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# The City of Seattle

## Ordinance \_\_\_\_\_

### Council Bill \_\_\_\_\_

..title

**An ordinance** relating to land use and zoning; rezoning certain land in the University District, the Fremont neighborhood, the Madison/Miller neighborhood, the Rainier Beach neighborhood, and the Downtown neighborhood; rezoning land and amending development standards to increase housing supply, support multi-purpose redevelopment on certain sites with community-based uses, remove code barriers to passive house, modular, and mass timber construction and to conversion from commercial space to housing in more zones, and incentivize community-serving uses along with the construction of more housing in certain areas; amending Sections 23.40.080, 23.47A.009, 23.49.008, 23.49.011, 23.49.036, 23.49.058, and 23.49.158 of the Seattle Municipal Code; adding a new Section 23.40.090 to the Seattle Municipal Code; adding a new Map 1L to Chapter 23.49 of the Seattle Municipal Code; and amending Chapter 23.32 of the Seattle Municipal Code at pages 60, 76, 109, 112, and 188 of the Official Land Use Map.

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#### **Recitals:**

Seattle continues to face a housing affordability challenge and an increase to housing supply is one of many strategies that can combat the high cost of housing in the region.

The One Seattle Comprehensive Plan informs a series of broad citywide zoning changes that support increased housing supply including allowing middle housing in Neighborhood Residential zones and establishing mixed use and multifamily zoning to support new Neighborhood Centers and transit corridors.

In addition to broad citywide zoning changes it is also important to expand housing supply in focused opportunity areas that are well positioned to support abundant housing construction that can be achieved in the short term.

In the wake of the global COVID-19 pandemic downtown Seattle faces a high vacancy rate in commercial and office spaces and one of the City's strategies to increase vitality and economic activity in downtown is to facilitate an increased amount of housing development in downtown neighborhoods.

Effective strategies to increase housing supply include removing code barriers to the building practices of sustainable mass timber, modular and passive house design, and Engrossed Second Substitute House Bill 1183 passed by the Washington State Legislature during the 2025 legislative session incentivizes such building practices through building code and development regulation reform.

Promoting upper-level housing above non-profit owned community facilities when it is time for them to undergo major renovation or reconstruction is a promising strategy to increase housing supply.

The proposed legislation includes zoning amendments to facilitate new affordable housing construction in upper stories above community-oriented facilities.

The proposed legislation removes code barriers to mass timber, passive house, and modular construction methods.

The proposed legislation is focused on opportunity areas for infill development and is tailored to avoid development pressure on historic landmarks, sites with character structures and displacement risk areas.

The proposed rezones include application of the City's Mandatory Housing Affordability (MHA) requirement. Therefore,

**Be it ordained by The City of Seattle as follows:**

Section 1. Section 23.40.080 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

**23.40.080 Conversion to residential use in an existing structure**

A. For the purposes of this Section 23.40.080, "conversion to residential use in an existing structure" means a development that meets all the following criteria:

1. It does not expand a structure horizontally beyond the boundaries of the existing or approved exterior walls except for addition of incidental features that are necessary to accommodate residential use such as: ramps for ADA access, replacement windows or sheathing, addition of material enabling increased insulation, structural features to increase safety, additions for the purpose of complying with construction and energy codes and building performance standards for the conversion to residential use, circulation features for fire and life safety, mechanical equipment, plumbing and duct work, or awnings and bays. The horizontal expansion for incidental features shall not increase the floor area of the structure by more than 5 percent.

2. It does not expand the structure vertically beyond the existing or approved roof elevation, except by up to 15 feet to accommodate configuration or expansion of top floor residential use or rooftop features in residential use. Stair and elevator penthouses, mechanical equipment, and rooftop features allowances otherwise provided by the underlying zone may be placed on top of the 15-foot accommodation for configuration of top floor residential use without disqualifying the development from meeting this criterion.

3. The building in which the conversion would occur received either a temporary or permanent certificate of occupancy prior to March 1, ~~((2024))~~ 2026, or if no temporary or permanent certificate of occupancy is available is determined by the Director to have been legally occupied or is in a building approved for future development for which an unexpired Master Use Permit was issued, prior to March 1, ~~((2024))~~ 2026.

