

July 10, 2017

## MEMORANDUM

**To:** Human Services and Public Health Committee  
**From:** Ketil Freeman, Council Central Staff  
**Subject:** Downtown Office Core 2: Voluntary Tower Separations

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On July 12, the Human Services and Public Health (HSPH) Committee will have an initial briefing on a bill that would authorize the SDCI Director to grant some additional height or density for new tower development in the Downtown Office Core 2 (DOC2) zone to encourage voluntary setbacks from existing residential towers.

This memorandum (1) provides some legislative history, (2) describes what the bill would do, and (3) sets out next steps for HSPH consideration of the bill.

### Legislation History

In April, the Council passed [Ordinance 125291](#), which increased height and density in some neighborhoods in the Downtown and South Lake Union Urban Centers to implement the Mandatory Housing Affordability Program. Section 46 of that ordinance established the Council's intent to consider a bill authorizing the Director of the Seattle Department of Construction and Inspections (SDCI) to increase height or density limits for new development in DOC2 zones that "voluntarily provides a greater separation than would otherwise be required from existing residential towers on the same block."

The purpose of the prospective change to the Land Use Code is to increase separation from existing residential towers to improve penetration of light and air and reduce conflicts between uses in adjacent towers. Tower spacing is not required in the DOC2 zone. The proposed amendment was brought to the Council's attention by residents of the Escala, which is located at the southeast corner of Virginia Street and Fourth Avenue. Two new tower developments are proposed across the alley from the Escala.

Councilmember Bagshaw is sponsoring the legislation, and it will be referred to the HSPH Committee due to capacity constraints on the Planning Land Use and Zoning Committee agenda.

### What the Bill Would Do

The proposal is intended to provide a regulatory incentive for developers of new towers, which are proposed for blocks in the DOC2 zone where there is an existing residential tower, to provide a voluntary separation from the existing residential tower. The draft legislation is attached to this memorandum as Attachment A. Proposed separation distances in the bill would exceed separations that might otherwise be required to comply with Seattle Building Code fire separation standards.

- Where new residential towers are proposed adjacent to existing residential towers, authorize the SDCI Director to increase the maximum height of residential uses from 550 feet to 640 feet;
- Require residential towers using the additional height to have reduced floor plates resulting in skinnier towers;
- Where new commercial towers are proposed adjacent to existing residential towers, authorize the SDCI Director to increase the maximum commercial Floor Area Ratio (FAR) from 15 to 15.33;
- Above a height of 85 feet, require new residential or commercial towers to set back from existing residential towers by at least 15 feet, if a lot with an existing residential tower is across an alley from the new residential or commercial tower, or at least 30 feet if a lot with an existing residential tower abuts a lot with the new residential or commercial tower; and
- Establish that the decision by the SDCI director to grant additional height is a Type I decision, meaning that it is a non-discretionary decision by the SDCI Director that is not subject to appeal to the City Hearing Examiner.

The DOC2 zone and potential sites where additional height or density available through the proposal could be sought are shown in Figure 1, below. Sites shown in pink are potential redevelopment sites.

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**Next Steps**

The proposed bill will be introduced next Monday, July 17. The HSPH Committee will hold a required public hearing on the bill at its regularly scheduled meeting on July 25.

**Attachments:**

- A. Draft Bill

cc: Kirstan Arestad, Central Staff Director

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning amending Sections 23.49.008, 23.49.011, 23.76.004, and 23.76.006 of the Seattle Municipal Code; to allow voluntary setbacks and extra height in the Downtown Office Core 2 zone to increase separations between existing residential towers and new towers.

