

## **DIRECTOR'S REPORT AND RECOMMENDATION**

### **2016-2017 Omnibus Ordinance**

#### **December 5, 2016**

#### **Introduction**

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language. Following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

#### **3.58.040 Seattle Design Commission – Term of office; recusal**

The current section sets 2-year terms for member of the Design Commission, with the terms of one-third of the nine-member board expiring each year. The proposed changes would improve administration of the Board membership by specifying that four members' terms end in one year and the other five end the next year, with Commissioners eligible for reappointment to one additional 2-year term. Commissioners have traditionally been eligible for just two consecutive terms, so the change would make this practice explicit.

#### **3.58.060 Seattle Design Commission – Organization—Quorum—Support staff**

The proposed changes are minor cleanup intended to modernize the language and remove the requirement that the one-year term served by the Chairman of the Commission must begin in October.

#### **22.202.070 Housing Code – Administration - Transfers**

The section, relating to the Construction and Land Use Fund (Housing and Abatement account and Emergency Relocation Assistance account), adopted by Ordinance 124945, is proposed to be repealed. The change made by the ordinance, which added this section to the Code to allow dispersal of certain money deposited into these restricted use accounts to various City departments, is no longer needed.

#### **23.22.062 Subdivisions – Preliminary Plat Process – Unit lot subdivisions**

The proposed amendment would add live-work units to the types of development eligible for unit lot subdivision, to reduce the complexity of permitting development sites where a mix of residential and live-work units are proposed. The addition of live-work units would only apply in non-residential zones where live-work units are permitted. Further, only live-work units that essentially meet the standards for townhouse type development, with shared walls but no habitable space above or below another unit, would qualify. Regular subdivision of live-work units would continue to be allowed.

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### **23.24.040 Short Plats – Criteria for approval**

The proposed changes are needed to update this section because of updates to the unit lot subdivision regulations in Section 23.24.045 made in Ordinance 124475. The ordinance allowed unit lot subdivision of single family dwelling units in all zones where they are permitted. The changes to Section 23.24.040 add this language to Section 23.24.040.A.7 and further clarify this section to include apartment structures built before January 1, 2013, but not individual apartment units, also previously listed in Section 23.24.045. A further change would add live-work units to the list to development types eligible for unit lot subdivision. Subsection 23.24.040.A.8, referencing short platting of two or more houses on one lot under Section 23.24.046, is proposed to be deleted, since Section 23.24.046 was removed by Ordinance 124475. It is no longer necessary with the application of the unit lot subdivision process to single family residences.

### **23.24.045 Short Plats – Unit lot subdivisions**

The proposed changes would add live-work units to the types of development eligible for unit lot subdivision similar to the changes proposed for Section 23.22.062.

### **23.40.002 Conformity with regulations required**

Subsection 23.40.002.A states the basic requirement that most uses must be established by permit but lists a few exemptions. The proposed change would make clear that the current exemption for urban farms does not apply to major marijuana activity. The exemption of urban farms was intended for traditional small outdoor farms and p-patches to encourage farming for food production. The concept was to promote a more secure and sustainable food system in Seattle by expanding opportunities for urban agriculture and identifying incentives to produce and distribute more locally grown food. The exemption was added several years before marijuana became legal and there was no intention to exempt marijuana growers from use permits.

### **23.41.004 Design Review – Applicability**

The proposal is to strike subsection 23.41.004.A.8, as it has been determined to be unlawful by a ruling in King County Superior Court. Section 23.41.004.A.8 was added in 2015 by Ordinance 124843 to require design review for certain development proposals of three or more dwelling units or more than 2,000 square feet of non-residential gross floor area, if proposed to be developed on property abutting certain “qualifying lots” developed or proposed to be developed with projects that were earlier proposed or built, if the properties, considered together, would exceed design review thresholds in Table A or Table B for Section 23.41.004.

### **23.41.012 Design Review – Development standard departures**

Recent City Ordinances 125125 and 125103 adopted area-specific development standards for Ballard and Lake City, respectively. Development standards were intended to be subject to departures through the design review process if certain features were added to proposed development. The two ordinances placed the language concerning design departures into the development standards for specific areas of the City in Section 23.47A.009, but did not include amendments to the list set forth in Section 23.41.012.B that are not subject to design review departures. The language is proposed to be removed from the Commercial zoning regulations and placed under the design review regulations instead. The language clarifies that area specific development standards for Lake City are not subject to departures, unless a usable open space or

east-west through-block pedestrian passageway is provided. For Ballard, on lots 40,000 square feet or greater in size, departures may be granted if a useable open space or separation between structures is provided as described in the proposed amendments.

