



Legislation Details (With Text)

**File #:** CB 120631    **Version:** 1    **Name:** CB 120631  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 9/26/2023

**Final Action:** 10/6/2023    **Ord. No.** Ord 126914

**Title:** AN ORDINANCE relating to land use and zoning; amending subsection 23.49.011.B of the Seattle Municipal Code to increase flexibility for lodging uses in the DMR/R 95/65 zone.

**Sponsors:** Dan Strauss

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Director's Report, 3. Presentation (9/13/23), 4. Central Staff Memo (9/13/23), 5. Central Staff Memo (added 9/14/23), 6. SEPA Checklist and DNS, 7. Signed Ordinance 126914, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/6/2023	1	City Clerk	attested by City Clerk	
10/6/2023	1	Mayor	returned	
10/6/2023	1	Mayor	Signed	
9/29/2023	1	City Clerk	submitted for Mayor's signature	
9/26/2023	1	City Council	passed	Pass
9/18/2023	1	Land Use Committee	pass	Pass
9/13/2023	1	Land Use Committee	discussed	
8/1/2023	1	City Council	referred	
7/27/2023	1	Council President's Office	sent for review	
7/26/2023	1	City Clerk	sent for review	
7/26/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to land use and zoning; amending subsection 23.49.011.B of the Seattle Municipal Code to increase flexibility for lodging uses in the DMR/R 95/65 zone.

WHEREAS, greater Downtown Seattle has experienced significantly increased vacancy rates for commercial office and retail uses since the COVID-19 pandemic; and

WHEREAS, The City of Seattle holds it as a high priority to support economic recovery for Downtown

neighborhoods; and

WHEREAS, City departments are engaging in planning processes for long-term solutions to increase

Downtown activity and vitality, which may include programmatic strategies and capital investments;

and

WHEREAS, in addition to long-term strategies, a variety of immediate actions are sought to increase

Downtown activation and vitality in the short term; and

WHEREAS, one segment of the Downtown economy that has remained relatively strong at present is lodging;

and

WHEREAS, hotel visitors customarily patronize local businesses including restaurants, cultural and

entertainment establishments, and other services; and

WHEREAS, hotel uses commonly include vibrant and active storefronts with uses such as gathering places,

artistic displays, and restaurants or bars; and

WHEREAS, members of Belltown community organizations approached the Office of Planning and

Community Development with a concept to increase zoning flexibility for lodging uses as a means to

spur investment and increase street activation; and

WHEREAS, addition of one or more new hotels within a focused geographic area of the Belltown

neighborhood would be generally consistent with the City's Comprehensive Plan and the existing mix

of land uses in the broader vicinity; and

WHEREAS, the proposed legislation includes protections against conversions of existing buildings to lodging

uses; and

WHEREAS, Mayor Bruce Harrell has convened stakeholders for input and is formulating a suite of actions to

support Downtown as part of a Downtown Activation Plan, including this proposed Land Use Code text

amendment; NOW, THEREFORE,

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

Section 1. Subsection 23.49.011.B of the Seattle Municipal Code, which section was last amended by Ordinance 126157, is amended as follows:

**23.49.011 Floor area ratio**

\* \* \*

B. Exemptions and deductions from FAR calculations

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

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR Exemption Area identified on Map 1J of Chapter 23.49 up to a maximum FAR of 2 for all such uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are located no higher than the story above street level;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G of Chapter 23.49, if the uses and structure also satisfy the following standards:

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

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade;

3) Overhead weather protection is provided satisfying Section 23.49.018; and

4) A mezzanine within a street-level use is not included in chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the minimum depth stated in subsection 23.49.011.B.1.b.2. Stairs leading to the mezzanine are similarly not included in chargeable floor area;

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J of Chapter 23.49

, provided that:

- 1) The minimum area of the shopping atria is 4,000 square feet;
- 2) The eligibility conditions of the Downtown Amenity Standards are met; and
- 3) The maximum area eligible for a floor area exemption is 20,000 square feet;

d. Child care centers;

e. Human service use;

f. Residential use, except in the PMM zone, and provided that allowable residential floor area is limited on lots from which TDP is transferred in accordance with Chapter 23.58A;

g. Live-work units, except in the PMM zone;

h. Museums, provided that the eligibility conditions of the Downtown Amenity Standards are met;

i. The floor area identified as expansion space for a museum, if such expansion space satisfies the following:

