space can be used. Otherwise there is no point in having tall ceilings if they cannot be utilized with retail space. Accordingly, a new exemption from FAR for mezzanines is proposed if they do not interrupt required minimum depth for floor to floor ceiling heights on the street level of a retail structure.

23.49.014 Downtown Zoning – Transfer of development rights

The proposed change would amend Table A for 23.49.014 to strike footnote 2, which limits transfer of development rights (TDRs) in a Downtown Retail Core (DRC) zone from lots in DRC zones only to lots also in DRC. This has been in the Code since amendments were made in 2001 (Ord. 120443), that were the product of the Downtown Urban Center Planning Group (DUCPG) planning study. While limiting transfers in DRC zones only from sites also zoned DRC may have made sense when the language was added to the Code, there is now only one building in the zone, the Mann Building, that still has TDRs available. The proposed change would provide increased flexibility to allow transfers to lots in DRC zones from other Downtown zones.

23.49.056 Downtown Zoning – Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and Downtown Mixed Commercial (DMC) street facade, landscaping, and street setback requirements

The change is to fix an incorrect height limit reference in a zone designation in subsection 23.49.056.B.1.d. The zone is now DMC 170 rather than DMC 160.

23.49.166 Downtown Zoning – Downtown Mixed Residential, side setback and green street setback requirements

One proposed change fixes references to a zoning designation, Downtown Mixed Residential (DMR/R 85/65), that no longer exists. All of these designations were changed to DMR/R 95/65 zones. As part of the ordinance implementing MHA in Downtown, the DMR/R 85/65 zones were rezoned to DMR/R 95/65. Section 23.49.166.A states that buildings in zones that are DMR/R 85/65 are exempt from the side setback requirements in Table A. The subsection should have been changed so that DMR/R 85/65 was updated to DMR/R 95/65. The intent was that DMR/R 95/65 is exempt from the side setback requirements in Table A.

The second change designates current Table C for 23.49.166 as Table B for 23.49.166, since there are only two tables in the section.

23.52.008 Transportation Concurrency and Transportation Impact Mitigation - Applicability of Transportation Impact Mitigation

The proposed changes would clarify requirements for a transportation impact study for urban villages with “SEPA infill thresholds” for development projects in those areas that are not subject to SEPA review.

Ordinance 125964, effective November 17, 2019, included changes to SEPA thresholds, newly including all urban villages within thresholds of 200 dwelling units, and 30,000 square feet for non-residential area in mixed-use development. In order to continue the City’s intent for SEPA-exempted development to still be subject to a non-SEPA transportation impact study, edits to Section 23.52.008.A and Table A for 23.52.008 are needed. This study allows for identifying transportation impact mitigation if any potentially significant adverse impacts are identified.

The proposed update specifies a transportation study requirement for development in any urban village of 31 - 200 dwelling units in size that is not subject to SEPA. Similarly, non-residential spaces greater than 12,000 square feet up to 30,000 square feet in mixed-use development would be subject to a non-SEPA transportation study requirement. If a development is otherwise subject to SEPA review, transportation impacts will be studied per SEPA, and this Section 23.52.008 does not apply.

23.54.015 Quantity and Design Standards for Access and Off-Street Parking – Required parking and maximum parking limits (*including bike parking*)

Six changes are proposed.

The first proposed change would remove the language stating that the parking waivers for the first 1,500 square feet of each business establishment or the first 15 fixed seat in theaters apply in

pedestrian-designated zones and simply say that the waivers apply in all commercial zones, which includes pedestrian-designated zones. The current language leads some readers to believe that the waivers apply only in zones that are both commercial and pedestrian-designated.

A second change would add a reference to existing footnote 3 in Table B for 23.54.015 to line K, the parking standard for single-family dwelling units. Footnote 3 is the exemption from parking requirements for single-family residential uses on lots less than 3,000 square feet or less than 30 feet wide where access to parking is permitted through a required yard or setback abutting a street. While the footnote exists, it currently has no reference in the table.

The third change would remove the reference to small efficiency dwelling units (SEDUs) from bicycle parking requirements for multifamily structures in Table D for 23.54.015. The bicycle parking standards for multifamily structures currently lists SEDUs separately from dwelling units for long-term parking but omits SEDUs from short term parking. Having SEDUs in long-term is unnecessary since they are dwelling units by definition and have the same bicycle parking standard as regular units.

The fourth change is a series of amendments to the bicycle parking requirements in subsection 23.54.015.K as follows: 23.54.015.K Introductory paragraph (delete “off-street”) – The change reflects the City’s intent for required short-term bicycle parking to be possible at on-street locations near the property under review, as well as features on the site, at the applicant’s discretion and with approval by SDOT.

Subsection 23.54.015.K.2.b (location and manner of egress for bicyclists and pedestrians) – These edits clarify the intent for separate marked entry requirements for bicyclists and pedestrians to apply to parking garages serving multiple residents and not individual garages or small garages shared by up to two units. These give flexibility to avoid possible design complications or property constraints, which might otherwise affect availability of housing.

Subsection 23.54.015.K.2.d (wayfinding signage visibility) – These edits clarify that bicycle parking signage visible from adjacent streets is primarily addressed to short-term bicycle parking users, but that other signage for long-term bicycle parking users should also be located appropriately in a building.

Subsection 23.54.015.K.2.e (stairs clarification) – Adding the word “interior” clarifies the intent for bicycle parking not to be located where bikes must be carried down indoor flights of stairs. The current code language inadvertently creates permitting and design concerns relating to exterior stairs needed to traverse Seattle’s hilly topography.

Subsection 23.54.015.K.3 (option for short-term and long-term bicycle parking for residential uses to be located off-site) – This proposal would allow off-site bicycle parking if accessory to residential uses that are functionally interrelated similar to a non-residential campus. The residential uses would have to be within a unit lot subdivision, provide access easements to the site of the bicycle parking, or create a covenant or other property right allowing use the off-site bicycle parking.

Subsection 23.54.015.K.3 and K.6.c (option for short-term bicycle parking on adjacent rights-of-way) – This accomplishes the intent to allow on-street short-term bicycle parking, with SDOT's approval, for residential and non-residential uses. This would aid design flexibility and bike parking usability, in a manner already possible in downtown zones.

Subsection 23.54.015.K.4 (clarify bicycle parking for small efficiency dwelling units) – Similar to other proposed code edits, this clarifies an existing requirement as applying to long-term required bicycle parking and not short-term parking.

Subsection 23.54.015.K.7 (public place term edit) – Substituting the term “right-of-way” instead of “public place.” The latter term is not defined in the Code, and “right-of-way” is more commonly understood and accurate for the purposes of this subsection.

23.54.015.K.8 (accessible shower facilities in large buildings) – This clarification allows required shower facilities for bicyclists to be provided where “easily accessible,” which should include places accessible via elevator. This gives design flexibility and would continue to disallow unusual or inconvenient routes for bicyclists to shower facilities.

The fifth change would add a new footnote to Table D for 23.54.015 to indicate that there is no minimum bicycle parking required for income-restricted housing serving households at 60 percent of median income, when that housing has rent- and income-restriction commitments for at least 40 years. Also, an edit to a similar footnote clarifies a similar flexibility for congregate housing and supportive housing for seniors or those with disabilities. This is meant to bring parity to the treatment of parking requirements for automobiles and bicycles in these kinds of housing and avoid design challenges that could affect space for tenant amenities and services.

The sixth change clarifies the term “flexible-use parking” in Table D for 23.54.015 to apply bike parking requirements to stand-alone car parking garages or lots to help distinguish it from parking provided in buildings with other uses.

23.54.025 Quantity and Design Standards for Access and Off-Street Parking – Off-site required parking

The current Code language in 23.54.025.A.2 says that “all applicable standards for parking accessory to the use for which the parking is required” shall be met on a site where off-site accessory parking is proposed. The change would clarify that the “standards” referred to in 23.54.025.A.2 are limited to size, location, and other requirements in Chapter 23.54 and do not include parking standards found elsewhere in the Code.

23.54.030 Quantity and Design Standards for Access and Off-Street Parking – Parking space and access standards

Subsection 23.54.030.F.2.a.3 gives SDCI the discretion to determine number and location of curb cuts in Commercial 1 and 2 zones and also suggests that both number and location of curb cuts may be determined in Seattle Mixed (SM) zones. However, subsection 23.48.085.E sets forth specific requirements in SM zones limiting sites to one two-way curb cut. Thus, for SM

zones, there is no intent to allow SDCI Type I discretion to determine the number of curb cuts. The change to 23.54.F.2.a.3 would continue to allow discretion to determine location of curb cuts in SM zones but not numbers.

23.54.040 Quantity and Design Standards for Access and Off-Street Parking – Solid waste and recyclable materials storage and access

Two changes are proposed.

The first change, to the standards in subsection 23.54.040.F, governing access by service providers to the storage space for solid waste and recyclable materials, would change 23.54.040.F.1.c to specify that access ramps to both storage space and collection locations for containers two cubic yards or smaller shall not exceed a 6 percent grade. This standard currently applies only to access ramps to the storage space, but the grade maximum should also apply to the collection location.

The second change, also to the standards in subsection 23.54.040.F, would amend subsection 23.54.040.F.2.d for containers larger than 2 cubic yards and all compacted refuse containers, to require a 24-foot overhead clearance if direct access to the storage space by a collection vehicle is proposed.

23.58C.040 Mandatory Housing Affordability for Residential Development – Affordable housing—payment option

Current code requires that gross floor area to be used in calculating the payment option be determined by dividing the total gross floor area in a development by the total number of units in a development and then multiplying that average floor area in the development by the net increase in units in "the structure." It seems more appropriate to take the net increase in total number of units in the development, not per structure, to determine the square footage to use for the MHA contribution. The proposal is to align the calculation to always use the development and not introduce a per structure number into the calculation.

23.58D.006 Green Building Standard – Penalties

The proposed change is to remove the penalty section in subsection 23.58D.006.D making an applicant as well as a property owner responsible for meeting the green building commitment and liable for penalties for failing to do so. The amendment would focus the responsibility on the applicant, consistent with the other enforcement provisions.

23.66.342 International Special Review District – Parking and access

Amendments are proposed to standards for accessory parking and loading in the International District to clarify that bicycle parking is eligible for waiver of quantity requirements similar to existing provisions for car parking and loading.

23.69.032 Major Institution Overlay District – Master plan process

The proposed change to subsection 23.69.032.E.3 would remove references to specific comprehensive plan policies required to be considered in the Director's Report on an application for a master plan and instead simply reference the Human Development Element of the

comprehensive plan to avoid the need to update the names of the specific policies when the plan is periodically updated.

23.73.009 Pike/Pine Conservation Overlay District – Floor area

Two changes are proposed. The first change fixes incorrect cross references in subsection 23.73.009.C that were inserted by Ordinance 125791, the city-wide Mandatory Housing Affordability (MHA) ordinance.

The second change, to subsection 23.73.009.D, clarifies that the specific floor area exemptions for street-level uses allowed by the Pike/Pine Overlay in addition to the regular exemptions allowed by the underlying zoning only apply if a character structure, as defined by the Overlay regulations, is retained on the lot. The policy intent all along was not to allow street-level uses to be exempt if a character structure is not retained.

23.73.012 Pike/Pine Conservation Overlay District – Structure width and depth limits

Minor changes to subsection 23.73.012.A. would remove references to block “face,” which is a term no longer defined in the Land Use Code and change the terminology to block “front” to reflect current definitions.

23.84A.004 - “B”

The previous omnibus ordinance (Ord. 125603) changed the definition of “block” to include references to side lot lines as possible boundaries of a block, along with alleys, rear lot lines, or the centerlines of platted streets. The same reference to side lot lines is now proposed to be included in the definition of “block front,” so it is in agreement with the definition of “block.”

23.84A.032 Definitions - “R”

In the definition of “townhouse development,” one requirement is that no portion of a dwelling unit occupy space above or below another dwelling unit. An exception is provided for units that are constructed over a shared parking garage. Since other Code provisions allow parking garages to be both under ground or to project up to 4 feet above grade, a clarification is proposed to allow townhouses to be constructed over shared parking garages that project up to 4 feet above grade.

23.84A.036 Definitions - “S”

There is some confusion about whether a street-level setback, as described in various Code sections, applies just to a portion of a structure façade that is at street level, like the first floor, or to an entire street-facing façade. The original intent of the provision was to apply these setbacks to an entire structure façade. Rather than amend individual Code sections where the term appears and either strike the term “street-level” or reorganize the references so they appear only under setback standards rather than in “street-level development standards,” the change is to add “street-level setback” and “upper-level setback” to the definitions to clarify what is intended.

23.86.007 Measurements – Gross floor area and floor area ratio (FAR) measurement

Two changes are proposed. The first change, to subsection 23.86.007.A.3, clarifies that bicycle parking that is covered by a structure or portion of a structure is exempt from measurement of

gross floor area but, like motor vehicle parking, is counted in gross floor area if within a fully enclosed parking area.

The second change clarifies subsection 23.86.007.E. This subsection used to relate to floor area ratio (FAR) only. In 2015, Ordinance 124883 updated this subsection to also address gross floor area not subject to FAR for residential uses in downtown and SM-SLU zones. This insertion has created some confusion about how to read the subsection. Its intent is to apply to both FAR and, separately, to gross floor area for residential development in downtown or SM-SLU. However, it reads as applying to FAR or to gross floor area allowed for residential development not subject to FAR in those zones. The phrasing causes reviewers to conclude that the provision doesn't apply to FAR outside of these zones. The proposed change would clarify that the subsection applies to calculation of FAR in all zones and applies to calculation of gross floor area in downtown and SM-SLU zones for residential development that is not subject to FAR

23.90.018 Enforcement of the Land Use Code - Civil enforcement proceedings and penalties

The proposed change would add a new subsection 23.90.018.B.6 to the existing list of penalties for specific violations. This addition would label unpermitted outdoor storage as a nuisance if, after enforcement action has been taken, there continues to be a violation. The change would authorize abatement by the City in the manner authorized by law.

25.09.060 Regulations for Environmentally Critical Areas – General development standards

Under subsection 25.09.060.G, Environmentally Critical Areas are subject to yearly seasonal grading restrictions that run from October 31 through April 1. Liquefaction-prone areas, peat settlement prone areas, and abandoned landfills are exempt from the restriction. The proposed change would add flood-prone areas to the exempted critical areas. The rationale is that any time-related restrictions are typically already dealt with through the critical areas fish and wildlife habitat reviews or are subject to limitations that the Washington State Department of Fish and Wildlife places on the development through their Hydraulic Project Approval, and the floodplain ordinance already requires confirmation by SDCI reviewers that the Hydraulic Project Approval has been obtained.

Recommendation

Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.

August 7, 2020

MEMORANDUM

To: Planning, Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 119835 – Land Use Code Omnibus Bill

About every other year the Seattle Department of Construction and Inspections (SDCI) develops an omnibus bill amending the Land Use Code (Code). Generally, the omnibus bill corrects typographical errors and cross-references, clarifies existing regulations, and makes other minor amendments identified by SDCI in the course of Code administration. While the omnibus bill is not intended to be a vehicle for addressing significant policy issues, inevitably the omnibus does result in some minor policy changes.

This memorandum identifies and discusses: (1) areas where the proposed bill ([Council Bill 119835](#)) departs from prior policy decisions made by the Council, (2) proposed amendments that are specific to the Mercer Mega Block transaction, and (3) other minor policy issues.

Departures from Prior Policy Choices and Potential issues

The table below identifies and discusses potential issues for the Committees consideration.

Issue	Discussion
1. Unit Lot Subdivision for Accessory Uses (p.4, l. 18-20; p.8, l. 2-4)	<p>The omnibus would add language authorizing unit lots to be designated as open space or developed with accessory uses, which could include parking or other accessory structures.</p> <p>Unit lots are created through a subdivision process, which is typically used for townhouse, rowhouse, and other lowrise multifamily development. Unit lots are created through the subdivision of a parent lot. Development standards are applied to the parent lot from which unit lots are created. This allows unit lots to be non-conforming to some development standards. The unit lot subdivision process allows for fee simple sale of individual unit lots.</p> <p>The Code currently prohibits development of detached accessory dwelling units on unit lots.¹ However, the proposed omnibus language introduces ambiguity into the Code that could lead to unintended consequences for future development of vacant lots that are created through a unit lot subdivision process.</p>
2. Contract of Sale to Establish Historic Lot Exception (p.29, l.4)	<p>In 2014 the Council passed Ordinance 124475, which modified development standards for undersized lots in Single Family zones. The Code allows for development of undersized lots created prior to 1957 through an historic lot exception. Among other things, Ordinance 124475 narrowed the documents</p>

¹ See Seattle Municipal Code Section [23.22.062.B](#) and [23.24.045.B](#).