#### **23.41.014 Design Review – Design review process**

The proposal would change subsection 23.41.014.C to allow more flexibility to identify the design guidelines of highest priority to the neighborhood rather than requiring the Design Review Board to specifically discuss each design guideline at the early design guidance public meeting, whether applicable to the site or not. The Design Review Board deliberations are sometimes weighed down by the task of going through all the guidelines one by one, whether applicable to a site or not. The process takes too long and often the Board runs out of time or forgoes the round table discussion of key issues. The change would allow the identification of priority guidelines to be completed by the Planner following the Board meeting where the Board's key issues/concerns have been heard, as well as public comment. Subsection 23.41.014.F.2, requiring projects subject to design review to meet all codes and regulatory requirements, would be deleted, as it states the obvious and has sometimes been cited as requiring SDCI staff to complete all Land Use Code review prior to any design review meetings. Such a reading of the Code does not make sense, as changes to the proposed development are often required by the Board, because of deliberations and comments in their meetings, and continuous review for Code compliance by SDCI staff continues throughout the review process up to the point of issuance of a Master Use Permit.

#### **23.44.010 Residential, Single-Family – Lot requirements**

Two changes are proposed.

First, subsection 23.44.010.B.1.d provides for an exception to minimum lot area if the lot was established by deed, platting or building permit prior to July 24, 1957, and is not needed to meet development standards applicable to a principal structure on a contiguous lot in common ownership. To determine if the lot is not needed to meet development standards, the Code has always allowed a review of the least restrictive standards either at the time the structure was built or under current Code. Recent amendments to this subsection left out the word “current” in discussing compliance with standards. The proposal is to restore that word in subsection 23.44.010.B.1.d.2.

Second, in lot coverage exceptions under subsection 23.44.010.D.2, there is an existing exception from lot coverage for pedestrian access bridges. There has also been an exception from lot coverage for vehicular access bridges but this has been located in the development standards for parking and garages in required yards in subsection 23.44.016.D. The proposal is to move the lot coverage exception for vehicular access bridges to the lot coverage exceptions.

#### **23.44.012 Residential, Single-Family – Height limits**

An incorrect cross reference is proposed to be fixed in subsection 23.44.012.A.

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### **23.44.014 Residential, Single-Family – Yards**

Existing subsection 23.44.016.D.10 provides conditions (a) through (f) to be met if parking is proposed in the front yard. The “condition” noted in (f) of this section does not appear to be a condition but a separate development standard. This subsection is better placed in subsection 23.44.014.D as a structure permitted in a required yard. This approach would treat vehicular access bridges in a similar fashion to pedestrian access bridges as an exception to yard requirements in subsection 23.44.014.D.8.

Subsection 23.44.014.D.17 regulates placement of above-grade green stormwater infrastructure features, such as cisterns to collect rainwater, in required yards. The current standard allows placement of these features within 2.5 feet of a side lot line. This standard conflicts with the Fire Code, which requires structures to be at least 3 feet from a side lot line. The proposed change would thus provide a 3-foot setback for these structures instead of the current 2.5 feet.

### **23.44.016 Residential, Single-Family – Parking and garages**

Four changes are proposed.

Under subsection 23.44.016.B.2, access to parking from a street instead of an alley is allowed only under specific conditions. One condition is subsection 23.44.016.B.2.c, which currently allows street access if a portion of the alley abuts a non-residential zone. The proposed change would require at least 50 percent of the alley frontage to be in non-residential use before street access could be provided. Otherwise, if an alley is fully improved, or in common usage, and only one or a small number of lots along that alley are zoned something other than single-family, the existing language allows street access to single-family zoned lots even if lots on the alley that are not zoned single-family are not directly adjacent or abutting the subject property.

A second change would add a new exception to the alley access requirements if providing alley access would require removal of either an exceptional tree or a tree greater than 2 feet in diameter, if criteria for tree protection in Chapter 25.11 are met.

The third change would delete subsection 23.44.016.D.10.f, regulating driveway access bridges, and move it to the lot coverage standards in Section 23.44.010.D, as explained above.

The fourth change would clarify that the standard requiring a 5-foot separation between garages in required yards and a principal structure applies to eaves and gutters on both structures, as well as the exterior walls.