4. It is a conversion of floor area from nonresidential uses to residential uses that increases the number of dwelling units or congregate residence sleeping rooms in the structure.

5. It does not increase the square footage of nonresidential uses in the structure.

6. It is located in a commercial zone, a Downtown zone, a Seattle Mixed (SM) zone, the Highrise (HR) zone, ~~((or the))~~ Midrise (MR) zones, Lowrise (LR) zones, or the Neighborhood Residential (NR) zone.

\* \* \*

C. A conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A shall be exempt from all development standards and land use regulations of Chapter 23.44 (Neighborhood Residential), Chapter 23.45 (Multifamily), Chapter 23.47A (Commercial), Chapter 23.48 (Seattle Mixed), Chapter 23.49 (Downtown Zoning), Chapter 23.52 (Transportation Concurrency, and Transportation Impact Mitigation), Chapter 23.53 (Requirements for Streets, Alleys, and Easements), Chapter 23.54 (Quantity and Design Standards for Access, Off-Street Parking, and Solid Waste Storage), and Chapter 23.58A (Incentive Provisions), except that the following categories of development standards and regulations within any of those chapters shall continue to apply:

1. Permitted and prohibited use regulations pertaining to nonresidential uses;
2. Administrative conditional use regulations;
3. Light and glare standards;
4. Noise standards;
5. Institutions;
6. Home occupations;
7. Transitional encampment accessory uses;
8. Landmark Districts and designated landmark structures; and
9. Subsections 23.54.040.F, 23.54.040.G, 23.54.040.H, 23.54.040.I, and 23.54.040.J(~~(solid waste and recyclable material storage and access)~~)).

\* \* \*

F. A conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A.1-5 and located in a commercial zone, a Downtown zone, ((or)) a Seattle (SM) Mixed zone, the Highrise (HR) zone, Midrise (MR) zones, or Lowrise (LR) zones, shall be exempt from requirements under Chapter 23.58C ~~((Mandatory Housing Affordability for Residential Development)))~~ for any portion of the development proposal that converts floor area from a nonresidential use to a residential use.

\* \* \*

Section 2. A new Section 23.40.090 is added to the Seattle Municipal Code as follows:

**23.40.090 Exception from facade modulation and upper-level setback requirements for certain types of residential projects**

A. For the purposes of this Section 23.40.090:

1. "Affordable housing" means dwelling units whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

a. For rental housing, 60 percent of the area median income adjusted for household size; or

b. For owner-occupied housing, 80 percent of the area median income adjusted for household size.

2. "Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

3. “Modular construction” means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

4. “Passive house requirements” means the criteria for certification as a passive house by Phius or the Passive House Institute.

B. A development with at least 50 percent of its gross floor area in residential use and that is any of the types of projects identified in subsections 23.40.090.B.1 through 23.40.090.B.5 shall be exempt from any facade modulation or upper-level setback requirement in this Title 23 including upper-level width and depth limits, tower separation, and tower spacing requirements. The types of projects identified are those:

1. Where 100 percent of the dwelling units in the development are affordable housing;
2. Where new construction meets passive house requirements;
3. Where retrofit of existing buildings meets passive house requirements;
4. That utilize modular construction; and
5. That utilize mass timber construction.