Issue	Discussion
	<p>applicants could use to establish an historic lot, including eliminating use of historic tax parcels, mortgages, and sales contracts.</p> <p>Sales contracts were excluded because, at the time, SDCI concluded they were an insufficient indication that a lot was historically a separately developable site. The omnibus would restore sales contracts as a means to establish an historic lot.</p>
<p>3. Conditional Use Authorization for Landmark Sites (p.39, l. 21)</p>	<p>The Code currently allows <u>landmark structures</u> in Single Family zones to contain uses that would not otherwise be allowed in the zone through a conditional use permit process.</p> <p>The conditional use permit is granted if (1) the proposed use is compatible with the existing structure, (2) uses allowed in the zone are impractical to provide in the landmark structure or provide inadequate financial support to maintain the landmark, and (3) the use is not detrimental to adjacent uses or the public interest. The conditional use process recognizes the hardship that can accompany ownership and rehabilitation of landmark structures.</p> <p>The omnibus would extend the conditional use authorization to <u>landmark sites</u> in Single Family zones. SDCI is not aware of any current application for development on landmark sites. However, proposed change could be used to authorize a range of uses on large landmark sites, such as the Battelle Memorial Institute site.</p>
<p>4. Maximum Structure Width in Commercial Zones (p.53, l.8-10)</p>	<p>In 2019 through Ordinance 125791 (the Mandatory Housing Affordability Implementation Ordinance), the Council established a maximum structure width of 250 feet in pedestrian designated zones. The intent of the Council was to provide a more human scale in those zones by limiting the bulk and scale of structures. Exceptions to the maximum width limitation are provided for landmark structures when more than 50% of gross floor area are occupied with specified uses, such as arts space and childcare.</p> <p>The omnibus would allow structures to exceed the 250 foot width limit, when the façade of the structure is modulated, regardless of what uses are provided in the structure.</p>
<p>5. Upper-level Development Standards in South Lake Union (p.66 – 80)</p>	<p>The omnibus modifies upper-level development standards applicable to future development of the Mercer Mega Block. Specifically, the omnibus modifies (1) the maximum height of podiums, which is the portion of a structure on which a tower is built, and (2) upper-level setback requirements.</p> <p>In 2019 the Council passed Ordinance 125916, which authorized the Mayor to execute a Memorandum of Understanding (MOU) and sell the Mercer Mega Blocks. The MOU, in turn, authorizes the City to enter into a Disposition and Development Agreement (DDA), which was executed on May 26, 2020. The DDA requires, as a condition of closing, that the City</p>

Issue	Discussion
	pass an ordinance modifying upper-level development standards applicable to the site.
6. Location of Bicycle Parking (p.96, I.6-11) and Quantity of Bicycle Parking (p.100, Table Footnotes)	<p>In 2018 the Council passed Ordinance 125558, which, among other things, modified and increased requirements for bicycle parking. The Council authorized off-site bicycle parking for <i>non-residential uses</i> within 600 feet of the principal use and established minimum long-term and short-term bicycle parking requirements for multifamily development.</p> <p>The omnibus would allow short and long term bicycle parking for <i>residential uses</i> to be located off-site within 600 feet of the residential use where the residential use and the accessory use parking are part of a functionally related development. The omnibus would also exempt units in multifamily development that is subject to a regulatory agreement and affordable to households at 60% of AMI and below from bicycle parking requirements.</p>

Next Steps

On August 12 the Land Use and Neighborhoods Committee will discuss and may vote on Council Bill (CB) 119835. Committee members have identified potential amendments to the bill. Some amendments may be consolidated into a substitute bill that would be moved by the Chair. If you have not already, please contact me with questions or potential amendments.

cc: Aly Pennucci, Supervising Analyst

August 11, 2020

MEMORANDUM

To: Planning, Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 119835 – Land Use Code Omnibus Bill: Proposed Substitute

On August 12 the Land Use and Neighborhoods Committee (LUN) will discuss and may make a recommendation to Council on Council Bill (CB) 119835, the Land Use Code Omnibus Bill. Generally, the omnibus bill corrects typographical errors and cross-references, clarifies existing regulations, and makes other minor amendments identified by SDCI in the course of Code administration. While the omnibus bill is not intended to be a vehicle for addressing significant policy issues, inevitably the omnibus does result in some minor policy changes.

This memorandum identifies amendments to CB 119835 that the LUN Chair may offer in a substitute bill. The draft of the substitute is attached. The Chair and other committee members may offer other stand-alone amendments at the committee meeting.

Draft Substitute

Amendments in the draft substitute bill are identified in the table below. The exact language in the substitute may change based on advice from the City’s Code Reviser.

Amendment	Description
1. Unit Lots for Accessory Uses (p. 4, l.18-20 and p.8, l. 2-4)	This amendment would remove proposed language authorizing the creation of unit lots for accessory uses.
2. Roosevelt Urban Village Design Review Map (p. 21 – 22)	This amendment would replace Map A of the Roosevelt Urban Village in Section 23.41.012 with a more legible map.
3. Rear Yard unenclosed decks and patios (p.35, l.17-20)	This amendment would allow unenclosed decks and roofs over patios for principal and accessory structures, like detached accessory dwelling units, to extend into required rear yards in Single Family zones, provided that they are no closer than 5 feet to any rear lot line or 12 feet from the centerline of an alley.
4. South Lake Union Development Standard Height Trigger (p.72, l.8)	This amendment would remove a reference to a height threshold, above which podium floor limits apply, to conform the Code to new height limits established for South Lake Union through the upzone implementing the Mandatory Housing Affordability Program.
5. Expand Downtown TDR Eligibility (p.92, l.2)	This amendment would authorize Downtown Transferable Development Right (TDR) purchasers to utilize TDR from sending sites that are eligible for transfer at the time of building permit issuance.

Next Steps

If LUN recommends passage of CB 119835 with amendments, an additional opportunity for comment may be required by the Growth Management Act. Specifically, if LUN recommends amendments that address subjects the public could not reasonably have commented on at the public hearing, an additional written comment period may be required before a vote by the Full Council.¹ If an additional written comment period is required, the Full Council could act on the bill on September 8, after Council recess.

Attachment:

- Draft Substitute Omnibus Bill

cc: Aly Pennucci, Supervising Analyst

¹ See [RCW 36.70A.035\(2\)\(a\)](#).

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.512, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.040 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.040 Rental housing registration, compliance declaration, and renewals

A. With the exception of rental housing units identified in subsection 22.214.030.A, all properties containing rental housing units shall be registered with the Department according to the registration deadlines in this subsection 22.214.040.A. After the applicable registration deadline, no one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a

1 property owner owns more than one housing unit in a condominium or cooperative building, the
2 owner may submit a single registration application for the units owned in the building. Properties
3 with rental housing units shall be registered according to the following schedule:

4 1. By July 1, 2014 all properties with ten or more rental housing units, and any
5 property that has been subject to two or more notices of violation or one or more emergency
6 orders of the Director for violating the standards in Chapters 22.200 through 22.208 where
7 enforced compliance was achieved by the Department or the violation upheld in a final court
8 decision;

9 2. By January 1, 2015 all properties with five to nine rental housing units; and

10 3. Between January 1, 2015 and December 31, 2016, all properties with one to
11 four rental housing units shall be registered according to a schedule established by Director's
12 rule. The schedule shall include quarterly registration deadlines; and shall be based on dividing
13 the city into registration areas that are, to the degree practicable, balanced geographically and by
14 rough numbers of properties to be registered in each area.

15 * * *

16 E. The fees for rental housing registration, renewal, or reinstatement, or other fees
17 necessary to implement and administer the Rental Registration and Inspection Ordinance
18 program, shall be adopted by amending Chapter 22.900. A rental housing registration or renewal
19 shall not be issued until all fees required under this Chapter 22.214 have been paid.

20 * * *

21 H. A rental housing registration must be renewed according to the following procedures:

22 1. A registration renewal application and the renewal fee shall be submitted ((~~at~~
23 ~~least 30 days~~)) before the current registration expires;

1 the Department shall inform the property owner or owner's agent of the units selected for
2 inspection no earlier than ten calendar days prior to the inspection.

3 * * *

4 E. A certificate of compliance shall be issued by a qualified rental housing inspector,
5 based upon the inspector's physical inspection of the interior and exterior of the rental housing
6 units, and the inspection shall be conducted not more than 60 days prior to the certificate of
7 compliance date. A certificate of compliance shall not be issued until all fees required under this
8 Chapter 22.214 have been paid.

9 * * *

10 Section 3. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance
11 125815, is amended as follows:

12 **23.22.062 Unit lot subdivisions**

13 A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of
14 land for residential development including single-family dwelling units, townhouse, rowhouse,
15 and cottage housing developments, and existing apartment structures built prior to January 1,
16 2013, but not individual apartment units, in all zones in which these uses are permitted, or any
17 combination of the above types of residential development as permitted in the applicable zones.

18 ~~If development standards applicable to the parent lot are met, a unit lot may be undeveloped~~
19 ~~open space or may be developed with a use accessory to the principal use established on the~~
20 ~~parent lot.~~

21 B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041
22 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed
23 with uses described in subsection 23.22.062.A (~~above~~) may be subdivided into individual unit

1 lots. The development as a whole shall meet development standards applicable at the time the
2 permit application is vested. As a result of the subdivision, development on individual unit lots
3 may be nonconforming as to some or all of the development standards based on analysis of the
4 individual unit lot, except that any private usable open space or private amenity area for each
5 dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

6 * * *

7 Section 4. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance
8 124378, is amended as follows:

9 **23.22.100 Design standards**

10 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
11 standards set forth in this Section 23.22.100:

12 * * *

13 D. Special (~~(Exception)~~) exception. The Director's recommendation on a proposed
14 subdivision, as a Type II special exception decision, may modify the standards of subsection
15 23.22.100.C.3, if the applicant demonstrates that the proposed plat meets the following criteria:

16 1. The property has one of the following conditions not created by the applicant:

17 a. (~~(Natural topographic features or)~~) Topography, natural obstructions,
18 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment
19 that prevent the platting of one or more lots according to the standards of subsection

20 23.22.100.C.3;

21 b. Location of existing principal structures that are retained on a lot
22 existing prior to the proposed platting require a platting configuration of one or more lots that
23 cannot reasonably meet the standards of subsection 23.22.100.C.3;

1 c. Location of existing easements or feasibility of access to portions of the
2 property prevents the configuration of proposed plat lines that meet the standards of subsection
3 23.22.100.C.3.

4 2. Modification of the standards of subsection 23.22.100.C.3 shall be the
5 minimum necessary to allow platting of lots that each contain a building area for development
6 meeting the development standards of the zone in which the proposed plat is located.

7 3. Lots created under the special exception standards of this subsection
8 23.22.100.D shall not have a configuration that requires a variance from setbacks and yard
9 requirements of the Land Use Code or a variance or exception from ~~((the Regulations for~~
10 ~~Environmentally Critical Areas))~~ Chapter 25.09 for any development that may be proposed on
11 the lots.

12 * * *

13 Section 5. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance
14 125603, is amended as follows:

15 **23.24.040 Criteria for approval**

16 * * *

17 B. Special ~~((Exception))~~ exception. The Director may modify the standards of subsection
18 23.24.040.A.8, as a Type II special exception decision, if the applicant demonstrates that the
19 proposed plat meets the following criteria:

20 1. The property has one of the following conditions not created by the applicant:

21 a. ~~((Natural topographic features or))~~ Topography, natural obstructions,
22 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment

1 that prevent the platting of one or more lots according to the standards of subsection
2 23.24.040.A.8;

3 b. Location of existing principal structures that are retained on lots
4 existing prior to the proposed platting require a platting configuration of one or more lots that
5 cannot reasonably meet the standards of subsection 23.24.040.A.8;

6 c. Location of existing easements or feasibility of access to portions of the
7 property prevents the configuration of proposed plat lines that meet the standards of subsection
8 23.24.040.A.8.

9 2. Modification of the standards of subsection 23.24.040.A.8 shall be the
10 minimum necessary to allow platting of lots that each contain a building area for development
11 meeting the development standards of the zone in which the proposed plat is located.

12 3. Lots created under the special exception standards of this subsection
13 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard
14 requirements of the Land Use Code or a variance or exception from ~~((the Regulations for
15 Environmentally Critical Areas))~~ Chapter 25.09 for any development that may be proposed on
16 the lots.

17 Section 6. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance
18 125815, is amended as follows:

19 **23.24.045 Unit lot subdivisions**

20 A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of
21 land for residential development including single-family dwelling units, townhouse, rowhouse,
22 and cottage housing developments, and existing apartment structures built prior to January 1,
23 2013, but not individual apartment units, in all zones in which these uses are permitted, or any

1 combination of the above types of residential development as permitted in the applicable zones.

2 ~~If development standards applicable to the parent lot are met, a unit lot may be undeveloped~~
3 ~~open space or may be developed with a use accessory to the principal use established on the~~
4 ~~parent lot.~~

5 B. Except for any lot for which a permit has been issued pursuant to Sections 23.44.041
6 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed
7 with uses described in subsection 23.24.045.A (~~above~~) may be subdivided into individual unit
8 lots. The development as a whole shall meet development standards applicable at the time the
9 permit application is vested. As a result of the subdivision, development on individual unit lots
10 may be nonconforming as to some or all of the development standards based on analysis of the
11 individual unit lot, except that any private, usable open space or private amenity area for each
12 dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

13 C. Subsequent platting actions, additions, or modifications to the structure(s) may not
14 create or increase any nonconformity of the parent lot.

15 D. Access easements and joint use and maintenance agreements shall be executed for use
16 of common garage or parking areas, common open space (such as common courtyard open space
17 for cottage housing), and other similar features, as recorded with the (~~Director of the~~) King
18 County (~~Department of Records and Elections~~) Recorder's Office. For common parking areas
19 and garages, access easements and joint use and maintenance agreements shall include the right
20 to use any required electric vehicle charging infrastructure and the terms of use.

21 E. Within the parent lot, required parking for a dwelling unit may be provided on a
22 different unit lot than the lot with the dwelling unit, as long as the right to use that parking is

1 formalized by an easement on the plat, as recorded with the ((~~Director of the~~)) King County
2 ((~~Department of Records and Elections~~)) Recorder's Office.

3 F. The facts that the unit lot is not a separate buildable lot, and that additional
4 development of the individual unit lots may be limited as a result of the application of
5 development standards to the parent lot, shall be noted on the plat, as recorded with the
6 ((~~Director of the~~)) King County ((~~Department of Records and Elections~~)) Recorder's Office.

7 Section 7. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance
8 125603, is amended as follows:

9 **23.28.030 Criteria for approval**

10 A. The Director shall approve an application for a lot boundary adjustment if it is
11 determined that:

12 1. No additional lot, tract, parcel, site, or division is created by the proposed
13 adjustment;

14 2. No lot contains insufficient area and dimensions to meet the minimum
15 requirements for development as calculated under the development standards of the zone in
16 which the lots affected are situated, except as provided in Section 23.44.010, and under any
17 applicable regulations for siting development on parcels with riparian corridors, wetlands,
18 wetland buffers, or steep slopes in Chapter 25.09 or Section 23.60A.156. Adjusted lots shall
19 continue to be regarded as existing lots for purposes of Chapter 25.09. Any required
20 nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall
21 be required as set out in Section 25.09.335;

22 3. Every proposed adjusted lot shall conform to the following standards for lot
23 configuration, unless a modification is authorized under subsection 23.28.030.A.4:

1 a. If an adjusted lot is proposed with street frontage, then one lot line shall
2 abut the street for at least 10 feet; and

3 b. No adjusted lot shall be less than 10 feet wide for a distance of more
4 than 10 feet as measured at any point; and

5 c. No adjusted lot shall have more than six separate lot lines. The lot lines
6 shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way
7 or existing lot line; and

8 d. If a lot to be adjusted abuts upon an alley, and that alley is either
9 improved or required to be improved according to the standards of Section 23.53.030, then no
10 adjusted lot shall be proposed that does not provide alley access, except that access from a street
11 to an existing use or structure is not required to be changed to alley access. Either the proposed
12 adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in
13 which the property is located or an access easement from the adjusted lot or lots shall be
14 provided to the alley that meets access standards for the zone in which the property is located.

15 4. Modification. The ~~((Director's recommendation on a proposed lot adjustment~~
16 ~~may modify the))~~ standards of subsection 23.28.030.A.3 ~~((if the applicant demonstrates that the~~
17 ~~proposed lot boundary adjustment meets the following criteria))~~ may be modified if at least one
18 of the following criteria applies:

19 a. ~~((The property has one of the following conditions not created by the~~
20 ~~applicant:))~~ One or more of the existing lots prior to the lot boundary adjustment is irregular in
21 shape;

22 ~~((1))~~ b. ((Natural topographic features or)) Topography, natural
23 obstructions, configuration of existing lot lines prior to lot line adjustment, existing platting

1 patterns, or street alignment prevent the reconfiguration of one or more lots according to the
2 standards of subsection 23.28.030.A.3;

3 ((2)) c. Location of existing principal structures that are retained on lots
4 existing prior to the proposed lot boundary adjustment require a reconfiguration of one or more
5 lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;

6 ((3)) d. Location of existing easements or feasibility of access to portions
7 of the property prevents the reconfiguration of lot lines that meet the standards of subsection
8 23.28.030.A.3((-)) ; or

9 e. The lot boundary adjustment establishes an irregular lot line that
10 resulted from an adverse possession claim.

11 ((b. Modification of the standards of subsection 23.28.030.A.3 shall be the
12 minimum necessary to allow adjusted lots that each contain a building area for development that
13 meets the development standards of the zone in which the proposed lot boundary adjustment is
14 located.))

15 5. ((The)) No adjusted lot shall be approved for development without a
16 determination that it is capable of being served by existing or extended infrastructure for ((has
17 adequate)) drainage; a determination that the lot has water supply and sanitary sewage disposal;
18 and a determination that there is access for vehicles, utilities, and fire protection;

19 6. The lot boundary adjustment is consistent with applicable provisions of this
20 Title 23 including, for lots in the Shoreline District, conformance with the applicable provisions
21 of Section 23.60A.168.

22 * * *

1 Section 8. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance
2 125612, is amended as follows:

3 **23.40.060 Living Building Pilot Program**

4 * * *

5 B. Minimum standards. A project shall qualify for the Living Building Pilot Program if it
6 is located outside of the shoreline jurisdiction, is reviewed in accordance with the full design
7 review process provided in Section 23.41.014, and meets full Living Building Certification by
8 achieving either all of the imperatives of the International Living Future Institute's (ILFI) Living
9 Building Challenge SM 3.1 or 4.0 certification or all of the following:

10 1. The project meets ILFI Living Building Challenge SM Petal certification ((~~by~~
11 ~~attaining at least three of the seven performance areas, or "Petals," of the ILFI Living Building~~
12 ~~Challenge SM program, (Place, Water, Energy, Health and Happiness, Materials, Equity, and~~
13 ~~Beauty), including at least one of the following three petals: Water, Energy, or Materials));~~

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

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

19 4. The project uses only nonpotable water to meet the demand for toilet and urinal
20 flushing, irrigation, hose bib, cooling tower (make up water only), and water features, except to
21 the extent other applicable local, state, or federal law requires the use of potable water.

