

MEMORANDUM

To: Planning, Land Use and Zoning (PLUZ) Committee members
Councilmember Bagshaw, District 7

From: Ketil Freeman and Aly Pennucci, Council Central Staff

Date: March 17, 2017

Subject: CB 188885 - Downtown / South Lake Union Rezone Legislation

On Tuesday, March 21, the Planning, Land Use and Zoning (PLUZ) Committee will discuss and potentially vote on amendments to Council Bill (CB) 118885, which would change the zoning in the Downtown and South Lake Union neighborhoods (DT/SLU) to implement the Mandatory Housing Affordability (MHA) programs. The proposal would:

- Allow additional development capacity (either additional height or floor area) in most zones in Downtown and South Lake Union;
- Require new commercial or multi-family development in the affected zones to contribute to affordable housing through the MHA programs. This contribution would be met by including affordable housing within the development or paying into a fund that will support development of affordable housing;
- Allow for modifications to certain development standards and to the MHA payment and performance amounts to address limited instances in which development standards in the Land Use Code would prevent a development from being able to use the additional development capacity; and
- Modify existing standards to clarify tower separation and other requirements for multiple towers in proximity to one another.

This memo describes the contents of a proposed substitute bill, shown on Attachment A, and potential amendments related to seven issues outlined in Table 1.

Substitute Bill (Attachment A)

The substitute bill amends the bill as introduced to correct references in the section lead-ins, also called “jingles” to identify CB 118914, the University District rezone, and CB 118893, the Land Use Omnibus bill, and amends the body of the bill to maintain consistency with these bills. In addition, the substitute bill fixes typos and other drafting errors and replaces Exhibit A with a more detailed zoning map.

Potential amendments

Table 1 (below) includes a description of potential amendments under consideration. Based on discussion at the March 7 PLUZ Committee meeting and requests from PLUZ Committee members, we have drafted specific language for some of these amendments; these are found in attachments B through D. In these documents, double underlines indicate proposed new language. ~~Double strikeouts~~ indicate language that would be removed from the Council Bill. Specific amendment language for amendments 4-7 will be available at the committee meeting on March 21.

Table 1: Potential Amendments	
Proposed Amendment	Discussion
<p>1. Recitals related to investing in affordable housing in DT/SLU <i>(Councilmember Johnson)</i></p> <p>Add recitals emphasizing the City’s intention to make affordable housing investments in Downtown and South Lake Union Neighborhoods.</p> <p><i>See Attachment B for specific language</i></p>	<p>The Mayor’s proposal includes new requirements to implement the MHA program in DT/SLU. New development would be required to set aside affordable housing and/or make payment-in-lieu so that new growth contributes to the supply of affordable housing. Due to higher construction costs in DT/SLU, it is anticipated that most projects will choose the payment option. The proposed recitals (1) acknowledge this circumstance, (2) emphasize the guidance in the MHA framework to use “locating near developments that generate cash contributions” as one of the factors to determine the location for use of cash contributions, and (3) reaffirm that the City is committed to investing in affordable housing in the DT/SLU neighborhoods and will monitor this to ensure that investments are well distributed.</p>
<p>2. Combined Lot Regulations¹ <i>(Councilmember O’Brien)</i></p> <p>Modify the type of decision used for combined lot development (change from a Type I to a Type II decision) and require a detailed description of the public benefits associated with the combined lot approval.</p> <p><i>See Attachment C for specific language</i></p>	<p>In DOC1, DOC2 and DMC 340/290-440 zones, lots located on the same block may be combined to allow development capacity from one lot to be used on one or more lots on the same block. This increases the total development capacity (i.e. floor area in the building) for the receiving lot and, in some cases, will reduce the amount of floor area that the project would otherwise be required to gain through participation in the incentive zoning program. A request for a combined lot development can only be approved if it results in a significant public benefit. Though the Land Use Code includes a list of potential public benefits, determining what constitutes a “significant” public benefit requires some discretion.</p> <p>Currently, the Seattle Department of Construction and Inspections (SDCI) can approve a combined lot development as a Type I decision. Type 1 decisions typically involve less discretion and cannot be appealed. Type 2 decisions typically involve more discretion and are appealable to the Hearing Examiner. Because there is some discretion involved in approving a combined lot development, this amendment would make this decision a Type II decision and would eliminate providing short term parking or improving the massing of the building eligible public benefits. In addition, to enhance transparency, when the decision is issued a report detailing the public benefits resulting from the development would be required.</p>

¹ This change would require amendments to sections of the Land Use Code that are not currently proposed to be amended. This change would require the introduction of a new Council Bill.

<p>3. Approved and vested projects - election to participate in MHA¹ <i>(Councilmember Johnson)</i></p> <p>Allow projects that have a Master Use Permit or are vested prior to the effective date of the DT/SLU rezone ordinance, to modify the project to (1) incorporate the additional capacity and (2) participate in the MHA program, without requiring additional review by the Design Review Board.</p> <p><i>See Attachment D for specific language</i></p>	<p>There are approximately 40 projects proposed in the DT/SLU neighborhoods that are at varying stages of the land use review process. Those projects are vested to current land use regulations and will not be required to participate in the MHA programs after implementation. However, if a project elects to utilize the additional capacity that will be added through the DT/SLU rezone legislation, MHA would apply.</p> <p>This amendment would encourage projects to elect to participate by providing assurance that if they have completed the Design Review Board (DRB) recommendation phase, they can opt in and participate in MHA without additional review by the DRB, provided that added capacity is incorporated consistently with the original design.</p>
<p>4. Incentivize Family-sized units <i>(PLUZ Committee)</i></p> <p>Allow addition commercial floor area in mixed-use buildings if family size units are included with accessible outdoor space.</p>	<p>The production of larger units has been limited in new construction; the Office of Planning and Development noted that 20 percent of apartments have two-bedrooms and less than one percent have three bedrooms in DT/SLU. In other areas, a land use incentive has been applied that exempts the floor area used for family-sized units. In DT/SLU, residential floor area is already exempt from floor area calculations in many instances to encourage residential development. Commercial floor area is subject to a floor area limit.</p> <p>This amendment would allow additional commercial floor area in mixed-use buildings that include a minimum of ten units with two or more bedrooms that have direct access to outdoor amenity area.</p>
<p>5. Transportation Management Programs (TMPs) <i>(Councilmembers Johnson & O'Brien)</i></p> <p>Amendment to require TMPs for development in the SM-SLU and Downtown zones.</p>	<p>TMPs are guided by Seattle Department of Transportation and SDCI Joint Directors' Rule 27-2015, which requires developers to develop programs that mitigate transportation impacts. Requiring TMPs for both residential and non-residential development will provide occupants of new buildings with tools to reduce Single-occupant Vehicle (SOV) trips, such as subsidized transit passes and bicycle storage, along with information about other transportation options and other measures to limit SOV use. This amendment is based on comparable requirements recently adopted in Ordinance 125267, the University District Rezone.</p>
<p>6. Tower separation in DOC2 <i>(Councilmember Bagshaw)</i></p> <p>Amendment to establish the Council's intent to pass additional regulations to address</p>	<p>CB 118885 is intended to implement MHA in DT/SLU. However, public comment, internal discussion, and communications with downtown constituents have identified additional actions the City could undertake to improve livability.</p>

tower adjacencies in DOC2 and pursue other urban design strategies to promote livability.	The proposed amendment would establish the Council’s intent to (1) amend the Downtown Code to allow the SDCI Director, as a Type 1 decision, to allow additional height in DOC2 in exchange for increased setbacks from existing residential towers, (2) explore rights-of-way management policies to optimize use of alleys, (3) consider additional greenstreets or methods to use rights-of-way as an open space amenity, and (4) refine the urban design strategy for downtown through an urban design framework and adoption of revised Design Review guidelines.
7. “Assumed Lot” in SLU <i>(Councilmember Herbold)</i> Amendment to clarify the applicability of “assumed lots” for the purposes of calculating FAR in SLU.	Council Bill 118893, the Land Use Code Omnibus, amended the Land Use Code to allow certain mixed-use developments to calculate allowable FAR for commercial development based on an “assumed lot,” which is equal to the remainder of a site that is not utilized for a residential tower and podium. The introduction of the concept of an “assumed lot” may have the unintended consequence of eroding application of upper-level development standards, such as podium height, throughout SLU. The proposed amendment would clarify that use of “assumed lots” for the purposes of determining commercial FAR and podium extent is limited to the SM-SLU 85-240 zone.

Attachments:

- A. Proposed Substitute Bill
- B. Amendment 1: Recitals related to investing in affordable housing in DT/SLU
- C. Amendment 2: Combined Lot Regulations
- D. Amendment 3: Approved and vested projects - election to participate in MHA

cc: Kirstan Arestad, Central Staff Executive Director

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, and 23.76.006 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.49.007, 23.49.039, and 23.50.041 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

..body

WHEREAS, in May 2013, the City Council adopted Resolution 31444, which established a work program for reviewing and potentially modifying the City’s affordable housing incentive programs; and

WHEREAS, according to Resolution 31444, the City Council commissioned reports examining national best practices for increasing the availability of affordable housing to identify new strategies for Seattle; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

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1 WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of
2 residential and commercial zones and, in connection with such upzones, implementation
3 of a mandatory inclusionary housing requirement for new residential development and
4 commercial linkage fees for new commercial development; and

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

10 WHEREAS, the City has the authority to require mandatory housing affordability for residential
11 development according to its police power; and

12 WHEREAS, a mandatory housing affordability requirement for residential development is one of
13 many actions the City intends to undertake to implement the Comprehensive Plan’s goals
14 and policies for housing affordability; and

15 WHEREAS the Countywide Planning Policies, as ratified by the King County Council, provide
16 that jurisdictions may consider a full range of programs, from optional to mandatory, that
17 will assist in meeting the jurisdiction’s share of the countywide need for affordable
18 housing; and

19 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter
20 36.70A RCW, is to make adequate provision for the housing needs of all economic
21 segments of the city; and

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1 WHEREAS, the Affordable Housing Incentives Program Act, RCW 36.70A.540, authorizes and
2 encourages cities to enact or expand affordable housing incentive programs providing for
3 the development of low-income housing units through development regulations or
4 conditions on rezoning or permit decisions, or both; and

5 WHEREAS, according to the Affordable Housing Incentives Program Act, jurisdictions may
6 establish a minimum amount of affordable housing that must be provided by all
7 residential developments in areas where increased residential development capacity has
8 been provided; and

9 WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory
10 Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand
11 Bargain”) states that the mandatory housing affordability requirements for residential and
12 commercial development should achieve a projected production level over ten years of no
13 less than 6,000 units of housing affordable to households with incomes no greater than 60
14 percent of median income, and that, if the projected production level falls below the
15 target, all parties agree to develop and consider options to achieve the agreed-upon
16 production target; and

17 WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established
18 the framework for an Affordable Housing Impact Mitigation Program for commercial
19 development; and

20 WHEREAS, in November 2015, the City Council adopted Resolution 31612, stating the
21 Council’s intent to make changes to zoning and land use regulations to implement a

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PLUZ COMMITTEE 03/21/17**

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1 mandatory inclusionary affordable housing program for residential development
2 recommended by the HALA Advisory Committee and the Mayor; and

3 WHEREAS, in August 2016, the City Council adopted Ordinance 125108 which established the
4 framework for mandatory housing affordability for residential development; and

5 WHEREAS, this ordinance was informed by public feedback gathered at an Open House
6 conducted on February 24, 2016 and presentations and conversations with the Alliance
7 for Pioneer Square, Belltown Community Council, Building Owners and Managers
8 Association (BOMA), Chinatown-International District Business Improvement
9 Association, Denny Triangle Neighborhood Association, Downtown Residents Alliance,
10 Downtown Resident’s Council, Downtown Seattle Association, InterIM, International
11 District Special Review Board, NAIOP, Pioneer Square Preservation Board, Pioneer
12 Square Residents Council, Seattle Chinatown-International District Preservation and
13 Development Authority (SCIDpda), Seattle Planning Commission, and South Lake
14 Union Community Council, as well as letters, emails, and other correspondence from
15 individuals and groups; and

16 WHEREAS, this ordinance would increase development capacity and implement the Affordable
17 Housing Impact Mitigation Program for commercial development and mandatory
18 housing affordability for residential development in certain areas of Downtown and
19 South Lake Union; and

20 WHEREAS, many factors were considered in establishing payment and performance amounts
21 for residential and commercial development including the need for both market-rate and
22 affordable housing, the additional cost of incentive zoning requirements for non-housing

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PLUZ COMMITTEE 03/21/17**

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1 benefits in Downtown and South Lake Union, the higher cost of development for high-
2 rise construction, the higher value of commercial development capacity relative to
3 residential development capacity, and the relatively small increase in development
4 capacity in Downtown and South Lake Union compared to other areas; and

5 WHEREAS, pursuant to Ordinance 124895 (Affordable Housing Impact Mitigation Program for
6 commercial development) the payment and performance amounts for commercial
7 development are significantly higher, in particular the payment amounts are on average
8 87 percent higher for Downtown and South Lake Union than most areas outside of
9 Downtown and South Lake Union; and

10 WHEREAS, the combined approach of higher commercial and lower residential payment and
11 performance amounts address the unique characteristics and capture the type of growth
12 that is occurring in Downtown and South Lake Union and these areas, while representing
13 only 3% of the city's land, are estimated to produce 2,100 new affordable housing units,
14 which is about a third of the city-wide goal of 6,000 units; and

15 WHEREAS, increased residential development in the Downtown and South Lake Union areas
16 will assist in achieving local growth management and housing policies; and

17 WHEREAS, this ordinance provides increased residential development capacity in the form of
18 an increase in the amount of height or floor area allowed by zoning in most areas in the
19 Downtown and South Lake Union Urban Centers; and

20 WHEREAS, the City has determined that development standards could preclude the additional
21 capacity from being achieved only in a few, very limited situations and, to address those
22 situations, this ordinance provides for modification of other development standards as

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PLUZ COMMITTEE 03/21/17**

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1 well as for modest reductions in payment and performance amounts for residential
2 development if the additional capacity still could not be achieved; NOW, THEREFORE,

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

4 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
5 amended to rezone properties identified on pages 99, 100, 101, 102, 108, 109, 110, 115, 116,
6 117, 215 of the Official Land Use Map as shown on ~~Attachment Exhibit~~ A attached to this
7 ordinance. ~~((~~as follows:

8 ~~A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended~~
9 ~~as follows:~~

- 10 ~~1. All areas designated on Attachment A as DH2/65 are rezoned to DH2/75.~~
- 11 ~~2. All areas designated on Attachment A as DMC 65 are rezoned to DMC 75.~~
- 12 ~~3. All areas designated on Attachment A as DMC 85 are rezoned to DMC 95.~~
- 13 ~~4. All areas designated on Attachment A as DMC 125 are rezoned to DMC 145.~~
- 14 ~~5. All areas designated on Attachment A as DMC 160 are rezoned to DMC 170.~~
- 15 ~~6. All areas designated on Attachment A as DMC 240/290 400 are rezoned to~~
16 ~~DMC 240/290 440.~~
- 17 ~~7. All areas designated on Attachment A as DMC 340/290 400 are rezoned to~~
18 ~~DMC 340/290 440.~~
- 19 ~~8. All areas designated on Attachment A as DMR/C 85/65 are rezoned to DMR/C~~
20 ~~95/75.~~
- 21 ~~9. All areas designated on Attachment A as DMR/C 125/65 are rezoned to~~
22 ~~DMR/C 145/75.~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 10. All areas designated on Attachment A as DMR/C 240/125 are rezoned to
2 ~~DMR/C 280/125.~~

3 11. All areas designated on Attachment A as DMR/R 85/65 are rezoned to
4 ~~DMR/R 95/65.~~

5 12. All areas designated on Attachment A as DMR/R 125/65 are rezoned to
6 ~~DMR/R 145/65.~~

7 13. All areas designated on Attachment A as DMR/R 240/65 are rezoned to
8 ~~DMR/R 280/65.~~

9 14. All areas designated on Attachment A as DOC1 U/450/U are rezoned to
10 ~~DOC1 U/450 U.~~

11 15. All areas designated on Attachment A as DOC2 500/300-500 are rezoned to
12 ~~DOC2 500/300-550.~~

13 16. All areas designated on Attachment A as DRC 85-150 are rezoned to DRC
14 ~~85-170.~~

15 17. All areas designated on Attachment A as IC 85-160 are rezoned to IC 85-175.

16 18. All areas designated on Attachment A as SM-85 are rezoned to SM-SLU
17 ~~100/95.~~

18 19. All areas designated on Attachment A as SM-125 are rezoned to SM-SLU
19 ~~145.~~

20 20. All areas designated on Attachment A as SM-SLU 85/65-125 are rezoned to
21 ~~SM-SLU 100/65-145.~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 5. In Downtown zones, the minimum size for Planned Community
2 Developments as provided in Section 23.49.036;

3 6. In Downtown zones, the average floor area limit for stories in residential
4 use in Table B for 23.49.058;

5 7. In Downtown zones, the provisions for combined lot developments as
6 provided in Section 23.49.041;

7 8. In Downtown Mixed Commercial zones, tower spacing requirements as
8 provided in subsection (~~(23.49.058.F)~~) 23.49.058.D;

9 9. In the Downtown Mixed Commercial (~~(160)~~) 170 zone, minimum floor-to-
10 floor height for street-level uses required as a condition of the additional height allowed by
11 subsection 23.49.008.E;

12 10. Downtown view corridor requirements, provided that departures may be
13 granted to allow open railings on upper-level roof decks or rooftop open space to project
14 into the required view corridor, provided such railings are determined to have a minimal
15 impact on views and meet the requirements of the Building Code;

16 11. In SM-SLU zones, floor area limits for all uses provided in subsections
17 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up
18 to a five percent increase in floor area limit for each story may be granted for structures with
19 non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and
20 23.48.245.B.1.d.2;

21 12. The provisions of Chapter 23.58A, except that departures may be granted
22 from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to
2 be provided according to Section 23.58A.040 better achieves the intent of the Downtown
3 Amenity Standards for that amenity feature;

4 13. In SM-SLU zones, provisions limiting the number of towers permitted per
5 block provided for in Section 23.48.245;

6 14. In ~~the~~ SM-SLU zones, provisions for upper-level setbacks provided for in
7 Section 23.48.245;

8 15. Floor area ratios (FAR); except that in the Pike/Pine Conservation
9 Overlay District shown on Map A for 23.73.004, departures from the development standards
10 for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for
11 retaining a character structure on a lot in Section 23.73.015 are not considered departures
12 from FAR limits;

13 16. Maximum size of use;

14 17. Structure height, except that:

15 a. Within the Roosevelt Commercial Core building height departures
16 up to an additional 3 feet may be granted for properties zoned NC3-65; (Map A for
17 23.41.012, Roosevelt Commercial Core);

18 b. Within the Ballard Municipal Center Master Plan area building
19 height departures may be granted for properties zoned NC3-65; (Map B for 23.41.012,
20 Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet,
21 and may be granted only for townhouses that front a mid-block pedestrian connection or a
22 park identified in the Ballard Municipal Center Master Plan;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 c. In Downtown zones building height departures may be granted for
2 minor communication utilities as set forth in subsection 23.57.013.B;

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

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

11 f. Within the PSM 85-120 zone in the area shown on Map A for
12 23.49.180, departures may be granted from development standards that apply as conditions
13 to additional height, except for FAR and provisions for adding bonus floor area above the
14 base FAR; and

15 g. Within the Pike/Pine Conservation Overlay District shown on Map
16 A for 23.73.004, departures may be granted from development standards that apply as
17 conditions to additional height in subsections 23.73.014.A and 23.73.014.B, and the
18 provision for receiving sites for TDP in subsection 23.73.024.B.5;

19 18. Quantity of parking required, minimum and maximum parking limits, and
20 minimum and maximum number of drive-in lanes, except that within the Ballard Municipal
21 Center Master Plan area departures may be granted from the minimum parking requirement
22 up to a 30 percent maximum reduction for ground-level retail uses that abut established mid-

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 block pedestrian connections through private property as identified in the "Ballard
2 Municipal Center Master Plan Design Guidelines, 2013";

3 19. Provisions of the Shoreline District, Chapter 23.60A;

4 20. Standards for storage of solid-waste containers;

5 21. The quantity of open space required for major office projects in
6 Downtown zones as provided in subsection 23.49.016.B;

7 22. Noise and odor standards;

8 23. Standards for the location of access to parking in Downtown zones;

9 24. Provisions of Chapter 23.52, Transportation Concurrency and
10 Transportation Impact Mitigation;

11 25. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and
12 Easements, except that departures may be granted from the access easement standards in
13 Section 23.53.025;

14 26. Affordable housing production conditions within the MPC-YT zone,
15 pursuant to Section 23.75.085;

16 27. Limits on floor area for uses within the MPC-YT zone, as provided in
17 Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040;

18 28. Limits on number, distribution, and gross floor area per story for highrise
19 structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under
20 Section 23.75.040;

21 29. Definitions;

22 30. Measurements;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 31. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.98,
2 and 23.28.030.A.3, which may be modified as authorized in those provisions;

3 32. Standards for structural building overhangs in Section 23.53.035 and
4 structural encroachments permitted in setbacks provided in lieu of dedication of right-of-
5 way under subsection 23.53.015.D.1.b;

6 33. Within the Pike/Pine Conservation Overlay District shown on Map A for
7 23.73.004, the requirement that all character structures on a lot be retained in order to
8 qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional
9 FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential
10 uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections
11 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in
12 subsection 23.73.012.B, or the exception for an additional 10 feet in height as provided for
13 in subsection 23.73.014.B:

14 a. Departures may, however, be granted under the following
15 circumstances:

16 1) The character structure is neither a designated Seattle
17 Landmark nor listed in a rule promulgated by the Director according to Section 23.73.005;
18 and

19 2) The departure is for demolishing a wood-frame character
20 structure originally built as a single-family residence or single-family accessory structure; or

21 3) The departure is for demolishing a character structure that is
22 determined to have insufficient value to warrant retention when the following applies:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 a) The structure lacks a high degree of architectural
2 integrity as evidenced by extensive irreversible exterior remodeling; or

3 b) The structure does not represent the Pike/Pine
4 neighborhood's building typology that is characterized by the use of exterior materials and
5 design elements such as masonry, brick, and timber; multi-use loft spaces; very high and
6 fully-glazed ground-floor storefront windows; and decorative details including cornices,
7 emblems, and embossed building names; or

8 c) Demolishing the character structure would allow for
9 more substantial retention of other, more significant character structures on the lot, such as a
10 structure listed in a rule promulgated by the Director according to Section 23.73.005; or
11 would allow for other key neighborhood development objectives to be achieved, such as
12 improving pedestrian circulation by providing through-block connections, developing arts
13 and cultural facilities, or siting publicly-accessible open space at key neighborhood
14 locations.

15 b. In addition to the provisions of subsection 23.41.012.B.~~3233~~.a, the
16 following provisions apply:

17 1) At least one character structure shall be retained on the lot if
18 any of the following are to be used by the development proposal:

19 a) ~~((subsection))~~ Subsection 23.73.009.C.3 regarding
20 the FAR exemption for residential uses~~((?))~~ ;

21 b) ~~((subsection))~~ Subsection 23.73.010.B.2 regarding
22 increases in the floor area limits~~((?))~~ ;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 c) ~~((subsection))~~ Subsection 23.73.012.B regarding the
2 exception from width and depth measurements~~((;))~~ ; or

3 d) ~~((subsection))~~ Subsection 23.73.014.B regarding the
4 exception allowing for an additional 10 feet in height ~~((are being used by the development
5 proposal))~~.

6 2) ~~((No character structures are required to be retained on the
7 lot if))~~ A departure may allow removal of character structures if the requirement for
8 retaining character structures is limited to the following:

9 a) ~~((subsection))~~ Subsection 23.73.009.B regarding the
10 exception to allow additional FAR for non-residential uses~~((;))~~ ;

11 b) ~~((subsection))~~ Subsection 23.73.010.B.1 regarding
12 increases in the floor area limits~~((;))~~ ; or

13 c) Section 23.73.024 for the use of TDP on a lot that is
14 an eligible TDP receiving site under the provisions of subsection 23.73.024.B ~~((are the only
15 provisions being used by the development proposal))~~ ;

16 34. In pedestrian-designated zones, provisions for residential uses at street
17 level, as provided in subsection 23.47A.005.C.1, except that a departure may be granted to
18 allow residential uses at street level to occupy, in the aggregate, no more than 50 percent of
19 the street-level, street-facing facade;

20 35. In pedestrian-designated zones, provisions for transparency requirements,
21 as provided in subsection 23.47A.008.B, except that departures may be granted to reduce the
22 required transparency from 60 percent to no less than 40 percent of the street-facing facade;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 36. In pedestrian-designated zones, provisions for height requirements for
2 floor-to-floor height, as provided in subsection 23.47A.008.B, except that departures to
3 allow a mezzanine with less than the minimum floor-to-floor height may be granted
4 provided that the outer edge of the mezzanine floor is at least 15 feet from the exterior wall
5 facing a principal pedestrian street; ~~and~~

6 37. The provisions of Chapter 23.58B and Chapter 23.58C ~~;~~

7 38. Area-specific development standards for Lake City, identified in
8 subsection 23.47A.009.E, except departures may be requested if the development provides at
9 least one of the following features:

10 a. A usable open space that: _____

11 1) abuts the street,

12 2) is no more than 4 feet above or 4 feet below the adjacent
13 sidewalk grade,

14 3) has a minimum width equal to 30 percent of the width of the
15 street-facing facade or 20 feet, whichever is greater, and

16 4) has a minimum depth of 20 feet measured from the abutting
17 street lot line.

18 b. An east-west through-block pedestrian passageway that:

19 1) has a minimum width of 20 feet and provides direct and
20 continuous passage between the north/south rights-of-way abutting the lot; and

21 2) is designed to provide safe pedestrian use, including signage
22 identifying the passageway; and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 39. For lots 40,000 square feet or greater in size, area-specific development
2 standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and
3 23.47A.009.F.4.b, except that departures may be requested if the development provides at
4 least one of the following features:

5 a. A usable open space that:

- 6 1) abuts the street,
7 2) is no more than 4 feet above or 4 feet below the adjacent
8 sidewalk grade,
9 3) has a minimum width equal to 30 percent of the width of the
10 street-facing facade or 20 feet, whichever is greater, and
11 4) has a minimum depth of 20 feet measured from all street lot
12 lines.

13 b. A separation between structures that:

- 14 1) has a minimum east-west dimension width of 20 feet,
15 2) is no more than 4 feet above or below the adjacent sidewalk
16 grades, and
17 3) is either developed as:
18 a) a north-south through block pedestrian passageway;
19 b) a woonerf;
20 c) an amenity area that is available for public use and
21 not counting towards the minimum requirement of 23.47A.024; or
22 d) a combination thereof.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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Section 3. Section 23.48.220 of the Seattle Municipal Code, ~~enacted by Ordinance 124883~~ which section was last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

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

A. General provisions

1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.220 and Table B for 23.48.220.

