

September 1, 2017

MEMORANDUM

To: Planning, Land Use and Zoning Committee
From: Ketil Freeman and Lish Whitson, Council Central Staff
Subject: Uptown Rezone: Draft Amendments and Resolution

On Friday, September 8, the PLUZ Committee will begin discussing amendments to the Mayor’s proposed rezone of the Uptown Urban Center. At this briefing the Committee will discuss amendments proposed to date. A public hearing on the Council Bill and potential amendments is scheduled for 5:30 on September 11 at the SIFF Cinema Uptown. The Committee could vote as early as September 19.

This memo includes draft amendatory language for Committee consideration. These amendments have been identified through discussion with members of the community or as best practices identified during earlier zoning efforts. Councilmembers may identify additional potential amendments prior to September 19.

Attached to the memo is also a draft resolution for Councilmember consideration. This resolution seeks to capture the work the City and Uptown community have done to create a common vision for the neighborhood. The resolution also recognizes ongoing and planned work to support the growth of the neighborhood and Seattle Center. The intent is to introduce this resolution in time for a Committee vote on September 19.

POTENTIAL AMENDMENTS

Councilmembers have identified a number of potential amendments, which are listed in Attachment A. Specific language for those amendments and discussion of the effects of the amendments is included with each attachment.

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cc: Kirstan Arestad, Central Staff Director

**Attachment 1:
Potential Amendments to Uptown Rezone Bill**

Topic	Issue	Options	Discussion	
1. Heights	A. Heart of Uptown (the area surrounding Queen Anne Avenue N between Harrison and Roy streets)	Increase heights to 85' in the "Heart of Uptown" (5.25 FAR)	The Mayor proposed rezoning the "Heart of Uptown" from 40' to 65'. Councilmember Johnson has proposed considering an increase to 85' – an increase of two stories and 0.75 FAR. For a discussion of the pros and cons of the two heights, please see pages 24 and 25 of the Director's Report accompanying the rezone legislation.	
		Accept the Mayor's recommendation.		
	B. Mercer/Roy corridor	Increase heights to 125'		The Mayor proposed rezoning the Mercer/Roy corridor from 40' to 85'. Councilmember Johnson has proposed considering an increase to 125' – an increase of four stories and 1.75 FAR. This additional height could leverage City-owned property in an area where Queen Anne hill rises swiftly to the north.
		Accept the Mayor's recommendation.		
	C. Design review departures	Remove ability to depart from height requirements		Currently there is a departure that allows projects up to 3 feet of additional height if the top floor of the structure is set back at least six feet from the abutting streets. Councilmembers should consider whether this departure continues to make sense given the height increases and upper-level setbacks proposed for Uptown.
		Accept the Mayor's recommendation.		
2. Floor Area Ratio (FAR) and Height Incentives	A. FAR Incentive for Arts Space and Landmark Preservation	Increase the FAR incentive from .5 to 1	The Mayor's proposal establishes a .5 FAR incentive for provision of arts and cultural facilities or preservation of landmark structures. Councilmember Johnson has proposed increasing the incentive from .5 to 1 FAR.	
		Accept the Mayor's recommendation.		
	B. FAR Incentive for Public schools	Provide additional FAR to encourage co-development of sites with the Seattle School District		The Mayor's proposal maintains an FAR incentive for school development, which provides that floor area developed with school space is exempt from chargeable FAR on a site. Councilmember Johnson has proposed adding an FAR incentive, as well, to encourage co-development of sites with the Seattle School District. This would be similar to existing regulations applicable to development in South Lake Union that provide a height bonus to encourage co-development.
		Accept the Mayor's recommendation.		

**Attachment 1:
Potential Amendments to Uptown Rezone Bill**

Topic	Issue	Options	Discussion
	C. Incentives for Family-sized Units	Provide a height or FAR incentive for development that meets family-friendly design standards.	This year the Council amended bills rezoning the University District and Downtown to include incentives for the provision of family-sized units and amenity areas for families. Councilmember Johnson has proposed expanding those incentives to Uptown
		Accept the Mayor's recommendation.	
	D. Incentives for Mandatory Housing Affordability (MHA) compliance through performance.	Provide a height or FAR incentive to development that complies with MHA through performance.	The bill would implement the Mandatory Housing Affordability (MHA) program throughout the Uptown Urban Center. New development would be required to provide affordable units on site (performance) or make a payment in-lieu of providing units. Some Uptown residents have expressed preference for MHA performance. Councilmembers may propose height or density incentives to encourage performance, including, potentially, performance with a deeper level of affordability.
		Accept the Mayor's recommendation.	
3. Physical Development Standards	A. Upper Level Setbacks	Modify proposed upper-level setback standards.	The Mayor's proposal would establish an average upper-level setback of 10' for portions of structure above 45' or 65' in height along Roy Street, Queen Anne Avenue, 1 st Avenue, and 5 th Avenue. Councilmember Johnson may propose amendments reducing the required setback from 10' to 5', or an average of 5'.
		Accept the Mayor's recommendation.	
4. Transportation and Parking	A. Transportation Management Programs (TMP)	Add a requirement for a TMP to reduce transportation impacts. A TMP requires a property owner to provide alternatives to reduce the number of SOV trips to and from the	According to the Downtown Seattle Association's 2014 and 2016 Mode Split studies, Uptown has the highest share of single-occupant vehicle (SOV) work trips of any center-city neighborhood. The FEIS for the Uptown rezone indicated that the number of SOV trips in the Uptown Urban Center will almost double between 2015 and 2035. The City has used TMPs as a way to manage and limit SOV trips in other urban centers, including Downtown Seattle, South Lake Union,

**Attachment 1:
Potential Amendments to Uptown Rezone Bill**

Topic	Issue	Options	Discussion
		Accept the Mayor’s recommendation.	Northgate and the University District. The University TMP requirements are triggered by either expected SOV rates or overnight on-street parking rates. Councilmember Johnson has proposed using the University District requirements as a model for Uptown.
	B. Off-street parking maximums	Add an off-street parking maximum for some or all non-residential uses	The abutting urban centers, Downtown and South Lake Union, each have parking maximums of one space per 1,000 square feet for non-residential uses. No maximum is proposed for Uptown. With increases in density for non-residential buildings in Uptown, this may encourage the development of more auto-oriented office buildings in Uptown, resulting in increased SOV use compared to the adjacent urban centers. Councilmember Johnson has proposed considering parking maximums for non-residential development in Uptown.
		Accept the Mayor’s recommendation.	

Attachment B:
Amendment 1A: Rezone the Heart of Uptown

This amendment would rezone property north of Republican Street to SM-85 (M1), rather than the proposed SM-65 (M1). The 85 foot zone would allow two more stories of development, and 0.75 additional FAR.

Under the Mayor's proposal, the Heart of Uptown – the area generally bounded by N/W Republican Street, 2nd Avenue W, 1st Avenue N and N/W Roy Street would be surrounded by 85 foot zones to the south and east. To the west would be a Midrise zone with a Mandatory Housing Affordability suffix, which would allow buildings up to 80 feet.