22 * * *

1 Section 9. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.41.004 Applicability**

4 A. Design review required

5 1. Subject to the exemptions in subsection 23.41.004.B, design review is required
6 in the following areas or zones when development is proposed that exceeds a threshold in Table
7 A or Table B for 23.41.004:

- 8 a. Multifamily;
- 9 b. Commercial;
- 10 c. Seattle Mixed;
- 11 d. Downtown; and
- 12 e. Stadium Transition Area Overlay District as shown in Map A for

13 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

14 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
15 in the following areas or zones when commercial or institution development is proposed that
16 exceeds a threshold in Table A or Table B for 23.41.004:

- 17 a. Industrial Buffer; and
- 18 b. Industrial Commercial.

19 3. The gross floor area of the following uses is not included in the total gross floor
20 area of a development for purposes of determining if a threshold is exceeded:

- 21 a. Religious facilities;
- 22 b. Elementary and secondary schools;
- 23 c. Uses associated with a Major Institution Master Plan (MIMP); or

1 d. Development of a major institution use within a Major Institution
2 Overlay (MIO) district.

3 4. Any development proposal participating in the Living Building or 2030
4 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060
5 and 23.40.070, including a development proposal for an existing structure, regardless of size or
6 site characteristics, is subject to full design review according to Section 23.41.014.

7 5. Any development proposal, regardless of size or site characteristics, is subject
8 to the administrative design review process according to Section 23.41.016 if it receives public
9 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
10 agreement, covenant or other legal instrument recorded on the property title and enforceable by
11 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
12 County, U.S. Department of Housing and Urban Development, or other similar entity as
13 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy
14 by households earning no greater than 60 percent of median income, and controls the rents that
15 may be charged, for a minimum period of 40 years.

16 6. Any development proposal that is located in a Master Planned Community
17 zone and that includes a request for departures, regardless of size or site characteristics, is subject
18 to full design review according to Section 23.41.014. If a development proposal in a Master
19 Planned Community zone does not include a request for departures, the applicable design review
20 procedures are in Section 23.41.020.

21 7. Subject to the exemptions in subsection 23.41.004.B, design review is required
22 for additions to existing structures when the size of the proposed addition or expansion exceeds a
23 threshold in Table A or Table B for 23.41.004. Administrative design review, as described in

1 Section 23.41.016, is required for certain other additions to existing structures according to rules
 2 promulgated by the Director.

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.

A. Category	Site Characteristic
A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.
Amount of gross floor area of development	Design review type ¹
B.1. Less than 8,000 square feet	No design review ^{2,3}
B.2. At least 8,000 but less than 35,000 square feet	Administrative design review

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

	B.3. 35,000 square feet or greater	Full design review ⁴
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type ¹
	C.1. Less than 8,000 square feet	No design review ^{2,3}
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full design review ⁴

Footnotes to Table A for 23.41.004

¹Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

²The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after ~~((the effective date of the ordinance introduced as Council Bill 119057))~~ November 4, 2017. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

³The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after ~~((the effective date of the ordinance introduced as Council Bill 119057))~~ November 4, 2017.

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

⁴Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 4 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

1 * * *

2 Section 10. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
3 125927, is amended as follows:

4 **23.41.012 Development standard departures**

5 * * *

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

8 * * *

9 11. Structure height, except that:

10 a. Within the Roosevelt Commercial Core building height departures up to
11 an additional 3 feet may be granted for properties zoned (~~NC3-65~~) NC3-75 (Map A for
12 23.41.012, Roosevelt Commercial Core);

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

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

5 d. Within the PSM 85-120 zone in the area shown on Map A for
6 23.49.180, departures may be granted from development standards that apply as conditions to
7 additional height, except for floor area ratios and provisions for adding bonus floor area above
8 the base FAR;

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

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

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

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

17 1) The departure is needed to protect a tree that is located on the lot
18 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in
19 diameter measured 4.5 feet above the ground; and

20 2) Avoiding development in the tree protection area will reduce the
21 total development capacity of the site((-)) ;

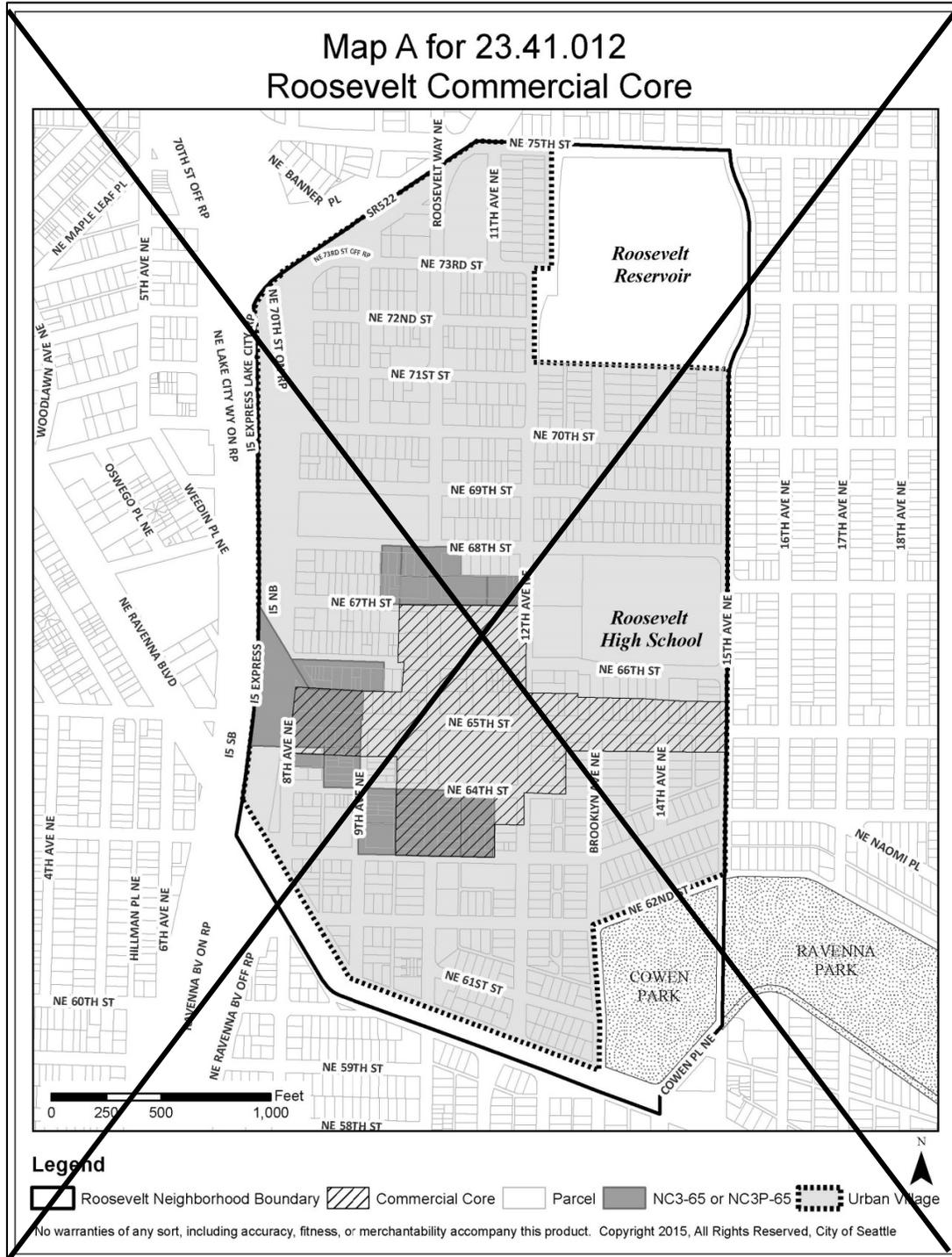
22 g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial
23 and Downtown zones, departures for rooftop features may be granted from rooftop coverage

1 limits and setback standards from the roof edge, but not from the height limits for rooftop
2 features.

3 * * *

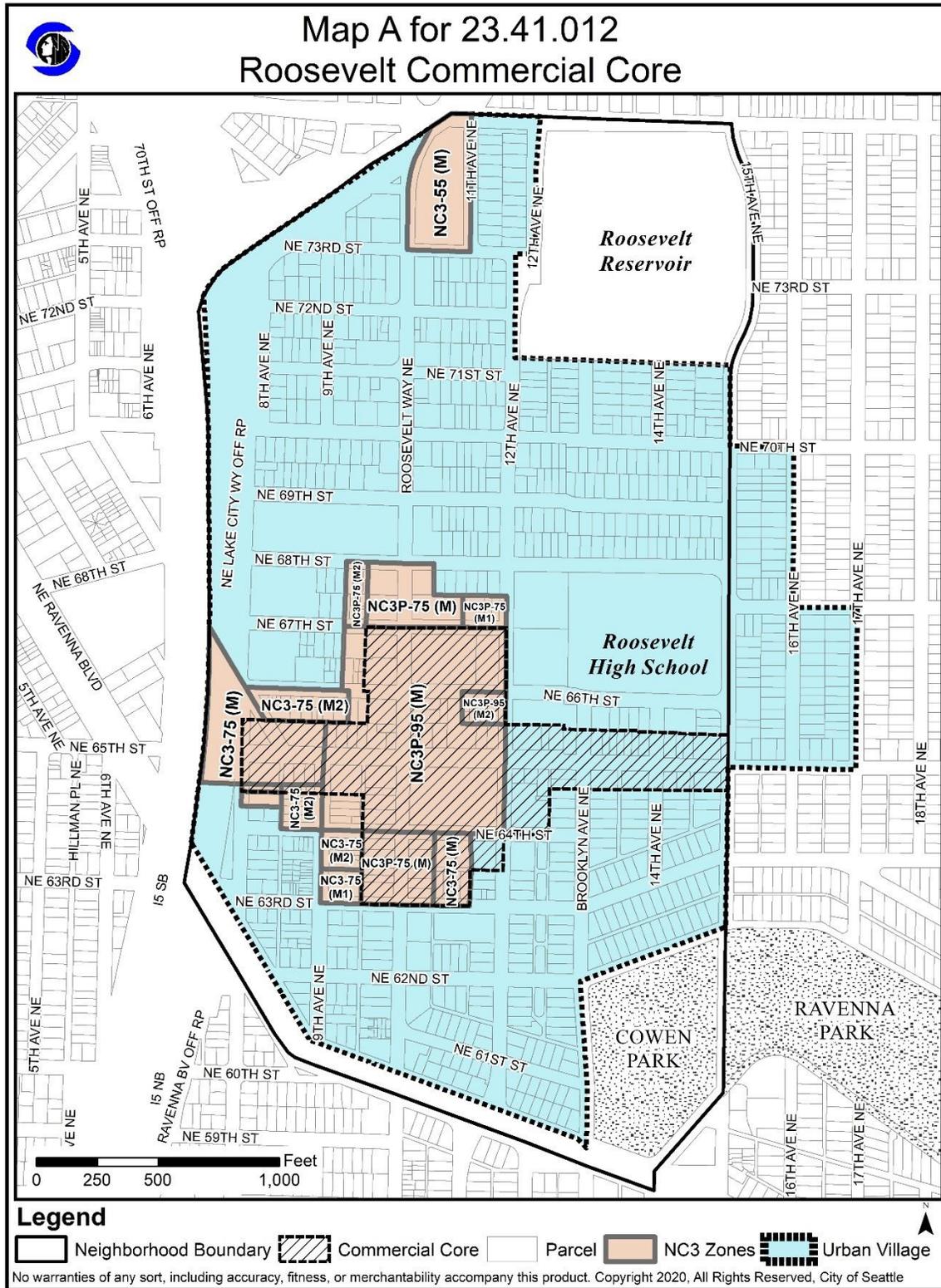
Draft Substitute

1 **Map A for 23.41.012 Roosevelt Commercial Core**



2

3



1

2

Map B for 23.41.012 Upper Queen Anne Commercial Areas

1 Section 11. Section 23.42.048 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.42.048 Configuration of dwelling units**

4 A. Dwelling units. In all zones a dwelling unit exists if the ~~((use))~~ area meets the
5 requirements of subsection 23.42.048.A.1 or ~~((23.41.048.A.2))~~ 23.42.048.A.2 and if the ~~((use))~~
6 area is not ~~((an adult family home,))~~ a congregate residence~~((, assisted living facility,))~~ or
7 nursing home, and is not located in a hotel, motel, or public facility such as a fire station.

8 1. A separate or separable area within a building, including:

9 a. ~~((a))~~ A complete food preparation area. A room or portion of a room
10 designed, arranged, intended, or used for cooking or otherwise making food ready for
11 consumption that contains a sink, and a stove or range, a refrigerator, and a countertop, shall be
12 considered a complete food preparation area; and

13 b. ~~((a))~~ A bathroom containing a toilet, and a shower or bathtub; and

14 c. ~~((one))~~ One or more sleeping rooms.

15 2. A sleeping room with an associated private bathroom including a toilet, and a
16 shower or bathtub, within a separate or separable area of a building that contains more than ~~((4))~~
17 four sleeping rooms, if:

18 a. ~~((fifty))~~ Fifty percent or more of the sleeping rooms in the separate or
19 separable area have an associated private bathroom including a toilet, and a shower or bathtub; or

20 b. ~~((less))~~ Less than 30 percent of the floor area of the separate or
21 separable area is in shared space such as a living or dining room.

22 3. For the purposes of this subsection 23.42.048.A, a separate or separable area is
23 an area having direct access to the exterior of the building or access to the exterior via hallways

1 and stairways that are primarily ingress/egress routes to the exterior rather than leading to
2 common kitchens and living areas.

3 * * *

4 Section 12. Subsection 23.42.112.B of the Seattle Municipal Code, which section was
5 last amended by Ordinance 123649, is amended as follows:

6 **23.42.112 Nonconformity to development standards**

7 * * *

8 B. A structure nonconforming to development standards and occupied by or accessory to
9 a residential use may be rebuilt or replaced but may not be expanded or extended in any manner
10 that increases the extent of nonconformity unless specifically permitted by this code.

11 1. A survey by a licensed Washington surveyor, or other documentation
12 acceptable to the Director, documenting the extent of nonconformity and confirming that the
13 plans to rebuild or replace a residential structure create no unpermitted increase in
14 nonconformity shall be required prior to approval of any permit to rebuild or replace a
15 nonconforming residential structure.

16 2. Additions to a rebuilt nonconforming residential structure that meet current
17 development standards are allowed.

18 3. Nonconforming development that is not structural, including but not limited to
19 access or location of parking, may be maintained if a structure is rebuilt according to the
20 requirements of this subsection 23.42.112.B.

21 * * *

22 Section 13. Subsection 23.44.008.C of the Seattle Municipal Code, which section was
23 last amended by Ordinance 125791, is amended as follows:

1 **23.44.008 Development standards for uses permitted outright**

2 * * *

3 C. Floating homes are subject to the provisions of Chapter 23.60A(~~(, Shoreline District,))~~
4 and are also subject to the parking provisions of this (~~(Section 23.44.008))~~ Chapter 23.44.

5 * * *

6 Section 14. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.44.010 Minimum lot area and lot coverage**

9 * * *

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

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

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

22 1) To be counted as a separate lot for the purposes of calculating
23 the mean area of the lots on a block front, a lot must be entirely within a single-family zone, and

1 d. The historic lot exception. The historic lot exception may be applied to
2 allow separate development of lots already in existence if the lot has an area of at least 2,500
3 square feet, and was established as a separate building site in the public records of the county or
4 City prior to July 24, 1957, by deed, contract of sale, platting, or building permit. The qualifying
5 lot shall be subject to the following provisions:

6 1) A lot is considered to have been established as a separate
7 building site by deed if the lot was held under separate ownership from all abutting lots for at
8 least one year after the date the recorded deed transferred ownership. A lot is considered to have
9 been established as a separate building site by contract of sale only if that sale would have
10 caused the property to be under separate ownership from all abutting lots.

11 2) If two contiguous lots have been held in common ownership at
12 any time after January 18, 1987, and a principal structure extends onto or over both lots, neither
13 lot qualifies for the exception. If the principal structure does not extend onto or over both lots,
14 but both lots were required to meet development standards other than parking requirements in
15 effect at the time the structure was built or expanded, neither lot qualifies for the exception
16 unless the vacant lot is not needed to meet current development standards other than parking
17 requirements. If the combined property fronts on multiple streets, the orientation of the principal
18 structure shall not be considered when determining if it could have been built to the same
19 configuration without using the vacant lot or lots as part of the principal structure's building site.

20 3) Lots that do not otherwise qualify for this exception cannot
21 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act
22 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of

1 removing from the principal structure minor features that do not contain enclosed interior space,
2 including but not limited to eaves and unenclosed decks.

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

7 e. The lot is within a clustered housing planned development pursuant to
8 Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a
9 development approved as an environmentally critical areas conditional use pursuant to Section
10 25.09.260.

11 f. If a lot qualifies for an exception to the lot area requirement under
12 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
13 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that
14 also qualify for separate development may be adjusted through the lot boundary adjustment
15 process if the adjustment maintains the existing lot areas, increases the area of a qualifying
16 substandard lot without reducing another lot below the minimum permitted lot area, or causes the
17 areas of the lots to become more equal provided the number of parcels qualifying for separate
18 development is not increased.

19 2. Limitations

20 a. Development may occur on a substandard lot containing a riparian
21 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the
22 provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat
23 described in Section 23.60A.160, only if one of the following conditions applies:

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

3 * * *

4 Section 15. Subsection 23.44.014.C of the Seattle Municipal Code, which section was
5 last amended by Ordinance 125854, is amended as follows:

6 **23.44.014 Yards**

7 * * *

8 C. Exceptions from standard yard requirements. No structure shall be placed in a required
9 yard except as follows:

10 1. Garages. (~~Garages~~) Attached and detached garages may be located in a
11 required yard subject to the standards of Section 23.44.016.