### **23.44.022 Residential, Single-Family – Institutions**

The proposed change is to subsection 23.44.022.D.2, which currently exempts child care centers proposing to locate in a legally established institution devoted to the care or instruction of children from the requirement of conditional use permit review, provided the existing structure is not expanded. The proposed change would extend this exemption to shelters for homeless youths and young adults if they are enrolled as students at the school and clarify that addition of either a child care center or shelter is not a new use in the structure.

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### **23.45.510 Multifamily – Floor area ratio (FAR) limits**

The proposed changes to subsections 23.45.510.B and D are intended to clarify that in zones having an incentive zoning suffix, additional floor area exceeding the base floor area ratio (FAR) identified in the suffix designation is allowed if the applicant demonstrates compliance with Chapter 23.58A.

### **23.45.512 Multifamily – Density limits – Lowrise zones**

Two changes are proposed. The proposed change to subsection 23.45.512.B would slightly expand the density exception for low-income multifamily residential use to include low income housing other than housing for low-income disabled, low-income elderly, and low-income elderly/low-income disabled that is already eligible. All types of such housing are required to be operated by a public agency or private nonprofit corporation. It is expected, based on data from the Seattle Office of Housing, that this change would benefit about three to five projects per year. The exception sets a one unit for each 400 square feet of lot area density allowance for projects that do not qualify for higher floor area under Section 23.45.510.C.

The second proposed change, to subsection 23.45.512.G, would clarify that one new dwelling unit may be added to an existing residential structure. The current language says one new dwelling unit may be added to an existing residential “use.” Changing the term “use” to “structure” removes confusion about what to do if there are multiple residential structures on one site, and makes clear that each structure can add a unit. The section is also clarified to allow additional floor area in an existing structure, if additional area is not proposed to accommodate the new dwelling unit. The existing language suggests that any addition to a structure means that it is no longer an “existing structure” and forces applicants to first add a new unit and then build onto the structure.

### **23.45.514 Multifamily – Structure height**

Two changes are proposed.

Subsection 23.45.514.F.4 currently states that, for the additional four feet to be allowed, the average height of the exterior facades of the partially below-grade story shall not exceed four feet, measured from existing or finished grade. The proposal would change facades to walls. The term “exterior facade” creates uncertainty, particularly for multiple structures on a single lot. “Facade” is defined as an exterior wall. “Facade, interior” is also defined, relating to multiple structures. However, it makes more sense to analyze each structure individually for purposes of the allowance for additional height and simply refer to exterior walls.

Finally, subsection 23.45.514.J.8 requires rooftop features to be located at least 10 feet from the north “edge of the roof” to protect solar access for property to the north, or provide shadow diagrams. The change would allow the rooftop features to be located at least 15 feet from the north lot line, instead. This change allows a fixed setback from the lot line and accounts for the minimum building setback of 5 feet plus the 10 feet from the roof edge that is now required. Under the current standard, a structure that is set back more than is required, for example 15 or 20 feet, still must provide the 10-foot setback from the roof edge or provide shadow diagrams. Similar changes are proposed for subsections 23.47A.012.C.7, 23.48.025.C.8, and 23.50.020.A.5, where similar language appears, except that the rooftop features are proposed to

be located 10 feet from the north lot line, since there are no front setback standards in Commercial, Seattle Mixed, or Industrial zones.

### **23.45.518 Multifamily – Setbacks and separations**

Section 23.45.518 regulates setbacks from lot lines and separations between structures on the same site. Various projections are permitted within setbacks and separations, including unenclosed porches and steps under subsection 23.45.518.H.5, which are permitted to extend into setbacks if no higher than 4 feet above grade and not within 4 feet of a street lot line. The current language indicates that unenclosed porches or steps are allowed in the required setbacks only if setbacks are required pursuant to subsections 23.45.518.A.1, but there is no 518.A.1 and 518.A only references Lowrise projects. The change would apply the standards for unenclosed porches and steps within setbacks and separations to all multifamily projects by removing the reference to subsection 23.45.518.A.1. A second change to subsection 23.45.518.H.5 would clarify that the standards for unenclosed porches and steps also apply to separations between structures on the same site.

A proposed change to subsection 23.45.518.K, which provides exceptions from setback and separation standards for existing single-family structures, would allow conversion of a single-family structure existing as of October 31, 2001, to a multifamily use without conforming to setbacks for apartment structures, if there is no change to the existing building envelope. The change is consistent with other provisions for adding a unit.

