CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.900G.010 of the Seattle Municipal Code, last amended by Ordinance 126213, is amended as follows:

22.900G.010 Fees for Department of Neighborhoods review

The following fees shall be collected by the Director of the Department of Neighborhoods and deposited in the General Fund unless otherwise specified.

* * *

C. Public School ((~~Citizen~~)) Advisory Committee fees. There is a charge of $123 an hour for convening and staffing School Use ((~~Citizen~~)) Advisory Committees and School Departure Citizen Advisory Committees.

D. Major Institution ((~~Citizen~~)) Advisory Committee fees. The fee for convening and staffing of ((~~Citizen Advisory Committees~~)) <u>advisory committees</u> for the routine annual review

of approved master plans and/or the review of master plan amendments is $123 an hour. The fee for convening and staffing of ((~~Citizen Advisory Committees~~)) advisory committees for new master plans and for amendments to master plans is $123 an hour.

* * *

Section 2. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.24.040 Criteria for approval

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

* * *

8. Conformance to the provisions of Section 23.24.045 when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of single-family dwelling units, townhouse, rowhouse, and cottage housing developments, existing apartment structures built prior to January 1, 2013, but not individual apartment units, or any combination of the above types of residential development, as permitted in the applicable zones; and

9. Every lot, except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:

a. If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and

b. No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and

c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and

d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.

B. Special exception. The Director may modify the standards of subsection ((~~23.24.040.A.8~~)) 23.24.040.A.9, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:

* * *

Section 3. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.40.060 Living Building Pilot Program

A. Applications

1. Enrollment period. The enrollment period for the Living Building Pilot Program expires on the earlier of December 31, ((~~2025~~)) 2030, or when applications meeting

the requirements of subsection 23.40.060.A.2 have been submitted for 20 Living Building Pilot projects from ((~~the date of the ordinance introduced as Council Bill 118783~~)) September 6, 2016.

2. Application requirements. In order to qualify for the Living Building Pilot Program, an applicant shall submit a complete Master Use Permit application pursuant to Section 23.76.010 and ((~~a plan demonstrating~~)) shall demonstrate how the project will meet the provisions of subsection 23.40.060.B on plans and documents. The applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage Living Buildings in the city.

B. Minimum standards. A project shall qualify for the Living Building Pilot Program if it is located outside of the shoreline jurisdiction, is reviewed in accordance with the full design review process provided in Section 23.41.014, and meets full Living Building Certification by achieving either all of the imperatives of the International Living Future Institute's (ILFI) Living Building Challenge SM 3.1 or 4.0 certification or all of the following:

* * *

2. ((~~Total annual building energy use that is 25 percent less than a baseline defined as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code Section C401.3~~)) The project shall comply with the requirements of the Target Performance Path in Section C401.3 of the Seattle Energy Code and decrease the building performance factor by at least 25 percent below that defined in the Target Performance Path Section C401.3.1.1;

* * *

Section 4. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.41.004 Applicability

A. Design review required

* * *

5. Any development proposal, regardless of size or site characteristics, is subject to the administrative design review process according to Section 23.41.016 if it receives public funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant, or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.

6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014. If a development proposal in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. A development proposal in a Master Planned Community zone, which includes a request for departures and provides affordable housing per subsection 23.41.004.A.5, shall be subject to administrative design review according to Section 23.41.016.

* * *

Section 5. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

23.41.016 Administrative design review process

* * *

B. Community Outreach

* * *

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the ((~~scheduling of the~~)) early design guidance ((~~meeting~~)) review. The Director shall make the documentation available to the public. The documentation shall include:

* * *

C. Early design guidance process

1. Following a preapplication conference, an applicant may apply to begin the early design guidance process.

2. The purpose of the early design guidance process is to identify concerns about the site and proposed development, receive written comments from the public, review the design guidelines applicable to the site, identify guideline priorities, and explore conceptual design or siting alternatives.

3. The Director may establish, by rule, the information that the applicant shall ((~~present at~~)) provide with the early design guidance ((~~meeting~~)) application.

* * *

Section 6. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

* * *

B. Community Outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while Ordinance 126188 is in effect, a high impact electronic or digital outreach method from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its successor rule, that is not already being used to meet the electronic or digital outreach requirement, shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may proceed to the early design guidance process, notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the ((~~scheduling of the~~)) early design guidance ((~~meeting~~)) review. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the

development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

C. Early design guidance process

1. Following a preapplication conference, an applicant may apply to begin the early design guidance process.

2. The purpose of the early design guidance process is to receive written comments from the public, identify concerns about the site and proposed development, review the design guidelines applicable to the site, identify guideline priorities, explore conceptual design or siting alternatives, and identify and document proposed development standard adjustments, which may be approved as a Type I decision pursuant to subsection 23.41.018.D, or departures, which may be approved as a Type II decision pursuant to Section 23.41.016.

3. The Director may establish, by rule, the information that the applicant shall ((~~include for~~)) provide with the early design guidance ((~~process~~)) application.

* * *

Section 7. Section 23.42.038 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.42.038 Uses allowed on vacant and underused lots in certain zones

A. Permitted uses. ((~~On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or Commercial zone, except for NC1 zones and lots in landmark and special review districts, a Type I~~)) A Master Use Permit may be issued for the following uses, pursuant to the provisions of subsections 23.42.038.B through 23.42.038.E:

1. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial, or Commercial zone, except for NC1 zones and lots in landmark and special review districts, a Type I Master Use Permit may be issued for the following uses:

((~~1~~)) a. General retail sales and services in a kiosk or similar temporary structure;

((~~2~~)) b. Mobile food or other vendors using a cart, trailer, van, or similar vehicle;

((~~3~~)) c. Displays or installations of art;

((~~4~~)) d. Entertainment uses that are outdoors;

((~~5~~)) e. Horticulture use; or

((~~6~~)) f. Any similar use or activity that is determined by the Director to have the likelihood of attracting and increasing pedestrian activity in the area.

2. In a Neighborhood Residential or Lowrise zone on a lot owned by the City, a Type 1 Master Use Permit may be issued for any use otherwise allowed as a conditional use, when proposed by an arts or cultural organization and in partnership with a City agency.

B. Requirements

1. A permit for the uses permitted by subsection 23.42.038.A shall be authorized for a period of three years and may be renewed for additional three-year terms at the discretion of the Director.

2. Permits under this Section 23.42.038 may not be issued for property that is located within a riparian corridor, a shoreline habitat, a shoreline habitat buffer, a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09. ((~~, Regulations for Environmentally Critical Areas.~~))

3. For entertainment uses that are outdoors, hours of operation shall be between 7 a.m. and 10 p.m. and the area of use shall be at least 50 feet from a residential zone. ((;))

C. Waiver of development standards. The Director may waive development standards for the uses allowed pursuant to subsection 23.42.038.A, except measures shall be incorporated to shield vehicle lights to minimize glare on nearby uses.

D. The uses permitted by Section 23.42.038 do not interrupt any legally established permanent use of a property or create, expand, or extend any nonconformity to development standards by an existing use.

E. For all uses authorized by Section 23.42.038, appropriate measures shall be taken to control queuing on or other blocking of an adjacent sidewalk or right-of-way.

* * *

Section 8. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.42.040 Intermittent, temporary, and interim uses

The Director may grant, deny, or condition applications for the following intermittent, temporary, or interim uses not otherwise permitted or not meeting development standards in the zone:

A. Intermittent ((~~Uses.~~)) uses

1. A Master Use Permit for a time period of up to one year may be authorized for any use that occurs no more than two days per week and does not involve the erection of a permanent structure, provided that:

a. The use is not materially detrimental to the public welfare; and

b. The use does not result in substantial injury to the property in the vicinity; and

c. The use is ((~~be~~)) consistent with the spirit and purpose of the Land Use Code.

* * *

Section 9. Section 23.42.055 of the Seattle Municipal Code, last amended by Ordinance 126445, is amended as follows:

23.42.055 Low-income housing on property owned or controlled by a religious organization

* * *

E. Applicability. The alternative development standards for low-income housing on property owned or controlled by a religious organization that are available in each zone may be applied to projects that vested according to Section 23.76.026, prior to August 9, 2021, in accordance with subsection ((~~23.76.026.G~~)) 23.76.026.E.

* * *

Section 10. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.106 Expansion of nonconforming uses

* * *

B. In addition to the standards in subsection 23.42.106.A, a structure in a neighborhood residential zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040. ((~~or Section 23.44.015.~~))

2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040; ((~~or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval;~~)) if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.

3. An expansion of no more than 500 square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.

4. An expansion greater than 500 square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by the Seattle Department of Construction and Inspections through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

a. Architectural character;

b. Existing streetscape and pattern of yards; and

c. Scale and proportion of principal structures.

5. If an addition proposed under subsection 23.42.106.B.3 or 23.42.106.B.4 would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

* * *

Section 11. Section 23.42.112 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.112 Nonconformity to development standards

* * *

B. A structure nonconforming to development standards and occupied by or accessory to a residential use may be rebuilt or replaced but may not be expanded or extended in any manner that increases the extent of nonconformity unless specifically permitted by this code.

1. A survey by a licensed Washington surveyor, or other documentation acceptable to the Director, documenting the extent of nonconformity and confirming that the plans to rebuild or replace a residential structure create no unpermitted increase in nonconformity shall be required prior to approval of any permit to rebuild or replace a nonconforming residential structure.

2. Additions, including parking, to a rebuilt nonconforming residential structure that meet current development standards are allowed.

3. ((~~Nonconforming development that is not structural, including but not limited to access or location of parking, may be maintained if a structure is rebuilt according to the requirements of~~)) Existing access or location of parking may be maintained for single-family structures in neighborhood residential and multifamily zones when the single-family structure is being rebuilt according to this subsection 23.42.112.B.

* * *

Section 12. Section 23.44.009 of the Seattle Municipal Code, last amended by Ordinance 126384, is amended as follows:

23.44.009 Design standards in RSL zones

In RSL zones, the following provisions apply:

* * *

B. Each dwelling unit with a street-facing facade or each apartment structure with a street-facing facade, that is located within 40 feet of a street lot line shall have a pedestrian entry or front door on that street-facing facade. For dwelling units or apartment structures on corner lots, a pedestrian entry or front door is required on only one of the street-facing facades. The pedestrian entry or front door shall be marked with a covered stoop, porch, or other similar architectural entry feature.

* * *

Section 13. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.010 Minimum lot area and lot coverage

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D. Lot coverage exceptions

1. Lots abutting alleys. For purposes of computing the lot coverage only:

a. The area of a lot with an alley or alleys abutting any lot line may be increased by one-half of the width of the abutting alley or alleys.

b. The total lot area for any lot may not be increased by the provisions of this Section 23.44.010 by more than ten percent.

2. Special structures and portions of structures. The following structures and portions of structures are not counted in lot coverage calculations:

a. Access bridges

1) Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access,

2) Uncovered, unenclosed vehicular bridges no wider than 12 feet for access to one parking space or 18 feet for access to two parking spaces and of any height necessary for access;

2. Special structures and portions of structures. The following structures and portions of structures are not counted in lot coverage calculations:

a. Access bridges

1) Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access,

2) Uncovered, unenclosed vehicular bridges no wider than 12 feet for access to one parking space or 18 feet for access to two parking spaces and of any height necessary for access;

b. Barrier-free access. Ramps or other access for the disabled or elderly that comply with ((~~Washington State~~)) the Seattle Building Code, Chapter 11;

c. Decks. Decks or parts of a deck that are 36 inches or less above existing grade;

d. Freestanding structures and bulkheads. Fences, freestanding walls, bulkheads, signs, and other similar structures;

e. Underground structures. An underground structure, or underground portion of a structure;

f. Eaves and gutters. The first 36 inches of eaves and gutters that project from principal and accessory structures;

g. Solar collectors and swimming pools. Solar collectors that comply with Section 23.44.046 and swimming pools that comply with Section 23.44.044.

* * *

Section 14. Section 23.44.011 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.011 Floor area in neighborhood residential zones

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C. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. In NR1, NR2, and NR3 zones:

a. Any floor area contained in an accessory dwelling unit;

b. Either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.

4. In RSL zones, 50 percent of <u>the chargeable</u> floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

* * *

Section 15. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.014 Yards

* * *

C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

* * *

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44, certain features of a principal or accessory structure, except for detached accessory dwelling units, may extend into required yards if they comply with the following:

a. External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no more than 18 inches into any required yard;

b. Bay windows are limited to 8 feet in width and may project no more than 2 feet into a required front, rear, and street side yard;

c. Other projections that include interior space, such as garden windows, may extend no more than 18 inches into any required yard, starting a minimum of 30 inches above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

d. The combined area of features permitted by subsections 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no more than 30 percent of the area of the facade.

7. ((~~Unenclosed~~)) Covered, unenclosed decks and roofs over patios. ((~~Unenclosed~~)) Covered, unenclosed decks and roofs over patios, if attached to a principal structure, ((~~or a detached accessory dwelling unit,~~)) may extend into the required rear yard, but shall not be within 12 feet of the centerline of any alley, or within 5 feet of any rear lot line that is not an alley lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the principal structure along that side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed decks and patios shall not exceed 12 feet above

existing or finished grade, whichever is lower. The roof over such decks or patios shall not be used as a deck.

* * *

9. Barrier-free access. Access facilities for the disabled and elderly that comply with ((~~Washington State~~)) the Seattle Building Code, Chapter 11, are permitted in any required yard.

* * *

11. Decks in yards. ((~~Decks~~)) Except for decks allowed as a part of a detached accessory dwelling unit, decks no higher than 18 inches above existing or finished grade, whichever is lower, may extend into required yards.

* * *

Section 16. Section 23.44.015 of the Seattle Municipal Code, last amended by Ordinance 122311, is repealed:

((~~23.44.015 Allowance for larger households.~~

~~The Director may allow larger numbers of unrelated persons to live together in a household than would otherwise be permitted in two situations: (1) through a grant of special accommodation, available only to domestic violence shelters as defined in~~ Chapter 23.84A~~, and (2) through a grant of reasonable accommodation, available only to persons with handicaps as defined by federal law.~~

~~A. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together in groups of between nine (9) and fifteen (15) persons in single-family dwelling units, according to the following:~~

~~1. An application for special accommodation must demonstrate to the satisfaction of the Director:~~

~~a. That the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of the size proposed; and~~

~~b. That adverse impacts on the neighborhood from the increased density will be mitigated.~~

~~2. The Director shall take into account the size, shape and location of the dwelling unit and lot, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.~~

~~3. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the Director or the Director shall deny the request for special accommodation.~~

~~4. A grant of special accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the Director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to eight unless a new grant of special accommodation is issued for a modified proposal.~~

~~5. A decision to grant special accommodation is a Type 1 Master Use Permit decision (See~~ Chapter 23.76~~) that shall be recorded with the King County Division of Records and Elections.~~

~~B. The Director may grant reasonable accommodation to individuals who are handicapped within the meaning of 42 U.S.C. 3602, in order for them to live in a household of more than eight (8) persons, according to the following:~~

~~1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the handicap of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.~~

~~2. The Director shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from residents, staff and visitors; and any other circumstances the Director determines to be relevant.~~

~~3. The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.~~

~~4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.~~

~~5. A decision to grant reasonable accommodation is a Type 1 Master Use Permit decision (see~~ Chapter 23.76~~) that shall be recorded with the King County Division of Records and Elections.~~

~~6. Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.~~))

* * *

Section 17. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.016 Parking and garages

* * *

B. Access to parking

1.Vehicular access to parking from an improved street, alley, or easement is required if parking is required pursuant to Section 23.54.015.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one of the following conditions exists:

* * *

f. Parking access must be from the street in order to provide access to a parking space that complies with the ((~~Washington State~~)) Seattle Building Code, Chapter 11; or

* * *

F. Appearance of garages ((~~entrances~~))

* * *

Section 18. Section 23.44.017 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.017 Density limits

* * *

B. The following provisions apply in RSL zones:

1. The minimum lot area per dwelling unit is 2,000 square feet.

2. Except as provided in subsection 23.44.017.B.3, when calculation of the number of dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

3. For lots in existence on ((~~the effective date of the ordinance introduced as Council Bill 119444~~)) April 19, 2019, if the number of dwelling units allowed according to subsection ((~~23.44.017.B.2~~)) 23.44.017.B.1 equals less than two, two units are allowed.