**Table A for 23.48.220
FAR (~~Limits~~) limits for (~~Specified Zones~~) specified zones in South Lake Union Urban Center**

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
SM-SLU/R 55/85	NA	NA	4.5)
SM-SLU ((85/65-125)) <u>100/65-145</u>	4.5	((6)) <u>6.5</u>	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU ((160/85-240)) <u>175/85-280</u>	4.5 ²	((7)) <u>8</u>	6
SM-SLU ((85-240)) <u>85-280</u>	0.5/ 1.5 ³	NA	6

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

SM-SLU ((240/125-400) <u>240/125-440</u>)	5 ²	((7) <u>8</u>)	10
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Footnotes to Table A for 23.48.220

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

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

² In the SM-SLU ((~~160/240~~) 175/85-280), and SM-SLU ((~~240/400~~) 240/125-440) zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection ((~~23.48.220.A.7~~) 23.48.220.A.3).

³ The ~~1.53~~ FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

Table B for 23.48.220

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

<u>Zone</u>	<u>FAR limits for all uses</u>	
	<u>Base FAR</u>	<u>Maximum FAR</u>
<u>SM-SLU/R 65/95</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SM-SLU 100/95</u>	<u>4.5</u>	<u>6.75</u>
<u>SM-SLU 145</u>	<u>5</u>	<u>9.5¹</u>

Footnote to Table B for 23.48.220

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

2. FAR for development including a mix of residential and non-residential uses

~~((:))~~

a. For zones included on Table A for 23.48.220, development including a mix of non-residential uses and residential uses that do not exceed the base height limit for residential use shall:

1) ~~((obtain))~~ Obtain extra floor area for any chargeable non-residential floor area above the base FAR for non-residential uses as prescribed in Table A for 23.48.220; and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
2 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
3 above 85 feet in height and is subject to the same provisions as residential use exceeding the base
4 height limit for residential use, provided that all development standards that apply to a residential
5 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
6 residential floor area.

7 5. In the SM-SLU ~~((85/65-125))~~ 100/65-145, SM-SLU 85/65-160, SM-SLU
8 ~~((160/85-240))~~ 175/85-280, SM-SLU ~~((85-240))~~ 85-280, and SM-SLU ~~((240/125-400))~~ 240/125-
9 440 zones within South Lake Union Urban Center, for residential tower structures that have only
10 non-residential uses up to or above the base height limit for residential uses, the FAR limits for
11 all non-residential uses in the structure are the same as the FAR limits specified for non-
12 residential uses in Table A for 23.48.220.

13 6. In all SM-SLU zones, except SM-SLU/R 65/95, SM-SLU 100/95 and SM-SLU
14 145 zones, a development that includes a residential structure or a portion of ~~the a~~ structure as a
15 residential tower is exempt from FAR requirements as to that structure or portion of a structure,
16 and the ~~applicable~~ FAR limits for ~~all other portions of the permitted non-residential uses in that~~
17 structure or portion of a structure shall be applied based on ~~the total lot area minus~~ the lot area
18 required for the residential tower development, to meet the upper-level floor area limit of
19 subsection 23.48.245.A. ~~For the portion of the lot with the residential tower and podium, the~~
20 ~~FAR limit for permitted non-residential uses in a residential tower or podium that is also a~~
21 ~~mixed-use structure shall be based on the area of the portion of the lot occupied by the residential~~
22 ~~tower and podium. The FAR limits for the remainder of the development shall be applied based~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 on an assumed lot area of the total lot area minus the lot area required for the portion of the
2 development that is a residential tower.

3 7. Within the area in the SM-SLU ((~~160/85-240~~) 175/85-280) zone meeting the
4 standards for location in subsection 23.48.230.B, structures designed for research and
5 development laboratory use and administrative office associated with research and development
6 laboratories have a base FAR of 5 and a maximum FAR of 7, provided that the maximum
7 number of floors allowed above grade is eight measured from the floor with the lowest elevation
8 above grade, but not including rooftop projections.

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

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

18 2. Street-level uses identified in subsection 23.48.005.D, whether required or not,
19 and that meet the development standards of Section 23.48.240; except that at locations meeting
20 the conditions of Section 23.48.230, only gross floor area at street level that is a general sales and
21 service, eating and drinking establishment, or entertainment use is exempt.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 3. All residential use in a residential tower and podium within the required lot
2 area that includes the podium portion of the tower in the SM-SLU (~~((85/65-125))~~) 100/65-145,
3 SM-SLU 85/65-160, SM-SLU (~~((160/85-240))~~) 175/85-280, SM-SLU (~~((85-240))~~) 85-280, and SM-
4 SLU (~~((240/125-400))~~) 240/125-440 zones, except residential use in a mixed-use project under the
5 provisions of subsection 23.48.220.A.2.b.

6 4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
7 Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use
8 pursuant to subsection 23.48.220.A.4.

9 5. Floor area in child care use and elementary and secondary schools.

10 Section 4. A new Section 23.48.223 is added to the Seattle Municipal Code as follows:

11 **23.48.223 Mandatory housing affordability (MHA) program**

12 The provisions of Chapters 23.58B and 23.58C apply in all SM-SLU zones, except SM-SLU
13 85/65-160 zones.

14 Section 5. Section 23.48.225 of the Seattle Municipal Code, enacted by Ordinance
15 124883, is amended as follows:

16 **23.48.225 Structure height in South Lake Union Urban Center**

17 A. Base and maximum height limits

18 1. In zones listed below in this subsection 23.48.225.A.1, the applicable height
19 limit for portions of a structure that contain non-residential and live-work uses is shown as the
20 first figure after the zone designation and the base height limit for portions of a structure in
21 residential use is shown as the first figure following the "/". The third figure shown is the
22 maximum residential height limit. Except as stated in Section 23.48.025, the base residential

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 height limit is the applicable height limit for portions of a structure in residential use if the
2 structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and
3 the maximum residential height limit is the height limit for portions of a structure in residential
4 use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the
5 structure complies with the standards for tower development specified in Section 23.48.240
6 (Street-level development standards in South Lake Union Urban Center) and Section 23.48.245
7 (Upper-level development standards in South Lake Union Urban Center):

8 SM-SLU (~~(85/65-125)~~) 100/65-145

9 SM-SLU 85/65-160

10 SM-SLU (~~(160/85-240)~~) 175/85-280

11 SM-SLU (~~(85-240/125-400)~~) 240/125-440

12 2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
13 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
14 above 85 feet in height and is subject to the same provisions as residential use exceeding the base
15 height limit for residential use, provided that all development standards that apply to a residential
16 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
17 residential floor area.

18 3. In the SM-SLU (~~(85-240)~~) 85-280 zone, except as stated in subsections
19 23.48.225.C and 23.48.225.E, the base height limit is the applicable height limit for portions of a
20 structure if the structure does not gain extra residential floor area under the provisions of Chapter
21 23.58A, and the maximum residential height limit is the height limit for portions of a structure in
22 residential use if the structure includes extra residential floor area under the provisions of

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 Chapter 23.58A, and if the structure complies with the standards for residential tower
2 development in this Chapter 23.48.

3 4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in
4 non-residential or live-work use is 100 feet and the maximum height limit for portions of a
5 structure in residential use is 95 feet.

6 5. In the SM-SLU 145, the maximum height for all uses is 145 feet.

7 B. Height limits in the SM-SLU/R (~~(55/85)~~) 65/95 zone

8 1. New structures occupied only by non-residential uses are subject to a height
9 limit of (~~(55)~~) 65 feet.

10 2. Structures occupied only by residential uses and mixed-use structures with 60
11 percent or more of the structure's gross floor area in residential use are subject to a height limit of
12 (~~(85)~~) 95 feet.

13 C. Additional height permitted in the SM-SLU (~~(160/85-240)~~) 175/85-280 and SM-SLU
14 (~~(85-240)~~) 85-280 zones

15 1. Increases in the maximum height limit in the SM-SLU (~~(160/85-240)~~) 175/85-
16 280 and SM-SLU (~~(85-240)~~) 85-280 zones. In the SM-SLU (~~(160/85-240)~~) 175/85-280 and SM-
17 SLU (~~(85-240)~~) 85-280 zones a structure is allowed additional height of up to 30 percent above
18 the maximum height limit for residential uses and, in the SM-SLU (~~(160/85-240)~~) 175/85-280
19 zone, up to 20 percent above the height limit for non-residential uses, if all of the following
20 conditions are met:

21 a. The project includes an elementary school or a kindergarten through
22 eighth grade school, which may include minimum space requirements for associated uses but not

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 limited to academic core functions, child care, administrative offices, a library, maintenance
2 facilities, food service, and specialty instruction space;

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

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

9 d. The amount of floor area allowed to exceed the applicable height limit
10 is equivalent to the amount of enclosed floor area on the lot in school use;

11 e. The floor area added through the increase in height is subject to the
12 development standards in Sections 23.48.235 and 23.48.240 that apply to structures that exceed
13 the base height for residential use or the applicable podium height for non-residential uses;

14 f. The floor area allowed to exceed the maximum residential height limit is
15 not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should
16 the school use be discontinued, floor area gained through the provisions of this Section
17 23.48.225 shall be subject to the provisions of Chapter 23.58A; and

18 g. The allowances for rooftop features in subsection 23.48.025.B shall
19 apply to the above structure height permitted under this subsection 23.48.225.C((;)) .

20 2. Additional height above the applicable height limit for portions of a structure
21 that contain non-residential and live-work uses is permitted in the SM-SLU ((160/85-
22 240))175/85-280 zone at locations and under the conditions specified in Section 23.48.230((;)) .

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 3. Extra residential floor area above the base height limit for residential use may
2 be obtained as provided in Section 23.48.221(~~(; and)~~) .

3 D. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-160
4 and SM-SLU (~~(160/85-240)~~) 175/85-280 zones and located north of Mercer Street and West of
5 Fairview Avenue within the South Lake Union Urban Center, requires the applicant to show that
6 the proposed structure height will not physically obstruct use of the flight path shown on Map A
7 for 23.48.225 or endanger aircraft operations.

8 E. All non-exempt floor area and residential floor area located above the base height is
9 considered extra floor area. Extra floor area may be obtained above the base height, up to the
10 maximum height, (~~(only)~~) through the provision of public amenities meeting the standards of
11 Section 23.48.021 and Chapter 23.58A.

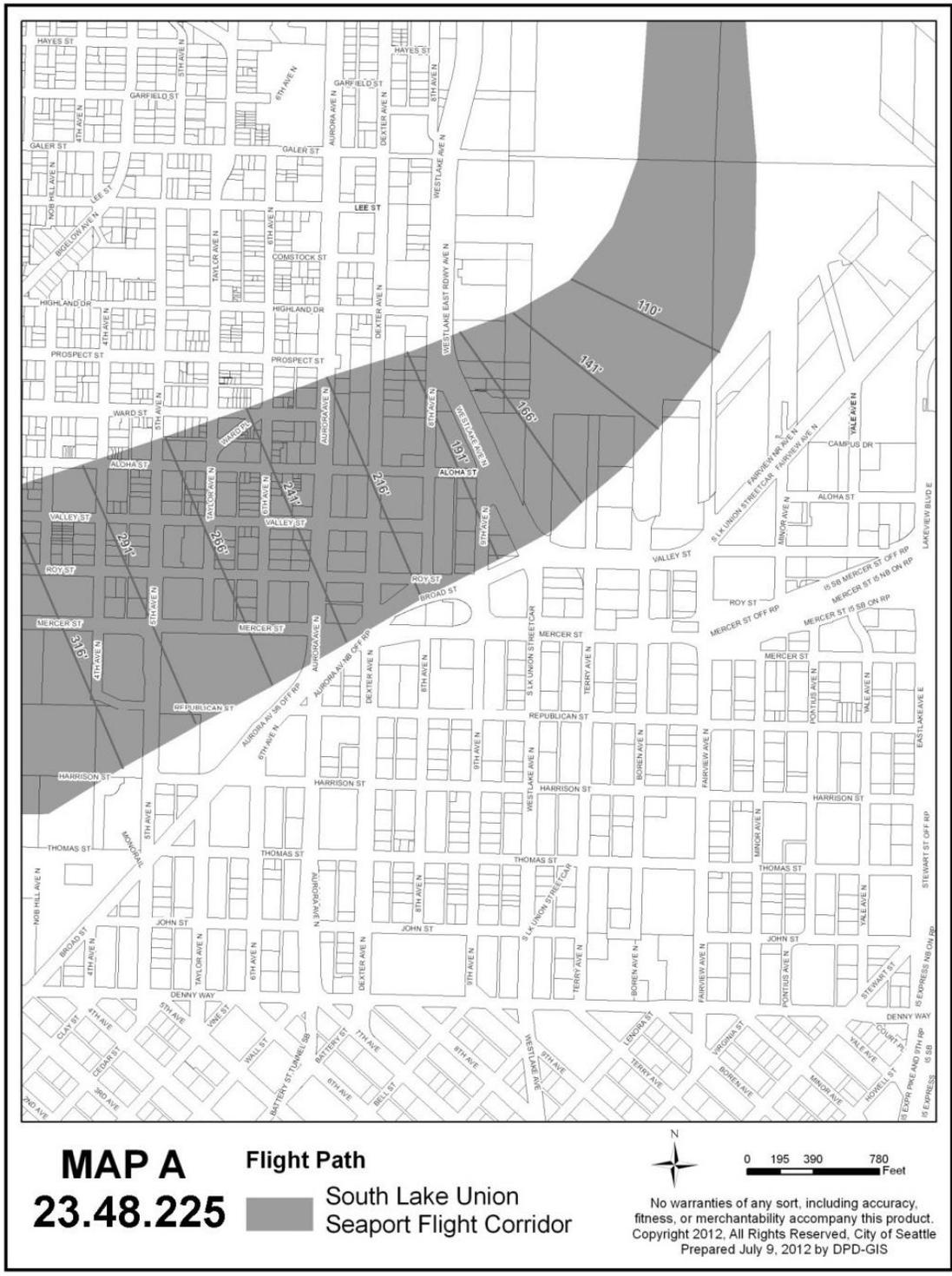
**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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- 1 **Map A for 23.48.225**
- 2 **South Lake Union Seaport Flight Corridor**

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D4D2~~



**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 Section 6. Subsections 23.48.230.A and 23.48.230.B of the Seattle Municipal Code,
2 which section was last amended by Ordinance 125163, are amended as follows:

3 **23.48.230 Extra height in South Lake Union Urban Center**

4 A. Applicability and general provisions. For structures in the SM-SLU (~~(160/85-240)~~)
5 175/85-280 zone designed for research and development laboratory use and administrative office
6 associated with research and development laboratories, structures that do not exceed a height of
7 120 feet are not subject to the floor area limits of subsection 23.48.245.B, provided the project
8 complies with all the requirements of this Section 23.48.230. In order for a structure to qualify
9 for the exemption from the floor area limit, at least one complete MUP application for a structure
10 on the same block that has been permitted to extend up to a height of 120 feet without floor area
11 limits shall be filed within nine months of February 17, 2010.

12 B. Location. A structure may be exempt from floor area limits of subsection 23.48.245.B
13 if the structure is located on a block that is:

- 14 1. (~~designated~~) Designated SM-SLU (~~(160/85-240)~~) 175/85-280;
- 15 2. (~~bounded~~) Bounded by arterial-designated streets on at least two sides;
- 16 3. (~~greater~~) Greater than 60,000 square feet in size and does not exceed 100,000
17 square feet in size; and
- 18 4. (~~not~~) Not bisected by an alley or other public right-of-way.

19 * * *

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 Section 7. A new Section 23.48.231 is added to the Seattle Municipal Code as follows.

2 **23.48.231 Modification of development standards in certain SM-SLU zones**

3 A. In a SM-SLU 175/85-280 zone located in the South Lake Union Seaport Flight
4 Corridor as shown on Map A for 23.48.225, the following apply:

5 1. The following modifications shall occur if the height limit according to
6 subsection 23.48.225.D would prevent a development from being able to achieve the maximum
7 height that would otherwise be allowed according to subsection 23.48.225.A:

8 a. The upper-level floor area limit according to subsection 23.48.245.A
9 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet
10 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50
11 percent to 67 percent;

12 b. The non-residential floor plate limits according to subsection
13 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

14 c. The residential floor plate limits according to subsection
15 23.48.245.B.2.a shall be increased from 12,500 to 13,500 square feet; and

16 d. The residential floor plate limits according to subsection
17 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

18 2. The height above which a development is a tower according to Section
19 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from
20 85 feet to 95 feet if:

21 a. Either:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 C. In a SM-SLU 240/125-440 zone, the height above which a development is a tower
2 according to Section 23.48.245 and the base height for purposes of calculating extra floor area
3 shall be increased from 125 feet to 135 feet if:

4 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
5 permit a tower on the site or would prevent a development from being able to achieve an average
6 tower floor plate of at least 7,500 square feet for floors above the podium height;

7 2. The height of the development does not exceed 135 feet, excluding exempt
8 rooftop features; and

9 3. The development meets the upper-level setback requirements of Section
10 23.48.235.

11 D. In a SM-SLU 100/65-145 zone, the height above which a development is a tower
12 according to Section 23.48.245 and the base height for purposes of calculating extra floor area
13 shall be increased from 65 feet to 75 feet if:

14 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
15 permit a tower on the site or would prevent a development from being able to achieve an average
16 tower floor plate of at least 7,500 square feet for floors above the podium height; and

17 2. The height of the development does not exceed 75 feet, excluding exempt
18 rooftop features.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 Section 8. Section 23.48.232 of the Seattle Municipal Code, enacted by Ordinance
2 124883, is amended as follows:

3 **23.48.232 Lot area limits in SM-SLU/R ((~~55/85~~)) 65/95**

4 A. Development with non-residential uses only, except hotels with 100 rooms/suites or
5 fewer, is limited to a lot area of 21,600 square feet or less.

6 B. Development on lots greater than 21,600 square feet in area shall include residential
7 use in an amount of gross floor area equal to 60 percent or more of the gross floor area in non-
8 residential use, except for development that is an elementary or secondary school, or a hotel with
9 100 rooms/suites or fewer.

10 C. Two lots of up to 21,600 square feet each, separated by an alley and connected above
11 grade by a skybridge or other similar means shall be considered two separate lots for the
12 purposes of this Section 23.48.232. Such a connection above grade and across the alley may be
13 allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use
14 permit.

15 D. Non-residential structures on adjacent lots not separated by an alley, subject to this
16 Section 23.48.232, shall not be internally connected.

17 E. Non-residential uses existing prior to November 6, 1996, that do not meet the
18 requirements of this Section 23.48.232 are allowed to expand by an amount of gross floor area
19 not to exceed 20 percent of the existing gross floor area, without meeting the requirements of this
20 Section 23.48.232. This provision may only be used once for an individual use.

21 F. Non-residential use exception. A non-residential structure may be permitted where a
22 residential or mixed-use structure would otherwise be required, subject to the following:

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1 1. The proposal is comprised of two or more lots within ~~((the same))~~ a SM-SLU/R
2 65/95 zone; and

3 2. The amount of gross floor area in residential use in the structures on both lots is
4 equal to at least 60 percent of the total gross floor area of the total combined development on the
5 lots included in the proposal; and

6 3. The non-residential structure is subject to design review to ensure compatibility
7 with the residential character of the surrounding area; and

8 4. The proposal meets one or more of the following:

9 a. The project includes the rehabilitation of a Landmark structure or
10 incorporates structures or elements of structures of architectural or historical significance as
11 identified in the Seattle Comprehensive Plan or design guidelines; or

12 b. The project includes general sales and service uses, eating and drinking
13 establishments, major durables retail sales uses, entertainment uses, human service uses, or child
14 care centers at the street level in an amount equal to 50 percent of the structure's footprint; or

15 c. On the lot(s) accommodating the required amount of residential use, as
16 specified in subsection 23.48.232.F.2, a minimum of ~~((40))~~ ten percent of all new housing units
17 in the proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be
18 maintained as affordable housing for a period of at least 20 years, or a minimum of ~~((40))~~ ten
19 percent of all new housing units in the proposal are provided as townhouses.

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1 Section 9. Subsections 23.48.235.C and 23.48.235.D of the Seattle Municipal Code,
2 which section was enacted by Ordinance 124883, are amended as follows:

3 **23.48.235 Upper-level setback requirements in South Lake Union Urban Center**

4 * * *

5 C. Upper-level setbacks on alleys in the SM-SLU/R (~~(55/85)~~) 65/95 zone. For lots
6 abutting an alley in the SM-SLU/R (~~(55/85)~~) 65/95 zone, portions of a structure greater than 25
7 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of
8 additional height above 25 feet, up to a maximum setback of 15 feet measured from the alley lot
9 line, as shown in Exhibit A for 23.48.235.

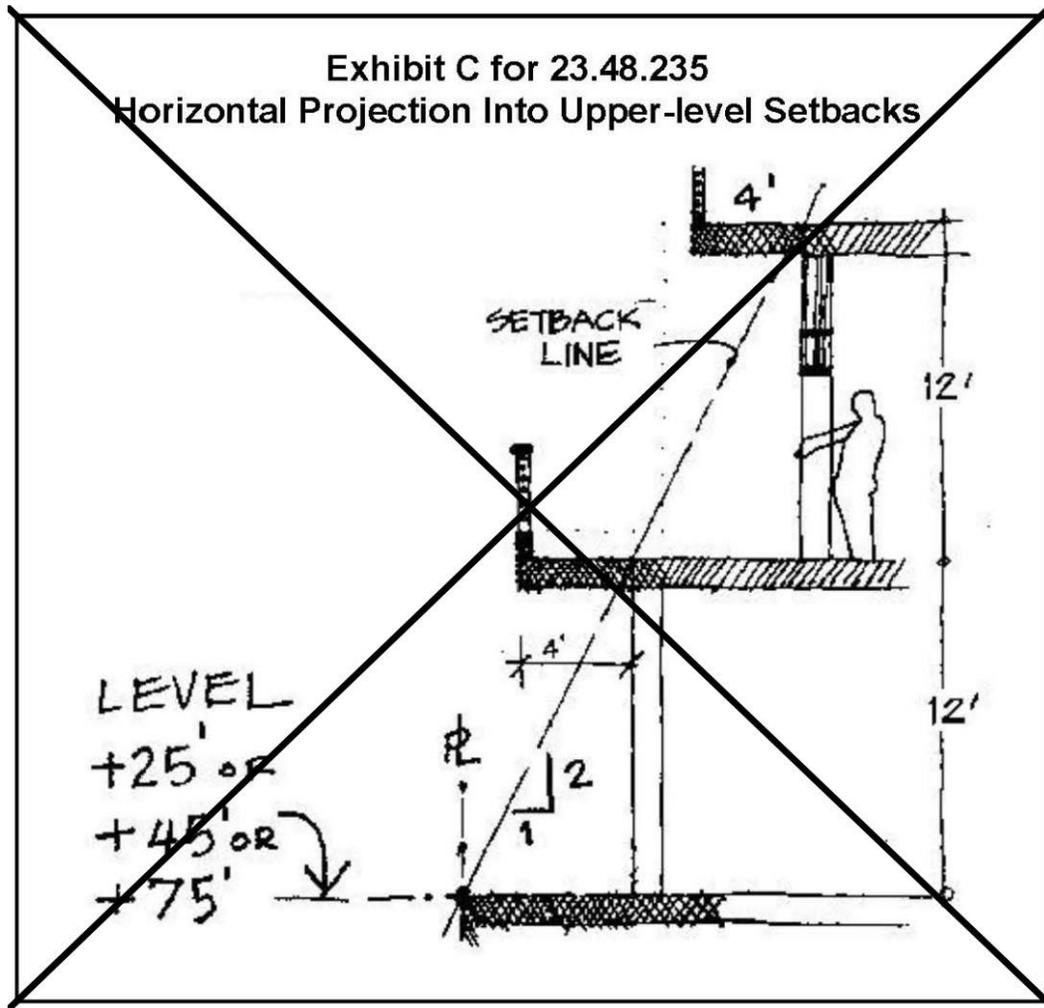
10 D. Projections permitted in required upper-level setbacks. Horizontal projections,
11 including decks, balconies with open railings, eaves, cornices, and gutters are permitted to
12 extend a maximum of 4 feet in required setbacks as shown in Exhibit C for 23.48.235.

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1 Exhibit C for 23.48.235

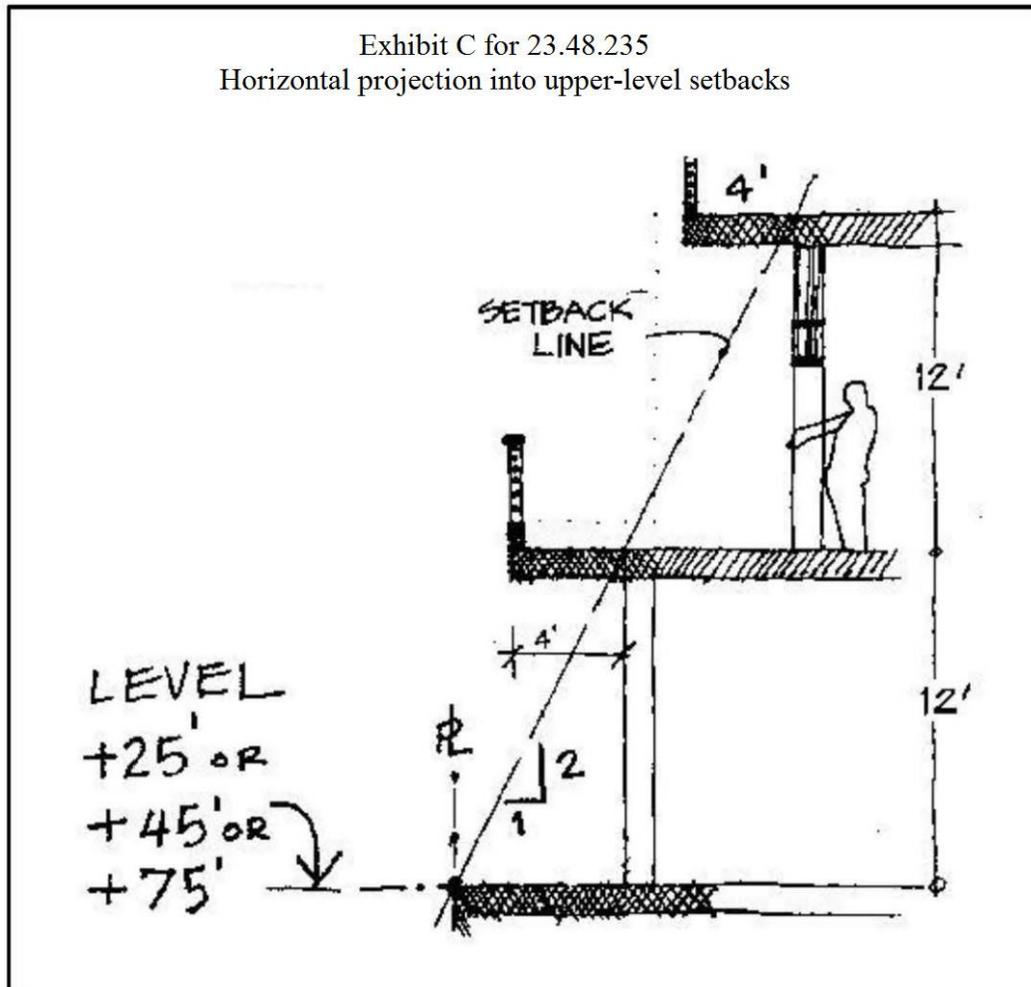
2 Horizontal ((Projection)) projection into ((Upper-level Setbacks)) upper-level setbacks



3

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Section 10. Section 23.48.245 of the Seattle Municipal Code, ~~enacted by Ordinance 124883~~ last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.48.245 Upper-level development standards in South Lake Union Urban Center

Lots in the SM-SLU (~~(85/65-125)~~) 100/65-145, SM-SLU 85/65-160, SM-SLU(~~(160/85-240)~~) 175/85-280, SM-SLU (~~(85-240)~~) 85-280, and SM-SLU (~~(240/125-400)~~) 240/125-440 zones are subject to upper-level development standards that may include upper-level floor area limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as

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PLUZ COMMITTEE 03/21/17**

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1 specified in this Section 23.48.245. For the purpose of this Section 23.48.245, a tower is a
2 structure that exceeds a height of 65 feet for the SM-SLU (~~((85/65-125))~~) 100/65-145 and SM-
3 SLU 85/65-160 zones, 85 feet for the SM-SLU (~~((160/85-240))~~) 175/85-280 and SM-SLU (~~((85-~~
4 ~~240))~~) 85-280 zones, or 125 feet for the SM-SLU (~~((240/125-400))~~) 240/125-440 zone.