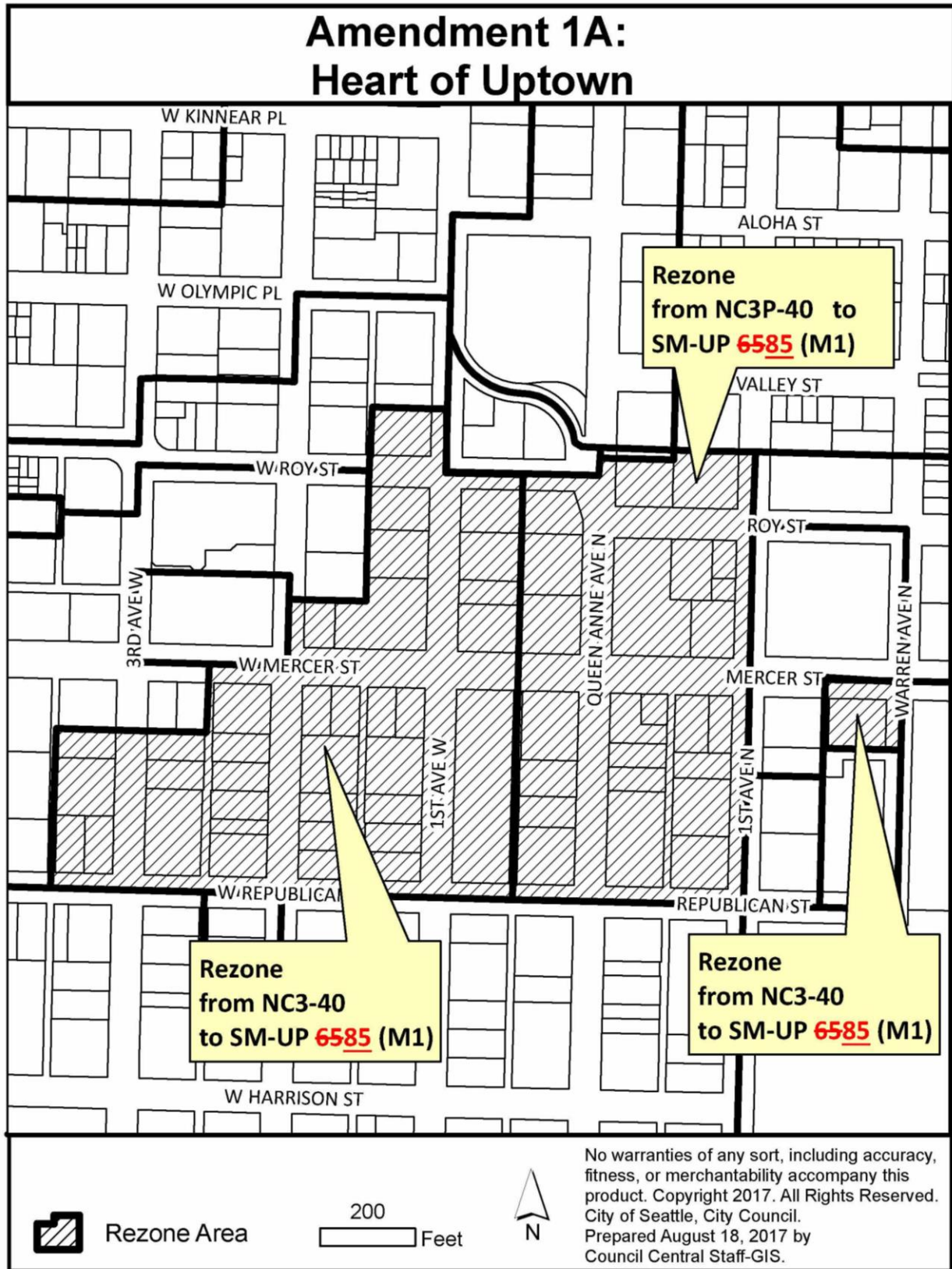
The Executive's proposal is intended to maintain the existing pattern of lower height limits at the base of Queen Anne Hill. It is intended to encourage the development of mixed-use structures with pedestrian-oriented uses at street level. New buildings in this area would be visible from key viewpoints.

Increasing the height to 85 feet would apply a more consistent height across Uptown. It would allow more development near the light rail station, which is planned to serve this area. It could increase the number of housing units built on any particular site, resulting in higher contributions toward affordable housing and more people living near businesses and transit.

The proposed amendment would provide a transition along Queen Anne Avenue N to the north by not rezoning the northwest corner of W Roy Street and Queen Anne Avenue N.

**Attachment B:
Amendment 1A: Rezone the Heart of Uptown**

Amendment to Attachment 1: Uptown Rezone Map



**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

This amendment would rezone property between Roy and Mercer streets and 1st Avenue North and 5th Avenue North, and the block between Republican and Mercer streets and 4th Avenue North and 5th Avenue North from NC3-40 to SM-UP 125. The Executive has proposed 85 feet for these blocks.

This rezone would allow the City to leverage redevelopment sites for affordable housing. This area is at the bottom of a somewhat steep hill, and impacts to views are less than they would be in some other parts of Uptown.

The amendment creates a new SM-UP 125 district with a base FAR of 5 and a maximum FAR of 7. Standards would be the same as the standards for projects in the SM-UP 160 zone that do not exceed 125 feet in height.

The Executive has proposed ten foot setbacks along Roy Street above 65 feet, this amendment would also apply those setback requirements on the north-south streets in this area in order to allow for larger view corridors down these streets.

This amendment would amend Sections 23.48.720, .722, .723, .724, .735, .740, .785 and Attachment A to the legislation.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal

Code as follows:

Subchapter VI Uptown

* * *

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-UP zones are as shown in Table A for 23.48.720.

**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

Table A for 23.48.720 FAR limits for specified zones in the Uptown Urban Center			
Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for non-residential uses
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
<u>SM-UP 125</u>	<u>5</u>	<u>7¹</u>	<u>7</u>
SM-UP 160	5	7 ¹	2 ²

Footnotes to Table A for 23.48.720
¹ All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.
² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.

* * *

23.48.722 Floor area in the SM-UP 125 and 160 zones

A. Means to achieve extra floor area above the base FAR

1. General. The proposed development project shall:

a. Achieve 65 percent of the extra floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014 or bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024; and

b. Achieve 35 percent of the extra floor area through the use of one or more of the following options:

Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor

1) Acquiring open space, Landmark, or vulnerable masonry structure TDR or TDP according to Sections 23.48.723 and 23.58A.042; or

2) Providing open space amenities according to Sections 23.48.724 and 23.58A.040.

2. Extra floor area in mixed-use projects. In a project that exceeds the base FAR, or exceeds the increment of additional chargeable floor area allowed above the base FAR under subsection 23.48.720.B, and that includes both residential and non-residential uses, the amount of extra residential floor area and extra non-residential floor area to be obtained is calculated as follows:

a. Relative to the total chargeable gross floor area of all uses in the project, determine the percentage that is in residential use and the percentage that is in non-residential use.

b. Determine the total amount of extra floor area in the project above the base FAR, or above the increment of additional chargeable floor area allowed above the base FAR under subsection 23.48.720.B, and, using the percentages derived in subsection 23.48.722.A.1, divide this total amount to determine the share of extra floor area that is to be obtained as extra residential floor area and the share that is to be obtained as extra non-residential floor area according to the applicable provisions of the zone.

B. Minimum requirements. Development containing any extra floor area above 95 feet in height in the SM-UP 125 and 160 zones shall meet the minimum requirements for extra floor area in subsection 23.48.021.D.

**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

23.48.723 Transfer of development rights (TDR) and transfer of development potential (TDP) in the SM-UP 125 and 160 zones

A. General standards

1. The transfer of development rights (TDR) may be used to gain extra non-residential floor area on a receiving site, and the transfer of development potential (TDP) may be used to gain extra residential floor area in a project on a receiving site.

2. The following types of TDR and TDP may be transferred within the Uptown Urban Center, subject to the limits and conditions of this Chapter 23.48 and the standards for the use of TDR and TDP in Section 23.58A.042:

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and
- c. Vulnerable masonry structure TDR and TDP.

B. Sending sites. Only sites within the Uptown Urban Center in the MR, LR3, or SM-UP zones are eligible sending sites. These sites must meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A, and must comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

C. Receiving sites. Only sites in the SM-UP 125 and 160 zones are eligible receiving sites.

D. Except as provided in subsection 23.47A.009.E.2.b, the maximum amount of floor area transferred by TDR and TDP from an eligible sending site may not exceed the maximum FAR of the zone in which the sending site is located, minus the sum of any chargeable floor area on the lot and any TDR and TDP previously transferred from the sending site.

**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

23.48.724 Extra floor area for open space amenities in SM-UP 125 and 160 zones

A. In the SM-UP 125 and 160 zones, extra floor area may be gained above the base FAR specified for the zone in Section 23.48.720 in projects that provide open space amenities in accordance with Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this Section 23.48.724.

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

1. Green street improvements on designated Neighborhood Green Streets shown on Map A for 23.48.740;
2. Green street setbacks on lots abutting a designated Neighborhood Green Street shown on Map A for 23.48.740; and
3. Mid-block corridor.