12 * * *

13 3. A principal residential structure or a detached accessory dwelling unit may
14 extend into one side yard if an easement is provided along the side or rear lot line of the abutting
15 lot, sufficient to leave a 10-foot separation between that structure and any principal structure or
16 detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured
17 from the wall of the principal structure or the wall of the detached accessory dwelling unit that is
18 proposed to extend into a side yard to the wall of the principal structure or detached accessory
19 dwelling unit on the abutting lot.

20 a. No structure or portion of a structure may be built on either lot within
21 the 10-foot separation, except as provided in this Section 23.44.014.

22 b. Accessory structures, other than detached accessory dwelling units, and
23 features of and projections from principal structures, such as porches, eaves, and chimneys, are

1 permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise
2 allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a
3 structure or feature may project into the 10-foot separation, assume the property line is 5 feet
4 from the wall of the principal structure or detached accessory dwelling unit proposed to extend
5 into a side yard and consider the 5 feet between the wall and the assumed property line to be the
6 required side yard.

7 c. ~~((No))~~ Notwithstanding subsection 23.44.014.C.3.b, no portion of any
8 structure, including eaves or any other projection, shall cross the actual property line.

9 d. The easement shall be recorded with the King County Recorder's
10 Office. The easement shall provide access for normal maintenance activities to the principal
11 structure on the lot with less than the required 5-foot side yard.

12 4. Certain additions. Certain additions to an existing single-family structure, or an
13 existing accessory structure if being converted to a detached accessory dwelling unit, may extend
14 into a required yard if the existing single-family structure or existing accessory structure is
15 already nonconforming with respect to that yard. The presently nonconforming portion must be
16 at least 60 percent of the total width of the respective facade of the structure prior to the addition.
17 The line formed by the existing nonconforming wall of the structure is the limit to which any
18 additions may be built, except as described in subsections 23.44.014.C.4.a through
19 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement
20 additions. New additions to the nonconforming wall or walls shall comply with the following
21 requirements (Exhibit A for 23.44.014):

1 a. Side yard. If the addition is a side wall, the existing wall line may be
2 continued by the addition except that in no case shall the addition be closer than 3 feet to the side
3 lot line;

4 b. Rear yard. If the addition is a rear wall, the existing wall line may be
5 continued by the addition except that in no case shall the addition be closer than 20 feet to the
6 rear lot line or centerline of an alley abutting the rear lot line or, in the case of an existing
7 accessory structure being converted to a detached accessory dwelling unit, 3 feet to the rear lot
8 line;

9 * * *

10 5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may
11 project into any required yard, if ~~((each component is))~~ the surface of porches or steps are no
12 higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has ((no
13 horizontal distance)) a width and depth no greater than 6 feet within the required yard. For each
14 entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are
15 permitted in the required yards.

16 * * *

17 7. ~~((Covered unenclosed))~~ Unenclosed decks and roofs over patios. ~~((Covered,
18 unenclosed)) Unenclosed decks and roofs over patios, if attached to a principal structure or a
19 detached accessory dwelling unit, may extend into the required rear yard, but shall not be within
20 12 feet of the centerline of any alley, or within ~~((12))~~ 5 feet of any rear lot line that is not an alley
21 lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the
22 principal structure along that side, or closer than 5 feet to any accessory structure. The height of~~

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1 the roof over unenclosed decks and patios shall not exceed 12 feet. The roof over such decks or
2 patios shall not be used as a deck.

3 * * *

4 17. Stormwater management

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

7 1) Each above-grade GSI feature is ~~((less))~~ no more than 4.5 feet
8 tall, excluding piping;

9 2) Each above-grade GSI feature is ~~((less))~~ no more than 4 feet
10 wide; and

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

13 * * *

14 19. Below grade structures. Structures below grade, measured from existing or
15 finished grade, whichever is lower, may be located below required yards.

16 * * *

17 Section 16. Subsection 23.44.016.D of the Seattle Municipal Code, which section was
18 last amended by Ordinance 125791, is amended as follows:

19 **23.44.016 Parking and garages**

20 * * *

21 D. Parking and garages in required yards. Parking and garages are regulated as described
22 in subsections 23.44.016.D.1 through 23.44.016.D.12. Unless otherwise specified, the terms

1 “garage” or “garages” as used in this subsection 23.44.016.D refer to both attached and detached
2 garages.

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

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

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

12 a. The garage is a detached garage (~~located entirely in~~) and extends only
13 into that portion of a side yard that is either within 35 feet of the centerline of an alley or within
14 25 feet of any rear lot line that is not an alley lot line; or

15 b. An agreement between the owners of record of the abutting properties,
16 authorizing the garage in that location, is executed and recorded, pursuant to subsection
17 23.44.014.C.2.a.

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

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

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

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

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

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

15 a. Open parking space

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

19 2) The parking area shall be at least an average of 6 feet below the
20 existing grade prior to excavation and/or construction at a line that is 10 feet from the street lot
21 line; and

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

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

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

7 d. Parking in a rear yard complies with subsections 23.44.016.D.2,
8 23.44.016.D.5, and 23.44.016.D.6; and

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

11 11. Through lots. On through lots less than 125 feet in depth in SF 5000, SF 7200,
12 and SF 9600 zones, parking, either open or enclosed in an attached or detached garage, for one
13 two-axle or one up to four-wheeled vehicle may be located in one of the required front yards.
14 The front yard in which the parking may be located shall be determined by the Director based on
15 the location of other garages or parking areas on the block. If no pattern of parking location can
16 be determined, the Director shall determine in which yard the parking shall be located based on
17 the prevailing character and setback patterns of the block.

18 12. Lots with uphill yards abutting streets or downhill or through lot front yards
19 fronting on streets that prohibit parking. In SF 5000, SF 7200, and SF 9600 zones, parking for
20 two two-axle or two up to four-wheeled vehicles may be located in uphill yards abutting streets
21 or downhill or through lot front yards as provided in subsections 23.44.016.D.9, 23.44.016.D.10
22 or 23.44.016.D.11 if, in consultation with the Seattle Department of Transportation, it is found
23 that uninterrupted parking for 24 hours is prohibited on at least one side of the street within 200

1 feet of the lot line over which access is proposed. The Director may authorize a curb cut wider
2 than would be permitted under Section 23.54.030 if necessary, for access.

3 * * *

4 Section 17. Section 23.44.026 of the Seattle Municipal Code, last amended by Ordinance
5 124378, is amended as follows:

6 **23.44.026 Use of landmark structures or sites**

7 A. The Director may authorize a use not otherwise permitted in the zone as an
8 administrative conditional use within a structure or on a site designated as a landmark pursuant
9 to Chapter 25.12(~~(, Landmark preservation ordinance,))~~ subject to the following development
10 standards:

11 1. The use shall be compatible with the existing configuration of the site and with
12 the existing design and/or construction of the structure without significant alteration; and

13 2. The use shall be allowed only when it is demonstrated that uses permitted in the
14 zone are impractical because of site configuration or structure design and/or that no permitted
15 use can provide adequate financial support necessary to sustain the structure or site in a
16 reasonably good physical condition; and

17 3. The use shall not be detrimental to other properties in the zone or vicinity or to
18 the public interest.

19 B. The parking requirements for a use allowed in a landmark are those listed in Section
20 23.54.015. These requirements may be waived pursuant to (~~(Section))~~ subsection 23.54.020.C.

21 Section 18. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
22 125854, is amended as follows:

23 **23.44.041 Accessory dwelling units**

1 A. General provisions. The Director may authorize an accessory dwelling unit, and that
2 dwelling unit may be used as a residence, only under the following conditions:

3 1. Number of accessory dwelling units allowed on a lot

4 a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a
5 principal single-family dwelling unit may have up to two accessory dwelling units, provided that
6 the following conditions are met:

7 1) Only one accessory dwelling unit may be a detached accessory
8 dwelling unit; and

9 2) A second accessory dwelling unit is allowed only if((-):

10 ~~((+))~~ a) The second accessory dwelling unit is added by
11 converting floor area within an existing structure; or

12 b) For a new structure, the applicant makes a commitment
13 that the new principal structure containing an attached accessory dwelling unit or the new
14 accessory structure containing a detached accessory dwelling unit will meet a green building
15 standard and shall demonstrate compliance with that commitment, all in accordance with
16 Chapter 23.58D~~((: A second accessory dwelling unit that is proposed within an existing structure~~
17 ~~does not require the structure to be updated to meet the green building standard)); or ~~((2) if))~~~~

18 c) the second accessory dwelling unit is a rental unit
19 affordable to and reserved solely for “income-eligible households,” as defined in Section
20 23.58A.004, and is subject to an agreement specifying the affordable housing requirements under
21 this subsection approved by the Director of Housing to ensure that the housing shall serve only
22 income-eligible households for a minimum period of 50 years. The monthly rent, including basic
23 utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the

1 Director of Housing, and the housing owner shall submit a report to the Office of Housing
2 annually that documents how the affordable housing meets the terms of the recorded agreement.

3 Prior to issuance, and as a condition to issuance, of the first
4 building permit for a project, the applicant shall execute and record a declaration in a form
5 acceptable to the Director that shall commit the applicant to satisfy the conditions to establishing
6 a second accessory dwelling unit as approved by the Director.

7 b. In an RSL zone, each principal dwelling unit may have no more than
8 one accessory dwelling unit.

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

12 3. In an SF 5000, SF 7200, or SF 9600 zone, ((A))any number of related persons
13 may occupy each unit on a lot with one or more accessory dwelling units. If unrelated persons
14 occupy any dwelling unit, the total number of persons occupying all dwelling units may not
15 altogether exceed eight if there is one accessory dwelling unit on the lot. If two accessory
16 dwelling units exist on the lot, the total number of unrelated persons occupying all units may not
17 altogether exceed 12.

18 4. In RSL zones, any number of related persons may occupy each principal unit,
19 or each principal unit plus an associated accessory dwelling unit. If unrelated persons occupy
20 either unit, the total number of persons occupying the principal unit plus an associated accessory
21 dwelling unit may not altogether exceed eight.

22 5. In an SF 5000, SF 7200, or SF 9600 zone, accessory dwelling units are subject
23 to the tree requirements in subsection 23.44.020.A.2.

1 ((5))6. No off-street parking is required for accessory dwelling units. An existing
2 required parking space may not be eliminated to accommodate an accessory dwelling unit unless
3 it is replaced elsewhere on the lot.

4 * * *

5 C. Detached accessory dwelling units. Detached accessory dwelling units are subject to
6 the following additional conditions:

7 1. Detached accessory dwelling units are required to meet the additional
8 development standards set forth in Table A for 23.44.041.

Table A for 23.44.041
Development standards for detached accessory dwelling units^{1, 2}

a. Minimum lot size	3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ³
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit. The bicycle parking area shall be provided in a safe((;)) and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.

Table A for 23.44.041
Development standards for detached accessory dwelling units ^{1, 2}

g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴			
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. ^{4, 5, 6}			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits ^{7, 8, 9}	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) ¹⁰	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
l. Minimum separation from	5 feet			

Table A for 23.44.041
Development standards for detached accessory dwelling units ^{1, 2}

principal
(~~dwelling~~
~~unit~~)
structure

Footnotes to Table A for 23.44.041

¹The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

²The Director may allow an exception to standards i and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

³For 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.

⁴External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

⁵If 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.

⁶On 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.

⁷Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁸Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to ~~((row))~~ standard k if all conditions of subsection 23.44.012.C.3 are satisfied.

⁹Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

* * *

Section 19. Section 23.45.506 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.45.506 Administrative conditional uses

1 A. Uses permitted as administrative conditional uses in Section 23.45.504((c)) may be
2 permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506
3 are met.

4 B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the
5 development standards for uses permitted outright. If an existing structure is nonconforming to
6 development standards, then no conditional use is required for any alterations that do not
7 increase the nonconformity.

8 * * *

9 Section 20. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
10 125791, is amended as follows:

11 **23.45.518 Setbacks and separations**

12 * * *

13 H. Projections permitted in required setbacks and separations

14 1. Cornices, eaves, gutters, roofs, and other forms of weather protection may
15 project into required setbacks and separations a maximum of 4 feet if they are no closer than 3
16 feet to any lot line.

17 2. Garden windows and other features that do not provide floor area may project a
18 maximum of 18 inches into required setbacks and separations if they:

- 19 a. Are a minimum of 30 inches above the finished floor;
20 b. Are no more than 6 feet in height and 8 feet wide; and
21 c. Combined with bay windows and other features with floor area, make
22 up no more than 30 percent of the area of the facade.

1 3. Bay windows and other features that provide floor area may project a
2 maximum of 2 feet into required setbacks and separations if they:

- 3 a. ~~((are))~~ Are no closer than 5 feet to any lot line;
4 b. ~~((are))~~ Are no more than 10 feet in width; and
5 c. ~~((combined))~~ Combined with garden windows and other features
6 included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

7 4. Unenclosed decks up to 18 inches above existing or finished grade, whichever
8 is lower, may project into required setbacks or separations ~~((to the lot line))~~.

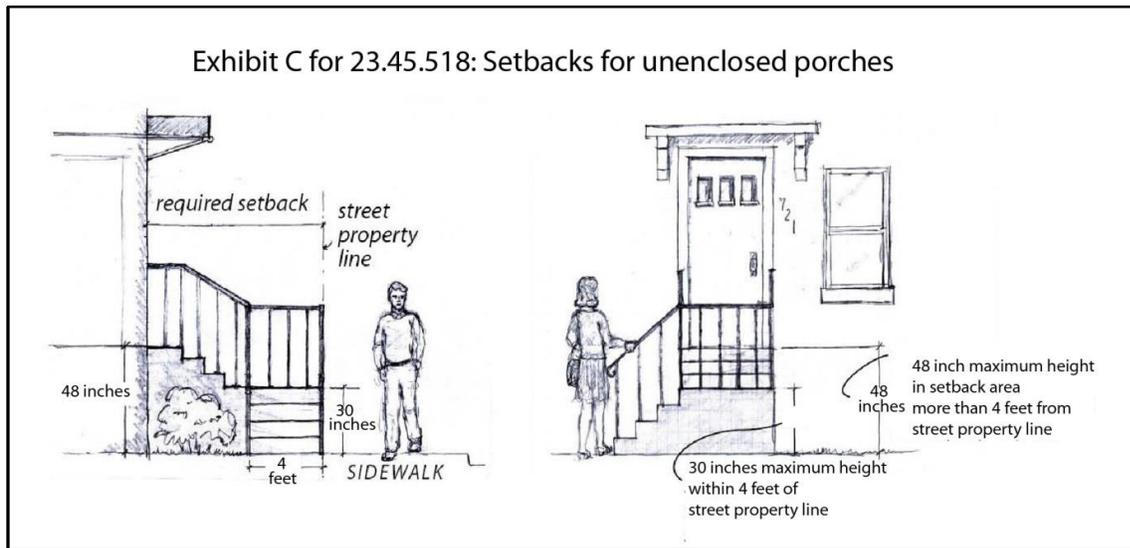
9 5. Unenclosed porches or steps

10 a. Unenclosed porches or steps no higher than 4 feet above existing grade,
11 or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4
12 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in
13 height from existing or finished grade, whichever is lower, excluding guard rails or hand rails,
14 may extend to a street lot line. See Exhibit C for 23.45.518.

15 b. Unenclosed porches or steps no higher than 4 feet above existing grade
16 may project into the required rear setback or required separation between structures a maximum
17 of 4 feet provided they are a minimum of 5 feet from a rear lot line.

18 c. Unenclosed porches or steps permitted in required setbacks and
19 separations shall be limited to a combined maximum width of 20 feet.

1 **Exhibit C for 23.45.518 Setbacks for unenclosed porches**



2
3 d. Permitted porches or steps may be covered, provided that no portions of
4 the cover-structure, including any supports, are closer than 3 feet to any lot line.

5 6. Fireplaces and chimneys may project up to 18 inches into required setbacks or
6 separations.

7 7. Unenclosed decks and balconies may project a maximum of 4 feet into required
8 setbacks if each one is:

- 9 a. No closer than 5 feet to any lot line;
10 b. No more than 20 feet wide; and
11 c. Separated from other decks and balconies on the same facade of the
12 structure by a distance equal to at least 1/2 the width of the projection.

13 8. Mechanical equipment. Heat pumps and similar mechanical equipment, not
14 including incinerators, are permitted in required setbacks if they comply with the requirements of
15 Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot

1 line. Charging devices for electric cars are considered mechanical equipment and are permitted
2 in required setbacks if not located within 3 feet of any lot line.

3 I. Structures in required setbacks or separations, except upper-level setbacks

4 * * *

5 10. Above-grade green stormwater infrastructure (GSI) features are allowed
6 without setback or separation restrictions if:

7 a. Each above-grade GSI feature is ((less)) no more than 4.5 feet tall,
8 excluding piping;

9 b. Each above-grade GSI feature is ((less)) no more than 4 feet wide; and

10 c. The total storage capacity of all above-grade GSI features is no greater
11 than 600 gallons.

12 11. Above-grade GSI features larger than what is allowed in subsection
13 23.45.518.I.10 are allowed within a required setback or separation if:

14 a. Above-grade GSI features do not exceed ten percent coverage of any
15 one setback or separation area;

16 b. No portion of an above-grade GSI feature is located closer than 2.5 feet
17 from a side lot line; and

18 c. No portion of an above-grade GSI feature projects more than 5 feet into
19 a front or rear setback area.

20 * * *

21 Section 21. Subsection 23.45.522.D of the Seattle Municipal Code, which section was
22 last amended by Ordinance 125791, is amended as follows:

23 **23.45.522 Amenity area**

* * *

D. General requirements. Required amenity areas shall meet the following conditions:

1. All units shall have access to a common or private amenity area.

2. Enclosed amenity areas

a. In LR zones, an amenity area shall not be enclosed within a structure.

b. In MR and HR zones, except for cottage housing, no more than 50 percent of the amenity area may be enclosed, and this enclosed area shall be provided as common amenity area.

3. Projections into amenity areas. Structural projections that do not provide floor area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8 feet above finished grade.