* * *

Section 19. Section 23.44.018 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

23.44.018 Maximum dwelling unit size in RSL zones

The maximum net unit area of any dwelling unit in RSL zones, including any floor area in an accessory dwelling unit, is 2,200 square feet, except as provided in subsection 23.44.018.B.

A. The following floor area is exempt from the maximum net unit area limit:

1. All stories, or portions of stories, that are underground.

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

B. Certain additions ((~~.~~))

1. The limit of ((~~subsection 23.44.018.A~~)) this Section 23.44.018 shall not apply to an addition to single-family residences existing on ((~~the effective date of the ordinance introduced as Council Bill 119444~~)) April 19, 2019, if the addition:

a. Adds floor area equal to or less than 20 percent of the floor area that existed on ((~~the effective date of the ordinance introduced as Council Bill 119444~~)) April 19, 2019; or ((~~.~~))

b. Adds floor area only by adding or expanding a second-story, provided that the second-story addition is directly above a portion of the dwelling unit that existed prior to ((~~the effective date of the ordinance introduced as Council Bill 119444~~)) April 19, 2019. For purposes of this subsection ((~~23.44.018.B.2~~)) 23.44.018.B.1, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, shall not be considered in the calculation of the number of stories.

((~~3~~)) 2. Only one addition to any single-family residence may be exempted under this subsection 23.44.018.B.

* * *

Section 20. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.041 Accessory dwelling units

A. General provisions. The Director may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence, only under the following conditions:

* * *

((~~3. In an NR1, NR2, and NR3 zone, any number of related persons may occupy each unit on a lot with one or more accessory dwelling units. If unrelated persons occupy any dwelling unit, the total number of persons occupying all dwelling units may not altogether exceed eight if there is one accessory dwelling unit on the lot. If two accessory dwelling units exist on the lot, the total number of unrelated persons occupying all units may not altogether exceed 12.~~

~~4. In RSL zones, any number of related persons may occupy each principal unit, or each principal unit plus an associated accessory dwelling unit. If unrelated persons occupy either unit, the total number of persons occupying the principal unit plus an associated accessory dwelling unit may not altogether exceed eight.~~))

((~~5~~)) 3. In NR1, NR2, and NR3 zones, accessory dwelling units are subject to the tree requirements in subsection 23.44.020.A.2.

((~~6~~)) 4. No off-street parking is required for accessory dwelling units. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot.

* * *

C. Detached accessory dwelling units. Detached accessory dwelling units are subject to the following additional conditions: 1. Detached accessory dwelling units are required to meet the additional development standards set forth in Table A for 23.44.041.

Table A for 23.44.041 **Development standards for detached accessory dwelling units [1, 2]**	
* * *	
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and exterior-only accessed storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor

Table A for 23.44.041 Development standards for detached accessory dwelling units [1, 2]				
	area calculation for a detached accessory dwelling unit. ((~~The bicycle parking area shall be provided in a safe and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.~~))			
* * *				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. [4, 5, 6, 11]			
* * *				
k. Maximum height limits [7, 8, 9]	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) [10, 11]	14	16	18	18
* * *				
l. Minimum separation from principal structure	5 feet including eaves and gutters of all structures			
* * *				
Footnotes to Table A for 23.44.041 [1] The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure. * * * [10] Open railings that accommodate roof decks may extend 4 feet above the base structure height limit. [11] Attached decks that are portions of a detached accessory dwelling unit are allowed in the required rear yard and up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.				

* * *

2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections ((~~22.206.010~~)) 22.206.020 through

22.206.140 ((~~of the Housing and Building Maintenance Code~~)) and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in standards a through f, and h through k, listed in Table A for 23.44.041. ((~~, provided the conversion does not increase the structure's nonconformity with the standard.~~)) These exceptions also apply to any additions to an existing accessory structure. An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure existed prior to December 31, 2017, as an accessory structure. If an accessory structure existing prior to December 31, 2017, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.C.2. For purposes of this subsection 23.44.041.C.2, the term "conversion" means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

* * *

Section 21. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.45.514 Structure height

* * *

I. Rooftop features

* * *

4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and 23.45.514.F, if the combined total coverage of all features in subsections ((~~23.45.514.J.4.a~~)) 23.45.514.I.4.a through ((~~23.45.514.J.4.f~~)) 23.45.514.I.4.f does not exceed 15 percent of the roof area (or 20 percent of the roof area if the total includes screened mechanical equipment):

a. Stair penthouses, except as provided in subsection 23.45.514.I.6;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing that encloses it, if the fencing is at least 5 feet from the roof edge;

d. Chimneys;

e. Wind-driven power generators; and

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

* * *

Section 22. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.45.518 Setbacks and separations

A. LR zones

* * *

2. Upper-level setbacks in LR2 and LR3 zones

a. An upper-level setback of 12 feet from the front lot line is required for all portions of a structure above the following height:

1) Forty-four feet for zones with a height limit of 40 feet; and

2) Fifty-four feet for zones with a height limit of 50 feet.

b. An upper-level setback of 12 feet from each side or rear lot line that abuts a lot zoned single-family is required for all portions of the structure above 34 feet in height.

c. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

d. Structures allowed in subsection ((~~23.45.518.J~~)) 23.45.518.I are not allowed in upper-level setbacks.

e. Rooftop features are not allowed in upper-level setback except as follows:

1) A pitched roof, other than a shed roof or butterfly roof, is allowed in the upper-level setback if all parts of the roof are pitched at a rate of not less than 6:12 and not more than 12:12.

2) Open railings may extend up to 4 feet above the height at which the setback begins.

3) Parapets may extend up to 2 feet above the height at which the setback begins.

B. MR zones

* * *

2. Upper-level setbacks in MR zones

a. For lots abutting a street that is less than 56 feet in width, all portions of the structure above 70 feet in height must be set back 15 feet from the front lot line abutting that ((~~right-of-way~~)) street.

b. Projections allowed in subsection 23.45.518.H are allowed in upper-level setbacks.

c. Structures allowed in subsection ((~~23.45.518.J~~)) 23.45.518.I are not allowed in upper-level setbacks.

d. Rooftop features are not allowed in upper-level setback except as follows:

1) Open railings may extend up to 4 feet above the height at which the setback begins.

2) Parapets may extend up to 2 feet above the height at which the setback begins

* * *

Section 23. Section 23.45.524 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.45.524 Landscaping standards

A. Landscaping requirements

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, number of plants, spacing of plants, depth and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor requirement

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot within an LR zone if

construction of more than one new dwelling unit or a congregate residence is proposed on the site. The addition of any new dwelling unit that does not increase the floor area on the site is exempt from the Green Factor requirement. ((~~Vegetated walls may not count towards more than 25 percent of a lot's Green Factor score.~~))

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any lot within an MR or HR zone if construction of more than one new dwelling unit or a congregate residence is proposed on the site. The addition of any new dwelling unit that does not increase the floor area on the site is exempt from the Green Factor requirement.

* * *

Section 24. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.45.529 Design standards

* * *

D. Treatment of side facades that are not street-facing. For the purposes of this subsection 23.45.529.D, a side facade that is not street-facing includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529, if located within 10 feet of a side lot line.

1. If the side facade of a structure that is not street-facing exceeds 1,000 square feet in area, one of the following must be met:

a. A portion of the side facade with a minimum area of 250 square feet and a maximum area of 750 square feet shall project or be recessed from abutting facade planes by a minimum depth of 18 inches; or

b. The side facade shall include vertical or horizontal variations in building materials or color, covering a minimum of 25 percent of the facade surface.

2. Structures shall be designed to maintain the privacy of dwelling units by minimizing placement of proposed windows where they would directly align with windows on the side facade of a structure on an abutting lot located within 20 feet of the side property line or by use of fencing, screening, landscaping, or translucent windows to create privacy between buildings.

* * *

G. Design standards for townhouse developments

1. Building orientation. Townhouse developments shall maximize the orientation of individual units to the street by complying with one of the following conditions:

a. ((~~At~~)) When multiple buildings are located on a lot, at least 50 percent of the townhouse units shall be located so that there is no intervening principal structure between the unit and the street, unless the intervening principal structure was established under permit as of October 31, 2001, or was granted a permit on October 31, 2001, and the permit has not expired; or

b. All townhouse units without a street-facing facade shall have direct access to a common amenity area meeting the requirements of Section 23.45.522 that either abuts the street or is visible and accessible from the street by a clear pedestrian pathway.

2. Pedestrian pathway. A clear pedestrian pathway from the street to the entrance of each townhouse unit shall be provided. The pedestrian pathway may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or

similar technique. Signage identifying townhouse unit addresses and the directions to the unit entrance(s) from the street shall be provided.

3. Pedestrian entry. Each townhouse unit with a street-facing facade shall have a pedestrian entry on the street-facing facade that is designed to be a visually prominent feature through the use of covered stoops, porches, or other architectural entry features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features, such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

* * *

Section 25. A new Section 23.45.600 is added to the Seattle Municipal Code as follows:

23.45.600 Major Phased Developments in Midrise zones

A. In a Midrise zone, an applicant may seek approval of a Major Phased Development. A Major Phased Development proposal is subject to the provisions of the zone and shall meet the following thresholds:

1. Minimum site size of 5 acres, composed of contiguous parcels or parcels divided only by one or more rights-of-way.

2. The proposed project at time of application is a single, functionally interrelated campus, contains more than one building, with a minimum total number of 500 dwelling units,

and will meet Mandatory Housing Affordability requirements pursuant to Section 23.58C.005 using the performance option on site.

3. The first phase of the development consists of at least 100 dwelling units.

4. At time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

5. The site shall be within 2,640 feet of an existing or planned light rail station.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail that is sufficient to reasonably assess anticipated impacts, including those associated with a maximum build-out, within the timeframe requested for Master Use Permit extension.

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit, or any such impacts have been addressed through the State Environmental Policy Act (SEPA).

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than 15 years from the date of issuance.

C. Changes to the approved Major Phased Development

1. When an amendment to a Master Use Permit with a Major Phased Development component is requested, the Director shall determine whether the amendment is minor or not.

a. A minor amendment is one that meets the following criteria:

1) Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

2) Compliance with applicable requirements of this Title 23 in effect at the time of the original Master Use Permit approval; and

3) 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. 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 Major Phased Development approval or may submit a revised Major Phased Development application. The revised application shall be the subject of a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised Major Phased Development application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

* * *

Section 26. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 126548, is amended as follows:

23.47A.012 Structure height

* * *

C. Rooftop features

* * *

3.Solar collectors

a. In zones with mapped height limits of 30 ((~~or 40~~)) to 55 feet, solar collectors may extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

b. In zones with height limits of 65 feet or more, solar collectors may extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

* * *

Section 27. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.47A.014 Setback requirements

* * *

B. Setback requirements for lots abutting or across the alley from residential zones

* * *

2. An upper-level setback is required along the portion of any rear or side lot line that abuts a lot or portion of a lot in an LR, MR, or HR zone or that abuts a portion of a lot that is zoned ((~~both~~)) commercial. If the abutting lot is zoned both commercial and LR, MR, or HR

((~~if~~)) and the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, the upper-level setback is measured perpendicular to the abutting lot line, as follows:

a. Ten feet for portions of structures above 13 feet in height to a maximum of 65 feet; and

b. For each portion of a structure above 65 feet in height, additional setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion exceeds 65 feet, up to a maximum setback of 20 feet (Exhibit B for 23.47A.014).

* * *

Section 28. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance 125792, is amended as follows:

23.48.040 Street-level development standards

* * *

C. Development standards for required street-level uses. Street-level uses that are required by subsection 23.48.005.D, 23.48.605.C, or 23.48.805.B, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2, 23.48.720.B.2, or 23.48.820.B, whether required or not, shall meet the following development standards. In the SM-NG zone, where street-level use requirements apply to a mid-block corridor, these standards shall be applied as if the mid-block corridor were a street.

* * *

2. There is no minimum frontage requirement for street-level uses provided at locations where they are not required but are exempt from FAR calculations under the provisions of subsections 23.48.220.B.2, 23.48.620.B.2, 23.48.720.C.4, or 23.48.820.B.

* * *

Section 29. Section 23.48.245 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

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

* * *

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

* * *

5. Aerial connections. Structures that use an additional increment of floor area provided in subsection ((~~23.48.220.B.3.b~~)) 23.48.220.A.3.b may be connected by up to three aerial connections. The combined floor area in all aerial connections may not exceed 2,130 square feet and no one aerial connection may exceed 805 square feet. The floor area of aerial connections does not count toward the floor area limits of subsections 23.48.245.B.1 or 23.48.245.B.2. For purposes of this subsection 23.48.245.B.5, "aerial connections" are enclosed connections between structures that are located on the same block and that do not cross above public right-of-way.

* * *

Section 30. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

23.48.620 Floor area ratio in SM-U zones

* * *

D. Additional increment of chargeable floor area above the maximum FAR. For all SM-U zones, an additional increment of ((~~0.5~~)) 1.0 FAR 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:

1. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

a. The amenity area has a minimum area of 1,300 square feet and a minimum horizontal dimension of 20 feet; and

b. The amenity area must be common amenity area, except that up to 40 percent of the amenity area may be private provided that the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

c. The common amenity area includes children's play equipment; and

d. The common amenity area is located at or below a height of 85 feet.

* * *

Section 31. Section 23.48.622 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

23.48.622 Extra floor area in SM-U zones

A. Means to achieve extra floor area above the base FAR, or above the additional increment of chargeable floor area allowed above the base FAR by subsection 23.48.620.B

1. General. The applicant 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:

1) Acquiring open space, Landmark, or vulnerable masonry TDR or TDP according to Sections 23.48.623 and 23.58A.042; or

2) Providing open space amenities according to Sections 23.48.624 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 23.48.620.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 shall be 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 23.48.620.B, and, using the percentages derived in subsection ((~~23.48.622.B.1~~)) 23.48.622.A.2.a, 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.

* * *

Section 32. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

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

* * *

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:

* * *

4. For all SM-UP zones, an additional increment of up to ((~~.5~~)) 1.0 FAR 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. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

b. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

1) The amenity area has a minimum area of 1,300 square feet and a minimum horizontal dimension of 20 feet; and

2) The amenity area must be common amenity area, except that up to 40 percent of the amenity area may be private provided that the private and common amenity area are contiguous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

3) The common amenity area includes children's play equipment; and

4) The common amenity area is located at or below a height of 85 feet.

