

CITY OF SEATTLE

ORDINANCE 127099

COUNCIL BILL 120823

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 23.22.066, 23.22.100, 23.24.010, 23.28.020, 23.34.009, 23.34.093, 23.40.002, 23.41.004, 23.41.012, 23.42.058, 23.42.060, 23.42.130, 23.44.014, 23.44.016, 23.44.020, 23.44.041, 23.45.510, 23.45.516, 23.45.528, 23.45.529, 23.45.545, 23.47A.004, 23.47A.010, 23.47A.011, 23.47A.020, 23.48.005, 23.48.225, 23.48.720, 23.49.002, 23.49.008, 23.49.025, 23.49.042, 23.49.058, 23.49.090, 23.49.142, 23.49.162, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.55.032, 23.58C.035, 23.66.110, 23.66.122, 23.66.322, 23.69.002, 23.69.032, 23.69.033, 23.69.034, 23.71.006, 23.84A.006, 23.84A.008, 23.84A.016, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.038, 25.05.444, 25.05.675, 25.05.714, 25.09.045, 25.09.160, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.070, 25.16.080, 25.16.115, 25.16.150, 25.22.070, 25.22.135, 25.24.060, 25.28.230, and 25.28.290 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.066 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.22.066 Technical standards for final plat

* * *

C. The description, dedication, acknowledgment, certificates of the Director of Finance and Administrative Services and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk, and the Director, and recording certificate must meet standards promulgated by the Director. (~~(, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.)~~)

* * *

1 Section 2. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance
2 126157, is amended as follows:

3 **23.22.100 Design standards**

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

6 A. Streets and ~~((Alleys))~~ alleys

7 1. All subdivisions shall be served by one or more streets providing adequate
8 ingress and egress to and from the subdivision.

9 2. New streets within each subdivision shall conform to the City's thoroughfare
10 and circulation plans and shall provide for the continuation of streets that serve the property
11 contiguous to the subdivision. Streets serving lots on two sides shall be at least 60 feet wide
12 unless a narrower street is warranted by special physical circumstances as determined by the
13 Director, in consultation with the Director of Transportation, or as specified in ~~((Section 3.1.2b~~
14 ~~(for nonarterial streets) or 3.1.1a (for arterials) 3.1 of))~~ the ~~((Seattle))~~ Right-of-Way
15 Improvements Manual.

16 3. Street intersections shall be as nearly at right angles as practicable and in no
17 event shall the angle formed be less than 30 degrees.

18 4. A cul-de-sac shall be designed according to the ~~((Seattle))~~ Right-of-Way
19 Improvements Manual to provide a circular turnaround at the closed end. A tee or other
20 reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-
21 de-sac streets shall not exceed 450 feet in length and the right-of-way shall be at least 50 feet
22 wide, except under special circumstances a lesser width is permitted.

1 B. A plot plan as appropriate showing the location and dimensions of existing structures
2 in relation to the proposed lot boundary adjustment;

3 C. A legal description of the property involved; and

4 D. ((Name)) The name and address of owner(s) of the property involved.

5 * * *

6 Section 5. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance
7 124883, is amended as follows:

8 **23.34.009 Height limits of the proposed rezone**

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

12 * * *

13 D. Compatibility with surrounding area

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

18 2. A gradual transition in height and scale and level of activity between zones
19 shall be provided unless major physical buffers, as described in subsection ((23.34.008.D.2))
20 23.34.008.E.2, are present.

21 * * *

22 Section 6. Section 23.34.093 of the Seattle Municipal Code, enacted by Ordinance
23 117430, is amended as follows:

1 **23.34.093 General Industrial 2 (IG2) zone, function, and locational criteria((=))**

2 * * *

3 B. Locational ((Criteria)) criteria. General Industrial 2 zone designation is most
4 appropriate in areas generally characterized by the following:

5 1. Areas that are developed with industrial activity or a mix of industrial activity
6 and a wide range of commercial uses;

7 2. Areas where facilities(~~(, such as the Kingdome or Design Center,)~~) have
8 established a more commercial character for the surroundings and have created the need for a
9 broader mix of support uses;

10 3. Areas with adequate access to the existing and planned neighborhood
11 transportation network; where additional trips generated by increased commercial densities can
12 be accommodated without conflicting with the access and circulation needs of industrial activity;

13 4. Areas where increased commercial densities would allow the economic reuse
14 of small sites and existing buildings no longer suited to current industrial needs;

15 5. Areas that, because of their size and isolation from a larger industrial area due
16 to separation by another type of zone or major physical barrier, such as an arterial or waterway,
17 can accommodate more nonindustrial activity without conflicting with the industrial function of
18 the larger industrial area;

19 6. Large areas with generally flat topography;

20 7. Areas platted into large parcels of land.

21 * * *

22 Section 7. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance
23 126042, is amended as follows:

1 **23.40.002 Conformity with regulations required**

2 A. The establishment or change of use of any structures, buildings or premises, or any
3 part thereof, requires approval according to the procedures in Chapter 23.76 except:

4 1. Establishment of an urban farm or community garden that does not include
5 major ~~((marijuana))~~ cannabis activity ~~((as defined in Section 23.84A.025))~~ and that is permitted
6 outright under the provisions of this Title 23 applicable to the lot;

7 2. As permitted in subsections 23.47A.004.E and 23.47A.004.F;

8 3. Keeping of animals as permitted under Section 23.42.052;

9 4. Reinstatement of a use interrupted by a temporary use authorized pursuant to
10 Section 23.42.040;

11 5. Establishment of a transitional encampment use on property owned or
12 controlled by a religious organization; and

13 6. Uses located entirely within public rights-of-way.

14 * * *

15 Section 8. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
16 126862, is amended as follows:

17 **23.41.004 Applicability**

18 * * *

19 C. Optional design review

20 1. Design review. Development proposals that are not subject to design review
21 may elect to be reviewed pursuant to the full, administrative, or streamlined design review
22 process if:

1 a. The development proposal is in any zone or area identified in subsection
2 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except
3 development that is within a Master Planned Community zone is not eligible for optional design
4 review; and

5 b. The development proposal does not include the uses listed in subsection
6 23.41.004.A.3.

7 2. Administrative design review. According to the applicable process described in
8 Section 23.41.016, administrative design review is optional for a development proposal that is
9 not otherwise subject to this Chapter 23.41 and is on a site that contains ~~((an exceptional))~~ a Tier
10 1 and/or Tier 2 tree, as defined in Section 25.11.130, when the ability to depart from
11 development standards may result in protection of the tree as provided in ~~((Sections))~~ Section
12 25.11.070 ~~((and 25.11.080))~~.

13 * * *

14 Section 9. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
15 126821, is amended as follows:

16 **23.41.012 Development standard departures**

17 * * *

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

20 * * *

21 10. Floor area ratios (FAR), except that:

22 a. In the Pike/Pine Conservation Overlay District shown on Map A for
23 23.73.004, departures from the development standards for floor area exemptions from FAR

1 calculations in subsection 23.73.009.C and for retention of a character structure on a lot in
2 Section 23.73.015 are allowed;

3 b. Departures of up to an additional 0.5 FAR may be granted if the
4 applicant demonstrates that:

5 1) The departure is needed to protect a tree that is located on the lot
6 that is either ~~((an exceptional))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130~~((or a tree~~
7 ~~greater than 2 feet in diameter measured 4.5 feet above the ground))~~); and

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

10 11. Structure height, except that:

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

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

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

21 d. Within the PSM 85-120 zone in the area shown on Map A for
22 23.49.180, departures may be granted from development standards that apply as conditions to

1 additional height, except for floor area ratios and provisions for adding bonus floor area above
2 the base FAR;

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

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

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

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

11 1) The departure is needed to protect a tree that is located on the lot
12 that is either ~~((an exceptional))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130 ~~((, or a tree~~
13 ~~greater than 2 feet in diameter measured 4.5 feet above the ground))~~); and

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

16 g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial
17 and Downtown zones, departures for rooftop features may be granted from rooftop coverage
18 limits and setback standards from the roof edge, but not from the height limits for rooftop
19 features.

20 * * *

21 Section 10. Section 23.42.058 of the Seattle Municipal Code, last amended by Ordinance
22 126509, is amended as follows:

1 **23.42.058 ((~~Marijuana~~)) Cannabis**

2 A. Major ((~~marijuana~~)) cannabis activity is prohibited in any dwelling unit, regardless of
3 the zone in which the dwelling unit is located, except that major ((~~marijuana~~)) cannabis activity
4 is allowed in caretaker’s quarters unless the quarters are located in a zone or district identified in
5 subsection 23.42.058.B.

6 B. Major ((~~marijuana~~)) cannabis activity is prohibited in the following zones and
7 districts:

- 8 1. Neighborhood residential zones;
- 9 2. Multifamily zones;
- 10 3. Neighborhood Commercial 1 (NC1) zones;
- 11 4. Pioneer Square Mixed (PSM);
- 12 5. International District Mixed (IDM);
- 13 6. International District Residential (IDR);
- 14 7. Downtown Harborfront 1 (DH1);
- 15 8. Downtown Harborfront 2 (DH2);
- 16 9. Pike Market Mixed (PMM);
- 17 10. Ballard Avenue Landmark District;
- 18 11. Columbia City Landmark District;
- 19 12. Fort Lawton Landmark District;
- 20 13. Harvard-Belmont Landmark District;
- 21 14. International Special Review District;
- 22 15. Pike Place Market Historical District;
- 23 16. Pioneer Square Preservation District;

1 17. Sand Point Overlay District; or

2 18. Stadium Transition Area Overlay District.

3 C. Major ((~~marijuana~~)) cannabis activity is allowed in all other zones if the activity and
4 site meet the following requirements:

5 1. The person operating the major ((~~marijuana~~)) cannabis activity must have a
6 current license issued by the State of Washington pursuant to Title 69 RCW authorizing the
7 person to produce, process, or sell, at the proposed site, ((~~marijuana~~)) cannabis, ((~~marijuana~~))
8 cannabis-infused products, useable ((~~marijuana~~)) cannabis, or ((~~marijuana~~)) cannabis
9 concentrates, or to research or test any of those products at the proposed site for quality
10 assurance pursuant to Title 69 RCW;

11 2. Any lot line of property having a major ((~~marijuana~~)) cannabis activity must be
12 1,000 feet or more from any lot line of property on which any of the following uses as defined in
13 WAC 314-55-010 is located: elementary school; secondary school; or playground;

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

22 4. Any lot line of property having a major ((~~marijuana~~)) cannabis activity that
23 does not include the retail sale of ((~~marijuana~~)) cannabis products must be 250 feet or more from

1 any lot line of property on which any of the following uses as defined in WAC 314-55-010 is
2 established and operating: child care center; game arcade; library; public park; public transit
3 center; or recreation center or facility;

4 5. No more than two properties with major ((~~marijuana~~)) cannabis activity that
5 includes the retail sale of ((~~marijuana~~)) cannabis products are allowed within 1000 feet of each
6 other; where any lot lines of two properties with existing major ((~~marijuana~~)) cannabis activity
7 that includes the retail sale of ((~~marijuana~~)) cannabis products are located within 1000 feet of
8 each other, any lot line of another property with a new major ((~~marijuana~~)) cannabis activity that
9 includes the retail sale of ((~~marijuana~~)) cannabis products must be 1000 feet or more from the
10 closest lot line of the property containing existing major ((~~marijuana~~)) cannabis activity that
11 includes the retail sale of ((~~marijuana~~)) cannabis products;

12 6. Whether a major ((~~marijuana~~)) cannabis activity complies with the locational
13 requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or
14 23.42.058.C.5 shall be based on facts that exist on the date of application to the Washington
15 State Liquor and Cannabis Board issues a “Notice of ((~~Marijuana~~)) Cannabis Application” to
16 The City of Seattle.

17 * * *

18 Section 11. Section 23.42.060 of the Seattle Municipal Code, enacted by Ordinance
19 125483, is amended as follows:

20 **23.42.060 Short-term rentals**

21 Short-term rental uses are subject to the following provisions:

22 * * *

1 ~~((D. Number of residents and guests. The total number of residents and guests occupying~~
2 ~~a dwelling unit that includes a short term rental may not exceed the maximum number of~~
3 ~~residents allowed in a household by this code. For sites with an accessory dwelling unit, the total~~
4 ~~number of residents and guests occupying both the dwelling unit and any accessory dwelling~~
5 ~~units may not exceed the number of residents allowed for a household.))~~

6 E.) D. Short-term rental uses may display signs identifying the use if the signs are
7 permitted by Chapter 23.55.

8 ~~((F.))~~ E. If a short-term rental operator provides breakfast, light snacks, or both to guests,
9 the facility and operator must meet applicable health and safety regulations including but not
10 limited to regulations of Public Health—Seattle & King County and the Washington State
11 Department of Health.

12 ~~((G.))~~ F. Notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104, short-term
13 rental uses, as defined in Section 23.84A.024, in existence prior to ~~((the effective date of the~~
14 ~~Ordinance introduced as Council Bill 119082))~~ January 7, 2018 shall comply with the
15 requirements of this Chapter 23.42 no later than ~~((one year from the effective date of the~~
16 ~~Ordinance introduced as Council Bill 119082))~~ January 7, 2019.

17 Section 12. Section 23.42.130 of the Seattle Municipal Code, last amended by Ordinance
18 126509, is amended as follows:

19 **23.42.130 Nonconforming solar collectors**

20 The installation of solar collectors that do not conform to development standards or that increase
21 an existing nonconformity may be permitted as follows:

22 A. In neighborhood residential zones, pursuant to subsection 23.44.046.B ~~((of Section~~
23 ~~23.44.046))~~;

1 B. In multifamily zones, pursuant to (~~Section 23.45.582~~) subsection 23.45.545.E;

2 C. In NC zones or C zones, pursuant to subsection (~~Section~~) 23.47A.012.E.

3 * * *

4 Section 13. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
5 126685, 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 * * *

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

16 * * *

17 18. A structure may be permitted to extend into front and rear yards as necessary
18 to protect (~~exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060~~) a
19 Tier 1 or Tier 2 tree, as defined in Section 25.11.130.

20 * * *

21 D. Additional standards for structures if allowed in required yards. Structures in required
22 yards shall comply with the following:

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

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

5 c. At least 50 percent of alley frontage abuts property in a non-residential
6 zone; or

7 d. The alley is used for loading or unloading by an existing non-residential
8 use; or

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

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

13 g. Providing alley access would require removal of a tree on private
14 property that is ~~((an exceptional tree or a tree greater than 2 feet in diameter measured 4.5 feet~~
15 ~~above the ground, provided that a permanent covenant meeting the standard in subsection~~
16 ~~25.11.050.C is recorded and all other applicable criteria for tree protection in Chapter 25.11 are~~
17 ~~met)) a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.~~

18 * * *

19 F. Appearance of garages

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3. Exemptions

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

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

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

- 1) Irregular lot shape;
- 2) Topography of the lot;
- 3) Configuration of proposed or existing structures on the lot;
- 4) Location of ~~((exceptional))~~ Tier 1 or Tier 2 trees as defined in Section 25.11.130; and
- 5) The proposed structure or addition has design features including

but not limited to modulation, screening, and landscaping.

* * *

Section 15. Section 23.44.020 of the Seattle Municipal Code, last amended by Ordinance 126821, is amended as follows:

23.44.020 Tree requirements

* * *

B. Tree requirements in RSL zones

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

- 1 a. Containing one or more new dwelling units;
- 2 b. Containing more than 4,000 square feet of non-residential uses in either
- 3 a new structure or an addition to an existing structure; or
- 4 c. Expanding surface area parking by more than 20 parking spaces for
- 5 automobiles.

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

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

12 3. Tree protection areas shall be designated for all trees that are proposed to be
13 preserved to receive points under this subsection ((~~23.49.020.B~~)) 23.44.020.B. No excavation,
14 fill, placing of materials or equipment, or vehicle operation shall be allowed during construction

1 within a tree protection area. Tree protection areas shall be an area equal to the outer extent of
2 the dripline of the tree, except that they may be reduced if the following conditions are met:

3 a. A certified arborist has submitted and received approval for a plan
4 providing the rationale used to demonstrate that the alternate method provides an adequate level
5 of protection based on visiting the site and examining the specific tree's size, location, and extent
6 of root cover, evaluating the tree's tolerance to construction impact based on its species and
7 health, and identifying any past impacts that have occurred within the root zone; and

8 b. The alternative tree protection area is prepared under the supervision of
9 the certified arborist.

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

13 C. Street tree requirements

14 1. Street trees are required for development that would add one or more principal
15 dwelling units on a lot, except as provided in subsection 23.44.020.C.2 and Section 23.53.015.

16 Existing street trees shall be retained unless the Director of Transportation approves their
17 removal. The Director, in consultation with the Director of Transportation, shall determine the
18 number, type, and placement of additional street trees to be provided in order to:

- 19 a. Improve public safety;
- 20 b. Promote compatibility with existing street trees;
- 21 c. Match trees to the available space in the planting strip;
- 22 d. Maintain and expand the urban forest canopy;
- 23 e. Encourage healthy growth through appropriate spacing;

- 1 f. Protect utilities; and
- 2 g. Allow access to the street, buildings, and lot.
- 3 2. Exceptions to street tree requirements
- 4 a. If a lot borders an unopened right-of-way, the Director may reduce or
- 5 waive the street tree requirement along that right-of-way as a Type I decision if, after
- 6 consultation with the Director of Transportation, the Director determines that the right-of-way is
- 7 unlikely to be opened or improved.
- 8 b. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback
- 9 shall be planted with street trees along the street lot line that abuts the required front yard, or
- 10 landscaping other than trees shall be provided in the planting strip, subject to approval by the
- 11 Director of the Seattle Department of Transportation. If, according to the Director of the
- 12 Department of Transportation, a 5-foot setback or landscaped planting strip is not feasible, the
- 13 Director may reduce or waive this requirement as a Type I decision.

14 Section 16. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
15 126855, is amended as follows:

16 **23.44.041 Accessory dwelling units**

17 * * *

18 C. Detached accessory dwelling units. Detached accessory dwelling units are subject to
19 the following additional conditions:

- 20 1. Detached accessory dwelling units are required to meet the additional
- 21 development standards set forth in Table A for 23.44.041.