### **23.45.524 Multi-family – Landscaping standards**

The proposed change would clarify that the Green Factor requirement for landscaping applies to proposals to construct more than one new unit on a site, unless the new units proposed will not increase existing floor area.

### **23.45.528 Multi-family - Structure width and depth limits for lots greater than 9,000 square feet in Midrise zones**

Minor grammatical improvements are proposed.

### **23.45.536 Multi-family – Parking location, access, and screening**

Subsection 23.45.536.B.3 allows parking in or under a structure, provided that no portion of a garage higher than 4 feet above existing or finished grade, whichever is lower, may be closer to a street lot line than any part of the “first floor” of the structure. Since the term “first floor” is not defined in the Code, the proposal is to change this reference to “street level, street facing facade,” which is defined.

### **23.45.570 Multifamily - Institutions**

Subsection 23.45.570.A.3 says that a child care center may be established in an existing institution for the care or instruction of children without being considered an expansion of the existing institutional use, provided there is no change to the existing structure. The proposal is to allow this regulation to apply to shelters for homeless youths and young adults if they are enrolled as students at the school and clarify that addition of either a child care center or shelter is not a new use in the structure.

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**23.47A.004 Commercial – Permitted and prohibited uses**

The changes are minor clean-up to properly renumber footnotes in the table of uses and to add a footnote regarding major marijuana activity inadvertently removed by prior conflicting ordinances.

**23.47A.005 Street-level uses**

Ordinance 125103 (adopting new zoning for a Lake City neighborhood planning effort) omitted an amendment from Ordinance 125081 (adopting new zoning for a Bitter Lake neighborhood planning effort). The proposed amendment restores the language related to Bitter Lake.

**23.47A.008 Commercial – Street-level development standards**

Subsection 23.47A.008.D requires the floor of a residential use located on a street-level, street-facing façade to be 4 feet above or below sidewalk grade or to be set back at least 10 feet from the sidewalk. The proposed change would allow an exception to this standard if it is demonstrated that an accessible route per the Americans with Disabilities Act to the unit is not achievable if the standards are applied or if existing site conditions such as topography make access impractical, and if the floor is still either 18 inches above sidewalk grade or 4 feet below sidewalk grade, and the visually prominent pedestrian entry is maintained.

**23.47A.009 Commercial – Standards applicable to specific areas**

Minor clean-up of cross references is proposed for Section 23.47A.009.B. Other proposed changes remove language from 23.47A.009.E and 23.47A.009.F addressing development standards for structures in Lake City and Ballard that are subject to departure through the design review process. This language is proposed to be moved to Section 23.41.012, which is the section of the design review regulations describing which development standards are subject to departure by listing specific standards that are not subject to departure.

**23.47A.012 Structure height**

Changes to Section 23.47A.012.C.7 are proposed. See explanation in final paragraph under Section 23.45.514 above.

**23.47A.016 Commercial – Landscaping and screening standards**

Subsection 23.47A.D.1.c.2 requires screening of surface parking abutting or across and alley from a residentially zoned lot. The proposed change would apply these screening standards to surface parking abutting a lot that is “split zoned” both commercial and residential if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot.

**23.47A.022 Commercial – Light and glare standards**

Subsection 23.47A.022.E.2.b requires glare diagrams for facades of proposed structures if they have a façade of reflective coated glass or other highly reflective material, if they are oriented toward a “major” arterial street with more than 15,000 vehicles trips per day. However, the street use manual does not have a category for “major” arterials, so the proposed change would apply this standard to “any” arterial with more than 15,000 vehicles trips per day.

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### **23.48.020 Seattle Mixed – Floor area ratio (FAR)**

The minor proposed change to subsection 23.48.020.B would delete a general reference to SM zones within certain named neighborhoods and substitute the actual zone designations as they appear on the land use map.

### **23.48.025 – Structure height**

Two changes are proposed.

The first change, to subsection 23.48.025.C.5 would allow mechanical equipment on rooftops of structures greater than 85 feet in height to extend up to 45 feet above the height limit, the same height standard as for elevator penthouses, if the rooftop is designed to provide usable open space or common recreation area. The current Code allows rooftop equipment screens to extend to 45 feet above the height limit anyway per subsection 23.48.025.C.7, in order to screen all rooftop features listed in subsections 23.48.025.C.4 and C.5, and the screening is required under subsection 23.48.025.C.9. If allowed, the mechanical equipment would not be seen anyway.