Section 33. Section 23.49.181 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone

* * *

B. Permitting ((~~Conditions~~)) <u>conditions</u>

1. Master Use Permit. The Master Use Permit application to establish any bonus floor area under this Section 23.49.181 shall include a calculation of the total amount of bonus floor area sought and shall identify the quantity and type of affordable housing to be provided to satisfy the conditions to such bonus floor area. The application shall include the proposed location of the affordable housing. If any of the affordable housing is proposed to be within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the location of the affordable housing within that area and its distribution within the proposed building(s). If any of the affordable housing is not to be provided within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the address, legal description, dimensions and ownership

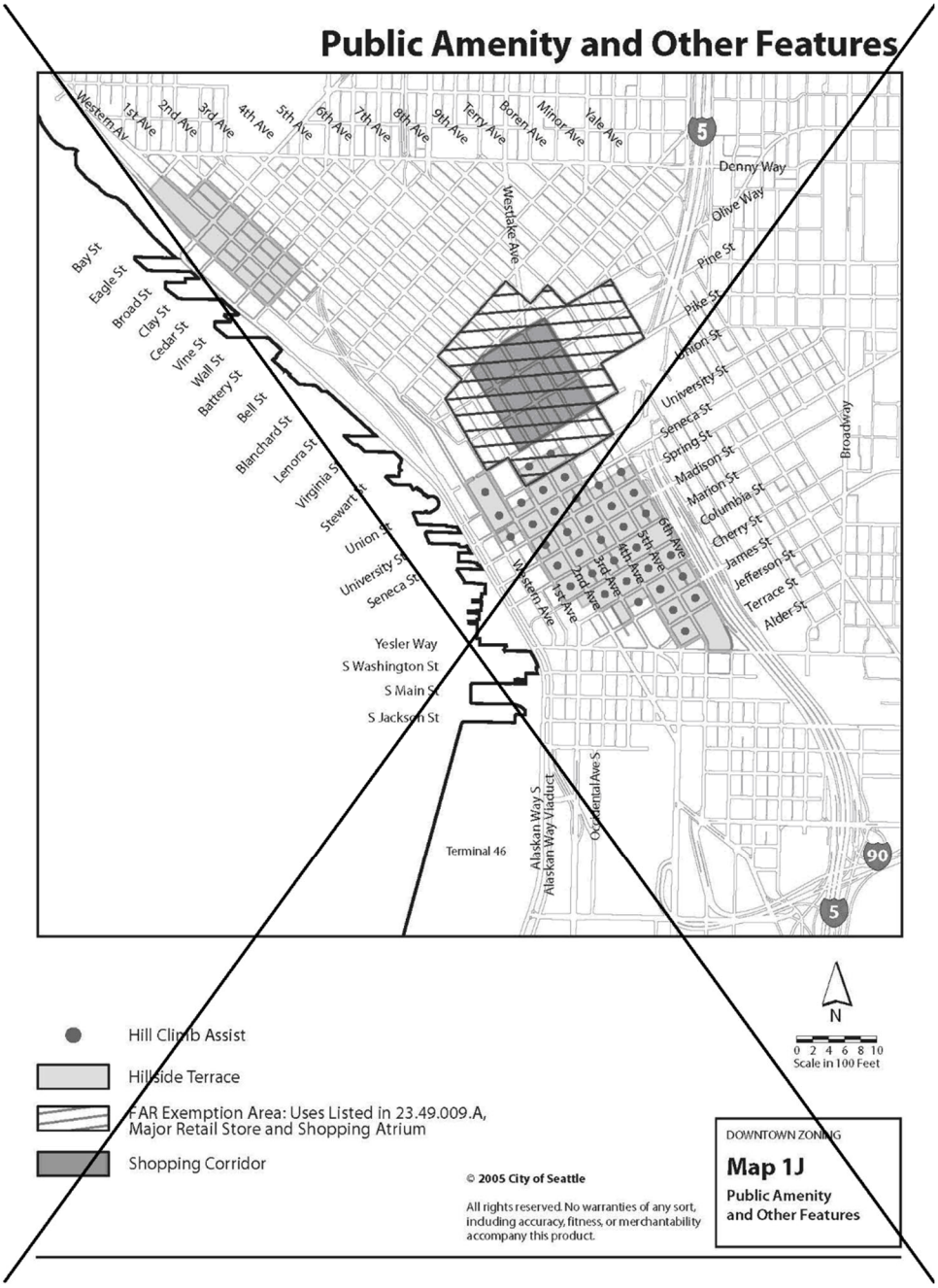
of the other lot(s), and the approval of the Director of Housing for the affordable housing to be provided on the other lot(s), pursuant to subsection 23.49.181.E.3. The Director shall, at the time of issuance of any Master Use Permit decision approving any bonus floor area, issue a Type I decision as to the amount of bonus floor area to be allowed and the conditions to such bonus floor area. A declaration signed by the applicant and any other owners of the lot(s) on which the project using the bonus floor area is to be built and any other owners, or persons with control, of the lot(s) where the affordable housing will be located, on a form approved by the Director, specifying the amount of bonus floor area, the legal descriptions of the lot where the bonus floor area will be used and each other lot where affordable housing will be located, and the conditions, must be executed and recorded as a condition to issuance of the Master Use Permit for a development to include bonus floor area. If a change in the total bonus floor area to be developed, or a change in the location of the affordable housing approved by the Director of Housing pursuant to subsection 23.49.181.E.3, results in adjustment to one or more conditions, the declaration and any related conditions of the Master Use Permit may be amended, with the written approval of the Director, as a Type I decision. In requesting amendment of a declaration under this subsection 23.49.181.B and any related conditions of the Master Use Permit, the applicant may elect, consistent with subsection ((~~23.76.026.G~~)) 23.76.026.E, that the provisions of this Section 23.49.181 as in effect on the date of the Director's action on that request, rather than any earlier date applicable under Section 23.76.026, apply for purposes of the amendment to the Master Use Permit.

* * *

Section 34. Map 1J for Chapter 23.49 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

* * *

Map 1J: Public Amenity Features



Public Amenity and Other Features

Hill Climb Assist

FAR Exemption Area: Uses Listed in 23.49.009.A, Major Retail Store and Shopping Atrium

Hillside Terrace

Shopping Corridor

N

0 750 1,500 Feet

DOWNTOWN ZONING
Map 1J
Public Amenity and Other Features

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* * *

Section 35. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.50.014 Conditional uses

* * *

C. Administrative Conditional Uses/Queen Anne Interbay Area. Within the area shown on ((~~Exhibit 23.50.014 A~~)) Map A for 23.50.014.C, the uses listed in subsections 23.50.014.C.1 and 23.50.014.C.2 ((~~of this section~~)) shall be administrative conditional uses and may be permitted by the Director when the provisions of ((~~this section and~~)) subsection 23.50.014.A ((~~of Section 23.50.014~~)) and 23.50.014.C are met: (((~~See Exhibit 23.50.014 A):~~)))

1. Heavy ((~~Manufacturing~~)) manufacturing uses may be permitted as a conditional use according to the following criteria:

a. Except shipbuilding, the use shall be located within an enclosed building;

b. The hours of operation for all process creating any adverse impacts on residentially or commercially zoned land shall be limited;

c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and

e. The use shall not produce sustained or recurrent vibrations exceeding 0.002 g acceleration as measured on lots in nonindustrial zones.

2. Power plants may be permitted as a conditional use according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

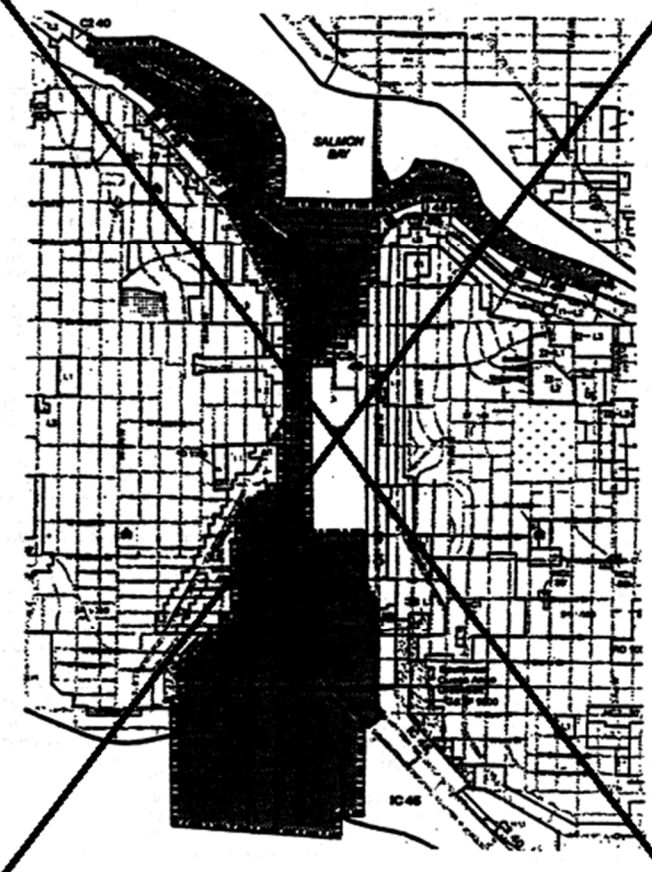
b. A facility management and transportation plan may be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and may include discussion of transportation, noise control, and hours of operation;

c. Measures to minimize potential odor emission and airborne pollution shall meet standards of and be consistent with the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility; and

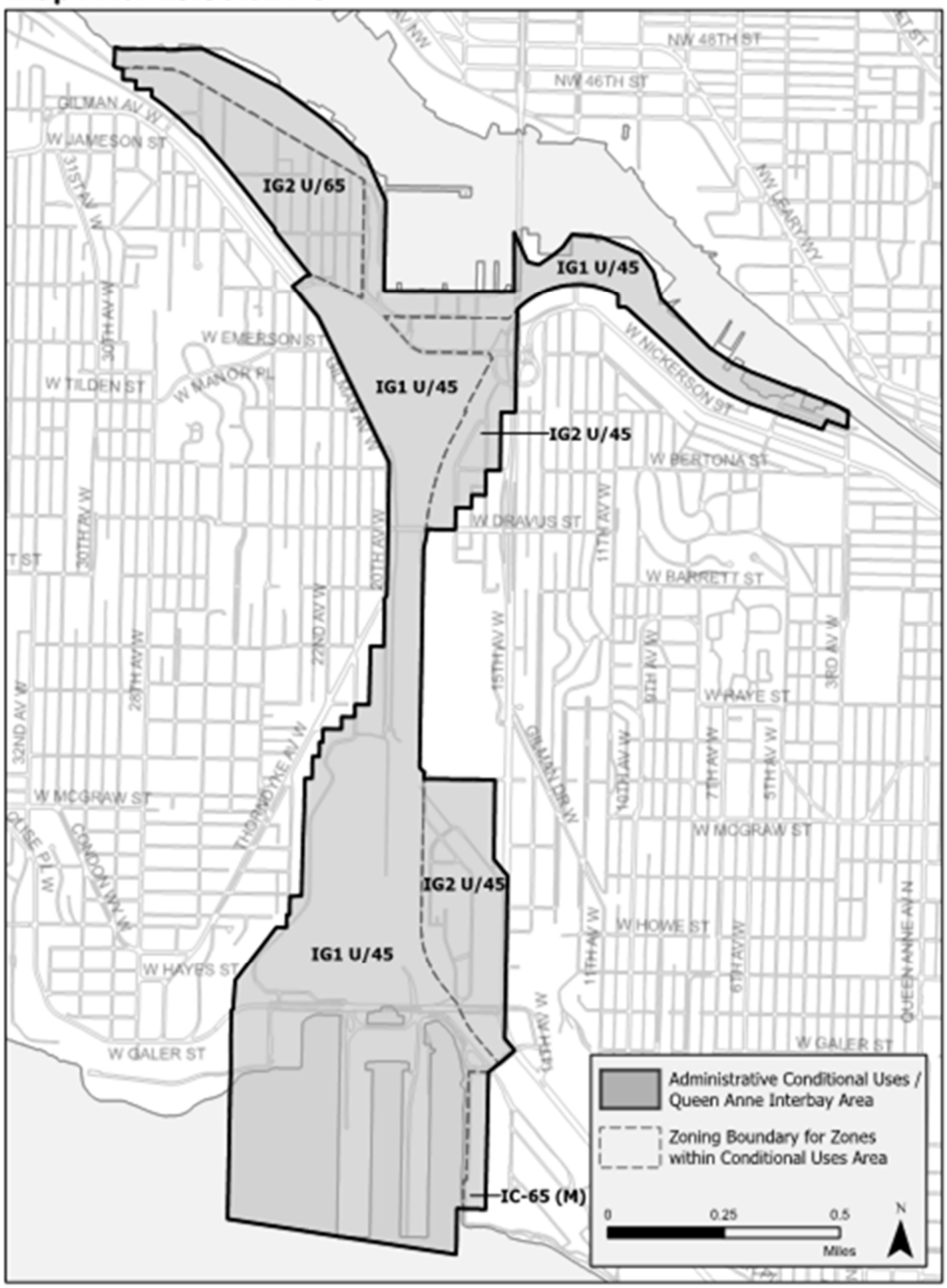
d. Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

* * *

Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne — Interbay Area



Map A for 23.50.014.C



* * *

Section 36. Section 23.50.027 of the Seattle Municipal Code, last amended by Ordinance 126452, is amended as follows:

23.50.027 Maximum size of nonindustrial use

A. Applicability

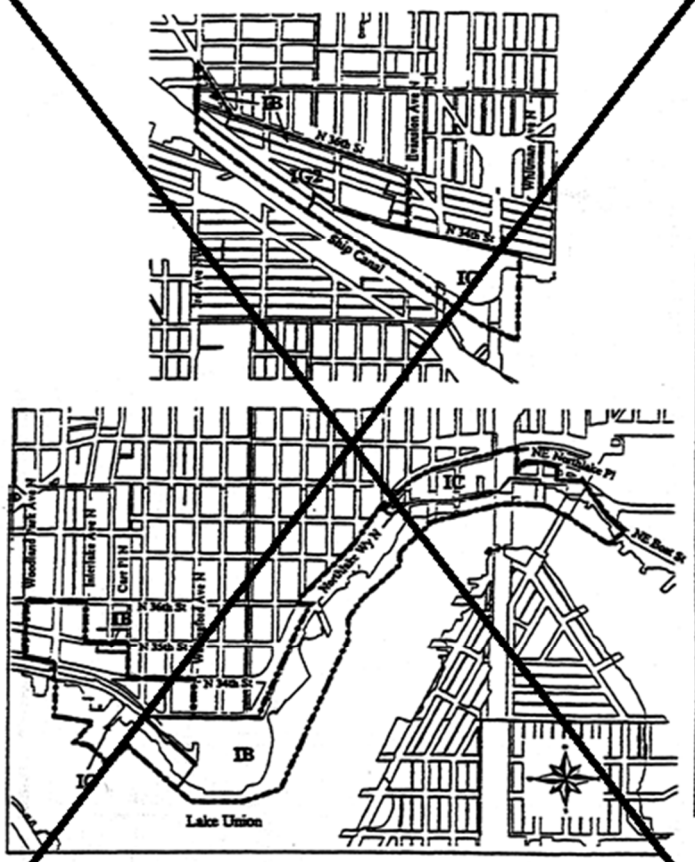
1. Except as otherwise provided in this Section 23.50.027, the maximum size of use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot, and apply separately to the categories of uses. The total gross floor area occupied by uses limited under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, IB, or IC zone.

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified in Table A for 23.50.027.

3. The maximum size of use limits in Table A for 23.50.027 do not apply to the North Lake Union area identified in ((~~Exhibit~~)) Map A for 23.50.027. In that area no single non-office use listed in Table A for 23.50.027 may exceed 50,000 square feet in size.