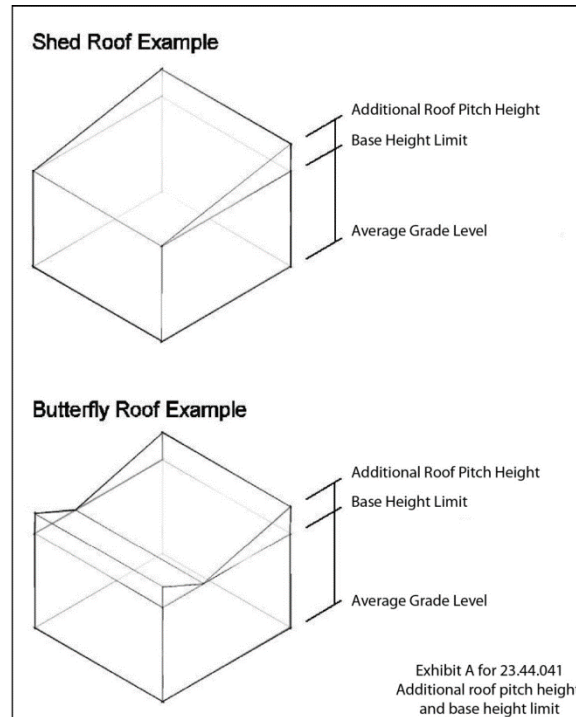
| Table A for 23.44.041 Development standards for detached accessory dwelling units ^{1, 2} | |
|--|-------------------|
| a. Minimum lot size | 3,200 square feet |

| | | | | |
|---|---|-------------|-------------|---------------|
| 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 exterior-only accessed 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. | | | |
| 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, 11} | | | |
| 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, 11} | 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 | 3 | 4 | 4 | 4 |

| | | | | |
|---|--|--|--|--|
| or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041 | | | | |
| 1. Minimum separation from principal structure | 5 feet including eaves and gutters of all structures | | | |
| <p>Footnotes to Table A for 23.44.041</p> <p>¹ The 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.</p> <p>² The 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)) a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.</p> <p>³ For lots that do not meet the lot depth requirement but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.</p> <p>⁴ ((External)) Except for properties with a rear lot line adjacent to an alley, external 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.</p> <p>⁵ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.</p> <p>⁶ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.</p> <p>⁷ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.</p> <p>⁸ Projections 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 standard k if all conditions of subsection 23.44.012.C.3 are satisfied.</p> <p>⁹ Any 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.</p> <p>¹⁰ Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.</p> <p>¹¹ Attached decks that are portions of a detached accessory dwelling unit are allowed in the required rear yard and up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.</p> | | | | |

Exhibit A for 23.44.041

Additional roof pitch height and base height limit



2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.020 through 22.206.140 and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in standards a through f, and h through k, listed in Table A for 23.44.041. These exceptions also apply to any additions to an existing accessory structure. An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure existed prior to December 31, 2017, as an accessory structure. If an accessory

1 structure existing prior to December 31, 2017, was replaced to the same configuration in
2 accordance with the standards of Section 23.42.112, then the replacement structure also qualifies
3 for conversion under this subsection 23.44.041.C.2. For purposes of this subsection
4 23.44.041.C.2, the term “conversion” means either keeping the accessory structure intact or
5 removing and rebuilding the accessory structure(~~(, provided that any expansion or relocation of~~
6 ~~the accessory structure complies with the development standards for detached accessory~~
7 ~~dwelling units)).~~

8 * * *

9 Section 17. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
10 126855, is amended as follows:

11 **23.45.510 Floor area**

12 * * *

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

14 * * *

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

18 a. ~~((Apartments))~~ All residential structures in LR zones, except as
19 provided in subsection 23.45.510.D.4.b;

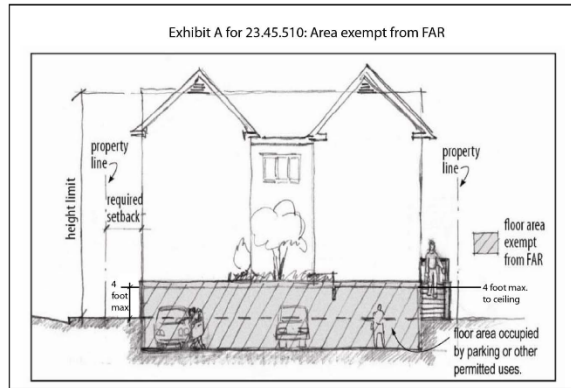
20 b. ~~((Rowhouse))~~ Single family, cottage housing, rowhouse, and
21 townhouse developments in LR zones, provided that all parking is located at the rear of the
22 structure or is enclosed in structures with garage entrances located on the rear facade; and

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

1
2

Exhibit A for 23.45.510

Area exempt from FAR



3
4

5 Section 18. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance
6 126855, is amended as follows:

7 **23.45.516 Method to achieve extra residential floor area in HR zones**

8

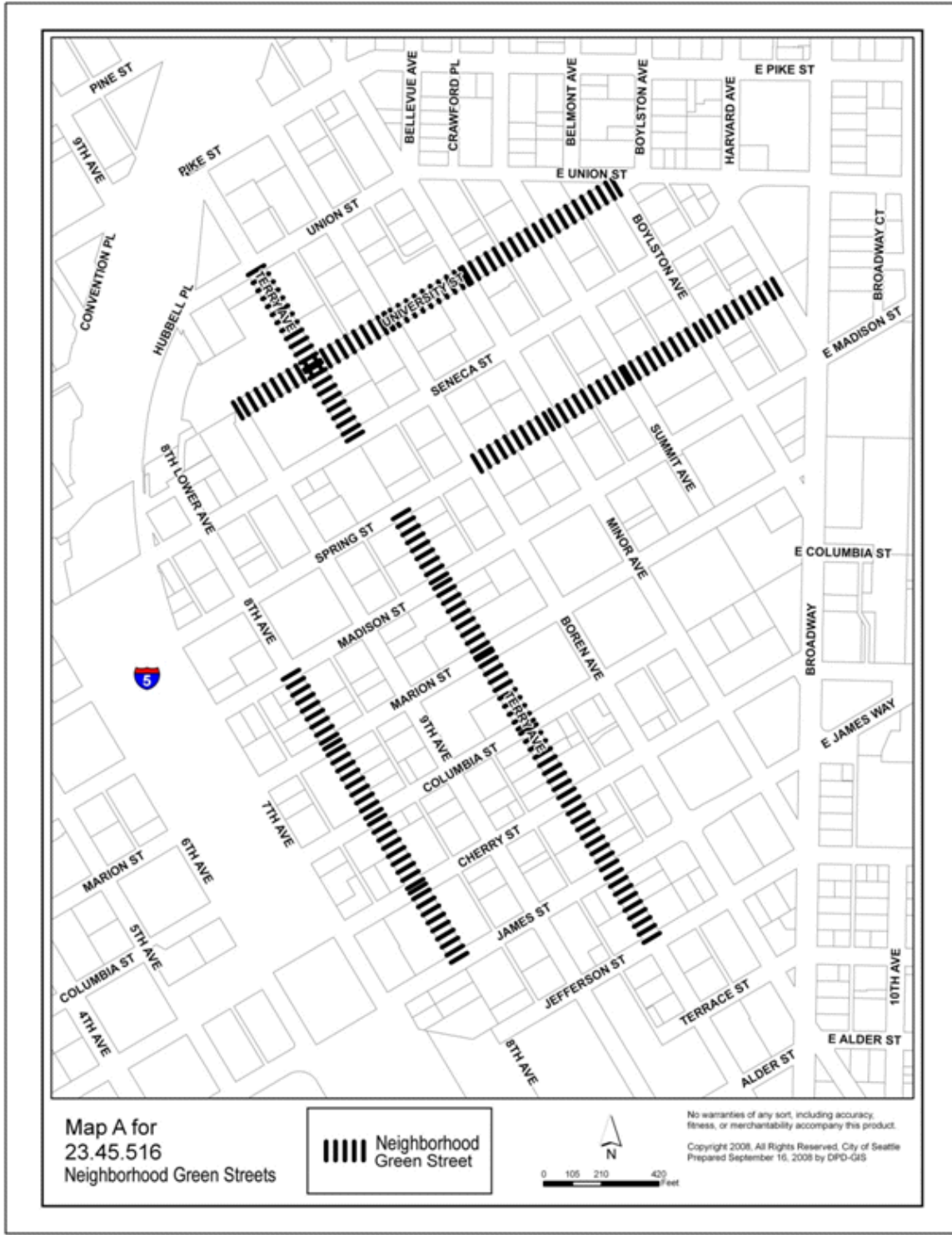
9 E. Neighborhood green street setback. Floor area may be gained for a neighborhood
10 green street setback according to the provisions of Chapter 23.58A by development on lots
11 abutting one of the streets or street segments within the First Hill Urban Village shown on Map
12 A for 23.45.516.

13 F. Neighborhood open space. In HR zones, subject to the limits in this Section 23.45.516
14 and Chapter 23.58A, extra residential floor area may be gained through a voluntary agreement to
15 provide neighborhood open space, according to the provisions of Section 23.58A.040.

1
2

Map A for 23.45.516

Neighborhood Green Streets



3
4

1 Section 19. Section 23.45.528 of the Seattle Municipal Code, last amended by Ordinance
2 125791, is amended as follows:

3 **23.45.528 Structure width and depth limits for lots greater than 9,000 square feet in**
4 **Midrise zones**

5 The width and depth limits of this Section 23.45.528 apply to lots greater than 9,000 square feet
6 in MR zones.

7 A. The width of each principal (~~((structures))~~) structure shall not exceed 150 feet.

8 B. Structure depth

9 1. The depth of each principal (~~((structures))~~) structure shall not exceed 80 percent
10 of the depth of the lot, except as provided in subsection 23.45.528.B.2.

11 2. Exceptions to structure depth limit. To allow for front setback averaging and
12 courtyards as provided in Section 23.45.518, structure depth may exceed the limit set in
13 subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth
14 does not exceed the lot coverage that would have otherwise been allowed without use of the
15 courtyard or front setback averaging provisions.

16 * * *

17 Section 20. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance
18 126685, is amended as follows:

19 **23.45.529 Design standards**

20 * * *

21 C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a
22 street-facing facade includes all vertical surfaces enclosing interior space, including gables and
23 dormers, as shown in Exhibit A for 23.45.529.

* * *

3. The Director may allow exceptions to the facade opening requirements in subsection 23.45.529.C.1 and the facade articulation requirements in subsection 23.45.529.C.2, if the Director determines that the street-facing facade will meet the intent of subsection 23.45.529.A.1 (~~and~~) for all housing types, and, as applicable, the intent of subsections 23.45.529.E.2, 23.45.529.F.3, and 23.45.529.G.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing facade treatments:

a. Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the facade;

b. Incorporation of architectural features that add interest and dimension to the facade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

c. Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the facade surface;

d. Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing facade(s).

* * *

Section 21. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance 126600, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

1 I. (~~In LR zones, accessory~~) Accessory dwelling units are allowed in single-family,
2 rowhouse and townhouse units, as follows:

3 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
4 townhouse unit that is a “principal unit.” A “principal unit” is a dwelling unit that is not an
5 accessory dwelling unit.

6 2. The height limit for a detached accessory dwelling unit is 20 feet, except that
7 the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet above
8 the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of
9 not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height
10 limit.

11 3. The maximum gross floor area of an accessory dwelling unit is 650 square feet,
12 provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent
13 of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of
14 garages, storage sheds, and other non-habitable spaces.

15 4. An accessory dwelling unit shall be located completely within the same
16 structure as the principal unit or in an accessory structure located between the single-family,
17 rowhouse, or townhouse unit and the rear lot line.

18 5. The entrance to an accessory dwelling unit provided within the same structure
19 as the principal unit shall be provided through one of the following configurations:

- 20 a. Through the primary entry to the principal unit; or
21 b. Through a secondary entry on a different facade than the primary entry
22 to the principal unit; or

1 c. Through a secondary entry on the same facade as the primary entry to
 2 the principal unit that is smaller and less visually prominent than the entry to the principal unit,
 3 and does not have a prominent stoop, porch, portico, or other entry feature.

4 6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit
 5 may not exceed 4 feet in height, except for exterior stairs providing access to an accessory
 6 dwelling unit located above a garage.

7 7. Parking. Parking is not required for an accessory dwelling unit.

8 8. In the Shoreline District, accessory dwelling units in single-family, rowhouse,
 9 and townhouse units shall be as provided in Chapter 23.60A, and where allowed in the Shoreline
 10 District, are also subject to the provisions in this subsection 23.45.545.I.

11 * * *

12 Section 22. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section
 13 was last amended by Ordinance 126626, is amended as follows:

14 **23.47A.004 Permitted and prohibited uses**

15 * * *

16 I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or
 17 contrary provisions expressly provided for in this Title 23.

| Table A for 23.47A.004 Uses in Commercial zones | | | | | |
|--|--|-----|-----|----|----|
| Uses | Permitted and prohibited uses by zone ¹ | | | | |
| | NC1 | NC2 | NC3 | C1 | C2 |
| A. AGRICULTURAL USES | | | | | |
| A.1. Animal husbandry | A | A | A | A | P |
| A.2. Aquaculture | 10 | 25 | P | P | P |
| A.3. Community garden | P | P | P | P | P |
| A.4. Horticulture | 10 | 25 | P | P | P |
| A.5. Urban farm ² | P | P | P | P | P |
| * * * | | | | | |

| C. COMMERCIAL USES ³ | | | | | | |
|---------------------------------|---|------------------|--------------------|-----------------|-----------------|-----------------|
| | C.1. Animal shelters and kennels | X | X | X | X | P |
| | C.2. Eating and drinking establishments | | | | | |
| | C.2.a. Drinking establishments | CU-10 | CU-25 | P | P | P |
| | C.2.b. Restaurants | 10 | 25 | P | P | P |
| | C.3. Entertainment uses | | | | | |
| | C.3.a. Cabarets, adult ⁴ | X | P | P | P | P |
| | C.3.b. Motion picture theaters, adult | X | X | X | X | X |
| | C.3.c. Panorams, adult | X | X | X | X | X |
| | C.3.d. Sports and recreation, indoor | 10 | 25 | P | P | P |
| | C.3.e. Sports and recreation, outdoor | X | X | X ⁵ | P | P |
| | C.3.f. Theaters and spectator sports facilities | X | 25 | P | P | P |
| | C.4. Food processing and craft work ² | 10 | 25 | 25 | P | P |
| | C.5. Laboratories, research and development | 10 | 25 | P | P | P |
| | C.6. Lodging uses | X ⁶ | CU-25 ⁶ | P | P | P |
| | C.7. Medical services ⁷ | 10 ⁸ | 25 | P | P | P |
| | C.8. Offices | 10 | 25 | P | 35 ⁹ | 35 ⁹ |
| | C.9. Sales and services, automotive | | | | | |
| | C.9.a. Retail sales and services, automotive | 10 ¹⁰ | 25 ¹⁰ | P ¹⁰ | P | P |
| | C.9.b. Sales and rental of motorized vehicles | X | 25 | P | P | P |
| | C.9.c. Vehicle repair, major automotive | X | 25 | P | P | P |
| | C.10. Sales and services, general ² | | | | | |
| | C.10.a. Retail sales and services, general ² | 10 | 25 | P | P | P |
| | C.10.b. Retail sales, multipurpose | 10 ¹¹ | 50 | P | P | P |
| | C.11. Sales and services, heavy | | | | | |
| | C.11.a. Commercial sales, heavy | X | X | 25 | P | P |
| | C.11.b. Commercial services, heavy | X | X | X | P | P |
| | C.11.c. Retail sales, major durables | 10 | 25 | P | P | P |
| | C.11.d. Retail sales and services, non-household | 10 | 25 | P | P | P |
| | C.11.e. Wholesale showrooms | X | X | 25 | 25 | P |
| | C.12. Sales and services, marine | | | | | |
| | C.12.a. Marine service stations | 10 | 25 | P | P | P |
| | C.12.b. Sales and rental of large boats | X | 25 | P | P | P |
| | C.12.c. Sales and rental of small boats, boat parts and accessories | 10 | 25 | P | P | P |
| | C.12.d. Vessel repair, major | X | X | X | S | S |
| | C.12.e. Vessel repair, minor | 10 | 25 | P | P | P |
| * * * | | | | | | |
| G. MANUFACTURING USES | | | | | | |
| | G.1. Manufacturing, light ² | X | 10 | 25 | P | P |

| | | | | | |
|-----------------------------|---|---|---|---|---|
| G.2. Manufacturing, general | X | X | X | P | P |
| G.3. Manufacturing, heavy | X | X | X | X | X |

* * *

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))~~ cannabis 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 affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, 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 affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, 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.

* * *

Section 23. Section 23.47A.010 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.47A.010 Maximum size of nonresidential use((-))

* * *

B. For the purposes of this ((~~section~~)) Section 23.47A.010, size of use includes the gross floor area of a structure(s), or portion of a structure(s), occupied by a principal use and all uses accessory to that use, except that:

1. In NC1 and NC2 zones, any area dedicated to outdoor display of goods or equipment for rent or for sale is also included(~~(-and)~~) ;

2. In all zones, any gross floor area used for accessory parking is exempted from the size calculation(~~(-)~~) ; and

3. In all zones, any gross floor area used for stockrooms, storage, break rooms, loading, and administrative office accessory to a principal grocery store use is exempted from the size calculation, provided it does not exceed 8,500 square feet or 30 percent of the gross floor area, whichever is less.

* * *

Section 24. Section 23.47A.011 of the Seattle Municipal Code, last amended by Ordinance 123378, is amended as follows:

23.47A.011 Outdoor activities

* * *

1 E. The following outdoor activities on a lot zoned entirely or split-zoned commercial
2 shall be located at least 50 feet from a lot zoned entirely (~~(in a)~~) residential (~~(zone)~~), unless the
3 elevation of the lot with the activity is at least 15 feet above the grade of the lot in the residential
4 zone at the common lot line:

- 5 1. Outdoor sales and/or service of food or beverages, except products of an
6 agricultural use on the lot;
- 7 2. Outdoor storage;
- 8 3. Outdoor sports and recreation;
- 9 4. Outdoor loading berths.

10 * * *

11 Section 25. Section 23.47A.020 of the Seattle Municipal Code, last amended by
12 Ordinance 124969, is amended as follows:

13 **23.47A.020 Odor standards**

14 * * *

15 B. Major odor sources

16 1. Uses that employ the following odor-emitting processes or activities are major
17 odor sources:

- 18 a. Lithographic, rotogravure, or flexographic printing;
- 19 b. Film burning;
- 20 c. Fiberglassing;
- 21 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260
22 gallons;
- 23 e. Handling of heated tars and asphalts;

- 1 f. Incinerating (commercial);
- 2 g. Tire buffing;
- 3 h. Metal plating;
- 4 i. Vapor degreasing;
- 5 j. Wire reclamation;
- 6 k. Use of boilers (greater than 106 British thermal units per hour, 10,000
- 7 pounds steam per hour, or 30 boiler horsepower);
- 8 l. Animal food processing;
- 9 m. The production or processing of (~~marijuana~~) cannabis products by a
- 10 major (~~marijuana~~) cannabis activity; and
- 11 n. Other similar processes or activities.

12 * * *

13 Section 26. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance
14 126855, is amended as follows:

15 **23.48.005 Uses**

16 A. Permitted uses

- 17 1. All uses are permitted outright, either as principal or accessory uses, except
- 18 those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional
- 19 uses by subsection 23.48.005.C.
- 20 2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.
- 21 3. Major (~~marijuana~~) cannabis activity shall comply with the requirements of
- 22 Section 23.42.058.

23 * * *

1 Section 27. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance
2 126157, is amended as follows:

3 **23.48.225 Structure height in South Lake Union Urban Center**

4 * * *

5 C. Additional height permitted in the SM-SLU 175/85-280 and SM-SLU 85-280 zones

6 * * *

7 4. In the SM-SLU 175/85-280 zone, additional height above the applicable height
8 limit, as described below, for up to two non-residential towers on one block is permitted if the
9 tower or towers meet the following requirements.

10 a. If ~~((two))~~ a non-residential ~~((towers are))~~ tower is developed, the tower
11 closer to the eastern block front may be up to 190 feet in height ~~((and the tower closer to the
12 western block front may be up to 208 feet in height))~~.

13 b. If ~~((two))~~ a residential ~~((towers are))~~ tower is developed, one residential
14 tower on the northwest quadrant of the block may be up to ~~((360))~~ 440 feet ~~((and the other on the
15 southeast quadrant of the block may be up to 320 feet))~~ including a podium up to 125 feet.

16 c. Rooftop features comply with subsection 23.48.025.C, which applies to
17 the additional structure height permitted under this subsection 23.48.225.C.4.

18 d. The additional height is to accommodate an additional increment of
19 floor area provided in subsection 23.48.220.A.3.b.

20 * * *

21 Section 28. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance
22 126685, is amended as follows:

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A,

FAR limits for SM-U zones are as shown in Table A for 23.48.720.

| Table A for 23.48.720 FAR limits for specified zones in the Uptown Urban Center | | | |
|--|-----------------------------|---|-------------------------------------|
| Zone | Base FAR limit for all uses | Maximum FAR for structures that include residential use | FAR Limits for non-residential uses |
| SM-UP 65 | NA | 4.5 | 4.5 |
| SM-UP 85 | NA | 5.25 | 5.25 |
| SM-UP 95 | NA | 5.75 | 5.75 |
| SM-UP 160 | 5 | 7 ¹ | 2 ² |

Footnotes to Table A for 23.48.720

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

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

B. Additional increment of floor area above the maximum FAR. On lots that include uses or features specified in this subsection 23.48.720.B, an additional amount of chargeable floor area is permitted above the maximum FAR as follows:

1. For all SM-UP zones an additional amount of 1 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any

1 certificates of approval issued by the Landmarks Preservation Board, all as determined by the
2 Director of the Department of Neighborhoods;

3 b. A notice is recorded in the King County real estate records, in a form
4 satisfactory to the Director, regarding the additional increment of floor area allowed and the
5 effect thereof under the terms of this Chapter 23.48;

6 c. A Landmark structure that obtains additional FAR under this subsection
7 23.48.720.B.1 may not be a sending site for Landmark transferable development rights (TDR) or
8 for transferable development rights (TDP);

9 d. If the increased amount of FAR allowed under this subsection
10 23.48.720.B.1 remains on the lot, the structure must remain designated as a Landmark; and

11 e. The owner shall maintain the exterior and interior of the Landmark
12 structure in good condition in a manner that preserves the Landmark features and characteristics
13 of the structure.

14 2. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
15 the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or
16 not-for-profit operator, subject to the following conditions:

17 a. The amount of the additional increment of FAR shall not exceed floor
18 area of the arts facility.

19 b. The minimum floor area provided for a qualifying arts facility is 2,500
20 square feet.

21 c. The space shall be occupied by an arts facility for the life of the project
22 on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to
23 operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used

1 for other non-profit purposes such as a community and/or public area, under the following
2 conditions:

3 1) The space shall be made available to community and charitable
4 organizations and is not to be used for profit-making activities;

5 2) The space shall be made available for both day and evening use;

6 3) The space shall be made available on a first-come, first-served
7 basis to community and charitable organizations; and

8 4) Availability of the space and contact person(s) shall be made
9 known to community and charitable groups through means such as newspaper articles, radio
10 announcements, and flyers.

11 d. No permit after the first building permit, no permit for any construction
12 activity other than excavation and shoring, and no permit for occupancy of existing floor area by
13 any use shall be issued for development that includes an arts facility to gain the increase in FAR
14 until the applicant has demonstrated to the satisfaction of the Director that a lease with a for-
15 profit or not-for-profit arts organization has been secured to occupy the space for a minimum of
16 one year.