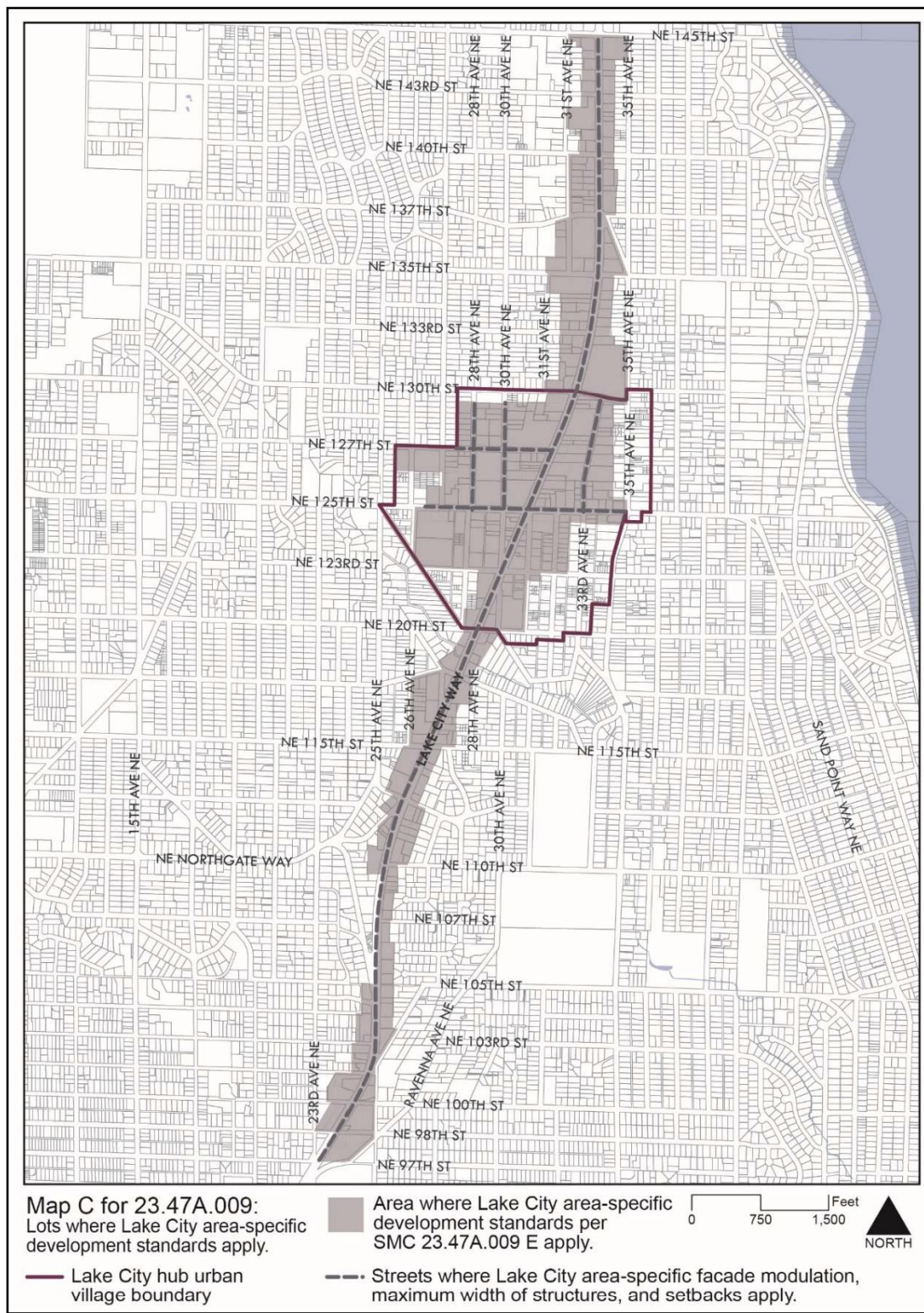
Section 3. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

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

\* \* \*

E. Lake City. The following provisions apply to development proposed on lots that are 40,000 square feet in size or greater and located in NC zones as shown on Map C for 23.47A.009.

# **Map C for 23.47A.009** **Lots where Lake City area-specific development standards apply**





1. Maximum lot coverage

a. The maximum lot coverage permitted for principal and accessory structures is 80 percent of the lot area.

b. Lot coverage exceptions. The following structures or portions of structures are not counted in the lot coverage calculation:

1) Portions of a structure that are below grade or that do not extend more than 4 feet above the finished grade.

2) The first 18 inches of overhead horizontal building projections of an architectural or decorative character, such as cornices, eaves, sills, and gutters.

3) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Building Code.

4) The first 4 feet of unenclosed porches or steps for residential units.

c. In the portion of the lot that is not covered by structures, owners are encouraged to provide improvements at-grade that enhance the usability and livability of the lot for occupants and visitors, such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar improvements.

2. Facade modulation

a. Facade modulation requirements apply to all portions of a structure up to a height of 35 feet and located within 10 feet of a street lot line on streets designated by Map C for 23.47A.009.

- b. The maximum width of any unmodulated facade is 100 feet.

Facades longer than 100 feet shall be modulated by stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum width of 15 feet.

- c. Facade modulation requirements do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the finished grade at the lot line.