..body

WHEREAS, in April 2017, the City Council passed Ordinance 125291, which increased height and density in some neighborhoods in the Downtown and South Lake Union Urban Centers to implement Mandatory Housing Affordability requirements; and

WHEREAS, Section 46 of Ordinance 125291 established the Council's intent to consider a bill authorizing the Director of the Seattle Department of Construction and Inspections to increase height or density limits for new development in DOC2 zones that "voluntarily provides a greater separation than would otherwise be required from existing residential towers on the same block;" and

WHEREAS, increased separation from existing residential towers can increase penetration of light and air to residences and reduce conflicts between uses in adjacent towers; NOW

THEREFORE

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

Section 1. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

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**23.49.008 Structure height**

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

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F. In the DOC2 zone, as a Type I decision, the Director may increase the maximum height for residential uses to 640 feet provided that:

1. The development is located on a block with an existing tower that exceeds 160 feet in height and has at least 50% of gross floor area in residential use; and

2. The development abuts the lot with the existing tower or is immediately across an alley from the existing tower; and

3. The average residential gross floor area per story above a height of 85 feet is not more than 11,200 square feet; and

4. All portions of the development above a height of 85 feet are set back from the lot line closest to the lot with the existing tower by:

a. at least 15 feet, if the lot on which the development is located is separated from the lot with the existing tower by an alley; or

b. at least 30 feet, if the lot on which the development is located abuts the lot with the existing tower.

5. For the purposes of this subsection 23.49.008.F, any set back from the lot line closest to the lot with the existing tower are measured from the lot line after any dedication required by Section 23.53.030.

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6. For the purposes of this subsection 23.49.008.F, a tower is “existing” if it meets the requirements of 23.49.058.D.7.

Section 2. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 125291, 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.

| <b>Table A for 23.49.011<br/>Base and maximum floor area ratios (FARs)</b> |  |  |
|--|--|--|
| <b>Zone designation</b>  | <b>Base FAR</b>  | <b>Maximum FAR</b>   |
| Downtown Office Core 1 (DOC1)  | 6  | 21   |
| Downtown Office Core 2 (DOC2)  | 5  | 15   |
| Downtown Retail Core (DRC)   | 3  | 6  |
| Downtown Mixed Commercial (DMC)  | 4 in DMC 75<br>4.5 in DMC 95<br>5 in DMC 145,<br>DMC 170, DMC<br>240/290-440, and<br>DMC 340/290-440<br>3 in DMC 85/65-<br>150 | 5 in DMC 75<br>5.5 in DMC 95<br>6 in DMC 170, except 9<br>for hotels<br>8 in DMC 145 and DMC<br>240/290-440<br>11 in DMC 340/290-440<br>5 in DMC 85/65-150 |
| Downtown Mixed<br>Residential/Residential (DMR/R)                          | 1 in DMR/R 95/65<br>1 in DMR/R<br>145/65<br>1 in DMR/R<br>280/65   | 1.5 in DMR/R 95/65<br>2.5 in DMR/R 145/65<br>2.5 in DMR/R 280/65   |
| Downtown Mixed<br>Residential/Commercial (DMR/C)                           | 1 in DMR/C 95/75<br>1 in DMR/C<br>145/75<br>2 in DMR/C<br>280/125<br>2.5 in DMR/C<br>65/65-85<br>2.5 in DMR/C<br>65/65-150     | 4.5 in DMR/C 95/75<br>4.5 in DMR/C 145/75<br>5.5 in DMR/C 280/125<br>4 in DMR/C 65/65-85<br>4 in DMR/C 65/65-150   |

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|   |  |  |
|---|--|--|
| Pioneer Square Mixed (PSM)  | NA <sup>(1)</sup>  | NA <sup>(1)</sup>  |
| International District Mixed (IDM)  | 3, except<br>6 for hotels <sup>(2)</sup> , in<br>IDM 75-85 and<br>IDM 75/85-150<br>3 in IDM 150/85-<br>150 | 3, except<br>6 for hotels <sup>(2)</sup> , in IDM 75-<br>85 and IDM 75/85-150<br>6 in IDM 150/85-150 |
| International District Residential (IDR)  | 1  | 2 if 50 percent or more of<br>the total gross floor area<br>on the lot is in residential<br>use      |
| International District<br>Residential/Commercial (IDR/C)  | 3, except<br>6 for hotels <sup>(2)</sup>   | 3, except<br>6 for hotels <sup>(2)</sup>   |
| Downtown Harborfront 1 (DH1)  | NA   | NA   |
| Downtown Harborfront 2 (DH2)  | 2.5  | Development standards<br>regulate maximum FAR  |
| Pike Market Mixed (PMM)   | 7  | 7  |
| Footnotes to Table A for 23.49.011<br><sup>(1)</sup> NA = Not Applicable, except in subsection 23.49.180.E.<br><sup>(2)</sup> In the IDM 75-85 and IDM 75/85-150 zones, hotel use may be combined with up to 3 FAR<br>of other chargeable floor area, up to a total of 6 FAR. |  |  |

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.