17 3. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
18 the maximum FAR limit of the zone if a lot includes a preschool, an elementary school, or a
19 secondary school, subject to the following conditions:

20 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
21 letter to the Director from the school indicating that, based on the Master Use Permit plans, the
22 school district has determined that the development could meet the operator's specifications;

1 b. Prior to issuance of a building permit, the applicant shall submit a
2 written certification by the operator to the Director that the operator’s specifications have been
3 met; and

4 c. Should the school use be discontinued and replaced by commercial use,
5 the commercial use shall be considered development to which Chapter 23.58B applies,
6 notwithstanding any contrary provision of (~~Section~~) subsection 23.58B.020.B.

7 4. For all SM-UP zones, an additional increment of up to 1.0 FAR is permitted
8 above the maximum FAR of the zone for a lot that includes residential dwelling units that
9 comply with all of the following conditions:

10 a. Unit number and size. The structure includes a minimum of ten
11 dwelling units that each have a minimum area of 900 gross square feet and include three or more
12 bedrooms; and

13 b. Amenity area. Each dwelling unit shall have access to an outdoor
14 amenity area that is located on the same story as the dwelling unit and meets the following
15 standards:

16 1) The amenity area has a minimum area of 1,300 square feet and a
17 minimum horizontal dimension of 20 feet; and

18 2) The amenity area must be common amenity area, except that up
19 to 40 percent of the amenity area may be private provided that the private and common amenity
20 area are contiguous and are not separated by barriers more than 4 feet in height; and the private
21 amenity areas are directly accessible from units meeting these requirements; and

22 3) The common amenity area includes children’s play equipment;
23 and

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

4 3. On lots in the DMR/C 75/75-170 zone, the base height limit is 75 feet, and it is
5 the applicable height limit for all structures, except that:

6 a. The applicable height limit is 85 feet if the applicant qualifies for extra
7 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or
8 live-work use above 75 feet, and the structure does not qualify for a higher height limit under this
9 subsection 23.49.008.C.3.

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

15 4. On lots in the DMR/C 75/75-95 zone, the base height limit is 75 feet, and it is
16 the applicable height limit for all structures, except that the applicable height limit is 95 feet if
17 the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the
18 structure has no non-residential or live-work use above 75 feet.

19 5. On lots in the DMR/R 95/65 zone:

20 a. A height limit of 95 feet applies to the portions of a structure that
21 contain residential or lodging uses.

22 b. A height limit of 65 feet applies to the portions of a structure that
23 contain non-residential uses (excluding lodging uses).

* * *

F. In all Downtown zones except the IDM 75-85 and PMM-85 zones and all DH1, DH2, and PSM zones, and except for projects that receive additional height pursuant to subsection 23.49.008.G, an additional 10 feet in height is permitted above the otherwise applicable maximum height limit for residential uses for a structure that includes residential dwelling units that comply with all of the following conditions:

1. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

a. The amenity area has a minimum area of 1,300 square feet and a minimum horizontal dimension of 20 feet; and

b. The amenity area must be common amenity area, except that up to 40((%)) percent of the amenity area may be private provided that: the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

c. The common amenity area includes children's play equipment; and

d. The common amenity area is located at or below a height of 85 feet.

* * *

Section 31. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance 124969, is amended as follows:

1 **23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**
2 **standards**

3 A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least 10
4 feet above finished sidewalk grade, and directed away from uses within 50 feet of the vent.

5 1. Major odor sources

6 a. Uses that employ the following odor-emitting processes or activities are
7 major odor sources:

8 1) Lithographic, rotogravure, or flexographic printing;

9 2) Film burning;

10 3) Fiberglassing;

11 4) Selling of gasoline and/or storage of gasoline in tanks larger
12 than 260 gallons;

13 5) Handling of heated tars and asphalts;

14 6) Incinerating (commercial);

15 7) Metal plating;

16 8) Use of boilers (greater than 106 British thermal units per hour,
17 10,000 pounds steam per hour, or 30 boiler horsepower);

18 9) The production or processing of (~~marijuana~~) cannabis products
19 by a major (~~marijuana~~) cannabis activity; and

20 10) Other uses creating similar odor impacts.

21 b. Uses that employ the following processes are considered major odor
22 sources, unless the entire activity is conducted as part of a commercial use other than food
23 processing or heavy commercial services:

- 1 1) Cooking of grains;
- 2 2) Smoking of food or food products;
- 3 3) Fish or fishmeal processing;
- 4 4) Coffee or nut roasting;
- 5 5) Deep fat frying;
- 6 6) Dry cleaning; and
- 7 7) Other uses creating similar odor impacts.

8 2. Review of major odor sources. When an application is made for a use that is a
9 major odor source, the Director, in consultation with the Puget Sound Clean Air Agency
10 (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to
11 significantly reduce potential odor emissions and airborne pollutants. The measures to be taken
12 shall be specified on plans submitted to the Director, and may be required as conditions for the
13 issuance of any permit. After a permit has been issued, any measures that were required by the
14 permit shall be maintained.

15 B. Noise standards((-))

16 1. All food processing for human consumption, custom and craft work involving
17 the use of mechanical equipment, and light manufacturing activities shall be conducted wholly
18 within an enclosed structure.

19 2. The following uses or devices are considered major noise generators:

- 20 a. Light manufacturing uses;
- 21 b. ~~((Auto body, boat and aircraft repair shops))~~ Repair shops for auto
22 body, boats, and/or aircraft; and
- 23 c. Other similar uses.

1 is required, or within 150 days of the first early design guidance public meeting if more than one
2 early design guidance public meeting is held. Failure to file a complete Master Use Permit
3 application within 12 months of filing a complete application for early design guidance or from
4 the effective date of this ordinance shall disqualify a proposed tower from being considered an
5 existing tower.

6 * * *

7 Section 34. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance
8 125558, is amended as follows:

9 **23.49.090 Downtown Retail Core, permitted uses**

10 A. All uses are permitted outright except those ~~((which))~~ that are specifically prohibited
11 by Section 23.49.092 and those ~~((which))~~ that are permitted only as conditional uses by Section
12 23.49.096. Parking is allowed subject to Section 23.49.019 and Section 23.49.094 and major
13 ~~((marijuana))~~ cannabis activity is allowed subject to Section 23.42.058.

14 B. All uses not prohibited shall be permitted as either principal or accessory uses.

15 C. ~~((Public facilities))~~

16 ~~((1-))~~ Except as provided in Section 23.49.096, uses in public facilities that are
17 most similar to uses permitted outright under this Chapter 23.49 shall also be permitted outright
18 subject to the same use regulations and development standards that govern the similar uses.

19 ~~((2- Essential public facilities-))~~ D. Permitted essential public facilities shall also
20 be reviewed according to the provisions of Chapter 23.80~~((,- Essential Public Facilities))~~.

21 * * *

22 Section 35. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance
23 125558, is amended as follows:

1 **23.49.142 Downtown Mixed Residential, permitted uses**

2 A. All uses are permitted outright except those specifically prohibited by Section
3 23.49.144 and those permitted only as conditional uses by Section 23.49.148. Parking is
4 permitted pursuant to Section 23.49.019 and Section 23.49.146, and major ~~((marijuana))~~
5 cannabis activity is allowed pursuant to Section 23.42.058.

6 B. All uses not prohibited are permitted as either principal or accessory uses.

7 C. ~~((Public facilities))~~

8 ~~((1.))~~ Except as provided in subsection 23.49.148.D.2, uses in public facilities that
9 are most similar to uses permitted outright under this Chapter 23.49 are also permitted outright
10 subject to the same use regulations and development standards that govern the similar uses.

11 ~~((2. Essential public facilities.))~~ D. Permitted essential public facilities shall also
12 be reviewed according to the provisions of Chapter 23.80~~((, Essential Public Facilities))~~.

13 * * *

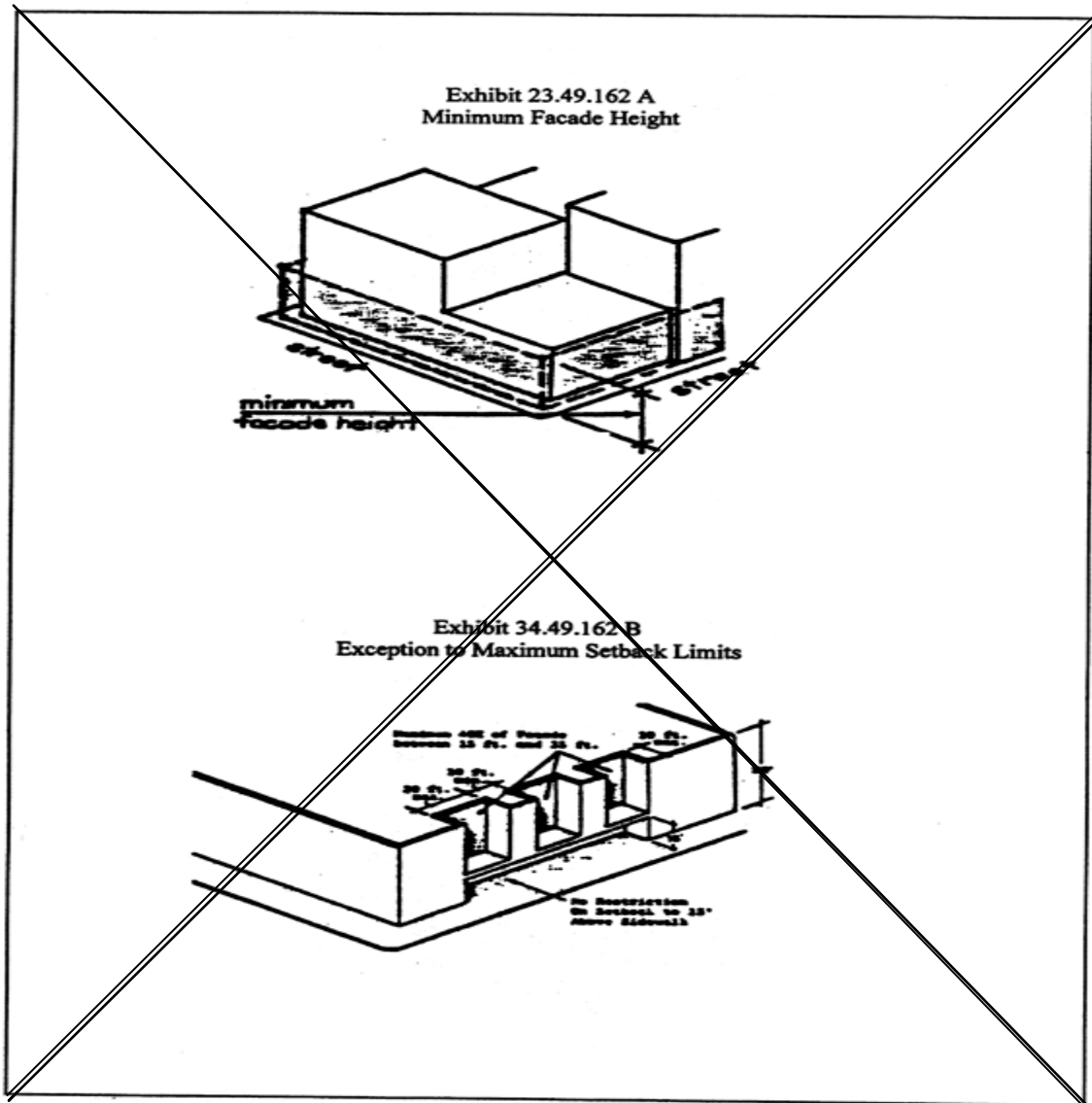
14 Section 36. Section 23.49.162 of the Seattle Municipal Code, last amended by Ordinance
15 123589, is amended as follows:

16 **23.49.162 Downtown Mixed Residential, street facade requirements**

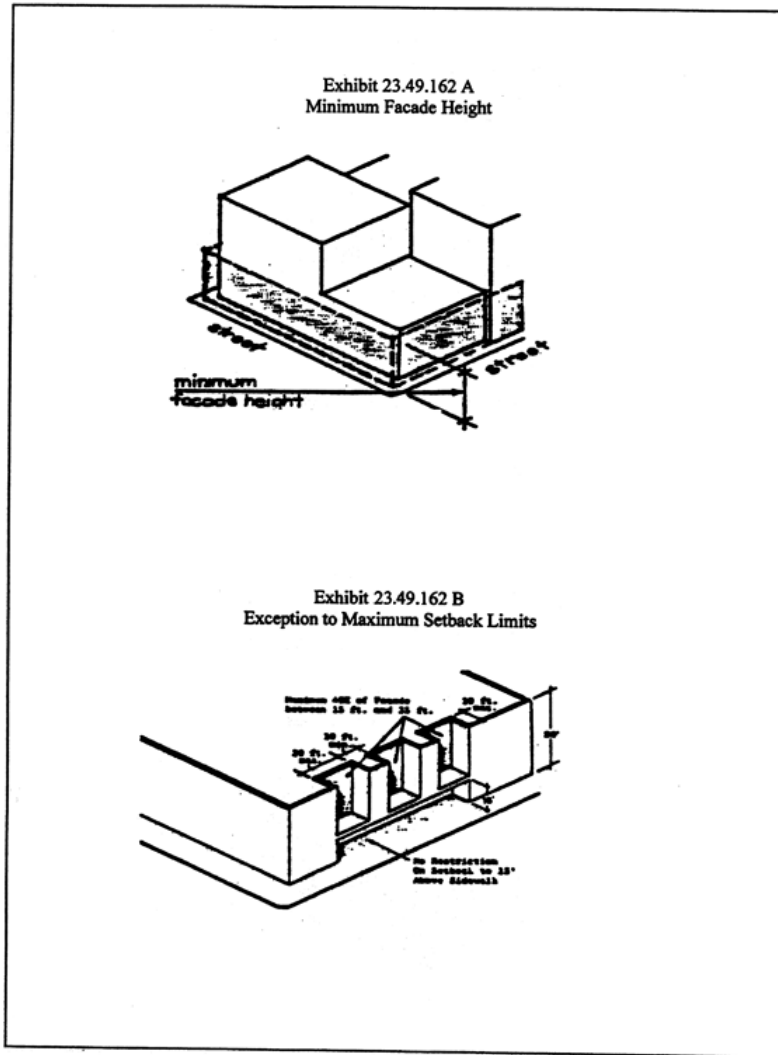
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Exhibits 23.49.162 A, 23.49.162 B



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Section 37. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance 124969, is amended as follows:

23.49.300 Downtown Harborfront 1, uses

A. Uses that are permitted or prohibited in Downtown Harborfront 1 are identified in Chapter 23.60A, (~~the Seattle Shoreline Master Program,~~) except that major (~~marijuana~~) cannabis activity is prohibited.

1 B. (~~Essential public facilities.~~) Permitted essential public facilities shall also be
2 reviewed according to the provisions of Chapter 23.80(~~Essential Public Facilities~~).

3 * * *

4 Section 38. Section 23.49.320 of the Seattle Municipal Code, last amended by Ordinance
5 124969, is amended as follows:

6 **23.49.320 Downtown Harborfront 2, prohibited uses**

7 The following uses are prohibited as both principal and accessory uses:

8 * * *

9 I. Major (~~marijuana~~) cannabis activity.

10 Section 39. Section 23.49.338 of the Seattle Municipal Code, last amended by Ordinance
11 125558, is amended as follows:

12 **23.49.338 Pike Market Mixed, prohibited uses**

13 A. The following uses are prohibited as both principal and accessory uses in areas outside
14 of the Pike Place Market Historical District, Map 1K:

- 15 1. Drive-in businesses, except gas stations located in parking garages;
- 16 2. Outdoor storage;
- 17 3. Adult motion picture theaters and adult panorams;
- 18 4. Transportation facilities, except flexible-use parking;
- 19 5. Major communication utilities;
- 20 6. All general manufacturing uses;
- 21 7. Solid waste management;
- 22 8. Recycling;
- 23 9. All industrial uses;

| Table A for 23.50.012 Uses in Industrial zones | | | | |
|---|---------------------------------------|--------------------------|--------------------------------------|--------------------------------------|
| Uses | Permitted and prohibited uses by zone | | | |
| | IB | IG1 and IG2 (general) | IG1 in the Duwamish M/I Center | IG2 in the Duwamish M/I Center |
| A. AGRICULTURAL USES | | | | |
| A.1. Animal husbandry | X | X | X | X |
| A.2. Aquaculture | P | P | P | P |
| A.3. Community garden | P(1) | P(1) | P(1) | P(1) |
| A.4. Horticulture | X | X | X | X |
| A.5. Urban farm [2] | P(1) | P(1) | P(1) | P(1) |
| B. CEMETERIES | X | X | X | X |
| C. COMMERCIAL USES | | | | |
| C.1. Animal shelters and kennels | X(3) | P | P | P |
| C.2. Eating and drinking establishments | P | P | P | P |
| C.3. Entertainment uses | | | | |
| C.3.a. Cabarets, adult | P(4) | X | X | X |
| C.3.b. Motion picture theaters, adult | X | X | X | X |
| C.3.c. Panorams, adult | X | X | X | X |

| | | | | |
|---|----|----|------|------|
| C.3.d. Sports and recreation, indoor | P | P | X | P |
| C.3.e. Sports and recreation, outdoor | P | P | X | P |
| C.3.f. Theaters and spectator sports facilities | | | | |
| C.3.f.i. Lecture and meeting halls | P | P | P | P |
| C.3.f.ii. Motion picture theaters | P | P | X | X |
| C.3.f.iii. Performing arts theaters | P | P | X | X |
| C.3.f.iv. Spectator sports facilities | P | P | X(5) | X(5) |
| C.4. Food processing and craft work (2) | P | P | P | P |
| C.5. Laboratories, research and development | P | P | P | P |
| C.6. Lodging uses | CU | CU | X | X |
| C.7. Medical services (6) | P | P | P | P |
| C.8. Offices | P | P | P | P |
| C.9. Sales and services, automotive | P | P | P | P |

| | | | | |
|--|--------|------------|------------|------------|
| C.10. Sales and services, general (2) | P | P | P | P |
| C.11. Sales and services, heavy | P | P | P | P |
| C.12. Sales and services, marine | P | P | P | P |
| D. HIGH-IMPACT USES | X | X or CU(7) | X or CU(7) | X or CU(7) |
| E. INSTITUTIONS | | | | |
| E.1. Adult care centers | X | X | X | X |
| E.2. Child care centers | P | P | P | P |
| E.3. Colleges | EB | EB(8) | X(9) | X(9) |
| E.4. Community centers and Family support centers | EB | EB | P | P |
| E.5. Community clubs | EB | EB | X | P |
| E.6. Hospitals | EB | CU(10) | P | P |
| E.7. Institutes for advanced study | P | P | X | X |
| E.8. Libraries | X | X | X | X |
| E.9. Major institutions subject to the provisions of Chapter 23.69 | EB(11) | EB(11) | EB | EB |
| E.10. Museums | EB | EB | X(12) | X(12) |
| E.11. Private clubs | EB | EB | X | X |

| | | | | |
|--|-------|-------------|-------|-------|
| E.12. Religious facilities | P(13) | P(13) | P(13) | P(13) |
| E.13. Schools, elementary or secondary | EB | EB | X | X |
| E.14. Vocational or fine arts schools | P | P | P | P |
| F. LIVE-WORK UNITS | X | X | X | X |
| G. MANUFACTURING USES | | | | |
| G.1. Manufacturing, light 2 | P | P | P | P |
| G.2. Manufacturing, general | P | P | P | P |
| G.3. Manufacturing, heavy | CU | P or CU(14) | P | P |
| H. PARKS AND OPEN SPACE | P | P | P | P |
| I. PUBLIC FACILITIES | | | | |
| I.1. Jails | X | X | X | X |
| I.2. Work-release centers | X | X | X | X |
| I.3. Other public facilities | CCU | CCU | CCU | CCU |
| J. RESIDENTIAL USES | | | | |
| J.1. Residential uses not listed below | X | X | X | X |
| J.2. Artist's studio/dwellings | EB/CU | EB/CU | EB/CU | EB/CU |

| | | | | |
|---|-------|-------|------|------|
| J.3. Caretaker's quarters | P | P | P | P |
| J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district | CU | CU | CU | CU |
| K. STORAGE USES | | | | |
| K.1. Mini-warehouses | P | P | X | P |
| K.2. Storage, outdoor | P | P | P | P |
| K.3. Warehouses | P | P | P | P |
| L. TRANSPORTATION FACILITIES | | | | |
| L.1. Cargo terminals | P | P | P | P |
| L.2. Parking and moorage | | | | |
| L.2.a. Boat moorage | P | P | P | P |
| L.2.b. Dry boat storage | P | P | P | P |
| L.2.c. Parking, flexible-use | P | P | X(5) | X(5) |
| L.2.d. Park and ride facilities | P(15) | P(15) | CU | CU |
| L.2.e. Towing services | P | P | P | P |
| L.3. Passenger terminals | P | P | P | P |

| | | | | |
|--|-----|-----|-----|-----|
| L.4. Rail transit facilities | P | P | P | P |
| L.5. Transportation facilities, air | | | | |
| L.5.a. Airports (land-based) | X | CCU | CCU | CCU |
| L.5.b. Airports (water-based) | X | CCU | CCU | CCU |
| L.5.c. Heliports | X | CCU | CCU | CCU |
| L.5.d. Helistops | CCU | CCU | CCU | CCU |
| L.6. Vehicle storage and maintenance | | | | |
| L.6.a. Bus bases | CU | CU | CU | CU |
| L.6.b. Railroad switchyards | P | P | P | P |
| L.6.c. Railroad switchyards with a mechanized hump | X | CU | CU | CU |
| L.6.d. Transportation services, personal | P | P | P | P |
| M. UTILITY USES | | | | |
| M.1. Communication utilities, major | CU | CU | CU | CU |

| | | | | |
|--|--------|-----|-----|-----|
| M.2. Communication utilities, minor | P | P | P | P |
| M.3. Power plants | X | P | P | P |
| M.4. Recycling | P | P | P | P |
| M.5. Sewage treatment plants | X | CCU | CCU | CCU |
| M.6. Solid waste management | | | | |
| M.6.a. Salvage yards | X | P | P | P |
| M.6.b. Solid waste transfer stations | CU(16) | CU | CU | CU |
| M.6.c. Solid waste incineration facilities | X | CCU | CCU | CCU |
| M.6.d. Solid waste landfills | X | X | X | X |
| M.7. Utility services uses | P | P | P | P |

Key to Table A for 23.50.012

CU = Administrative conditional use

CCU = Council conditional use

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

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

P = Permitted

X = Prohibited

Footnotes to Table A for 23.50.012

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

- (a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;
 - (b) 10,000 square feet in IB zones; and
 - (c) 20,000 square feet in IG2 zones.
- (2) In addition to the provisions of this Chapter 23.50, urban farms that entail major ~~((marijuana))~~ cannabis activity are regulated by Section 23.42.058.
- (3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.
- (4) Subject to subsection 23.50.012.E.
- (5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-foot ratio under the following circumstances:
- (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
 - (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
 - (c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
- (6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.
- (7) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.
- (8) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60A.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.
- (9) A college or university offering a primarily vocational curriculum within the zone is permitted.
- (10) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.12.
- (11) Major institution uses are permitted only in a building existing on October 7, 1987, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on October 7, 1987.
- (12) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- (13) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

- (14) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.
- (15) Park and ride facilities are not permitted within 3,000 feet of the Downtown Urban Center.
- (16) Subject to subsection 23.50.014.B.7.e.