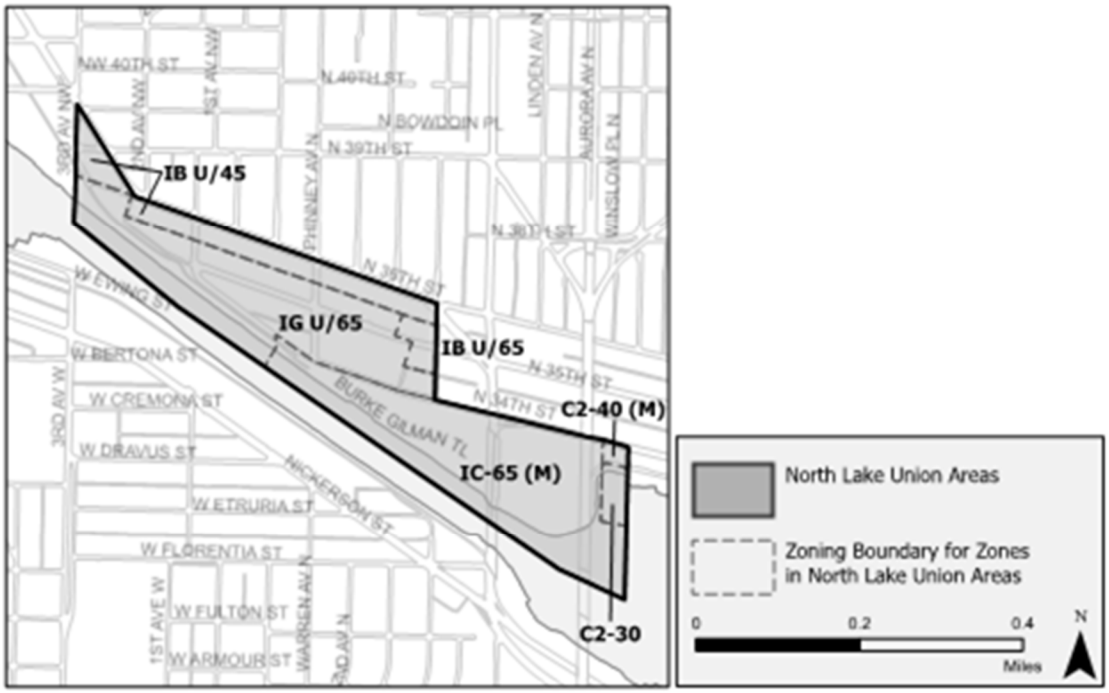
* * *

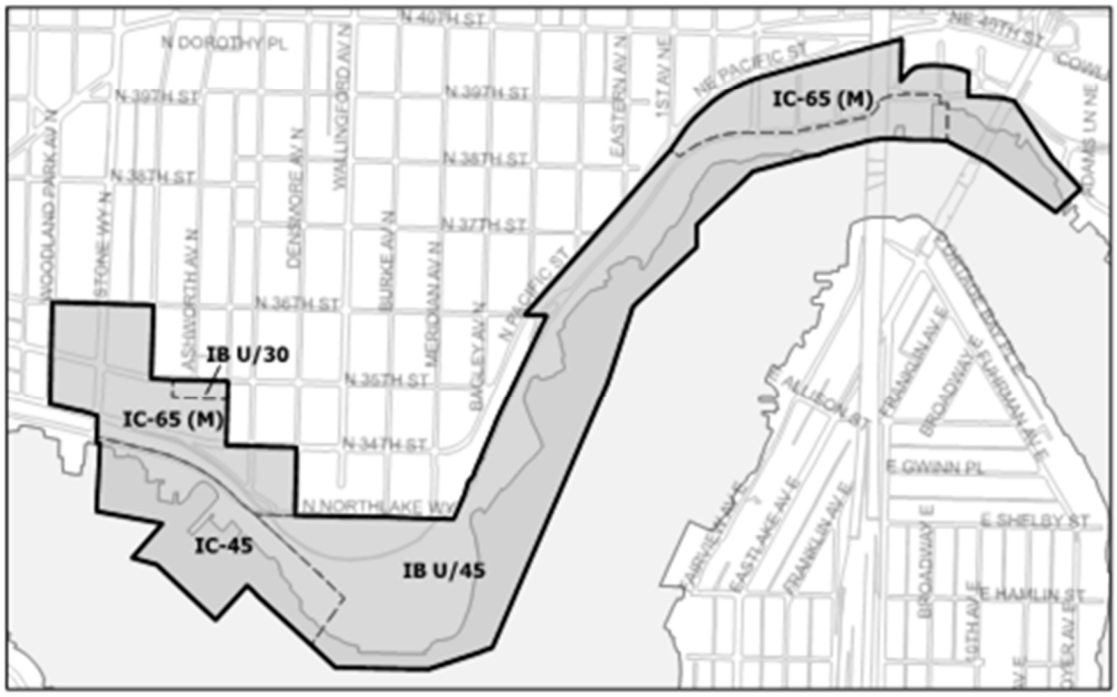
Exhibit 23.50.027 A
North Lake Union Areas



1

Map A for 23.50.027





* * *

Section 37. Section 23.50.038 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.50.038 Industrial Commercial—Screening and landscaping

* * *

C. Additional ((~~Screening and Landscaping Requirements for Specific Uses.~~)) screening and landscaping requirements for specific uses

1. Surface ((~~Parking Areas for More Than Five Vehicles.~~)) parking areas for more than five vehicles

* * *

e. Surface parking areas for ten or fewer cars shall be screened by 3-foot-high screening along the street lot line.

f. Surface parking areas for more than ten cars shall be screened by 3 foot high screening and ((~~street~~)) trees along the street lot lines.

g. Surface parking areas for more than 50 cars shall provide 3 foot high screening and ((~~street~~)) trees along the street lot lines, as well as interior landscaping.

* * *

8. Screening and location of parking in an IC ((~~85-160~~)) 85-175 zone. Those developments that gain extra floor area above the base FAR in an IC ((~~85-160~~)) 85-175 zone are subject to the following, in addition to any other applicable parking screening requirements in this subsection 23.50.038.C.

* * *

Section 38. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 126518, is amended as follows:

23.51A.002 Public facilities in neighborhood residential zones

* * *

C. Expansion of uses in public facilities

1. Major ((~~Expansion~~)) expansion. Major expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B according to the same provisions and procedural requirements as described in these subsections. Except as provided in subsection 23.51A.002.C.2.a, a major expansion of a public facility use occurs when the proposed expansion would not meet development standards or would exceed either 750 square feet or ((~~10~~)) ten percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor ((~~Expansion~~)) expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B according to the provisions of Chapter 23.76 ((~~, Procedures for Master Use Permits and Council Land Use Decisions,~~)) for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met or as follows:

a. For existing sewage treatment plants for which there is a current Department of Ecology order requiring corrective action and the expansion falls below the major expansion threshold level, as a Type I Master Use Permit, the Director may waive or modify applicable development standards; provided, that:

1) The expansion area is at least 50 feet from the nearest lot line;

2) The waiver or modification of physical development standards is the least necessary to achieve the applicant's proposed solution; and

3) The applicant submits a construction management plan, which is approved by the Director.

b. An application vested according to the provisions of Section 23.76.026 may elect to apply subsection 23.51A.002.C.2.a to their project according to the provisions of subsection ((~~23.76.026.G~~)) 23.76.026.E.

* * *

Section 39. Section 23.51B.002 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.51B.002 Public schools in residential zones

Public schools in all neighborhood residential and multifamily zones are subject to the following development standards unless otherwise indicated:

* * *

E. Setbacks

1. General ((~~Requirements~~)) requirements

* * *

d. The exceptions of subsections ((~~23.44.014.D.5, D.6, D.7, D.8, D.9, D.10, D.11 and D.12~~)) 23.44.014.C.5, 23.44.014.C.6, 23.44.014.C.7, 23.44.014.C.8, 23.44.014.C.9, 23.44.014.C.10, 23.44.014.C.11, and 23.44.014.C.12 apply.

* * *

Section 40. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.53.006 Pedestrian access and circulation

* * *

C. Within urban centers and urban villages. ((~~1.~~)) Within urban centers and urban villages, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short subdivision platting process or when development is proposed on a lot that abuts any existing street ((~~without a sidewalk~~)) in any zone, except as specified in subsection 23.53.006.F. If the existing street includes sidewalks, curbs, curb ramps, and accessible crossings that do not comply with the Streets Illustrated Right-of-Way Improvements Manual or successor rule, they shall be brought into compliance.

((~~2. Within urban centers and urban villages, if the existing sidewalks, curbs, curb ramps, and accessible crossings do not comply with the Right-of-Way Improvements Manual, they shall be brought into compliance when new lots, other than unit lots, are created through the full or short subdivision process or when development is proposed that abuts any existing street in any zone, except as specified in subsection 23.53.006.F.~~))

* * *

Section 41. Section 23.53.010 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.53.010 Improvement requirements for new streets in all zones

* * *

B**.** Required right-of-way widths for new streets ((~~.~~))

Table A for Section 23.53.010	
Zone Category	**Required Right-of-Way Width**
1. NR, LR1, NC1	50 feet
2. LR2, LR3, NC2	56 feet
3. MR, HR, NC3, C1, C2, ((~~SCM~~)) SM, IB, IC	60 feet
4. IG1, IG2	66 feet

* * *

Section 42. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

B. Required parking for specific zones and areas

1. Parking in downtown zones is regulated by Chapters 23.49 and 23.66, and not by this Section 23.54.015.

2. Parking in the MPC-YT zone is regulated by Section 23.75.180 and not by this Section 23.54.015.

3. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016.

4. The Director shall adopt by rule a map of frequent transit service areas based on proximity to a transit station or stop served by a frequent transit route. The determination whether a proposed development site is in a scheduled frequent transit service area shall be based on the frequent transit service area map adopted by rule that exists on the date a project vests according to the standards of Section 23.76.026, provided that a rule that takes effect on a date after the project vests may be applied to determine whether the site is in a scheduled frequent transit service area, at the election of the project applicant in accordance with ((~~Section 23.76.026.G~~)) subsection 23.76.026.E.

Table B for 23.54.015 **Required parking for residential uses**		
Use		**Minimum parking required**
* * *		
J.	Nursing homes ((~~2~~))	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K.	Single-family dwelling units ((~~3~~)) 2	1 space for each dwelling unit
* * *		
II. Residential use requirements for specific areas		
* * *		
M.	All residential uses in commercial, RSL, and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within a frequent transit service area 1, 3 ((4))	No minimum requirement
* * *		
III. Multifamily residential use requirements with rent and income criteria		
P.	For each dwelling unit rent and income-restricted at or below 80 percent of the median income 1, ((~~5~~)) 4	No minimum requirement
* * *		

Footnotes to Table B for 23.54.015

* * *

((~~2 For development within neighborhood residential zones the Director may waive some or all of the minimum parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the minimum parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions are effective only as long as the conditions that justify the waiver are present. When the conditions are no longer present, the development shall provide the amount of minimum parking that otherwise is required.~~))

((~~3~~)) 2 No parking is required for single-family residential uses on lots in any residential zone that are less than 3,000 square feet in size or less than 30 feet in width where access to parking is permitted through a required yard or setback abutting a street according to the standards of subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.

((~~4~~)) 3 Except as provided in Part III of Table B for 23.54.015, the minimum amounts of parking prescribed by Part 1 of Table B for 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal.

Table B for 23.54.015 **Required parking for residential uses**
((~~5~~)) 4 Dwelling units qualifying for parking reductions according to Part III of Table B for 23.54.015 shall be subject to a recorded restrictive housing covenant or recorded regulatory agreement that includes rent and income restrictions at or below 80 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions qualifying the development for parking reductions according to Part III of Table B for 23.54.015 shall be for a term of at least 15 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances. * * *

Table C for 23.54.015 Required Parking for Public Uses and Institutions		
Use		**Minimum parking required**
I. General Public Uses and Institutions		
A.	Adult care centers [1, 2, 10]	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B.	Child care centers ((~~1,~~)) [2, 3, 10]	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
* * *		
N.	Schools, public elementary and secondary [5, 7, 8]	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
* * *		

Footnotes for Table C for 23.54.015

[1] When this use is permitted in a neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. ((~~The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.~~))

[2] The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

[3] A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

[4] When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.

[5] Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain

Table C for 23.54.015 Required Parking for Public Uses and Institutions
bleachers and is in a community center, the parking requirement is one space for each 350 square feet. [6] When a library is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements pursuant to subsection 23.44.022.L. [7] For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required. [8] Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces. [9] The general requirements of lines A through O of Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution, or Major Institution use fits within more than one line in Table C for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23. [10] The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers to provide loading and unloading spaces on street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.

* * *

Section 43. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.54.030 Parking space and access standards

A. Parking space dimensions

* * *

6. No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening. Columns or other structural elements may encroach into the parking space a maximum of 6 inches on a side, except in the area for car door opening ((~~,~~)) 5 feet from the longitudinal centerline or 4 feet from the transverse centerline of a parking space (see Exhibit A for 23.54.030). ((~~No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening.~~))

* * *

B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or non-residential use. In structures containing residential uses and also containing either non-residential uses or live-work units, parking that is clearly set aside and reserved for residential or live-work use shall meet the standards of subsection 23.54.030.B.1; parking for all other uses within the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Seattle Building Code ((~~, Subtitle I of Title 22,~~)) or the Seattle Residential Code. ((~~, Subtitle IA of Title 22.~~))

* * *

F. Curb cuts. The number of permitted curb cuts is determined by whether the parking served by the curb cut is for residential or nonresidential use, and by the zone in which the use is located. If a curb cut is used for more than one use or for one or more live-work units, the requirements for the use with the largest curb cut requirements shall apply.

1. Residential uses

a. Number of curb cuts

1) For lots not located on a principal arterial as designated by the Seattle Department of Transportation, curb cuts are permitted according to Table A for 23.54.030:

Table A for 23.54.030 Curb cuts for ((~~non-arterial street~~)) <u>lots not located on a principal arterial</u> or easement frontage	
Street or easement frontage of the lot	**Number of curb cuts permitted**
80 feet or less	1
Greater than 80 feet up to 160 feet	2
Greater than 160 feet up to 240 feet	3
Greater than 240 feet up to 320 feet	4
For lots with frontage in excess of 320 feet, the pattern established above continues.	

* * *

J. The Director may, as a Type I decision, ((~~reduce~~)) <u>modify</u> any required dimension <u>or distribution percentage of parking spaces identified in subsection 23.54.030.B.2</u> for nonresidential uses and live-work units ((~~up to 3 percent~~)) to allow more efficient use of a surface parking area or parking garage, ((~~except for the dimensions of parking spaces and aisles for small vehicles~~)) <u>when the parking area or parking garage provides adequate and safe circulation</u>.

* * *

Section 44. Section 23.55.002 of the Seattle Municipal Code, last amended by Ordinance 125869, is amended as follows:

23.55.002 Scope of provisions

* * *

C. Signs are also regulated by the provisions of Chapter 31 of the Seattle Building Code, ((~~as adopted by Chapter 22.100,~~)) including the permit requirements of Title 22.

* * *

Section 45. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.55.015 Sign kiosks and community bulletin boards

* * *

C. Development standards for sign kiosks

1. Design and construction

* * *

h. All sign kiosks shall be designed, constructed, and maintained in accordance with Section 3107 of the ((~~2015~~)) Seattle Building Code.

* * *

Section 46. Section 23.55.056 of the Seattle Municipal Code, enacted by Ordinance 125869, is amended as follows:

23.55.056 Application of regulations

Land located within the Seattle Center Sign Overlay District, as shown on Map A for 23.55.054, is subject to the sign regulations of Chapter 23.55, except as provided in this Part 4 of Chapter 23.55. In the event of a conflict between the provisions of this Part 4 of Chapter 23.55 and other provisions of Chapter 23.55, the provisions of this Part 4 of Chapter 23.55 apply. For a project that vested to Chapter 23.55 prior to ((~~the effective date of the ordinance introduced as Council Bill 119543~~)) August 25, 2019, the provisions of this Part 4 of Chapter 23.55 may be applied to

the project at the election of the project applicant as provided by subsection ((~~23.76.026.G~~)) 23.76.026.E.

* * *

Section 47. Section 23.58B.050 of the Seattle Municipal Code, last amended by Ordinance 125835, is amended as follows:

23.58B.050 Mitigation of impacts—performance option

A. Performance option

* * *

2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than three units of housing required to meet the standards of subsection 23.58B.050.B, using a conversion factor for unit size as determined by the Director, the applicant shall either round up to three units or provide a cash contribution using the payment option according to subsection 23.58B.040.A.