### 3. Maximum structure width

- a. On streets designated by Map C for 23.47A.009, the maximum allowed structure width is 250 feet.

- b. Structure width limits do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the finished grade at the lot line.

### 4. Upper-level setbacks

- a. On streets designated by Map C for 23.47A.009, a setback with an average depth of 10 feet from abutting street lot lines is required for portions of a structure above a height of 35 feet. The maximum depth of a setback that can be used to calculate the average setback is 20 feet.

- b. A setback with an average depth of 15 feet from abutting street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used to calculate the average setback is 25 feet.

- 5. Structures permitted in required setbacks are subject to subsection 23.47A.014.G.

6. In addition to the provisions of subsections 23.47A.009.E.1 through 23.47A.009.E.5, for areas zoned NC-55 on lots that are 100,000 square feet in size or larger within the area shown on Map C for 23.47A.009, 2.0 FAR is added to the FAR limit and 30 feet is added to the height limit for development that includes at least 200 dwelling units, and includes any combination of grocery store, pharmacy, medical services, child care center, elementary or secondary school, community club, or community center uses that meet the following conditions:

a. Space for the uses is a minimum of 50,000 square feet of gross floor area;

b. Location of the uses is at the ground level and is easily accessible to the elderly and disabled; and

c. Space for the uses is reserved for the life of the project on the lot.

Section 4. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

#### **23.49.008 Structure height**

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

##### **A. Base and maximum height limits**

1. Except as otherwise provided in this Section 23.49.008, maximum structure heights for Downtown zones are as designated on the Official Land Use Map. In certain zones, as specified in this Section 23.49.008, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both. If height

limits are specified for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. Except in the PMM zone, the base height limit for a structure is the lowest of the maximum structure height or the lowest other height limit, if any, that applies pursuant to this Title 23 based upon the uses in the structure, before giving effect to any bonus for which the structure qualifies under this Chapter 23.49 and to any special exceptions or departures authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum height permitted pursuant to urban renewal covenants.

3. In zones listed below in this subsection 23.49.008.A.3, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in subsection 23.49.008.D, the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not achieve bonus residential floor area according to Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure achieves bonus residential floor area according to Chapter 23.58A:

DOC1 Unlimited/450-unlimited

DOC2 500/300-550

DMC 340/290-440

DMC 240/290-440.

4. A structure in a DMC 340/290-440 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30 percent above the maximum residential height limit if the structure achieves bonus residential floor area according to Chapter 23.58A, or 35 percent above 340 feet if the structure does not include bonus residential floor area according to Chapter 23.58A, in either case under the following conditions:

- a. Only one tower is permitted on the lot;
- b. Any additional floor area above the maximum height limit for non-residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by residential use;
- c. The average residential gross floor area and maximum residential floor area of any story in the portion of the tower permitted above the base residential height limit do not exceed the limits prescribed in subsection 23.49.058.C.1;
- d. Any residential floor area allowed above the base residential height limit under this provision is achieved according to Chapter 23.58A;
- e. At least 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the following standards, and subject to the following allowances for coverage:
  - 1) The location and configuration of the space shall enhance solar exposure, allow easy access to entrances to the tower serving all tenants and occupants from streets abutting the open space, and allow convenient pedestrian

circulation through all portions of the open space. The open space shall be entirely contiguous and physically accessible. To offset the impact of the taller structure allowed, the open space shall have frontage at grade abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the space may vary, especially on sloping lots where terracing the space facilitates connections to abutting streets, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above the grade of the nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate access to transit tunnel stations.

2) Up to 20 percent of the area used to satisfy the open space condition to allowing additional height may be covered by the following features: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director.

f. Open space used to satisfy the condition to allowing additional height in this Section 23.49.008 is not eligible for a bonus under Section 23.49.013.

g. Open space used to satisfy the condition to allowing additional height in this Section 23.49.008 may qualify as common recreation area to the extent permitted by subsection 23.49.011.B and may be used to satisfy open space requirements in subsection 23.49.016.C.1 if it satisfies the standards of subsection 23.49.016.C.1.