* * *

Section 42. Section 23.50.044 of the Seattle Municipal Code, last amended by Ordinance 124969, is amended as follows:

23.50.044 All industrial zones – Standards for major odor sources

A. Major odor sources in Industrial Buffer and Industrial Commercial zones

1. Uses that involve the following odor-emitting processes or activities are major odor sources:

- a. Lithographic, rotogravure, or flexographic printing;
- b. Film burning;
- c. Fiberglassing;
- d. Selling of gasoline and/or storage of gasoline in tanks larger than 260 gallons;
- e. Handling of heated tars and asphalts;
- f. Incinerating (commercial);
- g. Metal plating;
- h. Tire buffing;
- i. Vapor degreasing;
- j. Wire reclamation;
- k. Use of boilers (greater than 106 British thermal units per hour, 10,000 pounds steam per hour, or 30 boiler horsepower);

1 **23.53.006 Pedestrian access and circulation**

2 * * *

3 F. Exceptions. The following exceptions to pedestrian access and circulation
4 requirements and standards apply:

5 1. Projects exempt from requirements. Pedestrian access and circulation
6 improvements are not required for the following types of projects:

7 a. Change of use;

8 b. Alterations to existing structures;

9 c. Additions to existing structures that are exempt from environmental
10 review;

11 d. Construction of a detached structure accessory to a single-family
12 dwelling unit in any zone, if the property owner enters into a no-protest agreement, as authorized
13 by chapter 35.43 RCW, to future pedestrian access and circulation improvements and that
14 agreement is recorded with the King County Recorder;

15 e. Construction of a single-family dwelling unit on a lot in any zone, if the
16 property owner enters into a no-protest agreement, as authorized by chapter 35.43 RCW, to
17 future pedestrian access and circulation improvements and that agreement is recorded with the
18 King County Recorder, and if at least one of the following conditions is met:

19 1) The lot is on a block front where there are no existing pedestrian
20 access and circulation improvements within 100 feet of the lot; or

21 2) Construction of pedestrian access and circulation improvements
22 is not necessary because, for example, the existing right-of-way has suitable width and surface
23 treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and

1 potential vehicular traffic; or the Director anticipates limited, if any, additional development near
2 the lot because the development near the lot is at or near zoned capacity under current zoning
3 designations;

4 f. Expansions of surface parking, outdoor storage, outdoor sales and
5 outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or
6 display area, or number of parking spaces;

7 g. In the MML zone, the addition of:

8 1) Fewer than ten artist's studio dwellings;
9 2) Less than 750 square feet of gross floor area of major and minor
10 vehicle repair uses and multipurpose retail sales; and

11 3) Less than 4,000 square feet of gross floor area of non-residential
12 uses not listed in subsection 23.53.006.F.1.g.2; and

13 h. Construction of a new non-residential structure of up to 4,000 square
14 feet of gross floor area if the structure is at least 50 feet from any lot line abutting an existing
15 street that does not have pedestrian access and circulation improvements.

16 2. Waiver or modification of pedestrian access and circulation requirements. The
17 Director, in consultation with the Director of Transportation, may waive or modify pedestrian
18 access and circulation requirements when one or more of the following conditions are met. The
19 waiver or modification shall provide the minimum relief necessary to accommodate site
20 conditions while maximizing pedestrian access and circulation.

21 a. Location in an environmentally critical area or buffer makes installation
22 of a sidewalk, curb, and/or curb ramp structurally impracticable or technically infeasible;

1 **23.53.015 Improvement requirements for existing streets in residential and commercial**
2 **zones**

3 A. General requirements

4 1. If new lots are proposed to be created, or if any type of development is
5 proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be
6 improved in accordance with this Section 23.53.015 and Section 23.53.006. A setback from the
7 lot line, or dedication of right-of-way, may be required to accommodate the improvements. One
8 or more of the following types of improvements may be required under this Section 23.53.015:

- 9 a. Pavement;
- 10 b. Drainage;
- 11 c. Grading to future right-of-way grade;
- 12 d. Design of structures to accommodate future right-of-way grade;
- 13 e. No-protest agreements; and
- 14 f. Planting of street trees and other landscaping.

15 2. Subsections 23.53.015.D, 23.53.015.E, and 23.53.015.F contain((s)) exceptions
16 from the standard requirements for street improvements, including exceptions for streets that
17 already have curbs, projects that are smaller than a certain size, and for special circumstances,
18 such as location in an environmentally critical area or buffer.

19 3. Off-site improvements, such as provision of drainage systems or fire access
20 roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the
21 impacts of development.

22 4. Detailed requirements for street improvements are in the Right-of-Way
23 Improvements Manual.

1 5. The regulations in this Section 23.53.015 are not intended to preclude the use
2 of Chapter 25.05 to mitigate adverse environmental impacts.

3 6. Minimum right-of-way widths

4 a. Arterials. The minimum right-of-way widths for arterials as designated
5 by the Seattle Department of Transportation are as specified in the Right-of-Way Improvements
6 Manual.

7 b. Nonarterial streets

8 1) The minimum right-of-way width for an existing street that is
9 not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A
10 for 23.53.015.

| Table A for 23.53.015(=) | |
|--|---------------------------------------|
| Minimum right-of-way widths for existing nonarterial streets | |
| Zone category | Required right-of-way width (in feet) |
| 1. ((SF)) NR, LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40 feet or less | 40 |
| 2. LR3, MR, HR, NC2 zones with height limits of more than 40 feet, NC3, C1, C2 and SM zones | 52 |

11 2) If a block is split into more than one zone, the required right-of-
12 way width shall be determined based on the requirements in Table A for 23.53.015 for the zone
13 category with the most frontage. If the zone categories have equal frontage, the minimum right-
14 of-way width is 52 feet.

15 B. Improvements to arterial streets. Except as provided in subsections 23.53.015.D,
16 23.53.015.E, and 23.53.015.F, arterials shall be improved according to the following
17 requirements:

1 1. If a street is designated as an arterial by the Seattle Department of
2 Transportation, a paved roadway and pedestrian access and circulation as required by Section
3 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is
4 located shall be provided in the portion of the street right-of-way abutting the lot, as specified in
5 the Right-of-Way Improvements Manual.

6 2. If necessary to accommodate the right-of-way and roadway widths specified in
7 the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing
8 arterial street has less than the minimum right-of-way width established in subsection
9 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the
10 current right-of-way width and the minimum right-of-way width established in subsection
11 23.53.015.A.6 is required.

12 C. Improvements to non-arterial streets. Except as provided in subsections 23.53.015.D,
13 23.53.015.E, and 23.53.015.F, non-arterial streets shall be improved according to the following
14 requirements:

15 1. Non-arterial streets with right-of-way greater than or equal to the minimum
16 right-of-way width

17 a. Improvement requirements. When an existing non-arterial street right-
18 of-way is greater than or equal to the minimum right-of-way width established in subsection
19 23.53.015.A.6, a paved roadway with pedestrian access and circulation as required by Section
20 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is
21 located shall be provided, as specified in the Right-of-Way Improvements Manual.

22 b. Fire apparatus access. If the lot does not have vehicular access from a
23 street or private easement that meets the regulations for fire apparatus access roads in Chapter

1 22.600, such access shall be provided. When an existing street does not meet these regulations,
2 the Chief of the Fire Department may approve an alternative that provides adequate emergency
3 vehicle access.

4 c. Dead-end streets. Streets that form a dead end at the property to be
5 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
6 the Right-of-Way Improvements Manual. The Director, in consultation with the Director of
7 Seattle Department of Transportation, shall determine whether the street has the potential for
8 being extended or whether it forms a dead end because of topography and/or the layout of the
9 street system.

10 2. Non-arterial streets with less than the minimum right-of-way width

11 a. Dedication requirement. When an existing non-arterial street has less
12 than the minimum right-of-way width established in subsection 23.53.015.A.6, dedication of
13 additional right-of-way equal to half the difference between the current right-of-way width and
14 the minimum right-of-way width established in subsection 23.53.015.A.6 is required; provided,
15 however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be
16 required to dedicate more than that amount of right-of-way.

17 b. Improvement requirement. A paved roadway with pedestrian access and
18 circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by
19 the zone in which the lot is located shall be provided in the portion of the street right-of-way
20 abutting the lot, as specified in the Right-of-Way Improvements Manual.

21 c. Fire apparatus access. If the lot does not have vehicular access from a
22 street or private easement that meets the regulations for fire apparatus access roads in Chapter
23 22.600, such access shall be provided. When an existing street does not meet these regulations,

1 the Chief of the Fire Department may approve an alternative that provides adequate emergency
2 vehicle access.

3 d. Dead-end streets. Streets that form a dead end at the property to be
4 developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the
5 Right-of-Way Improvements Manual. The Director, in consultation with the Director of the
6 Seattle Department of Transportation, shall determine whether the street has the potential for
7 being extended or whether it forms a dead end because of topography and/or the layout of the
8 street system.

9 D. Exceptions for streets with existing curbs

10 ~~((1. Streets with existing curbs))~~

11 ~~((a.))~~ 1. Streets with right-of-way greater than or equal to the minimum right-of-
12 way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than
13 or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is
14 less than the minimum established in the Right-of-Way Improvements Manual, the following
15 requirements shall be met:

16 ~~((1.))~~ a. All structures on the lot shall be designed and built to
17 accommodate the grade of the future street improvements.

18 ~~((2.))~~ b. A no-protest agreement to future street improvements is required,
19 as authorized by chapter 35.43 RCW. The agreement shall be recorded with the King County
20 Recorder.

21 ~~((3.))~~ c. Pedestrian access and circulation are required as specified in
22 Section 23.53.006.

1 ~~((b-))~~ 2. Streets with less than the minimum right-of-way width. If a street with
2 existing curbs abuts a lot and the existing right-of-way is less than the minimum width
3 established in subsection 23.53.015.A.6, the following requirements shall be met:

4 ~~((1))~~ a. Setback requirement. A setback equal to half the difference
5 between the current right-of-way width and the minimum right-of-way width established in
6 subsection 23.53.015.A.6 is required; provided, however, that if a setback has been provided
7 under this provision, other lots on the block shall provide the same setback. ~~((In all residential
8 zones except Highrise zones, an additional 3-foot setback is also required.))~~ The area of the
9 setback may be used to meet any development standard, except that required parking may not be
10 in the setback. Underground structures that would not prevent the future widening and
11 improvement of the right-of-way may be permitted in the required setback by the Director after
12 consulting with the Director of Transportation. Encroachments into this setback shall not be
13 considered structural building overhangs, but the encroachment is limited to the standards set
14 forth in Section 23.53.035. In all residential zones except Highrise zones, an additional 3-foot
15 setback is also required.

16 ~~((2))~~ b. Grading requirement. If a setback is required, all structures on the
17 lot shall be designed and built to accommodate the grade of the future street, as specified in the
18 Right-of-Way Improvements Manual.

19 ~~((3))~~ c. No-protest agreement requirement. A no-protest agreement to
20 future street improvements is required, as authorized by chapter 35.43 RCW. The agreement
21 shall be recorded with the King County Recorder.

22 ~~((4))~~ d. Pedestrian access and circulation are required as specified in
23 Section 23.53.006.

1 ~~((2. Projects))~~ E. Exceptions for projects with reduced improvement requirements

2 ~~((a-))~~ 1. One or two dwelling units. If no more than two new dwelling units are
3 proposed to be constructed, or no more than two new neighborhood residential zoned lots are
4 proposed to be created, the following requirements shall be met:

5 ~~((1))~~ a. If there is no existing hard-surfaced roadway, a crushed-rock
6 roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements
7 Manual.

8 ~~((2))~~ b. All structures on the lot(s) shall be designed and built to
9 accommodate the grade of the future street improvements.

10 ~~((3))~~ c. A no-protest agreement to future street improvements is required,
11 as authorized by chapter 35.43 RCW. The agreement shall be recorded with the King County
12 Recorder.

13 ~~((4))~~ d. Pedestrian access and circulation are required as specified in
14 Section 23.53.006.

15 ~~((b-))~~ 2. Other projects with reduced requirements. The types of projects listed in
16 this subsection ~~((23.53.015.D.2.b))~~ 23.53.015.E.2 are exempt from right-of-way dedication
17 requirements and are subject to the street improvement requirements of this subsection
18 ~~((23.53.015.D.2.b))~~ 23.53.015.E.2, except as waived or modified pursuant to subsection
19 ~~((23.53.015.D.3:))~~ 23.53.015.F. The requirements of subsection 23.53.015.D.2 shall also be met.

20 ~~((1))~~ a. Types of projects

21 ~~((a))~~ 1) Proposed developments that contain more than two but
22 fewer than ten units in NR, RSL, and LR1 zones, or fewer than six residential units in all other

1 zones, or proposed short plats in which no more than two additional lots are proposed to be
2 created, except as provided in subsection (~~(23.53.015.D.2.a)~~) 23.53.015.E.1;

3 (~~(b)~~) 2) The following uses if they are smaller than 750 square feet
4 of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales uses;

5 (~~(e)~~) 3) Non-residential structures that have less than 4,000 square
6 feet of gross floor area and that do not contain uses listed in subsection (~~(23.53.015.D.2.b.1.b)~~)
7 23.53.015.E.2.a.2 that are larger than 750 square feet;

8 (~~(f)~~) 4) Structures containing a mix of residential uses and either
9 nonresidential uses or live-work units, if there are fewer than ten units in NR, RSL, and LR1
10 zones, or fewer than six residential units in all other zones, and the square footage of
11 nonresidential use is less than specified in subsections (~~(23.53.015.D.2.b.1.b)~~) 23.53.015.E.2.a.2
12 and (~~(23.53.015.D.2.b.1.e)~~) 23.53.015.E.2.a.3;

13 (~~(e)~~) 5) Remodeling and use changes within existing structures;

14 (~~(f)~~) 6) Additions to existing structures that are exempt from
15 environmental review; and

16 (~~(g)~~) 7) Expansions of surface parking, outdoor storage, outdoor
17 sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales
18 or display area or number of parking spaces.

19 (~~(2)~~) b. Paving requirement. For the types of projects listed in subsection
20 (~~(23.53.015.D.2.b.1)~~) 23.53.015.E.2.a, the streets abutting the lot shall have a hard-surfaced
21 roadway at least 18 feet wide. If there is not an 18-foot wide hard-surfaced roadway, the roadway
22 shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street
23 meeting this requirement, or 100 feet, whichever is less. Streets that form a dead end at the

1 property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as
2 specified in the Right-of-Way Improvements Manual. As a Type 1 decision, the Director, after
3 consulting with the Director of Transportation, shall determine whether the street has the
4 potential for being extended or whether it forms a dead end because of topography or the layout
5 of the street system.

6 ~~((3)) Other requirements. The requirements of subsection~~
7 ~~23.53.015.D.1.b shall also be met.))~~

8 ~~((3))~~ F. Exceptions from required street improvements. As a Type 1 decision, the
9 Director, in consultation with the Director of Transportation, may waive or modify the
10 requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, and
11 landscaping if one or more of the following conditions are met. The waiver or modification shall
12 provide the minimum relief necessary to accommodate site conditions while maximizing access
13 and circulation.

14 ~~((a-))~~ 1. Location in an environmentally critical area or buffer, disruption of
15 existing drainage patterns, or removal of natural features such as significant trees or other
16 valuable and character-defining mature vegetation makes widening or improving the right-of-
17 way impractical or undesirable.

18 ~~((b-))~~ 2. The existence of a bridge, viaduct, or structure such as a substantial
19 retaining wall in proximity to the project site makes widening or improving the right-of-way
20 impractical or undesirable.

21 ~~((c-))~~ 3. Widening the right-of-way or improving the street would adversely affect
22 the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan

1 for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the
2 stated goals of such a plan.

3 ~~((d.))~~ 4. Widening or improving the right-of-way would preclude vehicular access
4 to an existing lot.

5 ~~((e.))~~ 5. Widening or improving the right-of-way would make building on a lot
6 infeasible by reducing it to dimensions where development standards cannot reasonably be met.

7 ~~((f.))~~ 6. One or more substantial principal structures on the same side of the block
8 as the proposed project are in the area needed for future expansion of the right-of-way and the
9 structure(s)' condition and size make future widening of the remainder of the right-of-way
10 unlikely.

11 ~~((g.))~~ 7. Widening or improving the right-of-way is impractical because
12 topography would preclude the use of the street for vehicular access to the lot, for example due
13 to an inability to meet the required 15 percent maximum driveway slope.

14 ~~((h.))~~ 8. Widening or improving the right-of-way is not necessary because it is
15 adequate for current and potential vehicular traffic, for example, due to the limited number of
16 lots served by the development or because the development on the street is at zoned capacity.