The second change is to subsection 23.48.025.C.8. See explanation in final paragraph under Section 23.45.514 above.

### **23.48.085 Seattle Mixed – Parking and loading location, access and curb cuts**

Section 23.48.085.D regulates when parking and loading access is required from an alley instead of a street, and sets forth various exceptions allowing street access instead of preferred alley access. The proposal would add a new subsection 23.48.085.D.4 requiring the Director to consult with the Seattle Design Commission on how location and extent of proposed curb cuts affects or impacts the public realm and how those impacts have been reduced, if a street or alley vacation is proposed. See also the proposed change to 23.49.019.

### **23.48.220 Floor Area Ratio (FAR) in South Lake Union Urban Center**

A change to Table A for 23.48.220 would allow religious facilities in the Seattle Mixed-South Lake Union 85-240 zone (SM-SLU, with a base height limit of 85 feet and maximum of 240 feet) a base floor area ratio (FAR) of 3 instead of 1.5. The purpose of allowing additional FAR for religious facilities in this zone was to ensure that they would have sufficient floor area to be able to develop in conjunction with a tower structure on the same lot, so the change gives the religious facilities the flexibility intended when Section 23.48.220 was adopted by the Seattle Mixed Zone Update Ordinance (Ordinance 124883).

A second change is proposed for Section 23.48.220.A.6. The SM-SLU development standards provide for two different basic types of development: residential tower structures and developments that are not residential towers. FAR limits apply differently to these two types of development. However, a single lot may include both sorts of development, either as two separate structures or as a single, connected structure, a portion of which is developed to residential tower standards. Section 23.48.220 explains how FAR standards are to be applied in cases where both types of development are proposed on a single lot. The proposed amendment to 23.48.220.A.6 will address ambiguities, and better clarify that the section applies whether the tower structure is detached from or connected to the remainder of the development on the lot.



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### **23.48.245 Seattle Mixed – Upper-level development standards in South Lake Union Urban Center**

Ordinance 124883 added this section to the Code, and in the process of making changes to the proposed legislation, a map showing podium height limits was inadvertently left out of the final version of the ordinance adopted by Council. The map is proposed to be added.

### **23.48.420 Floor area ratio (FAR) in North Rainier**

The proposed amendment would fix an error created by the Seattle Mixed Zone Update Ordinance (Ordinance 124883). An amendment in this ordinance inadvertently changed the application of FAR limits so they no longer apply to residential uses in the North Rainier neighborhood. This amendment would change the application of FAR limits so they apply to all uses, which is consistent with the intent of the zoning in North Rainier and the Seattle Mixed Zone Update Ordinance. An erroneous Code reference is also proposed to be corrected.

### **23.49.008 Downtown Zoning – Structure height**

The proposed change to height provisions in subsection 23.49.008.A.5.a would augment an existing provision that applies in the Downtown Retail Core (DRC) zone. The provision allows structures to go from 85' to 150' under certain conditions. One condition is that a minimum of one and a half floors (1.5 FAR) of the development be occupied by retail or entertainment uses. The amendment would add eating and drinking establishments to that list. The amendment is consistent with the original intent of the provision to provide for active uses in this shopping area.

### **23.49.011 Downtown Zoning – Floor area ratio**

A clarification is proposed to Table A for 23.49.011 and to subsection 23.49.011.A.2.1, to specify that, while generally there is no base and maximum FAR in Pioneer Square Mixed zones, if additional height is proposed in the PSM 85-120 zone under Section 23.49.180, then the requirements of Section 23.49.180.E, including a base FAR of 4 and maximum FAR of 8, apply.

### **23.49.015 Downtown Zoning – Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing**

Minor changes are proposed in subsection 23.49.015.B to correct the numbering of the subsections to conform to current style for the Municipal Code. No changes to the meaning of current language is proposed.

### **23.49.019 Downtown Zoning – Parking quantity, location, and access requirements, and screening and landscaping of parking areas**

Subsection 23.49.019.H regulates standards for location of access to parking, including when parking and loading access is required from an alley instead of a street or which street is to be used if a lot fronts on more than one street but not an alley. Further, various exceptions allowing street access instead of preferred alley access are set forth. The proposal would add a new subsection 23.49.019.H.1.d requiring the Director to consult with the Seattle Design Commission on how location and extent of proposed curb cuts affects or impacts the public realm and how those impacts have been reduced, if a street or alley vacation is proposed. See also the proposed change to Section 23.48.085.