4. Private amenity areas

a. There is no minimum dimension for private amenity areas, except that if a private amenity area (~~abuts~~) is located between the structure and a side lot line that is not a side street lot line, the minimum horizontal dimension shall be measured from the side lot line and is required to be a minimum of 10 feet.

b. An unenclosed porch that is a minimum of 60 square feet in size and that faces a street or a common amenity area may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.

5. Common amenity areas for rowhouse and townhouse developments and apartments shall meet the following conditions:

a. No common amenity area shall be less than 250 square feet in area, and common amenity areas shall have a minimum horizontal dimension of 10 feet.

1 C. Solar collectors

2 1. Solar collectors that meet minimum written energy conservation standards
3 administered by the Director are permitted in required setbacks, subject to the following:

4 a. Detached solar collectors are permitted in required rear setbacks, no
5 closer than 5 feet to any other principal or accessory structure.

6 b. Detached solar collectors are permitted in required side setbacks, no
7 closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the
8 side lot line.

9 2. Sunshades that provide shade for solar collectors that meet minimum written
10 energy conservation standards administered by the Director may project into southern front or
11 rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3
12 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade
13 may be no closer than 5 feet to the lot line.

14 3. Solar collectors on roofs. Solar collectors (~~(that meet minimum written energy~~
15 ~~conservation standards administered by the Director and)) that are located on a roof are permitted
16 as follows:~~

17 a. In LR zones up to 4 feet above the maximum height limit or 4 feet
18 above the height of stair or elevator penthouse(s), whichever is higher; and

19 b. In MR and HR zones up to 10 feet above the maximum height limit or
20 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

21 c. If the solar collectors would cause an existing structure to become
22 nonconforming, or increase an existing nonconformity, the Director may permit the solar
23 collectors as a special exception pursuant to Chapter 23.76. (~~Such s~~)Solar collectors may be

1 permitted under this subsection 23.45.545.C.3.c even if the structure exceeds the height limits
2 established in this subsection 23.45.545.C.3, (~~when~~) if the following conditions are met:

3 1) There is no feasible alternative solution to placing the
4 collector(s) on the roof; and

5 2) (~~Such~~) The collector(s) are located so as to minimize view
6 blockage from surrounding properties and the shading of property to the north, while still
7 providing adequate solar access for the solar collectors.

8 * * *

9 Section 23. Section 23.47A.008 of the Seattle Municipal Code, last amended by
10 Ordinance 125791, is amended as follows:

11 **23.47A.008 Street-level development standards**

12 * * *

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

15 * * *

16 5. Maximum width and depth limits

17 a. The maximum width and depth of a structure, or of a portion of a
18 structure for which the limit is calculated separately according to subsection 23.47A.008.C.5.b, is
19 250 feet, except as otherwise provided in subsection 23.47A.008.C.5.c. Structure width may
20 exceed 250 feet if the structure complies with the modulation standards in subsection
21 23.47A.014.D.

22 b. For purposes of this subsection 23.47A.008.C.5, the width and depth
23 limits shall be calculated separately for a portion of a structure if:

1 1) There are no connections allowing direct access, such as
2 hallways, bridges, or stairways, between that portion of a structure and other portions of a
3 structure; or

4 2) The only connections between that portion of a structure and
5 other portions of a structure are in stories, or portions of ((~~Ⓐ~~)) stories, that are underground or
6 extend no more than 4 feet above the sidewalk, measured at any point above the sidewalk
7 elevation to the floor above the partially below-grade story, excluding access.

8 c. For purposes of this subsection 23.47A.008.C.5, the following portions
9 of a structure shall not be included in measuring width and depth:

10 1) Designated Landmark structures that are retained on the lot.

11 2) Stories of a structure on which more than 50 percent of the total
12 gross floor area is occupied by any of the following uses:

13 a) Arts facilities;

14 b) Community clubs or community centers;

15 c) Child care centers;

16 d) Elementary or secondary schools;

17 e) Performing arts theaters; or

18 f) Religious facilities.

19 * * *

20 D. Where residential uses are located along a street-level street-facing facade, the
21 following requirements apply unless exempted by subsection 23.47A.008.G:

22 1. At least one of the street-level, street-facing facades containing a residential use
23 shall have a visually prominent pedestrian entry; and

1 located above the structural roof surface may exceed the maximum height limit by up to 2 feet if
2 enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2. Rooftop decks
3 and other similar features may exceed the maximum height limit by up to two feet, and open
4 railings or parapets required by the Building Code around the perimeter of rooftop decks or other
5 similar features may exceed the maximum height limit by the minimum necessary to meet
6 Building Code requirements.

7 * * *

8 Section 25. Subsection 23.47A.013.B of the Seattle Municipal Code, which section was
9 last amended by Ordinance 125791, is amended as follows:

10 **23.47A.013 Floor area ratio**

11 * * *

12 B. The following gross floor area is not counted toward FAR:

- 13 1. All stories, or portions of stories, that are underground;
- 14 2. All portions of a story that extend no more than 4 feet above existing or
15 finished grade, whichever is lower, excluding access;
- 16 3. Gross floor area of a transit station, including all floor area open to the general
17 public during normal hours of station operation but excluding retail or service establishments to
18 which public access is limited to customers or clients, even where such establishments are
19 primarily intended to serve transit riders;
- 20 4. On a lot containing a peat settlement-prone environmentally critical area,
21 above-grade parking within or covered by a structure or portion of a structure, if the Director
22 finds that locating a story of parking below grade is infeasible due to physical site conditions
23 such as a high water table, if either:

1 a. The above-grade parking extends no more than 6 feet above existing or
2 finished grade and no more than 3 feet above the highest existing or finished grade along the
3 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
4 pursuant to subsection 23.47A.012.A.3; or

5 b. All of the following conditions are met:

- 6 1) No above-grade parking is exempted by subsection
7 23.47A.013.B.4.a;
- 8 2) The parking is accessory to a residential use on the lot;
- 9 3) Total parking on the lot does not exceed one space for each
10 residential dwelling unit plus the number of spaces required for non-residential uses; and
- 11 4) The amount of gross floor area exempted by this subsection
12 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
13 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
14 greater; and

15 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
16 and 23.47A.012.C.6;

17 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

18 ~~((and))~~

19 7. The floor area of required bicycle parking for small efficiency dwelling units or
20 congregate residence sleeping rooms, if the bicycle parking is located within the structure
21 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
22 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
23 limits((-) ; and

1 2. A Major Phased Development component shall not be approved unless the
2 Director concludes that anticipated environmental impacts, such as traffic, open space, shadows,
3 construction impacts and air quality, are not significant or can be effectively monitored and
4 conditions imposed to mitigate impacts over the extended life of the permit.

5 3. Expiration or renewal of a permit for the first phase of a Major Phased
6 Development is subject to the provisions of Chapter 23.76. The Director shall determine the
7 expiration date of a permit for subsequent phases of the Major Phased Development through the
8 analysis provided for above; such expiration shall be no later than 15 years from the date of
9 issuance.

10 C. Changes to the approved Major Phased Development

11 1. When an amendment to a Master Use Permit with a Major Phased
12 Development component is requested, the Director shall determine whether the amendment is
13 minor or not.

14 a. A minor amendment is one that meets the following criteria:

15 1) Substantial compliance with the approved site plan and
16 conditions imposed in the existing Master Use Permit with the Major Phased Development
17 component with no substantial change in the mix of uses and no major departure from the bulk
18 and scale of structures originally proposed; and

19 2) Compliance with applicable requirements of this Title 23 in
20 effect at the time of the original Master Use Permit approval; and

21 3) No significantly greater impact would occur.

1 2. If the Director determines that the amendment is minor, the Director may
2 approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the
3 original approval shall be retained.

4 3. If the Director determines that the amendment is not minor, the applicant may
5 either continue under the existing Major Phased Development approval or may submit a revised
6 Major Phased Development application. The revised application shall be the subject of a Type II
7 decision. Only the portion of the site affected by the revision shall be subject to regulations in
8 effect on the date of the revised Major Phased Development application, notwithstanding any
9 provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the
10 portion of the site affected by the revision.

11 Section 28. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
12 125603, is amended as follows:

13 **23.48.020 Floor area ratio (FAR)**

14 A. General provisions

15 1. All gross floor area not exempt under subsection 23.48.020.~~((D))~~B counts
16 toward the gross floor area allowed under the FAR limits.

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

19 3. If a lot is in more than one zone, the FAR limit for each zone applies to the
20 portion of the lot located in that zone.

21 B. Floor area exempt from FAR calculations. The following floor area is exempt from
22 maximum FAR calculations:

23 1. All underground stories or portions of stories.

1 exempt floor area above the base FAR is considered extra floor area. Extra floor area may be
2 obtained, up to the maximum FAR, only through the provision of public amenities according to
3 Section 23.48.021 and Chapter 23.58A.

Table A for 23.48.220
FAR limits for specified zones in South Lake Union Urban Center

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

Footnotes to Table A for 23.48.220

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

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

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

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

4

Table B for 23.48.220
FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones

Zone	FAR limits for all uses	
	Base FAR	Maximum FAR
SM-SLU/R 65/95	Not applicable	Not applicable
SM-SLU 100/95	4.5	6.75
SM-SLU 145	5	9.5 ¹

Footnote to Table B for 23.48.220

¹ The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

* * *

Section 31. Subsection 23.48.225.A of the Seattle Municipal Code, which section was last amended by Ordinance 125927, is amended as follows:

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

1. In zones listed below in this subsection 23.48.225.A.1, 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. Except as stated in Section 23.48.025, the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A (~~and if the~~

1 ~~structure complies with the standards for tower development specified in Section 23.48.240~~
2 ~~(Street level development standards in South Lake Union Urban Center) and Section 23.48.245~~
3 ~~(Upper level development standards in South Lake Union Urban Center))):~~

4 SM-SLU 100/65-145

5 SM-SLU 85/65-160

6 SM-SLU 175/85-280

7 SM-SLU 240/125-440

8 2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
9 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
10 above 85 feet in height and is subject to the same provisions as residential use exceeding the base
11 height limit for residential use, provided that all development standards that apply to a residential
12 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
13 residential floor area.

14 3. In the SM-SLU 85-280 zone, except as stated in subsections 23.48.225.C and
15 23.48.225.F, the base height limit is the applicable height limit for portions of a structure if the
16 structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and
17 the maximum residential height limit is the height limit for portions of a structure in residential
18 use if the structure includes extra residential floor area under the provisions of Chapter 23.58A,
19 and if the structure complies with the standards for residential tower development in this Chapter
20 23.48.

21 4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in
22 non-residential or live-work use is 100 feet and the maximum height limit for portions of a
23 structure in residential use is 95 feet.

1 1. Floor area limit for structures or portions of structures occupied by non-
2 residential uses:

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

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

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

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

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

21 d. For structures or portions of structures with non-residential uses that
22 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of
23 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the

1 structure above the specified podium height indicated for the lot on Map A for 23.48.245,
2 excluding rooftop features or stories with rooftop features that are otherwise permitted above the
3 height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor
4 area of 24,000 square feet per story, except that the average gross floor area for stories above the
5 specified podium height is 30,000 square feet for structures on a lot that meets the following
6 conditions:

- 7 1) The lot has a minimum area of 60,000 square feet; and
- 8 2) The lot includes an existing open space or a qualifying
9 Landmark structure and is permitted an additional increment of FAR above the base FAR, as
10 permitted in subsection (~~(23.48.020.A.3)~~) 23.48.220.A.3.

11 2. Floor area limit for residential towers. For a structure with residential use that
12 exceeds the base height limit established for residential uses in the zone under subsection
13 23.48.225.A.1, the following maximum gross floor area limit applies:

14 a. For a structure that does not exceed a height of 160 feet, excluding
15 rooftop features or stories with rooftop features that are otherwise permitted above the height
16 limit under the provisions of subsection 23.48.025.C, the gross floor area for stories with
17 residential use that extend above the podium height indicated for the lot on Map A for 23.48.245
18 shall not exceed 12,500 square feet for each story, or the floor size established by the upper-level
19 floor area limit in subsection 23.48.245.A, whichever is less.

20 b. For a structure that exceeds a height of 160 feet, the following limits
21 apply:

- 22 1) The average gross floor area for all stories with residential use
23 that extend above the podium height indicated for the lot on Map A for 23.48.245, and extending

1 measured from the grade elevation at the street lot line. In the SM-SLU 85/65-160 and the SM-
2 175/85-280 zones on the blocks bounded by Valley Street or Roy Street, Mercer Street, ((9th))
3 Dexter Avenue North, and Fairview Avenue North, the line on Map A for 23.48.245 demarcating
4 the different podium heights within these blocks is located 120 feet north of the northerly line of
5 Mercer Street.

6 b. Podium floor area limits. For the podiums of structures with residential
7 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1
8 ~~((and for structures with non residential uses that exceed a height of 85 feet,))~~ the average gross
9 floor area ~~((coverage of required lot area, pursuant to subsection 23.48.245.A,))~~ for all the stories
10 below the podium height specified on Map A for 23.48.245((;)) shall not exceed 75 percent of
11 the lot area required for residential tower development, except that floor area is not limited for
12 each story if the total number of stories below the podium height is three or fewer stories, or if
13 the conditions in subsection 23.48.245.B.4.c apply.

14 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does not
15 apply if a lot includes one of the following:

16 1) Usable open space that meets the provisions of subsection
17 23.48.240.F; or

18 2) A structure that has been in existence prior to 1965 and the
19 following conditions are met:

20 a) The structure is rehabilitated and maintained to comply
21 with applicable codes and shall have a minimum useful life of at least 50 years from the time that
22 it was included on the lot with the project allowed to waive the podium area limit;

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1 b) The owner agrees that the structure shall not be
2 significantly altered for at least 50 years from the time that it was included on the lot with the
3 project allowed to waive the podium area limit. Significant alteration means the following:

4 i. Alteration of the exterior facades of the structure,
5 except alterations that restore the facades to their original condition;

6 ii. Alteration of the floor-to-ceiling height of the
7 street-level story, except alterations that restore the floor-to-ceiling height to its original
8 condition; or

9 iii. The addition of stories to the structure, unless
10 the proposed addition is no taller than the maximum height to which the structure was originally
11 built, or the addition is approved through the design review process as compatible with the
12 original character of the structure and is necessary for adapting the structure to new uses; or

13 c) If the structure is removed from the lot, then any use of
14 the portion of the lot previously occupied by the structure shall be limited to usable open space.

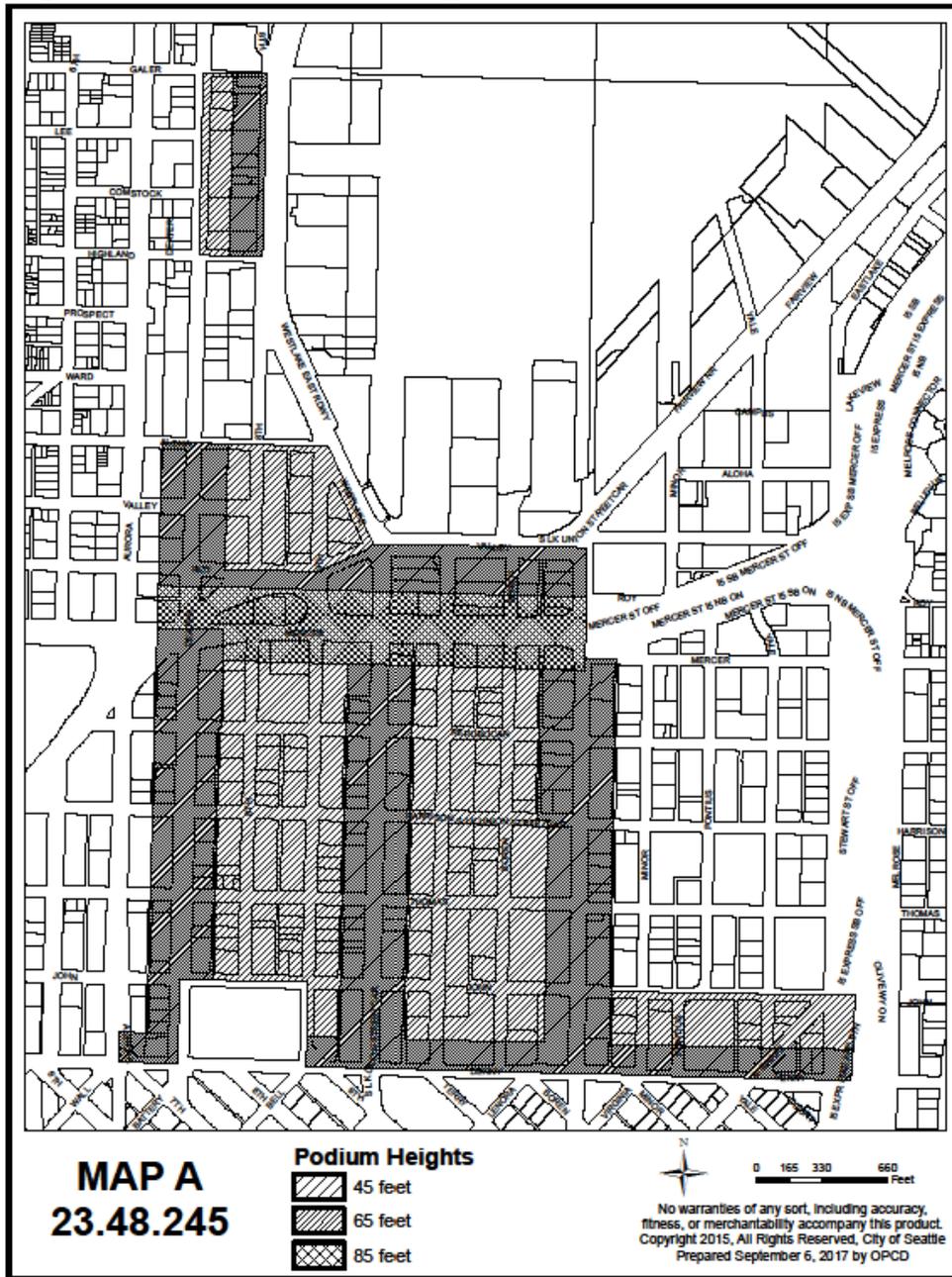
15 The portion of the lot previously occupied by the structure shall be defined by a rectangle
16 enclosing the exterior walls of the structure as they existed at the time it was included on the lot
17 with the project allowed to waive the podium area limit, with the rectangle extended to the
18 nearest street frontage.