17 * * *

18 Section 45. Section 23.53.030 of the Seattle Municipal Code, last amended by Ordinance
19 126509, is amended as follows:

20 **23.53.030 Alley improvements in all zones**

21 * * *

22 E. Existing ~~((Alleys That Meet Minimum Width))~~ alleys that meet minimum width.
23 Except as provided in subsection 23.53.030.G and except for one and two dwelling unit

1 developments that abut an alley that is not improved but is in common usage, if an existing alley
2 meets the minimum right-of-way width established in subsection 23.53.030.D, the following
3 requirements shall be met:

4 1. If the alley is used for access to parking spaces, open storage, or loading berths
5 on a lot, the following improvements shall be provided:

6 a. For the following types of projects, the entire width of the portion of the
7 alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be
8 improved to at least the equivalent of a crushed rock surface, according to (~~Director's Rule 22-~~
9 ~~2005,~~) the Right-of-Way Improvements Manual or successor. The applicant may choose the
10 street to which the improvements will be installed. If the alley does not extend from street to
11 street, and the connecting street is an arterial designated on the Arterial street map, Section
12 11.18.010, either the remainder of the alley shall be improved so that it is passable to a passenger
13 vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

- 14 1) Residential structures with fewer than ten units;
- 15 2) The following uses if they are smaller than 750 square feet of
16 gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;
- 17 3) Nonresidential structures or structures with one or more live-
18 work units that: (a) have less than 4,000 square feet of gross floor area; and (b) do not contain
19 uses listed in subsection 23.53.030.E.1.a.2 that are larger than 750 square feet;
- 20 4) Structures containing a mix of residential and either
21 nonresidential uses or live-work units, if the residential use is less than ten units, and the total
22 square footage of nonresidential uses and live-work units is less than specified in subsections
23 23.53.030.E.1.a.2 and E.1.a.3;

| Table A for 23.54.015 Required parking for non-residential uses other than institutions | | | | |
|--|--|--------------------------------------|---|------------------------------------|
| Use | | Minimum parking required | | |
| I. General non-residential uses (other than institutions) | | | | |
| * * * | | | | |
| (G.) | TRANSITIONAL ENCAMPMENT INTERIM USE | | 1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times) | |
| (H.) <u>G.</u> | TRANSPORTATION FACILITIES | | | |
| | (H.) <u>G.1.</u> | Cargo terminals | 1 space for each 2,000 square feet | |
| | (H.) <u>G.2.</u> | Parking and moorage | | |
| | | (H.) <u>G.2.a.</u> | Flexible-use parking | None |
| | | (H.) <u>G.2.b.</u> | Towing services | None |
| | | (H.) <u>G.2.c.</u> | Boat moorage | 1 space for each 2 berths |
| | | (H.) <u>G.2.d.</u> | Dry storage of boats | 1 space for each 2,000 square feet |
| | (H.) <u>G.3.</u> | Passenger terminals | 1 space for each 100 square feet of waiting area | |
| | (H.) <u>G.4.</u> | Rail transit facilities | None | |
| | (H.) <u>G.5.</u> | Transportation facilities, air | 1 space for each 100 square feet of waiting area | |
| | (H.) <u>G.6.</u> | Vehicle storage and maintenance uses | 1 space for each 2,000 square feet | |
| (H.) <u>H.</u> | UTILITIES | | 1 space for each 2,000 square feet | |
| II. Non-residential use requirements for specific areas | | | | |
| (I.) <u>I.</u> | Non-residential uses in urban centers or the Station Area Overlay District ⁵ | | No minimum requirement | |
| (K.) <u>J.</u> | Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within a frequent transit service area ⁵ | | No minimum requirement | |
| (L.) <u>K.</u> | Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504 | | No minimum requirement | |

| | | |
|-----------------------|--|------------------------|
| (M.) L. | Non-residential uses permitted in II zones | No minimum requirement |
|-----------------------|--|------------------------|

Footnotes for Table A for 23.54.015

- ¹ No parking is required for urban farms or community gardens in residential zones.
- ² Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be “in use” during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be “in use” by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility’s seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility’s Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.
- ³ For indoor sports and recreation uses that exceed 25,000 square feet in size in a Manufacturing Industrial Center, the minimum requirement is 1 space for each 2,000 square feet.
- ⁴ The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.
- ⁵ The general minimum requirements of Part I of Table A for 23.54.015 are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for 23.54.015, the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

1

2

* * *

| Table C for 23.54.015 Required parking for public uses and institutions | |
|--|--|
| Use | Minimum parking required |
| I. General public uses and institutions | |
| A. Adult care centers ^{1, 2, 3} | 1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients) |
| B. Child care centers ^{2, 3, 4, 12} | 1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children |
| * * * | |
| F. Community farms ^{((⁴))⁵} | 1 space plus 1 space for each 10,000 square feet of site area, or 10 spaces, whichever is ((greater)) less |
| * * * | |

Footnotes to Table C for 23.54.015

¹ When this use is permitted in a neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570.

² The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

³ As a Type I decision, the Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers to provide loading and unloading spaces on street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.

⁴ A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

⁵ When this use is permitted outright in a neighborhood residential or multifamily zone, the Director may reduce the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 or Section 23.45.536 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

⁶ When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.

⁷ Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.

⁸ When a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements of Section 23.54.015 and the requirements of Section 23.45.536 or Sections 23.47A.030 and 23.47A.032 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

⁹ For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown in this Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.

¹⁰ Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

¹¹ The general requirements of lines A through P of this Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution, or Major Institution use fits within more than one line in this Table C for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

¹² The Director may reduce the minimum parking requirements for a child care center in any zone if a portion of its parking demand can be accommodated in nearby on-street parking.

* * *

1
2 Section 47. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance
3 126685, is amended as follows:

1 **23.54.030 Parking space and access standards**

2 All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-
3 free parking, shall meet the standards of this Section 23.54.030.

4 * * *

5 B. Parking space requirements. The required size of parking spaces shall be determined
6 by whether the parking is for a residential, live-work, or non-residential use. In structures
7 containing residential uses and also containing either non-residential uses or live-work units,
8 parking that is clearly set aside and reserved for residential or live-work use shall meet the
9 standards of subsection 23.54.030.B.1. Parking for all other uses within the structure shall meet
10 the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking
11 if required by the Seattle Building Code or the Seattle Residential Code.

12 1. Residential uses

13 a. When five or fewer parking spaces are provided, the minimum required
14 size of a parking space shall be for a medium vehicle, as described in subsection 23.54.030.A.2,
15 except as provided in subsection 23.54.030.B.1.d.

16 b. When more than five parking spaces are provided, a minimum of 60
17 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a
18 medium parking space shall also be the maximum size. Forty percent of the parking spaces may
19 be striped for any size category in subsection 23.54.030.A, provided that when parking spaces
20 are striped for large vehicles, the minimum required aisle width shall be as shown for medium
21 vehicles.

1 c. Assisted living facilities. Parking spaces shall be provided as in
2 subsections 23.54.030.B.1.a and 23.54.030.B.1.b, except that a minimum of two spaces shall be
3 striped for a large vehicle.

4 d. Townhouse units. For an individual garage serving a townhouse unit,
5 the minimum required size of a parking space shall be for a medium vehicle, as described in
6 subsection 23.54.030.A.

7 2. Non-residential uses

8 a. When ten or fewer parking spaces are provided, a maximum of 25
9 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the
10 spaces shall be striped for large vehicles.

11 b. When between 11 and 19 parking spaces are provided, a minimum of
12 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size
13 for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the
14 parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall
15 be striped for large vehicles.

16 c. When 20 or more parking spaces are provided, a minimum of 35
17 percent of the parking spaces shall be striped for small vehicles. The minimum required size for
18 small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking
19 spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped
20 for large vehicles.

21 d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at
22 least one floor, and there shall be at least one direct entrance (~~(from the street)~~) that is at least 6

1 feet 9 inches in height for all parking garages accessory to non-residential uses and live-work
2 units and for all flexible-use parking garages.

3 3. Live-work uses. The first required parking space shall meet the parking
4 standards for residential use. Additional required parking for a live-work use shall meet the
5 parking standards for non-residential use.

6 * * *

7 J. The Director may, as a Type I decision, modify any required dimension or distribution
8 percentage of parking spaces identified in subsections (~~(23.54.030.B.2 for nonresidential uses~~
9 ~~and live-work units)) 23.54.030.A or 23.54.030.B to allow more efficient use of a surface
10 parking area or parking garage, when the parking area or parking garage provides adequate and
11 safe circulation.~~

12 * * *

13 Section 48. Section 23.55.032 of the Seattle Municipal Code, enacted by Ordinance
14 123543, is amended as follows:

15 **23.55.032 Signs in the Sand Point Overlay District(~~-~~)**

16 * * *

17 F. (~~On-Premises Signs.~~) On-premises signs

18 1. The following on-premises signs are permitted in addition to the signs
19 permitted by subsections 23.55.032.F.2 and F.3:

20 a. Memorial signs or tablets, and the names of buildings and dates of
21 building erection when cut into a masonry surface or constructed of bronze or other
22 noncombustible materials, up to a maximum of 5 square feet;

1 b. Signs for public facilities indicating danger and/or providing service or
2 safety information;

3 c. National, state, county, city, and institutional flags. In addition, flags are
4 permitted for a non-profit organization not meeting the definition of an Institution in ((~~Seattle~~
5 ~~Municipal Code Section 23.84~~)) Section 23.84A.018.

6 2. The number and type of on-premises signs allowed for business establishments
7 in subarea B and subarea C of the Sand Point Overlay District are as follows:

8 a. Each individual business establishment is permitted one projecting sign
9 oriented to pedestrians on each building facade occupied by that business on public rights-of-
10 way and publicly-owned roadways. The maximum area of this sign is 16 square feet.

11 b. Each individual business establishment is permitted one of the
12 following types of signs for each 300 linear feet, or portion thereof, of building facade occupied
13 by that business establishment on public rights-of-way and publicly-owned roadways. These
14 signs are:

- 15 ~~((i. wall;~~
- 16 ~~ii. ground;~~
- 17 ~~iii. projecting;~~
- 18 ~~iv. awning;~~
- 19 ~~v. canopy;~~
- 20 ~~vi. marquee, or~~
- 21 ~~vii. under-marquee.))~~

22 1) Wall;

23 2) Ground;

1 3) Projecting;

2 4) Awning;

3 5) Canopy;

4 6) Marquee; or

5 7) Under-marquee.

6 The maximum area for any of these signs is 48 square feet each. The sign
7 shall be located on the portion of the structure that is on the public right-of-way or publicly
8 owned roadway and occupied by the business establishment.

9 c. A business establishment with more than 300 linear feet of a building
10 facade on a public right-of-way or publicly owned roadway is permitted to have one additional
11 sign of the type permitted under subsection 23.55.032.F.2.b. A business establishment that is
12 permitted to have two signs under this subsection 23.55.032.F.2.c may combine the two signs
13 into one of the type of signs permitted under subsection 23.55 032.F.2.b, up to a maximum total
14 combined area of 96 square feet.

15 d. Sign (~~(Height.)~~) height

16 ~~((1))~~ 1) The maximum height for any portion of a pedestrian
17 oriented projecting sign permitted under subsection 23.55.032.F.2.a is 10 feet above existing
18 grade.

19 ~~((2))~~ 2) The maximum height for any portion of a projecting sign
20 that is not a pedestrian oriented sign permitted under subsection 23.55.032.F.2.a is 50 feet above
21 existing grade, or the height of the top of the wall, excluding any cornice, of the structure to
22 which the sign is attached, whichever is less.

1 equal to the amount that applies in SM-U 85 if the applicant demonstrates that the site does not
2 meet the minimum lot size required for a highrise structure according to subsection
3 23.48.615.A.2, or that one or more specific requirements of Sections 23.48.635, 23.48.645, and
4 23.48.646 would prevent a highrise development from being able to achieve an average highrise
5 floor area of at least 7,500 square feet for stories subject to the highrise floor area limit according
6 to Section 23.48.645. For purposes of this subsection 23.58C.035.B.1, the following shall apply:

7 a. Financial feasibility shall not be considered in determining whether a
8 threshold could be achieved.

9 b. Recommendations by a Design Review Board shall not be considered
10 requirements of this Title 23.

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

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

18 b. The applicant demonstrates that one or more specific requirements of
19 this Title 23 directly prohibit the development from being able to achieve the maximum size
20 threshold or the secondary size threshold according to Table A for 23.58C.035 for the zone in
21 which the development is located. For purposes of this subsection 23.58C.035.B.2, the following
22 shall apply:

1 Section 50. Section 23.66.110 of the Seattle Municipal Code, last amended by Ordinance
2 121568, is amended as follows:

3 **23.66.110 Responsible agency((=))**

4 A. A special review board for the Pioneer Square Preservation District is created and
5 shall be known as the “Pioneer Square Preservation Board” (hereafter, the “Board” or the
6 “Preservation Board”). The Preservation Board shall be composed of nine ~~((9))~~ members, all of
7 whom shall be appointed by the Mayor and confirmed by the Council, and shall consist of two
8 ~~((2))~~ architects, two ~~((2))~~ owners of property in the District, one ~~((1))~~ District retail business
9 owner, one ~~((1))~~ attorney, one ~~((1))~~ human service representative, one ~~((1))~~ at-large
10 member, and one ~~((1))~~ historian or architectural historian. At least one ~~((1))~~ of the Board’s
11 members shall be a resident of the District. Appointments shall be for staggered terms of three
12 ~~((3))~~ years each~~((, except that initial appointments shall be staggered so that three (3) of the~~
13 ~~appointees shall serve for three (3) years, three (3) for two ((2)) years, and three (3) for one (1)~~
14 ~~year each. All members of the Pioneer Square Preservation Board, established by Ordinance~~
15 ~~110058, are appointed and confirmed as interim members of the Pioneer Square Preservation~~
16 ~~Board and shall serve until appointments pursuant to this chapter have been completed.))~~
17 Members ~~((of the Preservation Board))~~ shall serve without compensation.

18 ~~((In addition to the members set forth above, one 1))~~ One additional designated young
19 adult position shall be added to the Preservation Board pursuant to the Get Engaged Program,
20 ~~((SMC))~~ Chapter 3.51. The terms of service related to this young adult position are set forth in
21 ~~((SMC))~~ Chapter 3.51.

22 B. The Department of Neighborhoods Director shall provide staff and clerical support for
23 the Preservation Board and shall assign a member of the Department’s staff to act as

1 Preservation Board Coordinator. The Coordinator shall be the custodian of the Board’s records,
2 handle official correspondence, and organize and supervise the Board’s clerical and technical
3 work. The Coordinator shall also recommend to the Preservation Board such actions, policies,
4 rules and regulations as may be necessary to carry out the purposes of this (~~chapter~~) Chapter
5 23.66.

6 C. The Department of Neighborhoods Director, after receiving the Board’s
7 recommendations, shall formulate detailed rules, to be adopted after a public hearing pursuant to
8 Chapter 3.02 (~~of this Code~~), which will clarify the use and development standards for the
9 District.

10 Section 51. Section 23.66.122 of the Seattle Municipal Code, last amended by Ordinance
11 125558, is amended as follows:

12 **23.66.122 Prohibited uses**

13 A. The following uses are prohibited in the Pioneer Square Preservation District as both
14 principal and accessory uses:

- 15 1. Retail ice dispensaries;
- 16 2. Plant nurseries;
- 17 3. Frozen food lockers;
- 18 4. Animal shelters and kennels;
- 19 5. Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F
20 if an applicant elects to use added height under the provisions of Section 23.49.180;
- 21 6. Automotive sales and service, except gas stations located in parking garages;
- 22 7. Marine sales and service;
- 23 8. Heavy commercial services;

- 1 1. Adult motion picture theaters;
- 2 2. Adult panorams;
- 3 3. All general and heavy manufacturing uses;
- 4 4. All high-impact uses;
- 5 5. Solid waste management;
- 6 6. Recycling uses;
- 7 7. Automotive sales and service;
- 8 8. Bowling lanes;
- 9 9. Major communication utilities;
- 10 10. Heavy commercial sales;
- 11 11. Drive-in businesses;
- 12 12. Frozen food lockers;
- 13 13. Heavy commercial services;
- 14 14. Marine sales and services;
- 15 15. Medical testing laboratories;
- 16 16. Mortuary services;
- 17 17. Motels;
- 18 18. Outdoor storage;
- 19 19. Plant nurseries;
- 20 20. Retail ice dispensaries;
- 21 21. Shooting galleries;
- 22 22. Skating rinks;
- 23 23. Mobile home parks;

1 B. Formation of a Development or Implementation Advisory Committee

2 1. Immediately following submittal of a notice of intent to prepare a master plan,
3 the institution shall initiate the establishment of a Development Advisory Committee of at least
4 six, but no more than 12 members. In addition, all institutions with adopted master plans shall
5 have an Implementation Advisory Committee.

6 2. Where there is more than one Major Institution in the same general area, as
7 determined by the Director, a single Advisory Committee serving more than one institution may
8 be permitted.

9 3. The institution, in consultation with the Director of the Department of
10 Neighborhoods, shall notify individuals and organizations directly affected by the actions of the
11 institution of ~~((the opportunity))~~ opportunities to serve on its Advisory Committee. To the extent
12 possible, members of the Advisory Committee should possess experience in such areas as
13 consensus building, community organizing, land use and zoning, architecture or landscape
14 architecture, economic development, real estate development, and educational or medical
15 services. A nonmanagement representative of the institution shall be included.

16 4. Members of the Advisory Committee shall have no direct economic
17 relationship with the institution except as provided in subsection 23.69.032.B.3.

18 5. The Director of the Department of Neighborhoods shall review the list of
19 potential ~~((advisory committee))~~ Advisory Committee members and recommend to the Council
20 those individuals appropriate to achieve a balanced, independent, and representative
21 Development Advisory Committee. ~~((After the recommendation has been submitted, the
22 Department of Neighborhoods may convene the Development Advisory Committee.))~~ The City
23 Council may confirm the Development Advisory Committee composition, make changes in the

1 size and/or composition of the Development Advisory Committee, or remand the matter to the
2 Director of the Department of Neighborhoods for further action. The City Council shall establish
3 the final composition of the Development Advisory Committee through a memorandum of
4 agreement with the institution, prepared by the Department of Neighborhoods and adopted by
5 resolution.

6 6. Four nonvoting, ex-officio members of the Advisory Committee shall represent
7 the Major Institution, the Seattle Department of Construction and Inspections, the Department of
8 Neighborhoods, and the Seattle Department of Transportation.

9 7. The (~~advisory committee~~) Advisory Committee shall be staffed by the
10 Department of Neighborhoods with the cooperation and assistance of the Major Institution.
11 Technical assistance to the committee shall be provided by the Seattle Department of
12 Construction and Inspections, the Seattle Department of Transportation, and the Department of
13 Neighborhoods.

14 8. During the master plan review and adoption process, the Council may, in the
15 interest of ensuring representative community participation on the Implementation Advisory
16 Committee, amend the size and/or composition of the Implementation Advisory Committee.

17 9. The City-University Community Advisory Committee (CUCAC) shall serve as
18 the Development and Implementation Advisory Committee for the University of Washington.

19 10. The Director of the Department of Neighborhoods shall promulgate rules
20 applicable to Major Institution advisory committees, including terms of office, selection of
21 chairpersons, and methods of conflict resolution.

1 C. Application for a (~~(Master Plan.)~~) master plan

2 1. Within (~~(one hundred twenty (120))~~) 120 days of filing a notice of intent to
3 prepare a master plan, the institution shall submit an application and applicable fees for a master
4 plan. This application shall include an environmental checklist and a concept plan. The
5 requirement for the environmental checklist may be waived if the Director and the Major
6 Institution agree that an Environmental Impact Statement (EIS) will be prepared. The concept
7 plan shall consist of the following:

8 a. Proposed institution boundaries; and

9 b. A proposed site plan including planned development and an estimate of
10 total gross floor area proposed by the Major Institution; and

11 c. Planned uses; and

12 d. Any planned street vacations and planned parking location and access;
13 and

14 e. A description of alternative proposals for physical development and
15 decentralization options, including a detailed explanation of the reasons for considering each
16 alternative; and

17 f. A description of the uses and character of the neighborhood surrounding
18 the major institution and how the Major Institution relates to the surrounding area. This shall
19 include pedestrian connections, physical and visual access to surrounding amenities and services,
20 and the relationship of the Major Institution to other Major Institution development within (~~(two~~
21 ~~thousand five hundred (2,500))~~) 2,500 feet of its MIO District boundaries.

22 2. The Development Advisory Committee shall review and may submit
23 comments on the concept plan and if there is one, the environmental checklist.

1 3. After an application for a master plan has been filed, the Director, in
2 consultation with the institution and the Development Advisory Committee, shall prepare a
3 schedule for the completion of the master plan. The timelines described in this ~~((section))~~
4 Section 23.69.032 shall be goals~~((s))~~ and shall form the basis for the master plan schedule. The
5 goal of the City Council shall be to make a decision on the master plan within ~~((twenty-four~~
6 ~~(24)))~~ 24 months from the date of application.

7 4. Notice of application for a master plan shall be provided as required by Chapter
8 23.76~~((, Procedures for Master Use Permits and Council Land Use Decisions))~~.

9 D. Development of ~~((Master Plan))~~ master plan

10 1. The Development Advisory Committee shall participate directly in the
11 formulation of the master plan from the time of its preliminary concept so that the concerns of
12 the community and the institution are considered. The primary role of the Development Advisory
13 Committee is to work with the Major Institution and the City to produce a master plan that meets
14 the intent of Section 23.69.025. Development Advisory Committee comments shall focus on
15 identifying and mitigating the potential impacts of institutional development on the surrounding
16 community based on the purpose and intent of this Chapter 23.69 as described in Section
17 23.69.002 and as prescribed in Chapter 25.05~~((, Environmental Policies and Procedures))~~. The
18 Development Advisory Committee may review and comment on the mission of the institution,
19 the need for the expansion, public benefits resulting from the proposed new development, and
20 the way in which the proposed development will serve the public purpose mission of the Major
21 Institution, but these elements are not subject to negotiation nor shall such review delay
22 consideration of the master plan or the final recommendation to Council.

1 2. The Development Advisory Committee shall hold open meetings with the
2 institution and City staff to discuss the master plan and resolve differences. The institution shall
3 provide adequate and timely information to the Development Advisory Committee for its
4 consideration of the content and level of detail of each of the specific elements of the master
5 plan.

6 3. The threshold determination of need for preparation of an Environmental
7 Impact Statement (EIS) shall be made as required by Chapter 25.05(~~(, Environmental Policies~~
8 ~~and Procedures)~~)).

9 4. If an EIS is required and an institution is the lead agency, it shall initiate a
10 predraft EIS consultation with the Director. The Development Advisory Committee shall meet to
11 discuss the scope of the document. The Development Advisory Committee shall submit its
12 comments on the scope of the draft EIS to the lead agency and the Director before the end of the
13 scoping comment period. The lead agency shall prepare a final scope within one week after the
14 end of the scoping period.