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

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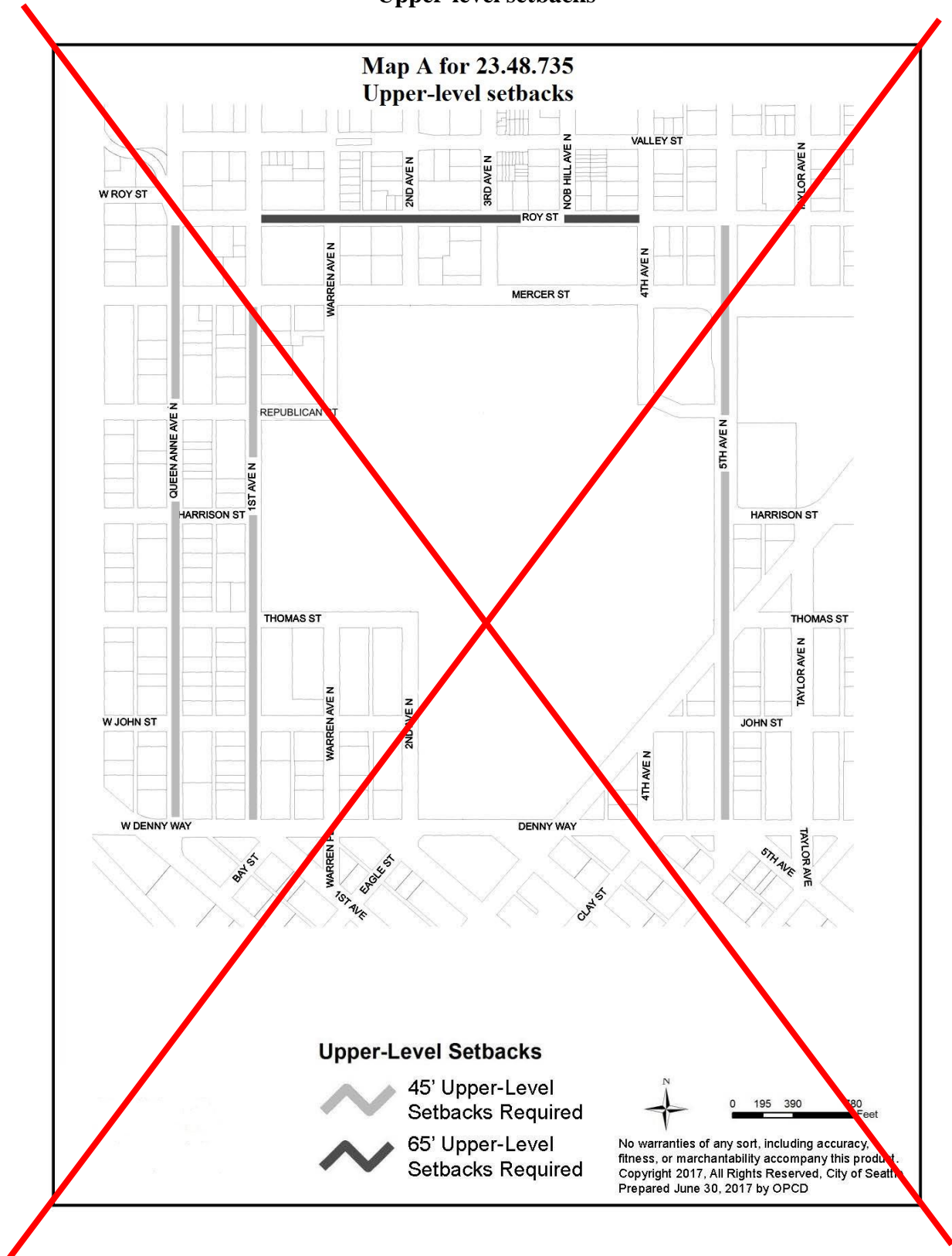
23.48.735 Upper-level setback requirements in SM-UP zones

A. In all SM-UP zones, any portion of a structure greater than 45 feet in height or 65 feet in height must be set back from a lot line that abuts a designated street shown on Map A for 23.48.735. A setback of an average of 10 feet from the front lot line is required for any portion of a structure exceeding the maximum height that is permitted without a setback.

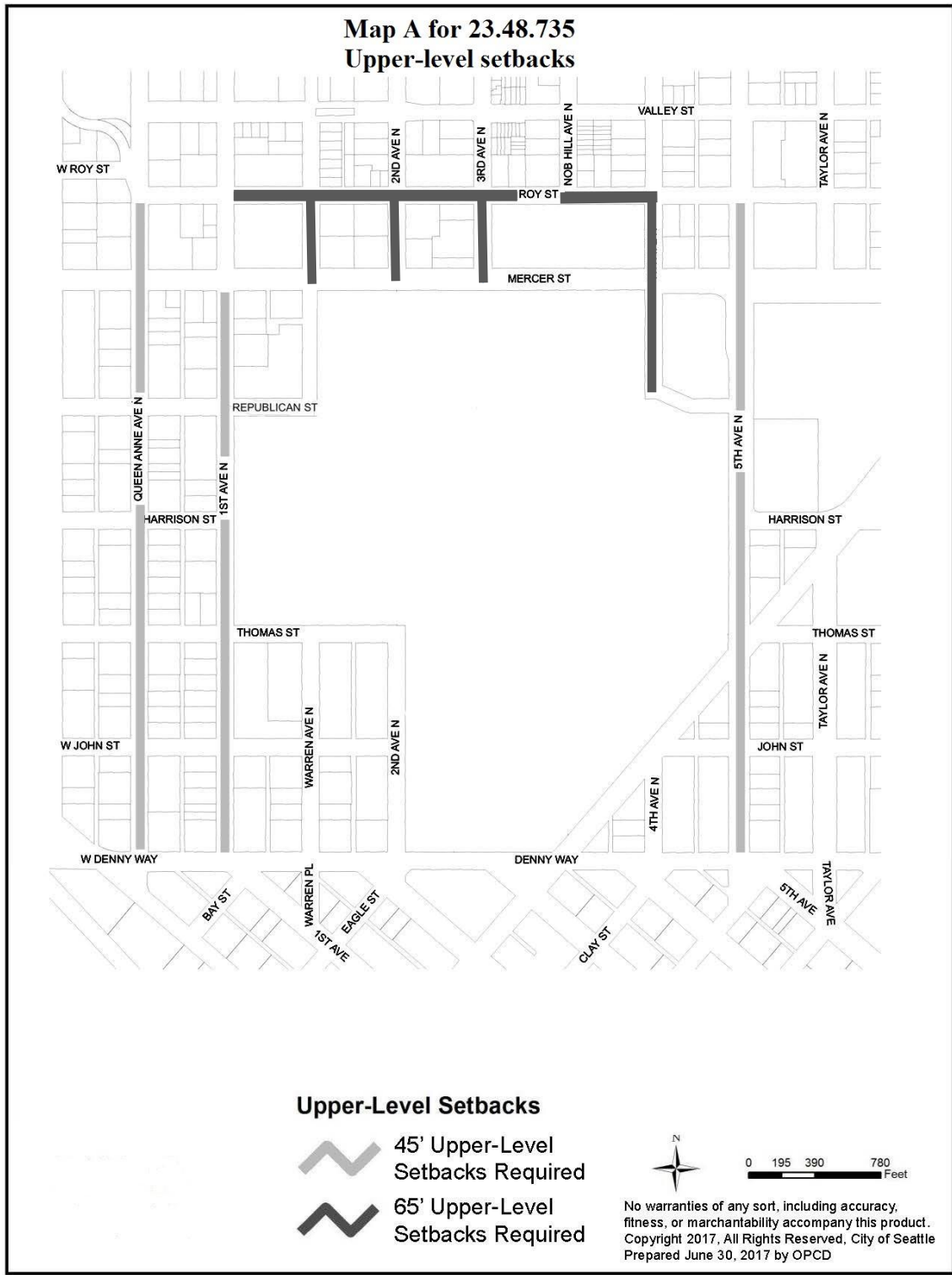
**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

Map A for 23.48.735

Upper-level setbacks



**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**



**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

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23.48.740 Street-level development standards in SM-UP zones

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

In addition, the following requirements apply:

* * *

B. Required usable open space in the SM-UP 65, SM-UP 85, SM-UP 125, and SM-UP 160 zones

1. In the SM-UP 65, SM-UP 85, SM-UP 125, and SM-UP 160 zones, on lots exceeding 30,000 square feet in area, proposed development shall provide usable open space as follows:

a. The minimum amount of required usable open space shall be equal to 15 percent of the lot area and shall generally be accessible at street level, with variations in elevation allowed to accommodate changes in topography;

b. The average horizontal dimension for any area qualifying as required usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is provided according to subsection 23.48.740.B.1.c;

c. A minimum of 45 percent of the required usable open space shall be exterior space open to the sky and shall abut a street along at least one street frontage and provide both visual and physical access from the street lot line to pedestrians, including persons with disabilities;

Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor

d. Up to a maximum of 20 percent of the required usable open space may be covered, if the open space abuts a street lot line and is open and accessible to pedestrians along the sidewalk;

e. Up to a maximum of 35 percent of the required usable open space may be provided as enclosed space, such as atrium, a shopping atrium, wintergarden, or covered portion of a through-block pedestrian connection, if the enclosed open space meets all of the following requirements:

1) Direct access is provided to pedestrians, including persons with disabilities, from the street, or from an outdoor, usable open space abutting the street;

2) The space is provided as one continuous area that is a minimum of 2,000 square feet in size. Space, such as lobby area, that is used solely to provide access between the structure's principal street entrance and elevators, does not qualify as required usable open space;

3) The minimum floor-to-ceiling height is 15 feet;

4) The space is accessible to the public during normal business hours; and

f. Up to a maximum of ten percent of the required usable open space may be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or accommodates landscaping or extensions of right-of-way green factor treatment. Minor changes between the sidewalk elevation and the elevation of the abutting sidewalk area are permitted to accommodate changes in topography, or to provide for features such as ramps that improve access for persons with disabilities.

Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor

2. Usable open space provided under this subsection 23.48.740.B is eligible to qualify as either amenity area for residential uses under Section 23.48.045 or open space required for office use under Section 23.48.750, or both, provided the applicable standards of Sections 23.48.045 and 23.48.750 are met.

C. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.740.C.2 is required in the SM-UP 65, SM-UP 85, SM-UP 125, and SM-UP 160 zones for development described as follows:

a. The development is located on a lot having a minimum lot area of 40,000 square feet; and

b. The lot abuts the two north/south avenues for a minimum linear distance of 120 feet along each avenue.

2. The required through-block pedestrian connection shall meet the following development standards:

a. A continuous pedestrian passageway shall extend across the lot to connect either two streets or avenues whichever the development abuts. If the development site abuts two avenues and two streets, the passageway shall connect the rights of way that have the greater length. The alignment of the passageway and the point at which it intersects each avenue shall be no closer than 100 feet to a street intersection, and the connection of the passageway to abutting sidewalks shall be accessible at the grade level of the sidewalk.

b. The required pedestrian connection shall have an average width of 25 feet and a minimum width of 15 feet. Any segment of the pedestrian passage that is covered by an overhead covering from side to side shall have a minimum width of 20 feet.

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Amendment 1B: Rezone the Mercer/Roy Corridor

c. The pedestrian passageway shall be open to the sky, except that up to 35 percent of the length of the passageway may be covered and enclosed, provided the minimum height of covered portions is 13 feet. Unenclosed area of the passageway may be counted as required open space; and

d. If the passageway crosses an alley, the alley right-of-way shall be improved to ensure pedestrian safety and to reinforce the relationship between portions of the passageway on either side of the alley.

3. The Director may allow modifications or waiver from the standards for through-block pedestrian connections as a Type I decision, if the Director determines that alternative designs will better serve the development by enhancing pedestrian comfort and promoting greater use of the connection.

* * *

23.48.785 Parking location, access, and curb cuts

A. Parking above the street level of a structure. The following provisions of this Section 23.48.785 apply to development in the SM-UP 65, SM-UP 85, SM-UP 95, SM-UP 125, and SM-UP 160 zones. Except as provided in Section 23.48.780 for parking partially above street level and partially below street level, parking within structures is permitted above the street level under the following conditions:

1. No more than 50 percent of all parking may be located above grade; and
2. For parking located on a story above the first story of a structure, a minimum of 30 percent of the length of the parking area measured along each street frontage shall be screened from the street by another use. On lots located at street intersections, the screening of parking area by another use shall be provided at the corner portion(s) of the structure; and

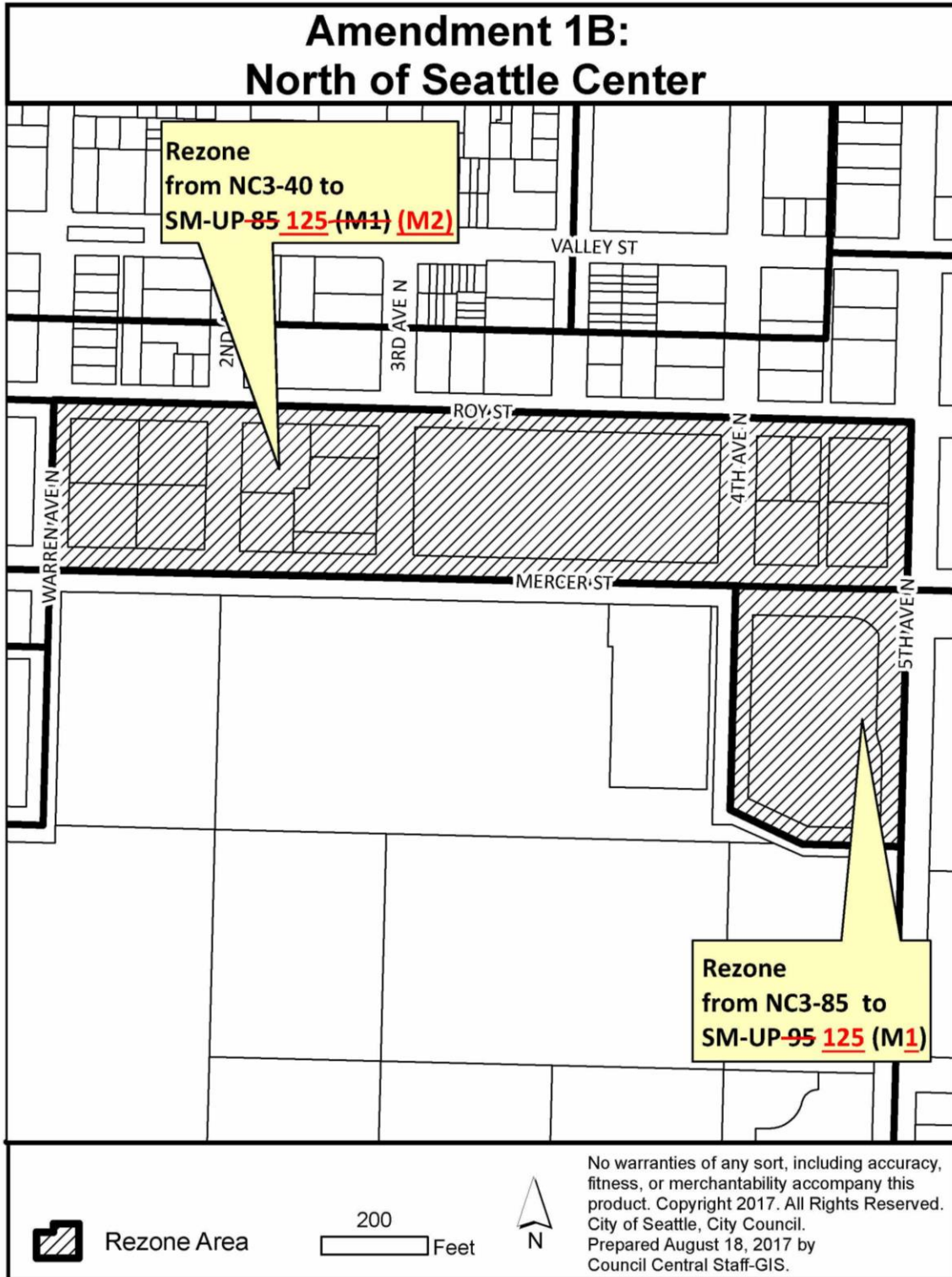
Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor

3. The parking area on a story above the first story of the structure that is not screened from the street by another use shall be enclosed by facades along all street frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights and interior garage lighting on pedestrian views from the street.