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**Table B for 23.49.011**  
**First increment of FAR above the base FAR achieved acquisition of regional development credits**

| Zone                              | FAR  |
|-----------------------------------|------|
| All DOC1 zones                    | 1.0  |
| All DOC2 zones                    | 0.75 |
| DMC 340/290-440                   | 0.50 |
| DMC 145, DMC 170, DMC 240/290-440 | 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 23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be zero.

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

d. Except as otherwise provided in this subsection 23.49.011.A.2.d or subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than



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1 five percent of all floor area above the base FAR to be gained on any lot, excluding any floor  
2 area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall be  
3 gained through the transfer of Landmark TDR, to the extent that Landmark TDR are available.  
4 Landmark TDR shall be considered "available" only to the extent that, at the time of the Master  
5 Use Permit application to gain the additional floor area, The City of Seattle is offering Landmark  
6 TDR for sale, at a price per square foot no greater than the total bonus contribution under Section  
7 23.49.012 for a project using the cash option for both housing and child care facilities. An  
8 applicant may satisfy the minimum Landmark TDR requirement in this Section 23.49.011 by  
9 purchases from private parties, by transfer from an eligible sending lot owned by the applicant,  
10 by purchase from the City, or by any combination of the foregoing. This subsection  
11 23.49.011.A.2.d does not apply to any lot in a DMR zone.

12 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,  
13 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  
14 DMR zone, the total amount of chargeable floor area gained through bonuses under Section  
15 23.49.012, together with any housing TDR and Landmark housing TDR used for the same  
16 project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to  
17 be permitted on the lot exceeds the sum of:

18 1) The base FAR, as determined under this Section 23.49.011 and  
19 Section 23.49.032 if applicable, plus

20 2) Any chargeable floor area gained on the lot pursuant to  
21 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  
22 23.49.011.A.2.k. Except in South Downtown, at least half of the remaining 25 percent shall be  
23 gained by using TDR from a sending lot with a major performing arts facility, to the extent

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1 available, and the balance of the 25 percent shall be gained through bonuses under Section  
2 23.49.013 or through TDR other than housing TDR, or both, consistent with this Chapter 23.49.  
3 TDR from a sending lot with a major performing arts facility shall be considered "available" only  
4 to the extent that, at the time of the Master Use Permit application to gain the additional floor  
5 area, The City of Seattle is offering such TDR for sale, at a price per square foot not exceeding  
6 the prevailing market price for TDR other than housing TDR, as determined by the Director.

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

9 1) Use any types of TDR eligible under this Chapter 23.49 in any  
10 proportions; or

11 2) Use bonuses under Section 23.49.012 or 23.49.013, or both,  
12 subject to the limits for particular types of bonus under Section 23.49.013; or

13 3) Combine such TDR and bonuses in any proportions.

14 g. On any lot in a DMC 145 or DMC 240/290-440 zone, in addition to the  
15 provisions of subsection 23.49.011.A.2.e, an applicant may gain chargeable floor area above the  
16 first increment of FAR above the base FAR through use of DMC housing TDR, or any  
17 combination of DMC housing TDR with floor area gained through other TDR and bonuses as  
18 prescribed in subsection 23.49.011.A.2.e.

19 h. If the amount of bonus development sought in any permit application  
20 does not exceed 5,000 square feet of chargeable floor area, the Director may permit such floor  
21 area to be achieved solely through the bonus for housing and child care.

22 i. No chargeable floor area above the base FAR shall be granted to any  
23 proposed development that would result in significant alteration to any designated feature of a

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1 Landmark structure, unless a certificate of approval for the alteration is granted by the  
2 Landmarks Preservation Board.