* * *

Section 48. Section 23.58D.006 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.58D.006 Penalties

* * *

D. Use of penalties. An account shall be established in the ((~~City's General~~)) SDCI Construction and Inspections Fund to receive revenue from penalties under this Section 23.58D.006. Revenue from penalties under this Section 23.58D.006 shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

* * *

Section 49. Section 23.69.002 of the Seattle Municipal Code, last amended by Ordinance 120691, is amended as follows:

23.69.002 Purpose and intent ((~~.~~))

The purpose of this ((~~chapter~~)) Chapter 23.69 is to regulate Seattle's major educational and medical institutions in order to:

* * *

F. Encourage significant community involvement in the development, monitoring, implementation and amendment of major institution master plans, including the establishment of ((~~citizen's~~)) advisory committees containing community and major institution representatives;

* * *

Section 50. Section 23.69.032 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.69.032 Master plan process

* * *

B. Formation of a ((~~Citizens~~)) Development or Implementation Advisory Committee

1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a ((~~Citizens~~)) Development Advisory Committee of at least six, but no more than 12 members. In addition, all institutions with adopted master plans shall have ((~~a standing~~)) an Implementation Advisory Committee.

2. Where there is more than one Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one institution may be permitted.

3. The institution, in consultation with the Director of the Department of Neighborhoods, shall ((~~develop a list of potential members to serve on the Advisory Committee~~)) notify individuals and organizations directly affected by the actions of the institution of the opportunity. ((~~Groups from which members may be selected for appointment to the advisory committee shall include area community groups, residents, property owners, and business persons; consumer groups using the services of the institution; and any other persons or organizations directly affected by the actions of the institution. One member of the Advisory Committee shall be selected from persons in the area participating in neighborhood planning. One member of the Advisory Committee shall be a general community or citywide organization representative.~~)) To the extent possible, members of the Advisory Committee should possess ((~~expertise or~~)) experience in such areas as ((~~neighborhood organization and issues~~)) consensus building, community organizing, land use and zoning, architecture or landscape architecture, economic development, ((~~building~~)) real estate development, and educational or medical services. A nonmanagement representative of the institution shall be included.

4. Members of the Advisory Committee shall have no direct economic relationship with the institution except as provided in subsection 23.69.032.B.3.

5. The Director of the Department of Neighborhoods shall review the list of potential advisory committee members and recommend to the Council those individuals appropriate to achieve a balanced, independent, and representative ((~~committee~~)) Development

Advisory Committee. After the recommendation has been submitted, the Department of Neighborhoods may convene the Development Advisory Committee. The Council may confirm the Development Advisory Committee composition, make changes in the size and/or composition of the Development Advisory Committee, or remand the matter to the Director of the Department of Neighborhoods for further action. The Council shall establish the final composition of the ((~~committee~~)) Development Advisory Committee through a memorandum of agreement with the institution, prepared by the Department of Neighborhoods and adopted by resolution.

6. Four nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Seattle Department of Construction and Inspections, the Department of Neighborhoods, and the Seattle Department of Transportation.

7. The ((~~Committee~~)) advisory committee shall be staffed by the Department of Neighborhoods with the cooperation and assistance of the Major Institution. Technical assistance to the committee shall be provided by the Seattle Department of Construction and Inspections, the Seattle Department of Transportation, and the Department of Neighborhoods.

8. During the master plan review and adoption process, the Council may, in the interest of ensuring representative community participation on the Implementation Advisory Committee, amend the size and/or composition of the Implementation Advisory Committee.

9. The City-University Community Advisory Committee (CUCAC) shall serve as the Development and Implementation Advisory Committee for the University of Washington.

10. The Director of the Department of Neighborhoods shall promulgate rules applicable to Major Institution advisory committees, including terms of office, selection of chairpersons, and methods of conflict resolution.

* * *

Section 51. Section 23.69.034 of the Seattle Municipal Code, last amended by Ordinance 118362, is amended as follows:

23.69.034 Effect of master plan adoption ((~~.~~))

* * *

F. Following adoption of a master plan, ((~~the citizens advisory committee~~)) an Implementation Advisory Committee shall continue to advise the institution and the City regarding implementation or renewal of the master plan or amendments to the master plan. If more than one ((~~(1)~~)) major institution is designated within the same general area, individual advisory committees may be consolidated into one ((~~(1)~~)) committee. The ((~~committee~~)) Implementation Advisory Committee shall meet as necessary but no less than once annually to review the status of the master plan.

G. When a master plan has been adopted prior to the effective date of these provisions and there is no ((~~standing advisory committee~~)) Development Advisory Committee, ((~~an advisory committee~~)) a Development Advisory Committee shall be established in accordance with the provisions of subsection ((~~B of Section~~)) 23.69.032.B at the time an application for an amendment to the master plan, requiring Council approval, is made.

H. The Implementation Advisory Committee and ((~~the neighborhood planning group from the surrounding area, if applicable~~)) organizations directly affected by the actions of the institution, will be notified of ((~~master use permit~~)) Master Use Permit (MUP) applications for

Major Institution uses within the Major Institution Overlay (MIO) District and for Major Institution structures outside of but within ((~~two thousand five hundred feet (2,500'),~~)) 2,500 feet of the MIO District boundaries, and shall have an opportunity to review and comment on the applications if there is a discretionary decision and formal comment period as part of the MUP.

I. The institution shall provide an annual status report to the Director and ((~~the~~)) its Development or Implementation Advisory Committee which shall detail the progress the institution has made in achieving the goals and objectives of the master plan. The annual report shall contain the following information:

1. The status of projects ((~~which~~)) that were initiated or under construction during the previous year;

2. The institution's land and structure acquisition, ownership, and leasing activity outside of but within ((~~two thousand five hundred feet (2,500')~~)) 2,500 feet of the MIO District boundary;

3. Progress made in achieving the goals and objectives contained in the transportation management program towards the reduction of single-occupant vehicle use by institution employees, staff and/or students; and

4. Progress made in meeting conditions of master plan approval.

* * *

Section 52. Section 23.71.044 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.71.044 Standards for residential uses in commercial zones within the Northgate Overlay District

* * *

B. When permitted, structures with residential uses exceeding 20 percent of the street-level street-facing facade are subject to the following development standards:

1. In all C and NC zones with a height limit of 40 feet or less, the development standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. In all C and NC zones with a height limit of 55 feet up to 65 feet, the development standards for residential structures in Midrise zones, except that no front setback is required.

* * *

Section 53. Section 23.72.004 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.72.004 Sand Point Overlay District established

* * *

B. Additional regulations, including Certificate of Approval reviews, as applicable to the Sand Point Overlay District are found in Chapter 25.30. In any case where the provisions of the overlay district conflict with the provisions of the Sand Point Naval Air Station Landmark District, the Landmark district provisions shall apply.

* * *

Section 54. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 126421, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK [1]	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020[2])	
* * *	
((*))	((~~Special accommodation~~))

* * *

Section 55. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 126421, is amended as follows:

23.76.006 Master Use Permits required

* * *

B. The following decisions are Type I:

* * *

((~~9. Special accommodation pursuant to Section 23.44.015;~~

~~10~~)) 9. Reasonable accommodation;

((~~11~~)) 10. Minor amendment to Major Phased Development Permit;

((~~12~~)) 11. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design

review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

((~~13~~)) 12. Shoreline special use approvals that are not part of a shoreline substantial development permit;

((~~14~~)) 13. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

((~~15~~)) 14. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

((~~16~~)) 15. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;

((~~17~~)) 16. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;

((~~18~~)) 17. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;

((~~19~~)) 18. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

((~~20~~)) 19. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013;

((~~21~~)) 20 Additional interim street-level-uses pursuant to Section 23.42.041; and

((~~22~~)) 21. Other Type I decisions.

* * *

Section 56. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.010 Applications for Master Use Permits

* * *

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Title 22, Subtitle VIII, Stormwater Code; Chapter 25.05, Environmental Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable and necessary for review by the Director. All shoreline substantial development, conditional use, or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The Director shall make available, in writing, a general list of submittal requirements for a complete application.

* * *

Section 57. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.76.026 Vesting

A. Master Use Permit components other than subdivisions and short subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for all Master Use Permit components other than subdivisions and short

subdivisions shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date:

* * *

((~~D. Areas in all~~ multifamily ~~zones within the Plat of New Rainier Vista, recorded in Volume 217 of Plats, Pages 52 through 99, records of King County, Washington (as amended) and the Plat of the High Point Community, recorded in Volume 221 of Plats, Pages 4 through 35, records of King County, Washington may be developed according to the provisions of the Seattle Land Use Code (Title 23) in effect on April 18, 2011 and any conditions of rezone approval. This subsection 23.76.026.D shall expire on December 31, 2018.~~))

((~~E~~)) D. If an applicant elects a date for consideration of an application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after notice of the application required by Section 23.76.012 has been given, notice of the application and an opportunity to comment shall be repeated according to Section 23.76.012.

((~~F. Applicants whose applications vest after April 19, 2011 but prior to or on October 7, 2011 may elect to have the old height measurement technique applied to the projects, as reflected in Section 23.86.006, Structure Height, as it existed immediately prior to April 19, 2011. Projects where the applicant has chosen this option may also take advantage of exceptions to height limits provided in this Title 23 at that time.~~))

((~~G~~)) E. Notwithstanding any other provision of this Section 23.76.026 or this Chapter 23.76, an applicant may elect, at such time and in such manner as the Director may permit, that specific Land Use Code provisions that became effective after the applicant's application vested may nonetheless be applied to the application, pursuant to authorization for such election set forth elsewhere in this Title 23.

* * *

Section 58. Section 23.76.032 of the Seattle Municipal Code, last amended by Ordinance 126042, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

A. Type I and II Master Use Permit expiration

1. An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.

b. A variance component of a Master Use Permit expires as follows:

1) Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.

2) Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding sentence, the variance expires on the expiration date of the Master Use Permit.

c. The time during which pending litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use if a building permit is not required, is not included in determining the expiration date of the Master Use Permit.

d. Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015 expire as follows:

1) For the first phase, the expiration date shall be three years from the date the permit is approved for issuance;

2) For subsequent phases, the expiration date shall be determined at the time of permit issuance for each phase, and the date shall be stated in the permit.

e. Permits for uses allowed under Section 23.42.038, temporary or intermittent use permits issued pursuant to Section 23.42.040, and transitional encampment interim use permits issued under Section 23.42.056 expire on the date stated in the permit.

f. Except as otherwise provided in this subsection 23.76.032.A.1.f, Master Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on the date set by the Director in the Master Use Permit decision, which date may be a maximum of 15 years from the date the Master Use Permit is approved for issuance. The Director shall consider the complexity of the project, economic conditions of the area in which the project is located, and the construction schedule proposed by the applicant in setting the expiration date. If no expiration date is set in the Master Use Permit decision, the expiration date is three years from the date a permit is approved for issuance.

1) In order for the Director to set the Master Use Permit expiration date, the applicant shall:

a) Submit with the application a site plan showing a level of detail sufficient to assess anticipated impacts of the completed project; and

b) Submit a proposed schedule for complying with the conditions necessary to gain the amount of extra floor area and the extra height sought for the project.

2) The expiration date of the Master Use Permit may be extended past the expiration date set in the Master Use Permit decision or the date established in this subsection 23.76.032.A.1.f if:

a) On the expiration date stated in the Master Use Permit decision, a building permit for the entire development has been issued, in which case the Master Use Permit is extended for the life of the building permit if the Master Use Permit would otherwise expire earlier, or

b) A complete application for a building permit that either is for the entire development proposed pursuant to Section 23.49.180, or is for construction to complete the entire development proposed pursuant to Section 23.49.180, is:

i. Submitted before the expiration date of the Master Use Permit; and

ii. Made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code, or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shell of the building, in either case before the expiration date of the Master Use Permit, in which case the Master Use Permit is extended for the life of the building permit issued pursuant to the application if the Master Use Permit would otherwise expire earlier.

g. The permit expires earlier pursuant to Section 22.800.100.

h. The time during which the property subject to the Master Use Permit is used for a transitional encampment interim use is not included in determining the expiration date of the Master Use Permit.

* * *

Section 59. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.84A.004 "B"

* * *

"Bedroom" means any habitable space primarily used for sleeping that meets applicable requirements of the Seattle Building Code. ((~~(SMC 22.100).~~))

* * *

Section 60. Section 23.84A.010 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

23.84A.010 "E"

* * *

"Electric vehicle" shall have the same meaning accorded by Article ((~~100~~)) 625 of the Seattle Electrical Code. ((~~, as that section currently exists or is hereafter amended.~~))

"Electric vehicle ready" or "EV-ready" means a parking space that is designed and constructed to include a fully-wired circuit with a 208/240-volt, 40-amp electric vehicle charging receptacle outlet or termination point, including conduit and wiring and the electrical service capacity necessary to serve the receptacle, to allow for future installation of electric vehicle supply equipment, as defined by Article ((~~100~~)) 625 of the Seattle Electrical Code.

* * *

Section 61. Section 23.84A.016 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.84A.016 "H"

* * *

"Household" means a housekeeping unit consisting of any number of non-transient ((~~related~~)) persons ((~~; eight or fewer non-related, non-transient persons; eight or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons.~~)) composing a single living arrangement within a dwelling unit as provided in Section 23.42.048, not otherwise subject to occupant limits in group living arrangements regulated under state law, or on short-term rentals as provided in Section 23.42.060.

* * *

Section 62. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 126519, is amended as follows:

23.84A.032 "R"

* * *

"Residential use" means any one or more of the following:

* * *

10. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for any number of ((~~nine or more~~)) non-transient persons not constituting a single household. ((~~, excluding single-family dwelling units for which special or reasonable accommodation has been granted.~~))

* * *

Section 63. Section 23.84A.048 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.84A.048 "Z"

* * *

"Zone, commercial" means a zone with a classification that includes one of the following: MPC-YT, NC1, NC2, NC3, C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, and SM-NG, any of which classifications also may include one or more suffixes.

* * *

Section 64. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.86.006 Structure height measurement

* * *

H. For projects accepted into the Living Building Pilot Program authorized pursuant to Section 23.40.060, the applicant may choose either the height definition of ((~~Section 502~~)) Chapter 2 of the Seattle Building Code or the height measurement method described in this Section 23.86.006.

* * *

Section 65. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 125387, is amended as follows:

23.88.020 Land Use Code Interpretations

* * *

D. Notice of request for interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice

of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60A, ((~~(Seattle Shoreline Master Program),~~)) notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the ((~~Citizens'~~)) Development Advisory Committee for that Major Institution.

E. Notice of interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, ((~~(Seattle Shoreline Master Program),~~)) notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner shall be provided by Land Use Information Bulletin.

* * *

Section 66. Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance 125964, is amended as follows:

25.05.680 Appeals

Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, 43.21C.080, 43.21C.420, 43.21C.495, ((~~43.21C.500~~)) and 43.21C.501, and WAC 197-11-680. The following provisions attempt to construe and interpret the statutory and administrative rule provisions. In the event a court determines that code provisions are inconsistent with statutory provisions or administrative rule, or with the framework and policy of SEPA, the statute or rule will control.

Persons considering either administrative or judicial appeal of any decision that involves SEPA are advised to read the statutory and rule sections cited above.

* * *

F. RCW 36.70A.070, 36.70A.600 and 43.21C.495 exempt certain Council land use actions from administrative or judicial appeals, ((~~if the Council land use action is adopted by April 1, 2021,~~)) except as provided in ((~~Section~~)) subsection 25.05.680.G. Environmental documents and Council land use actions intended to be exempt from SEPA appeals pursuant to RCW 43.21C.495 should so state.

* * *

H. RCW ((~~43.21C.500~~)) 43.21C.501 exempts a project action pertaining to a residential ((~~and~~)) or mixed-use development from SEPA appeals on the basis of the evaluation of or impacts to ((~~transportation~~)) the following elements of the environment, ((~~so long as the project does not present significant adverse impacts to the state-owned transportation system as determined by the Washington State Department of Transportation and the project is:~~)) if the requirements for a particular element of the environment set forth in subsections 25.05.680.H.1 through 25.05.680.H.3 are met.