15 5. The institution shall prepare a preliminary draft master plan within 70 days of
16 completion of the final scope of the EIS.

17 6. If an EIS is required, the institution or Seattle Department of Construction and
18 Inspections, whichever is lead agency, shall be responsible for the preparation of a preliminary
19 draft EIS within 70 days of the completion of the final scope, or approval of an EIS consultant
20 contract, whichever is later.

21 7. The Development Advisory Committee, the Director of Transportation, the
22 Director, and the institution shall submit comments on the preliminary draft master plan and the
23 preliminary draft EIS to the lead agency within three weeks of receipt, or on the environmental

1 checklist and supplemental studies if an EIS is not required. If the Seattle Department of
2 Construction and Inspections is the lead agency, a compiled list of the comments shall be
3 submitted to the institution within ten days of receipt of the comments.

4 8. Within three weeks of receipt of the compiled comments, the institution shall
5 review the comments and revise the preliminary draft master plan, if necessary, discussing and
6 evaluating in writing the comments of all parties. The lead agency shall review the comments
7 and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is
8 required, the lead agency shall review the comments and be responsible for the annotation of the
9 environmental checklist and revisions to any supplemental studies if necessary. Within three
10 weeks after receipt of the revised drafts, the Director shall review the revised drafts and may
11 require further documentation or analysis on the part of the institution. Three additional weeks
12 may be spent revising the drafts for publication.

13 9. The Director shall publish the draft master plan. If an EIS is required, the lead
14 agency shall publish the draft EIS.

15 10. The Director and the lead agency shall hold a public hearing on the draft
16 master plan and if an EIS is required, on the draft EIS.

17 11. The Development Advisory Committee, the Director of Transportation, and
18 the Director shall submit comments on the draft master plan and, if an EIS is required, on the
19 draft EIS within six weeks after the issuance of the draft master plan and EIS.

20 12. Within 13 weeks after receipt of the comments, the institution shall review the
21 comments on the draft master plan and shall prepare the final master plan.

22 13. If an EIS is required, the lead agency shall be responsible for the preparation
23 of a preliminary final EIS, following the public hearing and within six weeks after receipt of the

1 comments on the draft EIS. The Director of Transportation, the Director, and the institution shall
2 submit comments on the preliminary final EIS.

3 14. The lead agency shall review the comments on the preliminary final EIS and
4 shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall
5 review the revised final document and may require further documentation or analysis on the part
6 of the institution.

7 15. Within seven weeks after preparation of the preliminary final EIS, the
8 Director shall publish the final master plan and, if an EIS is required, the lead agency shall
9 publish the final EIS.

10 E. Draft report and recommendation of the Director

11 1. Within five weeks of the publication of the final master plan and EIS, the
12 Director shall prepare a draft report on the application for a master plan as provided in Section
13 23.76.050.

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 23.69, and represent a reasonable balance of the public benefits of development and
17 change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration
18 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 3. In the Director’s Report, an assessment shall be made of the extent to which the
2 Major Institution, with its proposed development and changes, will address the goals and
3 applicable policies (~~(under the Human Development))~~ in the Community Well-Being Element of
4 the Comprehensive Plan.

5 4. The Director’s analysis and recommendation on the proposed master plan’s
6 development program component shall consider the following:

7 a. The extent to which the Major Institution proposes to lease space or
8 otherwise locate a use at street level in a commercial zone outside of, but within (~~(two thousand~~
9 ~~five hundred (2,500))~~) 2,500 feet of, the MIO District boundary that is not similar to a personal
10 and household retail sales and service use, eating and drinking establishment, customer service
11 office, entertainment use or child care center but is allowed in the zone. To approve such
12 proposal, the Director shall consider the criteria in (~~(Section 23.69.035 D3))~~ subsection
13 23.69.035.D.3;

14 b. The extent to which proposed development is phased in a manner
15 (~~(which))~~ that minimizes adverse impacts on the surrounding area. When public improvements
16 are anticipated in the vicinity of proposed Major Institution development or expansion,
17 coordination between the Major Institution development schedule and timing of public
18 improvements shall be required;

19 c. The extent to which historic structures (~~(which))~~ that are designated on
20 any federal, state, or local historic or landmark register are proposed to be restored or reused.
21 Any changes to designated Seattle Landmarks shall comply with the requirements of (~~(the~~
22 ~~Landmarks Preservation Ordinance))~~ Chapter 25.12. The Major Institution’s Development
23 Advisory Committee shall review any application to demolish a designated Seattle Landmark

1 and shall submit comments to the Landmarks Preservation Board before any certificate of
2 approval is issued;

3 d. The extent to which the proposed density of Major Institution
4 development will affect vehicular and pedestrian circulation, adequacy of public facilities,
5 capacity of public infrastructure, and amount of open space provided;

6 e. The extent to which the limit on the number of total parking spaces
7 allowed will minimize the impacts of vehicular circulation, traffic volumes, and parking in the
8 area surrounding the MIO District.

9 5. The Director's analysis and recommendation on the proposed master plan's
10 development standards component shall be based on the following:

11 a. The extent to which buffers such as topographic features, freeways or
12 large open spaces are present or transitional height limits are proposed to mitigate the difference
13 between the height and scale of existing or proposed Major Institution development and that of
14 adjoining areas. Transition may also be achieved through the provision of increased setbacks,
15 articulation of structure facades, limits on structure height or bulk, or increased spacing between
16 structures;

17 b. The extent to which any structure is permitted to achieve the height
18 limit of the MIO District. The Director shall evaluate the specified limits on structure height in
19 relationship to the amount of MIO District area permitted to be covered by structures, the impact
20 of shadows on surrounding properties, the need for transition between the Major Institution and
21 the surrounding area, and the need to protect views;

22 c. The extent to which setbacks of Major Institution development at
23 ground level or upper levels of a structure from the boundary of the MIO District or along public

1 rights-of-way are provided for and the extent to which these setbacks provide a transition
2 between Major Institution development and development in adjoining areas;

3 d. The extent to which allowable lot coverage is consistent with permitted
4 density and allows for adequate setbacks along public rights-of-way or boundaries of the MIO
5 District. Coverage limits should (~~(insure)~~) ensure that view corridors through Major Institution
6 development are enhanced and that area for landscaping and open space is adequate to minimize
7 the impact of Major Institution development within the MIO District and on the surrounding
8 area;

9 e. The extent to which landscaping standards have been incorporated for
10 required setbacks, for open space, along public rights-of-way, and for surface parking areas.
11 Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning.
12 Trees shall be required along all public rights-of-way where feasible;

13 f. The extent to which access to planned parking, loading, and service
14 areas is provided from an arterial street;

15 g. The extent to which the provisions for pedestrian circulation maximize
16 connections between public pedestrian rights-of-way within and adjoining the MIO District in a
17 convenient manner. Pedestrian connections between neighborhoods separated by Major
18 Institution development shall be emphasized and enhanced;

19 h. The extent to which designated open space maintains the patterns and
20 character of the area in which the Major Institution is located and is desirable in location and
21 access for use by patients, students, visitors, and staff of the Major Institution;

22 i. The extent to which designated open space, though not required to be
23 physically accessible to the public, is visually accessible to the public;

1 j. The extent to which the proposed development standards provide for the
2 protection of scenic views and/or views of landmark structures. Scenic views and/or views of
3 landmark structures along existing public rights-of-way or those proposed for vacation may be
4 preserved. New view corridors shall be considered where potential enhancement of views
5 through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for
6 view corridors the Director may require, but not be limited to, the alternate spacing or placement
7 of planned structures or grade-level openings in planned structures. The institution shall not be
8 required to reduce the combined gross floor area for the MIO District in order to protect views
9 other than those protected under City laws of general applicability.

10 6. The Director's report shall specify all measures or actions necessary to be taken
11 by the Major Institution to mitigate adverse impacts of Major Institution development that are
12 specified in the proposed master plan.

13 F. Draft (~~Advisory Committee Report~~) Development Advisory Committee report

14 1. At the same time the Director is preparing a written report on the master plan
15 application, the Development Advisory Committee shall prepare a written report of its findings
16 and recommendations on the final master plan. The Development Advisory Committee report
17 shall include, in addition to its recommendations, the public comments it received. The document
18 may incorporate minority reports.

19 2. The Development Advisory Committee report shall set forth any issues
20 (~~which~~) that the committee believes were inadequately addressed in the final master plan and
21 final EIS and clearly state the committee's position on these issues.

22 3. The Development Advisory Committee report shall include a record of
23 committee meetings, including the meetings' minutes.

1 G. Preparation of ~~((Final))~~ final Director's ~~((Report))~~ report and ~~((Final))~~ final
2 Development Advisory Committee ~~((Report-))~~ report

3 1. The Director shall submit the draft Director's report to the Development
4 Advisory Committee and the institution for their review.

5 2. Within three ~~((3))~~ weeks after receipt of the draft Director's Report, the
6 Development Advisory Committee and the institution shall review and submit comments to the
7 Director on the draft Director's Report.

8 3. Within two ~~((2))~~ weeks after receipt of the Development Advisory
9 Committee's and institution's comments, the Director shall review the comments, and prepare a
10 final Director's report using the criteria in subsection 23.69.032.E ~~((of this section))~~. The
11 Director shall address each of the issues in the Development Advisory Committee's comments
12 on the draft Director's Report. In addition, on those issues where the Director's recommendation
13 differs from the Development Advisory Committee's recommendations, the Director shall
14 include explanation of the difference.

15 4. The Director shall submit the final Director's Report to the Development
16 Advisory Committee.

17 5. Within two ~~((2))~~ weeks after receipt of the final Director's Report, the
18 Development Advisory Committee shall finalize its report according to subsection 23.69.032.F
19 ~~((of this section))~~. The Development Advisory Committee report shall also include comments on
20 the final Director's Report.

1 H. Hearing Examiner (~~((Consideration))~~) of the (~~((Master Plan.))~~) master plan

2 1. The Hearing Examiner shall review the Director's report and recommendation
3 and the Development Advisory Committee's report on the Director's report, as provided in
4 Section 23.76.052.

5 2. If the Hearing Examiner considers the proposed master plan and all
6 recommendations for changes, alternatives, mitigating measures, and conditions, and determines
7 that a significant master plan element or environmental issue was not adequately addressed by
8 the proposed master plan, the Hearing Examiner may request the institution to prepare new
9 proposals on the issues identified, may request the Director to conduct further analysis or provide
10 clarification, and may request the Development Advisory Committee to reconvene for the
11 limited purpose of commenting on the new proposals. The new proposals shall also be submitted
12 to the Director, Development Advisory Committee and parties of record for comment. After the
13 new proposals and comments have been received, the Hearing Examiner may:

14 a. Remand the new proposals and Development Advisory Committee
15 comments and recommendation to the Director for further consideration and report; or

16 b. Hold the hearing record open for evidence on the new proposals, the
17 Development Advisory Committee comments and recommendation, and/or any comments
18 pertaining to the limited issues (~~((which))~~) that were presented by other parties of record.

19 3. The Hearing Examiner shall submit a recommendation to the Council on the
20 proposed master plan within 30 days following the hearing. In addition to the Hearing
21 Examiner's recommendation, the Hearing Examiner shall transmit to the Council the proposed
22 master plan, environmental documentation, the Development Advisory Committee's reports, and
23 the report and recommendation of the Director.

1 I. City Council (~~((Consideration))~~) consideration of the Hearing Examiner's

2 (~~((Recommendation-))~~) recommendation

3 1. The City Council shall review and consider the Hearing Examiner's
4 recommendation as provided in Section 23.76.054. The (~~((goal of the))~~) City Council shall (~~((be))~~)
5 endeavor to take final action on the (~~((Hearing Examiner's))~~) recommendation (~~((no later than))~~)
6 within three months after (~~((the date))~~) it receives the recommendation.

7 2. If the City Council examines the proposed master plan and all
8 recommendations for changes, alternatives, mitigating measures, and conditions, and determines
9 that a significant master plan element was not adequately addressed by the proposed master plan,
10 the City Council may remand the master plan for submission of additional information and/or
11 new proposal(s) on the issue determined to be inadequately addressed, in a time frame specified
12 in the remand. The institution shall submit the additional information and/or new proposals to the
13 Development Advisory Committee, to the parties of record to the City Council decision to
14 remand, and to the Director. The Development Advisory Committee shall prepare and submit
15 comments and a report to the Director. The Director shall submit a report and recommendation
16 on the additional information and/or new proposal(s) to the Hearing Examiner. The Hearing
17 Examiner shall consider the additional information and/or new proposal(s) and submit a
18 recommendation to the City Council pursuant to subsection 23.69.032.H.

19 J. City Council decision

20 1. The City Council's decision to adopt, adopt with conditions, or deny an
21 application for a Major Institution Master Plan shall comply with the requirements of Section
22 23.76.056.

23 2. Adoption of a master plan shall be by ordinance.

1 K. Requirement for compiled plan. Within 30 days of adoption of a master plan by the
2 City Council, the institution shall submit a draft copy of the compiled adopted plan for the
3 Director’s review and approval. This compiled plan shall incorporate all changes and conditions
4 imposed during the plan approval process. The Director shall review the compiled plan within 30
5 days of receipt of the plan((;)) and may request corrections or clarifications if necessary. Upon
6 the Director’s approval, the institution shall submit six written copies of the compiled adopted
7 plan to the Director. The Director shall keep one copy and distribute the other five copies to the
8 City Clerk’s Office, the Department of Neighborhoods, and the Seattle Public Library (one copy
9 each for the main downtown library and ((two copies to go to)) the two branch libraries nearest
10 the institution). The institution shall also submit one copy of the compiled adopted plan in
11 electronic format for the City to post on the City’s ((of Seattle Official Web Site)) website. No
12 Master Use Permit for development first permitted in the adopted plan shall be issued until the
13 compiled plan has been reviewed and approved by the Director except as provided in Section
14 23.69.033.

15 Section 55. Section 23.69.033 of the Seattle Municipal Code, last amended by Ordinance
16 118362, is amended as follows:

17 **23.69.033 Approval of master use permits prior to master plan adoption((;))**

18 An institution may submit an application for development requiring a master plan prior to the
19 master plan’s adoption at any time following application for a master plan. The application may
20 be approved if the following conditions are met:

21 A. Development proposed in the ((Master Plan)) master plan:

22 1. The Draft Environmental Impact Statement (DEIS) and the draft master plan
23 have been published; and

1 2. The development standards shall be established through the conditional use
2 process; and either:

3 ((~~3.~~) a. The end of the schedule for submittal to the City Council of the master
4 plan has been reached, ((~~and b. Review~~)) review of the application has been completed by the
5 ((~~advisory committee~~)) Development Advisory Committee and it has made a recommendation to
6 the Director, and ((~~e. The~~)) the City Council has approved the development as a Council
7 Conditional Use according to the criteria of ((~~Section~~)) subsection 23.69.012.A; or

8 ((~~4. a.~~) b. The ((~~advisory committee~~)) Development Advisory Committee
9 has reviewed the application and has recommended by a ((~~three-fourths (3/4)~~)) 3/4 vote of all
10 ((~~advisory committee~~)) Development Advisory Committee members, with at least six ((~~6~~))
11 affirmative votes, approval of the application, and ((~~b. The~~)) the Director has approved the
12 development as an Administrative Conditional Use according to the criteria of Section
13 23.69.012;

14 B. Development not proposed in the ((~~Master Plan~~)) master plan:

- 15 1. The conditions of subsection 23.69.033.A ((~~of this section~~)) have been met; and
- 16 2. The institution shall provide a statement describing the unforeseen conditions
17 or circumstances ((~~which~~)) that warrant the need to include the proposed development; and
- 18 3. An analysis of the environmental impacts of the new proposal shall be
19 incorporated into the environmental analysis of the proposed master plan and shall be reviewed
20 by the ((~~advisory committee~~)) Development Advisory Committee; and
- 21 4. The published final master plan and final EIS shall be amended to include the
22 proposed development.

1 Section 56. Section 23.69.034 of the Seattle Municipal Code, last amended by Ordinance
2 126685, is amended as follows:

3 **23.69.034 Effect of master plan adoption**

4 * * *

5 B. The Director may approve applications requiring a master plan prior to final adoption
6 of the master plan subject to the provisions of ~~((Section 23.04.040 F, Section 23.04.040 G, or))~~
7 Section 23.69.033.

8 * * *

9 Section 57. Section 23.71.006 of the Seattle Municipal Code, enacted by Ordinance
10 116795, is amended as follows:

11 **23.71.006 Application of regulations~~((=))~~**

12 All land located within the Northgate Overlay District is subject to regulations of the underlying
13 zone unless specifically modified by the provisions of this ~~((chapter))~~ Chapter 23.71. Where the
14 boundaries of the Northgate Overlay District overlap with the boundaries of the Major Institution
15 Overlay District, the zoning underlying a major institution shall be as modified by the Northgate
16 Overlay District. In the event of irreconcilable differences between the provisions of the
17 Northgate Overlay District and the underlying zone, the provisions of this ~~((chapter))~~ Chapter
18 23.71 apply, except that where a conflict exists between the provisions of this ~~((chapter))~~ Chapter
19 23.71 and Chapter 23.69, Major Institution Overlay District, the provisions of Chapter 23.69 take
20 precedence~~((, provided that the major institution may be granted an exception pursuant to SMC~~
21 ~~Section 23.71.026))~~.

22 Section 58. Section 23.84A.006 of the Seattle Municipal Code, last amended by
23 Ordinance 125681, is amended as follows:

1 **23.84A.006 “C”**

2 * * *

3 “Candelabra mounting.” See “communication devices and utilities.”

4 “Cannabis” means all parts of the plant Cannabis, whether growing or not; the seeds
5 thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,
6 derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

7 1. The mature stalks of the plant;

8 2. Fiber produced from the mature stalks of the plant;

9 3. Oil or cake made from the seeds of the plant;

10 4. Any other compound, manufacture, salt, derivative, mixture, or preparation of
11 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or

12 5. The sterilized seed of the plant ((which)) that is incapable of germination.

13 “Cannabis activity, major” means, except as provided below, any production, processing,
14 or selling of cannabis, cannabis-infused products, usable cannabis, or cannabis concentrates.

15 Major cannabis activity does not include the following activities when they occur within a
16 dwelling unit occupied by a qualifying patient or designated provider, as those terms are defined
17 in RCW 69.51A.010, or within an enclosed structure that is accessory to such a dwelling unit:

18 1. Production of cannabis involving up to 15 plants;

19 b. Production of cannabis involving up to 60 plants if the production is conducted
20 by a cooperative that is registered with the Washington State Liquor and Cannabis Board and
21 operates in compliance with RCW 69.51A.043;

22 c. Drying or incorporation into food of up to 15 cannabis plants; or

1 **23.84A.016 “H”**

2 * * *

3 “Household” means a housekeeping unit consisting of any number of non-transient
4 persons composing a single living arrangement within a dwelling unit as provided in Section
5 23.42.048, not otherwise subject to occupant limits in group living arrangements regulated under
6 state law (~~(, or on short term rentals as provided in Section 23.42.060)~~).

7 * * *

8 Section 61. Section 23.84A.025 of the Seattle Municipal Code, last amended by
9 Ordinance 126862, is amended as follows:

10 **23.84A.025 “M”**

11 * * *

12 (~~“Marijuana” means all parts of the plant Cannabis, whether growing or not; the seeds~~
13 ~~thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,~~
14 ~~derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:~~

- 15 1. ~~the mature stalks of the plant;~~
- 16 2. ~~fiber produced from the mature stalks of the plant;~~
- 17 3. ~~oil or cake made from the seeds of the plant;~~
- 18 4. ~~any other compound, manufacture, salt, derivative, mixture, or preparation of~~
19 ~~the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or~~
- 20 5. ~~the sterilized seed of the plant which is incapable of germination.~~

21 ~~“Marijuana activity, major” means, except as provided below, any production,~~
22 ~~processing, or selling of marijuana, marijuana-infused products, usable marijuana, or marijuana~~
23 ~~concentrates. Major marijuana activity does not include the following activities when they occur~~

1 ~~within a dwelling unit occupied by a qualifying patient or designated provider, as those terms are~~
2 ~~defined in RCW 69.51A.010, or within an enclosed structure that is accessory to such a dwelling~~
3 ~~unit:~~

4 ~~a. production of marijuana involving up to 15 plants;~~

5 ~~b. production of marijuana involving up to 60 plants if the production is~~
6 ~~conducted by a cooperative that is registered with the Washington State Liquor and Cannabis~~
7 ~~Board and operates in compliance with RCW 69.51A.043;~~

8 ~~c. drying or incorporation into food of up to 15 marijuana plants; or~~

9 ~~d. drying or incorporation into food of up to 60 marijuana plants if such~~
10 ~~processing is conducted by a cooperative that is registered with the Washington State Liquor and~~
11 ~~Cannabis Board and operates in compliance with chapter 69.51A RCW.~~

12 ~~“Marijuana concentrates” means products consisting wholly or in part of the resin~~
13 ~~extracted from any part of the plant Cannabis and having a THC concentration greater than ten~~
14 ~~percent.~~

15 ~~“Marijuana infused products” means products that contain marijuana or marijuana~~
16 ~~extracts and are intended for human use. The term “marijuana infused products” does not include~~
17 ~~useable marijuana.~~

18 ~~“Marijuana, useable” means dried marijuana flowers. The term “useable marijuana” does~~
19 ~~not include marijuana infused products.))~~

20 * * *

21 Section 62. Section 23.84A.030 of the Seattle Municipal Code, last amended by
22 Ordinance 126855, is amended as follows:

1 **23.84A.030 “P”**

2 * * *

3 “Public Benefit Features Rule” means the (~~DPD~~) superseded Director’s Rule 20-93,
4 subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects,
5 Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the
6 provisions thereof have not been superseded by amendments to, or repeal of, provisions of this
7 title. References to the “Public Benefit Features Rule” for provisions on a particular subject also
8 shall include, where applicable, any successor rule or rules issued by the Director to incorporate
9 provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to
10 implement amendments to this title since the date of such rule. The Downtown Amenity
11 Standards replaced this rule.