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

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

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

j. Performing arts theaters;

k. Floor area below grade;

l. Floor area that is used only for:

- 1) Short-term parking or parking accessory to residential uses, or both, subject to

a limit on floor area used wholly or in part as parking accessory to residential uses of one parking space for each dwelling unit on the lot with the residential use served by the parking; or

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

m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located, other than a Landmark structure eligible pursuant to subsection ((23.49.011.A.2.k)) 23.49.011.A.2.j or a small structure eligible pursuant to subsection ((23.49.011.A.2.i)) 23.49.011.A.2.k. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of limits on the maximum area eligible for a bonus;

n. Public restrooms;

o. Major retail stores in the DRC zone and adjacent areas shown on Map 1J of Chapter 23.49, provided that:

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

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

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

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

and

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

p. Shower facilities for bicycle commuters;

q. Floor area, excluding floor area otherwise exempt, up to a maximum of 25,000 square feet on any lot, within one or more Landmark structures for which a floor area bonus has been granted pursuant

to subsection ((~~23.49.011.A.2.k~~) 23.49.011.A.2.j, or within one or more small structures for which a floor area bonus has been granted pursuant to subsection ((~~23.49.011.A.2.i~~) 23.49.011.A.2.k, or within any combination of such Landmark structures and such small structures, in each case only to the extent that the floor area satisfies the following criteria as determined by the Director:

1) The floor area is interior space of historic or architectural interest designed to accommodate the original function of the structure, and maintaining the integrity of this space prevents it from being fully utilized as commercial floor area;

2) The floor area is occupied by such uses as public assembly or performance space, human services, or indoor public amenities, including atrium or lobby area available for passive indoor recreation use or for the display of art or other objects of scientific, social, historic, cultural, educational, or aesthetic interest; and

3) The floor area is open and accessible to the public without charge, on reasonable terms and conditions consistent with the nature of the space, during normal operating hours of the building;

r. Up to 40,000 square feet of a streetcar maintenance base;

s. Up to 25,000 square feet of a community center in a DMR/C zone within South Downtown that is open to the general public for a minimum of six hours per day, five days per week, 42 weeks per year;

t. In the DMC 170 zone, hotel use that separates parking from the street lot line on stories above the first story of a structure, up to a maximum total floor area equivalent to 1 FAR, provided that the depth of the separation between the parking and the street-facing facade is a minimum of 15 feet;

u. In the DMC 170 zone, on lots abutting Alaskan Way, the floor area in a partially above-grade story, provided that:

1) The height of the above-grade portion of the partially above-grade story does

not exceed 4 feet, measured from existing grade at the midpoint of the Alaskan Way street lot line;

2) All portions of the structure above the partially above-grade story are set back a minimum of 16 feet from the Alaskan Way lot line, except that horizontal projections, including balconies with open railings, eaves, cornices, and gutters, may extend a maximum of 4 feet into the setback area;

3) The roof of the portion of the partially above-grade story in the setback area is accessible to abutting required street-level uses in the structure and provides open space or space for activities related to abutting required street-level uses, such as outdoor dining;

4) Pedestrian access is provided from an abutting street to the roof of the portion of the partially above-grade story in the setback area; and

5) Up to 50 percent of the roof of the portion of the partially above-grade story in the setback area may be enclosed to provide weather protection, provided that the height of any feature or structure enclosing the space shall not exceed 20 feet, measured from the roof of the partially above-grade story;

v. Up to a maximum of 50,000 square feet of the floor area occupied by a City facility, including but not limited to fire stations and police precincts, but not a City facility predominantly occupied by office use;

w. Parking uses if:

1) The parking use sought to be exempted was legally established as of February 8, 2015;

2) The parking is in a structure that existed on January 1, 1980;

3) The structure is located west of Third Avenue in a DMC zone;

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

5) The existing structure and any proposed additions meet or are modified to meet

the street-level use requirements of Section 23.49.009;

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

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

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

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

2) 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.

y. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

z. In the DMR/R 95/65 zone, lodging uses. This exemption from FAR limits does not apply to lodging uses created by converting residential uses to lodging uses in existing structures.

## 2. Mechanical equipment

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

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

Section 2. 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 \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)