1. Transportation. A project action pertaining to a residential or mixed-use development is exempt from SEPA appeals on the basis of the evaluation of or impacts to transportation elements of the environment, unless the State Department of Transportation has found that the project will present significant adverse impacts to the state-owned transportation system, so long as the project is:

((~~1~~)) a. Consistent with:

((~~a.~~)) 1) A locally adopted transportation plan; or

((~~b.~~)) 2) The transportation element of the Comprehensive Plan; and

((~~2~~)) b. A project for which:

((~~a.~~)) 1) Traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

((~~b.~~)) 2) Traffic or parking impacts are expressly mitigated by an ordinance, or ordinances, of general application.

2. Aesthetics. A project action pertaining to a residential or mixed-use development is exempt from SEPA appeals on the basis of the evaluation of or impacts to the aesthetics element of the environment, so long as the project is subject to design review according to Chapter 23.41.

3. Light and glare. A project action pertaining to a residential or mixed-use development is exempt from SEPA appeals on the basis of the evaluation of or impacts to the light and glare element of the environment, so long as the project is subject to design review according to Chapter 23.41.

((~~3~~)) 4. For purposes of ((~~this~~)) subsection ((~~25.05.680.G~~)) 25.05.680.H.1, "impacts to transportation elements of the environment" include: impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

* * *

Section 67. Section 25.09.012 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.012 Designation and definitions of environmentally critical areas

The following environmentally critical areas are designated by this Chapter 25.09: geologic hazard areas, steep slope erosion hazard areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

* * *

C. Wetlands. Wetlands are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1. Wetlands generally include:

a. Swamps, marshes, bogs, and similar areas; and

b. Those wetlands intentionally created from nonwetland or former wetland areas to mitigate conversion of wetlands.

2. Wetlands do not include:

a. Those artificial wetlands intentionally created from nonwetland sites and not used for mitigation, including, but not limited to, irrigation and stormwater ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities; or

b. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

3. Determination that an area meets the conditions of subsection 25.09.012.C.2.a or 25.09.012.C.2.b shall be made during the evaluation of an application prior to allowing ((~~the fill of such areas~~)) <u>any land disturbing activity</u>.

((~~4. Identification of wetlands and delineation of their boundaries pursuant to this Chapter 25.09 shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.~~))

4. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. The duration of validity for a wetland designation shall be determined by Director's Rule.

D. Fish and wildlife habitat conservation areas. The following are fish and wildlife habitat conservation areas:

1. Areas defined and/or mapped by the Washington Department of Fish and Wildlife (WDFW) as biodiversity areas and corridors.

2. Areas designated by WDFW as priority habitats and species areas except wetlands, which are defined in subsection 25.09.012.C.

3. Corridors of land or water connecting priority habitats and species areas or habitat areas for species of local importance meeting one of the following criteria:

a. WDFW ((~~or the Department's species habitat management plan~~)) identifies the parcel as part of a corridor connecting habitat areas for priority species or species of local importance;

b. The parcel is adjacent to or connects parcels containing priority species or species of local importance and the Director determines that the parcel is part of a wildlife corridor based on information provided by a qualified wildlife biologist; or

c. The parcel provides fish passage between fish habitat in Type S, F, Np, and Ns waters per WAC 222-16-030 and 222-16-031 upstream and downstream of the parcel, whether that passage is in riparian watercourses, pipes, or culverts.

4. Areas that provide habitat for species of local importance.

5. Riparian corridors

a. Riparian corridors, which are the riparian watercourse and the riparian management area. The riparian watercourse is the watercourse of Type F, Np, and Ns waters defined in WAC 222-16-030 and 222-16-031 that have fish or wildlife habitat. ((~~Pipes, culverts, flow control facilities, water quality facilities, and stormwater conveyances are not regulated as riparian watercourses.~~)) The riparian management area is the area within 100 feet of the riparian watercourse measured horizontally landward from the ordinary high water mark of the watercourse as surveyed in the field, or from the top of the bank if the ordinary high water mark cannot be determined. In watercourses with braided channels or alluvial fans, the ordinary high water mark shall be determined so as to include the entire stream feature.

b. When a pipe or culvert connecting Type S, F, Np, and Ns waters per WAC 222-16-030 and 222-16-031 that have fish habitat downstream and upstream from the pipe or culvert is daylighted, the water formerly in the pipe or culvert will be regulated as a riparian watercourse, and the area adjacent to that watercourse will be regulated as a riparian management area, as defined in subsection 25.09.012.D.5. This subsection 25.09.012.D.5.b does not apply when the pipe or culvert is removed to provide a publicly owned facility designed primarily for water quality treatment, flow control, or stormwater conveyance.

<u>c. Pipes, culverts, flow control facilities, water quality facilities, and stormwater conveyances are not regulated as riparian watercourses.</u>

* * *

Section 68. Section 25.09.015 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.015 Application of chapter

* * *

B. This Chapter 25.09 applies to altering vegetation, trees, or other habitat carried out by any person on publicly or privately owned parcels within landslide-prone areas, steep slope erosion hazard areas and buffers, riparian corridors, wetlands, and wetland buffers, except for parcels, including submerged land, in the Shoreline District as defined in Seattle's Shoreline Master Program, where such actions shall comply with Section 23.60A.190.

* * *

Section 69. Section 25.09.030 of the Seattle Municipal Code, last amended by Ordinance 126113, is amended as follows:

25.09.030 Location of environmentally critical areas and buffers

A. Environmentally critical areas are defined in Section 25.09.012, and buffers are described in Sections 25.09.090 and 25.09.160. Environmentally critical areas are mapped by the Department whenever possible. ((~~These~~)) The Department's maps are advisory except as follows:

1. The maps adopted as designations for geologically hazardous areas in subsections 25.09.012.A.5, 25.09.012.A.6, and 25.09.012.A.7;

2. The FEMA maps showing areas of special flood hazard defined in Section 25.06.030;

3. Areas mapped or designated by the Washington Department of Fish and Wildlife (WDFW) in subsections 25.09.012.D.1 and 25.09.012.D.2; and

4. The delineations in the maps for peat settlement-prone areas in subsection 25.09.012.A.5 for parcels 50,000 square feet or less.

The Director may update or amend the maps by Director's Rule.

* * *

Section 70. Section 25.09.040 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.040 Permits and approvals required

A. Prior to undertaking development or platting on a parcel containing an environmentally critical area or buffer, the applicant shall:

1. ((~~submit~~)) Submit an application:

a. ((~~for~~)) For a permit that complies with the provisions of Section 25.09.330; or

((~~b. requesting modification of Section 25.09.330 submittal requirements or an approval under Sections 25.09.045 or 25.09.070, or subsections 25.09.090.D or 25.09.160.G, demonstrating compliance with the applicable provisions; and~~))

b. Requesting approval for an exemption according to Section 25.09.045,relief from the prohibition of development according to Section 25.09.090, or a small project waiver demonstrating compliance with applicable provisions according to this Chapter 25.09; and/or

c. Requesting modification of Section 25.09.330 submittal requirements; and

2. ((~~obtain~~)) Obtain a permit or the Director's approval of the application.

* * *

Section 71. Section 25.09.045 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.045 Exemptions

A. General criteria and applications

1. When the Director determines that criteria in subsections 25.09.045.E to 25.09.045.J are met, those activities are exempt from the provisions of this Chapter 25.09, except for subsections 25.09.045.B, ((~~and~~)) 25.09.045.C, 25.09.065.A, and 25.09.065.B and Sections 25.09.017, ((~~[,]~~)) 25.09.030.B, ((~~25.09.065,~~)) and 25.09.070, and as otherwise provided in this Section 25.09.045.

2. An application for an exemption may be made only as a component of a specific proposed development. The application shall include all portions of the proposed development, including utilities.

3. Applications

a. The applicant for an exemption shall provide all information requested by the Director and demonstrate that the work qualifies for the exemption. The Director shall determine whether work is exempt, apply tree and vegetation standards pursuant to subsections 25.09.070.G and 25.09.070.H, and impose conditions on the work to protect environmentally critical areas and buffers or other property, including application of Section 25.09.065.

b. City agencies taking the action under any subsection of this Section 25.09.045 and a public agency taking the action under subsection 25.09.045.J do not need to make an application to the Director, provided that, if no application is made, they shall comply with all provisions of this Section 25.09.045, make all determinations required to be made by the Director, including required conditions, and maintain records documenting compliance with all provisions.

B. All exempt activities shall be undertaken using best management practices as defined by this Chapter 25.09. The applicant shall maintain records documenting compliance with this subsection 25.09.045.B.

* * *

F. Maintenance and repair, or interior renovation and interior structural alteration or window, siding, or roof replacement of existing development if:

1. It does not increase the size of the development as determined by the plan view of the project;

2. It does not increase the impact to, including construction impacts, encroach further within, or further alter an environmentally critical area or buffer; and

3. In any five-year period starting from ((~~the effective date of the ordinance introduced as Council Bill 118853~~)) May 14, 2017, the exterior structural alteration to the existing structure is less than 50 percent, not including window, siding, or roof replacement.

* * *

H. Utilities, rights-of-way, public and private enhancement projects, and public trails

1. Activities identified in subsection 25.09.045.H.3 are exempt, if the applicant demonstrates:

a. The work is not a prerequisite to other development in an environmentally critical area or buffer;

b. No practicable alternative to the work with less impact on the environmentally critical area or buffer exists pursuant to subsection 25.09.065.B.1.a; and

c. The work does not pose an unreasonable threat to the public health, safety, or welfare or to the environment, on or off the property.

* * *

2. ((~~The Director's decision shall~~)) For activities identified in subsection 25.09.045.H.3, the Director may require:

a. ((~~Include~~)) A site plan showing the approved location and limits of the work;

b. ((~~Require the~~)) The application of mitigation standards as set out in Section 25.09.065 ((~~and include~~)) including specific mitigation measures for all impacts to environmentally critical areas and buffers before, during, and after construction; and

c. ((~~Require special~~)) Special inspection at the Director's discretion.

3. The provisions of this subsection 25.09.045.H apply to the following activities:

a. Relocation of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less only when required by a governmental agency;

b. Relocation of natural gas, cable communications, gas, telephone facilities, and public utility lines, pipes, mains, equipment, or appurtenances only when required by a governmental agency;

c. Installation or construction in improved public road rights-of-way, and replacement, operation, or alteration, of all electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;

d. Installation or construction in improved public road rights-of-way, and replacement, operation, repair, or alteration of all natural gas, cable communications, telephone facilities, and public utility lines, pipes, mains, equipment, or appurtenances;

e. Public or private projects designed exclusively to enhance ecological function in the Shoreline District or to enhance fish and wildlife habitat conservation areas, wetlands, and wetland buffers, including stormwater-related functions, that require either a Hydraulic Project Approval from the Washington Department of Fish and Wildlife, Section 401 Certification or a Section 404 permit under the federal Clean Water Act from the Washington State Department of Ecology or United States Army Corps of Engineers, respectively, or any project funded by the Aquatic Habitat Matching Grant program, established by ((~~City Council~~)) Resolution 30719, if applicable; and

f. Public projects if the purpose for the intrusion into the environmentally critical area or buffer is to benefit the public's passive enjoyment of the environmentally critical area, such as, but not limited to, walking trails providing access to a ((~~creek~~)) riparian corridor or wetland area, when located and designed to minimize environmental disturbance and adverse impacts to the environmentally critical area and buffer. The applicant shall protect vegetation and trees pursuant to a tree and vegetation plan consistent with ((~~best management practices~~)) Section 25.09.070. The plan shall be prepared by a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur. In landslide-prone areas the plan shall also be approved by a geotechnical engineer licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and tree and vegetation removal on steep slope erosion hazard areas. Trail projects shall be:

1) Limited to pervious surface or raised boardwalk, using non-treated wood or other non-toxic material;

2) No more than 5 feet wide;

3) For pedestrian or bicycle use only; and

((~~4) Located in the outer 25 percent of the wetland buffer area; and~~

~~5~~)) 4) Located to avoid removal of trees.

I. ((~~Structure maintenance of~~)) Maintenance of structures associated with existing public facilities and utilities. Operation, maintenance, remodeling, repair, and removal of existing public facilities and utilities, if these activities are normal and routine and if these activities do not result in substantial disturbance or adverse impacts of environmentally critical areas or buffers.

* * *

Section 72. Section 25.09.052 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.052 Replacing structures in environmentally critical areas and buffers

* * *

B. Replacing a single-family residence voluntarily in wetlands, wetland buffers, and fish and wildlife habitat conservation areas

1. Replacing a single-family residence and its appurtenant structures and access is allowed in wetlands, wetland buffers, and fish and wildlife habitat conservation areas if the replacement complies with the following:

a. The replacement is in substantially the same location as the original development;

((~~a~~)) b. The area of the footprint of the ((~~replaced residence and existing garage~~)) replacement does not exceed that of the ((~~current residence and current garage~~)) original development;

((~~b~~)) c. The proposed access does not exceed the width and length of necessary access; ((~~and~~))

((~~c~~)) d. Lot size

1) Riparian watercourse and wetlands. For a single-family residence located over a riparian watercourse or built in a wetland, the replaced residence and necessary access meets wetland buffer or riparian management area requirements to the maximum extent feasible; or

2) For all other property, the lot does not have sufficient area to site a residence with the same area of footprint as existed on ((~~the effective date of the ordinance introduced as Council Bill 118853~~)) May 14, 2017, plus necessary access, consistent with the regulations for the applicable environmentally critical area and buffer, including reducing the yard and setback requirements for front and rear yards in Title 23 under Section 25.09.280, except subsection 25.09.280.B.2, to the minimum necessary to accommodate the residence and necessary access; ((~~.~~)) and

((~~d~~)) e. The site for the residence, necessary access, and utilities has the least impact on the functions and values of the environmentally critical area.

2. A structure that is replaced and activities related to replacing the structure shall:

a. Comply with restrictions on flood hazard areas reconstruction, if the structure is located in a flood-prone area; and

b. Comply with the development standards for the environmentally critical area and buffer in which it is located to the maximum extent feasible, including requirements for access and shall comply with the standards in Sections 25.09.060, 25.09.065, and 25.09.070; and

c. Mitigate impacts to the functions and values of the environmentally critical area and buffers, in compliance with Section 25.09.065, including any impacts caused by removing the residence from its original location, runoff from impervious surfaces, and/or replacing any portion of the residence within the environmentally critical area or buffer.

* * *

Section 73. Section 25.09.060 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

25.09.060 General development standards

The following general development standards apply to development on parcels containing environmentally critical areas or buffers, except as specifically provided in this Chapter 25.09:

* * *

D. All ((~~buffers and designated~~)) non-disturbance areas shall be fenced with a highly visible and durable protective barrier during construction to prevent access and to protect environmentally critical areas.

* * *

O. Vegetation removal and disturbance shall be avoided to the extent feasible. Any vegetation installed within environmentally critical areas and their buffers pursuant to Section 25.09.070 shall be native vegetation.

* * *

Section 74. Section 25.09.065 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.065 Mitigation standards

A. ((~~Regulations set out in this Chapter 25.09 are minimum requirements that shall be supplemented by~~)) All proposed development subject to this Chapter 25.09 is required to document use of mitigation sequencing in this Section 25.09.065 when needed to protect the ecological functions of steep slope erosion hazard areas and their buffers, wetlands, wetland buffers, fish and wildlife habitat conservation areas, and flood-prone areas.

B. Mitigation sequencing

1. Mitigation ((~~below~~)) measures shall be undertaken in the following order of priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, best management practices, and/or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and the compensation projects undertaken under subsection 25.09.065.B.1.e and taking appropriate corrective measures.

2. Priority ((~~requirements~~)) mitigation measures. Lower priority measures shall be applied only if ((~~the~~)) higher priority measures ((~~is~~)) are infeasible or inapplicable.

3. Priority for the location of ecological mitigation in relation to compensation required under subsection 25.09.065.B.1.e shall be in the following order and the lower priority restoration location shall be allowed only if the higher priority location is infeasible or the applicant demonstrates that there will be a greater ecological benefit if a lower priority site is used:

a. At the site;

b. Within the same creek watershed;

c. Within Seattle city limits;

d. Within the same Watershed Resource Inventory Area.