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

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

a. The base height limit is 170 feet if any of the following conditions is satisfied:

1) All portions of a structure above 85 feet contain only residential use; or

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

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

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of 170 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least

three sides. For the purpose of this subsection 23.49.008.A.5.b, a light well is defined as an inward modulation on a non-street-facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

6. Restrictions on demolition and alteration of existing structures

a. Any structure in a DRC zone that would exceed the 85-foot base height limit shall incorporate the existing exterior street-front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history, and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

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



|                                               |                                               |
|-----------------------------------------------|-----------------------------------------------|
| Shafer Building / Sixth and Pine Building     | 515 Pine Street                               |
| Decatur Building                              | 1521 6 <sup>th</sup> Avenue                   |
| Coliseum Theater Building                     | 5th Avenue and Pike Street (northeast corner) |
| Northern Bank and Trust / Seaboard Building   | 1506 Westlake Avenue                          |
| <del>((Liggett/Fourth and Pike Building</del> | <del>1424 4th Avenue</del>                    |
| <del>Great Northern Building</del>            | <del>1404 4th Avenue</del>                    |
| <del>Joshua Green Building</del>              | <del>1425 4th Avenue</del>                    |
| <del>Holland Building/Miken Building</del>    | <del>1417 4th Avenue))</del>                  |
| Bon Marche (Macy's)                           | 300 Pine Street                               |

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

7. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this Chapter 23.49 according to Chapter 23.58A, and any additional height allowed by special exception or departure, or by subsection 23.49.008.A.4. The height of a structure shall not exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C, and 23.49.008.D.

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

9. On lots in the DMC 85/75-170 zone:

a. A height limit of 85 feet applies to the portions of a structure that contain non-residential or live-work uses.

b. A base height limit of 75 feet applies to the portions of a structure that contain residential uses.

c. The applicable height limit for portions of a structure that contain residential uses is 85 feet if extra floor area is achieved according to Section 23.49.023 and Chapter 23.58A, and the structure has no non-residential or live-work use above 85 feet, and the structure does not qualify for a higher limit for residential uses under subsection 23.49.008.A.9.d.

d. The applicable height limit is 170 feet if extra floor area is achieved according to Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-work use above 85 feet, the lot is at least 40,000 square feet in size and includes all or part of a mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent the Director grants a waiver of such conditions, and the standards of Section 23.49.060 are satisfied.

10. On lots in a DMC-75 zone in areas eligible for residential height limit increase indicated on Map 1L the height limit is increased to 125 for development applications submitted before January 1, 2029, provided that only those portions of structures that contain only residential uses may exceed 75 feet.

\* \* \*

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

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

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

a. For development applications submitted before January 1, 2029, in eligible DMR zones as indicated on Map 1L for which the higher height limit established on the Official Land Use Map is 95 feet the higher height limit is increased to 145 feet, and within the infill housing focus areas the higher height limit is further increased to 245 feet, provided that in either case only those portions of structures that contain only residential uses may exceed the lower height limit; and

b. For development applications submitted before January 1, 2029, in eligible DMR zones as indicated on Map 1L for which the higher height limit established on the Official Land Use Map is 145 feet the higher height limit is increased to 245 feet provided that only those portions of structures that contain only residential uses may exceed the lower height limit.

3. On lots in the DMR/C 75/75-170 zone, the base height limit is 75 feet, and it is the applicable height limit for all structures, except that:

a. The applicable height limit is 85 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-work use above 75 feet, and the structure does not qualify for a higher height limit under this subsection 23.49.008.C.3.

b. The applicable height limit is 170 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A; the structure has no non-

residential or live-work use above 75 feet; the lot includes all or part of a mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent any waiver of such conditions is granted by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

4. On lots in the DMR/C 75/75-95 zone, the base height limit is 75 feet, and it is the applicable height limit for all structures, except that the applicable height limit is 95 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the structure has no non-residential or live-work use above 75 feet.

5. On lots in the DMR/R 95/65 zone:

a. A height limit of 95 feet applies to the portions of a structure that contain residential or lodging uses.

b. A height limit of 65 feet applies to the portions of a structure that contain non-residential uses (excluding lodging uses).

\* \* \*

Section 5. A new Map 1L, Eligible Areas For Residential Height Limit Increase, as shown on Attachment 1 attached to this ordinance, is added to Chapter 23.49 of the Seattle Municipal Code.