3 j. On a lot entirely in a DOC1 zone, additional chargeable floor area equal  
4 to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed  
5 in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that subsection  
6 23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the  
7 following conditions:

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

13 2) A notice shall be recorded with the King County Recorder's  
14 Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof  
15 under the terms of this Chapter 23.49. For purposes of this Section 23.49.011, a "qualifying  
16 Landmark" is a structure that:

17 a) Has a gross floor area above grade of at least 5,000  
18 square feet;

19 b) Is separate from the principal structure or structures  
20 existing or to be developed on the lot, except that it may abut and connect with one such  
21 structure along one exterior wall;

22 c) Is subject, in whole or in part, to a designating ordinance  
23 pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

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1 d) Is on a lot on which no improvement, object, feature, or  
2 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any  
3 designating ordinance. A qualifying Landmark for which a bonus is allowed under this  
4 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be  
5 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable  
6 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying  
7 Landmark for which such bonus was granted shall remain designated as a Landmark under  
8 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying  
9 Landmark in good condition and repair and in a manner that preserves the features and  
10 characteristics that are subject to designation or controls by ordinance, and that maintains  
11 compliance with all applicable requirements of federal, state and local laws, ordinances,  
12 regulations, and restrictions.

13 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity  
14 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted  
15 above the increment achieved through a commitment as prescribed in subsection  
16 23.49.011.A.2.a, or above the base FAR after expiration of that subsection 23.49.011.A.2.a, on a  
17 lot that includes one or more qualifying small structures, subject to the conditions in this  
18 subsection 23.49.011.A.2.k.

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

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

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

c) The structure was not constructed or substantially structurally modified since July 13, 1982; and

d) The structure is not occupied by parking above the ground floor.

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

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

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

l. Additional floor area in the PSM 85-120 zone is subject to subsection 23.49.180.E.

m. In IDM, DMR, and DMC zones within South Downtown, chargeable floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses

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pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the conditions of this subsection 23.49.011.A.2.m also are satisfied:

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

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

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

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

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

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

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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 structure was built before 1930;
- 5 2) The structure contains performing arts theater space that has  
6 combined seating capacity in one or more venues for at least 800; and
- 7 3) The structure is subject to an ordinance granting incentives for  
8 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 performing arts theater use established under approved  
13 permits, including combined seating capacity in one or more venues for at least 800, shall be  
14 ensured by binding covenants between the property owner and the City for at least 40 years from  
15 the first use of any of the additional base FAR, either on the site or through the first transfer of  
16 any TDR to another site; and
- 17 2) 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

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

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

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

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

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

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

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

22 4. In the DOC2 zone, as a Type I decision, the Director may increase the  
23 maximum FAR by an additional .33 FAR provided that:



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1                   a. The development is located on a block with an existing tower that  
2 exceeds 160 feet in height and has at least 50% of gross floor area in residential use; and

3                   b. The development abuts the lot with the existing tower or is immediately  
4 across an alley from the existing tower; and

5                   c. All portions of the development above a height of 85 feet are set back  
6 from the lot line closest to the lot with the existing tower by:

7                               (1) at least 15 feet, if the lot on which the development is located  
8 is separated from the lot with the existing tower by an alley; or

9                               (2) at least 30 feet, if the lot on which the development is located  
10 abuts the lot with the existing tower.

11                   d. For the purposes of this subsection 23.49.008.F, any set back from the  
12 lot line closest to the lot with the existing tower are measured from the lot line after any  
13 dedication required by Section 23.53.030

14                   e. For the purposes of this subsection 23.49.011.A.4, a tower is “existing”  
15 if it meets the requirements of 23.49.058.D.7.

16                   ((4)) 5. The Master Use Permit application to establish any bonus development  
17 under this subsection 23.49.011.A.4 shall include a calculation of the amount of bonus  
18 development sought and shall identify the manner in which the conditions to such bonus  
19 development shall be satisfied. The Director shall, at the time of issuance of any Master Use  
20 Permit decision approving any such bonus development, issue a Type I decision as to the amount  
21 of bonus development to be allowed and the conditions to such bonus development, which  
22 decision may include alternative means to achieve bonus development, at the applicant's option,

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if each alternative would be consistent with this Section 23.49.011 and any other conditions of the permit, including Design Review if applicable.