B. In the SM-UP 65, SM-UP 85, SM-UP 125, and the SM-UP 160 zones in the Uptown Urban Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

**Attachment C:
Amendment 1B: Rezone the Mercer/Roy Corridor**

Amendment to Attachment 1: Uptown Rezone Map



**Attachment D:
Amendment 1C: Limit design review departures**

This amendment would remove the authority of the Design Review Board to provide a departure from the mapped height limits for projects that set back the top floor of the building in the Uptown Urban Center. This departure was created through the Uptown Design Guidelines, which state:

Throughout Uptown, a departure would be supported for 3' of additional height for projects that step back the top floor of the structure a minimum of 6' from the street. This has the effect of reducing the impact of the structure height on the sidewalk below as well as reducing the length of shadows over the street. Where the Code regulates podium height, the additional 3' applies to the podium.

With higher heights permitted under the proposed Council Bill, Councilmembers should consider whether this waiver continues to make sense.

In lieu of amending this bill, the Committee could request that OPCD work with the community to update their design guidelines based on the new zoning districts and provide a recommendation on whether the community continues to support this departure.

The amendment would add a new section 4 containing Section 23.41.012 and would renumber the subsequent sections as appropriate.

[Section 4. Subsection 23.41.012 B of the Seattle Municipal Code, which section was last amended by Ordinance 125291, is amended as follows:](#)

23.41.012 - Development standard departures

* * *

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

1. Procedures;
2. Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses;
3. Residential density limits;

Attachment D:
Amendment 1C: Limit design review departures

4. In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49, Downtown Zoning;
5. In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;
6. In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058;
7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;
8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in subsection 23.49.058.D;
9. In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for street-level uses required as a condition of the additional height allowed by subsection 23.49.008.E;
10. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper-level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;
11. In SM-SLU zones, floor area limits for all uses provided in subsections 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 to a five percent increase in floor area limit for each story may be granted for structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and 23.48.245.B.1.d.2;

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Amendment 1C: Limit design review departures

12. The provisions of Chapter 23.58A, except that departures may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that amenity feature;
13. In SM-SLU zones, provisions limiting the number of towers permitted per block provided for in Section 23.48.245;
14. In SM-SLU zones, provisions for upper-level setbacks provided for in Section 23.48.245;
15. Floor area ratios (FAR); except that in the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures from the development standards for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a character structure on a lot in Section 23.73.015 are not considered departures from FAR limits;
16. Maximum size of use;
17. Structure height, except that:
 - a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012, Roosevelt Commercial Core);
 - b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet,

**Attachment D:
Amendment 1C: Limit design review departures**

and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in subsection 23.57.013.B;

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

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

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

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

18. Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area departures may be granted from the minimum parking requirement up

Attachment D:
Amendment 1C: Limit design review departures

to a 30 percent maximum reduction for ground-level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013";

19. Provisions of the Shoreline District, Chapter 23.60A;
20. Standards for storage of solid-waste containers;
21. The quantity of open space required for major office projects in Downtown zones as provided in subsection 23.49.016.B;
22. Noise and odor standards;
23. Standards for the location of access to parking in Downtown zones;
24. Provisions of Chapter 23.52, Transportation Concurrency and Transportation Impact Mitigation;
25. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements, except that departures may be granted from the access easement standards in Section 23.53.025;
26. Affordable housing production conditions within the MPC-YT zone, pursuant to Section 23.75.085;
27. Limits on floor area for uses within the MPC-YT zone, as provided in Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040;
28. Limits on number, distribution, and gross floor area per story for highrise structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under Section 23.75.040;
29. Definitions;

**Attachment D:
Amendment 1C: Limit design review departures**

30. Measurements;
31. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3, which may be modified as authorized in those provisions;
32. Standards for structural building overhangs in Section 23.53.035 and structural encroachments permitted in setbacks provided in lieu of dedication of right-of-way under subsection 23.53.015.D.1.b;
33. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or the exception for an additional 10 feet in height as provided for in subsection 23.73.014.B:
 - a. Departures may, however, be granted under the following circumstances:
 - 1) The character structure is neither a designated Seattle Landmark nor listed in a rule promulgated by the Director according to Section 23.73.005; and
 - 2) The departure is for demolishing a wood-frame character structure originally built as a single-family residence or single-family accessory structure; or
 - 3) The departure is for demolishing a character structure that is determined to have insufficient value to warrant retention when the following applies:

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- a) The structure lacks a high degree of architectural integrity as evidenced by extensive irreversible exterior remodeling; or
 - b) The structure does not represent the Pike/Pine neighborhood's building typology that is characterized by the use of exterior materials and design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-glazed ground-floor storefront windows; and decorative details including cornices, emblems, and embossed building names; or
 - c) Demolishing the character structure would allow for more substantial retention of other, more significant character structures on the lot, such as a structure listed in a rule promulgated by the Director according to Section 23.73.005; or would allow for other key neighborhood development objectives to be achieved, such as improving pedestrian circulation by providing through-block connections, developing arts and cultural facilities, or siting publicly-accessible open space at key neighborhood locations.
- b. In addition to the provisions of subsection 23.41.012.B.33.a, the following provisions apply:
- 1) At least one character structure shall be retained on the lot if any of the following are to be used by the development proposal:
 - a) Subsection 23.73.009.C.3 regarding the FAR exemption for residential uses;
 - b) Subsection 23.73.010.B.2 regarding increases in the floor area limits;

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- c) Subsection 23.73.012.B regarding the exception from width and depth measurements; or
 - d) Subsection 23.73.014.B regarding the exception allowing for an additional 10 feet in height.
- 2) A departure may allow removal of character structures if the requirement for retaining character structures is limited to the following:
- a) Subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses;
 - b) Subsection 23.73.010.B.1 regarding increases in the floor area limits; or
 - c) Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B;
34. In pedestrian-designated zones, provisions for residential uses at street level, as provided in subsection 23.47A.005.C.1, except that a departure may be granted to allow residential uses at street level to occupy, in the aggregate, no more than 50 percent of the street-level, street-facing facade;
35. In pedestrian-designated zones, provisions for transparency requirements, as provided in subsection 23.47A.008.B, except that departures may be granted to reduce the required transparency from 60 percent to no less than 40 percent of the street-facing facade;
36. In pedestrian-designated zones, provisions for height requirements for floor-to-floor height, as provided in subsection 23.47A.008.B, except that departures to allow a mezzanine with less than the minimum floor-to-floor height may be granted provided that

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the outer edge of the mezzanine floor is at least 15 feet from the exterior wall facing a principal pedestrian street;

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

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

a. A usable open space that:

- 1) abuts the street,
- 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade,
- 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater, and
- 4) has a minimum depth of 20 feet measured from the abutting street lot line.

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

- 1) has a minimum width of 20 feet and provides direct and continuous passage between the north/south rights-of-way abutting the lot; and
- 2) is designed to provide safe pedestrian use, including signage identifying the passageway; and

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

**Attachment D:
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- a. A usable open space that:
 - 1) abuts the street,
 - 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade,
 - 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater, and
 - 4) has a minimum depth of 20 feet measured from all street lot lines.

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

* * *

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Section ~~45~~. Section 23.47A.017 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

**Attachment E:
Amendment 2A: Incentives for arts space and landmark preservation**

This amendment would increase by .5 the proposed Floor Area Ratio (FAR) density incentive for (1) provision of arts space and (2) preservation of designated historic landmarks.

The proposed legislation would establish density incentives for the SM-UP zone to encourage provision of arts and cultural space and rehabilitation and maintenance of designated landmarks. The incentives would allow additional floor area above prescribed limits for developers and property owners who either develop, and make available for the life of the building, arts space available to for-profit and non-profit entities or rehabilitate landmark structures.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal Code as follows:

Subchapter VI Uptown

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-UP zones are as shown in Table A for 23.48.720.

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

**Attachment E:
Amendment 2A: Incentives for arts space and landmark preservation**

SM-UP 160	5	7 ¹	2 ²
Footnotes to Table A for 23.48.720			
¹ All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.			
² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.			