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

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

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

11 B. Floor area limits and podium heights. The following provisions apply to development
12 in the SM-SLU (~~((85/65-125))~~) 100/65-145, SM-SLU (~~((85-240))~~) 85-280, SM-SLU 85/65-160,
13 SM-SLU (~~((160/85-240))~~) 175/85-280, and SM-SLU (~~((240/125-400))~~) 240/125-440 zones located
14 within the South Lake Union Urban Center:

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

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

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

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PLUZ COMMITTEE 03/21/17**

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

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

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

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

13 a. Height limit for podiums. The specific podium height for a lot is shown
14 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley
15 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to
16 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet
17 deep. The podium height is measured from the grade elevation at the street lot line. In the SM-
18 SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, 9th Avenue North,
19 and Fairview Avenue North, the line on Map A for 23.48.245 demarcating the different podium
20 heights within these blocks is located 120 feet north of the northerly line of Mercer Street.

21 b. Podium floor area limits. For the podiums of structures with residential
22 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1

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PLUZ COMMITTEE 03/21/17**

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1 and for structures with non-residential uses that exceed a height of 85 feet, the average floor area
2 coverage of required lot area, pursuant to subsection 23.48.245.A, for all the stories below the
3 podium height specified on Map A for 23.48.245, shall not exceed 75 percent of the lot area,
4 except that floor area is not limited for each story if the total number of stories below the podium
5 height is three or fewer stories, or if the conditions in subsection 23.48.245.B.4.c apply.

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

8 1) Usable open space that meets the provisions of subsection
9 23.48.240.F; or

10 2) A structure that has been in existence prior to 1965 and the
11 following conditions are met ((;)) :

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

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

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

20 ii. Alteration of the floor-to-ceiling height of the
21 street-level story, except alterations that restore the floor-to-ceiling height to its original
22 condition; or

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PLUZ COMMITTEE 03/21/17**

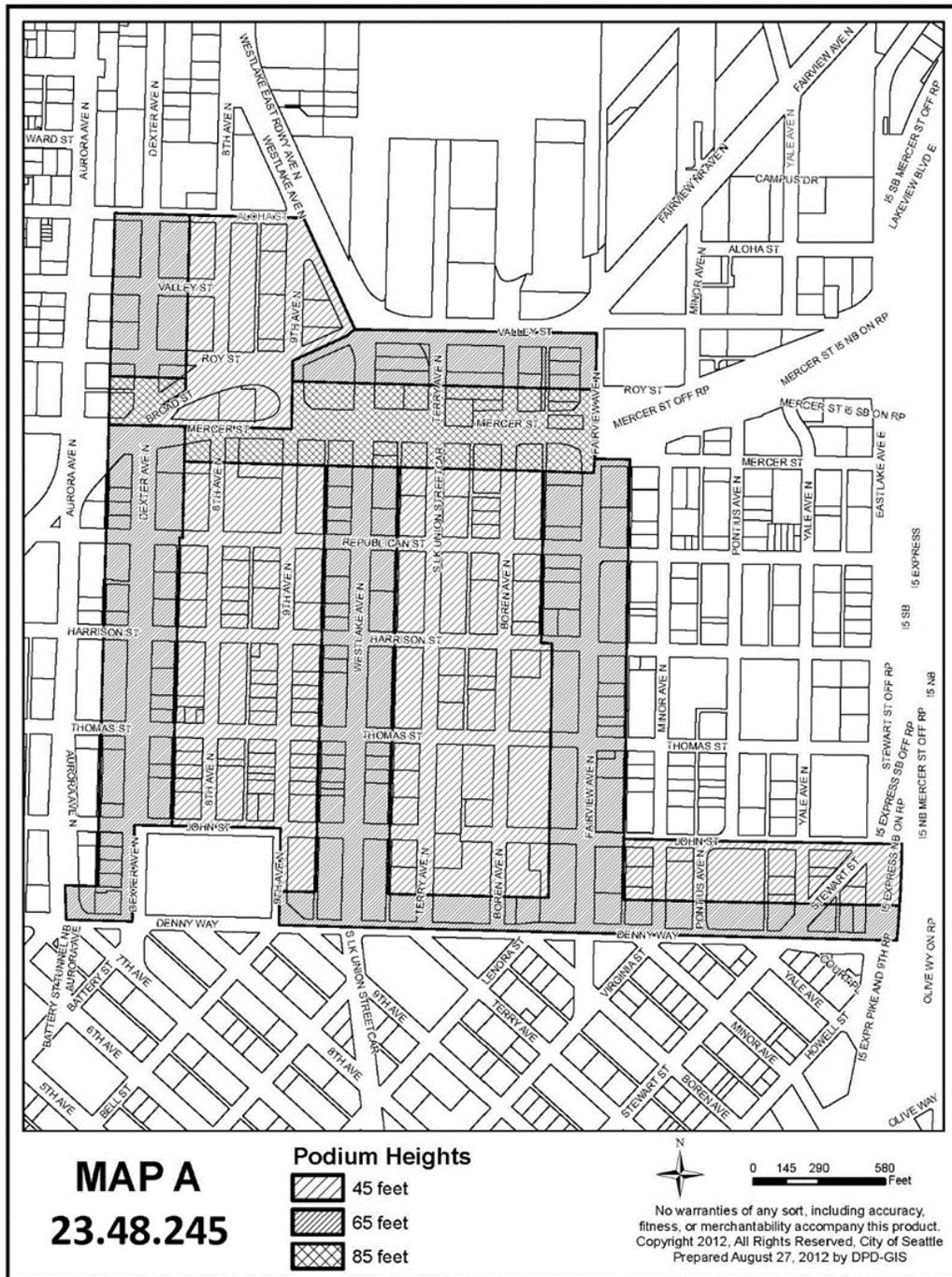
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**Map A for 23.48.245
Podium Heights**

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- 1
- 2 C. Upper-level setbacks
- 3 1. The following requirements for upper-level setbacks in this subsection
- 4 23.48.245.C.1 apply to development that meets the following conditions:

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

3 b. For lots in the SM-SLU (~~(85-240)~~) 85-280, SM-SLU 85/65-160, SM-
4 SLU (~~(160/85-240)~~) 175/85-280, and SM-SLU (~~(240/125-400)~~) 240/125-440 zones located
5 within the South Lake Union Urban Center, the development includes a tower structure with
6 residential uses exceeding the base height limit established for residential uses in the zone under
7 subsection 23.48.225.A.1, or includes a structure with non-residential uses that exceed a height
8 of 85 feet.

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

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

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

Table A for 23.48.245
Required (~~(Upper-level Setbacks)~~) upper-level setbacks for (~~(Development Meeting)~~)
development meeting the (~~(Conditions)~~) conditions of (~~(Subsection)~~) subsection
23.48.245.C

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

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PLUZ COMMITTEE 03/21/17**

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

Footnotes to Table A for 23.48.245((:))
¹ On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

1
2 3. Upper-level setbacks for residential tower development in the SM-SLU 85/65-
3 160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and
4 Fairview Avenue North. For tower structures that include residential use above the base height
5 limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition
6 to those specified in subsection 23.48.235.B.1, are required as follows:
7
8 a. Any portion of the structure above 65 feet in height shall set back a
9 minimum of 30 feet from the following street lot lines:
10 1) ((the)) The street lot line abutting the eastern edge of Westlake
Avenue North from Mercer Street to Valley Street; and

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PLUZ COMMITTEE 03/21/17**

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1 1. The maximum length of a facade without modulation is prescribed in Table B
2 for 23.48.245. This maximum length shall be measured parallel to each street lot line, and shall
3 apply to any portion of a facade, including projections such as balconies, that is located within 15
4 feet of street lot lines.

Table B for 23.48.245 Facade ((Modulation)) <u>modulation</u>	
Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line <u>(in feet)</u>
For stories above the podium height specified on Map A for 23.48.245 up to ((125)) <u>145</u> feet	150 ((feet))
For stories above ((125)) <u>145</u> feet	120 ((feet))

5
6 2. If a portion of a facade that is within 15 feet of the street lot line is the
7 maximum length permitted for an unmodulated facade, the length of the facade may be increased
8 only if additional portions of the facade are set back a minimum of 15 feet from the street lot line
9 for a minimum distance of 40 feet. If the required setback is provided, additional portions of the
10 facade may be located within 15 feet of the street lot line.

11 E. Maximum facade width. A maximum facade width applies to certain residential
12 structures that exceed the base height limit for residential use, as specified in subsections
13 23.48.245.E.1, 23.48.245.E.2, and 23.48.245.E.3. The maximum facade width only applies to
14 portions of the structure above the podium height specified for the lot on Map A for 23.48.245.

15 1. Except in the SM-SLU ~~((85/65-125))~~ 100/65-145 zone and the SM-SLU 85/65-
16 160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and
17 Fairview Avenue North, for portions of a structure that exceed the podium height but do not
18 exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the

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PLUZ COMMITTEE 03/21/17**

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1 maximum facade width is 120 feet along the general east/west axis of the site (perpendicular to
2 the Avenues).

3 2. In the SM-SLU (~~(85/65-125)~~) 100/65-145 zone, the maximum facade width is
4 105 feet along the general north/south axis of the site (parallel to the Avenues).

5 3. In the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street,
6 Mercer Street, Westlake Avenue North, and Fairview Avenue North, the maximum facade width
7 for portions of structures above the podium height is 105 feet along the general east/west axis of
8 the site (perpendicular to the Avenues).

9 F. Limit on towers (~~(structures)~~) per block or block front

10 1. (~~(Only one residential tower, or one structure with non-residential uses~~
11 ~~exceeding 85 feet in height, is permitted on a single block front, except as further limited by~~
12 ~~subsections 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.))~~

13 (~~(2-)~~) For purposes of this subsection 23.48.245.F and subsection 23.48.245.G,
14 (~~(an existing)~~) a tower is ((either)) considered to be “existing” and must be taken into
15 consideration when other towers are proposed, under any of the following circumstances:

16 a. (~~(A)~~) The tower is physically present, except that a tower that is
17 physically present (~~(, except as provided below in subsection 23.48.245.F.2.b; or)~~) is not
18 considered "existing" if the owner of the lot where the tower is located has applied to the
19 Director for a permit to demolish the tower and provided that no building permit for the
20 proposed tower is issued until the demolition of the tower that is physically present has been
21 completed;

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PLUZ COMMITTEE 03/21/17**

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

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

7 4. In the SM-SLU ~~((85/65-125))~~ 100/65-145 zone, more than one residential
8 tower is permitted on a block front ~~((provided that))~~ if the ~~((minimum))~~ lot area ~~((for a tower))~~
9 is 30,000 square feet or more.

10 5. Only one ~~((structure))~~ tower with non-residential uses exceeding 85 feet in
11 height is permitted on a block, unless the ~~((structure))~~ tower meets the requirements of Section
12 23.48.230 or unless all of the following conditions apply:

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

18 b. A minimum separation of 60 feet is provided between all portions of
19 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If
20 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted
21 ~~((:))~~ ;

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PLUZ COMMITTEE 03/21/17**

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1 c. A minimum of 15 percent of the lot area is provided as landscaped
2 open space at ground level, allowing for some area to be provided above grade to adapt to
3 topographic conditions, provided that such open space is accessible to people with disabilities.
4 The required open space shall have a minimum horizontal dimension of 15 feet and shall be
5 provided as one continuous area ((-)) ;

6 d. A pedestrian connection meeting the development standards of
7 subsection ((~~23.48.240.F~~)) 23.48.240.H for through-block pedestrian connections for large lot
8 developments is provided ((~~though~~)) through the lot to connect the north/south avenues
9 abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an
10 easement providing public access along the original alignment of the avenue. In addition, if
11 the slope of the lot between the north/south avenues exceeds a slope of ((~~10~~)) ten percent, a
12 ((~~hill-climb~~)) hilleclimb shall be provided ((-)) ;

13 e. The application of the provisions in this subsection 23.48.245.F.5
14 shall not result in more than two structures on a block with either non-residential uses above
15 85 feet in height or with residential use above the base height limit for residential use, except
16 as allowed by subsection 23.48.245.F.5.f ((-)) ;

17 f. For lots that, as a result of a street vacation, exceed 150,000 square
18 feet, the Director shall, as a Type I decision, determine the permitted number of structures
19 with non-residential uses above 85 feet in height or with residential use above the base height
20 limit, based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions
21 existing prior to the street vacation ((-)) ;

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PLUZ COMMITTEE 03/21/17**

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

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

8 2) Sidewalk improvements, including sidewalk widening, to
9 accommodate increased pedestrian volumes and streetscape improvements that will enhance
10 pedestrian comfort and safety;

11 3) Improvements to enhance the pedestrian environment, such as
12 providing overhead weather protection, landscaping, and other streetscape improvements; and

13 4) Bike share stations ~~((-))~~ ; and

14 h. For development that exceeds 85,000 or more gross square feet of
15 ~~((gross))~~ floor area in office ~~((floor area))~~ use, the Director shall make a determination as to
16 the project's impact on the need for open space. The Director may limit floor area or allow
17 floor area subject to conditions, which may include a voluntary agreement between the
18 property owner and the City to mitigate impacts, if any. The Director shall take into account
19 ~~((subsection))~~ Section 23.48.250 in assessing the demand for open space generated by an
20 office development in an area permitting high employment densities.

21 1) The Director may consider the following as mitigation for
22 open space impacts:

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1 a) Open space provided on-site or off-site, consistent
2 with the provisions in subsection 23.49.016.C, or provided through payment_in_lieu, consistent
3 with subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in
4 an SM-SLU zone that is accessible to the development's occupants;

5 b) Additional pedestrian amenities through on-site or
6 streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant
7 to subsection 23.48.245.F.5.g; and

8 c) Public space inside or on the roof of a Landmark
9 building.

10 2) The Director may approve open space in lieu of that
11 contained or referred to in subsection 23.49.016.C to mitigate project impacts, based on
12 consideration of relevant factors, including the following:

13 a) ~~((the))~~ The density or other characteristics of the
14 workers anticipated to occupy the development compared to the presumed office employment
15 population providing the basis for the open space standards applicable under Section
16 23.49.016; and

17 b) ~~((characteristics))~~ Characteristics or features of the
18 development that mitigate the anticipated open space impacts of workers or others using or
19 occupying the project.

20 G. Tower separation. The following separation is required between ~~((structures))~~ a
21 proposed tower with residential use above the base height limit for residential use and existing
22 towers with residential use above the base height limit for residential use and that are located

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PLUZ COMMITTEE 03/21/17**

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1 on the same block. For the purposes of this subsection 23.48.245.G, a block is defined as the
2 area bounded by street lot lines and excluding alley lot lines. Alleys shall not be deemed to
3 bisect a block into two separate blocks:

4 1. A separation of 60 feet is required between all portions of ~~((residential))~~ the
5 structures above the podium height limit for ~~((residential structures))~~ towers that exceed the
6 base height limit for residential use ~~((, except as provided by))~~ and any tower consider to be
7 existing according to subsection ~~((23.48.245.F.2))~~ 23.48.245.F.1.

8 2. No separation is required on blocks within the area bounded by Aurora
9 Avenue North, John Street, Thomas Street, and 9th Avenue North.

10 3. The first 4 feet of the horizontal projection of unenclosed decks and
11 balconies, and architectural features such as cornices shall be disregarded in calculating tower
12 separation.

13 Section 11. ~~Subsection-Section~~ 23.48.250-~~B~~ of the Seattle Municipal Code, which section
14 was last amended by the ordinance introduced as Council Bill ~~118862118914~~, is amended as
15 follows:

16 **23.48.250 Open space requirement for office uses in South Lake Union Urban Center**

17 A. Finding. The City Council finds that:

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

21 2. Additional major office projects in the South Lake Union Urban Center will
22 result in increased use of public open space. If additional major office projects in the South Lake

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 Union Urban Center do not provide open space to offset the additional demands on public open
2 space caused by such projects, the result will be overcrowding of public open space, adversely
3 affecting the public health, safety, and welfare.

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

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

11 5. As in Downtown, smaller office developments in the South Lake Union Urban
12 Center may encounter design problems in incorporating open space, and the sizes of open spaces
13 provided for office projects under 85,000 square feet may make them less attractive and less
14 likely to be used. Therefore, and in order not to discourage small scale office development,
15 projects involving less than 85,000 square feet of new office space should be exempt from any
16 open space requirement.

17 B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000
18 square feet of gross office floor area is required for the following projects:

19 1. The project is on a lot located in an SM-SLU zone that has a height limit for
20 non-residential uses that exceeds (~~85~~) 100 feet; and

21 2. The project includes 85,000 or more square feet of gross (~~office~~) floor area in
22 office use.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 C. Standards for open space. Open space may be provided on-site or off-site, as follows:

2 1. On-site open space

3 a. Private open space. Private open space on the project site may satisfy
4 the requirement of this Section 23.48.250. Private open space shall be open to the sky and shall
5 be consistent with the general conditions related to landscaping, seating, and furnishings for
6 neighborhood open space in subsection 23.58A.040.C.4.b.2. Private open space satisfying this
7 requirement must be accessible to all tenants of the building and their employees.

8 ((a)) b. Open space provided for a project on site or on an adjacent lot
9 directly accessible from the project site ((shall satisfy the requirement of this Section 23.48.250
10 if it meets)) to meet the ((standards)) open space requirements of subsection 23.48.240.F or
11 subsection 23.48.240.G ((and the open space is accessible to all occupants of the building)) may
12 be used to satisfy the requirement of this Section 23.48.250.

13 ((b. Open space provided on site under this requirement is eligible for
14 amenity feature bonuses, where allowed in Section 23.48.021 or 23.48.221 when the following
15 standards are met:

16 1) ~~The space has a minimum horizontal dimension of 20 feet and a~~
17 ~~minimum floor to ceiling height of 13 feet;~~

18 2) ~~The space is directly accessible to pedestrians, including persons~~
19 ~~with disabilities, from the street, or from an outdoor usable open space abutting the street;~~

20 3) ~~The space is available for use during normal business hours;~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 D. Payment_in_lieu. In lieu of providing open space required under this Section
2 23.48.250, an owner may make a payment to the City if the Director determines that the payment
3 will contribute to the improvement of a designated Neighborhood Green Street or to other public
4 open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop
5 improvements that will meet the additional need for open space caused by the project, and that
6 completion of the improvement within a reasonable time is feasible. Any such payment shall be
7 placed in a dedicated fund or account and used within five years of receipt for the development
8 of such improvements, unless the property owner and the City agree upon a different
9 improvement involving the acquisition or development of public open space that will mitigate
10 the impact of the project. (~~A bonus may be allowed for a payment in lieu of providing the~~
11 ~~improvement made wholly or in part to satisfy the requirements of this Section 23.48.250,~~
12 ~~pursuant to Section 23.49.013.~~)

13 E. Limitations. Open space satisfying the requirement of this Section 23.48.250 for any
14 project shall not be used to satisfy the open space requirement for any other project (~~, nor shall~~
15 ~~any bonus be granted to any project for open space meeting the requirement of this Section~~
16 ~~23.48.250 for any other project~~). When a transmitting antenna is sited or proposed to be sited on
17 a rooftop where required open space is located, see Section 23.57.013. Open space on the site of
18 any building for which a Master Use Permit decision was issued or a complete building permit
19 application was filed prior to (~~the effective date of this ordinance~~) November 15, 2015, that
20 was not required under the Land Use Code in effect when such permit decision was issued or
21 such application filed, but that would have been required for the same building by this Section
22 23.48.250, shall not be used to satisfy the open space requirement (~~or to gain an FAR bonus~~)

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 for any other project. Section 12. Section 23.48.285 of the Seattle Municipal Code, enacted by
2 Ordinance 124883, is amended as follows:

3 **23.48.285 Parking location, access and curb cuts in South Lake Union Urban Center**

4 A. ~~((Parking location within structures~~

5 ~~1-))~~ Parking above the street level of a structure. The following provisions apply
6 to development in the SM-SLU ~~((85/65-125))~~ 100/65-145, SM-SLU 85/65-160, SM-SLU
7 ~~((160/85-240))~~ 175/85-280, SM-SLU ~~((85-240))~~ 85-280, and SM-SLU ~~((240/125-400))~~ 240/125-
8 440 zones within the South Lake Union Urban Center:

9 ~~((a))~~ 1. Except as provided in subsection 23.48.285.B for parking partially above
10 street level and partially below street level, parking within structures is permitted above the street
11 level under the following conditions:

12 ~~((1))~~ a. One story of parking is permitted above the first story of a
13 structure for each story of parking provided below grade that is of at least equivalent capacity, up
14 to a maximum of two stories of parking above the first story.

15 ~~((2))~~ b. For parking located on a story above the first story of a structure,
16 a minimum of 30 percent of the length of the parking area measured along each street frontage
17 shall be separated from the street by another use. On lots located at street intersections, the
18 separation of parking area by another use shall be provided at the corner portion(s) of the
19 structure.

20 ~~((3))~~ c. The parking area on a story above the first story of the structure
21 that is not separated from the street by another use shall be enclosed by facades along all street

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights
2 and interior garage lighting on pedestrian views from the street.

3 ((b)) 2. The Director may permit more than two stories of parking above the first
4 story of the structure, or may permit other exceptions to subsection 23.48.285.A((1)), as a Type
5 I decision, if the Director finds that locating parking below grade is infeasible due to physical
6 site conditions such as a high water table or proximity to a tunnel. In such cases, the Director
7 shall determine the maximum feasible amount of parking that can be provided below grade, if
8 any, and the amount of additional parking to be permitted above street level. Site size is not a
9 basis for granting an exception under this subsection 23.48.285.A((1-b))2.

10 B. Accessory surface parking. In the SM-SLU ((85/65-125)) 100/65-145, SM-SLU
11 85/65-160, SM-SLU ((160/85-240)) 175/85-280, SM-SLU ((85-240)) 85-280, and SM-SLU
12 ((240/125-400)) 240/125-440 zones in the South Lake Union Urban Center, accessory surface
13 parking is prohibited unless separated from all street lot lines by another use within a structure.

14 Section 13. A new Section 23.49.007 is added to the Seattle Municipal Code as follows:

15 **23.49.007 Mandatory housing affordability (MHA)**

16 The provisions of Chapters 23.58B and 23.58C apply in all Downtown zones, except the
17 following:

18 DH1/45;

19 DH2/55;

20 DH2/85;

21 DMC 85/65-150;

22 DMR/C 65/65-85;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 DMR/C 65/65-150;

2 All IDM zones;

3 All IDR and IDR/C zones;

4 All PSM zones; and

5 PMM-85.

6 Section 14. Section 23.49.008 of the Seattle Municipal Code, ~~which section was last~~
7 amended by ~~Ordinance 124843~~ the ordinance introduced as Council Bill 118893, is amended as
8 follows:

9 **23.49.008 Structure height**

10 The following provisions regulating structure height apply to all property in Downtown zones
11 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section
12 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

13 A. Base and maximum height limits

14 1. Except as otherwise provided in this Section 23.49.008, maximum structure
15 heights for Downtown zones are as designated on the Official Land Use Map.

16 In certain zones, as specified in this Section 23.49.008, the maximum structure height
17 may be allowed only for particular uses or only on specified conditions, or both. If height limits
18 are specified for portions of a structure that contain specified types of uses, the applicable height
19 limit for the structure is the highest applicable height limit for the types of uses in the structure,
20 unless otherwise specified.

21 2. Except in the PMM zone, the base height limit for a structure is the lowest of
22 the maximum structure height or the lowest other height limit, if any, that applies pursuant to this

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 Title 23 based upon the uses in the structure, before giving effect to any bonus for which the
2 structure qualifies under this Chapter 23.49 and to any special exceptions or departures
3 authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum
4 height permitted pursuant to urban renewal covenants.

5 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
6 limit for portions of a structure that contain non-residential and live-work uses is shown as the
7 first figure after the zone designation (except that there is no such limit in DOC1), and the base
8 height limit for portions of a structure in residential use is shown as the first figure following the
9 "/". The third figure shown is the maximum residential height limit. Except as stated in
10 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
11 portions of a structure in use if the structure does not use the bonus available under Section
12 23.49.015, and the maximum residential height limit is the height limit for portions of a structure
13 in residential use if the structure uses the bonus available under Section 23.49.015:

- 14 DOC1 Unlimited/450_unlimited
- 15 DOC2 (~~(500/300-500)~~) 500/300-550
- 16 DMC (~~(340/290-400)~~) 340/290-440
- 17 DMC (~~(240/290-400)~~) 240/290-440.

18 4. A structure in a DMC (~~(340/290-400)~~) 340/290-440 zone on a lot comprising a
19 full block that abuts a DOC1 zone along at least one street frontage may gain additional structure
20 height of 30 percent above the maximum residential height limit if the structure uses the bonus
21 available under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in
22 either case under the following conditions:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

- 1 a. Only one tower is permitted on the lot;
- 2 b. Any additional floor area above the maximum height limit for non-
3 residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by
4 residential use;
- 5 c. The average residential gross floor area and maximum residential floor
6 area of any story in the portion of the tower permitted above the base residential height limit do
7 not exceed the limits prescribed in subsection (~~(23.49.058.E.1)~~) 23.49.058.C.1;
- 8 d. Any residential floor area allowed above the base residential height
9 limit under this provision is gained through voluntary agreements to provide low-income or
10 moderate-income housing according to Section 23.49.015;
- 11 e. At least 35 percent of the lot area, or a minimum of 25,000 square feet,
12 whichever is greater, is in open space use substantially at street level meeting the following
13 standards, and subject to the following allowances for coverage:
- 14 1) The location and configuration of the space shall enhance solar
15 exposure, allow easy access to entrances to the tower serving all tenants and occupants from
16 streets abutting the open space, and allow convenient pedestrian circulation through all portions
17 of the open space. The open space shall be entirely contiguous and physically accessible. To
18 offset the impact of the taller structure allowed, the open space shall have frontage at grade
19 abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the
20 space may vary, especially on sloping lots where terracing the space facilitates connections to
21 abutting streets, provided that grade changes are gradual and do not significantly disrupt the
22 continuity of the space, and no part of the open space is significantly above the grade of the

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 5. In a DRC zone, the base height limit is 85 feet, except that, subject to the
2 conditions in subsection 23.49.008.A.6:

3 a. The base height limit is ~~((150))~~ 170 feet if any of the following
4 conditions is satisfied:

5 1) ~~((all))~~ All portions of a structure above 85 feet contain only
6 residential use; or

7 2) ~~((at))~~ At least 25 percent of the gross floor area of all structures
8 on a lot is in residential use; or

9 3) ~~((a))~~ A minimum of 1.5 FAR of eating and drinking
10 establishments, retail sales and service or entertainment uses, or any combination thereof, is
11 provided on the lot.