Section 6. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 127198, 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 Major Retail Store and Shopping Atrium FAR Exemption Area identified on Map 1J of Chapter 23.49, up to a maximum FAR exemption of 2 for all such uses combined; and other uses provided according to Section 23.42.041 in the FAR Exemption Area identified on Map 1J for those uses (excluding the Pike Place Market Historical District), up to a maximum FAR exemption of 2; provided that for uses in the FAR Exemption Areas 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, except as allowed by interim street activation provisions in Section 23.42.041;

3) For the purposes of subsection 23.49.011.B.1, for floor area above street level, changes from residential use to commercial uses provided for

interim street activation purposes are subject to mandatory housing affordability pursuant to subsection 23.58B.020.B;

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

5) 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, except as allowed by interim street activation provisions in Section 23.42.041. 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, 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.j or a small structure eligible pursuant to subsection 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, 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.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.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))~~ zones, lodging uses. This exemption from FAR limits does not apply to lodging uses created by converting residential uses to lodging uses in existing structures.

Section 7. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 127375, is amended as follows:

**23.49.036 Planned community developments (PCDs)**

\* \* \*

F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection 23.49.036.F.

1. Public benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection 23.49.036.B. The PCD shall include at least three of the following elements:

- a. Low-income housing,
- b. Townhouse development,
- c. Historic preservation,
- d. Public open space,
- e. Improvements in pedestrian circulation,
- f. Improvements in urban form,
- g. Improvements in transit facilities,
- h. Green stormwater infrastructure beyond the requirements of the

Stormwater Code (Chapters 22.800 through 22.808), ((~~or~~))

- i. Employment training or job placement for adults.
- j. Employment training or vocational education for youths.
- k. Processing of donated materials for reuse or recycling, or
- l. Other elements that further an adopted City policy and provide a

demonstrable public benefit.

2. Potential impacts. The Director shall evaluate the potential impacts of a proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, public views, and water quality.

3. The Director may place conditions on the proposed PCD in order to make it compatible with areas adjacent to Downtown that could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in

which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's decision on the PCD.

\* \* \*

I. Term. Expiration or renewal of a permit for the first phase of a PCD is subject to the provisions of Chapter 23.76. The applicant shall submit a phasing plan and the Director shall determine the expiration date of the PCD, which shall be no later than 15 years from the date of issuance. The expiration date shall be informed by the following factors:

1. Practical time period necessary to physically construct buildings, roads and infrastructure;

2. Documented information about the functional or operational plans of an organization or business for its future growth; and

3. Current and forecasted information about real estate markets.

J. Change to an approved PCD

1. When an amendment to a Master Use Permit with a PCD component is requested, the Director shall determine whether the amendment is minor or not. A minor amendment is one for which:

a. There is substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the PCD component, with no substantial change in the mix of uses and no major increase in the bulk and scale of structures originally proposed; and

b. No significantly greater impact would occur.

2. If the Director determines that the amendment is minor, the Director may approve a revised site plan as a Type I decision, in which case the Master Use Permit expiration date of the original approval shall be retained.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing PCD approval or may submit a revised PCD application. The revised application shall be the subject of a Type II decision. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

Section 8. Section 23.49.058 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

**23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards**

\* \* \*

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

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

**Table B for 23.49.058 – Average residential gross floor area per story and maximum residential gross floor area per story of a tower <sup>1</sup>**

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

**Footnote to Table B for 23.49.058**

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

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

b. For structures that exceed the base height limit for residential use according to Chapter 23.58A, the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Table B for 23.49.058.

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



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

2. Maximum tower width

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

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

2) On lots smaller than 10,700 square feet that are bounded on all sides by street right-of-way, the maximum facade width shall be 120 feet.

b. In DOC2 zones, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 145 feet.

c. In DOC1, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 160 feet.

d. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating the maximum width of a facade.