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### **23.49.028 Downtown Zoning – Keeping of animals and pet daycare centers**

Section 23.42.052 was added to the Code a few years ago to consolidate regulations for animals in one place instead of having separate regulations in each zone or zone classification. At the time that Section 23.42.052 was adopted, the Downtown regulations were not removed or changed. This creates confusion about whether regulations for Downtown were intended to be different and what type of enforcement process, citation or notice of violation (NOV), was intended. There is no policy reason for retaining separate regulations for animals in subsection 23.49.028.A, so the proposal is to replace with the current language with a cross-reference to Section 23.42.052.

### **23.49.058 Downtown Zoning – Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and Downtown Mixed Commercial (DMC) upper-level development standards**

In Table A for 23.49.058, setting forth modulation requirements for certain Downtown zones and maximum length of unmodulated facades based on various building elevations, the table has one-foot “gaps” in the different elevation standards. For example, at 0 to 85 feet of height, the maximum length of an unmodulated façade is “no limit,” and then at 86 to 160 feet of height, the maximum length of an unmodulated façade is 155 feet, and so forth. The proposal is to change the table to read “0 to 85 feet,” “greater than 85 up to 160,” and so forth, to close the gaps in the standards.

### **23.49.164 Downtown Mixed Residential street façade requirements**

An area east of I-5 in the Chinatown International District was rezoned as part of the Livable South Downtown planning effort adopted by Ordinance 123589 in 2011. As part of this rezone, provisions of the new zoning, including the Downtown Mixed Residential/Commercial (DMR/C) zone, were amended to better suit the area. However, provisions in other zones existing in the area allow the Director to be flexible in applying certain standards in consultation with the Department of Neighborhoods when the development meets the goals of the International Special Review District (ISRD) as spelled out in Land Use Code Section 23.66.302. This flexibility was omitted during the South Downtown effort. The proposal is to amend the DMR/C zone to allow flexibility in applying certain standards when meeting the goals of the ISRD as well as to provide opportunities for affordable housing.

### **23.50.020 - Structure height exceptions and additional restrictions**

Changes to subsection 23.50.020.A.5 are proposed. See explanation in final paragraph under Section 23.45.514 above.

### **23.53.006 Requirement for Street, Alleys and Easements – Pedestrian access and circulation**

The 2015 omnibus legislation, Ordinance 124843, changed subsection 23.53.006.C to require sidewalks within Urban Centers and Urban Villages whenever platting is proposed or whenever development is proposed. The change to subsection 23.53.006.D would make the same change to the requirements outside of Urban Centers and Urban Villages. The use of the word "and" in the current language creates the impression that both a platting action and development must occur before a sidewalk is required. However, if the language is compared to subsection 23.53.015.A.1, regulating street improvement requirements for existing streets in residential and commercial zones, for example, as well as the change in subsection 23.53.006.C, the word "or"

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is used, so that street improvements are triggered either by platting or by proposed development. It is most reasonable to apply the pedestrian access and circulation improvement requirements of subsection 23.53.006.D in the same way as street improvements.

A second change to both subsections 23.53.006.C and D removes references to unit lot subdivisions. These references are not needed as unit lot subdivisions and short subdivisions are already a type of subdivision or short subdivision as referenced in these subsections.

**23.53.015 Requirement for Street, Alleys and Easements – Improvement requirements for existing streets in residential and commercial zones**

A minor change corrects a reference to a 20 percent maximum driveway slope in an exception to street improvement requirements, and changes the slope to the current maximum 15 percent slope allowed by the driveway standards of subsection 23.53.030.D.

**23.53.030 Requirement for Street, Alleys and Easements – Alley improvements in all zones**

Subsection 23.53.030.A.2 says that subsection 23.53.030.G contains exceptions from standards for alley improvements including exceptions for projects that are smaller than a certain size. The proposal is to delete subsection 23.53.030.A.2. It is redundant, because it simply references subsection G but does not provide new or different information. It is also inaccurate, because subsection G does not include exceptions for projects that are smaller than a certain size.