12 * * *

13 Section 63. Section 23.84A.032 of the Seattle Municipal Code, last amended by
14 Ordinance 126855, is amended as follows:

15 **23.84A.032 “R”**

16 * * *

17 “Residential use” means any one or more of the following:

18 1. “Accessory dwelling unit” means one or more rooms that:

19 a. Are located within a principal dwelling unit or within an accessory
20 structure on the same lot as a principal dwelling unit;

21 b. Meet the standards of Section 23.44.041, Section 23.45.545, or Chapter
22 23.47A, as applicable;

1 c. Are designed, arranged, and intended to be occupied by not more than
2 one household as living accommodations independent from any other household; and

3 d. Are so occupied or vacant.

4 2. “Attached accessory dwelling unit” means an accessory dwelling unit that is
5 within a principal dwelling unit.

6 3. “Adult family home” means an adult family home defined and licensed as such
7 by the State of Washington in a dwelling unit.

8 4. “Apartment” means a multifamily residential use that is not a cottage housing
9 development, rowhouse development, or townhouse development.

10 5. “Artist’s studio/dwelling” means a combination working studio and dwelling
11 unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

12 6. “Assisted living facility” means a use licensed by the State of Washington as a
13 boarding home (~~(pursuant to chapter 18.20 RCW)~~) that contains at least two assisted living units
14 for people who have either a need for assistance with activities of daily living (which are defined
15 as eating, toileting, ambulation, transfer (e.g., moving from bed to chair or chair to bath), and
16 bathing) or some form of cognitive impairment but who do not need the skilled critical care
17 provided by nursing homes. See “Assisted living unit.”

18 7. “Carriage house” means a dwelling unit in a carriage house structure.

19 8. “Carriage house structure” means a structure within a cottage housing
20 development, in which one or more dwelling units are located on the story above an enclosed
21 parking garage at ground level that either abuts an alley and has vehicle access from that alley, or
22 is located on a corner lot and has access to the parking in the structure from a driveway that abuts
23 and runs parallel to the rear lot line of the lot. See also “Carriage house.”

1 9. “Caretaker’s quarters” means a use accessory to a non-residential use
2 consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a
3 caretaker or watchperson.

4 10. “Congregate residence” means a use in which rooms or lodging, with or
5 without meals, are provided for any number of non-transient persons not constituting a single
6 household.

7 11. “Cottage housing development” means a use consisting of cottages arranged
8 on at least two sides of a common open space or a common amenity area. A cottage housing
9 development may include a carriage house structure. See “Cottage,” “Carriage house,” and
10 “Carriage house structure.”

11 12. “Detached accessory dwelling unit” means an accessory dwelling unit in an
12 accessory structure.

13 13. “Domestic violence shelter” means a structure or portion of a structure
14 managed by a nonprofit organization, which unit provides housing at a confidential location and
15 support services for victims of domestic violence.

16 14. “Floating home” means a dwelling unit constructed on a float that is moored,
17 anchored, or otherwise secured in the water.

18 15. “Low-income housing.”

19 16. “Mobile home” means a structure that is designed and constructed to be
20 transportable in one or more sections and built on a permanent chassis, designed to be used as a
21 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,
22 heating, and electrical systems. A structure that was transportable at the time of manufacture is
23 still considered to meet this definition notwithstanding that it is no longer transportable.

1 17. “Mobile home park” means a tract of land that is rented for the use of more
2 than one mobile home occupied as a dwelling unit.

3 18. “Multifamily residential use” means a use consisting of two or more dwelling
4 units in a structure or portion of a structure, excluding accessory dwelling units.

5 19. “Nursing home” means a use licensed by the State of Washington as a nursing
6 home(~~(, which))~~ that provides full-time convalescent and/or chronic care for individuals who, by
7 reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide
8 care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or
9 sanitariums.

10 20. “Permanent supportive housing.”

11 21. “Rowhouse development” means a multifamily residential use in which all
12 principal dwelling units on the lot meet the following conditions:

13 a. Each dwelling unit occupies the space from the ground to the roof of the
14 structure in which it is located;

15 b. No portion of a dwelling unit, except for an accessory dwelling unit or
16 shared parking garage, occupies space above or below another dwelling unit;

17 c. Each dwelling unit is attached along at least one common wall to at
18 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
19 abuts another dwelling unit on a common lot line;

20 d. The front of each dwelling unit faces a street lot line;

21 e. Each dwelling unit provides pedestrian access directly to the street that
22 it faces; and

1 f. No portion of any other dwelling unit, except for an attached accessory
2 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

3 22. “Single-family dwelling unit” means a detached principal structure having a
4 permanent foundation, containing one dwelling unit, except that the structure may also contain
5 one or two attached accessory dwelling units where expressly authorized pursuant to this Title

6 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for
7 purposes of this Chapter 23.84A.

8 23. “Townhouse development” means a multifamily residential use that is not a
9 rowhouse development, and in which:

10 a. Each dwelling unit occupies space from the ground to the roof of the
11 structure in which it is located;

12 b. No portion of a dwelling unit occupies space above or below another
13 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
14 constructed over a shared parking garage, including shared parking garages that project up to 4
15 feet above grade; and

16 c. Each dwelling unit is attached along at least one common wall to at
17 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
18 abuts another dwelling unit on a common lot line.

19 * * *

20 Section 64. Section 23.84A.038 of the Seattle Municipal Code, last amended by
21 Ordinance 126855, is amended as follows:

22 **23.84A.038 “T”**

23 * * *

1 ((~~“Tree, exceptional”~~ means a tree designated as such per Chapter 25.11.))

2 * * *

3 Section 65. Section 25.05.444 of the Seattle Municipal Code, last amended by Ordinance
4 114057, is amended as follows:

5 **25.05.444 Elements of the environment**

6 * * *

7 B. Built Environment.

8 * * *

9 3. Transportation:

10 a. Transportation systems;

11 b. Vehicular traffic;

12 c. Waterborne, rail, and air traffic;

13 ~~((d. Parking;~~

14 e)) d. Movement/circulation of people or goods;

15 ~~((f.))~~ e. Traffic hazards.

16 * * *

17 Section 66. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance
18 125558, is amended as follows:

19 **25.05.675 Specific environmental policies**

20 * * *

1 J. Land use

2 1. Policy background

3 a. The City has adopted land use regulations that are designed, in part, to
4 minimize or prevent impacts resulting from incompatible land use. However, Title 23 cannot
5 identify or anticipate all possible uses and all potential land use impacts. For example, adverse
6 cumulative land use impacts may result when a particular use or uses permitted under Title 23
7 occur in an area to such an extent that they foreclose opportunities for higher-priority, preferred
8 uses called for in the Land Use Element, Growth Strategy Element, and Shoreline Element of the
9 Seattle Comprehensive Plan.

10 b. Density-related impacts of development are addressed under the
11 policies set forth in subsections 25.05.675.G (height, bulk, and scale), ~~((25.05.675.M (parking),))~~
12 25.05.675.O (public services and facilities), and 25.05.675.R (traffic and transportation) and are
13 not addressed under this policy.

14 2. Policies

15 a. It is the City's policy to ensure that proposed uses in development
16 projects are reasonably compatible with surrounding uses and are consistent with any applicable,
17 adopted City land use regulations, the goals and policies set forth in the Land Use Element,
18 Growth Strategy Element, and Shoreline Element of the Seattle Comprehensive Plan for the area
19 in which the project is located.

20 b. Subject to the overview policy set forth in Section 25.05.665, the
21 decisionmaker may condition or deny any project to mitigate adverse land use impacts resulting
22 from a proposed project or to achieve consistency with the applicable City land use regulations;
23 the goals and policies set forth in the Land Use Element, Growth Strategy Element, and

1 Shoreline Element of the Seattle Comprehensive Plan; the procedures and locational criteria for
2 shoreline environment redesignations set forth in Sections 23.60A.060 and 23.60A.220,
3 respectively; and the environmentally critical areas policies.

4 * * *

5 M. Reserved. ((Parking

6 1. Policy background

7 a. ~~It is the City's policy to encourage use of a broad range of~~
8 ~~transportation options and to reduce reliance on single-occupant vehicles.~~

9 b. ~~Increased parking demand associated with development projects may~~
10 ~~adversely affect the availability of parking in an area, especially one that is not well served by~~
11 ~~transit or other transportation choices.~~

12 c. ~~Parking regulations, where appropriate, and other policies and~~
13 ~~regulations designating preferred land use patterns and promoting transportation choices,~~
14 ~~combine to alleviate most growth-related parking impacts including cumulative impacts. This~~
15 ~~policy recognizes that the City's land use and transportation planning policies encourage~~
16 ~~development patterns that support personal choices among many transportation modes and~~
17 ~~maximize the ability of the street network to function efficiently. This policy also recognizes the~~
18 ~~substantial costs imposed on housing by requiring construction of parking, which adversely~~
19 ~~affects the ability to provide housing, including affordable housing. City land use policies that~~
20 ~~encourage residential and commercial growth in the areas with the greatest availability of~~
21 ~~transportation choices promote efficiencies that may reduce or limit per capita parking demand.~~
22 ~~Due, however, to shortfalls in available parking resulting from existing or projected demands, the~~
23 ~~City recognizes that in some neighborhoods parking spillover impacts may occur.~~

1 2. Policies

2 a. ~~It is the City's policy to minimize or prevent adverse parking impacts~~
3 ~~associated with development projects. This is achieved by requiring parking impact mitigation of~~
4 ~~development projects where appropriate as provided for in the Land Use Code or other codes. It~~
5 ~~is also achieved through implementing growth management policies, transportation policies, and~~
6 ~~policies that support reducing or eliminating off-street parking requirements where residents and~~
7 ~~others may conveniently choose to use other forms of transportation instead of relying on~~
8 ~~automobiles.~~

9 b. ~~Subject to the overview and cumulative effects policies set forth in~~
10 ~~Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the~~
11 ~~effects of development in an area on parking; provided that:~~

12 1) ~~No SEPA authority is provided to mitigate the impact of~~
13 ~~individual developments on parking availability in the Downtown and South Lake Union Urban~~
14 ~~Centers;~~

15 2) ~~No SEPA authority is provided for the decisionmaker to~~
16 ~~mitigate the impact of individual developments on parking availability for uses located within:~~

17 a) ~~The Capitol Hill/First Hill Urban Center, the Uptown~~
18 ~~Urban Center, and the University District Urban Center, except the portion of the Ravenna Urban~~
19 ~~Village that is not within one-quarter mile (1,320 feet) of a street with frequent transit service,~~
20 ~~measured as the walking distance from the nearest transit stop to the lot line of the lot;~~

21 b) ~~The Station Area Overlay District; and~~

1 ~~e) Portions of urban villages within one-quarter mile (1,320~~
2 ~~feet) of a street with frequent transit service, measured as the walking distance from the nearest~~
3 ~~transit stop to a lot line, which in the case of unit lots shall be made from the parent lot;~~

4 ~~3) Outside of the areas listed in this subsection 25.05.675.M.2.b,~~
5 ~~parking impact mitigation for multifamily development, except in the Alki area, as described in~~
6 ~~subsection 25.05.675.M.2.c, may be required only where on-street parking is at capacity, as~~
7 ~~defined by the Seattle Department of Transportation, or where the development itself would~~
8 ~~cause on-street parking to reach capacity as so defined.~~

9 ~~e. For the Alki area, as identified on Map B for 23.54.015, a higher~~
10 ~~number of spaces per unit than is required by Section 23.54.015 may be required to mitigate the~~
11 ~~adverse parking impacts of specific multifamily projects. Projects that generate a greater need for~~
12 ~~parking and that are located in places where the street cannot absorb that need—for example,~~
13 ~~because of proximity to Alki Beach Park—may be required to provide additional parking spaces~~
14 ~~to meet the building's actual need. In determining that need, the size of the development project,~~
15 ~~the size of the units, and the number of bedrooms in the units shall be considered.~~

16 ~~d. If parking impact mitigation is authorized by this subsection~~
17 ~~25.05.675.M, it may include but is not limited to:~~

- 18 ~~1) Transportation management programs;~~
19 ~~2) Parking management and allocation plans; or~~
20 ~~3) Incentives for the use of alternatives to single-occupancy~~
21 ~~vehicles, such as transit pass subsidies, parking fees, subsidies for participation in car share or~~
22 ~~bike share programs or similar mobility choice programs, and provision of bicycle parking space;~~
23 ~~4) Increased parking ratios; and~~

1 f. The Land Use Code attempts to protect private views through height and
2 bulk controls and other zoning regulations but it is impractical to protect private views through
3 project-specific review.

4 2. Policies

5 a. ~~((f))~~ It is the City’s policy to protect public views of significant natural
6 and human-made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown
7 skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and
8 the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes,
9 and view corridors, identified in Attachment 1. (Attachment 1 is located at the end of this Section
10 25.05.675.) This subsection 25.05.675.P.2.a(~~(f)~~) does not apply to the Space Needle, which is
11 governed by subsection 25.05.675.P.2.~~((e))~~d.

12 ~~((g))~~ b. The decisionmaker may condition or deny a proposal to eliminate
13 or reduce its adverse impacts on designated public views, whether or not the project meets the
14 criteria of the overview policy set forth in Section 25.05.665; provided that downtown projects
15 may be conditioned or denied only when public views from outside of downtown would be
16 blocked as a result of a change in the street grid pattern.

17 ~~((b-1))~~ c. It is the City’s policy to protect public views of historic
18 landmarks designated by the Landmarks Preservation Board that, because of their prominence of
19 location or contrasts of siting, age, or scale, are easily identifiable visual features of their
20 neighborhood or the City and contribute to the distinctive quality or identity of their
21 neighborhood or the City. This subsection 25.05.675.P.2.c does not apply to the Space Needle,
22 which is governed by subsection 25.05.675.P.2.~~((e))~~d. ~~((g))~~ A proposed project may be

1 conditioned or denied to mitigate view impacts on historic landmarks, whether or not the project
2 meets the criteria of the overview policy set forth in Section 25.05.665.

3 ((e-)) d. It is the City’s policy to protect public views of the Space Needle
4 from the following public places. A proposed project may be conditioned or denied to protect
5 such views, whether or not the project meets the criteria of the overview policy set forth in
6 Section 25.05.665.

7 1) Alki Beach Park (Duwamish Head)

8 2) Bhy Kracke Park

9 3) Gasworks Park

10 4) Hamilton View Point

11 5) Kerry Park

12 6) Myrtle Edwards Park

13 7) Olympic Sculpture Park

14 8) Seacrest Park

15 9) Seattle Center

16 10) Volunteer Park

17 d. Mitigating measures may include, but are not limited to:

18 1) Requiring a change in the height of the development;

19 2) Requiring a change in the bulk of the development;

20 3) Requiring a redesign of the profile of the development;

21 4) Requiring on-site view corridors or requiring enhancements to
22 off-site view corridors;

23 5) Relocating the project on the site;

1 Section 69. Section 25.09.160 of the Seattle Municipal Code, last amended by Ordinance
2 126685, is amended as follows:

3 **25.09.160 Development standards for wetlands and wetland buffers**

4 * * *

5 B. Wetland buffer location

6 1. The wetland buffer is measured horizontally and perpendicular to the edges of
7 the wetland.

8 2. The width of wetland buffers is set out in Table A for 25.09.160 and is based
9 on the size, category, and habitat function of the wetland.

10 3. Wetland habitat function is as follows:

11 a. High level equals a habitat function score of 8 or 9;

12 b. Moderate level equals a habitat function score of 5, 6 or 7; and

13 c. Low level equals a habitat function score of 3 or 4.

| Table A for 25.09.160 | |
|--|--|
| Wetland | Wetland buffer requirements for non-degraded buffers |
| Category I Bogs and Wetlands of High Conservation Value over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031 | 200 feet for all levels of habitat functions |
| Category I and II wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031 | 200 feet for wetlands with high level of habitat function 110 feet for wetlands with moderate level habitat function 100 feet for wetlands with low level habitat function |
| Category III wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031 | 200 feet for wetlands with high level of habitat function 110 feet for wetlands with moderate or greater level habitat function 60 feet for wetlands with low level habitat function |

1 Section 70. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
2 126821, is amended as follows:

3 **25.11.020 Exemptions**

4 The following trees and tree activities are exempt from the provisions of this Chapter 25.11:

5 * * *

6 D. ~~((Trees located within an Environmentally Critical Area))~~ Tree removal as part of an
7 Environmentally Critical Area tree and vegetation plan as provided in Section 25.09.070, except
8 that tree service providers conducting commercial tree work on these trees must comply with the
9 tree service provider registry requirements of Section 25.11.100;

10 * * *

11 Section 71. Section 25.11.030 of the Seattle Municipal Code, enacted by Ordinance
12 126821, is amended as follows:

13 **25.11.030 Emergency actions**

14 Emergency actions may be undertaken without obtaining ~~((a permit))~~ approval in advance from
15 the Seattle Department of Construction and Inspections. Prior to an emergency action, a
16 registered tree service provider, that has an employee or a person on retainer who is currently
17 credentialed with an International Society of Arboriculture (ISA) Tree Risk Assessment
18 Qualification, must determine if there is an extreme risk of imminent failure for the tree or tree
19 part ~~((using the TRAQ method in its most current form))~~. Any person undertaking an emergency
20 action must ~~((complete the following))~~:

21 A. Notify the Director via email or through the Seattle Department of Construction and
22 Inspections' website before beginning the emergency action;

1 B. Submit a hazardous tree removal application to the Seattle Department of Construction
2 and Inspections within ten calendar days of the emergency action; otherwise, the responsible
3 party may be subject to enforcement including fines and penalties in accordance with Section
4 25.11.120; and

5 C. Include all documentation of tree status, including the ISA Tree Risk Assessment form
6 ~~((TRAQ report))~~ and photographs as part of the retroactive ~~((permit))~~ tree removal application
7 submission.

8 Section 72. Section 25.11.040 of the Seattle Municipal Code, enacted by Ordinance
9 126821, is amended as follows:

10 **25.11.040 Hazardous tree removal**

11 A. For any tree regulated pursuant to this Section 25.11.040, approval from the Seattle
12 Department of Construction and Inspections is required in advance of hazardous tree removal
13 unless it is an emergency action pursuant to Section 25.11.030.

14 B. Trees subject to the provisions of this Chapter 25.11 may be removed as hazardous, if
15 those trees are rated by a registered tree service provider that has an employee or a person on
16 retainer who is currently credentialed with an ISA Tree Risk Assessment Qualification as an
17 Extreme or High Risk hazard, according to the following:

18 1. A tree risk assessment, prepared by a registered tree service provider, assesses
19 the risk of the tree(s) as one of the following:

20 a. Extreme Risk. This category applies to trees in which failure is
21 imminent and there is a high likelihood of impacting a target, and the consequences of the failure
22 are severe.

1 b. High Risk. This category applies to trees in which consequences are
2 significant and likelihood is very likely or likely, or when consequences are severe and
3 likelihood is likely.

4 c. Moderate Risk. This category applies to trees in which consequences
5 are minor and likelihood is very likely or likely, or when likelihood is somewhat likely and the
6 consequences are significant or severe.

7 d. Low Risk. This category applies to trees in which consequences are
8 negligible and likelihood is unlikely; or when consequences are minor and likelihood is
9 somewhat likely;

10 2. A potential target includes permanent structures or an area of moderate to high
11 use;

12 3. If a potential target does not exist, applicants may be limited to normal and
13 routine pruning and maintenance to mitigate hazards;

14 4. Assessment of Extreme and High Risk trees:

15 a. If a tree is assessed as a High Risk, then the Director may authorize
16 hazard pruning to mitigate the risk rather than removing the entire tree; or

17 b. If the tree is assessed as an Extreme or High Risk and mitigation of the
18 risk through pruning or moving of potential targets is not feasible, then the Director may
19 designate the tree as a hazardous tree and allow complete removal; and

20 5. The assessment of other risk categories applicable to regulated trees shall be at
21 the discretion of the Director.