D. Tower spacing in DMC zones

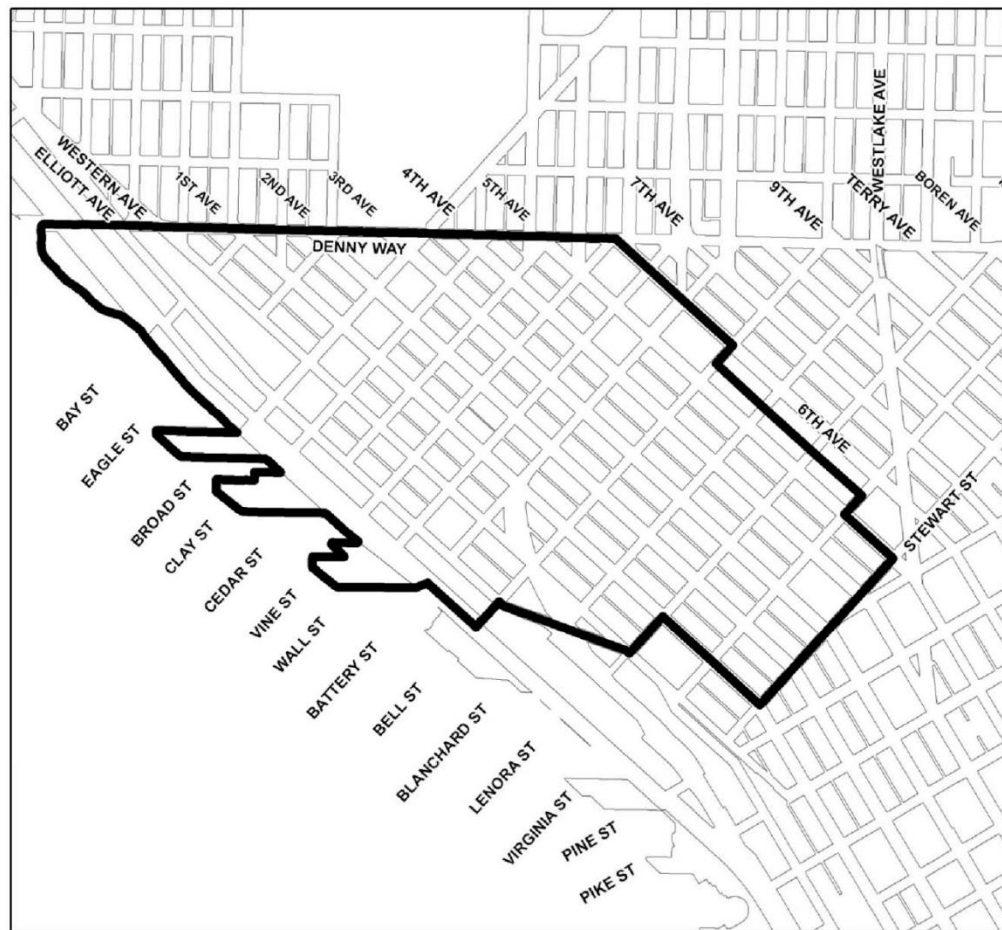
1. The requirements of this subsection 23.49.058.D apply to all structures over 160 feet in height in DMC zones, excluding DMC 170 zones, except that no separation is required:

- a. Between structures on different blocks, except as may be required by view corridor or designated green street setbacks; or
- b. From a structure on the same block that is not located in a DMC zone; or
- c. From a structure allowed pursuant to the Land Use Code in effect prior to May 12, 2006; or
- d. From a structure on the same block that is 160 feet in height or less, excluding rooftop features permitted above the applicable height limit for the zone pursuant to Section 23.49.008; or
- e. From a structure in a DMC 170.

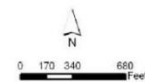
2. Except as otherwise provided in this subsection 23.49.058.D, in the DMC 240/290-440 zone located between Stewart Street, Union Street, Third Avenue, and First Avenue, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height shall be separated from any other existing tower that is above 160 feet in height, and the minimum separation required between towers from all points above the height of 125 feet in each tower is 60 feet.

3. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone with a mapped height limit of more than 170 feet located either in Belltown, as shown on Map A for 23.49.058, or south of Union Street, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height must be separated from any other existing tower that is above 160 feet in height, and the

### Map A for 23.49.058 Belltown



— Belltown Boundary



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minimum separation required between towers from all points above the height of 125 feet in each tower is ~~((80))~~ 60 feet.