**23.54.015 Quantity and Design Standards for Access and Off-Street Parking – Required Parking**

One proposed change is to subsection 23.54.015.B, which exempts single family residences from parking requirements if they are located on lots less than 3,000 square feet in size or 30 feet in width. The proposal is to clarify the Code to say less than 3,000 square feet in size or less than 30 feet in width, so it is clear that either characteristic would allow the parking exception. Thus, a lot that is 60 feet wide but only 2999 square feet would be eligible, and so would a lot that is 29.99 feet wide but 5000 square feet in area.

A second change is to subsection 23.54.015.K.1, which sets forth bicycle parking requirements that apply after the first 50 bicycle spaces are provided in projects that would trigger those numbers of spaces. The last sentence says that “spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.” To make it more likely that reviewers will see this regulation, the proposal would move it to its own subsection 23.54.015.K.9.

**23.54.030 Quantity and Design Standards for Access and Off-Street Parking – Parking space standards**

A change to subsection 23.54.030.F, regulating the number of permitted curb cuts, would add a new subsection F.7 clarifying that curb cuts are not allowed on streets if alley access to a lot is feasible but has not been provided. For example, if a new lot is created without alley access, but alley access is feasible, a curb cut on the street should not be approved. There should instead be an easement to the alley. Similarly, a curb cut to serve existing development that was permitted without vehicular access should be approved from an alley, not a street, if alley access could be provided.

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A second change to the sight triangle standards in subsection 23.54.030.G would change Exhibits E and F to better illustrate existing Code language by clarifying in the exhibits that the sight triangle (an area to be kept free of obstruction for safe exiting from a driveway) extends beyond the property line to an intersection with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk.

A third change would specify that sight triangles are not required when access to parking is provided from an alley, which states existing SDCI practice.

**23.54.040 Quantity and Design Standards for Access and Off-Street Parking – Solid waste and recyclable materials storage and access**

Subsection 23.54.040.I allows “departures” from the standards for storage of solid waste containers, but the term is confusing because 1) it is a word specific to design review; 2) the process is viewed as a Type I (non-appealable) decision; and 3) the list of items that are not allowed as departures under the Design Review process includes these solid waste container storage standards. The proposed change is to state that the Director has discretion to modify the standards as a Type I decision.

**23.55.014 Signs – Off-premises signs**

The proposal changes the \$40 fee for registration of an off-premises advertising sign to the “fee established by the Fee Subtitle, Section 22.900E.010,” so it is no longer necessary to update a specific fee amount in the text of the Land Use Code.

**23.55.015 Signs – Sign kiosks and community bulletin boards**

A change is proposed to subsection 23.55.015.C.1.h to correct an inaccurate cross reference to the Building Code.

**23.55.020 – Signs – Signs in single-family zones**

There is no policy reason for treating signs in single-family zones differently from signs in multifamily zones. Therefore, a change is proposed to allow one non-illuminated sign bearing the name of a home occupation not exceeding 64 square inches in area to the list of permitted signs in single-family zones in subsection 23.55.020.D.

**23.66.140 Height**

The recent amendments to the Living Building Pilot Program in Ordinance 125163 deleted references throughout the Code to specific green building programs and consolidated them into a new Chapter 23.58D. The proposed changes to Section 23.66.140 delete a reference to the LEED Gold rating left in subsection 23.66.140.C.4.j.5 and correct a cross reference in the same subsection.

**23.66.338 Special Review Districts – Signs**

A minor change is proposed to subsection 23.66.338.B to remove a cross reference to a definition, as it is not considered property style to cross reference definitions.

**23.71.044 Northgate Overlay District – Standards for residential uses in commercial zones within the Northgate Overlay District**

A reference to the L-4 zone, which no longer exists in the Seattle Land Use Code, would be removed from subsection 23.71.044.B.

**23.73.008 Pike/Pine Conservation Overlay District – Street-level uses**

A change is proposed to add language to subsection 23.73.008.B.3 requiring original façade openings on character structures that provide transparency at the street level to remain unobstructed by interior improvements, even if the resulting transparency exceeds the required amount, unless the design review board determines the obstructions are consistent with the original design or function of the street-level space.

**23.73.009 Pike/Pine Conservation Overlay District – Floor area ratio**

Incorrect cross references to design departures for character structures would be changed in subsections 23.73.009.B.2 and C.3.

**23.73.014 Pike/Pine Conservation Overlay District – Height exceptions**

An incorrect cross reference is to be changed in subsection 23.73.014.A.3.