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

1. For all SM-UP zones an additional amount of ~~0.5~~ 1 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

Attachment E:
Amendment 2A: Incentives for arts space and landmark preservation

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

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

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

2. For SM-UP zones, an additional increment of up to ~~0.5~~ 1 FAR is permitted above the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or not-for-profit operator, subject to the following conditions:

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

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

c. The space shall be occupied by an arts facility for the life of the project on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used for other non-profit purposes such as a community and/or public area, under the following conditions:

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

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

Attachment E:
Amendment 2A: Incentives for arts space and landmark preservation

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

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

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

Attachment F:
Amendment 2B: Incentives for public schools

This amendment would establish a Floor Area Ratio (FAR) density incentive for development or co-development of a school in all SM-UP zones.

The proposed legislation currently exempts floor area for schools from FAR limits. The proposed amendment would add an additional FAR incentive to encourage school development or co-development.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal

Code as follows:

Subchapter VI Uptown

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-UP zones are as shown in Table A for 23.48.720.

**Attachment F:
Amendment 2B: Incentives for public schools**

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

Footnotes to Table A for 23.48.720

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

² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.

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

1. For all SM-UP zones an additional amount of 0.5 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

Attachment F:
Amendment 2B: Incentives for public schools

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

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

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

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

2. For SM-UP zones, an additional increment of up to 0.5 FAR is permitted above the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or not-for-profit operator, subject to the following conditions:

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

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

Attachment F:
Amendment 2B: Incentives for public schools

c. The space shall be occupied by an arts facility for the life of the project on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used for other non-profit purposes such as a community and/or public area, under the following conditions:

- 1) The space shall be made available to community and charitable organizations and is not to be used for profit-making activities;
- 2) The space shall be made available for both day and evening use;
- 3) The space shall be made available on a first-come, first-served basis to community and charitable organizations; and
- 4) Availability of the space and contact person(s) shall be made known to community and charitable groups through means such as newspaper articles, radio announcements, and flyers.

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

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

**Attachment F:
Amendment 2B: Incentives for public schools**

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

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

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

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. The floor area contained in a Landmark structure if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation of the structure. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. Floor area for a preschool, an elementary school, or a secondary school;

3. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

Attachment F:
Amendment 2B: Incentives for public schools

4. Floor area of street-level uses identified in subsection 23.48.005.D that meet the development standards of subsection 23.48.040.C; and

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

**Attachment G:
Amendment 2C: Incentives for family-size units**

This amendment would establish a Floor Area Ratio (FAR) density incentive for provision of family-sized units in new residential and mixed-use development.

The proposed amendment would allow for a .5 or 1 FAR incentive for developments that provide at least 10 or at least 20 family-sized units, respectively. Family sized units must meet development standards for size, number, of bedrooms and access to private and common amenity areas. This amendment is consistent with changes made by the Council with the University-district rezone and the Downtown / South Lake Union rezone.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal

Code as follows:

Subchapter VI Uptown

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-UP zones are as shown in Table A for 23.48.720. Table A for 23.48.720			
FAR limits for specified zones in the Uptown Urban Center			
Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for non-residential uses
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
SM-UP 160	5	7 ¹	2 ²

Attachment G:
Amendment 2C: Incentives for family-size units

Footnotes to Table A for 23.48.720

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

² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.

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

1. For all SM-UP zones an additional amount of 0.5 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

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Amendment 2C: Incentives for family-size units

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

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

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

2. For SM-UP zones, an additional increment of up to 0.5 FAR is permitted above the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or not-for-profit operator, subject to the following conditions:

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

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

c. The space shall be occupied by an arts facility for the life of the project on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used for other non-profit purposes such as a community and/or public area, under the following conditions:

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

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

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Amendment 2C: Incentives for family-size units

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

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

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

3. For all SM-UP zones, an additional increment of chargeable floor area is permitted above the maximum FAR of the zone for a lot that includes residential dwelling units that comply with all of the following conditions:

a. Unit number and size

1) An increment of 0.5 FAR is permitted above the maximum FAR of the zone for projects that include a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include two or more bedrooms and comply with all of the conditions of this subsection 23.48.720.B.3;

2) An increment of 1 FAR is permitted above the maximum FAR of the zone for projects that include a minimum of twenty dwelling units that each have a minimum area of 900 gross square feet and include two or more bedrooms and comply with all of the

Attachment G:
Amendment 2C: Incentives for family-size units

conditions of this subsection 23.48.720.B.3, provided that in no case shall the total amount of additional chargeable floor area allowed above the maximum FAR exceed 1 FAR;

b. Private amenity area. Each dwelling unit provided to meet the minimum number of units required in subsection 23.48.720.B.3.a shall have direct access to a private amenity area, such as a private patio or roof deck, that is located either at ground-level or on the roof of a story that is not above 45 feet in height and that has a minimum area of 150 square feet and a minimum horizontal dimension of 8 feet. Private amenity area that is provided to meet the conditions of this subsection 23.48.720.B.3 shall be allowed to count as residential amenity area required by Section 23.48.045; and

c. Common amenity area. All units provided to meet the minimum number of units required in subsection 23.48.720.B.3.a shall have access to an outdoor common amenity area that is located on the same story as the dwelling unit, is accessible only to the residents of the building, and meets the following standards:

1) the common amenity area has a minimum area of 800 square feet and a minimum horizontal dimension of 10 feet;

2) the common amenity area abuts and is visually or physically accessible from these dwelling units, or it abuts the private amenity area of these units, along at least 50 percent of its perimeter; and

3) the common amenity area includes space for children's play equipment.

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

Attachment G:
Amendment 2C: Incentives for family-size units

1. The floor area contained in a Landmark structure if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation of the structure. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. Floor area for a preschool, an elementary school, or a secondary school;

3. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

4. Floor area of street-level uses identified in subsection 23.48.005.D that meet the development standards of subsection 23.48.040.C; and

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

**Attachment H:
Amendment 2D: Incentives for mandatory housing affordability performance**

This amendment would establish a Floor Area Ratio (FAR) density incentive for development that choose to comply with the requirements of the Mandatory Housing Affordability program through performance, i.e. including affordable units in new market-rate development.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal

Code as follows:

Subchapter VI Uptown

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

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-U zones are as shown in Table A for 23.48.720.

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

Attachment H:
Amendment 2D: Incentives for mandatory housing affordability performance

Footnotes to Table A for 23.48.720

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

² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses.

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

1. For all SM-UP zones an additional amount of 0.5 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

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

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

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Amendment 2D: Incentives for mandatory housing affordability performance

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

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

2. For SM-UP zones, an additional increment of up to 0.5 FAR is permitted above the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or not-for-profit operator, subject to the following conditions:

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

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

c. The space shall be occupied by an arts facility for the life of the project on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used for other non-profit purposes such as a community and/or public area, under the following conditions:

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

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

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

Attachment H:

Amendment 2D: Incentives for mandatory housing affordability performance

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

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

3. For SM-UP zones, an additional increment of up to .5 FAR is permitted above the maximum FAR limit of the zone for a lot with development consisting of a new structure that achieves compliance with Chapter 23.58C through the performance option according to Section 23.58C.050, or for a lot with development that is exempt from the requirements of Chapter 23.58C according to Section 23.58C.025.C.

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. The floor area contained in a Landmark structure if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation of the structure. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

Attachment H:

Amendment 2D: Incentives for mandatory housing affordability performance

2. Floor area for a preschool, an elementary school, or a secondary school;

3. Floor area used for theaters or arts facilities, which for the purposes of this

Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

4. Floor area of street-level uses identified in subsection 23.48.005.D that meet the development standards of subsection 23.48.040.C; and

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

Attachment I:
Amendment 3: Upper-level setbacks

This amendment would reduce proposed upper level setbacks on four streets to an average of 5’.

The Mayor’s proposal would establish an average upper-level setback of 10’ for portions of structure above 45’ or 65’ in height along Roy Street, Queen Anne Avenue, 1st Avenue, and 5th Avenue. The proposed amendment would reduce that setback to an average of 5’.