22 C. Tier 1, Tier 2, and Tier 3 trees must be replaced pursuant to Section 25.11.090 when
23 approved for removal as hazardous, except as provided in subsection 25.11.040.D.

1 D. Removal of dead trees is exempt from the risk assessment requirements of subsection
2 25.11.040.B and replacement requirements of subsection 25.11.040.C.

3 Section 73. Section 25.11.050 of the Seattle Municipal Code, enacted by Ordinance
4 126821, is amended as follows:

5 **25.11.050 General provisions for regulated tree categories**

6 A. The removal or topping of the following trees is prohibited, except as provided in
7 Section 25.11.020 and as performed in accordance with Sections 25.11.030 and 25.11.040:

8 1. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on
9 undeveloped lots in all zones;

10 2. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on
11 developed lots in all zones, except as allowed in subsection 25.11.050.B;

12 3. When development is proposed, in Neighborhood Residential, Lowrise,
13 Midrise, commercial, and Seattle Mixed zones:

14 a. Tier 1 trees may not be removed unless in emergency situations or
15 unless they are hazardous as provided in Sections 25.11.030 and 25.11.040;

16 b. Tier 2 trees may not be removed except as permitted under Sections
17 25.11.070 and 25.11.080; and

18 c. Tier 3 and Tier 4 trees may be removed as part of a development permit.

19 B. When no development is proposed, no more than two Tier 4 trees may be removed in
20 any three-year period on developed lots in Neighborhood Residential, Lowrise, Midrise,
21 commercial, and Seattle Mixed zones, and no more than three Tier 3 and Tier 4 trees may be
22 removed on developed lots in any one-year period in all other zones.

1 C. Relocated and required replacement trees included in an approved plan set may not be
2 removed, unless removal is approved by a future permit.

3 D. In addition to the tree removal allowances in subsection 25.11.050.B, the Director may
4 authorize removal and replacement of a Tier 3 tree, or removal of a Tier 4 tree, from developed
5 lots in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones when
6 removal is needed because the tree is causing obvious physical damage to building foundations
7 or utility infrastructure, where continued or additional damage cannot be avoided through actions
8 other than removal.

| Table A for 25.11.050 Tree related activities on developed lots <u>in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed Zones</u> including but not limited to removal and topping by tree category ¹ | | |
|---|---|---|
| Tree category | Not part of a permit application ⁽¹⁾ ² | During development—Part of a permit application |
| Tier 1 Includes trees designated as heritage trees | May not be removed unless deemed hazardous or in need of emergency action with documentation required | May not be removed unless deemed hazardous or in need of emergency action with documentation required |
| Tier 2 Includes trees 24 inches at DSH or greater, tree groves, and specific tree species as provided by Director’s Rule | May not be removed unless deemed hazardous or in need of emergency action with documentation required | Approval for removal is part of overall development permit <u>consistent with Sections 25.11.070 or 25.11.080</u> Documentation required for hazardous and emergency actions |
| Tier 3 Includes trees 12 inches at DSH or greater but less than 24 inches at DSH that are not considered Tier 2 trees as provided by Director’s Rule | May not be removed unless deemed hazardous or in need of emergency action with documentation required, except as provided in subsections 25.11.050.B ((and)) , <u>25.11.050.C, and 25.11.050.D</u> | Approval for removal is part of overall development permit Documentation required for hazardous and emergency actions |
| Tier 4 Includes trees 6 inches at | May not be removed unless deemed hazardous or in need of emergency action with | Approval for removal is part of overall development permit |

| | | |
|--|---|---|
| DSH but less than 12 inches at DSH | documentation required, except as provided in subsections 25.11.050.B and 25.11.050.C | |
| Other trees (under 6 inches DSH) | Not regulated, except as provided in subsection 25.11.050.C | Not regulated, except as provided in subsection 25.11.050.C |
| Footnotes to Table A for 25.11.050 ¹ <u>In all other zones, all trees may be removed when development is proposed.</u> ⁽⁺⁾ ² For standards related to undeveloped lots, see subsection 25.11.050.A. | | |

1 Section 74. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
2 126821, is amended as follows:

3 **25.11.060 Requirements for trees when development is proposed**

4 A. Tree protection area

5 1. A tree protection area is required for all existing Tier 1, Tier 2, and Tier 3 trees
6 that are not removed during development, as well as any tree relocated offsite if on private
7 property or any tree planted onsite as part of required mitigation pursuant to this Chapter 25.11.

8 2. The tree protection area for Tier 1, Tier 2, and Tier 3 trees shall be determined
9 by the Director pursuant to this subsection 25.11.060.A and any rules promulgated by the
10 Director.

11 3. The tree protection area may be modified from the basic tree protection area
12 based on species tolerance; expected impacts of construction activities; tree size, age, and health;
13 and soil conditions not to exceed the area of the feeder root zone. The Director may require
14 Master Use Permits or building permits to include measures to protect tree(s) during
15 construction, including within the feeder root zone.

16 4. The tree protection area may be reduced by the Director pursuant to the
17 provisions of Title 23 and this Chapter 25.11, as follows:

1 **25.11.070 Tree protection on sites undergoing development in Neighborhood Residential,**
2 **Lowrise, Midrise, commercial, and Seattle Mixed zones**

3 A. Neighborhood Residential zones

4 1. Tier 2 trees may be removed only if:

5 a. The maximum lot coverage permitted on the site pursuant to Title 23
6 cannot be achieved without extending into the basic tree protection area or into a required front
7 and/or rear yard to an extent greater than provided for in subsection 25.11.070.A.2;

8 b. Avoiding development in the basic tree protection area would result in a
9 portion of a principal dwelling unit, or an accessory dwelling unit, being less than 15 feet in
10 width; or

11 c. Tree removal is necessary for the construction of new structures~~((?))~~;
12 vehicle and pedestrian access, utilities, retaining wall, or other similar improvements associated
13 with development.

14 2. ~~((Permitted extension into front or rear yards shall be limited to an area equal to~~
15 ~~the amount of the basic tree protection area not located within required yards.))~~ For purposes of
16 retaining an existing on-site and off-site Tier 1, Tier 2, Tier 3, or Tier 4 tree, extension into front
17 or rear yards is permitted but limited to an area equal to the amount of the tree protection area of
18 those trees not located within required yards. The maximum projection into the required front or
19 rear yard shall be 50 percent of the yard requirement.

20 3. If the maximum lot coverage permitted on the site can be achieved or a
21 structure will be less than 15 feet in width without extending into required front and/or rear
22 yards, then no such extension into required yards shall be permitted.

1 4. For the purposes of this subsection 25.11.070.A:

2 a. Lot coverage calculation shall not include any portion of a parcel
3 containing a biodiversity area or corridor, riparian corridor, priority habitat, priority area setback,
4 wetland, wetland buffer, or steep slope erosion hazard area, unless the Director has approved
5 critical areas reduction, waiver, or modification pursuant to Chapter 25.09; and

6 b. The basic tree protection area cannot be modified.

7 B. Lowrise, Midrise, commercial, and Seattle Mixed zones

8 1. Tier 2 trees may be removed as follows:

9 a. If an otherwise allowable development area of 85 percent cannot be
10 achieved without extending into the basic tree protection area, as follows:

11 1) Calculate the basic tree protection area on the lot. For the
12 purposes of this subsection 25.11.070.B, the basic tree protection area cannot be modified.

13 2) Subtract the basic tree protection area and the area of any
14 portions of the lot between a property line and basic tree protection area when the portion of the
15 lot is 15 feet or less measured from a lot line to a basic tree protection area from the lot area. If
16 this number is less than 85 percent of the total lot area, Tier 2 trees may be removed.

17 3) When multiple Tier 2 trees are located on a lot, the minimum
18 number of trees needed to reach 85 percent may be removed based on the evaluation required by
19 subsection 25.11.060.C.

20 4) When the basic tree protection area of an off-site Tier 1, Tier 2,
21 or Tier 3 tree is located on the lot, this area shall be included in accordance with subsection
22 25.11.070.B.

1 b. In Midrise, Commercial, and Seattle Mixed zones Tier 2 trees may be
2 removed, if an otherwise allowable development area of 100 percent cannot be achieved without
3 extending into the basic tree protection area more than allowed pursuant to subsection
4 25.11.060.A.

5 c. For the purposes of this subsection 25.11.070.B, allowable development
6 area shall not include any portion of a parcel containing a biodiversity area or corridor, riparian
7 corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion
8 hazard area, unless the Director has approved a critical area reduction, waiver, or modification
9 pursuant to Chapter 25.09.

10 2. If an applicant chooses to retain Tier 2 trees that would otherwise be allowed to
11 be removed under subsection 25.11.070.B.1 or if encroachment into the tree protection area of an
12 off-site Tier 1, Tier 2, or Tier 3 tree cannot otherwise be avoided, modifications to development
13 standards are allowed as follows:

14 a. For development not subject to design review, the following Type I
15 modifications to standards:

16 1) Setbacks and separation requirements, if applicable, may be
17 reduced by a maximum of 75 percent;

18 2) Amenity areas may be reduced by a maximum of 75 percent;

19 3) Landscaping and screening may be reduced by a maximum of
20 75 percent; and

21 4) Structure width, structure depth, and facade length limits, if
22 applicable, may be increased by a maximum of 30 percent.

1 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50
2 feet if the increase is needed to accommodate, on an additional story, the amount of floor area
3 lost by avoiding development within the tree protection area and the amount of floor area on the
4 additional story is limited to the amount of floor area lost by avoiding development within the
5 tree protection area.

6 3. Tree removal required for development to achieve the allowable development
7 area according to subsection 25.11.070.B.1 or height limits of the applicable zone includes, but is
8 not limited to, the construction of new structures, vehicles and pedestrian access, utilities,
9 retaining wall, or other similar improvement.

10 Section 76. Section 25.16.080 of the Seattle Municipal Code, last amended by Ordinance
11 124919, is amended as follows:

12 **25.16.080 Certificate of approval – Application((-))**

13 A. Application((-))

14 1. All applications for a certificate of approval shall be submitted to the District
15 Board.

16 2. The following information must be provided (~~in order~~) for the application to
17 be complete, unless the Board staff indicate in writing that specific information is not necessary
18 for a particular application:

- 19 a. Building name and building address;
- 20 b. Name of the business(es) located at the site of the proposed work;
- 21 c. Applicant’s name and address;
- 22 d. Building owner’s name and address;
- 23 e. Applicant’s telephone number;

1 f. The building owner’s signature on the application, or a signed letter
2 from the owner designating the applicant as the owner’s representative, if the applicant is not the
3 owner;

4 g. Confirmation that the fee required by ~~((SMC Chapter 22.901T of the~~
5 ~~Permit Fee Subtitle))~~ 22.900G.010 has been paid;

6 h. A detailed description of the proposed work; including:

7 ~~((i.))~~ 1) Any changes it will make to the building or the site,

8 ~~((ii.))~~ 2) Any effect that the work would have on the public right-
9 of-way or other public spaces, and

10 ~~((iii.))~~ 3) Any new construction;

11 i. Four ~~((4))~~ sets of scale drawings, with all dimensions shown, of:

12 ~~((i.))~~ 1) A site plan of existing conditions, showing adjacent streets
13 and buildings, and, if the proposal includes any work in the public right-of-way, the existing
14 street uses, such as street trees and sidewalk displays, and another site plan showing proposed
15 changes to the existing conditions,

16 ~~((ii.))~~ 2) A floor plan showing the existing features and a floor plan
17 showing the proposed new features,

18 ~~((iii.))~~ 3) Elevations and sections of both the proposed new features
19 and the existing features,

20 ~~((iv.))~~ 4) Construction details, and

21 ~~((v.))~~ 5) A landscape plan showing existing features and plantings,
22 and another landscape plan showing proposed site features and plantings;

1 j. Photographs of any existing features that would be altered and
2 photographs showing the context of those features, such as the building facade where they are
3 located;

4 k. One ~~((+))~~ sample of proposed colors, if the proposal includes new
5 finishes or paint, and an elevation drawing or a photograph showing the location of proposed
6 new finishes or paint;

7 l. If the proposal includes new signage, awnings, or exterior lighting:

8 ~~((i-))~~ 1) Four ~~((+))~~ sets of scale drawings of proposed signage or
9 awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and
10 colors,

11 ~~((ii-))~~ 2) Four ~~((+))~~ sets of a plan, photograph, or elevation
12 drawing showing the location of the proposed awning, sign, or lighting,

13 ~~((iii-))~~ 3) Four ~~((+))~~ copies of details showing the proposed
14 method of attaching the new awning, sign or lighting,

15 ~~((iv-))~~ 4) The wattage and specifications of the proposed lighting,
16 and a drawing or picture of the lighting fixture, and

17 ~~((v-))~~ 5) One ~~((+))~~ sample of proposed sign colors or awning
18 material and color;

19 m. If the proposal includes demolition of a structure or object:

20 ~~((i-))~~ 1) A statement of the reason(s) for demolition,

21 ~~((ii-))~~ 2) A description of the replacement structure or object; and

1 n. If the proposal includes replacement, removal, or demolition of existing
2 features, a survey of the existing conditions of the features that would be replaced, removed, or
3 demolished.

4 3. The staff shall determine whether an application is complete and shall notify
5 the applicant in writing within ~~((twenty eight (28)))~~ 28 days of the application being filed
6 whether the application is complete or that the application is incomplete and what additional
7 information is required before the application will be complete. Within ~~((fourteen (14)))~~ 14 days
8 of receiving the additional information, the staff shall notify the applicant in writing whether the
9 application is now complete or what additional information is necessary. An application shall be
10 deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this
11 section that the application is incomplete. A determination that the application is complete is not
12 a determination that the application is vested.

13 4. The determination of completeness does not preclude the staff or the District
14 Board from requiring additional information during the review process if more information is
15 needed to evaluate the application according to the standards in this chapter and in any rules
16 adopted by the Board, or if the proposed work changes. For example, additional information that
17 may be required could include a shadow study or a traffic study when new construction is
18 proposed.

19 * * *

20 Section 77. Section 25.16.115 of the Seattle Municipal Code, last amended by Ordinance
21 123899, is amended as follows:

22 **25.16.115 Requests for interpretation**

23 * * *

1 E. A fee shall be charged for interpretations in the amount provided in ~~((the Permit Fee~~
2 ~~Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6 Land Use Fees,))~~ Table C-1 for
3 22.900C.010, subsection B.20, and shall be collected by the Department of Neighborhoods.

4 * * *

5 Section 78. Section 25.16.150 of the Seattle Municipal Code, enacted by Ordinance
6 105462, is amended as follows:

7 **25.16.150 Conflicting provisions((-))**

8 In case of conflict between this ~~((chapter))~~ Chapter 25.16 and ~~((the Landmarks Preservation~~
9 ~~Ordinance (Ordinance 102229))~~ Chapter 25.12, the provisions of this ~~((chapter))~~ Chapter 25.16
10 shall govern the Ballard Avenue Landmark District.

11 * * *

12 Section 79. Section 25.22.070 of the Seattle Municipal Code, enacted by Ordinance
13 109388, is amended as follows:

14 **25.22.070 Development and design review guidelines((-))**

15 A. The Landmarks Preservation Board shall draft and, after consideration and review in
16 accordance with ~~((the Administrative Procedure Ordinance (102228))~~ Chapter 3.02, shall adopt
17 development and design review guidelines as rules ~~((which))~~ that shall become effective upon
18 filing with the City Clerk. Notice and conduct of such public hearing(s) shall be in accordance
19 with the rules of the Landmarks Preservation Board and ~~((Ordinance 102228))~~ Chapter 3.02.

20 B. The development and design review guidelines shall identify the unique values of the
21 District, shall include a statement of purpose and intent, and shall be consistent with the purposes
22 of this chapter and the criteria specified in Section 25.22.030. The guidelines shall identify
23 design characteristics ~~((which))~~ that have either a positive or negative effect upon the unique

1 values of the District and shall specify design-related considerations (~~(which)~~) that will be
2 allowed, encouraged, limited or excluded from the District when certificate of approval
3 applications are reviewed. All guidelines shall be consistent with (~~(the Zoning Ordinance~~
4 ~~(86300))~~) Title 23 and other applicable ordinances.

5 * * *

6 Section 80. Section 25.22.135 of the Seattle Municipal Code, last amended by Ordinance
7 123899, is amended as follows:

8 **25.22.135 Requests for interpretation**

9 * * *

10 E. A fee shall be charged for interpretations in the amount provided in (~~(the Permit Fee~~
11 ~~Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees,)~~) Table C-1
12 for 22.900C.010, subsection B.20, and shall be collected by the Department of Neighborhoods.

13 * * *

14 Section 81. Section 25.24.060 of the Seattle Municipal Code, last amended by Ordinance
15 124919, is amended as follows:

16 **25.24.060 Approval of changes to buildings, structures, and other visible elements(~~(-)~~)**

17 * * *

18 E. The Commission shall have sole responsibility for determining the appropriate
19 location, design, and use of signs and structures to be located on or above the surface of public
20 places in the Historical District and the sole responsibility for licensing and determining the
21 appropriate locations for performers (~~(as defined in Section 17.32.010 H of the Seattle Municipal~~
22 ~~Code, in the Historical District)~~); provided, that property owned by the Pike Place Market
23 Preservation and Development Authority shall not be considered a public place for the purposes

1 of this subsection 25.24.060.E. The Commission shall establish guidelines for the use of public
2 places in the District by performers, may assess reasonable permit fees, and may utilize the
3 services of the Pike Place Market Preservation and Development Authority (PDA) or, should the
4 PDA decline to make its services available, may utilize the services of any other organization
5 appropriate for implementation of performers licensing guidelines. It shall be unlawful for any
6 performer to actively solicit donations by word of mouth, gestures, mechanical devices, second
7 parties. It shall also be unlawful for any performer or other person to use any device for the
8 reproduction or amplification of sound without the express written approval of the Commission
9 secured in advance.

10 * * *

11 Section 82. Section 25.28.230 of the Seattle Municipal Code, last amended by Ordinance
12 124919, is amended as follows:

13 **25.28.230 Definitions(~~(-)~~)**

14 ~~((A-))~~ For the purpose of this ~~((subchapter))~~ Subchapter II certain abbreviations, terms, phrases,
15 words, and their derivations shall be construed as specified in this ~~((section))~~ Section 25.28.230.

16 ~~((Words used in the singular include the plural and the plural the singular. Words used in the
17 masculine gender include the feminine and the feminine the masculine.))~~

18 ~~((B-))~~ “Building” means any structure, other than the Burlington Northern railroad tunnel,
19 used or intended for supporting or sheltering any use or occupancy.

20 ~~((C-))~~ “Hearing Examiner” means the Hearing Examiner of the City created by
21 ~~((Ordinance 102228))~~ Chapter 3.02, or ~~((his duly authorized representative))~~ designee.

22 ~~((D-))~~ “Owner” means any person who, alone or jointly or severally with others, has title
23 or interest in any building, with or without accompanying actual possession thereof, and includes

1 any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge,
2 care, or control of any building.

3 ~~((E-))~~ “Party affected” means any owner, tenant, or other person having a direct financial
4 interest in the subject building or any adjacent property or any person whose health or safety is
5 directly affected by the subject building, or the ~~((Pioneer Square Historic Preservation Board
6 established by Ordinance 98852))~~ Pioneer Square Preservation Board.

7 ~~((F-))~~ “Permit” means any form of certificate, approval, registration, license, or other
8 written permission ~~((which))~~ that is required by law, ordinance, or regulation to be obtained
9 before engaging in any activity.

10 ~~((G-))~~ “Person” means any individual, firm, corporation, association, or partnership, and
11 their agents or assigns.

12 ~~((H-))~~ “Superintendent” means the Director of the Seattle Department of Construction
13 and Inspections ~~((and shall also include any duly authorized representative of the Director))~~ , or
14 designee.

15 Section 83. Section 25.28.290 of the Seattle Municipal Code, enacted by Ordinance
16 107323, is amended as follows:

17 **25.28.290 Method of service of notice and order~~((E-))~~**

18 Service of the notice and order shall be made upon all persons having an interest in the property
19 in the manner provided for the service of notices in ~~((Section 5.03 of the Housing Code
20 (Ordinance 106319))~~ Subtitle II of Title 22; provided, that when personal service is obtained
21 upon all persons having an interest in the property, it shall not be necessary to post a copy of the
22 notice and order of the property.

1 Section 84. The provisions of this ordinance are declared to be separate and severable.
2 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
3 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
4 validity of the remainder of this ordinance or the validity of its application to other persons or
5 circumstances.

1 Section 85. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the 24th day of September, 2024,
4 and signed by me in open session in authentication of its passage this 24th day of
5 September, 2024.

6 

7 President _____ of the City Council

Approved / returned unsigned / vetoed this 3rd day of October, 2024.

8 

9 Bruce A. Harrell, Mayor

10 Filed by me this 3rd day of October, 2024.

11 

12 Scheereen Dedman, City Clerk

13 (Seal)