**23.73.015 Pike/Pine Conservation Overlay District – Retention and demolition of character structures**

The proposed change would add language to the requirement in subsection 23.73.015.A.1 that all street-facing facades of a character structure be maintained for the life of the project, to require original façade openings on character structures that provide transparency at the street level to remain unobstructed by interior improvements, even if the resulting transparency exceeds the required amount, unless the design review board determines the obstructions are consistent with the original design or function of the street-level space. See similar proposed change to subsection 23.73.008.B.3 above.

**23.76.004 Procedures for Master Use Permits and Council Land Use Decisions – Land Use Decision Framework**

Table A for 23.76.004 is proposed to be amended to clarify that a decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance, is appealable only if integrated with another appealable Type II decision, such as a conditional use approval, design review decision, or procedural SEPA review of a construction permit. This change is proposed to make City provisions consistent with state law.

**23.76.006 Procedures for Master Use Permits and Council Land Use Decisions – Master Use Permits required**

Subsections 23.76.006.C.1 and C.2 lists the various procedural environmental determinations under SEPA that are appealable “Type II” decisions as well as all other Type II appealable decisions. Changes are proposed to clarify, in subsection 23.76.006.C.2.n, that decisions to condition or deny based on SEPA policies are appealable if integrated with procedural SEPA decisions listed in subsection 23.76.006.C.1 as well as the decisions listed in subsections 23.76.006.C.2.a through C.2.l. Further clarification is proposed by adding new language to subsection 23.76.006.C.2.n to state that any other land use decision that is subject to a public

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notice and administrative appeal process is appealable even if not specifically listed in subsection 23.76.006.C. This change is proposed to make City provisions consistent with state law.

**23.76.060 Procedures for Master Use Permits and Council Land Use Decisions – Expiration and extension of Council land use decisions**

In Section 23.76.060, the existing language allows the City Council to extend the time limits on “Type IV” land use decisions (rezones, Council conditional uses, Major Institution Master Plans, and similar decisions) for two years. The proposed change would provide that the Council may extend the time either for two years or other time as determined appropriate by the Council, either less time or more, subject to the criteria for extension in subsection 23.76.060.E.2.

**23.84A.024 Definitions - “L”**

If a lot abuts streets on either end but is not a through lot, it is not clear in the definition of “lot line, front” whether, once the front has been identified, whether the other lot line or lines fronting on streets are to be treated as side or rear lot lines. In the past SDCI has treated the lot line opposite the front as the rear, if that lot line is not within 15 degrees of parallel to the front lot line, but the current wording seems to say that all lot lines abutting streets are side street lot lines, except for the front lot line. This change would clarify the definition to address lot lines that front on streets but are also the lot line “opposite and most distant from the front lot line,” to clarify that lot line is treated as a rear lot line. The change reflects SDCI existing practice.

**23.84A.032 - “R”**

The definition of “townhouse” requires each dwelling unit to be attached along at least one common wall to another dwelling unit. The proposal would also allow a townhouse to be attached along a common wall to a live-work unit, since commercial zones allow a mix of residential and non-residential uses in the same development.

**23.84A.036 – “S”**

Corrects a minor typographical error in the definition of “sign, message board.”

**23.84A.038 Definitions - “T”**

The proposed changes clarify that the definition of “tower” applies in Seattle Mixed zones and means the portion of a structure located above the designated podium height and is limited to structures that also exceed the height limit for structures that are not towers. Similarly, the definition of “tower, nonresidential” is clarified to mean the portion of a structure in nonresidential use located above the designated podium height.

**23.86.006 Measurements – Structure height measurement**

A minor change corrects a cross reference to the Shoreline Code in subsection 23.86.006.G to the new Shoreline Code, Chapter 23.60A.

**23.86.007 Measurements – Gross floor area and floor area ratio (FAR) measurement**

Clarification is proposed to specify that the measurement technique for determining exemption from gross floor area calculations for portions of a story that extend no more than 4 feet above grade applies in multifamily, commercial, and Seattle Mixed zones.

### **23.86.028 Measurements – Blank Facades**

New diagrams are proposed to clarify how to measure percent and length of blank facades in the area between 2 feet and 8 feet above the elevation of the lot line at the sidewalk. The intent of the new diagram is to better carry-out the existing intent of the regulations.

### **25.11.070 Tree Protection – Tree protection on sites undergoing development in Lowrise zones**

A minor change is proposed to subsection 23.11.070.A.3 to indicate more clearly that, to protect an exceptional tree, there is both a structure height exception and a separate parking reduction exception for proposed development.

### **Recommendation**

Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.