19 d. Additional height for podiums abutting Class 1 Pedestrian Streets.
20 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.240
21 may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided that floor-
22 to-ceiling clearance at the ground floor is at least 15 feet.

1 5. Aerial connections. Structures that use an additional increment of floor area
2 provided in subsection 23.48.220.B.3.b may be connected by up to three aerial connections. The
3 combined floor area in all aerial connections may not exceed 2,130 square feet and no one aerial
4 connection may exceed 805 square feet. The floor area of aerial connections does not count
5 toward the floor area limits of subsections 23.48.245.B.1 or 23.48.245.B.2. For purposes of this
6 subsection 23.48.245.B.5, "aerial connections" are enclosed connections between structures that
7 are located on the same block and that do not cross above public right-of-way.

Draft Substitute

1 **Map A for 23.48.245 Podium Heights**



2

3

C. Upper-level setbacks

4

1. The following requirements for upper-level setbacks in this subsection

5

23.48.245.C.1 apply to development that meets the following conditions:

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

3 b. For lots in the SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-
4 280, and SM-SLU 240/125-440 zones located within the South Lake Union Urban Center, the
5 development includes a tower structure with residential uses exceeding the base height limit
6 established for residential uses in the zone under subsection 23.48.225.A.1, or includes a
7 structure with non-residential uses that exceed a height of ~~((85))~~ 95 feet.

8 2. The required upper-level setbacks for development specified in subsection
9 23.48.245.C.1 shall be provided as follows:

10 a. For portions of a structure facing the applicable street, the maximum
11 height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

12 b. For portions of a structure exceeding the maximum height above which
13 a setback is required, the minimum depth of the setback, measured from the abutting applicable
14 street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245
Required upper-level setbacks for development meeting the conditions of subsection
23.48.245.C

Column 1: Location of lot	Column 2: Height above which setback is required (in feet)	Column 3: Minimum depth of setback from applicable street lot line (in feet)
Thomas Street, south side, between Aurora Ave N to 8 th Ave N	45	50
Thomas Street, south side, between 8 th Ave N and 9 th Ave N	45	40

Table A for 23.48.245
Required upper-level setbacks for development meeting the conditions of subsection 23.48.245.C

Thomas Street, south side, between 9 th Ave N and alley between Fairview Ave N and Minor Ave N	45	30
John Street, north side, between Aurora Ave N and 9 th Ave N	45	30
John Street, north side, between 9 th Ave N and Boren Ave N	45	15
John Street, south side, between Aurora Ave N and Minor Ave N	45	30
Boren Ave N, both sides, between Mercer Street and John Street	65 ¹	10 ¹
Fairview Ave N, west side, between Mercer Street and John Street	65	10
Fairview Ave N, east side, between Mercer Street to John Street	65	10

Footnotes to Table A for 23.48.245

¹On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

* * *

F. Limit on towers per block or block front

1. For purposes of this subsection 23.48.245.F and subsection 23.48.245.G, a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

1 a. The tower is physically present, except that a tower that is physically
2 present is not considered "existing" if the owner of the lot where the tower is located has applied
3 to the Director for a permit to demolish the tower and provided that no building permit for the
4 proposed tower is issued until the demolition of the tower that is physically present has been
5 completed;

6 b. The tower is a proposed tower for which a complete application for a
7 Master Use Permit or building permit has been submitted, provided that:

8 1) ~~((the))~~ The application has not been withdrawn or cancelled
9 without the tower having been constructed; and

10 2) ~~((#))~~ If a decision on that application has been published or a
11 permit on the application has been issued, the decision or permit has not expired, and has not
12 been withdrawn, cancelled, or invalidated, without the tower having been constructed.

13 c. The tower is a proposed tower for which a complete application for
14 early design guidance has been filed and a complete application for a Master Use Permit or
15 building permit has not been submitted, provided that the early design guidance application will
16 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
17 not submitted within 90 days of the date of the early design guidance public meeting if one is
18 required, or within 90 days of the date the Director provides guidance if no early design meeting
19 is required, or within 150 days of the first early design guidance public meeting if more than one
20 early design guidance public meeting is held.

21 2. Only one residential tower, or one tower with non-residential uses exceeding 85
22 feet in height, is permitted on a single block front, except as modified by subsections
23 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

1 3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one
2 non-residential tower structure with a hotel use meeting residential development standards is
3 permitted per block.

4 4. In the SM-SLU 100/65-145 zone, more than one residential tower is permitted
5 on a block front if the lot area is 30,000 square feet or more.

6 5. Only one tower with non-residential uses exceeding 85 feet in height is
7 permitted on a block, unless the tower meets the requirements of Section 23.48.230 or unless all
8 of the following conditions apply:

9 a. The tower is on a lot with a minimum area of 60,000 square feet. The
10 area of one or more lots, separated only by an alley, may be combined for the purposes of
11 calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot
12 area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of
13 acquisition of right-of-way by the City;

14 b. A minimum separation of 60 feet is provided between all portions of
15 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If
16 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted;

17 c. A minimum of 15 percent of the lot area is provided as landscaped open
18 space at ground level, allowing for some area to be provided above grade to adapt to topographic
19 conditions, provided that such open space is accessible to people with disabilities. The required
20 open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one
21 continuous area;

22 d. A pedestrian connection meeting the development standards of
23 subsection 23.48.240.H for through-block pedestrian connections for large lot developments is

1 provided through the lot to connect the north/south avenues abutting the lot. If the lot abuts an
2 avenue that has been vacated, the connection shall be to an easement providing public access
3 along the original alignment of the avenue. In addition, if the slope of the lot between the
4 north/south avenues exceeds a slope of ten percent, a hillclimb shall be provided;

5 e. The application of the provisions in this subsection 23.48.245.F.5 shall
6 not result in more than two structures on a block with either non-residential uses above 85 feet in
7 height or with residential use above the base height limit for residential use, except as allowed by
8 subsection 23.48.245.F.5.f;

9 f. ~~((For lots that, as a result of a street vacation, exceed 150,000 square
10 feet, the Director shall, as a Type I decision, determine the permitted number of structures with
11 non-residential uses above 85 feet in height or with residential use above the base height limit,
12 based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions existing prior
13 to the street vacation))~~ The block front on the east side of Terry Avenue North between Denny
14 Way and Thomas Street shall be treated as two block fronts, separated by the location of John
15 Street, if extended between Boren Avenue North and Terry Avenue North;

16 g. The Director shall make a determination of project impacts on the need
17 for pedestrian and bike facilities and complete a voluntary agreement between the property
18 owner and the City to mitigate impacts, if any. The Director may consider the following as
19 impact mitigation:

20 1) Pedestrian walkways on a lot, including through-block
21 connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting
22 structures to each other and abutting streets;

1 provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in
2 subsection 23.58A.042.F.3.

3 Section 34. Section 23.48.724 of the Seattle Municipal Code, enacted by Ordinance
4 125432, is amended as follows:

5 **23.48.724 Extra floor area for open space amenities in SM-UP 160 zone**

6 A. In the SM-UP 160 zone, extra floor area may be gained above the base FAR specified
7 for the zone in Section 23.48.720 in projects that provide open space amenities in accordance
8 with Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this
9 Section 23.48.724.

10 B. Projects that include the following open space amenities are eligible for extra floor
11 area as specified in Section 23.48.722:

12 1. Green street improvements on designated Neighborhood Green Streets shown
13 on Map A for 23.48.740;

14 2. Green street setbacks on lots abutting a designated Neighborhood Green Street
15 shown on Map A for 23.48.740; ~~((and))~~

16 3. Mid-block corridor((-)) ; and

17 4. Neighborhood open space.

18 C. To be eligible for a floor area bonus, open space amenities shall comply with the
19 applicable development standards and conditions specified in Section 23.58A.040, except that
20 for a mid-block corridor the provisions of subsection 23.48.740.C.2 apply in addition to the
21 conditions of Section 23.58A.040.

22 Section 35. Section 23.48.740 of the Seattle Municipal Code, adopted by Ordinance
23 125432, is amended as follows:

1 **23.48.740 Street-level development standards in SM-UP zones**

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

3 In addition, the following requirements apply:

4 A. Street-level facade requirements; setbacks from street lot lines

5 Street-facing facades of a structure (~~are must~~) shall be built to the lot line except as
6 follows:

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

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

16 * * *

17 3. For streets designated as Class II and Class III Pedestrian Streets and Green
18 Streets as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the
19 street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to
20 the following (as shown on Exhibit B for 23.48.740):

21 a. The setback area shall be landscaped according to the provisions of
22 subsection 23.48.055.A.~~((2))~~3;

1 subsection 23.49.008.B shall not be combined with any other height exception for screening or
2 rooftop features to gain additional height.

3 * * *

4 Section 37. Subsection 23.49.011.B of the Seattle Municipal Code, which section was
5 last amended by Ordinance 125603, is amended as follows:

6 **23.49.011 Floor area ratio**

7 * * *

8 B. Exemptions and deductions from FAR calculations

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

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

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

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

21 2) The exempt space extends a minimum depth of 15 feet from the
22 street-level, street-facing facade; ~~(and)~~

1 3) Overhead weather protection is provided satisfying Section
2 23.49.018; and

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

7 * * *

8 Section 38. Subsection 23.49.014.A of the Seattle Municipal Code, which section was
9 last amended by Ordinance 125371, is amended as follows:

10 **23.49.014 Transfer of development rights**

11 A. General standards

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

- 14 a. Housing TDR;
- 15 b. DMC housing TDR;
- 16 c. Landmark housing TDR;
- 17 d. Landmark TDR;
- 18 e. Open space TDR; and
- 19 f. South Downtown Historic TDR.

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

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

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

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this Section 23.49.014.

Table A for 23.49.014
Permitted use of TDR

Zones ¹	Types of TDR					
	Within-block TDR	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ⁽²⁾	S, R ⁽²⁾	X	S, R ⁽²⁾	S, R ⁽²⁾	R
DMC 340/290-440	S, R	S, R	S	S, R	S, R	R
DMC 145 and DMC 240/290-440	S ⁽²⁾ ₂	S, R	S, R	S, R	S, R	R
DMC 170	X	S, R	S, R	S, R	S, R	R
DMC 95 and DH2	X	S, R	X	S, R	S, R	R

Table A for 23.49.014
Permitted use of TDR

DMC 75 and DMC 85/75- 170	X	S	X	S	S	R
DMR	X	S, R ⁽⁴⁾ ₂	X	S, R ⁽⁴⁾ ₂	S, R ⁽⁴⁾ ₂	R ⁽⁴⁾ ₂
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁽⁵⁾ ₄	S
IDM	X	S, R	X	X	S, R ⁽⁵⁾ ₄	S, R
PSM	X	S	X	X	S ⁽⁵⁾ ₄	S, R

S = Eligible sending lot.

R = Eligible receiving lot.

X = Not permitted.

Footnotes to Table A for 23.49.014:

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

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

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

⁽⁴⁾₂Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

⁽⁵⁾₄Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

1

* * *

2

D. Transfer of development rights deeds and agreements

3

1. The fee owners of the sending lot shall execute a deed, shall obtain the release

4

of the TDR from all liens of record, and shall obtain the written consent of all holders of

1 encumbrances on the sending lot other than easements and restrictions, unless the requirement for
2 a release or consent is waived by the Director for good cause. The deed shall be recorded in the
3 King County real property records. If TDR are conveyed to the owner of a receiving lot described
4 in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument
5 conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure
6 using such TDR shall have been permitted or built prior to any conveyance of the receiving lot.
7 Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the
8 written consent of all parties holding any interest in or lien on the receiving lot from which the
9 conveyance is made. If the TDR are transferred other than directly from the sending lot to the
10 receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by
11 deed, duly executed, acknowledged and recorded, each referring by King County recording
12 number to the prior deed. Any deed conveying any South Downtown Historic TDR from the
13 sending lot shall include a sworn certification by the grantor to the effect that one or more
14 structures on the sending lot have been finally determined to be contributing structures pursuant
15 to Section 23.66.032, and that since the date of such determination there have been no material
16 changes to any contributing structure on the sending lot, except pursuant to a certificate of approval
17 specifically stating that the authorized change will not affect the status of the structure as a
18 contributing structure. Any false certification by the grantor in a deed under this subsection
19 23.49.014.D.1 is a violation of this Title 23.

20 2. Any person may purchase any TDR that are eligible for transfer by complying
21 with the applicable provisions of this Section 23.49.014, whether or not the purchaser is then an
22 applicant for a permit to develop downtown real property. Any purchaser of such TDR (including
23 any successor or assignee) may use such TDR to obtain chargeable floor area above the applicable

1 base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code
2 provisions in effect on the date of building permit issuance or vesting, under applicable law, of
3 such person's rights with respect to the issuance of permits for development of the project intended
4 to use such TDR. The Director may require, as a condition of processing any permit application
5 using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot,
6 that the owner of the receiving lot demonstrate that the TDR have been validly transferred of
7 record to the receiving lot, and that such owner has recorded in the real estate records a notice of
8 the filing of such permit application, stating that such TDR are not available for retransfer.

9 3. For transfers of housing TDR, Landmark housing TDR, or DMC housing
10 TDR, the owner of the sending lot shall execute and record an agreement, with the written consent
11 of all holders of encumbrances on the sending lot, unless such consent is waived by the Director
12 of Housing for good cause, to provide for the maintenance of the required housing on the sending
13 lot for a minimum of 50 years. Such agreement shall commit to limits on rent and occupancy,
14 consistent with the definition of housing TDR site, Landmark housing TDR site, or DMC housing
15 TDR site, as applicable, and acceptable to the Director of Housing.

16 4. For transfers of Landmark TDR or Landmark housing TDR, the owner of the
17 sending lot shall execute and record an agreement in form and content acceptable to the Landmarks
18 Preservation Board providing for the rehabilitation and maintenance of the historically significant
19 features of the structure or structures on the lot.

20 5. For transfers of South Downtown Historic TDR, the owner of the sending lot
21 shall execute and record an agreement in form and content acceptable to the Director of
22 Neighborhoods in consultation with the International Special Review District Board or the Pioneer

1 Square Preservation Board providing for the rehabilitation and maintenance of historically or
2 architecturally significant features of a contributing structure or structures on the lot.

3 6. A deed conveying TDR may require or permit the return of the TDR to the
4 sending lot under specified conditions, but notwithstanding any such provisions:

5 a. The transfer of TDR to a receiving lot shall remain effective so long as
6 any portion of any structure for which a permit was issued based upon such transfer remains on
7 the receiving lot; and

8 b. The City shall not be required to recognize any return of TDR unless
9 it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded
10 instruments conveying any interest in the TDR back to the sending lot and any lien holders have
11 released any liens thereon.

12 7. Any agreement governing the use or development of the sending lot shall
13 provide that its covenants or conditions shall run with the land and shall be specifically enforceable
14 by The City of Seattle.

15 * * *

16 Section 39. Section 23.49.056 of the Seattle Municipal Code, last amended by Ordinance
17 125173, is amended as follows:

18 **23.49.056 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
19 **Downtown Mixed Commercial (DMC) street facade, landscaping, and street setback**
20 **requirements**

21 Standards are established in this Section 23.49.056 for DOC1, DOC2, and DMC zones, for the
22 following elements:

- 1 Minimum facade heights,
- 2 Setback limits,
- 3 Facade transparency,
- 4 Blank facade limits,
- 5 Street trees, and
- 6 Setback and landscaping requirements in the Denny Triangle.

7 These standards apply to each lot line that abuts a street designated on Map 1F or another map
8 identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space
9 TDR sites, and apply along other lot lines and to circumstances as expressly stated in this Section
10 23.49.056. The standards for each street frontage shall vary according to the pedestrian
11 classification of the street on Map 1F or another map identified in a note to Map 1F and to the
12 property line facades (~~are~~) as required by Map 1H. Standards for street landscaping and setback
13 requirements in subsection 23.49.056.F also apply along lot lines abutting streets in the Denny
14 Triangle, as shown on Map A for 23.49.056.

15 * * *

16 B. Facade setback limits

17 1. Setback limits for property line facades. The following setback limits apply to
18 all streets designated on Map 1H as requiring property line facades, except as specified in
19 subsection 23.49.056.B.1.d.

20 * * *

21 d. In the DMC (~~(160)~~) 170 zone, on lots that abut Alaskan Way, as an
22 alternative to the standards for required property line facades in subsections 23.49.056.B.1.a,
23 23.49.056.B.1.b, and 23.49.056.B.1.c, a continuous setback of up to 16 feet from the lot line

1 abutting Alaskan Way is allowed for the street-facing facade. If the alternative setback allowed
2 by this subsection 23.49.056.B.1.d is provided, the setback area shall be used for outdoor uses
3 related to abutting street-level uses, for landscaped open space, for a partially above-grade story
4 that meets the conditions of subsection 23.49.011.B.1.u, or to widen the abutting sidewalk for
5 pedestrian use.

6 * * *

7 Section 40. Section 23.49.166 of the Seattle Municipal Code, last amended by Ordinance
8 123589, is amended as follows:

9 **23.49.166 Downtown Mixed Residential, side setback, and green street setback**
10 **requirements**

11 A. Side (~~(Setbacks-))~~ setback

12 1. In DMR zones outside South Downtown, except in DMR/R (~~((85/65))~~) 95/65
13 zones, setbacks are required from side lot lines that are not street lot lines as established in Table
14 A for 23.49.166. The setback requirement applies to all portions of the structure above a height
15 of 65 feet. The amount of the setback requirement is determined by the length of the frontage of
16 the lot on an avenue:

17 **Table A for 23.49.166**
18 **Required Side Setbacks Above 65 Feet, DMR Zones Outside South Downtown**
19 **Except DMR/R (~~((85/65))~~) 95/65 Zones**

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
Greater than 120 feet up to 180 feet	20 feet
Greater than 180 feet	40 feet

20 2. In DMR zones within South Downtown, setbacks of 10 feet are required from
21 side lot lines that are not street lot lines, for portions of structures above a height of 65 feet.