12 b. For residential floor area created by infill of a light well on a Landmark
13 structure, the base height limit is the lesser of ~~((150))~~ 170 feet or the highest level at which the
14 light well is enclosed by the full length of walls of the structure on at least three sides. For the
15 purpose of this subsection 23.49.008.A.5.b a light well is defined as an inward modulation on a
16 non-street-facing facade that is enclosed on at least three sides by walls of the same structure,
17 and infill is defined as an addition to that structure within the light well.

18 6. Restrictions on demolition and alteration of existing structures

19 a. Any structure in a DRC zone that would exceed the 85-foot base height
20 limit shall incorporate the existing exterior street-front facade(s) of each of the structures listed
21 below, if any, located on the lot of that project. The City Council finds that these structures are
22 significant to the architecture, history, and character of downtown. The Director may permit

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 changes to the exterior facade(s) to the extent that significant features are preserved and the
2 visual integrity of the design is maintained. The degree of exterior preservation required will
3 vary, depending upon the nature of the project and the characteristics of the affected structure(s).

4 b. The Director shall evaluate whether the manner in which the facade is
5 proposed to be preserved meets the intent to preserve the architecture, character, and history of
6 the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks
7 Preservation Board for any proposed modifications to controlled features is required prior to a
8 decision by the Director to allow or condition additional height for the project. The Landmarks
9 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
10 structure on the list below is solely for the purpose of conditioning additional height under this
11 subsection (~~((23.49.008A.6.b))~~) 23.49.008.A.6.b, and shall not be interpreted in any way to
12 prejudice the structure's merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513 6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424 4th Avenue
Pacific First Federal Savings	1400 4th Avenue
Joshua Green Building	1425 4th Avenue
Equitable Building	1415 4th Avenue
Mann Building	1411 3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519 3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 3rd Avenue
Former Woolworth's Building	1512 3rd Avenue

13

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and
2 not in substitution for, the requirements of the Landmarks Ordinance, Chapter 25.12.

3 7. The applicable height limit for a structure is the base height limit plus any
4 height allowed as a bonus under this Chapter 23.49 and any additional height allowed by special
5 exception or departure, or by subsection 23.49.008.A.4. The height of a structure shall not
6 exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C,
7 and 23.49.008.D.

8 8. The height of rooftop features, as provided in subsection 23.49.008.D, is
9 allowed to exceed the applicable height limit.

10 9. On lots in the DMC 85/65-150 zone:

11 a. A height limit of 85 feet applies to the portions of a structure that
12 contain (~~nonresidential~~) non-residential or live-work uses.

13 b. A base height limit of 65 feet applies to the portions of a structure that
14 contain residential uses.

15 c. The applicable height limit for portions of a structure that contain
16 residential uses is 85 feet if the applicant qualifies for extra floor area on the lot under Section
17 23.49.023 and Chapter 23.58A, the structure has no (~~nonresidential~~) non-residential or live-
18 work use above 85 feet, and the structure does not qualify for a higher limit for residential uses
19 under subsection 23.49.008.A.9.d.

20 d. The applicable height limit is 150 feet if the applicant qualifies for extra
21 floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no
22 (~~nonresidential~~) non-residential or live-work use above 85 feet; the lot is at least 40,000 square

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 feet in size and includes all or part of a mid-block corridor that satisfies the conditions of Section
2 23.58A.040, except to the extent any waiver of such conditions is granted by the Director; and
3 the standards of Section 23.49.060 are satisfied.

4 B. Structures located in DMC (~~((240/290-400))~~) 240/290-440 or DMC (~~((340/290-400))~~)
5 340/290-440 zones may exceed the maximum height limit for residential use, or if applicable the
6 maximum height limit for residential use as increased under subsection 23.49.008.A.4, by (~~(+0)~~)
7 ten percent of that limit, as so increased if applicable, if:

8 1. (~~(the)~~) The facades of the portion of the structure above the limit do not enclose
9 an area greater than 9,000 square feet, and

10 2. (~~(the)~~) The enclosed space is occupied only by those uses or features otherwise
11 permitted in this Section 23.49.008 as an exception above the height limit. The exception in this
12 subsection 23.49.008.B shall not be combined with any other height exception for screening or
13 rooftop features to gain additional height.

14 C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

15 1. A structure that contains only (~~(nonresidential))~~ non-residential or live-work
16 uses may not exceed the lowest height limit established on the Official Land Use Map, except for
17 rooftop features permitted by subsection 23.49.008.D.

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

21 3. On lots in the DMR/C 65/65-150 zone, the base height limit is 65 feet, and it is
22 the applicable height limit for all structures, except that:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

2. The applicable height limit, including any additional height allowed in this subsection 23.49.008.E, shall be used as the height limit above which rooftop features are permitted according to subsection 23.49.008.D; and

3. No increase in height shall be granted to any proposed development that would result in significant alteration to any designated feature of a (~~landmark~~) Landmark structure, unless a certificate of approval for the alteration is granted by the Landmarks Preservation Board.

Section 15. Section 23.49.011 of the Seattle Municipal Code, last amended by ~~Ordinance 124883~~ which section was last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.49.011 Floor area ratio

A. General standards

1. The base and maximum floor area ratio (FAR) for each zone is provided in Table A for 23.49.011.

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	((20)) <u>21</u>
Downtown Office Core 2 (DOC2)	5	((14)) <u>15</u>
Downtown Retail Core (DRC)	3	((5)) <u>6</u>
Downtown Mixed Commercial (DMC)	4 in DMC ((65)) <u>75</u> 4.5 in DMC ((85)) <u>95</u> 5 in DMC ((125)) <u>145</u> , DMC ((160)) <u>170</u> , DMC ((240/290-400)) <u>240/290-440</u> , and	((4)) <u>5</u> in DMC ((65)) <u>75</u> ((4.5)) <u>5.5</u> in DMC ((85)) <u>95</u> ((5)) <u>6</u> in DMC ((160)) <u>170</u> , except ((8)) <u>9</u> for hotels ((7)) <u>8</u> in DMC ((125)) <u>145</u> and DMC ((240/290-400)) <u>240/290-440</u>

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

	DMC ((340/290-400)) 340/290-440 3 in DMC 85/65-150	((40)) 11 in DMC ((340/290-400)) 340/290-440 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R ((85)) 95/65 1 in DMR/R ((125)) 145/65 1 in DMR/R ((240)) 280/65	((+)) 1.5 in DMR/R ((85)) 95/65 ((2)) 2.5 in DMR/R ((125)) 145/65 ((2)) 2.5 in DMR/R ((240)) 280/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C ((85/65)) 95/75 1 in DMR/C ((125/65)) 145/75 2 in DMR/C ((240)) 280/125 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	((4)) 4.5 in DMR/C ((85/65)) 95/75 ((4)) 4.5 in DMR/C ((125/65)) 145/75 ((5)) 5.5 in DMR/C ((240)) 280/125 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾
International District Mixed (IDM)	3, except ((as stated below^{2*})) 6 for hotels *((*)((3))⁽²⁾ in IDM 75-85 and IDM 75/85-150 3 in IDM 150/85-150	3, except ((as stated below)) 6 for hotels *((*)((3))⁽²⁾ in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	3, except ((hotels)) 6 for hotels *((*)((3))⁽²⁾	3, except ((hotels)) 6 for hotels *((*)((3))⁽²⁾
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7

Footnotes to Table A for 23.49.011

⁽¹⁾NA = Not Applicable, ~~except in ((Sections)) subsection 23.49.180.E.~~

~~((*)⁽²⁾In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR.)~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

~~*(~~3~~Hotel)~~ ⁽²⁾In the IDM 75-85 and IDM 75/85-150 zones, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.

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2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.

a. In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure and the project is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall be gained by acquiring regional development credits pursuant to Section 23.58A.044.

Table B for 23.49.011 First increment of FAR above the base FAR achieved acquisition of regional development credits	
Zone	((Increment of)) FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC ((340/290-400)) <u>340/290-440</u>	0.50
DMC ((125)) <u>145</u> , DMC ((160)) <u>170</u> , DMC ((240/290-400)) <u>240/290-440</u>	0.25

b. In DOC1, DOC2, DH2, and DMC zones outside of South Downtown, additional chargeable floor area above the first increment of FAR that exceeds the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, except as otherwise expressly provided in this subsection 23.49.011.A.2. If the requirements of subsection

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be
2 zero.

3 c. In no event shall the use of bonuses, TDR, or regional development
4 credits, or any combination of them, be allowed to result in chargeable floor area in excess of the
5 maximum as set forth in Table A for 23.49.011, except that a structure on a lot in a planned
6 community development pursuant to Section 23.49.036 or a combined lot development pursuant
7 to Section 23.49.041 may exceed the ~~((floor area ratio))~~ FAR otherwise permitted on that lot,
8 provided the chargeable floor area on all lots included in the planned community development or
9 combined lot development as a whole does not exceed the combined total permitted chargeable
10 floor area.

11 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
12 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
13 ~~((5))~~ five percent of all floor area above the base FAR to be gained on any lot, excluding any
14 floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall
15 be gained through the transfer of Landmark TDR, to the extent that Landmark TDR are
16 available. Landmark TDR shall be considered "available" only to the extent that, at the time of
17 the Master Use Permit application to gain the additional floor area, The City of Seattle is offering
18 Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution
19 under Section 23.49.012 for a project using the cash option for both housing and ~~((child care))~~
20 child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in this
21 Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 owned by the applicant, by purchase from the City, or by any combination of the foregoing. This
2 subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

3 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
4 23.49.011.A.2.h, or 23.49.011.A.2.i, on any lot outside of South Downtown except a lot in a
5 DMR zone, the total amount of chargeable floor area gained through bonuses under Section
6 23.49.012, together with any housing TDR and Landmark housing TDR used for the same
7 project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to
8 be permitted on the lot exceeds the sum of:

9 1) ~~((the))~~ The base FAR, as determined under this Section
10 23.49.011 and Section 23.49.032 if applicable, plus

11 2) ~~((any))~~ Any chargeable floor area gained on the lot pursuant to
12 subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and
13 23.49.011.A.2.k. Except in South Downtown, at least half of the remaining 25 percent shall be
14 gained by using TDR from a sending lot with a major performing arts facility, to the extent
15 available, and the balance of the 25 percent shall be gained through bonuses under Section
16 23.49.013 or through TDR other than housing TDR, or both, consistent with this Chapter 23.49.

17 TDR from a sending lot with a major performing arts facility shall be considered "available" only
18 to the extent that, at the time of the Master Use Permit application to gain the additional floor
19 area, The City of Seattle is offering such TDR for sale, at a price per square foot not exceeding
20 the prevailing market price for TDR other than housing TDR, as determined by the Director.

21 f. In order to gain chargeable floor area on any lot in a DMR zone outside
22 of South Downtown, an applicant may:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the
2 following conditions:

3 1) ~~((the))~~ The structure is rehabilitated to the extent necessary so
4 that all features and characteristics controlled or designated by ordinance pursuant to Chapter
5 25.12 or Ordinance 102229 are in good condition and consistent with the applicable ordinances
6 and with any certificates of approval issued by the Landmarks Preservation Board, all as
7 determined by the Director of Neighborhoods; and

8 2) ~~((a))~~ A notice shall be recorded ~~((in))~~ with the King County
9 ~~((real estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus
10 allowed and the effect thereof under the terms of this Chapter 23.49. For purposes of this Section
11 23.49.011, a "qualifying Landmark" is a structure that:

12 a) ~~((has))~~ Has a gross floor area above grade of at least
13 5,000 square feet;

14 b) ~~((is))~~ Is separate from the principal structure or
15 structures existing or to be developed on the lot, except that it may abut and connect with one
16 such structure along one exterior wall;

17 c) ~~((is))~~ Is subject, in whole or in part, to a designating
18 ordinance pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

19 d) ~~((is))~~ Is on a lot on which no improvement, object,
20 feature, or characteristic has been altered or removed contrary to any provision of Chapter 25.12
21 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this
22 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable
2 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
3 Landmark for which such bonus was granted shall remain designated as a Landmark under
4 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
5 Landmark in good condition and repair and in a manner that preserves the features and
6 characteristics that are subject to designation or controls by ordinance, and that maintains
7 compliance with all applicable requirements of federal, state and local laws, ordinances,
8 regulations, and restrictions.

9 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
10 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
11 above the increment achieved through a commitment as prescribed in subsection
12 23.49.011.A.2.a, or above the base FAR after expiration of that subsection 23.49.011.A.2.a, on a
13 lot that includes one or more qualifying small structures, subject to the conditions in this
14 subsection 23.49.011.A.2.k.

15 1) A "qualifying small structure" is one that satisfies all of the
16 following standards:

17 a) ~~((the))~~ The gross floor area of the structure above grade
18 is a minimum of 5,000 square feet and does not exceed 50,000 square feet;

19 b) ~~((the))~~ The height of the structure is 125 feet or less, not
20 including rooftop features as specified in subsection 23.49.008.D;

21 c) ~~((the))~~ The structure was not constructed or substantially
22 structurally modified since July 13, 1982; and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 d) ~~((the))~~ The structure is not occupied by parking above
2 the ground floor.

3 2) If the structure is removed from the lot or ceases to be a
4 qualifying small structure, then any development on the portion of the lot previously occupied by
5 the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at
6 the time the bonus is granted and extended to the nearest street frontage, shall be limited to a
7 maximum floor area of 50,000 square feet for all uses and a maximum height of 125 feet,
8 excluding any rooftop features as specified in subsection 23.49.008.D.

9 3) A notice shall be recorded ~~((in))~~ with the King County ~~((real~~
10 ~~estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus
11 allowed and the effect thereof under the terms of this Chapter 23.49.

12 4) Bonus floor area under this subsection 23.49.011.A.2.k may not
13 be granted on the basis of a Landmark structure for which bonus floor area is allowed under
14 subsection 23.49.011.A.2.j, but may be allowed on the basis of a different structure or structures
15 that are on the same lot as a Landmark structure for which such bonus floor area is allowed.

16 1. ~~Chargeable floor area in excess of the base FAR in the PSM 85-120~~
17 ~~zone may be gained only in accordance with Section 23.49.180~~ Additional floor area in the PSM
18 85-120 zone is subject to subsection 23.49.180.E.

19 m. In IDM, DMR, and DMC zones within South Downtown, chargeable
20 floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses
21 pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to Section

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the conditions
2 of this subsection 23.49.011.A.2.m also are satisfied:

3 1) For a new or existing structure, the applicant shall make a
4 commitment that the proposed development will meet the green building standard and shall
5 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

6 2) Seventy-five percent of the chargeable floor area in excess of
7 base FAR shall be gained through bonuses under Section 23.58A.024 or through use of Housing
8 TDR from within South Downtown.

9 3) Twenty-five percent of the chargeable floor area in excess of
10 base FAR shall be gained by one or any combination of TDR or public open space amenities,
11 subject to the conditions and limits of this Section 23.49.011, Section 23.49.013, ~~((and))~~ Section
12 23.49.014, and the following:

13 a) TDR that may be used on a lot in South Downtown are
14 limited to South Downtown Historic TDR, open space TDR from within South Downtown, or
15 any combination of these consistent with this Chapter 23.49~~((-))~~; and

16 b) Amenities eligible for a bonus on a lot in South
17 Downtown are limited to public open space amenities pursuant to Section 23.49.013.

18 3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a qualifying
19 Landmark structure with a performing arts theater, the base FAR specified in Table A for
20 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum FAR
21 of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3 are
22 met.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 a. For purposes of this subsection 23.49.011.A.3, a "qualifying Landmark
2 structure with a performing arts theater" is a structure that is a designated Landmark pursuant to
3 Chapter 25.12 and that meets the following:

- 4 1) ~~((the))~~ The structure was built before 1930;
5 2) ~~((the))~~ The structure contains performing arts theater space that
6 has combined seating capacity in one or more venues for at least 800; and
7 3) ~~((the))~~ The structure is subject to an ordinance granting
8 incentives for and imposing controls on the Landmark structure.

9 b. At the time a qualifying Landmark structure with a performing arts
10 theater uses the additional base FAR, either on the site or through transfer of TDR to another
11 site, the following conditions shall be met:

- 12 1) ~~((the))~~ The performing arts theater use established under
13 approved permits, including combined seating capacity in one or more venues for at least 800,
14 shall be ensured by binding covenants between the property owner and the City for at least 40
15 years from the first use of any of the additional base FAR, either on the site or through the first
16 transfer of any TDR to another site; and
17 2) ~~((the))~~ The Director, after consulting with the property owner,
18 determines, as a Type I decision, that the property owner has executed a contract(s) with one or
19 more theater groups or performing arts organizations for regularly scheduled use of the Landmark
20 structure for live performances and that the anticipated use of the Landmark theater structure for
21 live theater performances, combined with any other use of the structure, is adequate to contribute
22 sufficiently to the presence of live theater in the Downtown Historic Theatre District established

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 by Resolution 31341 and to support the desired level of activity in the area near the Landmark
2 structure. In making this determination, the Director shall consider the following:

3 a) ~~((the))~~ The extent and duration of the contract(s)
4 between the property owner and one or more theater groups or performing arts organizations for
5 regularly scheduled use of the Landmark structure for live performances;

6 b) ~~((the))~~ The presence of uses in the structure that will
7 contribute to activity in the area beyond the typical workday hours; and

8 c) ~~((programmed))~~ Programmed use of the Landmark
9 structure by other activities during periods when the structure is not in use for live performances;

10 and

11 3) ~~((any))~~ Any use of the additional base FAR on the site complies
12 with all provisions of the designating ordinance and Chapter 25.12.

13 c. If a Landmark structure is on a lot that is not entirely regulated by a
14 designating ordinance, then the area used to calculate the additional base FAR is the area of the
15 footprint of the Landmark structure.

16 d. A lot that uses the additional base FAR on the site as allowed by this
17 subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection
18 23.49.011.A.2.j.

19 e. If a qualifying Landmark structure with a performing arts theater is on a
20 lot that is not entirely regulated by a designating ordinance, then the additional base FAR may be
21 transferred as TDR to another site, or may be used on the site on the portion of the lot that is
22 within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 4. The Master Use Permit application to establish any bonus development under
2 this subsection 23.49.011.A.4 shall include a calculation of the amount of bonus development
3 sought and shall identify the manner in which the conditions to such bonus development shall be
4 satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving
5 any such bonus development, issue a Type I decision as to the amount of bonus development to
6 be allowed and the conditions to such bonus development, which decision may include
7 alternative means to achieve bonus development, at the applicant's option, if each alternative
8 would be consistent with this Section 23.49.011 and any other conditions of the permit, including
9 Design Review if applicable.

10 B. Exemptions and deductions from FAR calculations

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

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

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

20 1) The street level of the structure containing the exempt space has
21 a minimum floor-to-floor height of 13 feet, except that in the DMC ((~~160~~)) 170 zone the street
22 level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 1) The floor area to contain the museum expansion space is owned
2 by the museum or a museum development authority; and

3 2) The museum expansion space will be occupied by a museum,
4 existing as of October 31, 2002, on a downtown zoned lot; and

5 3) The museum expansion space is physically designed in
6 conformance with the Seattle Building Code standards for museum use either at the time of
7 original configuration or at such time as museum expansion is proposed;

8 j. Performing arts theaters;

9 k. Floor area below grade;

10 l. Floor area that is used only for:

11 1) ~~((short-term))~~ Short-term parking or parking accessory to
12 residential uses, or both, subject to a limit on floor area used wholly or in part as parking
13 accessory to residential uses of one parking space for each dwelling unit on the lot with the
14 residential use served by the parking; or

15 2) ~~((parking))~~ Parking accessory to hotel use in the DMC ~~((160))~~
16 170 zone, subject to a limit of one parking space for every four hotel rooms on the lot, and
17 provided that the exempt parking floor area is on the same lot as the hotel use served by the
18 parking;

19 m. Floor area of a public benefit feature that would be eligible for a bonus
20 on the lot where the feature is located, other than a Landmark structure eligible pursuant to
21 subsection 23.49.011.A.2.k or a small structure eligible pursuant to subsection 23.49.011.A.2.l.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 The exemption applies regardless of whether a floor area bonus is obtained, and regardless of
2 limits on the maximum area eligible for a bonus;

3 n. Public restrooms;

4 o. Major retail stores in the DRC zone and adjacent areas shown on Map

5 1J, provided that:

6 1) The minimum lot area for a major retail store development is
7 20,000 square feet;

8 2) The minimum area of the major retail store is 80,000 square
9 feet;

10 3) The eligibility conditions of the Downtown Amenity Standards
11 are met;

12 4) The maximum area eligible for a floor area exemption is
13 200,000 square feet; and

14 5) The floor area exemption applies to storage areas, store offices,
15 and other support spaces necessary for the store's operation;

16 p. Shower facilities for bicycle commuters;

17 q. Floor area, excluding floor area otherwise exempt, up to a maximum of
18 25,000 square feet on any lot, within one or more Landmark structures for which a floor area
19 bonus has been granted pursuant to subsection 23.49.011.A.2.k, or within one or more small
20 structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.l,
21 or within any combination of such Landmark structures and such small structures, in each case
22 only to the extent that the floor area satisfies the following criteria as determined by the Director:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 1) ~~((the))~~ The parking use sought to be exempted was legally
2 established as of ~~((the effective date of this ordinance))~~ February 8, 2015;

3 2) ~~((the))~~ The parking is in a structure that existed on January 1,
4 1980;

5 3) ~~((the))~~ The structure is located west of Third Avenue in a DMC
6 zone;

7 4) A minimum of 50 percent of the parking spaces will be
8 available to the general public as short-term parking;

9 5) The existing structure and any proposed additions meet or are
10 modified to meet the street-level use requirements of Section 23.49.009;

11 6) The existing structure and any proposed additions are subject to
12 administrative design review regardless of whether administrative design review is required
13 pursuant to Chapter 23.41; and

14 7) Any addition of non-exempt floor area to the existing structure
15 is developed to LEED Gold standards; and

16 x. Floor area for a preschool, an elementary school, or a secondary school,
17 except on lots zoned DRC, which may include minimum space requirements for associated uses
18 including but not limited to academic core functions, child care, administrative offices, a library,
19 maintenance facilities, food service, interior recreation, and specialty instruction space, provided
20 that ~~((;))~~ ;

21 1) Prior to issuance of a Master Use Permit, the applicant shall
22 submit a letter to the Director from the operator of the school indicating that, based on the Master

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 Use Permit plans, the operator has determined that the development could meet the operator's
2 specifications; and

3 2) Prior to issuance of a building permit, the applicant shall submit
4 a written certification by the operator to the Director that the operator's specifications have been
5 met.

6 2. Mechanical equipment

7 a. As an allowance for mechanical equipment fully contained within a
8 structure, ~~((3-5))~~ three and one-half percent shall be deducted in computing chargeable gross
9 floor area. Calculation of the allowance excludes gross floor area exempt pursuant to subsection
10 23.49.011.B.1.

11 b. Mechanical equipment located on the roof of a structure shall not be
12 calculated as part of the total gross floor area of the structure.

13 Section 16. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance
14 124843, is amended as follows:

15 **23.49.013 Bonus floor area for amenities**

16 A. An applicant may achieve a portion of the chargeable floor area to be established in
17 addition to base FAR through bonuses for amenities, subject to the limits in this Chapter 23.49.

18 Amenities for which bonuses may be allowed are limited to:

19 1. Public open space amenities, including hillside terraces on sites shown as
20 eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2, and DMC ~~((340/290-400))~~
21 340/290-440 zones, parcel parks in DOC1, DOC2, DMC, DMR, DH2, and IDM zones, public

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 atria in DOC1, DOC2, DMC (~~(340/290-400)~~) 340/290-440, and DMC 85/65-150 zones, and
2 green street improvements and green street setbacks on designated green streets;

3 2. Hillclimb assists or shopping corridors on sites shown as eligible for these
4 respective bonuses on Map 1J;

5 3. Human services uses as follows:

6 a. Information and referral for support services;

7 b. Health clinics;

8 c. Mental health counseling services;

9 d. Substance abuse prevention and treatment services;

10 e. Consumer credit counseling;

11 f. Day care services for adults; and

12 g. Jobs skills training services;

13 4. Public restrooms; and

14 5. Transit station access for fixed rail transit facilities.

15 B. Standards for amenities

16 1. Location of amenities. Amenities provided by the applicant by performance
17 shall be located on the lot using the bonus, except as follows:

18 a. Green street improvements may be located within an abutting right-of-
19 way subject to applicable Director's rules.

20 b. An open space amenity, other than green street improvements, may be
21 on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of
22 the following conditions are satisfied:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 standards for the design, construction, operation, and maintenance of public restrooms qualifying
2 for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the
3 provision of accessible, clean, safe, and environmentally sound facilities.

4 2. Options for provision of amenities. Amenities must be provided by
5 performance except as expressly permitted in this Section 23.49.013. The Director may accept a
6 cash payment for green street improvements and a related voluntary agreement from the
7 applicant, subject to this Section 23.49.013, the Downtown Amenity Standards, and the Green
8 Street Director's Rule(~~(,DR)~~) 11-2007, if the Director determines that improvement of a green
9 street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment
10 must be in an amount sufficient to improve fully 1 square foot of green street space for each 5
11 square feet of bonus floor area allowed for such payment. The cash payment shall be maintained
12 in a restricted account and shall be used to improve a green street abutting or in the vicinity of
13 the lot.

14 3. Ratios and limits. Amenities may be used to gain floor area according to the
15 applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

16 (~~(a. Amenities may be used to gain floor area according to the applicable~~
17 ~~ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.)~~)

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

Table A for 23.49.013 Downtown ((Amenities)) amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC 1	DOC 2	DMC ((340/290-400)) <u>340/290-440</u>	DH2, DMC ((125)) <u>145, DMC ((160))</u> <u>170, DMC 85/65-150, and DMC ((240/290-400))</u> <u>240/290-440</u>	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000
Urban Plaza	X	X	X					5:1	15,000
Commercial Parcel Park	X	X	X	X			X	5:1	7,000
Residential Parcel Park			X	X		X	X	5:1	12,000
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000
Public Atrium	X	X	X					5:1	5,500
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

Table A for 23.49.013 Downtown ((Amenities)) amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC 1	DOC 2	DMC ((340/290-400)) <u>340/290-440</u>	DH2, DMC ((125)) <u>145, DMC ((160)) 170, DMC 85/65-150, and DMC ((240/290-400)) <u>240/290-440</u></u>	DRC	DMR	IDM		
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200
Transit Station Access	X	X	X	X	X	X		Not Applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000 ((SF))
"X" indicates that bonus is potentially available.									

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4. Downtown Amenity Standards

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this Section 23.49.013 and the guidelines in the Downtown Amenity Standards.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 b. The Director may allow departures from the eligibility conditions in the
2 Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the
3 amenity better achieves the intent of the amenity as described in this Chapter 23.49 and the
4 Downtown Amenity Standards, and that the departure is consistent with any applicable criteria
5 for allowing the particular type of departure in the Downtown Amenity Standards.