Section 13. A new Subchapter VI is added to Chapter 23.48 of the Seattle Municipal

Code as follows:

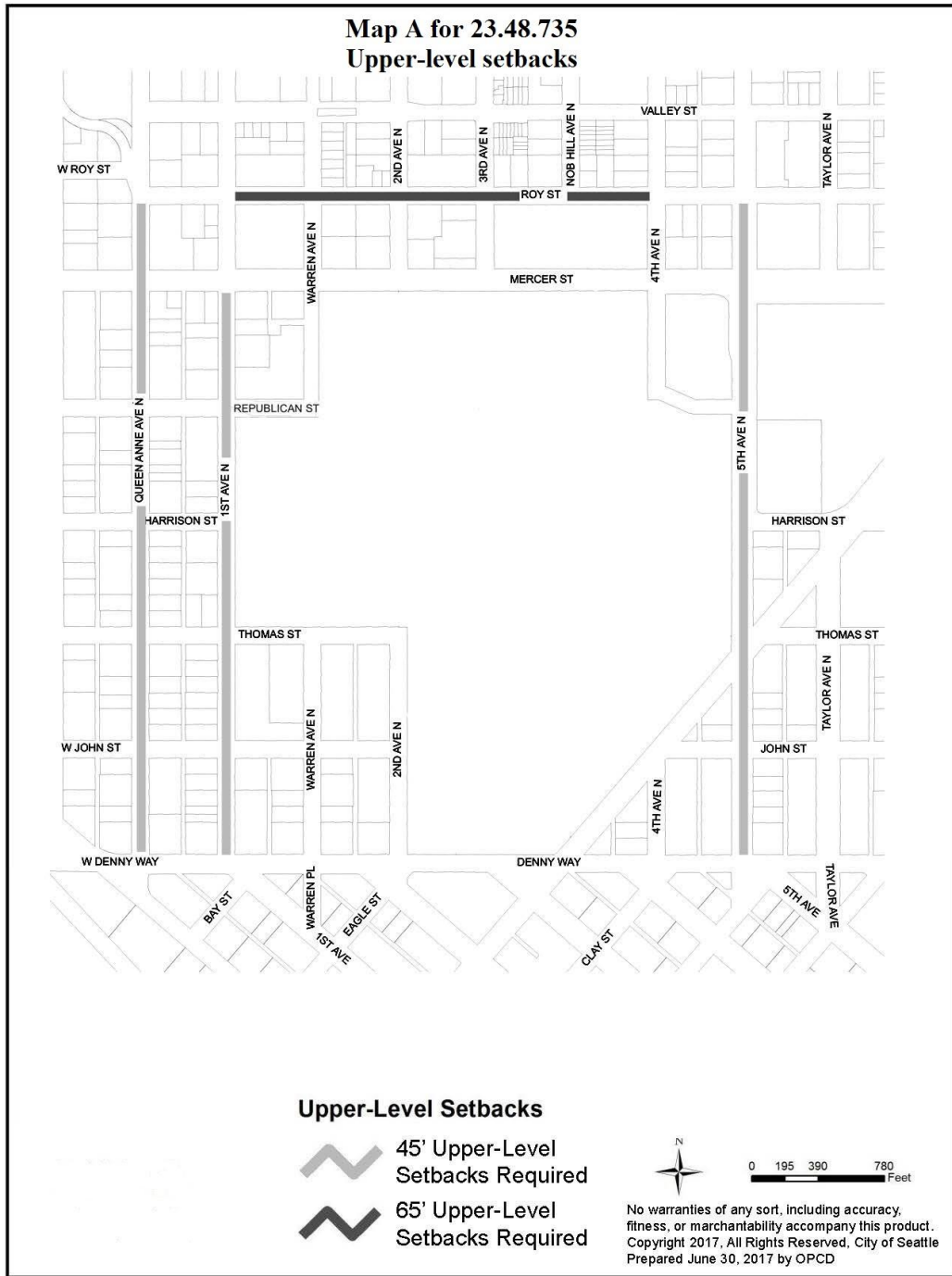
Subchapter VI Uptown

23.48.735 Upper-level setback requirements in SM-UP zones

A. In all SM-UP zones, any portion of a structure greater than 45 feet in height or 65 feet in height must be set back from a lot line that abuts a designated street shown on Map A for 23.48.735. A setback of an average of ~~10~~ 5 feet from the front lot line is required for any portion of a structure exceeding the maximum height that is permitted without a setback.

**Attachment I:
Amendment 3: Upper-level setbacks**

**Map A for 23.48.735
Upper-level setbacks**



Attachment J:
Amendment 4A: Transportation management programs

This amendment would require Transportation Management Programs (TMPs) for development in the SM-UP district. It is intended to address the comparably high rates of SOV use within the Uptown Urban Center compared to adjacent centers. As shown in the Uptown [EIS](#), Uptown has the highest share of commuters using Single Occupant Vehicles (SOV) to commute to work of any neighborhood in Seattle’s Center City. With the preferred alternative, SOV trips in the Uptown Urban Center are anticipated to increase by 92% between 2015 and 2035.

Seattle’s goals for non-SOV mode share in Uptown are 60 percent for work trips and 85 percent for non-work trips. Under the no-action alternative of the FEIS, without changes to zoning, Uptown would not meet that threshold in 2035 absent construction of light rail to serve the neighborhood. According to the EIS, for the Preferred Alternative, “Even with HCT [high-capacity transit, ie. light rail] and increased transit, non-work trips would not meet the 15 percent SOV goal defined in the Comprehensive Plan.” These non-work trips include trips made by residents to non-work destinations, trips made by people travelling to and from the neighborhood for activities other than work, and employees traveling to and from work for purposes other than travelling to their home.

TMPs are one tool that the City uses to provide alternatives to use of SOVs in higher-density buildings. TMPs are guided by SDOT and SDCI Joint Directors’ Rule [27-2015](#), which requires developers to develop programs that mitigate transportation impacts. TMPs are prepared by the developer to address project-specific and site-specific transportation impacts. Projects most likely to impact the surrounding neighborhood by adding 50 or more pm peak hour trips or 25 on-street parking spaces would be required to prepare a TMP.

Each TMP is tailored to the specific needs of the development based on a common set of best management practices. Requiring TMPs for both residential and non-residential development will provide occupants of new buildings in Uptown with tools to reduce SOV trips such as subsidized transit passes and bicycle storage, along with information about other transportation options and other measures to limit single-occupant vehicle use.

23.48.710 ((Reserved.)) Transportation management programs

A. When a development is proposed that is expected to generate 50 or more employee single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director’s Rule.

1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the

Attachment J:
Amendment 4A: Transportation management programs

largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.

2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

Attachment J:
Amendment 4A: Transportation management programs

D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the Uptown Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.

**Attachment K:
Amendment 4B: Parking Maximums**

This amendment would place a limit on parking accessory to office uses at 1 space per 1,000 square feet. This is based on similar limits that apply in the South Lake Union and Downtown urban centers. Uptown has a much higher rate of SOV commuters compared to the adjacent urban centers. A parking maximum is one tool to limit the number of drivers to the neighborhood. One space per 1,000 square feet is equivalent to one space per 4 or 5 employees.

In Downtown Seattle and South Lake Union, there are equal limits on all non-residential development. Given Seattle Center - its role as a regional destination and ongoing discussions regarding parking in the neighborhood - Council may want to focus the parking maximum in Uptown on office development.

23.48.780 Required parking in Uptown Urban Center

A. Parking at street level within structures. Parking in the Uptown Urban Center is permitted in a story that is partially above street level and partially below street level if the structure is permitted in a setback area under the provisions of subsection 23.48.740.B.2.b.

B. Maximum parking limit for office uses. Parking for office uses is limited to one parking space per every 1,000 square feet of gross floor area in office use.

**Attachment L:
Draft Resolution**

CITY OF SEATTLE

RESOLUTION _____

..title

A RESOLUTION calling for additional actions by the City and its partners to advance the vision of the Uptown Urban Design Framework, leverage new investments at Seattle Center to support mobility and promote livability in the Uptown Urban Center as both Uptown and Seattle Center grow, and to update the Seattle Center Century 21 Master Plan.