4. If the required mitigation ((~~undertaken~~)) under subsection 25.09.065.B.1.e is infeasible, the applicant shall apply for an exception pursuant to Section 25.09.300 to allow the development.

5. As part of any application for approval of development that requires mitigation, the applicant shall submit a mitigation plan that meets the standards of subsection 25.09.065.C and a maintenance and monitoring plan that meets the standards of subsection 25.09.065.D unless the applicant demonstrates based on ((~~competent scientific evidence~~)) best available science that no impact to the ecological functions of the environmentally critical area or areas will occur as the result of the development or its use, construction, or management. The mitigation plan and the maintenance and monitoring plan must be approved by the Director.

6. Mitigation timing. Mitigation shall be completed prior to issuance of the certificate of occupancy. If that has not occurred or if no certificate of occupancy is needed, the applicant shall submit plans establishing a specific schedule for completing mitigation, which must be approved by the Director, and shall provide a bond of at least 150 percent of the cost of installation, in addition to the monitoring plan and bond required under subsection 25.09.065.D if the mitigation exceeds $5,000. No additional bond is required for public agencies.

C. Mitigation plan

((~~1. Mitigation plans for tree and vegetation management, and impervious surface management shall include the information required in subsections 25.09.070.G, including and not limited to native plant species, planting location, demonstration of replacement of ecological function, and timing of vegetation removal.~~

~~2. Mitigation for other impacts~~

~~a~~)) 1. The Director shall determine the level of detail required in the mitigation plan after considering the location, size, and type of the proposed development and/or the use and type of mitigation proposed, unless a specific timeframe is stated.

((~~b~~)) 2. The mitigation plan shall include the following information:

((~~1~~)) a. An inventory of the existing ecological functions where the impact will occur. ((~~;~~)) Ecological functions to be mitigated include but are not limited to:

1) Loss of shading to the aquatic environment;

2) Loss of organic inputs critical for aquatic life;

3) Loss of the contribution of large, medium, and small wood material into the aquatic environment;

4) Loss of habitat for amphibian, avian, and terrestrial species;

5) Loss of woody debris inputs to the aquatic environment;

6) Loss of soil stabilization functions; and

7) Loss of stormwater filtering, detention, and infiltration;

((~~2~~)) b. An analysis of the project's impacts on the existing ecological functions necessary to support existing environmentally critical areas and buffers;

((~~3~~)) c. Management recommendations or requirements received from federal, state, or local agencies that have been developed ((~~for~~)) to protect the ecological functions of environmentally critical areas including protection of avian, terrestrial, wetlands, or aquatic species and habitat on the site and their applicability to the proposal;

((~~4~~)) d. Proposed management practices to protect the ecological functions of environmentally critical areas both during construction and during the management of the site;

((~~5~~)) e. Measures to avoid and minimize impacts to preserve existing habitats and the ecological functions of environmentally critical areas and buffers;

((~~6~~)) f. Proposed measures to compensate for the remaining project impacts after applying avoidance and minimization measures, to ensure protection of the ecological functions of environmentally critical areas; and

((~~7~~)) g. Any additional information that the Director requires to determine the impacts of a proposal and required mitigation to offset the impacts.

D. Maintenance and monitoring plan

1. Maintenance and monitoring plans shall include:

a. Criteria for determining the success of mitigation and for evaluating the effectiveness of mitigation to ensure protection of the ecological functions of the environmentally critical areas;

b. Contingency actions to be taken if the mitigation fails to meet the established success criteria in subsection 25.09.065.D.1.a; contingency actions shall include additional monitoring if the mitigation fails;

c. Performance bonds for wetlands, wetland buffers, fish and wildlife habitat conservation areas, and flood-prone areas not to exceed a term of five years are required to ensure compliance with the conditions for mitigation if the cost of the mitigation is greater than $5,000, except for public agencies. The bond shall be in an amount of at least 150 percent of the cost to retain a qualified environmental professional in the appropriate field to assess the mitigation and submit a report to the City at least twice yearly, prior to and near the end of each growing season and shall also provide a bond in an amount sufficient to implement additional restoration measures if the mitigation does not meet the success criteria identified in subsection 25.09.065.D.1.a at the end of five growing seasons; and

d. Any additional information that the Director requires to help ensure the success of the mitigation.

2. Mitigation that includes planting trees and vegetation shall include:

a. Tree and vegetation species, planting location, and soil amendment criteria meeting the standards in subsection ((~~25.09.070.G.2~~)) 25.09.065.C.2;

b. Not less than five years of maintenance that ensures 80 percent survival of new trees and vegetation planted at the end of five years;

c. Annual inspections of the plants;

d. Replacement of failed plants;

e. Removal of exotic invasive species that have become established; and

f. Photographic documentation of planting success retained for the five-year period.

E. Additional requirements for steep slope erosion hazard areas. The Director shall require mitigation of all impacts to the natural erosion capacity of the disturbed steep slope erosion hazard area, unless such mitigation would result in adverse impacts to slope stability, in the following order of preference:

1. Removing ivy on site in the remaining steep slope erosion hazard areas and their buffers.

2. Removing other invasive vegetation and planting native trees and vegetation in the remaining steep slope erosion hazard areas and their buffers.

3. Removing ivy on adjacent parcels.

4. Removing other invasive vegetation and planting native trees and vegetation on site in areas outside the steep slope erosion hazard areas and their buffers.

* * *

Section 75. Section 25.09.070 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.070 Standards for tree and vegetation and impervious surface management

* * *

C. If the activities in subsection 25.09.070.A are authorized in compliance with the provisions of this Chapter 25.09 by a permit or the Director's approval that does not require a permit, the following apply, except as provided in subsection 25.09.070.D:

1. A tree and vegetation ((~~,~~)) and/or impervious surface plan is required for all authorized activities in subsection 25.09.070.A. The plan shall identify:

a. The location and size of the area where the authorized activities will occur;

b. The type and area of the existing ground coverage, including the size, species, and location of existing trees and vegetation in the proposed work areas; and

c. The type and area of final proposed ground coverage, including the species and location of trees and vegetation.

2. Any area cleared of trees and vegetation or disturbed and not to be used for development shall be planted with native trees and vegetation. Landscaped areas not meeting the requirements of this Section 25.09.070 are considered development; and

3. Mitigation pursuant to ((~~subsection 25.09.070.G and Section~~)) subsection 25.09.065.C is required.

D. ((~~Tree and vegetation management, and impervious surface management activities are allowed without complying with subsection 25.09.070.C, if the following best management practices are used:~~)) The following activities are allowed without a permit or prior authorization from the Director. These activities shall be lawfully maintained prior to May 14, 2017.

1. Normal ((~~and routine~~)) pruning and maintenance of trees, lawns, landscaping and similar vegetative cover; and ((~~vegetation and normal and routine maintenance of existing impervious surface in the following areas:~~

~~a. Trees, lawns, landscaping and similar vegetative cover, and paths, lawfully maintained prior to the effective date of the ordinance introduced as Council Bill 118853; and~~

~~b. Steep slope erosion hazard areas described in subsections 25.09.090.B.2.a, 25.09.090.B.2.b, and 25.09.090.B.2.c, if no adverse impact on the steep slope erosion hazard area will result.~~

~~2. Actions taken under approvals as part of an issued building or grading permit with a landscaping plan prior to the effective date of the ordinance introduced as Council Bill 118853, or otherwise approved by a tree and vegetation plan prior to the effective date of the ordinance introduced as Council Bill 118853 shall comply with the conditions on such permit or plans.~~))

2. Normal pruning and maintenance of trees, shrubs, and other woody plants in steep slope erosion hazard areas described in subsections 25.09.090.B.2.a, 25.09.090.B.2.b, and 25.09.090.B.2.c, and their buffers, if no adverse impact on the steep slope erosion hazard area will result.

3. Normal and routine maintenance of existing impervious surface and paths.

E. Voluntary restoration ((~~and improvements~~))

1. ((~~Voluntarily restoring or improving trees and vegetation, including removing non-native vegetation or invasive plants and noxious weeds by hand, to promote maintenance or creation of a naturally functioning condition that prevents erosion, protects water quality, and/or provides diverse habitat~~)) Voluntary restoration is allowed only if intended exclusively to create, enhance, or maintain one or more of the ecological functions listed in subsection 25.09.065.C.2. Voluntary restoration is allowed if:

((~~a. The work is under 1,500 square feet in area calculated cumulatively over three years, the work complies with subsections 25.09.070.E.2.a and 25.09.070.E.2.b, and a plan detailing the proposed work is reviewed and authorized by the Director before the work begins; or~~

~~b. The work is 1,500 square feet or more in area calculated cumulatively over three years, or if the removal of invasive plants or noxious weeds is by machine or chemicals, the work complies with subsections 25.09.070.E.2.b and 25.09.070.E.2.c, the proposal keeps adverse environmental impacts to a minimum, the work is performed by or under the direction of a qualified environmental professional, and a plan detailing the proposed work is reviewed and authorized by the Director before the work begins.~~))

a. A plan consistent with subsection 25.09.070.C.1 is reviewed and authorized by the Director before the work begins; and

b. The area of work exceeds 750 square feet in a landslide-prone area, or if the removal of plants includes grubbing or machinery, the plan shall be approved by a geotechnical engineer licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and tree and vegetation removal on landslide-prone areas; and

((~~2. Standards for plans. In addition to complying with the requirements in subsection 25.09.070.C.1, plans shall comply with the following standards as applicable under subsections 25.09.070.E.1:~~

~~a. Plans shall be consistent with the Department's standard tree and vegetation plan and best management practices.~~

~~b. If the area of work exceeds 750 square feet in a landslide-prone area, the plan shall be approved by a geotechnical engineer licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and tree and vegetation removal on landslide prone areas.~~

~~c. Plans shall be prepared by a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur.~~))

c. The work is 1,500 square feet or more in area calculated cumulatively over three years, or if the removal of invasive plants or noxious weeds is by machine or chemicals, the work is performed by or under the direction of a qualified environmental professional with experience related to the type of environmentally critical area or buffer where work will occur.

F. Hazard trees. ((~~Removing a tree that is a hazard tree under Chapter 25.11 must meet the standards of subsections 25.09.070.G and 25.09.070.H.~~)) Hazard tree removal is allowed if:

1. The tree is determined to be high risk by the Director according to the tree hazard evaluation standards established by the International Society of Arboriculture;

2. The feasibility of creation of a wildlife snag is considered as mitigation of the hazard;

3. In landslide-prone areas, the stump remains in place and debris is removed from the area or otherwise managed to avoid adverse impacts to slope stability;

4. Tree replacement is provided at a minimum of a one-to-one ratio; and

5. A plan consistent with subsection 25.09.070.C.1 is reviewed and authorized by the Director before the work begins.

((~~G. Mitigation for tree and vegetation alteration and increase in impervious surface~~

~~1. If trees and vegetation are lawfully altered or removed, other than as allowed in subsection 25.09.070.D, or if work authorized pursuant to this Chapter 25.09 requires increased impervious surface, the applicant shall mitigate adverse impacts to ecological functions through the mitigation standards pursuant to Section 25.09.065. Adverse impacts on ecological functions to be mitigated include but are not limited to:~~

~~a. loss of shading to the aquatic environment;~~

~~b. loss of organic inputs critical for aquatic life;~~

~~c. loss of the contribution of large, medium and small wood material into the aquatic environment;~~

~~d. loss of habitat for amphibian, avian, and terrestrial species;~~

~~e. loss of woody debris inputs to the aquatic environment;~~

~~f. loss of soil stabilization functions; and~~

~~g. loss of stormwater filtering, detention, and infiltration.~~

~~2. Mitigation to offset the impacts of tree and vegetation management, and impervious surface management shall meet the following criteria, unless the applicant demonstrates that doing so is inapplicable or that an alternative approach will be more effective in mitigating impacts as demonstrated by a report by a qualified environmental professional detailing the mitigation achieved through the proposed alternative approach:~~

~~a. Trees and vegetation shall not be removed or otherwise disturbed until a tree and vegetation plan has been approved or authorized.~~

~~b. If tree and vegetation management, and impervious surface management results in the removal of mature trees and vegetation, the mitigation proposed shall~~

~~include an analysis detailing how the specific existing ecological functions impacted will be mitigated.~~

~~c. Mitigation plantings shall be native species suited to specific site conditions.~~

~~d. Plantings provided for mitigation purposes shall be sited as close as practicable to other treed and vegetated areas and to any water body.~~

~~e. Areas that have been cleared, graded, or compacted shall be amended with organic matter prior to planting.~~

~~f. If tree and vegetation management, and impervious surface management, results in a loss of pervious surfaces, mitigation shall create new pervious surfaces that infiltrate water or create areas that replicate the functions of pervious surfaces using Volume 3 of the City of Seattle Stormwater Manual as guidance regarding required the size and design of such areas.~~

~~g. Tree and vegetation, and impervious surface management actions requiring soil disturbance shall use appropriate best management practices to prevent sediment runoff.~~

~~H~~)) G. A tree and vegetation maintenance and monitoring ((~~and maintenance~~)) plan approved by the Director that complies with subsection 25.09.065.D is required for trees and vegetation planted pursuant to this Section 25.09.070.

* * *

Section 76. Section 25.09.090 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

25.09.090 Development standards for steep slope erosion hazard areas

* * *

B. Impacts on steep slope erosion hazard areas

1. Development is prohibited on steep slope erosion hazard areas, unless the applicant demonstrates that the provisions of subsections 25.09.070.C, 25.09.070.D, 25.09.090.B.2, 25.09.090.D, 25.09.090.E, or 25.09.090.F apply, or the slope is on a parcel in a Downtown zone or highrise zone.

2. Development is allowed on steep slope erosion hazard areas if the applicant demonstrates that all other provisions of this Chapter 25.09 and all applicable provisions of Title 23 and Chapters 22.800 through 22.808 are met, that no adverse impact on the stability or erosion potential of the steep slope erosion hazard areas will result, and that the development meets one of the following criteria and the criteria in subsection 25.09.090.B.3. In making this determination, the Director may require a geotechnical report to verify site conditions and to evaluate the impacts of the development in the steep slope erosion hazard area and shall require such a report for criteria in subsections 25.09.090.B.2.c and 25.09.090.B.2.d. The geotechnical report is subject to the provisions for third party review in subsection 25.09.080.C.

a. Development, lawfully constructed, is located within the footprint of existing ((~~, lawfully constructed,~~)) structures or existing paved areas, not including landscaped areas or areas that have been graded;

b. Development is located on a steep slope erosion hazard area that has been created through previous legal grading activities, including but not limited to rockeries or retaining walls resulting from right-of-way improvements;

c. Development is located on a steep slope erosion hazard area that is less than 20 feet in vertical rise and that is 30 feet or more from other steep slope erosion hazard areas; or

d. Development is a necessary stabilization measure to mitigate an active landslide hazard on the applicant's lot or from an abutting lot, and such development meets the following requirements:

1) The applicant demonstrates that the stabilization is the minimum necessary to mitigate the landslide hazard; and

2) The applicant uses the least intrusive option available to mitigate the landslide hazard.

3. The following activities do not constitute "development" or "disturbance" for the purposes of applying subsection 25.09.090.B.2:

a. Clearing trees and vegetation or any type of tree and vegetation, and site restoration management authorized under this Chapter 25.09.

b. For the purposes of applying subsections 25.09.090.B.2.a, 25.09.090.B.2.b and 25.09.090.B.2.c, stabilization measures to mitigate a landslide hazard authorized under subsection 25.09.090.B.2.d.

* * *

Section 77. Section 25.09.160 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.160 Development standards for wetlands and wetland buffers

A. Wetlands are rated and the habitat function of a wetland is determined according to the Washington State Wetland Rating System for Western Washington ((,)) (Ecology Publication

#14-06-029) as amended or updated. The duration of validity of a wetland rating may be determined by Director's Rule. Illegal grading, filling, draining, or other actions or development will not result in a change to that wetland's rating. ((~~Wetlands constructed for mitigation or replacement purposes~~)) Those wetlands intentionally created from non-wetland or former wetland areas to mitigate conversion of wetlands are subject to the provisions of this Chapter 25.09.