6 c. The Director may allow departures from the eligibility conditions in the
7 Downtown Amenity Standards as a Type I decision, to allow floor area in a Landmark structure
8 satisfying the standards of subsection 23.49.011.A.2.j or in a small structure satisfying the
9 standards of subsection 23.49.011.A.2.k to qualify as floor area eligible for a bonus if adapted to
10 serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

11 d. The Director may condition the approval of a feature for a bonus as
12 provided in the Downtown Amenity Standards.

13 5. Open (~~(Space Amenities)~~) space amenities. Open space amenities must be
14 newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of
15 this (~~(chapter)~~) Chapter 23.49 and the Downtown Amenity Standards.

16 6. Declaration. If amenities are to be provided on-site for purposes of obtaining
17 bonus floor area, the owner shall execute and record a declaration in a form acceptable to the
18 Director identifying the features and the fact that the right to develop and occupy a portion of the
19 gross floor area on the site is based upon the long-term provision and maintenance of those
20 amenities.

21 7. Duration; (~~(Alteration)~~) alteration. All bonused amenities shall be provided and
22 maintained in accordance with the applicable provisions of this Section 23.49.013 and the

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by
2 the amenities exists. A permit is required to alter or remove any bonused amenity.

3 Section 17. Subsection 23.49.014.A of the Seattle Municipal Code, which section was
4 last amended by Ordinance 124680, is amended as follows:

5 **23.49.014 Transfer of development rights**

6 A. General standards

7 1. The following types of TDR may be transferred to the extent permitted in Table
8 A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

- 9 a. Housing TDR;
- 10 b. DMC housing TDR;
- 11 c. Landmark housing TDR;
- 12 d. Landmark TDR;
- 13 e. Open space TDR; and
- 14 f. South Downtown Historic TDR.

15 2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be
16 transferred from any lot to another lot on the same block, as within-block TDR, to the extent
17 permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

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

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

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 5. No permit after the first building permit, and in any event, no permit for any
2 construction activity other than excavation and shoring or for occupancy of existing floor area by
3 any use based upon TDR, will be issued for development that includes TDR until the applicant's
4 possession of TDR is demonstrated according to rules promulgated by the Director to implement
5 this Section 23.49.014.

Table A for 23.49.014 Permitted ((Use)) <u>use</u> of TDR						
((Zones¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR--))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ²	S, R ²	X	S, R ²	S, R ²	R
DMC ((340/290-400)) <u>340/290-440</u>	S, R	S, R	S	S, R	S, R	R
DMC ((125)) <u>145</u> and DMC ((240/290-400)) <u>240/290-440</u>	S ³	S, R	S, R	S, R	S, R	R

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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**Table A for 23.49.014
Permitted ((Use)) use of TDR**

((Zones ¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
DMC ((460)) <u>170</u>	X	S, R	S, R	S, R	S, R	R
DMC 85 and DH2	X	S, R	X	S, R	S, R	R
DMC ((65)) <u>75</u> and DMC 85/65-150	X	S	X	S	S	R
DMR	X	S, R ⁴	X	S, R ⁴	S, R ⁴	R ⁴
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁵	S
IDM	X	S, R	X	X	S, R ⁵	S, R
PSM	X	S	X	X	S ⁵	S, R

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

Footnotes to Table A for 23.49.014((:))

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

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

³ Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

⁴ Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

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**Table A for 23.49.014
Permitted ((Use)) use of TDR**

	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
((Zones[†]	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
	<u>Types of TDR</u>					
<u>Zones¹</u>	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>

⁵ Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

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Section 18. A new Section 23.49.039 is added to the Seattle Municipal Code as follows:

23.49.039 Modification of development standards in certain Downtown zones

In a DMC 240/290-440 or DMC 340/290-440 zone, the height above which the tower floor area limits and tower width limits according to subsection 23.49.058.E and the tower spacing limits according to subsection 23.49.058.F would apply shall be increased from 160 feet to 170 feet if:

- A. The upper-level width, tower spacing, and upper-level setback standards according to Section 23.49.058 would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above 85 feet in height; and
- B. The height of the development does not exceed 170 feet, excluding exempt rooftop features.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 Section 19. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance
2 124952, is amended as follows:

3 **23.49.041 Combined lot development**

4 When authorized by the Director pursuant to this Section 23.49.041, lots located on the same
5 block in DOC1, ~~((or))~~ DOC2 ~~((zones))~~, or ~~((in))~~ DMC 340/290-440 zones ~~((with a maximum~~
6 ~~FAR of 10))~~, or lots zoned DOC1 and DMC on the same block, may be combined, whether
7 contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable
8 floor area on one such lot under this Chapter 23.49 to be used on one or more other lots,
9 according to the following provisions:

10 A. Up to all of the capacity on one lot, referred to in this Section 23.49.041 as the
11 "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section
12 23.49.011 (referred to in this Section 23.49.041 as "bonus capacity"), may be used on one or
13 more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant
14 to Sections 23.49.011 through 23.49.014, as modified in this Section 23.49.041. For purposes of
15 applying any conditions related to amenities or features provided on site under Section
16 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be
17 the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures
18 shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

19 B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this
20 Section 23.49.041, there may also be transferred from the sending lot, to one or more such other
21 lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer
22 or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 purposes of determining remaining development capacity on the sending lot and TDR available
2 to transfer under Section 23.49.014, but shall be treated as additional base FAR on the other lots,
3 and to the extent so treated shall not qualify such lots for bonus development. If less than all of
4 the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on
5 the sending lot still may be transferred to the extent permitted for within-block TDR under
6 Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category
7 of sending lot in Table A for 23.49.014, such unused base FAR may be transferred to the extent
8 permitted for such category, but in each case only to satisfy in part the conditions to use of bonus
9 capacity, not as additional base FAR.

10 C. To the extent permitted by the Director, the maximum chargeable floor area for any
11 one or more lots in the combined lot development may be increased up to the combined
12 maximum chargeable floor area under Section 23.49.011 computed for all lots participating in
13 the combined lot development. To the extent permitted by the Director, and subject to subsection
14 23.49.041.B, the base floor area for any one or more lots in the combined lot development may
15 be increased up to the combined maximum base chargeable floor area under Section 23.49.011
16 computed for all lots participating in the combined lot development.

17 D. The Director shall allow combined lot development only to the extent that the Director
18 determines in a Type I land use decision that permitting more chargeable floor area than would
19 otherwise be allowed on a lot shall result in a significant public benefit. In addition to features
20 for which floor area bonuses are granted, the Director may also consider the following as public
21 benefits that could satisfy this condition when provided for as a result of the lot combination:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 1. (~~(preservation)~~) Preservation of a (~~(landmark)~~) Landmark structure located on
2 the block or adjacent blocks;

3 2. (~~(uses)~~) Uses serving the downtown residential community, such as a grocery
4 store, at appropriate locations;

5 3. (~~(public)~~) Public facilities serving the Downtown population, including schools,
6 parks, community centers, human service facilities, and clinics;

7 4. (~~(transportation)~~) Transportation facilities promoting pedestrian circulation and
8 transit use, including through-block pedestrian connections, transit stations, and bus layover
9 facilities;

10 5. (~~(short-term)~~) Short-term parking on blocks within convenient walking distance
11 of the retail core or other downtown business areas where the amount of available short-term
12 parking is determined to be insufficient;

13 6. (~~(a)~~) A significant amount of housing serving households with a range of
14 income levels;

15 7. (~~(improved)~~) Improved massing of development on the block that achieves a
16 better relationship with surrounding conditions, including: better integration with adjacent
17 development, greater compatibility with an established scale of development, especially relative
18 to (~~(landmark)~~) Landmark structures, or improved conditions for adjacent public open spaces,
19 designated green streets, or other special street environments;

20 8. (~~(public)~~) Public view protection within an area;

21 9. (~~(arts)~~) Arts and cultural facilities, including a museum or museum expansion
22 space; or

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 10. ~~((green))~~ Green stormwater infrastructure beyond the requirements of the
2 Stormwater Code (Chapters 22.800 through 22.808).

3 E. The fee owners of each of the combined lots shall execute an appropriate agreement or
4 instrument, which shall include the legal descriptions of each lot and shall be recorded ~~((in))~~ with
5 the King County ~~((real property records))~~ Recorder's Office. In the agreement or instrument, the
6 owners shall acknowledge the extent to which development capacity on each sending lot is
7 reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable
8 floor area for which such capacity is used remains on such other lot or lots. The deed or
9 instrument shall also provide that its covenants and conditions shall run with the land and shall
10 be specifically enforceable by the parties and by the City of Seattle.

11 F. Nothing in this Section 23.49.041 shall allow the development on any lot in a
12 combined lot development to exceed or deviate from height limits or other development
13 standards.

14 Section 20. Section 23.49.058 of the Seattle Municipal Code, last amended by ~~Ordinance~~
15 ~~125173~~ the ordinance introduced as Council Bill 118893, is amended as follows:

16 **23.49.058 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
17 **Downtown Mixed Commercial (DMC) upper-level development standards**

18 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
19 ~~((160))~~ 170 feet or less, a "tower" is a portion of a structure, ~~((not including))~~ excluding rooftop
20 features ~~((that would be))~~ permitted above the applicable height limit pursuant to Section
21 23.49.008, in which portion all gross floor area in each story is horizontally contiguous, and
22 which portion is above (i) a height of 85 feet in a structure that has any non-residential use above

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 a height of 65 feet or does not have residential use above a height of 160 feet; or (ii) in any
2 structure not described in clause (i) a height determined as follows:

3 1. For a structure on a lot that includes an entire block front or that is on a block
4 front with no other structures, 65 feet; or

5 2. For a structure on any other lot, the height of the facade closest to the street
6 property line of the existing structure on the same block front nearest to that lot, but if the nearest
7 existing structures are equidistant from that lot, then the height of the higher such facade; but in
8 no instance shall the height exceed 85 feet or be required to be less than 65 feet.

9 **B. Facade modulation and upper-level width limit**

10 1. The requirements of subsections (~~(23.49.058.C)~~) 23.49.058.B.2 and
11 (~~(23.49.058.D)~~) 23.49.058.B.3 apply to:

12 ((1)) a. All structures 160 feet in height or less, and all structures in the
13 DMC (~~(160)~~) 170 zone, in which any story above an elevation of 85 feet above the adjacent
14 sidewalk exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot
15 threshold applies to each tower individually; and

16 ((2)) b. Portions of structures in non-residential use above a height of 160
17 feet, excluding structures in the DMC 170 zone, in which any story above an elevation of 85 feet
18 exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold
19 applies to each tower individually.

20 ((C)) 2. (~~(Facade modulation)~~) The following facade modulation requirements
21 apply to structures meeting subsection 23.49.058.B.1:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 ~~((1))~~ a. In ~~((DOC 1, DOC 2))~~ DOC1, DOC2, and DMC zones, except the
2 DMC ~~((160))~~ 170 zone, facade modulation is required above a height of 85 feet above the
3 sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is
4 required for portions of a facade set back 15 feet or more from a street lot line.

5 ~~((2))~~ b. In the DMC ~~((160))~~ 170 zone, facade modulation is required above
6 a height of 60 feet above the sidewalk for any portion of a structure located within 15 feet of a
7 street lot line. No modulation is required for portions of a facade set back 15 feet or more from a
8 street lot line.

9 ~~((3))~~ c. The maximum length of a facade without modulation is prescribed
10 in Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line,
11 and shall apply to any portion of a facade, including projections such as balconies, that is located
12 within 15 feet of street lot lines.

Table A for 23.49.058	
Modulation ((Requirements)) <u>requirements</u> for ((DOC 1, DOC 2)) <u>DOC1, DOC2</u>, and DMC ((Zones, Except)) <u>zones, except</u> DMC ((160 Zone)) <u>170 zone</u>	
Elevation (in feet)	Maximum length of unmodulated facade within 15 feet of street lot line (in feet)
0 to 85 ((feet))	No limit
<u>Greater than 85, up to 160</u> ((feet))	155 ((feet))
<u>Greater than 160, up to 240</u> ((feet))	125 ((feet))
<u>Greater than 240, up to 500</u> ((feet))	100 ((feet))
Above 500 ((feet))	80 ((feet))
Modulation ((Requirements)) <u>requirements</u> for DMC ((160)) <u>170</u> ((Zone)) <u>zone</u>	

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

**Table A for 23.49.058
Modulation (~~Requirements~~) requirements for (~~DOC 1, DOC 2~~) DOC1, DOC2, and
DMC (~~Zones, Except~~) zones, except DMC (~~160 Zone~~) 170 zone**

Elevation (in feet)	Maximum length of unmodulated facade within 15 feet of street lot line (in feet)
0 to 60 ((feet))	No limit
Above 60 ((feet))	125 ((feet))

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2 ~~((4))~~ d. Any portion of a facade exceeding the maximum length of facade
3 prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot
4 line for a minimum distance of 60 feet before any other portion may be within 15 feet of the
5 street lot line.

6 ~~((D))~~ 3. (~~Upper level~~) The following upper-level width limit requirements apply
7 to structures meeting subsection 23.49.058.B.1:

8 ~~((4))~~ a. On lots where the width and depth of the lot each exceed 200 feet,
9 the maximum facade width for any portion of a structure above ~~((240))~~ 280 feet shall be 145 feet
10 along the general north/south axis of a site (parallel to the Avenues), and this portion of the
11 structure shall be separated horizontally from any other portion of a structure on the lot above
12 ~~((240))~~ 280 feet by at least 80 feet at all points.

13 ~~((2))~~ b. In the DMC ~~((160))~~ 170 zone, the maximum facade width of any
14 portion of a structure above 60 feet in height shall be 180 feet along lots fronting on Alaskan
15 Way or Western Avenue between University and Union Streets. This portion of the structure
16 shall be separated horizontally from any other portion of a structure on the lot above 60 feet in
17 height by at least 30 feet at all points. If the separation between portions of a structure above 60

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 feet in height is less than 30 feet, the widths of the separated portions of the structure shall be
2 combined to determine the structure's width.

3 ((E)) C. Tower floor area limits and tower width limits for portions of structures in
4 residential use. The requirements of this subsection ((23.49.058.E)) 23.49.058.C apply only to
5 structures that include portions in residential use above a height of 160 feet, and do not apply in
6 the DMC ((+60)) 170 zone.

7 1. Maximum limits on average residential gross floor area per story and maximum
8 residential floor area per story of towers are prescribed in Table B for 23.49.058.

Table B for 23.49.058
Average ((Residential Gross Floor Area Per Story)) residential gross floor area per story
and ((Maximum Residential Gross Floor Area Per Story)) maximum residential gross
floor area per story of a ((Tower*)) tower¹

(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower if height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC ((240/290-400)) <u>240/290-440</u> and DMC ((340/290-400)) <u>340/290-440</u>	10,000 square feet	10,700 square feet	11,500 square feet
DOC2	15,000 square feet	12,700 square feet	16,500 square feet
DOC1	15,000 square feet	((13,800)) <u>14,800</u> square feet	16,500 square feet

Footnote to Table B for 23.49.058

¹ For the height at which a "tower" begins, see the definition in subsection 23.49.058.A.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 ((~~*For the height at which a "tower" begins, see the definition at the beginning of this Section~~
2 ~~23.49.058.~~))

3 a. For structures that do not exceed the base height limit for residential
4 use, each tower is subject to the average floor area per story limits specified in column (2) on
5 Table B for 23.49.058.

6 b. For structures that exceed the base height limit for residential use
7 (which requires that the applicant obtain bonus residential floor area pursuant to Section
8 23.49.015), the average residential gross floor area per story of each tower is subject to the
9 applicable maximum limit specified in column (3) on Table B for 23.49.058.

10 c. In no instance shall the residential gross floor area of any story in a
11 tower exceed the applicable maximum limit specified in column (4) on Table B for 23.49.058.

12 d. Unoccupied space provided for architectural interest pursuant to
13 subsection 23.49.008.B shall not be included in the calculation of gross floor area.

14 2. Maximum tower width

15 a. In DMC zones, the maximum facade width for portions of a building
16 above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 120
17 feet or 80 percent of the width of the lot measured on the Avenue, whichever is less, except that:

18 1) On a lot where the limiting factor is the 80 percent width limit,
19 the maximum facade width is 120 feet, if at all elevations above a height of 85 feet, no more than
20 50 percent of the area of the lot located within 15 feet of the street lot line(s) is occupied by the
21 structure; and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 d. ~~((from))~~ From a structure on the same block that is 160 feet in height or
2 less, excluding rooftop features permitted above the applicable height limit for the zone pursuant
3 to Section 23.49.008; or

4 e. ~~((from))~~ From a structure in a DMC ~~((160))~~ 170 ~~((zone that gains~~
5 ~~additional height through subsection 23.49.008.E))~~.

6 2. Except as otherwise provided in this subsection ~~((23.49.058.F))~~ 23.49.058.D, in
7 the DMC ~~((240/290-400))~~ 240/290-440 zone located between Stewart Street, Union Street, Third
8 Avenue, and First Avenue, if any part of a tower exceeds 160 feet in height, then all portions of
9 the tower that are above 125 feet in height shall be separated from any other existing tower that
10 is above 160 feet in height, and the minimum separation required between towers from all points
11 above the height of 125 feet in each tower is 200 feet.

12 3. Except as otherwise provided in this subsection ~~((23.49.058.F,))~~ 23.49.058.D,
13 in ~~((the))~~ a DMC zone with a mapped height limit of more than ~~((160))~~ 170 feet located either in
14 Belltown, as shown on Map A for 23.49.058, or south of Union Street, if any part of a tower
15 exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height must
16 be separated from any other existing tower that is above 160 feet in height, and the minimum
17 separation required between towers from all points above the height of 125 feet in each tower is
18 80 feet.

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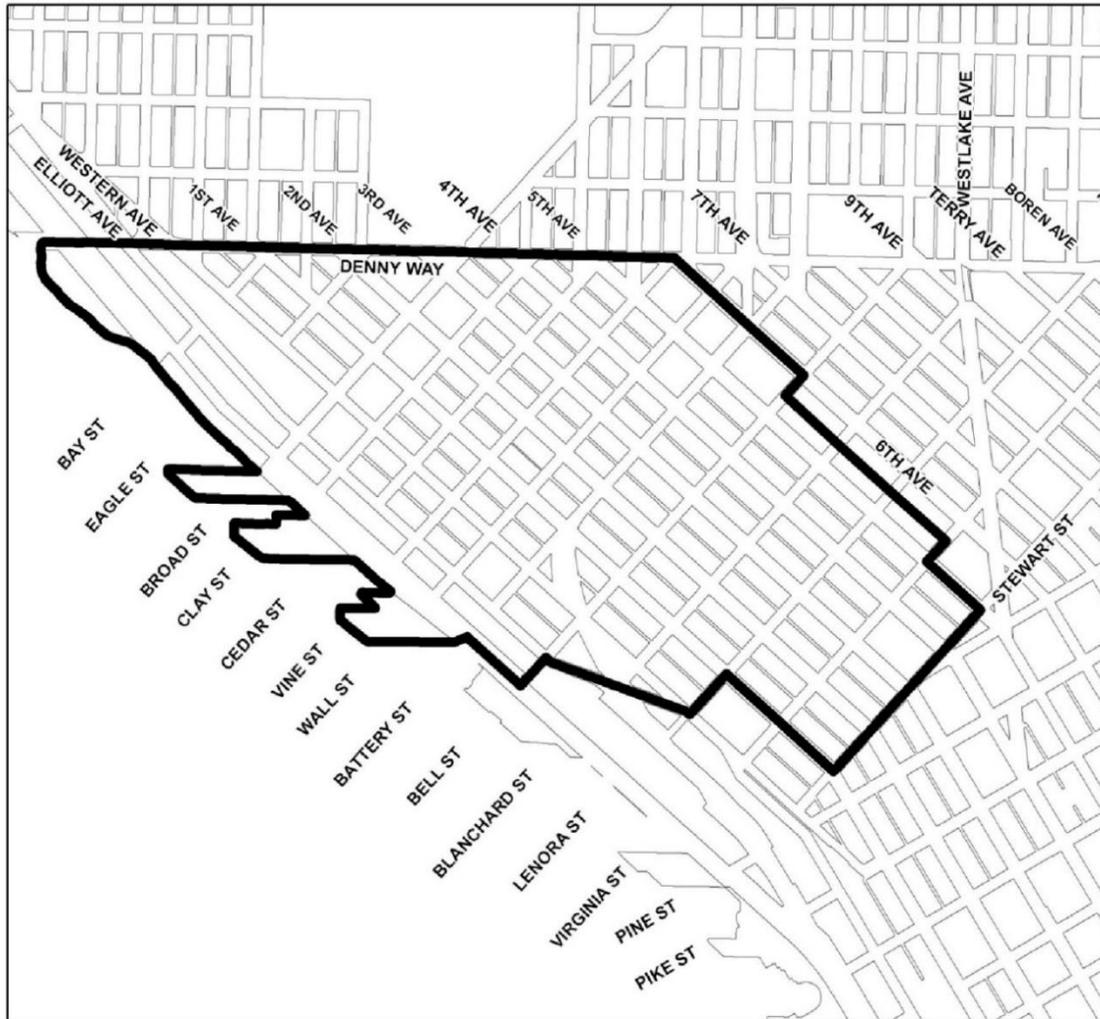
1 Map A for 23.49.058

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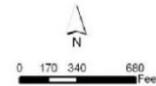
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1 Belltown

**Map A for 23.49.058
Belltown**



— Belltown Boundary



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2

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1 4. Except as otherwise provided in this subsection (~~(23.49.058.F)~~) 23.49.058.D, in
2 (~~the~~) a DMC zone with a mapped height limit of more than (~~160~~) 170 feet located in the
3 Denny Triangle, as shown on Map A for 23.49.056, if any part of a tower exceeds 160 feet in
4 height, then all portions of the tower that are above 125 feet in height must be separated from
5 any other existing tower that is above 160 feet in height, and the minimum separation required
6 between towers from all points above the height of 125 feet in each tower is 60 feet.

7 5. The projection of unenclosed decks and balconies, and architectural features
8 such as cornices, shall be disregarded in calculating tower separation.

9 6. If the presence of an existing tower would preclude the addition of another
10 tower proposed on the same block, as a special exception, the Director may waive or modify the
11 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
12 located on the same block that are not separated by at least the minimum spacing required in
13 subsections (~~(23.49.058.F.2, 23.49.058.F.3 and 23.49.058.F.4)~~) 23.49.058.D.2, 23.49.058.D.3,
14 and 23.49.058.D.4, other than towers described in subsection (~~(23.49.058.F.1)~~) 23.49.058.D.1.

15 The Director shall determine that issues raised in the design review process related to the
16 presence of the additional tower have been adequately addressed before granting any exceptions
17 to tower spacing standards. The Director shall consider the following factors in determining
18 whether such an exception shall be granted:

19 a. Potential impact of the additional tower on adjacent residential
20 structures, located within the same block and on adjacent blocks, in terms of views, privacy,
21 and shadows;

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1 b. ~~((Potential public benefits))~~ Aspects of the proposal that offset the
2 impact of the reduction in required separation between towers, including the provision of
3 public open space, designated green street or other streetscape improvements, and preservation
4 of ~~((landmark))~~ Landmark structures ~~((, and provision of neighborhood commercial services,~~
5 ~~such as a grocery store, or community services, such as a community center or school))~~;

6 c. Potential impact on the public environment, including shadow and
7 view impacts on nearby streets and public open spaces;

8 d. Design characteristics of the additional tower in terms of overall bulk
9 and massing, facade treatments and transparency, visual interest, and other features that may
10 offset impacts related to the reduction in required separation between towers;

11 e. The City's goal of encouraging residential development downtown;
12 and

13 f. The feasibility of developing the site without an exception from the
14 tower spacing requirement.

15 7. For purposes of this Section 23.49.058 ~~((, an "existing"))~~ a tower is ~~((either))~~
16 considered to be “existing” and must be taken into consideration when other towers are
17 proposed, under any of the following circumstances:

18 a. The tower is physically present, except that a tower that is physically
19 present ~~((, except as provided below in this subsection 23.49.058.F.7; or))~~ is not considered
20 "existing" if the owner of the lot where the tower is located has applied to the Director for a
21 permit to demolish the tower and provided that the no building permit for the proposed tower
22 is issued until the demolition of the tower that is physically present has been completed;

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1 c. The tower is a proposed tower for which a complete application for
2 early design guidance has been filed and a complete application for a Master Use Permit or
3 building permit has not been submitted, provided that the early design guidance application will
4 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
5 not submitted within 90 days of the date of the early design guidance public meeting if one is
6 required, or within 90 days of the date the Director provides guidance if no early design meeting
7 is required, or within 150 days of the first early design guidance public meeting if more than one
8 early design guidance public meeting is held.

9 ~~((G))~~ E. Upper-level setbacks

10 1. If a lot in a DMC zone is across a street from the Pike Place Market Historical
11 District, as shown on Map 1K, a continuous upper-level setback of 15 feet, measured from the
12 street lot line across the street from the Pike Place Market Historical District, is required for all
13 portions of a structure above a height of 65 feet.

14 2. If a lot in a DMC or DOC2 zone is located on a designated green street that is
15 not a designated view corridor requiring view corridor setbacks according to Section 23.49.024,
16 as shown on Map 1D, View Corridors, a continuous upper-level setback of 15 feet, measured
17 from the abutting green street lot line, is required for portions of the structure above a height of
18 45 feet.

19 ~~((H))~~ F. Structure separation requirements for mid-block corridors in a DMC zone in
20 South Downtown. On a lot in a DMC zone in South Downtown, as depicted on Map 1A, the
21 following standards apply:

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1 1. At all levels above 45 feet and up to 85 feet in height, structures separated by a
2 mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet,
3 unless subsection ((~~23.49.058.H.3~~)) 23.49.058.F.3 applies.

4 2. At all levels above 85 feet in height, structures separated by a mid-block
5 corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless
6 subsection ((~~23.49.058.H.3~~)) 23.49.058.F.3 applies.

7 3. If a mid-block corridor abuts a side lot line that is not a street lot line, at all
8 levels above 45 feet, structures on that lot must set back from that side lot line at all points by a
9 minimum horizontal distance of 45 feet.

10 Section 21. Subsection 23.49.156.A of the Seattle Municipal Code, which section was
11 last amended by Ordinance 123589, is amended as follows:

12 **23.49.156 Downtown Mixed Residential, minimum lot size**

13 A. This subsection 23.49.156.A applies to DMR zones outside of South Downtown.

14 1. The minimum lot size is 19,000 square feet for any structure over ((~~125~~)) 145
15 feet high.