..body

WHEREAS, Uptown was designated an Urban Center by the City Council when it adopted Seattle's Comprehensive Plan in 1994; and

WHEREAS, Urban Centers are to receive a significant share of citywide growth over time and a concentration of jobs and housing of regional significance; and

WHEREAS, the Seattle City Council recognized the Queen Anne Community Plan as the community's vision for growth in the neighborhood, including the Uptown Urban Center; and

WHEREAS, the Seattle City Council has adopted goals and policies for growth in the Uptown Urban Center; and

WHEREAS, the Office of Planning and Community Development (OPCD) has worked with the Uptown neighborhood, including the Uptown Alliance, to develop an Urban Design Framework that establishes a vision for the future development of Uptown; and

WHEREAS, the Uptown Urban Center has been designated as an Arts & Culture District and will leverage the resources of Seattle Center to be a regional arts destination; and

WHEREAS, designation of Uptown as an Arts & Culture District will advance the neighborhood identity as a regional destination for arts and culture; and

**Attachment L:
Draft Resolution**

1 WHEREAS, the City Council has adopted development regulations that advance the vision of
2 the Urban Design Framework to strengthen the connections between the Uptown Urban
3 Center and the Seattle Center; and

4 WHEREAS, Seattle Center is a world-renowned 74-acre gathering place for civic, cultural, arts,
5 entertainment and sports events and activities that began with the 1962 Seattle World's
6 Fair and accommodates over 12 million visits annually; and

7 WHEREAS, Seattle Center's mission is to create exceptional events, experiences and
8 environments that delight and inspire the human spirit to build strong communities; and

9 WHEREAS, The City of Seattle (City) is committed to ensuring that Seattle Center remains a
10 welcoming place for all that reflects the City's values for equity and inclusion; and

11 WHEREAS, the Seattle Center Century 21 Master Plan was adopted by the Seattle City Council
12 in 2008 to set a 20-year vision, and since then many remarkable changes have taken place
13 and others are planned on the Seattle Center campus and citywide creating new
14 opportunities and challenges for Seattle Center; and

15 WHEREAS, Seattle is the fastest growing U.S. city with approximately 110,000 new residents
16 since 2008, making Seattle Center an even more important neighborhood amenity to the
17 residents of the surrounding neighborhoods in Uptown, South Lake Union, and Belltown;
18 and,

19 WHEREAS, significant changes have occurred in these surrounding neighborhoods since the
20 2008 Seattle Center Century 21 Master Plan including the opening of the Bill & Melinda
21 Gates Foundation, the emergence of South Lake Union as a high-technology center and
22 dense urban residential neighborhood, and the completion of South Lake Union Park, the
23 Museum of History and Industry, and the Mercer Corridor projects; and

**Attachment L:
Draft Resolution**

1 WHEREAS, the Seattle Center Century 21 Master Plan Planning and Design principles and
2 Seattle Center Design Guidelines provide guidance for the Seattle Center campus; and

3 WHEREAS, relocation of several current Seattle Center tenants and the Seattle Center campus
4 maintenance facility may be necessary and campus features may be displaced; and

5 WHEREAS, development of new affordable housing on City-owned property will expand the
6 diversity of housing opportunities in Uptown; and

7 WHEREAS, the City is considering a proposed private investment in the renovation of the
8 Seattle Center Arena of over \$500 million to redevelop it as a world-class civic arena to
9 attract and present music, entertainment, and sports events, potentially including NBA
10 and NHL events, which will require addressing many issues including design, integration
11 with and enhancing connections to the Seattle Center campus and Uptown and adjoining
12 neighborhoods, multi-modal transportation needs, parking, and others; and

13 WHEREAS, Seattle Center Arena renovation will require an Environmental Impact Statement
14 (EIS); and

15 WHEREAS, the Seattle Center Arena EIS may identify potential mobility mitigation measures;
16 and

17 WHEREAS, the private owners of the Space Needle propose to reinvest over \$100 million in a
18 major renovation; and

19 WHEREAS, Seattle Public Schools owns approximately nine acres of property adjacent to
20 Seattle Center and is planning to build a new Memorial Stadium and high school; and

21 WHEREAS, Sound Transit is planning for a light rail station to serve the Uptown/Seattle Center
22 area which will create a new point of arrival for Seattle Center and Uptown as part of the
23 Sound Transit 2 (ST2) or Sound Transit 3 (ST3) projects/stations; and

**Attachment L:
Draft Resolution**

1 WHEREAS, important transportation improvements are on the horizon including the completion
2 of the State Route 99 (SR 99) tunnel and opening of the North Portal, reconnection of
3 Harrison, Thomas, and John Streets across SR 99 to rejoin street access between Uptown
4 and South Lake Union, completion of ST2 projects that will enhance transit connections
5 to Seattle Center, siting of ST3 stations on or nearby the Seattle Center campus, and the
6 implementation of the Lake to Bay Streetscape Concept Plan connecting South Lake
7 Union to the Waterfront; and

8 WHEREAS, the City with regional partners is developing the One Center City study, which will
9 prepare a long-range mobility and public realm plan and visions for the center city,
10 including north Downtown neighborhoods; and

11 WHEREAS, the 2017 Uptown & Seattle Center Strategic Parking Study identifies strategies for
12 managing future parking needs as Seattle Center and Uptown grow; and

13 WHEREAS, new development regulations for Uptown include provisions to preserve landmarks
14 and vulnerable masonry structures; and

15 WHEREAS, design guidance for new development in the Uptown Urban Center currently relies
16 on neighborhood design guidelines from 2005 and these guidelines do not completely
17 reflect emerging conditions and opportunities; and

18 WHEREAS, while land use regulations can act as a catalyst for new development in a
19 neighborhood, zoning changes alone cannot achieve all policy goals related to urban
20 design, social equity, and community revitalization, and transportation. NOW,

21 THEREFORE,

22 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
23 **MAYOR CONCURRING, THAT:**

**Attachment L:
Draft Resolution**

1 The Council declares its intent to support the growth and livability of the Uptown Urban Center
2 and requests that City departments carry out initiatives to support growth and livability that
3 include, but are not limited to, the following:

4 A. Seattle Center, in coordination with other City Departments, is requested to:

5 1. Update the Seattle Center Century 21 Master Plan to serve the diverse needs
6 and desires of visitors for generations to come, while coordinating planning and design of
7 projects and initiatives, transportation mobility, parking, and financial sustainability.

8 2. Engage the public, particularly Uptown residents and businesses, and Seattle
9 Center stakeholders to seek and respond to their input throughout the Master Plan update
10 process.

11 3. Form partnerships with and determine roles for the Seattle Center Advisory
12 Commission and Seattle Center Foundation.

13 4. Work collaboratively with Seattle Public Schools on the planning and design of
14 the proposed new Memorial Stadium and high school at Seattle Center in accordance with the
15 *Seattle Public Schools and City of Seattle Partnership Agreement related to Memorial Stadium*
16 *and Seattle Center.*

17 5. Proceed with an interjurisdictional transfer of property to Office of Housing of
18 land located on Mercer Street between 2nd and 3rd Ave N for the development of affordable
19 housing in the Uptown Urban Center.

20 B. As a part of the proposed Seattle Center Arena redevelopment, if non-city funding
21 becomes available to pay for the development of a North Downtown Mobility Action Plan and
22 provide transportation implementation funds, the Seattle Department of Transportation (SDOT)
23 should work with the community to develop such a plan that would prioritize multimodal

**Attachment L:
Draft Resolution**

1 transportation investments, including investments identified in previous studies and
2 current studies such as One Center City, to effectively support access to Seattle Center and
3 provide greater mobility options to the Uptown Urban Center.

4 C. The Office of Planning and Community Development (OPCD), SDOT, the Seattle
5 Planning Commission, the Seattle Design Commission, and Seattle Center should engage with
6 Sound Transit on ST3 station planning and siting in the Uptown Urban Center to best site the
7 light rail station to serve the Seattle Center campus and Uptown Urban Center and coordinate
8 this planning with the Seattle Center Master Plan update. As part of this planning, determine
9 how Republican Street can be designed to strengthen the connections between the Uptown Urban
10 Center and Seattle Center.

11 D. OPCD should work with the Uptown community to update the Uptown Neighborhood
12 Design Guidelines to align with the Citywide guidelines, provide guidance on Uptown specific
13 development standards, and reflect the principles of the Uptown Urban Design Framework.

14 E. OPCD should work with the Department of Neighborhoods (DON) to complete a
15 Historic Resources Survey to identify potential landmarks in the Uptown Urban Center.

16 F. The Seattle Department of Construction and Inspections should develop business
17 practices to provide for bonding or other securities to enhance the function of the vulnerable
18 masonry structure TDR or TDP program for both Uptown and the University District Urban
19 Center.