1 B. Green (~~(Street Setbacks)~~) street setbacks. In DMR zones outside South Downtown,
2 except in DMR/R (~~(85/65)~~) 95/65 zones, a setback is required from the street lot line abutting a
3 green street designated on Map 1B. The setback shall be as follows:

4 1. Ten feet for portions of structures above 65 feet in height to a maximum of 85
5 feet; and

6 2. For each portion of a structure above 85 feet in height, an additional setback is
7 required at a rate of one foot of setback for every five feet that the height of such portion exceeds
8 85 feet.

9 C. Green (~~(Street Setbacks)~~) street setbacks in South Downtown. In DMR zones in South
10 Downtown, a setback from the street lot line is required on designated green streets for buildings
11 greater than 65 feet in height. The required setback is determined by Table (~~(€)~~) B for 23.49.166:

12 **Table (~~(€)~~) B for 23.49.166**

13 **Required Setbacks on Designated Green Streets For Buildings Greater Than 65 Feet in**
14 **Height in DMR Zones in South Downtown**

Height of Portion of Structure	Required Setback in Feet
Greater than 45 feet up to 85 feet	10
Greater than 85 feet up to 150 feet	15

15
16 Section 41. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance
17 125757, is amended as follows:

18 **23.52.008 Applicability of this Subchapter II**

19 A. Applicability. The requirements of this Subchapter II apply to proposed new
20 development as described in Table A for 23.52.008. Development located within an urban center
21 or urban village that is subject to SEPA environmental review per Chapter 25.05 is exempt from
22 this Subchapter II of Chapter 23.52.

**Table A for 23.52.008
Development Location and Thresholds**

Development location	Number of dwelling units	Gross square feet of non-residential uses ¹ when located in a mixed-use development ²
Urban centers, other than the Downtown Urban Center	31 to 200	Greater than 12,000 up to 30,000
Downtown Urban Center	81 to 250	Greater than 12,000 up to 30,000
<u>Urban villages</u>	<u>31 to 200</u>	<u>Greater than 12,000 up to 30,000</u>
Outside urban centers <u>and</u> <u>urban villages</u>	NA	NA

NA: Not applicable

Footnotes to Table A for 23.52.008:

¹Not including gross floor area dedicated to accessory parking.

²The mixed-use development must contain at least one dwelling unit.

* * *

Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.54.015 Required parking and maximum parking limits

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an enclosed structure, or as otherwise specified.

Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020((;

1 ~~Parking quantity exceptions,))~~ unless otherwise specified. This Chapter 23.54 does not apply to
2 parking for construction activity, which is regulated by Section 23.42.044.

3 * * *

4 D. Parking waivers for non-residential uses

5 1. In all commercial zones (~~and in pedestrian designated zones~~), no parking is
6 required for the first 1,500 square feet of each business establishment or the first 15 fixed seats
7 for motion picture and performing arts theaters.

8 2. In all other zones, no parking is required for the first 2,500 square feet of gross
9 floor area of non-residential uses in a structure, except for the following:

- 10 a. (~~structures~~) Structures or portions of structures occupied by restaurants
11 with drive-in lanes,
12 b. (~~motion~~) Motion picture theaters,
13 c. (~~offices~~) Offices, or
14 d. (~~institution~~) Institution uses, including Major Institution uses.

15 When two or more uses with different parking ratios occupy a structure, the 2,500 square
16 foot waiver is prorated based on the area occupied by the non-residential uses for which the
17 parking waiver is permitted.

18 * * *

19 K. Bicycle parking. The minimum number of (~~off-street~~) parking spaces for bicycles
20 required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles
21 shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for
22 bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015,
23 one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle

1 parking is required, except single-family residential use is exempt from bicycle parking
2 requirements. The minimum requirements are based upon gross floor area of the use in a
3 structure minus gross floor area in parking uses, or the square footage of the use when located
4 outside of an enclosed structure, or as otherwise specified.

5 1. Rounding. For long-term bicycle parking, calculation of the minimum
6 requirement shall round up the result to the nearest whole number. For short-term bicycle
7 parking, calculation of the minimum requirement shall round up the result to the nearest whole
8 even number.

9 2. Performance standards. Provide bicycle parking in a highly visible, safe, and
10 convenient location, emphasizing user convenience and theft deterrence, based on rules
11 promulgated by the Director of the Seattle Department of Transportation that address the
12 considerations in this subsection 23.54.015.K.2.

13 a. Provide secure locations and arrangements of long-term bicycle
14 parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking
15 should be installed in a manner that avoids creating conflicts with automobile accesses and
16 driveways.

17 b. ~~((Provide))~~ For a garage with bicycle parking and motor vehicle parking
18 for more than two dwelling units, provide pedestrian and bicycle access to long-term bicycle
19 parking that is separate from other vehicular entry and egress points or uses the same entry or
20 egress point but has a marked walkway for pedestrians and bicyclists.

21 c. Provide adequate lighting in the bicycle parking area and access routes
22 to it.

1 d. If short-term bicycle parking facilities are not clearly visible from the
2 street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate
3 amounts and in highly visible (~~(indoor and outdoor)~~) locations in a manner that promotes easy
4 wayfinding for bicyclists. (~~(Wayfinding signage shall be visible from adjacent on-street bicycle~~
5 ~~facilities.)~~)

6 e. Provide signage to long-term bicycle parking that is oriented to building
7 users.

8 (~~(e.)~~) f. Long-term bicycle parking shall be located where bicyclists are
9 not required to carry bicycles on interior stairs to access the parking.

10 (~~(f.)~~) g. Where practicable, long-term bicycle parking shall include a
11 variety of rack types to accommodate different types of bicycles.

12 (~~(g.)~~) h. Install bicycle parking hardware so that it can perform to its
13 manufacturer's specifications and any design criteria promulgated by the Director of the Seattle
14 Department of Transportation, allowing adequate clearance for bicycles and their riders.

15 (~~(h.)~~) i. Provide full weather protection for all required long-term bicycle
16 parking.

17 3. Location of bicycle parking

18 a. ((Bicycle)) Long-term bicycle parking required for residential uses shall
19 be located on-site except as provided in subsection 23.54.015.K.3.c.

20 b. Short-term bicycle parking may be provided on the lot or in an adjacent
21 right-of-way, subject to approval by the Director of the Seattle Department of Transportation, or
22 as provided in subsection 23.54.015.K.3.c.

1 c. Both long term and short-term bicycle parking for residential uses may
2 be provided off-site if within 600 feet of the residential use to which the bicycle parking is
3 accessory and if the site of the bicycle parking is functionally interrelated to the site of the
4 residential use to which the bicycle parking is accessory, such as within a unit lot subdivision or
5 if the sites are connected by access easements, or if a covenant or similar property right is
6 established to allow use of the off-site bicycle parking.

7 4. ~~((Bicycle))~~ Long-term bicycle parking required for small efficiency dwelling
8 units and congregate residence sleeping rooms is required to be covered for full weather
9 protection. If the required, covered long-term bicycle parking is located inside the building that
10 contains small efficiency dwelling units or congregate residence sleeping rooms, the space
11 required to provide the required long-term bicycle parking shall be exempt from ~~((Floor Area~~
12 ~~Ratio))~~ floor are ratio (FAR) limits. Covered long-term bicycle parking that is provided beyond
13 the required bicycle parking shall not be exempt from FAR limits.

14 5. Bicycle parking facilities shared by more than one use are encouraged.

15 6. Except as provided in subsection 23.54.015.K.7, bicycle parking facilities
16 required for non-residential uses shall be located:

17 a. On the lot; or

18 b. For a functionally interrelated campus containing more than one
19 building, in a shared bicycle parking facility within 600 feet of the lot; or

20 c. Short-term bicycle parking may be provided in an adjacent right-of-
21 way, subject to approval by the Director of the Seattle Department of Transportation.

22 7. ~~((Both long term and short term bicycle parking for))~~ For non-residential uses
23 on a functionally interrelated campus containing more than one building, both long-term and

1 short-term bicycle parking may be located in an off-site location within 600 feet of the lot, and
2 short-term public bicycle parking may be provided in a ~~((public place))~~ right-of-way, subject to
3 approval by the Director of the Seattle Department of Transportation. The Director of the Seattle
4 Department of Transportation may consider whether bicycle parking in the public place shall be
5 sufficient in quality to effectively serve bicycle parking demand from the site.

6 8. Bicycle commuter shower facilities. Structures containing 100,000 square feet
7 or more of office use floor area shall include shower facilities and clothing storage areas for
8 bicycle commuters. Two showers shall be required for every 100,000 square feet of office use.
9 They shall be available in a manner that results in equal shower access for all users. The facilities
10 shall be for the use of the employees and occupants of the building, and shall be located where
11 they are easily accessible to bicycle parking facilities, which may include in places accessible by
12 elevator from the bicycle parking location.

13 9. Bicycle parking spaces within dwelling units, other than a private garage, or on
14 balconies do not count toward the bicycle parking requirement.

15 * * *

Table B for 23.54.015
Required ~~((Parking))~~ parking for residential uses

Use	Minimum parking required
I. General residential uses	
* * *	
K. Single-family dwelling units ³	1 space for each dwelling unit

16 * * *

17 Footnotes to Table B for 23.54.015

18 ¹The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply if

1 a use, structure, or development qualifies for a greater or a lesser amount of minimum parking,
2 including no parking, under any other provision of this Section 23.54.015. If more than one such
3 provision may apply, the provision requiring the least amount of minimum parking applies,
4 except that if item O in Part II of Table B applies, it shall supersede any other applicable
5 requirement in Part I or Part II of this Table B for 23.54.015. The minimum amount of parking
6 prescribed by Part III of Table B for 23.54.015 applies to individual units within a use, structure,
7 or development instead of any requirements in Parts I or II of Table B for 23.54.015.

8 ²For development within single-family zones the Director may waive some or all of the
9 minimum parking requirements according to Section 23.44.015 as a special or reasonable
10 accommodation. In other zones, if the applicant can demonstrate that less parking is needed to
11 provide a special or reasonable accommodation, the Director may reduce the requirement. The
12 Director shall specify the minimum parking required and link the parking reduction to the
13 features of the program that allow such reduction. The parking reductions are effective only as
14 long as the conditions that justify the waiver are present. When the conditions are no longer
15 present, the development shall provide the amount of minimum parking that otherwise is
16 required.

17 ³No parking is required for single-family residential uses on lots in any residential zone that are
18 less than 3,000 square feet in size or less than 30 feet in width where access to parking is
19 permitted through a required yard or setback abutting a street according to the standards of
20 subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.

21 * * *

Table D for 23.54.015

Parking for ((~~Bicycles~~)) bicycles ¹

Use	Bike parking requirements	
	Long-term	Short-term

* * *

D. RESIDENTIAL USES ³

D.1.	Congregate residences ⁴	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures ^{4,5}	1 per dwelling unit ((and 1 per small efficiency dwelling unit))	1 per 20 dwelling units
D.3.	Single-family residences	None	None

E. TRANSPORTATION FACILITIES

E.1.	Park and ride facilities on surface parking lots	At least 20 ⁽⁵⁾ 6	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None
E.4.	Rail transit facilities and passenger terminals	Spaces for 5% of projected AM peak period daily ridership ⁽⁵⁾ 6	Spaces for 2% of projected AM peak period daily ridership

Footnotes to Table D for 23.54.015:

¹ Required bicycle parking includes long-term and short-term amounts shown in this table.

² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.

⁴For congregate residences that are owned by a not-for-profit entity or charity, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.

⁵For each dwelling rent and income-restricted at or below 60 percent of the median income, there is no minimum required short-term and long-term bicycle parking requirement. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 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 or the Washington State Housing Finance Commission. 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.

~~(5)~~The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

1 Section 43. Subsection 23.54.025.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125558, is amended as follows:

3 **23.54.025 Off-site required parking**

4 A. Where allowed

5 1. Off-site parking provided to fulfill required parking may be established by
6 permit on a lot if the parking proposed is otherwise allowed by the provisions of this Title 23 on
7 the lot where the off-site parking is proposed or is already established by permit on the lot where
8 the off-site parking is proposed.

9 2. ~~((All applicable))~~ The standards in this Chapter 23.54 that apply to ~~((for))~~
10 parking accessory to the use for which the parking is required shall be met on the lot where off-
11 site parking is proposed, if new parking spaces are proposed to be developed. Existing parking
12 may be used even if nonconforming to current standards provided it is not required for a use on
13 the lot that is the site of the off-site parking.

14 3. If parking and parking access, including the proposed off-site parking, are or
15 will be the sole uses of a site, or if surface parking outside of structures will comprise more than
16 one-half of the site area, or if parking will occupy more than half of the gross floor area of all
17 structures on a site, then a permit to establish off-site parking may be granted only if flexible-use
18 parking is a permitted use for the lot on which the off-site parking is located.

1 * * *

2 Section 44. Section 23.54.030 of the Seattle Municipal Code, which section was last
3 amended by Ordinance 125815, is amended as follows:

4 **23.54.030 Parking space and access standards**

5 All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-
6 free parking, shall meet the standards of this Section 23.54.030.

7 * * *

8 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking
9 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is
10 located. If a curb cut is used for more than one use or for one or more live-work units, the
11 requirements for the use with the largest curb cut requirements shall apply.

12 * * *

13 2. Nonresidential uses in all zones except industrial zones

14 a. Number of curb cuts

15 1) In all residential zones, RC zones, and within the Major
16 Institution Overlay District, two-way curb cuts are permitted according to Table C for 23.54.030:

Table C for 23.54.030(≠)

Number of curb cuts in residential zones, RC zones and the Major Institution Overlay District

Street frontage of the lot	Number of curb cuts permitted
80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4

For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.

1 **23.54.040 Solid waste and recyclable materials storage and access**

2 * * *

3 F. Access for service providers to the storage space from the collection location shall
4 meet the following requirements:

5 1. For containers 2 cubic yards or smaller:

6 a. Containers to be manually pulled shall be placed no more than 50 feet
7 from a curb cut or collection location;

8 b. Collection location shall not be within a bus stop or within the right-of-
9 way area abutting a vehicular lane designated as a sole travel lane for a bus;

10 c. Access ramps to the storage space and collection location shall not
11 exceed a grade of ((6)) six percent; and

12 d. Any gates or access routes for trucks shall be a minimum of 10 feet
13 wide.

14 2. For containers larger than 2 cubic yards and all compacted refuse containers:

15 a. Direct access shall be provided from the alley or street to the containers;

16 b. Any gates or access routes for trucks shall be a minimum of 10 feet
17 wide;

18 c. Collection location shall not be within a bus stop or within the street
19 right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

20 d. If accessed directly by a collection vehicle, whether into a structure or
21 otherwise, a ((21-foot)) 24-foot overhead clearance shall be provided.

22 * * *

1 Section 46. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125792, is amended as follows:

3 **23.58C.040 Affordable housing—payment option**

4 A. Payment amount

5 1. An applicant complying with this Chapter 23.58C 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 23.58C.040 and Map A for
8 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
9 area of parking located in stories or portions of stories that are underground, and excluding any
10 floor area devoted to a domestic violence shelter, as follows:

11 a. In the case of construction of a new structure, the gross floor area in
12 residential use and the gross floor area of live-work units;

13 b. In the case of construction of an addition to an existing structure that
14 results in an increase in the total number of units within the structure, the gross floor area in
15 residential use and the gross floor area of live-work units in the addition;

16 c. In the case of alterations within an existing structure that result in an
17 increase in the total number of units within the structure, the gross floor area calculated by
18 dividing the total gross floor area in residential use and gross floor area of live-work units by the
19 total number of units in the proposed development, and multiplying that quotient by the net
20 increase in units in the ~~((structure))~~ development;

21 d. In the case of change of use that results in an increase in the total
22 number of units, the gross floor area that changed to residential use or live-work units; or

23 e. Any combination of the above.

1 a maximum penalty of two percent of the construction value set forth in the building permit for
2 the development based on the extent of noncompliance with the commitment.

3 C. Failure to comply with the owner's commitment that the development will meet the
4 green building standard is a violation of the Land Use Code independent of the failure to
5 demonstrate compliance; however, failure to comply with the owner's commitment shall not
6 affect the right to occupy any floor area, and if a penalty is paid in the amount determined under
7 subsection 23.58D.006.B, no additional penalty shall be imposed for the failure to comply with
8 the commitment.

9 D. ~~((In addition to the owner, the applicant for the development for which a commitment
10 to meet the green building standard was required shall be jointly and severally responsible for
11 compliance and liable for any penalty imposed pursuant to this Section 23.58D.006.~~

12 ~~E.))~~ Use of penalties. An account shall be established in the City's General Fund to
13 receive revenue from penalties under this Section 23.58D.006. Revenue from penalties under this
14 Section 23.58D.006 shall be allocated to activities or incentives to encourage and promote the
15 development of sustainable buildings. The Director shall recommend to the Mayor and City
16 Council how these funds should be allocated.

17 Section 48. Subsection 23.66.342.B of the Seattle Municipal Code, which section was
18 last amended by Ordinance 125558, is amended as follows:

19 **23.66.342 Parking and access**

20 * * *

21 B. Accessory parking and loading

22 1. Parking quantity. The number of parking spaces required for any use shall be
23 the number required by the underlying zoning, except that restaurants shall be required to

1 provide one space per 500 square feet for all gross floor area in excess of 2,500 square feet;
2 motion picture theaters shall be required to provide one space per 15 seats for all seats in excess
3 of 150; and other entertainment uses shall be required to provide one space per 400 square feet
4 for all gross floor area in excess of 2,500 square feet.