16 2. To meet the minimum lot size requirement, a lot may be combined with one or
17 more abutting lots, whether occupied by existing structures or not, provided that:

18 a. The total area of the combined lots meets the minimum lot size
19 requirement;

20 b. All lots have frontage on the same avenue;

21 c. Any existing structure does not exceed a height of ((~~125~~)) 145 feet;

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Table A for 23.49.158 Percent coverage permitted by lot size				
Elevation of ((Portion)) portion of ((Structure)) structure (in feet)	0— 19,000 ((Square Feet)) square feet	19,001— 25,000 ((Square Feet)) square feet	25,001— 38,000 ((Square Feet)) square feet	Greater ((Than)) than 38,000 ((Square Feet)) square feet
65 ((feet)) or less	100%	100%	100%	100%
Greater than 65 ((feet)) up to 85 ((feet))	75%	65%	55%	45%
Greater than 85 ((feet)) up to ((125)) <u>145</u> ((feet))	65%	55%	50%	40%
Greater than ((125)) <u>145</u> ((feet)) up to ((240)) <u>280</u> ((feet))	Not applicable	45%	40%	35%

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2. In order to meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots does not exceed any of the applicable limits set in this subsection 23.49.158.A; and

b. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with the King County Recorder’s Office as an encumbrance on the lots, that restricts future development so that, in combination with the other lots, the coverage limits will not be exceeded.

B. Story ((Size)) size. Each story in portions of structures above ((125)) 145 feet in height shall have a maximum gross floor area of ((8,000)) 8,800 square feet.

* * *

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Section 23. Section 23.49.164 of the Seattle Municipal Code, last amended by ~~Ordinance~~
~~123589~~ the ordinance introduced as Council Bill 118893, is amended as follows:

23.49.164 Downtown Mixed Residential, maximum width, depth, and separation requirements

A. Width and ~~((Depth))~~ depth ~~((Limits))~~ limits. Except as provided in subsections 23.49.164.B, 23.49.164.C, and 23.49.164.D, a maximum width and depth for the portion of a structure above 65 feet in height is established in Table A for 23.49.164, and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above 65 feet in height by at least 20 feet at all points. The maximum applies to the width and depth of portions of structures as measured parallel to any street lot line.

~~((Table A for 23.49.164
Maximum Width and Depth by Lot Size))~~

Table A for 23.49.164 Maximum width and depth by lot size		
Height of ((Portion)) <u>portion of</u> ((Structure)) <u>structure</u> (in feet)	0—19,000 ((Square Feet)) <u>square feet</u>	Greater ((Than)) <u>than</u> 19,000 ((Square Feet)) <u>square feet</u>
Greater than 65 up to ((125)) <u>145</u>	90 feet on avenues 120 feet on east/west streets	120 feet
Greater than ((125 up to 240)) <u>145</u>	Not applicable	100 feet

B. In a DMR/R ~~((85/65))~~ 95/65 zone, width of portions of structures above a height of 65 feet is not limited.

C. Housing ~~((Option.))~~ option

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1 1. On lots with structures that contained low-income housing on or before
2 September 11, 1988, and that meet the requirements of subsection 23.49.164.C.4, the width
3 above a height of 65 feet of portions of structures that are located less than 20 feet from a street
4 lot line shall not exceed 120 feet per block front. This maximum applies to the width as
5 measured parallel to the street lot line. Portions of structures, measured parallel to the street lot
6 line, that are located 20 feet or more from the street lot line, have no maximum limit.

7 2. If the housing option is used, no portions of the structure may be located in the
8 area within 20 feet of the intersection of street lot lines between heights of 65 feet and ~~((125))~~
9 145 feet.

10 3. If the housing option is used, each story in portions of structures between
11 heights of 65 feet and ~~((125))~~ 145 feet shall have a maximum gross floor area of 25,000 square
12 feet or the lot coverage limitation, whichever is less. The 25,000 square foot limit shall apply
13 separately to portions of the same structure that are not connected above 65 feet.

14 4. In order to use the housing option, housing on the lot shall be subject to an
15 agreement with the City that contains the following conditions and any other provisions
16 necessary to ensure compliance:

17 a. The demolition or change of use of the housing shall be prohibited for
18 not less than 50 years from the date a final certificate of occupancy is issued for the commercial
19 development on the lot; and

20 b. If the housing is or was rental housing on or before September 11, 1988,
21 it shall be used as rental housing for not less than 50 years from the date a final certificate of
22 occupancy is issued for the commercial development of the lot; and

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PLUZ COMMITTEE 03/21/17**

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1 c. The structure will be brought up to and maintained in conformance with
2 ~~((the Housing and Building Maintenance Code))~~ Chapters 22.200 through 22.208; and

3 d. Housing that is or was low-income housing on or before September 11,
4 1988, shall be maintained as low-income housing for not less than 50 years from the date a final
5 certificate of occupancy is issued for the commercial development on the lot.

6 5. Housing that is preserved according to this Section 23.49.164 does not qualify
7 for a downtown housing bonus or for transfer of development rights.

8 D. ~~((Façade Width Limits))~~ Façade width limits and ~~((Separation Requirements))~~
9 separation requirements in South Downtown. On a lot in a DMR/C zone in South Downtown, the
10 following standards apply:

11 1. For the portion of a structure 65 feet in height or less, the maximum width of a
12 street-facing facade is 250 feet.

13 2. For the portion of a structure above 65 feet in height, the maximum width of a
14 street-facing facade is 120 feet.

15 3. At all levels above 65 feet in height, separate structures on a lot and separate
16 portions of the same structure must be separated at all points by a minimum horizontal distance
17 of 20 feet, or as specified in subsections 23.49.164.D.4 and 23.49.164.D.5 for structures
18 separated by a mid-block corridor.

19 4. At all levels above 45 feet and up to 85 feet in height, structures separated by a
20 mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet,
21 unless subsection 23.49.164.D.6 applies.

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1 5. At all levels above 85 feet in height, structures separated by a mid-block
2 corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless
3 subsection 23.49.164.D.6 applies.

4 6. If a mid-block corridor abuts a side lot line that is not a street lot line, at all
5 levels above 45 feet structures on that lot must set back from that side lot line at all points by a
6 minimum horizontal distance of 45 feet.

7 7. Waiver or modification of requirements, limits, and standards

8 a. For developments in the International Special Review District, the
9 Director may waive or modify the requirements, limits, and standards referred to in subsection
10 23.49.164.D.2 and 23.49.164.D.3 as a Type I decision if, upon consultation with the Director of
11 Neighborhoods, the Director determines that waiving or modifying a requirement, limit, or
12 standard will increase availability of affordable housing meeting the provisions of subsection
13 23.49.164.D.7.b and will better meet the goals and objectives of Section 23.66.302.

14 b. For purposes of this subsection 23.49.164.D.7, housing is affordable if
15 it receives public funding and/or an allocation of federal low-income housing tax credits, and is
16 subject to a regulatory agreement, covenant, or other legal instrument recorded on the property
17 title and enforceable by The City of Seattle, Washington State Housing Finance Commission,
18 State of Washington, King County, U.S. Department of Housing and Urban Development, or
19 other similar entity as approved by the Director of Housing, which restricts at least 40 percent of
20 the units to occupancy by households earning no greater than 60 percent of median income, and
21 controls the rents that may be charged, for a minimum period of 40 years.

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1 Section 24. Chapter 23.49 Downtown Overlay Maps, Map 1A, of the Seattle Municipal

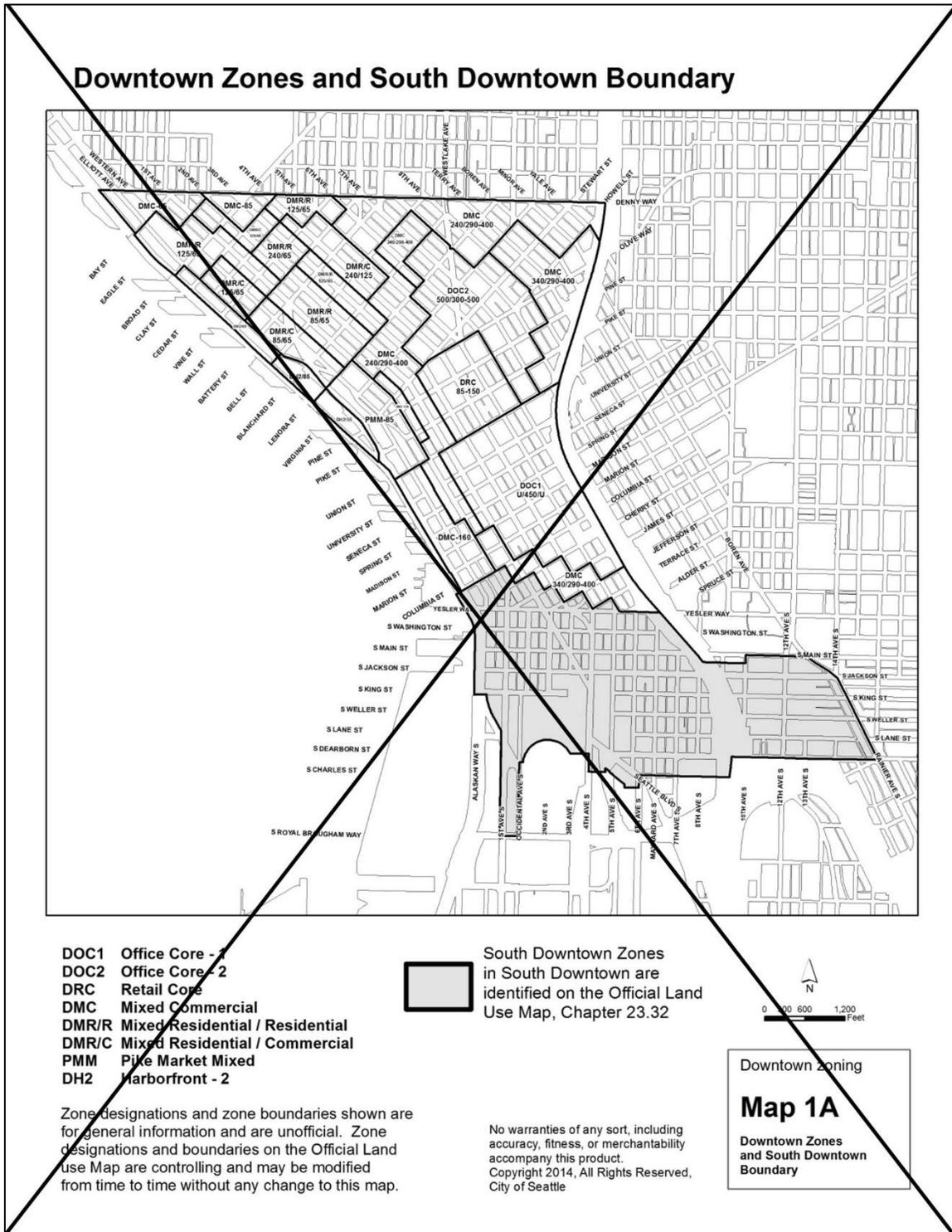
2 Code, last amended by Ordinance 124680, is amended as follows:

3 **23.49 Downtown Overlay Maps**

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1 Map 1A: Downtown Zones and South Downtown Boundary



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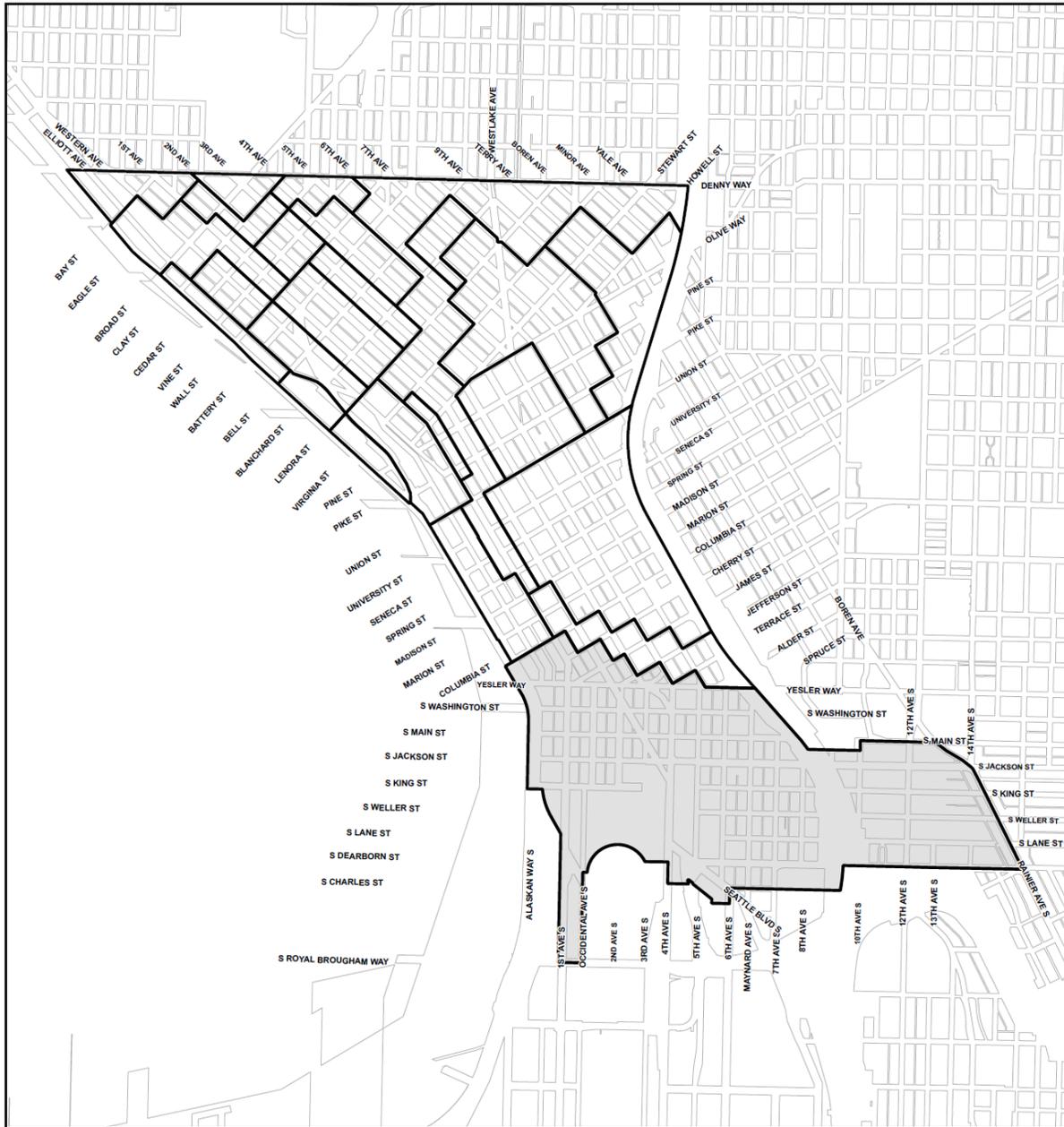
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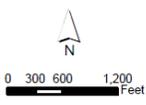
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Downtown Zones and South Downtown Boundary




 South Downtown Zones
in South Downtown are
identified on the Official Land
Use Map, Chapter 23.32



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Downtown zoning
Map 1A
Downtown Zones
and South Downtown
Boundary

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* * *

Section 25. Section 23.50.020 of the Seattle Municipal Code, last amended by ~~Ordinance~~
~~124843~~ the ordinance introduced as Council Bill 118893, is amended as follows:

23.50.020 Structure height exceptions and additional restrictions

A. Rooftop features. Where a height limit applies to a structure, except as provided in subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4, and 23.50.024.F.3, the provisions in this subsection 23.50.020.A apply to rooftop features:

1. In all industrial zones, smokestacks, chimneys and flagpoles, and religious symbols for religious institutions are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

2. In all industrial zones, open railings, planters, skylights, clerestories, greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height limit with unlimited rooftop coverage. Insulation material, rooftop decks and other similar features, or soil for landscaping located above the structural roof surface, may exceed the maximum height limit by up to ~~((two))~~ 2 feet if enclosed by parapets or walls that comply with this subsection 23.50.020.A.2.

3. In all industrial zones, solar collectors may extend up to 7 feet above the applicable height limit, with unlimited rooftop coverage.

4. Additional height is permitted for specified rooftop features according to this subsection 23.50.020.A.4.

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1 a. The following rooftop features may extend up to 15 feet above the
2 applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c:

- 3 1) Solar collectors;
4 2) Stair and elevator penthouses, except as provided in
5 subsection 23.50.020.A.4.b;
6 3) Mechanical equipment; and
7 4) Minor communication utilities and accessory communication
8 devices, except that height is regulated according to Section 23.57.015.

9 b. In an IC (~~(85-160)~~) 85-175 zone, elevator penthouses may extend up
10 to 25 feet above the applicable height limit, subject to subsection 23.50.020.A.4.c.

11 c. The combined total coverage of all features listed in subsections
12 23.50.020.A.4.a and 23.50.020.A.4.b is limited to 20 percent of the roof area, or 25 percent of
13 the roof area if the total includes screened mechanical equipment.

14 5. Greenhouses that are dedicated to food production are permitted to extend 15
15 feet above the applicable height limit if the combined total coverage of all features gaining
16 additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this
17 subsection 23.50.020.A.5 shall be located at least 10 feet from the north ~~edge of the roof lot~~
18 line unless a shadow diagram is provided that demonstrates that locating such features within
19 10 feet of the north ~~edge of the roof lot line~~ would not shade property to the north on January
20 21 ~~(st)~~ at noon more than would a structure built to maximum permitted height and FAR.

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1 complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033
2 on a lot that includes extra floor area. Extra floor area means non-residential chargeable floor
3 area allowed in addition to the base FAR under Chapter 23.58A. The second figure is the
4 applicable height limit for all uses, on a lot that includes extra floor area, for a structure that
5 complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033.

6 * * *

7 Section 27. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance
8 124172, is amended as follows:

9 **23.50.028 Floor area limits**

10 The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable
11 floor area on a lot, except as expressly otherwise provided.

12 A. ~~((General))~~ Industrial General 1 (IG1) and ~~((General))~~ Industrial General 2 (IG2),
13 ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IG1 and IG2 zones is 2.5.

14 B. Industrial Buffer (IB) ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IB zones
15 is 2.5.

16 C. Industrial Commercial (IC) ~~((Floor Area Ratio))~~ FAR. The base and maximum
17 FARs in IC zones are set forth on Table A for 23.50.028.

Table A for 23.50.028		
Floor ((Area Ratios)) area ratios (FAR)		
Zone ((Designation)) designation	Base FAR	Maximum FAR
All IC zones except as otherwise stated in this table	2.5	2.5

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PLUZ COMMITTEE 03/21/17**

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Table A for 23.50.028 Floor ((Area Ratios)) area ratios (FAR)		
Zone ((Designation)) designation	Base FAR	Maximum FAR
IC 65 and IC 85 zones within the Stadium Transition Area Overlay District	3	3
IC ((85-160)) <u>85-175</u> zone	2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services.	((3.5)) 4.0 ¹ except that if the total chargeable floor area of uses identified in the base FAR column is greater than ((3.5)) 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.
Footnotes to Table A for 23.50.028 ¹ Additional floor area above the base FAR allowed according to subsection 23.50.028.D.		

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D. Extra floor area((-))

1. In an IC ((85-160)) 85-175 zone, extra ~~((nonresidential))~~ non-residential floor area as defined in Section 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033, and Chapter 23.58A.

a. Twenty-five percent of any extra ~~((nonresidential))~~ non-residential floor area shall be gained through the transfer of ~~((transferable development rights))~~ TDR pursuant to Section 23.50.053.

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PLUZ COMMITTEE 03/21/17**

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1 b. Seventy-five percent of any extra (~~nonresidential~~) non-residential
2 floor area shall be gained as bonus (~~nonresidential~~) non-residential floor area pursuant to
3 Section 23.58A.024, or through the transfer of housing TDR under Section 23.50.053, or both.

4 2. In an IC (~~85-160~~) 85-175 zone, in addition to satisfying the conditions of
5 subsection 23.50.028.D.1, for development to exceed the base FAR on a lot that has an area of
6 50,000 square feet or more, the Director shall make an individual determination of project
7 impacts on the need for pedestrian facilities and complete a voluntary agreement between the
8 property owner and the City to mitigate identified impacts, if any. The Director may consider
9 the following as impact mitigation:

10 a. Pedestrian walkways on a lot, including through-block connections
11 on through lots, where appropriate, to facilitate pedestrian circulation by connecting structures
12 to each other and abutting streets;

13 b. Sidewalk improvements, including sidewalk widening, to
14 accommodate increased pedestrian volumes and streetscape improvements that will enhance
15 pedestrian comfort and safety; and

16 c. Measures that will contribute to the improvement of pedestrian
17 facilities, such as the following improvements applicable to the vicinity north of South Royal
18 Brougham Way and south of South Charles Street east of 4th Avenue South:

19 1) Improvements to 6th Avenue South as the primary pedestrian
20 and bicycle corridor connecting new development to the surrounding area and transit facilities;

21 2) Improvements to facilitate pedestrian wayfinding to and from
22 the Stadium Light Rail Station;

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1 3) Improvements to enhance the pedestrian environment, such as
2 providing overhead weather protection, landscaping, and other streetscape improvements; and

3 4) Improved pedestrian and bicycle crossing of Airport Way
4 South at 6th Avenue South.

5 3. In an IC (~~(85-160)~~) 85-175 zone, in addition to satisfying the conditions of
6 subsections 23.50.028.D.1 and 23.50.028.D.2, if applicable, for development to exceed the
7 base FAR and include 85,000 or more square feet of gross office floor area, the Director shall
8 make an individual determination of project impacts on the need for open space resources. The
9 Director may limit floor area or allow floor area subject to conditions, which may include a
10 voluntary agreement between the property owner and the City to mitigate identified impacts, if
11 any. The Director shall take into account the findings of subsection 23.49.016.A in assessing
12 the demand for open space generated by a typical office project in an area permitting high
13 employment densities.

14 a. The Director may consider the following as mitigation for open space
15 impacts:

16 1) Open space provided on-site or off-site, consistent with the
17 provisions in subsection 23.49.016.C, or provided through payment_in_lieu, consistent with
18 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an
19 IC (~~(85-160)~~) 85-175 zone that is accessible to the project occupants, and

20 2) Additional pedestrian space through on-site improvements or
21 streetscape improvements provided as mitigation for project impacts on pedestrian facilities
22 pursuant to subsection 23.50.028.D.3.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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1 2. In addition to areas exempt from FAR calculations in subsection
2 23.50.028.E.1, within an IC (~~(85-160)~~) 85-175 zone, the following exemptions from FAR
3 calculations apply:

4 a. Three and one-half percent of the total chargeable gross floor area in
5 a structure, as an allowance for mechanical equipment. Calculation of the allowance is based
6 on the remaining gross floor area after all other exempt space permitted in subsection
7 23.50.028.E is deducted.

8 b. For structures built prior to June 2, 2011, the area covered by new or
9 replacement mechanical equipment placed on the roof.

10 c. All gross floor area for solar collectors and wind-driven power
11 generators.

12 d. The gross floor area of the following uses located at street level,
13 provided that the conditions of Section 23.50.039 are satisfied:

- 14 1) General sales and service uses;
- 15 2) Eating and drinking establishments;
- 16 3) Entertainment use;
- 17 4) Public libraries;
- 18 5) (~~Child care~~) Child care facilities;
- 19 6) Religious facilities; and
- 20 7) Automotive sales and service.

21 3. In addition to areas exempt from FAR calculations in subsection
22 23.50.028.E.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR
2 calculations.

3 F. Within IC (~~(85-160)~~) 85-175 zones, gross floor area used for accessory parking
4 within stories that are completely above finished grade is not exempt, except that in an IC
5 (~~(85-160)~~) 85-175 zone, if the Director finds, as a Type I decision, that locating all parking
6 below grade is infeasible due to physical site conditions such as a high water table,
7 contaminated soils conditions, or proximity to a tunnel, and that the applicant has placed or
8 will place the maximum feasible amount of parking below or partially below grade, the
9 Director may exempt all or a portion of accessory parking that is above finished grade. If any
10 exemption is allowed under this subsection 23.50.028.F, all parking provided above grade
11 shall be subject to the screening requirements of subsection 23.50.038.B.6.

12 G. Mechanical equipment. Area covered by mechanical equipment located on the roof
13 of a structure, whether enclosed or not, is included as part of the calculation of floor area,
14 unless expressly exempted by an applicable provision of this Section 23.50.028.

15 Section 28. Section 23.50.033 of the Seattle Municipal Code, last amended by Ordinance
16 125163, is amended as follows:

17 **23.50.033 Conditions for extra floor area in an IC (~~(85-160)~~) 85-175 zone**

18 A. General. Projects in an IC (~~(85-160)~~) 85-175 zone may add chargeable floor area
19 above the base FAR up to the applicable maximum FAR in Section 23.50.028 if Sections
20 23.58A.022 and 23.58A.024 for extra (~~(nonresidential)~~) non-residential floor area and all the
21 applicable conditions of this Chapter 23.50 are satisfied. The provisions of this Section

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 23.50.033 apply to lots in an IC (~~(85-160)~~) 85-175 zone, and only to development exceeding
2 the base FAR.

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

6 C. Quantity of parking, ridesharing, and transit incentive program requirements.
7 Maximum parking limits, ridesharing, and transit incentive program requirements for
8 (~~nonresidential~~) non-residential uses established for Downtown zones in subsections
9 23.49.019.C and 23.49.019.D apply, and requirements for bicycle parking established in
10 subsection 23.49.019.E apply.

11 D. Seattle Green Factor (~~(Landscaping Requirement)~~) landscaping requirement.
12 Development shall achieve a minimum Green Factor score of 0.30, calculated pursuant to
13 Section 23.86.019.

14 Section 29. Section 23.50.039 of the Seattle Municipal Code, enacted by Ordinance
15 123589, is amended as follows:

16 **23.50.039 Street-level use requirements in an IC (~~(85-160)~~) 85-175 zone**

17 A. In an IC (~~(85-160)~~) 85-175 zone, on lots that abut 4th Avenue South or 6th Avenue
18 South between Airport Way South and South Royal Brougham Way, one or more of the
19 following street-level uses are required, consistent with the standards in subsection
20 23.50.039.B:

- 21 1. General sales and service uses;
- 22 2. Automotive sales and service;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 3. Eating and drinking establishments;

2 4. Entertainment uses;

3 5. Child care facilities;

4 6. Public libraries;

5 7. Public parks; and

6 8. Religious facilities.

7 B. Street-level uses shall be provided consistent with the following standards:

8 1. Along streets requiring street-level uses, a minimum of 75 percent of the
9 street level of each street-facing (~~facade~~) facade shall be occupied by street-level uses listed
10 in subsection 23.50.039.A. The remaining portion of the street level of the street-facing facade
11 may contain other permitted uses and/or pedestrian or vehicular entrances.

12 2. Required street-level uses shall be located in a space with a minimum floor-
13 to-floor height of 13 feet and a minimum depth of 15 feet measured from the street-facing
14 facade.

15 3. Required street-level uses shall be located within 10 feet of the street lot line.

16 4. Except for child care facilities, pedestrian access to required street-level uses
17 shall be provided directly from the street or other open area with access to a street. Pedestrian
18 entrances shall be located no more than 3 feet above or below sidewalk grade or at the same
19 elevation as any abutting open area.

20 Section 30. A new Section 23.50.041 of the Seattle Municipal Code is added as follows:

21 **23.50.041 Mandatory housing affordability (MHA)**

22 The provisions of Chapter 23.58B apply in IC 85-175 zones.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 Section 31. Subsection 23.50.053.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 124172, is amended as follows:

3 **23.50.053 Transfer of development rights within an IC ((85-160)) 85-175 zone**

4 A. General standards for the transfer of transferable development rights (TDR) to lots
5 in an IC ((85-160)) 85-175 zone

6 1. To achieve extra ((~~nonresidential~~)) non-residential floor area above the base
7 FAR that may be allowed in an IC ((85-160)) 85-175 zone pursuant to subsection
8 23.50.028.D, an applicant may use TDR to the extent permitted under this subsection
9 23.50.053.A.