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

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

6. If the presence of an existing tower would preclude the addition of another tower proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be located on the same block that are not separated by at least the minimum spacing required in subsections 23.49.058.D.2, 23.49.058.D.3, and 23.49.058.D.4, other than towers described in subsection 23.49.058.D.1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

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

b. Aspects of the proposal that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other streetscape improvements, and preservation of Landmark structures;

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

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

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

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

7. For purposes of this Section 23.49.058 a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

a. The tower is physically present, except that a tower that is physically present is not considered "existing" if the owner of the lot where the tower is located has applied to the Director for a permit to demolish the tower and provided that the no building permit for the proposed tower is issued until the demolition of the tower that is physically present has been completed;

b. The tower is a proposed tower for which a complete application for a Master Use Permit or building permit has been submitted, provided that:

1) The application has not been withdrawn or cancelled without the tower having been constructed; and

2) If a decision on that application has been published or a permit on the application has been issued, the decision or permit has not expired, and has not been withdrawn, cancelled, or invalidated, without the tower having been constructed.

c. The tower is a proposed tower for which a complete application for early design guidance has been filed and a complete application for a Master Use Permit or building permit has not been submitted, provided that the early design guidance application will not qualify a proposed tower as an existing tower if a complete Master Use Permit application is not submitted within 90 days of the date of the early design guidance public meeting if one is required, or within 90 days of the date the Director provides guidance if no early design meeting is required, or within 150 days of the first early design guidance public meeting if more than one early design guidance public meeting is held. Failure to file a complete Master Use Permit application within 12 months of filing a complete application for early design guidance or from the effective date of this ordinance shall disqualify a proposed tower from being considered an existing tower.

\* \* \*

Section 9. Section 23.49.158 of the Seattle Municipal Code, last amended by Ordinance 125371, is amended as follows:

### **23.49.158 Downtown Mixed Residential, coverage and floor size limits**

#### **A. Coverage**

1. Except on lots located in DMR/R 95/65 zones, and except as provided in subsection 23.49.158.C, portions of structures above 65 feet shall not exceed the coverage limits in Table A for 23.49.158:

**Table A for 23.49.158 – Percent coverage permitted by lot size**

| <b>Elevation of portion of structure (in feet)</b> | <b>0—19,000 square feet</b> | <b>19,001—25,000 square feet</b> | <b>25,001—38,000 square feet</b> | <b>Greater than 38,000 square feet</b> |
|----------------------------------------------------|-----------------------------|----------------------------------|----------------------------------|----------------------------------------|
| 65 or less                                         | 100%                        | 100%                             | 100%                             | 100%                                   |
| Greater than 65 up to 85 <sup>(1)</sup>            | 75%                         | 65%                              | 55%                              | 45%                                    |
| Greater than 85 up to 145 <sup>(1)</sup>           | 65%                         | 55%                              | 50%                              | 40%                                    |
| Greater than 145 up to 280 <sup>(1)</sup>          | Not applicable              | 45%                              | 40%                              | 35%                                    |

#### Footnote to Table A for 23.49.158

(1) The percent coverage permitted is five percentage points more than the number indicated in the row of the table, for development applications in the area north of Lenora Street and west of 4th Avenue that are submitted before January 1, 2029.

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

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

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

B. Story size. Each story in portions of structures above 145 feet in height shall have a maximum gross floor area of 8,800 square feet, except that for development applications north of Lenora Street and west of 4th Avenue that are submitted before January 1, 2029 the maximum gross floor area is 10,700 square feet.

\* \* \*

Section 10. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties identified on pages 60, 76, 109, 112, and 188 of the Official Land Use Map as shown on Attachments 2, 3, 4, 5 and 6 attached to this ordinance.

Attachments:

Attachment 1 – Eligible Areas For Residential Height Limit Increase

Attachment 2 – Fremont / Stone Way Rezone Map

Attachment 3 – Downtown Retail Core Rezone Map

Attachment 4 – University District Rezone Map

Attachment 5 – Rainier Beach Rezone Map

Attachment 6 – Madison / Miller Rezone Map



This ordinance shall take effect as provided by Seattle Municipal Code Sections  
1.04.020 and 1.04.070.

Passed by the City Council and signed in open session in authentication of its  
passage on \_\_\_\_\_.

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

\_\_\_\_\_ on \_\_\_\_\_.

\_\_\_\_\_  
Katie B. Wilson, Mayor

Attested on \_\_\_\_\_.

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

*Seal*