\* \* \*

Section 3. Table A for Section 23.76.004 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill           , is amended as follows:

#### **23.76.004 - Land Use Decision Framework**

\* \* \*

| <b>Table A for 23.76.004</b><br><b>LAND USE DECISION FRAMEWORK<sup>1</sup></b>  |  |
|---|--|
| <b>Director's and Hearing Examiner's Decisions Requiring Master Use Permits</b><br><b>TYPE I</b><br><b>Director's Decision</b><br>(Administrative review through land use interpretation as allowed by Section 23.88.020 <sup>2</sup> ) |  |
| *   | 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   |

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**Table A for 23.76.004  
 LAND USE DECISION FRAMEWORK<sup>1</sup>**

|  |  |
|--|--|
| *  | Minor amendment to a Major Phased Development permit   |
| *  | 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  |
| *<br>—   | <u>Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.F</u>   |
| *<br>—   | <u>Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.4</u>   |
| *  | Other Type I decisions that are identified as such in the Land Use Code  |
| <b>TYPE II</b><br><b>Director's Decision</b><br>(Appealable to Hearing Examiner or Shorelines Hearing Board <sup>3</sup> ) |  |
| *  | 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 <sup>3</sup>   |
| *  | 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  |

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**Table A for 23.76.004**  
**LAND USE DECISION FRAMEWORK<sup>1</sup>**

|   |  |
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| *   | The following environmental determinations:<br>1. Determination of non-significance (EIS not required)<br>2. Determination of final EIS adequacy<br>3. Determinations of significance based solely on historic and cultural preservation<br>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  |
| *   | Determination of public benefit for combined lot development   |
| *   | Other Type II decisions that are identified as such in the Land Use Code   |
| <b>TYPE III</b><br><b>Hearing Examiner's Decision</b><br>(No Administrative Appeal) |  |
| *   | Subdivisions (preliminary plats)   |
| <b>COUNCIL LAND USE DECISIONS</b><br><b>TYPE IV</b><br>(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   |
| <b>TYPE V</b><br>(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  |

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**Table A for 23.76.004  
LAND USE DECISION FRAMEWORK<sup>1</sup>**

|   |  |
|---|--|
| * | Adoption of or amendments to Planned Action Ordinances |
| * | Other decisions listed in subsection 23.76.036.C       |

Footnotes for Table A for 23.76.004:

<sup>1</sup> 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.

<sup>2</sup> Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

<sup>3</sup> 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.

Section 4. Subsection 23.76.006.B of the Seattle Municipal Code, which section was last amended by Ordinance 125291, 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:

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- 1                           a. Curb cut for access to parking whether associated with a development
- 2 proposal or not;
- 3                           b. Concept approval of street improvements associated with a
- 4 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
- 5 street drainage, sidewalks, and paving;
- 6                           c. Structural building overhangs associated with a development proposal;
- 7                           d. Areaways associated with a development proposal;
- 8                   4. Lot boundary adjustments;
- 9                   5. Modification of the following features bonused under Title 24:
- 10                           a. Plazas;
- 11                           b. Shopping plazas;
- 12                           c. Arcades;
- 13                           d. Shopping arcades; and
- 14                           e. Voluntary building setbacks;
- 15                   6. Determinations of Significance (determination that an Environmental Impact
- 16 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 17 construction permits (supplemental procedures for environmental review are established in
- 18 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 19 Significance based solely on historic and cultural preservation;
- 20                   7. Discretionary exceptions for certain business signs authorized by subsection
- 21 23.55.042.D;
- 22                   8. Waiver or modification of required right-of-way improvements;
- 23                   9. Special accommodation pursuant to Section 23.44.015;

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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. Shoreline special use approvals that are not part of a shoreline substantial development permit;

15. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

16. 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. 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, 23.58C.030.A.2.b, and 23.58C.030.A.2.c; ~~((and))~~

18. Decision to increase the maximum height of a structure in the DOC2 zone according to subsection 23.49.008.F,

19. Decision to increase the maximum FAR of a structure in the DOC2 zone according to subsection 23.49.011.A.4, and

~~((18))~~ 20. Other Type I decisions.

\* \* \*

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



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