10 2. South Downtown Historic TDR, open space TDR from zones within South
11 Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014
12 may be transferred from a Downtown zone to a lot eligible as a receiving site in an IC ((85-
13 160)) 85-175 zone. No other TDR may be used in an IC ((85-160)) 85-175 zone under this
14 Section 23.50.053.

15 3. Except as expressly permitted pursuant to subsection 23.50.053.A,
16 development rights or potential floor area may not be transferred to a lot in an IC ((85-160))
17 85-175 zone.

18 4. No permit after the first building permit, no permit for any construction
19 activity other than excavation and shoring, and no permit for occupancy of existing floor area
20 by any use based upon TDR will be issued for development that includes TDR until the
21 applicant's possession of TDR is demonstrated to the satisfaction of the Director.

22 * * *

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 Section 32. Section 23.50.055 of the Seattle Municipal Code, enacted by Ordinance
2 123589, is amended as follows:

3 **23.50.055 Street-facing (~~façade~~) facade requirements and upper-level development**
4 **standards in an IC (~~(85-160)~~) 85-175 zone**

5 The following development standards apply to all lots within an IC (~~(85-160)~~) 85-175 zone.

6 A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony
7 railings and other non-structural features or non-structural walls are not considered parts of the
8 facade.

9 1. Minimum (~~façade~~) facade height. A minimum (~~façade~~) facade height of
10 25 feet is required for facades that face streets shown on Map A for 23.50.016, Industrial
11 Streets Landscaping Plan. The minimum (~~façade~~) facade height for facades facing other
12 streets is 15 feet. A minimum (~~façade~~) facade height does not apply if all portions of a
13 structure are lower than the applicable minimum (~~façade~~) facade height.

14 2. (~~Façade~~) Facade setback limits. The total area of street-level setbacks
15 between the street lot line and the street-facing (~~façade~~) facade is limited to the area
16 determined by multiplying the averaging factor by the width of the structure measured parallel
17 to the abutting street.

18 a. The averaging factor is five for facades that face streets shown on
19 Map A for 23.50.016.

20 b. For all other street-facing facades, the averaging factor is ten.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 c. The maximum width, measured along the street lot line, of any
2 setback area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the
3 lot frontage on that street, whichever is less.

4 d. For all lots subject to (~~façade~~) facade setback limits, the following
5 conditions apply:

6 1) Parking is prohibited between the facade and the street lot
7 line.

8 2) The maximum setback of the facade from street lot lines
9 within 20 feet of an intersection is 10 feet.

10 e. If the presence of a utility easement or other condition requires the
11 street-facing (~~façade~~) facade to set back from the street lot line, the Director may, as a Type I
12 decision, select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk
13 widening into the lot is required as mitigation pursuant to subsection 23.50.028.D, the setback
14 area permitted by the applicable averaging factor shall be measured from the new edge of the
15 sidewalk within the lot rather than the street lot line.

16 3. Principal pedestrian entrances. A principal pedestrian entrance to a structure
17 is required on (~~façades~~) facades facing streets shown on Map A for 23.50.016, Industrial
18 Streets Landscaping Plan.

19 4. Facade transparency requirements. Facade transparency requirements apply
20 to the area of the (~~façade~~) facade between 2 feet and 8 feet above the sidewalk. Only clear or
21 lightly tinted glass in windows, doors, and display windows is considered to be transparent.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 Transparent areas shall allow views into the structure or into display windows from the
2 outside.

3 a. For facades facing a street shown on Map A for 23.50.016, Industrial
4 Streets Landscaping Plan, a minimum of 60 percent of a street-facing facade shall be
5 transparent.

6 b. For facades facing all other streets, a minimum of 40 percent of the
7 street-facing facade shall be transparent.

8 ~~B. ((Upper Level Development Standards.))~~ Upper-level development standards

9 1. ~~Facade ((Modulation.))~~ modulation

10 a. For structures exceeding 85 feet in height, modulation is required for
11 the portion of a street-facing facade above 65 feet in height if any part of the ~~((façade))~~ facade
12 above that height is located less than 15 feet from street lot lines. No modulation is required
13 for portions of a facade set back 15 feet or more from street lot lines.

14 b. For portions of structures subject to the modulation requirements of
15 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
16 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
17 measured parallel to each street lot line, and includes projections from the street-facing
18 ~~((façade))~~ facade, such as balconies, within 15 feet of street lot lines or their projection.

Table A for 23.50.055	
((Façade Modulation)) <u>Facade modulation in an IC ((85-160 Zone)) 85-175 zone for</u>	
((Structures Exceeding)) <u>structures exceeding 85 ((Feet)) feet in ((Height)) height</u>	
<u>Height of portion of structure (in feet)</u>	<u>Maximum length of ((un-modulated façade)) unmodulated facade if less than 15 feet from street lot line (in feet)</u>
65 ((feet)) or less	No limit

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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Table A for 23.50.055 ((Façade Modulation)) <u>Facade modulation in an IC ((85-160-Zone)) 85-175 zone for</u> ((Structures Exceeding)) <u>structures exceeding 85 ((Feet)) feet in ((Height)) height</u>	
Height of portion of structure <u>(in feet)</u>	Maximum length of ((un-modulated façade)) <u>unmodulated facade if less than 15 feet from street lot line (in feet)</u>
Greater than 65 ((feet)) up to 125 ((feet))	155 ((feet))
Greater than 125 ((feet))	125 ((feet))

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c. Any portion of a facade subject to modulation under subsection 23.50.055.B.1.a that exceeds the maximum length of ~~((façade))~~ facade prescribed in Table A for 23.50.055 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 60 feet.

2. Floor area limit. The maximum floor area for any story wholly or in part above 85 feet in height is 25,000 square feet.

3. Minimum separation. At all levels above a height of 85 feet, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 60 feet.

Section 33. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill ~~118862~~118914, is amended as follows:

23.58B.040 Mitigation of impacts - payment option

A. Amount of cash contributions

1. An applicant complying with this Chapter 23.58B through the payment option shall provide a cash contribution to the City, calculated by multiplying the payment calculation amount per square foot according to Table A or Table B for 23.58B.040 and Map A for

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as follows:

a. Including chargeable floor area in commercial use in the following:

- 1) A new structure;
- 2) An addition to a structure;
- 3) A change of use from residential use to commercial use; or
- 4) Any combination of the above; and

b. Excluding chargeable floor area in commercial use as follows:

- 1) The first 4,000 gross square feet of street-level commercial uses;

and

- 2) Street-level commercial uses along a designated principal

pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040 Payment calculation amounts: In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	(\$14.25) Not applicable
(DH2/65) <u>DH2/75</u>	\$15.00
DH2/85	(\$15.25) Not applicable
(DMC-65) <u>DMC 75</u>	\$8.25
(DMC-85) <u>DMC 95</u>	\$8.00
DMC 85/65-150	\$11.75
(DMC-125) <u>DMC 145</u>	\$10.00
(DMC-160) <u>DMC 170</u>	\$8.00
DMC ((240/290-400)) <u>240/290-440</u>	\$10.00
DMC ((340/290-400)) <u>340/290-440</u>	\$12.50
DOC1 ((U/450-U)) <u>U/450-U</u>	\$14.75
DOC2 ((500/300-500)) <u>500/300-550</u>	\$14.25

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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**Table A for 23.58B.040
Payment calculation amounts:
In Downtown, SM-SLU, and SM-U zones**

Zone	Payment calculation amount per square foot
DRC ((85-150)) <u>85-170</u>	\$13.50
DMR/C 65/65-85	\$9.75
DMR/C 65/65-150	\$9.75
DMR/C ((85/65)) <u>95/75</u>	\$17.50
DMR/C ((125/65)) <u>145/75</u>	\$17.50
DMR/C ((240/125)) <u>280/125</u>	\$14.25
DMR/R ((85/65)) <u>95/65</u>	\$14.00
DMR/R ((125/65)) <u>145/65</u>	\$16.00
DMR/R ((240/65)) <u>280/65</u>	\$16.00
All IDM zones	\$8.00
IDR 45/125-240	\$10.00
IDR 150	\$10.00
IDR/C 125/150-240	\$8.00
PMM-85	Not applicable
<u>All PSM ((100/100-120)) zones</u>	(\$11.00) Not applicable
(PSM 100/100-130	\$11.00
PSM 100/120-150	\$11.00
PSM 100	\$11.00
PSM 245	\$10.25
PSM 85-120	\$12.25)
SM-SLU ((85/65-125)) <u>100/65-145</u>	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240)) <u>85-280</u>	(Not applicable) \$8.00
SM-SLU ((160/85-240)) <u>175/85-280</u>	\$11.25
SM-SLU ((240/125-400)) <u>240/125-440</u>	\$10.00
SM-SLU/R ((55/85)) <u>65/95</u>	\$8.25
(SM 85) <u>SM-SLU 100/95</u>	\$8.00
(SM 125) <u>SM-SLU 145</u>	(\$8.00) <u>\$9.25</u>
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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Table B for 23.58B.040			
Payment calculation amounts:			
Outside Downtown, SM-SLU, and SM-U zones			
Zone	Payment calculation amount per square foot^(±)		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160) <u>85-175</u>)	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	\$5.00 RESERVED	\$7.00 RESERVE D	\$8.00 RESERVED J
Zones with an (M1) suffix	\$8.00 RESERVED	\$11.25 \$11.25	\$12.75 RESERVE D
Zones with an (M2) suffix	\$9.00 RESERVED	\$12.50 RESERV ED	\$14.50 RESERVE D
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00
((Footnotes to Table B for 23.58B.040			
±Area within the University Community Urban Center is medium.))			

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2. Automatic adjustments to payment amounts. On March 1, 2016, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58B.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined
2 by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

3 * * *

4 Section 34. Section 23.58B.050 of the Seattle Municipal Code, which section was last
5 amended by the ordinance introduced as Council Bill ~~118862~~118914, is amended as follows:

6 **23.58B.050 Mitigation of impacts – performance option**

7 A. Amount of MHA-C housing

8 1. An applicant complying with this Chapter 23.58B through the performance
9 option shall provide total square feet of housing meeting the standards of subsection
10 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
11 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
12 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as
13 follows:

14 a. Including chargeable floor area in commercial use in the following:

- 15 1) A new structure;
- 16 2) An addition to a structure;
- 17 3) A change of use from residential use to commercial use; or
- 18 4) Any combination of the above; and

19 b. Excluding chargeable floor area in commercial use as follows:

- 20 1) The first 4,000 gross square feet of street-level commercial uses;

21 and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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Table A for 23.58B.050	
Performance calculation amounts: In Downtown, SM-SLU, and SM-U zones	
Zone	Performance calculation amount per square foot
IDR 45/125-240	6.1%
IDR 150	6.1%
IDR/C 125/150-240	5.0%
PMM-85	Not applicable
All PSM ((100/100-120)) zones	((6.7%)) Not applicable
((PSM 100/100-130	6.7%
PSM 100/120-150	6.7%
PSM 100	6.7%
PSM 245	6.2%
PSM 85-120	7.4%))
SM-SLU ((85/65-125))100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240))85-280	((Not applicable)) 5.0%
SM-SLU ((160/85-240))175/85-280	6.8%
SM-SLU ((240/125-400))240/125-440	6.1%
SM-SLU/R ((55/85))65/95	5.0%
((SM 85))SM-SLU 100/95	5.0%
((SM 125))SM-SLU 145	((5.0%)) 5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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Table B for 23.58B.050			
Performance calculation amounts: Outside Downtown, SM-SLU, and SM-U zones			
Zone	Performance calculation amount per square foot¹		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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**Table B for 23.58B.050
Performance calculation amounts:
Outside Downtown, SM-SLU, and SM-U zones**

Zone	Performance calculation amount per square foot ¹		
	Low	Medium	High
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160)) <u>85-175</u>	6.1%	6.1%	6.1%
Zones with an (M) suffix	5.0% [RESERVED]	5.0% [RESERVED]	5.0% [RESERVED]
Zones with an (M1) suffix	8.0% [RESERVED]	8.0% 8.0%	8.0% [RESERVED]
Zones with an (M2) suffix	9.0% [RESERVED]	9.0% [RESERVED]	9.0% [RESERVED]
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

~~Footnotes to Table B for 23.58B.050~~

~~—¹Area within the University Community Urban Center is medium.~~

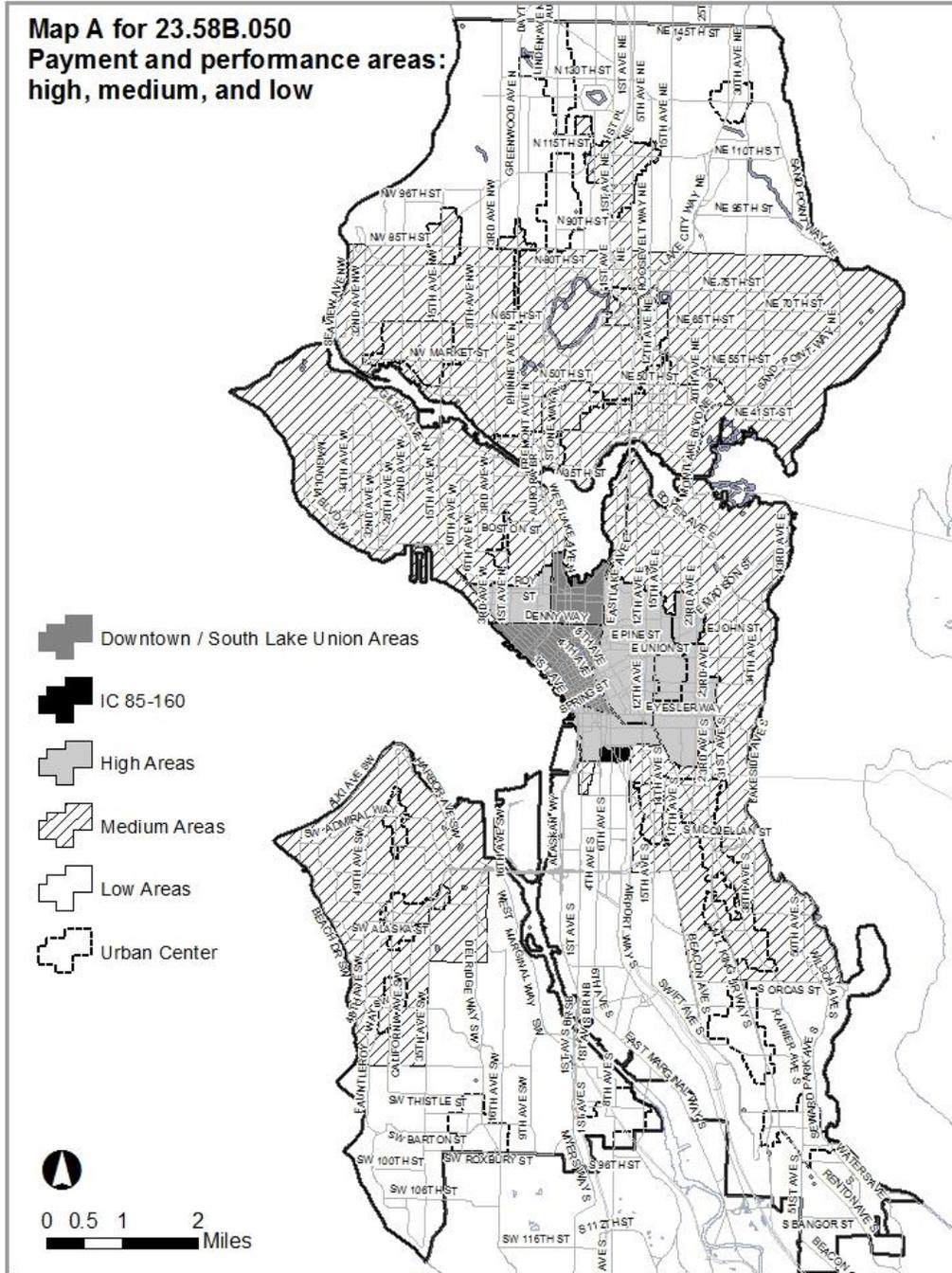
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**Map A for 23.58B.050
Payment and performance areas: high, medium, and low**

~~[RESERVED]~~

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
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1 Section 35. Subsection 23.58C.025.D of the Seattle Municipal Code, which section was
2 enacted by Ordinance 125108, is amended as follows:

3 **23.58C.025 Applicability and general requirements**

4 * * *

5 D. Relationship to incentive zoning. Where the provisions of the zone refer to this
6 Chapter 23.58C and where bonus residential floor area or extra residential floor area may be
7 achieved according to the provisions of the zone and/or Chapter 23.58A, the following
8 provisions apply:

9 1. All ~~((affordable housing))~~ requirements to provide low-income or moderate-
10 income housing, or affordable housing as defined in Section 23.58A.004, for achieving bonus
11 residential floor area or extra residential floor area according to the provisions of the zone and/or
12 Chapter 23.58A shall be satisfied solely by compliance with this Chapter 23.58C.

13 2. Any non-housing requirements for achieving bonus residential floor area or
14 extra residential floor area shall be satisfied according to the provisions of the zone and/or
15 Chapter 23.58A.

16 Section 36. Subsection 23.58C.030.A of the Seattle Municipal Code, which section was
17 last amended by the ordinance introduced as Council Bill ~~118862~~118914, is amended as follows:

18 **23.58C.030 Permit documentation**

19 A. General

20 1. For any development to which this Chapter 23.58C applies, the Master Use
21 Permit application and the first building permit application that includes the structural frame for
22 the structure shall include the following:

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 a. If the applicant elects the payment option, the amount of the required
2 cash contribution according to subsection 23.58C.040.A;

3 b. If the applicant elects the performance option, the number of units
4 required to be provided according to subsection 23.58C.050.A, the amount of any cash
5 contribution according to subsection 23.58C.050.A.3.b, and a proposal for units that meet the
6 requirements according to subsection 23.58C.050.C; and

7 c. If the applicant seeks relief according to Sections 23.48.231 or
8 23.49.039 or seeks a modification according to subsection 23.58C.035.B or subsection
9 23.58C.035.C, the earliest application according to this subsection 23.58C.030.A.1 shall include
10 requests for such relief or modifications including all supporting materials required for a decision
11 on the requests.

12 2. The Director shall, as a Type I decision and in consultation with the Director of
13 Housing, determine:

14 a. If the applicant elects to comply with this Chapter 23.58C through the
15 payment option according to Section 23.58C.040, the amount of the cash contribution;

16 b. If the applicant elects to comply with this Chapter 23.58C through the
17 performance option according to Section 23.58C.050, the number of units that shall meet the
18 requirements according to subsection 23.58C.050.C, the amount of any cash contribution
19 according to subsection 23.58C.050.A.3.b, and the compliance of the proposal required
20 according to subsection 23.58C.030.A.1.b with the requirements according to subsection
21 23.58C.050.C; and

22 c. Any modification according to subsection 23.58C.035.B(~~(+)~~).

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 2. An applicant requesting a modification according to subsection 23.58C.035.B.2
2 shall have requested any available relief according to (~~(CODE SECTION RESERVED))~~)
3 Sections 23.48.231 or 23.49.039, and the Director will evaluate relief according to (~~(CODE~~
4 ~~SECTION RESERVED))~~) Sections 23.48.231 or 23.49.039 before evaluating a modification
5 according to subsection 23.58C.035.B.2. An applicant requesting a modification according to
6 subsection 23.58C.035.C shall have requested any available relief according to Sections
7 23.48.231 or 23.49.039 and any available modification according to subsection 23.58C.035.B,
8 and the Director will evaluate relief according to Sections 23.48.231 or 23.49.039 and a
9 modification according to subsection 23.58C.035.B before evaluating a modification according
10 to subsection 23.58C.035.C.

11 3. The decision on any modification according to subsection 23.58C.035.B or
12 subsection 23.58C.035.C shall specify a per-square-foot payment amount for the development
13 and/or a percentage of units in each structure that shall meet the requirements of subsection
14 23.58C.050.C, as applicable, that can be applied to the final plans for the development or, in the
15 case of a modification according to subsection 23.58C.035.C, an absolute payment amount for
16 the development or number of units in each structure that shall meet the requirements according
17 to subsection 23.58C.050.C along with a limitation on the degree of change in the final plans that
18 is permissible without a redetermination of the modification.

19 B. Inability to use certain capacity

20 1. In a SM-U 75-240 or SM-U 95-320 zone, the performance calculation amount
21 according to Table ~~A-B~~ for 23.58C.050 shall be reduced to six percent and the payment
22 calculation amount according to Table ~~A-B~~ for 23.58C.040 shall be reduced such that it is equal

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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1 to the amount that applies in SM-U 85 if the applicant demonstrates that the site does not meet
2 the minimum lot size required for a highrise structure according to subsection 23.48.615.A.2, or
3 that one or more specific requirements of Sections 23.48.635, 23.48.645, and 23.48.646 would
4 prevent a highrise development from being able to achieve an average highrise floor area of at
5 least 7,500 square feet for stories subject to the highrise floor area limit according to subsection
6 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 Title 23.

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

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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**Table A for 23.58C.035
Thresholds for modification due to inability to use certain capacity**

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
<u>DH2/75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMC 145</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMC 170</u>	<u>Height</u>	<u>160 feet</u>	<u>170 feet</u>	<u>25%</u>
<u>DMC 240/290-440</u>	<u>Height</u>	<u>400 feet¹</u>	<u>440 feet¹</u>	<u>10%</u>
<u>DMC 340/290-440</u>	<u>Height</u>	<u>400 feet¹</u>	<u>440 feet¹</u>	<u>10%</u>
<u>DMR/C 95/75</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMR/C 145/75</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMR/C 280/125</u>	<u>Height</u>	<u>240 feet</u>	<u>280 feet</u>	<u>25%</u>
<u>DMR/R 95/65</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMR/R 145/65</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMR/R 280/65</u>	<u>Height</u>	<u>240 feet</u>	<u>280 feet</u>	<u>25%</u>
<u>DOC1 U/450-U</u>	<u>Average tower floor plate for floors above 160 feet in height</u>	<u>13,800 square feet</u>	<u>14,300 square feet</u>	<u>10%</u>
<u>DOC2 500/300-550</u>	<u>Height</u>	<u>500 feet</u>	<u>550 feet</u>	<u>10%</u>
<u>DRC 85-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>25%</u>
<u>SM-SLU 85-280</u>	<u>Height</u>	<u>240 feet⁴</u>	<u>280 feet⁴</u>	<u>10%</u>
<u>SM-SLU 100/65-145</u>	<u>Height</u>	<u>125 feet⁵</u>	<u>145 feet⁵</u>	<u>10%</u>
<u>SM-SLU 100/95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>10%</u>
<u>SM-SLU 145</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>10%</u>
<u>SM-SLU 175/85-280</u>	<u>Height</u>	<u>240 feet²</u>	<u>280 feet²</u>	<u>10%</u>
<u>SM-SLU 240/125-440</u>	<u>Height</u>	<u>400 feet³</u>	<u>440 feet³</u>	<u>10%</u>
<u>SM-SLU/R 65/95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
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Table A for 23.58C.035
Thresholds for modification due to inability to use certain capacity

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
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Footnotes to Table A for 23.58C.035

¹ If the development meets the standards of subsection 23.49.039.A, the secondary size threshold shall be 160 feet and the maximum size threshold shall be 170 feet.

² If the development is located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet. If the development is located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 and meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

³ If the development meets the standards of subsection 23.48.231.C.1, the secondary size threshold shall be ((a)) 125 feet and the maximum size threshold shall be 135 feet.

⁴ If the development meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

⁵ If the development meets the standards of subsection 23.48.231.D.1, the secondary size threshold shall be 65 feet and the maximum size threshold shall be 75 feet.

C. Modification based on severe economic impact

1. The purpose of this subsection 23.58C.035.C is to allow the Director to modify the amount of payment required according to subsection 23.58C.040.A or the amount of performance required according to subsection 23.58C.050.A if the applicant can demonstrate facts supporting a determination of severe economic impact at such a level that a property owner’s constitutional rights may be at risk.

2. For purposes of this subsection 23.58C.035.C, the Director is not making a determination of the constitutional rights of a property owner, but instead is reviewing the credibility and strength of facts demonstrating severe economic impact.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 3. The Director may, as a special exception according to Chapter 23.76, waive or
2 reduce the amount of payment required according to subsection 23.58C.040.A or the number of
3 units required to meet the requirements according to subsection 23.58C.050.C if the applicant
4 shows that application of the requirements of this Chapter 23.58C would:

5 a. Create severe economic impact by depriving a property owner of all
6 economically beneficial use of the property; or

7 b. Create severe economic impact, not reaching deprivation of all
8 economically beneficial use, but reaching the level of an undue burden that should not be borne
9 by the property owner.

10 4. In determining whether there is a severe economic impact reaching the level of
11 an undue burden that should not be borne by the property owner, the Director may weigh the
12 following nonexclusive factors:

13 a. The severity of the economic impact caused by the application of the
14 requirements of this Chapter 23.58C;

15 b. The degree to which the requirements of this Chapter 23.58C were or
16 could have been anticipated;

17 c. The extent to which alternative uses of the property or configurations of
18 the proposed development would alleviate the need for the requested waiver or reduction;

19 d. The extent to which any economic impact was due to decisions by the
20 applicant and/or property owner; and

21 e. Other factors relevant to whether the burden should be borne by the
22 property owner.

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 5. The waiver or reduction may be approved only to the extent necessary to grant
2 relief from the severe economic impact.

3 6. A request to the Director for a modification according to this subsection
4 23.58C.035.C shall include, at a minimum, all of the following:

5 a. A description of the requested waiver or reduction, including the
6 proposed payment or performance amount;

7 b. Documentation showing that any relief available according to (~~CODE~~
8 ~~SECTION RESERVED~~) Sections 23.48.231 and 23.49.039 or subsection 23.58C.035.B would
9 not eliminate the need for the requested waiver or reduction;

10 c. The identity of the property owner and the date of the owner's
11 acquisition of the property;

12 d. Documentation showing the use of the property at the time of the
13 request or, if the property is vacant at that time, the use of the property prior to commencement
14 of vacancy;

15 e. Documentation explaining and supporting the claim of economic
16 impact; and

17 f. Documentation showing that a different development configuration that
18 satisfied the requirements of this Chapter 23.58C would not alleviate the need for the requested
19 waiver or reduction.

20 7. The applicant shall provide any additional information as may be required by
21 the Director to make a determination on the request. The applicant shall have the burden of

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 proving by a preponderance of the evidence that a waiver or reduction authorized according to
2 this subsection 23.58C.035.C is justified.

3 8. None of the following, standing alone and without consideration of the full
4 range of relevant factors including those according to subsection 23.58C.035.C.4, shall be a
5 sufficient basis for the Director to grant a waiver or reduction authorized according to this
6 subsection 23.58C.035.C:

7 a. The fact of a decrease in property value;

8 b. The fact that a property owner is unable to utilize the full amount of any
9 increase in residential development capacity enacted in connection with implementation of this
10 Chapter 23.58C in the zone in which the property is located; or

11 c. The fact that any such increase in residential development capacity,
12 combined with the requirements of this Chapter 23.58C, did not leave the property owner in a
13 better financial position than would have been the case with no increase in residential
14 development capacity and no application of the requirements of this Chapter 23.58C.