5 2. Exceptions to parking quantity. To mitigate the potential impacts of required
6 accessory parking and loading on the District, the Director of the Department of Neighborhoods,
7 after review and recommendation by the Special Review Board, and after consultation with the
8 Director of Transportation, may waive or reduce required parking, ~~((and))~~ loading, and bicycle
9 parking, under the following conditions:

10 a. After incorporating high-occupancy vehicle alternatives such as
11 carpools and vanpools, required parking spaces exceed the net usable space in all below-grade
12 floors; or

13 b. Strict application of the parking, ~~((or))~~ loading, or bicycle parking
14 standards would adversely affect desirable characteristics of the District; or

15 c. An acceptable parking and loading plan is submitted to meet parking
16 demands generated by the use. Acceptable elements of the parking and loading plan may include
17 but shall not be limited to the following:

- 18 1) Valet parking service;
- 19 2) Validation system;
- 20 3) Lease of parking from parking management company;
- 21 4) Provision of employee parking; and
- 22 5) Accommodations for commercial deliveries and passenger drop
23 off and pick up.

1 * * *

2 Section 49. Subsection 23.69.032.E of the Seattle Municipal Code, which section was last
3 amended by Ordinance 124919, is amended as follows:

4 **23.69.032 Master plan process**

5 * * *

6 E. Draft ~~((Report))~~ report and ~~((Recommendation))~~ recommendation of the Director~~((:))~~

7 1. Within five ~~((5))~~ weeks of the publication of the final master plan and EIS,
8 the Director shall prepare a draft report on the application for a master plan as provided in
9 Section 23.76.050~~((, Report of the Director))~~.

10 2. In the Director's Report, a determination shall be made whether the planned
11 development and changes of the Major Institution are consistent with the purpose and intent of
12 this ~~((chapter))~~ Chapter 23.69, and represent a reasonable balance of the public benefits of
13 development and change with the need to maintain livability and vitality of adjacent
14 neighborhoods. Consideration shall be given to:

15 a. The reasons for institutional growth and change, the public benefits
16 resulting from the planned new facilities and services, and the way in which the proposed
17 development will serve the public purpose mission of the major institution; and

18 b. The extent to which the growth and change will significantly harm the
19 livability and vitality of the surrounding neighborhood.

20 3. In the Director's Report, an assessment shall be made of the extent to which the
21 Major Institution, with its proposed development and changes, will address the goals and
22 applicable policies under ~~((Education and Employability and Health in))~~ the Human
23 Development Element of the Comprehensive Plan.

* * *

Section 50. Section 23.73.009 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.73.009 Floor area

A. For lots with residential uses only, or lots that include both residential and non-residential uses, the total FAR limit shall not exceed 3.75, except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of development potential.

B. The gross floor area of non-residential uses is limited to a maximum of 2.25 FAR, except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of development potential.

C. For development on a lot that meets one of the following conditions, the FAR limits in subsections (~~(23.47A.013.A)~~) 23.73.009.A and (~~(23.47A.013.B)~~) 23.73.009.B do not apply and the FAR limits for the underlying zone apply instead:

1. A character structure has not existed on the lot since January 18, 2012; or
2. For lots that include a character structure, all character structures on the lot are retained according to Section 23.73.015 or a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B. If the lot includes a character structure that has been occupied by residential uses since January 18, 2012, the same amount of floor area in residential uses shall be retained in that structure, unless a departure is approved through the design review process to allow the removal of the character structure based on the provisions of subsection 23.41.012.B. The owner of the lot shall execute and record in the King County real property records an agreement to provide for the maintenance of the required residential uses for the life of the project.

1 D. In addition to the floor area exempt under the provisions of the underlying zone, the
2 following floor area is exempt from the calculation of gross floor area subject to an FAR limit if
3 a character structure is retained on the lot:

4 1. The following street-level uses complying with the standards of Section
5 23.47A.008 and subsection 23.73.008.B:

6 a. General sales and services;

7 b. Major durables retail sales;

8 c. Eating and drinking establishments;

9 d. Museums;

10 e. Religious facilities;

11 f. Libraries; and

12 g. Automotive retail sales and service uses located within an existing
13 structure or within a structure that retains a character structure as provided in Section 23.73.015.

14 2. Floor area used for theaters or arts facilities.

15 3. All floor area in residential use in a development that retains all character
16 structures on the lot as provided in Section 23.73.015, or that uses the transfer of development
17 potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a
18 departure is approved through the design review process to allow the removal of a character
19 structure based on the provisions of subsection 23.41.012.B.

20 4. In areas where the underlying zoning is NC3P-75, all floor area in any use if
21 the lot that is to be developed is 8,000 square feet or less in area and has been either vacant or in
22 parking use since February 27, 1995.

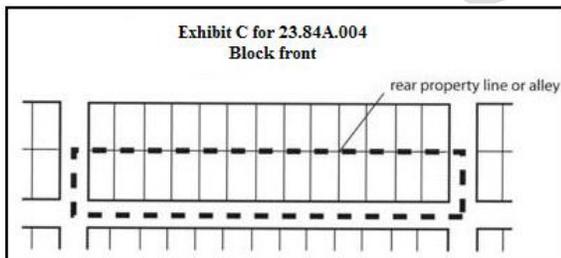
1 Section 52. Section 23.84A.004 of the Seattle Municipal Code, last amended by
2 Ordinance 125603, is amended as follows:

3 **23.84A.004 "B"**

4 * * *

5 "Block front" means the land area along one side of a street bound on three sides by the
6 centerline of platted streets and on the fourth side by an alley, ~~((or))~~ rear lot lines, or another lot's
7 side lot lines (Exhibit C for 23.84A.004). For blocks in Downtown zones and all Seattle Mixed
8 (SM) zones within specific geographic areas set forth in Table A to 23.48.002, if there is no alley
9 or rear lot line, a line that approximates the centerline of the block shall be used to establish the
10 line dividing the two block fronts of the block, taking into consideration the location of vacated
11 alleys on the block, if any, and the location and orientation of alleys and rear lot lines on
12 surrounding blocks.

13 **Exhibit C for 23.84A.004**
14 **Block front**



15 * * *

16
17 Section 53. Section 23.84A.032 of the Seattle Municipal Code, last amended by
18 Ordinance 125854, is amended as follows:

19 **23.84A.032 "R"**

20 * * *

21 "Residential use" means any one or more of the following:

22 * * *

1 "Sewage treatment plant." See "Utility."

2 * * *

3 Section 55. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance
4 125854, is amended as follows:

5 **23.86.007 Floor area and floor area ratio (FAR) measurement**

6 A. Gross floor area. Except where otherwise expressly provided in this Title 23, gross
7 floor area shall be as defined in Chapter 23.84A and as measured in this Section 23.86.007. The
8 following are included in the measurement of gross floor area in all zones:

- 9 1. Floor area contained in stories above and below grade;
- 10 2. The area of stair penthouses, elevator penthouses, and other enclosed rooftop
11 features; ~~((and))~~
- 12 3. The area of motor vehicle and bicycle parking that is enclosed ~~((~~or~~))~~ ; and
- 13 4. The area of motor vehicle parking that is covered by a structure or portion of a
14 structure.

15 * * *

16 E. Public rights-of-way are not considered part of a lot when calculating FAR or, in
17 downtown and SM-SLU zones, when calculating gross floor area allowed for residential
18 development not subject to FAR ~~((in a downtown or SM-SLU zone except that, if))~~ . If
19 dedication of right-of-way is required as a condition of a proposed development, the area of
20 dedicated right-of-way is included in these calculations.

21 * * *

22 Section 56. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance
23 125492, is amended as follows:

1 **23.90.018 Civil enforcement proceedings and penalties**

2 A. In addition to any other remedy authorized by law or equity, any person violating or
3 failing to comply with any of the provisions of this Title 23 shall be subject to a cumulative
4 penalty of up to \$150 per day for each violation from the date the violation begins for the first
5 ten days of noncompliance; and up to \$500 per day for each violation for each day beyond ten
6 days of noncompliance until compliance is achieved, except as provided in subsection
7 23.90.018.B. In cases where the Director has issued a notice of violation, the violation will be
8 deemed to begin for purposes of determining the number of days of violation on the date
9 compliance is required by the notice of violation. In addition to the per diem penalty, a violation
10 compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged
11 for the third inspection and all subsequent inspections until compliance is achieved. The
12 compliance inspection charges shall be deposited in the General Fund.

13 B. Specific violations

14 1. Violations of Section 23.71.018 are subject to penalty in the amount specified
15 in subsection 23.71.018.H.

16 2. Violations of the requirements of subsection 23.44.041.C are subject to a civil
17 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection
18 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection
19 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of
20 \$5,000, in addition to any criminal penalties.

21 3. Violation of Chapter 23.58D with respect to a failure to timely submit the
22 report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to

1 meet the green building standard is subject to a penalty in an amount determined by subsection
2 23.58D.006.

3 4. Violation of subsection 23.40.007.B with respect to failure to demonstrate
4 compliance with a waste diversion plan for a structure permitted to be demolished under
5 subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

7 where:

8 P is the penalty;

9 SF is the total square footage of the structure for which the demolition permit was
10 issued; and

11 RDR is the refuse disposal rate, which is the per ton rate established in Chapter
12 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at
13 City recycling and disposal stations by the largest class of vehicles.

14 5. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a,
15 and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an
16 on-premises sign permit for a particular sign and the actual sign is not being used for on-
17 premises purposes or does not meet the definition of an on-premises sign as defined in Chapter
18 23.84A, are subject to a civil penalty of \$1,500 per day for each violation from the date the
19 violation begins until compliance is achieved.

20 6. In zones where outdoor storage is not allowed or where the use has not been
21 established as either accessory to the primary use or as part of the primary use and there
22 continues to be a violation of these provisions after enforcement action has been taken pursuant

1 to this Chapter 23.90, the outdoor storage activity is declared a nuisance and shall be subject to
2 abatement by the City in the manner authorized by law.

3 Section 57. Section 25.09.060 of the Seattle Municipal Code, last amended by Ordinance
4 125292, is amended as follows:

5 **25.09.060 General development standards**

6 The following general development standards apply to development on parcels containing
7 environmentally critical areas or buffers, except as specifically provided in this Chapter 25.09:

8 * * *

9 G. All grading in environmentally critical areas shall be completed or stabilized by
10 October 31 of each year unless the applicant demonstrates to the satisfaction of the Director
11 based on approved technical analysis that no environmental harm or safety problems would
12 result from grading between October 31 and April 1. This provision does not apply to grading in
13 liquefaction-prone areas, peat settlement prone areas, flood-prone areas, and abandoned landfills
14 unless the parcel contains another environmentally critical area.

15 * * *

1 Section 58. 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 _____ day of _____, 2020,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2020.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2020.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2020.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

Amendment 1 to CB 119835 – Access to Bicycle Parking and Bicycle Parking Quantity for Multifamily Development.

Sponsor: Strauss

This amendment would: (1) clarify that long-term bicycle accessed by interior or exterior stairs can include no more than five steps, (2) eliminate long-term bicycle parking requirements for units affordable to households at 30 percent of area median income and below, which would include most permanent supportive housing; (3) maintain short-term bicycle parking requirements, but allow the SDCI Director to waive long-term bicycle parking for income-and-rent-restricted units affordable to households at 31 – 60 percent of area median income, if the waiver would result in more affordable units and a reasonable alternative to bicycle parking is provided; (4) allow the SDCI Director to reduce bicycle parking requirements for non-profit housing for seniors and persons with disabilities if an applicant can demonstrate that residents of those units are unlikely to travel by bicycle; and (45) authorize the SDOT and SDCI Director’s to promulgate a joint rule with standards for bicycle parking alternatives for rent-and-income-restricted units. Changes are shown in [track changes](#).

Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

K. Bicycle parking. The minimum number of ~~((off-street))~~ parking spaces for bicycles required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015, one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle parking is required, except single-family residential use is exempt from bicycle parking requirements. The minimum requirements are based upon gross floor area of the use in a structure minus gross floor area in parking uses, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

* * *

2. Performance standards. Provide bicycle parking in a highly visible, safe, and convenient location, emphasizing user convenience and theft deterrence, based on rules

Amendment 1 to CB 119835 – Access to Bicycle Parking and Bicycle Parking Quantity for Multifamily Development.

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promulgated by the Director of the Seattle Department of Transportation that address the considerations in this subsection 23.54.015.K.2.

a. Provide secure locations and arrangements of long-term bicycle parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking should be installed in a manner that avoids creating conflicts with automobile accesses and driveways.

b. ~~((Provide))~~ For a garage with bicycle parking and motor vehicle parking for more than two dwelling units, provide pedestrian and bicycle access to long-term bicycle parking that is separate from other vehicular entry and egress points or uses the same entry or egress point but has a marked walkway for pedestrians and bicyclists.

c. Provide adequate lighting in the bicycle parking area and access routes to it.

d. If short-term bicycle parking facilities are not clearly visible from the street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate amounts and in highly visible ~~((indoor and outdoor))~~ locations in a manner that promotes easy wayfinding for bicyclists. ~~((Wayfinding signage shall be visible from adjacent on-street bicycle facilities.))~~

Amendment 1 to CB 119835 – Access to Bicycle Parking and Bicycle Parking Quantity for Multifamily Development.

Sponsor: Strauss

This amendment would: (1) clarify that long-term bicycle accessed by interior or exterior stairs can include no more than five steps, (2) eliminate long-term bicycle parking requirements for units affordable to households at 30 percent of area median income and below, which would include most permanent supportive housing; (3) maintain short-term bicycle parking requirements, but allow the SDCI Director to waive long-term bicycle parking for income-and-rent-restricted units affordable to households at 31 – 60 percent of area median income, if the waiver would result in more affordable units and a reasonable alternative to bicycle parking is provided; (4) allow the SDCI Director to reduce bicycle parking requirements for non-profit housing for seniors and persons with disabilities if an applicant can demonstrate that residents of those units are unlikely to travel by bicycle; and (45) authorize the SDOT and SDCI Director’s to promulgate a joint rule with standards for bicycle parking alternatives for rent-and-income-restricted units. Changes are shown in [track changes](#).

e. Provide signage to long-term bicycle parking that is oriented to building users.

~~((e.))~~ f. Long-term bicycle parking shall be located where bicyclists are not required to carry bicycles on ~~interior~~ stairs [with more than five steps](#) to access the parking.

~~((f.))~~ g. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.

~~((g.))~~ h. Install bicycle parking hardware so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of the Seattle Department of Transportation, allowing adequate clearance for bicycles and their riders.

~~((h.))~~ i. Provide full weather protection for all required long-term bicycle parking.

* * *

Table D for 23.54.015
Parking for ~~((Bicycles))~~ bicycles ¹

Use	Bike parking requirements
-----	---------------------------

Amendment 1 to CB 119835 – Access to Bicycle Parking and Bicycle Parking Quantity for Multifamily Development.

Sponsor: Strauss

This amendment would: (1) clarify that long-term bicycle accessed by interior or exterior stairs can include no more than five steps, (2) eliminate long-term bicycle parking requirements for units affordable to households at 30 percent of area median income and below, which would include most permanent supportive housing; (3) maintain short-term bicycle parking requirements, but allow the SDCI Director to waive long-term bicycle parking for income-and-rent-restricted units affordable to households at 31 – 60 percent of area median income, if the waiver would result in more affordable units and a reasonable alternative to bicycle parking is provided; (4) allow the SDCI Director to reduce bicycle parking requirements for non-profit housing for seniors and persons with disabilities if an applicant can demonstrate that residents of those units are unlikely to travel by bicycle; and (45) authorize the SDOT and SDCI Director’s to promulgate a joint rule with standards for bicycle parking alternatives for rent-and-income-restricted units. Changes are shown in [track changes](#).

	Long-term		Short-term
* * *			
D. RESIDENTIAL USES ³			
D.1.	Congregate residences ⁴	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures ^{4,5}	1 per dwelling unit ((and 1 per small efficiency dwelling unit))	1 per 20 dwelling units
D.3.	Single-family residences	None	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride facilities on surface parking lots	At least 20 ⁽⁽⁵⁾⁾⁶	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3.	<u>Flexible-use parking garages and flexible-use parking surface lots</u>	1 per 20 auto spaces	None

Amendment 1 to CB 119835 – Access to Bicycle Parking and Bicycle Parking Quantity for Multifamily Development.

Sponsor: Strauss

This amendment would: (1) clarify that long-term bicycle accessed by interior or exterior stairs can include no more than five steps, (2) eliminate long-term bicycle parking requirements for units affordable to households at 30 percent of area median income and below, which would include most permanent supportive housing; (3) maintain short-term bicycle parking requirements, but allow the SDCI Director to waive long-term bicycle parking for income-and-rent-restricted units affordable to households at 31 – 60 percent of area median income, if the waiver would result in more affordable units and a reasonable alternative to bicycle parking is provided; (4) allow the SDCI Director to reduce bicycle parking requirements for non-profit housing for seniors and persons with disabilities if an applicant can demonstrate that residents of those units are unlikely to travel by bicycle; and (45) authorize the SDOT and SDCI Director’s to promulgate a joint rule with standards for bicycle parking alternatives for rent-and-income-restricted units. Changes are shown in [track changes](#).

E.4.	Rail transit facilities and passenger terminals	Spaces for 5% of projected AM peak period daily ridership ⁽⁵⁾⁶	Spaces for 2% of projected AM peak period daily ridership
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Footnotes to Table D for 23.54.015:

¹ Required bicycle parking includes long-term and short-term amounts shown in this table.

² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.

⁴For congregate residences [or multifamily structures](#) that are owned by a not-for-profit entity or charity, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, [as a Type I decision](#), the Director shall have the discretion to reduce the amount of required bicycle parking [to as few as zero](#) if it can be demonstrated that residents are less likely to travel by bicycle.

⁵ [For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at or below 60 percent to 31 percent of the median income, there is no minimum required short-term and long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors’ Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall](#)

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be for a term of at least 40 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 or the Washington State Housing Finance Commission. 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.

~~((5))~~The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

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