15 9. In any appeal to the Hearing Examiner, the parties will have an additional
16 opportunity to make a record on the factual issues consistent with due process.

17 Section 38. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
18 last amended by the ordinance introduced as Council Bill ~~118862~~118914, is amended as follows:

19 **23.58C.040 Affordable housing – payment option**

20 A. Payment amount

21 1. An applicant complying with this Chapter 23.58C through the payment option
22 shall provide a cash contribution to the City, calculated by multiplying the payment calculation

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
2 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
3 area of parking located in stories or portions of stories that are underground, as follows:

4 a. In the case of construction of a new structure, the gross floor area in
5 residential use and the gross floor area of live-work units;

6 b. In the case of construction of an addition to an existing structure that
7 results in an increase in the total number of units within the structure, the gross floor area in
8 residential use and the gross floor area of live-work units in the addition;

9 c. In the case of alterations within an existing structure that result in an
10 increase in the total number of units within the structure, the gross floor area calculated by
11 dividing the total gross floor area in residential use and gross floor area of live-work units by the
12 total number of units in the proposed development, and multiplying that quotient by the net
13 increase in units in the structure;

14 d. In the case of change of use that results in an increase in the total
15 number of units, the gross floor area that changed to residential use or live-work units; or

16 e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U <u>85</u> zones	
Zone	Payment calculation amount per square foot
<u>DH1/45</u>	<u>Not Applicable</u>
<u>DH2/55</u>	<u>Not Applicable</u>
<u>DH2/75</u>	<u>\$12.75</u>
<u>DH2/85</u>	<u>Not Applicable</u>
<u>DMC 75</u>	<u>\$12.75</u>
<u>DMC 85/65-150</u>	<u>Not Applicable</u>
<u>DMC 95</u>	<u>\$12.75</u>

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U <u>85</u> zones	
Zone	Payment calculation amount per square foot
<u>DMC 145</u>	<u>\$13.00</u>
<u>DMC 170</u>	<u>\$5.50</u>
<u>DMC 240/290-440</u>	<u>\$8.25</u>
<u>DMC 340/290-440</u>	<u>\$8.25</u>
<u>DMR/C 65/65-85</u>	<u>Not Applicable</u>
<u>DMR/C 65/65-150</u>	<u>Not Applicable</u>
<u>DMR/C 95/75</u>	<u>\$12.75</u>
<u>DMR/C 145/75</u>	<u>\$11.75</u>
<u>DMR/C 280/125</u>	<u>\$13.00</u>
<u>DMR/R 95/65</u>	<u>\$12.75</u>
<u>DMR/R 145/65</u>	<u>\$11.75</u>
<u>DMR/R 280/65</u>	<u>\$13.00</u>
<u>DOC1 U/450-U</u>	<u>\$12.00</u>
<u>DOC2 500/300-550</u>	<u>\$10.25</u>
<u>DRC 85-170</u>	<u>\$10.00</u>
<u>All IDM zones</u>	<u>Not Applicable</u>
<u>All IDR and IDR/C zones</u>	<u>Not Applicable</u>
<u>PMM-85</u>	<u>Not Applicable</u>
<u>All PSM zones</u>	<u>Not Applicable</u>
<u>SM-SLU 85/65-160</u>	<u>Not Applicable</u>
<u>SM-SLU 85-280</u>	<u>\$10.00</u>
<u>SM-SLU 100/95</u>	<u>\$7.50</u>
<u>SM-SLU 100/65-145</u>	<u>\$7.75</u>
<u>SM-SLU 145</u>	<u>\$7.75</u>
<u>SM-SLU 175/85-280</u>	<u>\$10.00</u>
<u>SM-SLU 240/125-440</u>	<u>\$10.00</u>
<u>SM-SLU/R 65/95</u>	<u>\$12.75</u>
<u>SM-U 85</u>	<u>\$13.25</u>
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

1

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

1 1. An applicant complying with this Chapter 23.58C through the performance
2 option shall provide, as part of the units to be developed in each structure, a number of units that
3 meet the requirements according to subsection 23.58C.050.C calculated by multiplying the
4 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
5 as applicable, by the total number of units to be developed in each structure.

6 2. If the number of units that meet the requirements according to subsection
7 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
8 applicant shall:

9 a. Round up to two units; or

10 b. Provide one dwelling unit that meets the requirements according to
11 subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
12 Housing.

13 3. If the number of units that meet the requirements according to subsection
14 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
15 includes a fraction of a unit, the applicant shall:

16 a. Round up to the nearest whole unit; or

17 b. Round down to the nearest whole unit and pay a cash contribution for
18 the fraction of a unit not otherwise provided, calculated by multiplying the performance
19 calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A
20 for 23.58C.050, as applicable, by the total gross floor area to be developed as measured
21 according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not
22 provided, and dividing the resulting number by the total number of units required to be provided

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions
2 according to this subsection 23.58C.050.A.3.b shall be governed according to subsection
3 23.58C.040.B.

4 4. When the applicant elects to comply with this Chapter 23.58C through the
5 performance option for a development that contains multiple structures and the calculation
6 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,
7 the Director may, as a Type I decision in consultation with the Director of Housing, allow such
8 fractions of units to be combined, provided:

9 a. If the sum of the combined fractions of units calculated according to this
10 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

11 1) Round up to two units; or
12 2) Provide one dwelling unit that meets the requirements according
13 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
14 Housing;

15 b. If the sum of the combined fractions of units calculated according to
16 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
17 applicant shall:

18 1) Round up to the nearest whole unit; or
19 2) Round down to the nearest whole unit and pay a cash
20 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
21 23.58C.050.A.3.b; and

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D14D2~~

1 c. The construction of the structure(s) containing the units that meet the
2 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
3 earlier time than completion of construction of other structures in the development containing
4 units.

Table A for 23.58C.050	
Performance calculation amounts:	
In Downtown, SM-SLU, and SM-U <u>85</u> zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
<u>DH1/45</u>	<u>Not Applicable</u>
<u>DH2/55</u>	<u>Not Applicable</u>
<u>DH2/75</u>	<u>5.0%</u>
<u>DH2/85</u>	<u>Not Applicable</u>
<u>DMC 75</u>	<u>5.0%</u>
<u>DMC 85/65-150</u>	<u>Not Applicable</u>
<u>DMC 95</u>	<u>5.0%</u>
<u>DMC 145</u>	<u>5.1%</u>
<u>DMC 170</u>	<u>2.1%</u>
<u>DMC 240/290-440</u>	<u>3.2%</u>
<u>DMC 340/290-440</u>	<u>3.2%</u>
<u>DMR/C 65/65-85</u>	<u>Not Applicable</u>
<u>DMR/C 65/65-150</u>	<u>Not Applicable</u>
<u>DMR/C 95/75</u>	<u>5.0%</u>
<u>DMR/C 145/75</u>	<u>4.6%</u>
<u>DMR/C 280/125</u>	<u>5.1%</u>
<u>DMR/R 95/65</u>	<u>5.0%</u>
<u>DMR/R 145/65</u>	<u>4.6%</u>
<u>DMR/R 280/65</u>	<u>5.1%</u>
<u>DOC1 U/450-U</u>	<u>4.7%</u>
<u>DOC2 500/300-550</u>	<u>4.0%</u>
<u>DRC 85-170</u>	<u>3.9%</u>
<u>All IDM zones</u>	<u>Not Applicable</u>
<u>All IDR and IDR/C zones</u>	<u>Not Applicable</u>
<u>PMM-85</u>	<u>Not Applicable</u>
<u>All PSM zones</u>	<u>Not Applicable</u>
<u>SM-SLU 85/65-160</u>	<u>Not Applicable</u>

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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OPCD MHA DTSLU Implementation ORD
~~D+d2~~

**Table A for 23.58C.050
Performance calculation amounts:
In Downtown, SM-SLU, and SM-U 85 zones**

Zone	Percentage set-aside per total number of units to be developed in each structure
<u>SM-SLU 85-280</u>	<u>3.9%</u>
<u>SM-SLU 100/95</u>	<u>2.9%</u>
<u>SM-SLU 100/65-145</u>	<u>3.0%</u>
<u>SM-SLU 145</u>	<u>3.0%</u>
<u>SM-SLU 175/85-280</u>	<u>3.9%</u>
<u>SM-SLU 240/125-440</u>	<u>3.9%</u>
<u>SM-SLU/R 65/95</u>	<u>5.0%</u>
SM-U 85	6.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

1

**Table B for 23.58C.050
Performance calculation amounts:
Outside Downtown, SM-SLU, and SM-U 85 zones**

Zone	Percentage set-aside per total number of units to be developed in each structure ¹		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Zones with an (M1) suffix	[RESERVED]	9.0%	[RESERVED]
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]

Footnotes to Table B for 23.58C.050

~~¹Area within the University Community Urban Center is medium.~~

2

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

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~~D14D2~~

* * *

Section 40. Subsection 23.76.006.B of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill ~~118854~~118893, is amended as follows:

23.76.006 Master Use Permits required

* * *

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments;
3. The following street use approvals:
 - a. Curb cut for access to parking whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;
 - c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
4. Lot boundary adjustments;

**ATTACHMENT A – SUBSTITUTE BILL
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~~D+D2~~

1 5. Modification of the following features bonused under Title 24:

- 2 a. Plazas;
- 3 b. Shopping plazas;
- 4 c. Arcades;
- 5 d. Shopping arcades; and
- 6 e. Voluntary building setbacks;

7 6. Determinations of Significance (determination that an Environmental Impact
8 Statement is required) for Master Use Permits and for building, demolition, grading, and other
9 construction permits (supplemental procedures for environmental review are established in
10 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
11 Significance based solely on historic and cultural preservation;

12 7. Discretionary exceptions for certain business signs authorized by subsection
13 23.55.042.D;

14 8. Waiver or modification of required right-of-way improvements;

15 9. Special accommodation pursuant to Section 23.44.015;

16 10. Reasonable accommodation;

17 11. Minor amendment to Major Phased Development Permit;

18 12. Determination of public benefit for combined lot development;

19 13. Streamlined design review decisions pursuant to Section 23.41.018 if no
20 development standard departures are requested pursuant to Section 23.41.012, and design review
21 decisions in an MPC zone if no development standard departures are requested pursuant to
22 Section 23.41.012;

**ATTACHMENT A – SUBSTITUTE BILL
PLUZ COMMITTEE 03/21/17**

Brennon Staley/Dennis Meier/Aly Pennucci/Ketil Freeman
OPCD MHA DTSLU Implementation ORD
~~D+D2~~

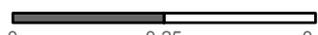
- 1 ~~Attachments~~Exhibits:
- 2 ~~Attachment~~Exhibit A – Areas being Rezoned MHA Implementation in Downtown and South
- 3 Lake Union

Exhibit A
Areas being Rezoned
MHA Implementation in
Downtown and South Lake Union
V2

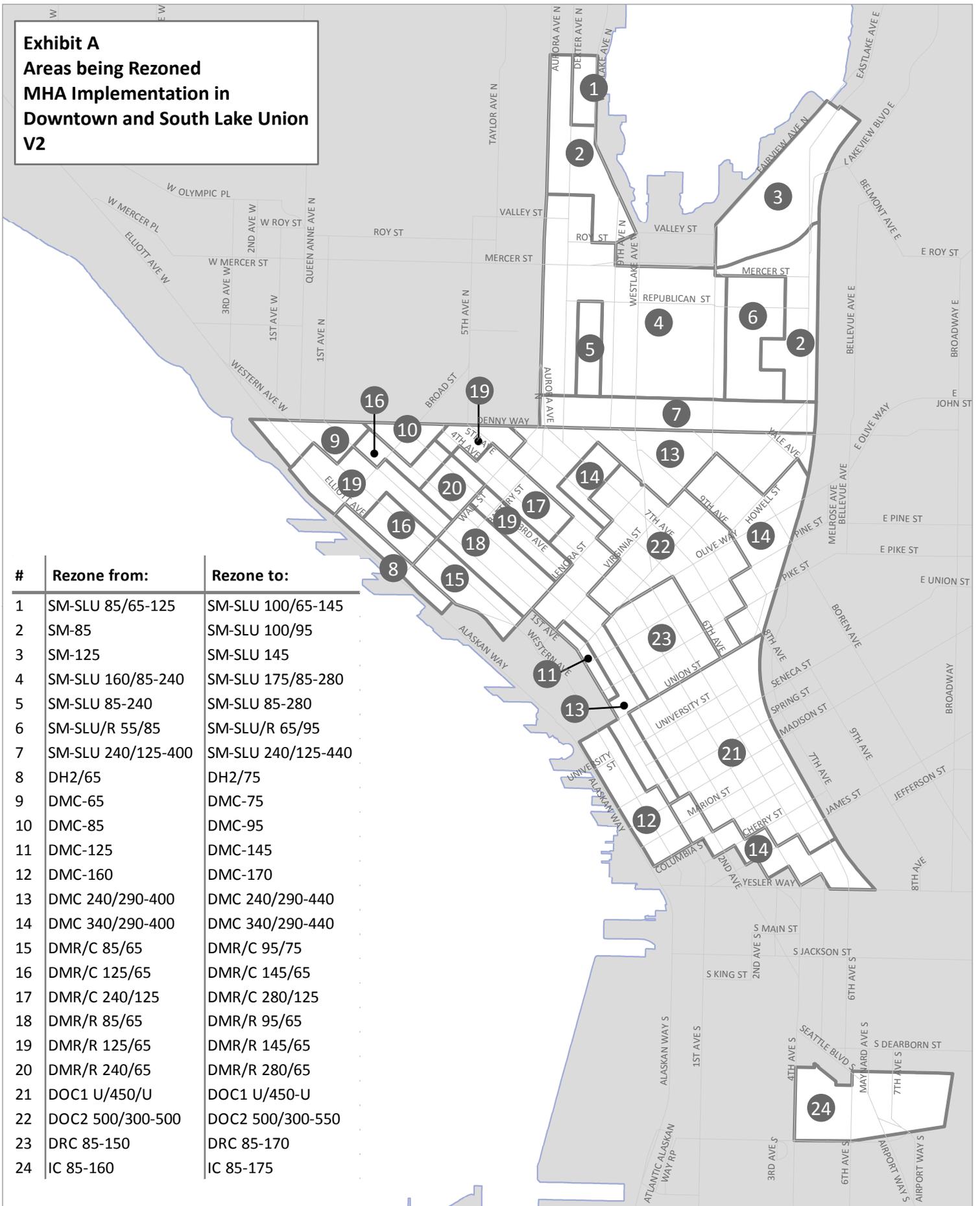
#	Rezone from:	Rezone to:
1	SM-SLU 85/65-125	SM-SLU 100/65-145
2	SM-85	SM-SLU 100/95
3	SM-125	SM-SLU 145
4	SM-SLU 160/85-240	SM-SLU 175/85-280
5	SM-SLU 85-240	SM-SLU 85-280
6	SM-SLU/R 55/85	SM-SLU/R 65/95
7	SM-SLU 240/125-400	SM-SLU 240/125-440
8	DH2/65	DH2/75
9	DMC-65	DMC-75
10	DMC-85	DMC-95
11	DMC-125	DMC-145
12	DMC-160	DMC-170
13	DMC 240/290-400	DMC 240/290-440
14	DMC 340/290-400	DMC 340/290-440
15	DMR/C 85/65	DMR/C 95/75
16	DMR/C 125/65	DMR/C 145/65
17	DMR/C 240/125	DMR/C 280/125
18	DMR/R 85/65	DMR/R 95/65
19	DMR/R 125/65	DMR/R 145/65
20	DMR/R 240/65	DMR/R 280/65
21	DOC1 U/450/U	DOC1 U/450-U
22	DOC2 500/300-500	DOC2 500/300-550
23	DRC 85-150	DRC 85-170
24	IC 85-160	IC 85-175

 Rezone Area



 Miles
 0 0.25 0.5

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 City of Seattle, City Council. 03/06/2017
 Data source: City of Seattle



**Amendment 1 to CB 118885: Recitals related to investing in affordable housing in DT/SLU
Sponsor: Councilmember Johnson**

Amendment adding three recitals emphasizing the City’s intention to make affordable housing investments in Downtown and South Lake Union Neighborhoods.

* * *

WHEREAS, the combined approach of higher commercial and lower residential payment and performance amounts address the unique characteristics and capture the type of growth that is occurring in Downtown and South Lake Union and these areas, while representing only 3% of the city’s land, are estimated to produce 2,100 new affordable housing units, which is about a third of the city-wide goal of 6,000 units; and

WHEREAS, projects in Downtown and South Lake Union will tend towards the payment option under the MHA-C and MHA-R programs due to higher development costs; and

WHEREAS, Ordinance 125233 and Ordinance 125108 established factors the City will consider for purposes of determining the location for use of cash contributions made pursuant to the MHA-C or MHA-R programs, including locating near developments that generate cash contributions; and

WHEREAS, the City will employ strategies to ensure that affordable housing investments are made in the Downtown and South Lake Union neighborhoods and will monitor how affordable housing investments are distributed throughout the City; and

WHEREAS, increased residential development in the Downtown and South Lake Union areas will assist in achieving local growth management and housing policies; and

* * *

Amendment 2 to CB 118885: Combined lot development decisions
Sponsor: Councilmember O'Brien

This amendment would amend:

- The title of Council Bill 118885 to include Section 23.76.004. *This would require the introduction of a new Council Bill.*
- Sections 23.76.004, 23.76.006 23.49.041 to: modify the type of decision for combined lot development (change from a Type I to a Type II decision); eliminate providing short term parking or improving the massing of the building as eligible public benefits; and require a detailed description of the public benefits associated with the combined lot approval.

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, [23.76.004](#), and 23.76.006 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.49.007, 23.49.039, and 23.50.041 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

23.49.041 Combined lot development

When authorized by the Director pursuant to this Section 23.49.041, lots located on the same block in DOC1, ~~((or))~~ DOC2 ~~((zones))~~, or ~~((in))~~ DMC 340/290-440 zones ~~((with a maximum FAR of 10))~~, or lots zoned DOC1 and DMC on the same block, may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one such lot under this Chapter 23.49 to be used on one or more other lots, according to the following provisions:

- A. Up to all of the capacity on one lot, referred to in this Section 23.49.041 as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this Section 23.49.041 as "bonus capacity"), may be used on one or

more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011 through 23.49.014, as modified in this Section 23.49.041. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this Section 23.49.041, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for purposes of determining remaining development capacity on the sending lot and TDR available to transfer under Section 23.49.014, but shall be treated as additional base FAR on the other lots, and to the extent so treated shall not qualify such lots for bonus development. If less than all of the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category of sending lot in Table A for 23.49.014, such unused base FAR may be transferred to the extent permitted for such category, but in each case only to satisfy in part the conditions to use of bonus capacity, not as additional base FAR.

C. To the extent permitted by the Director, the maximum chargeable floor area for any one or more lots in the combined lot development may be increased up to the combined maximum chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development. To the extent permitted by the Director, and subject to subsection

23.49.041.B, the base floor area for any one or more lots in the combined lot development may be increased up to the combined maximum base chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development.

D. The Director shall allow combined lot development only to the extent that the Director determines in a ~~((Type I))~~ Type II land use decision that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses are granted, the Director may also consider the ~~((following~~ ~~as))~~ public benefits listed in subsections 23.49.041.D.1 through 23.49.041.D.9 that could satisfy this condition when provided for as a result of the lot combination. ~~((§))~~ When issuing a decision on a Type II decision for combined lot development the Director shall include a written report with a detailed description of the public benefit(s) received, how the public benefit(s) serves the general public and that the public benefit(s) are not also used to meet required land use code requirements or other requirements in the Seattle Municipal Code for development.

1. ~~((preservation))~~ Preservation of a ~~((landmark))~~ Landmark structure located on the block or adjacent blocks;
2. ~~((uses))~~ Uses serving the downtown residential community, such as a grocery store, at appropriate locations;
3. ~~((public))~~ Public facilities serving the Downtown population, including schools, parks, community centers, human service facilities, and clinics;
4. ~~((transportation))~~ Transportation facilities promoting pedestrian circulation and transit use, including through-block pedestrian connections, transit stations, and bus layover facilities;

5. ~~((short-term))~~ ~~((Short-term parking on blocks within convenient walking distance of the retail core or other downtown business areas where the amount of available short-term parking is determined to be insufficient;~~

~~6.))~~ ~~((a))~~ A significant amount of affordable housing serving households with a range of income levels that exceed the requirements under Chapters 23.58B and 23.58C;

7. ~~((improved))~~ ~~((Improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative~~

~~to))~~ ~~((landmark))~~ ~~((Landmark structures, or improved conditions for adjacent public open spaces, designated green streets, or other special street environments;~~

~~8.))~~ ~~((public))~~ Public view protection within an area;

~~((9))~~ ~~9.~~ ~~((arts))~~ Arts and cultural facilities, including a museum or museum expansion space; or

~~((10))~~ ~~10.~~ ~~((green))~~ Green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808).

E. The fee owners of each of the combined lots shall execute an appropriate agreement or instrument, which shall include the legal descriptions of each lot and shall be recorded ~~((in))~~ with the King County ~~((real property records))~~ Recorder's Office. In the agreement or instrument, the owners shall acknowledge the extent to which development capacity on each sending lot is reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable floor area for which such capacity is used remains on such other lot or lots. The deed or instrument shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle.

F. Nothing in this Section 23.49.041 shall allow the development on any lot in a combined lot development to exceed or deviate from height limits or other development standards.

* * *

23.76.004 - Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK ¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24

*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	((Determination of public benefit for combined lot FAR))
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities

*	The following environmental determinations:
	1. Determination of non-significance (EIS not required)
	2. Determination of final EIS adequacy
	3. Determinations of significance based solely on historic and cultural preservation
	4. 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
*	Major Phased Developments
*	Downtown Planned Community Developments
*	<u>Determination of public benefit for combined lot development</u>
*	Other Type II decisions that are identified as such in the Land Use Code
TYPE III	
Hearing Examiner's Decision	
(No Administrative Appeal)	
*	Subdivisions (preliminary plats)
COUNCIL LAND USE DECISIONS	
TYPE IV	
(Quasi-Judicial)	
*	Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE V	
(Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities

*	Adoption of or amendments to Planned Action Ordinances
*	Other decisions listed in subsection 23.76.036.C
<p>Footnotes for Table A for 23.76.004:</p> <p>¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.</p> <p>² Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.</p> <p>³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.</p>	

* * *

23.76.006 Master Use Permits required

* * *

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments;
3. The following street use approvals:
 - a. Curb cut for access to parking whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

- c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
- 4. Lot boundary adjustments;
- 5. Modification of the following features bonused under Title 24:
 - a. Plazas;
 - b. Shopping plazas;
 - c. Arcades;
 - d. Shopping arcades; and
 - e. Voluntary building setbacks;
- 6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;
- 7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;
- 8. Waiver or modification of required right-of-way improvements;
- 9. Special accommodation pursuant to Section 23.44.015;
- 10. Reasonable accommodation;
- 11. Minor amendment to Major Phased Development Permit;
- 12. ~~((Determination of public benefit for combined lot development;~~
~~13.))~~ Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review

decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

~~((14))~~ 13. Shoreline special use approvals that are not part of a shoreline substantial development permit;

~~((15))~~ 14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

~~((16))~~ 15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

~~((17))~~ 16. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, ~~((and))~~ 23.58C.030.A.2.b, and 23.58C.030.A.2.c; and

~~((18))~~ 17. Other Type I decisions.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading, and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

- a. Determination of Non-significance (DNS), including mitigated DNS;
- b. Determination that a final Environmental Impact Statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances, provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions, provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and except for design review decisions in a MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions, provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

- 1) Shoreline substantial development permits;
- 2) Shoreline variances; and
- 3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Determination of requirements according to subsections 23.58B.025.A.4 and 23.58C.030.A.3; ~~((and))~~

n. Except for projects determined to be consistent with a planned action ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a. through 23.76.006.C.2.i; provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to

approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036(=); and

o. Determination of public benefit for combined lot development.

* * *

Amendment 3: Approved and vested projects - election to participate in MHA
Sponsor: Councilmember Johnson

This amendment would amend:

- The title of Council Bill 118885 to include Section 23.45.509. *This would require the introduction of a new Council Bill.*
- Chapters 23.58B and 23.58C adding new Sections to allow projects that have a Master Use Permit or are vested prior to the effective date of the DT/SLU rezone, to modify the project to (1) incorporate the additional capacity and (2) participate in the MHA program, without requiring additional review by the Design Review Board

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, and 23.76.006 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.49.007, 23.49.039, ~~and~~ 23.50.041, [23.58B.055](#), and [23.58C.055](#), to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

Section ##. A new Section 23.58B.055 is added to the Seattle Municipal Code as follows:

23.58B.055 Approved and vested projects - election to participate

An applicant who (1) has an unexpired Master Use Permit for a project issued prior to the effective date of the ordinance introduced as Council Bill 118885, or (2) has submitted an application for a Master Use Permit for a project that is under review by the Department, has completed the Design Review Board Recommendation phase pursuant to subsection 23.41.014.E, and is vested pursuant to Section 23.76.026 prior to the effective date of the ordinance introduced as Council Bill 118885, may elect to incorporate into the project some or all of the capacity added to the applicable zone through the ordinance introduced as Council Bill

118885 without additional review by the Design Review Board if the following conditions are met:

A. The project is located in a Downtown or SM-SLU zone to which capacity was added through the ordinance introduced as Council Bill 118885; and

B. The proposed changes to the project are limited to incorporating capacity added to the applicable zone through the ordinance introduced as Council Bill 118885; and

C. The Director determines, as a Type I decision, that incorporating the additional capacity into the project is done in a manner consistent with the design recommended for approval by the Design Review Board pursuant; and

D. Incorporating the additional capacity into the project does not require any new development standard departures pursuant to Section; and

E. The project will comply with the requirements of Chapter 23.58B.

Section ##. A new Section 23.58C.055 is added to the Seattle Municipal Code as follows:

23.58C.055 Approved and vested projects - election to participate

An applicant who (1) has an unexpired Master Use Permit for a project issued prior to the effective date of the ordinance introduced as Council Bill 118885, or (2) has submitted an application for a Master Use Permit for a project that is under review by the Department, has completed the Design Review Board Recommendation phase pursuant to subsection 23.41.014.E, and is vested pursuant to Section 23.76.026 prior to the effective date of the ordinance introduced as Council Bill 118885, may elect to incorporate into the project some or all of the capacity added to the applicable zone through the ordinance introduced as Council Bill 118885 without additional review by the Design Review Board if the following conditions are met:

A. The project is located in a Downtown or SM-SLU zone to which capacity was added through the ordinance introduced as Council Bill 118885; and

B. The proposed changes to the project are limited to incorporating capacity added to the applicable zone through the ordinance introduced as Council Bill 118885; and

C. The Director determines, as a Type I decision, that incorporating the additional capacity into the project is done in a manner consistent with the design recommended for approval by the Design Review Board; and

D. Incorporating the additional capacity into the project does not require any new development standard departures; and

E. The project will comply with the requirements of Chapter 23.58C.