B. Wetland buffer location

1. The wetland buffer is measured horizontally and perpendicular to the edges of the wetland.

2. The ((~~size~~)) width of wetland buffers is set out in Table A for 25.09.160 and is based on the size, category, and habitat function of the wetland.

3. Wetland habitat function is as follows:

a. High level equals a habitat function score of 8 or 9;

b. Moderate level equals a habitat function score of 5, 6 or 7; and

c. Low level equals a habitat function score of 3 or 4.

((~~3~~)) 4. Degraded buffers. If a buffer is degraded due to the lack of trees and vegetation, the presence of invasive or non-native species and/or the presence of impervious surface or other development, the Director ((~~shall~~)) may require that:

a. The degraded portion of the buffer be restored ((~~by removing existing impervious surface and existing nonnative and invasive plant species, and replanting with native trees and vegetation, and providing a five-year monitoring and maintenance plan consistent with the requirements of subsection 25.09.065.D~~)) to the extent commensurate with the impact of the

development on the riparian management area and according to mitigation standards pursuant to Section 25.09.065; or

b. The standard buffer width listed in Table A for 25.09.160 be increased or other conditions be placed on the development on a case-by-case basis when necessary to protect wetland functions and values based on best available science and local conditions if it is determined that:

1) A larger buffer is necessary to maintain viable populations or critical habitat of State or federally listed threatened or endangered species living within the subject wetland(s) boundaries;

2) The adjacent land is susceptible to severe erosion, and erosion control measures otherwise required in Section 25.09.080 will not effectively prevent adverse wetland impacts; or

3) A larger buffer maintains connections between other nearby wetlands, flood-prone areas, and/or fish and wildlife habitat conservation areas.

* * *

C. ((~~Impacts to wetlands and wetland buffers~~))Allowed and prohibited activities in wetlands and wetland buffers

1. Development, including but not limited to grading, filling, draining, or any alteration to the functions and values of the wetland, including but not limited to negative impacts on trees and vegetation, habitat, flood control, and water quality, is prohibited, except as provided in subsection 25.09.160.C.3, within or over:

a. Category I, II, and III wetlands greater than 100 square feet;

b. Category IV wetlands 1,000 square feet or greater;

c. A wetland of any category or size that is part of a larger wetland system or abuts any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031;

d. Wetland buffers as established in subsection 25.09.160.B, except as provided in subsection 25.09.160.G.

((~~2. When development is authorized on a parcel containing a wetland and/or wetland buffer it shall comply with subsection 22.805.020.G and all other applicable sections of the Stormwater Code, in addition to the provisions of this Chapter 25.09.~~))

((~~3~~)) 2. The Director may authorize development in a Category IV wetland under 1,000 square feet that does not abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031 if mitigation pursuant to subsections 25.09.065.B.1.b through 25.09.065.B.1.f are met and mitigation is provided according to Table A for 25.09.065.

((~~4~~)) 3. In a wetland of any category or size, and wetland buffer, any action detrimental to habitat, or trees and vegetation, including but not limited to clearing or removal, is prohibited, except as provided in Sections 23.60A.190 and 25.09.070.

((~~5~~)) 4. Altering existing wetlands or wetland buffers or increasing the ecological function of the wetland or wetland buffer is allowed pursuant to subsection 25.09.160.F.

* * *

E. Buffers: averaging, reductions, existing developed streets, and variances

1. Buffer width averaging. The Director may modify the wetland buffer width required in subsection 25.09.160.B by averaging buffer widths when a qualified environmental professional for wetlands, demonstrates to the Director's satisfaction that:

a. It will not reduce wetland functions or values;

b. The total area contained in the buffer area after averaging is no less than the total area that would be contained within the buffer required in Table A for 25.09.160; and

c. The buffer at its narrowest point is never less than 75 percent of the buffer width required in Table A for 25.09.160.

2. Buffer width reductions. In Category I, II, and III wetlands the Director may reduce a wetland buffer width by 20 percent if a vegetated corridor at least 100 feet wide is protected between the wetland buffer and any other priority habitats as defined by the Washington Department of Fish and Wildlife. In all circumstances where the remaining buffer is degraded as described in subsection ((~~25.09.160.B.3~~)) 25.09.160.B.4, removal of non-native vegetation and planting native trees and vegetation in the degraded portions of the remaining buffer area is required and shall include a five-year monitoring and maintenance plan consistent with the requirements of Section 25.09.065. The corridor must be:

a. Legally protected by a conservation easement or equivalent; and

b. Undisturbed except for passive recreational walking trails not exceeding five percent of the area of the corridor and made of pervious material.

* * *

Section 78. Section 25.09.200 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.200 Development standards for fish and wildlife habitat conservation areas

A. Development standards for parcels with riparian corridors

* * *

3. Riparian management area

a. The riparian management area is defined in subsection 25.09.012.D.5. Existing paved areas of public or private streets are excluded from the regulations for the riparian management area unless the provisions of Chapters 22.800 through 22.808 apply, in which case the Director shall require adequate stormwater detention and treatment to prevent harm from the street to habitat on the parcel and downstream and to keep degradation of water quality for habitat to a minimum.

b. Development is prohibited in the riparian management area, except as follows:

1) To provide the minimum necessary access if no other access is available to development approved under subsections 25.09.200.A.2 or 25.09.200.A.3.b.3.a;

2) Development allowed under subsections 25.09.200.A.3.c and 25.09.200.A.3.e.

3) On lots existing prior to May 9, 2006, if the applicant demonstrates that:

a) The development is in the limited riparian development area, ((~~which is the area in the riparian management area~~)) and more than 75 feet from the top of the riparian watercourse bank for Type F waters with anadromous fish present for any part of the year ((~~,~~)) <u>or</u> more than 50 feet from the top of the riparian watercourse bank for Type F waters where anadromous fish are not present for any part of the year and ((~~more than 50 feet from the top of the riparian watercourse bank~~)) for Type Np and Ns waters;

((~~b) The development complies with Section 22.805.080 and 22.805.090, regardless of the area of land disturbing activity or the size of the addition or replacement of impervious surface, except as provided in subsection 25.09.200.A.3.b.3.d; and~~

~~c~~)) b) Any existing or proposed development, including but not limited to coverage by impervious surface, does not exceed 35 percent of the total area of the limited riparian development area, and provided further that the maximum lot coverage does not exceed that allowed under Title 23, and except as provided in subsection 25.09.200.A.3.b.3.d.

((~~d) When compliance with Sections 22.805.080 and 22.805.090 is required solely based on subsection 25.09.200.A.3.b.3.b, the Director may approve a restoration plan in lieu of requiring compliance with subsections 25.09.200.A.3.b.3.b and 25.09.200.A.3.b.3.c if the applicant demonstrates that the plan meets the following criteria:~~

~~i. The riparian watercourse and/or riparian management area ecological function will be restored so that it prevents erosion, protects water quality, and provides diverse habitat; and~~

~~ii. The restoration results in greater protection of the riparian watercourse and riparian management area than compliance with subsections 25.09.200.A.3.b.3.b and 25.09.200.A.3.b.3.c.~~))

c. In the riparian management area any action detrimental to habitat and any action affecting trees and vegetation, including but not limited to clearing or removal, are prohibited, except as provided in subsection 25.09.200.A.3.b, 25.09.200.A.4, and Section 25.09.070.

d. The ecological functions of the riparian management corridor include tree and vegetation cover, preventing erosion and protecting water quality.

e. If the riparian management area is degraded due to the lack of trees and vegetation, the presence of invasive or non-native species, and/or the presence of impervious surface or other development, the applicant shall prepare and carry out a restoration plan that restores the ecological function of the riparian management area to the extent commensurate with the impact of the development on the riparian management area and according to mitigation standards pursuant to Section 25.09.065.

((~~f. If the development is authorized pursuant to Section 25.09.052 the Director shall require that the degraded portion of the riparian management area be restored by removing existing nonnative and invasive plant species, and replanting with native trees and vegetation, and providing a five-year monitoring and maintenance plan consistent with the requirements of subsection 25.09.065.~~))

4. Small project waiver

a. The Director may approve ((~~fences, rockeries, or similar features or temporary disturbance for installation of utility lines~~)) development in a riparian management area if no construction occurs over, in, or within 15 feet of a riparian watercourse or water body, and if the applicant demonstrates that the proposal meets the following criteria:

1) The feature is constructed on a lot that has been in existence as a legal building site prior to October 31, 1992;

2) The feature does not exceed 150 square feet calculated cumulatively from October 31, 1992. If the feature is on a lot that is or has been held in common ownership with a contiguous lot and the lots are or have been used for a single principal use or for a principal use and accessory use, the limitation applies to both lots; and

3) The feature:

a) Does not contain floor area;

b) Does not remove trees or native vegetation;

c) Does not block wildlife movement through the riparian management area; and

d) Mitigates impacts to ecological functions.

b. The Director's decision shall require:

1) The use of fencing with a highly durable protective barrier during the construction to protect the ((~~wetland and remainder of the wetland buffer~~)) riparian corridor and remainder of the riparian management area.

2) Mitigation pursuant to ((~~Section~~)) subsection 25.09.065.B to offset the area of both temporary and permanent development.

3) Additional mitigation measures, as appropriate, to protect the remainder of the riparian corridor.

* * *

Section 79. Section 25.09.330 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.330 Application submittal requirements

All activities identified in Section 25.09.015 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes, unless an application is not required under ((~~subsections~~)) Section 25.09.040 or an application to modify application submittal requirements is made under subsection 25.09.040.A.1.b as part of

an approval requested under Section 25.09.045 or subsections 25.09.070.D, 25.09.090.D, ((~~or~~)) 25.09.160.G, or 25.09.200.A.4:

* * *

Section 80. Section 25.09.335 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.335 Posting, covenants, and recording conditions

* * *

B. The Director ((~~shall~~)) may require ((~~that~~)) a permanent covenant, and a survey if one has been prepared, ((~~be recorded in the King County Recorder's Office that describes and delineates all required non-disturbance areas, that prohibits development on and any disturbance of them, and that prohibits considering them for development credit in future plats or development proposals~~)) between the owner(s) of the property and the City prior to issuance of any permit or approval in a fish and wildlife habitat conservation areas and buffers, wetlands and wetland buffers, or geologic hazard areas and associated buffers. The covenant shall not be required where the permit or approval is for work done by the City. The covenant shall be tailored to the specific types of risks presented, shall be signed by the owner(s) of the property, shall be notarized, shall run with the land, and shall include, but need not be limited to, the following:

1. A legal description of the property;

2. A description of the property condition making this Section 25.09.335 applicable;

3. For landslide-prone, steep slope erosion hazard, liquefaction-prone, peat settlement-prone, abandoned landfill, or flood-prone ECA types:

a. As relevant to the property condition, commitment by the owner to maintain features of the site in such condition and such manner as will prevent harm to the public; to residents of the property; to nearby property; and to streets, alleys, and drainage facilities, from the activities to be done pursuant to the permit and from the related changes to the site, and to indemnify the City and its officers, employees, contractors, and agents from any claims arising from the failure of the owner to comply with the commitment;

b. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks;

c. A waiver and release of any right of the owner(s), the owner's heirs, successors, and assigns to assert any claim against the City and its officers, employees, contractors, and agents by reason of or arising out of issuance of the permit or approval by the City for the development on the property, or arising out of any inspection, statement, assurance, delay, act, or omission by or on behalf of the City related to the permit or approval or the work done thereunder, and agreeing to defend and indemnify the City and its officers, employees, contractors, and agents for any liability, claim, or demand arising out of any of the foregoing or out of work done or omitted by or for the owner, except in each case only for such losses, claims, or demands that directly result from the sole negligence of the City.

4. The application date, type, and number of the permit or approval for which the covenant is required; and

5. The covenant shall-be recorded in the King County Recorder's Office, at the expense of the owner, to become part of the King County real property records. The covenant

shall include a description and delineation of all required non-disturbance areas that prohibits development on and any disturbance of them and that prohibits considering them for development credit in future plats or development proposals.

6. The covenant shall be recorded prior to the issuance of any permit or at the time a plat is recorded.

* * *

Section 81. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 126278, is amended as follows:

25.09.520 Definitions

* * *

"Existing paved areas" means lawfully constructed concrete, asphalt, or brick/paver surfaces constructed as a driveway, walkway, or patio; or concrete or asphalt driving surface. All paved areas must be in use for intended purpose in their current condition. This does not include slab areas of formerly existing structures, abandoned paved areas covered by soil or vegetation, or abandoned slab areas cleared of soil or vegetation.

"Existing structures" means all elements of a lawfully constructed structure that must currently exist including slabs, foundations, walls, floors, and roofs. Existing structures do not include slabs or foundations of structures remaining after other elements have been wholly or partially demolished or destroyed.

* * *

Section 82. Section 25.12.390 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.390 Board approval of nomination ((~~.~~))

* * *

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through ((~~25.12.780~~)) 25.12.770 shall apply.

* * *

Section 83. Section 25.12.420 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.420 Board meeting on approval of designation ((~~.~~))

((~~Except as otherwise provided in Section 25.12.470 the~~)) The Board may approve or deny designation of a site, improvement, or object only at a public meeting. At the meeting on approval of designation the Board shall receive information and hear comments on whether the site, improvement or object meets the standards for designation of landmarks specified in Section 25.12.350 and merits designation as a landmark.

* * *

Section 84. Section 25.12.845 of the Seattle Municipal Code, last amended by Ordinance 120157, is amended as follows:

25.12.845 Requests for interpretation ((~~.~~))

* * *

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, ((~~Chapter 22.901E, Table 6~~)) Section 22.900.C.010, Land Use Fees, and shall be collected by the Department of Neighborhoods.

* * *

Section 85. Section 25.12.860 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.860 Revision or revocation of designation, controls, incentives ((~~.~~))

At the end of four ((~~(4)~~)) years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke designation of a site, improvement, or object as a landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections ((~~25.12.380~~)) 25.12.370 through 25.12.640; provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.

* * *

Section 86. Section 25.16.050 of the Seattle Municipal Code, enacted by Ordinance 105462, is amended as follows:

25.16.050 District Board—Rules of procedure ((~~.~~))

The District Board shall elect its own ((~~chairman~~)) chairperson and adopt in accordance with ((~~the Administrative Code (Ordinance 102228)~~)) Chapter 3.02 such rules of procedure as shall be necessary in the conduct of its business, including: (A) a code of ethics, (B) rules for reasonable notification of public hearings on applications for certificates of approval and applications for permits requiring certificates of approval in accordance with Sections 25.16.070 through 25.16.110, and (C) rules for reasonable notification of public hearings on

development and design review guidelines and amendment thereof. A majority of the currently qualified and acting members of the District Board shall constitute a quorum necessary for the purpose of transacting business. All decisions shall be made by majority vote of those members present, and in case of a tie vote, the motion shall be lost. The District Board shall keep minutes of all of its official meetings, which shall be filed with the Director.

* * *

Section 87. Section 25.16.060 of the Seattle Municipal Code, last amended by Ordinance 115958, is amended as follows:

25.16.060 District Board—Staffing ((~~.~~))

The District Board shall receive administrative assistance from the Director of the Department of Neighborhoods, who shall assign a member of ((~~his~~)) the Director's staff to provide such assistance. Such staff member shall be the custodian of the records of the District Board, shall conduct official correspondence, and organize and supervise the clerical and technical work of the District Board as required to administer this ((~~chapter~~)) Chapter 25.16.

* * *

Section 88. Section 25.24.050 of the Seattle Municipal Code, last amended by Ordinance 115958, is amended as follows:

25.24.050 Commission procedures ((~~.~~))

The Commission shall adopt rules and regulations for its own government, not inconsistent with the provisions of this ((~~chapter~~)) Chapter 25.24 or any other ordinance of the City. Meetings of the Commission shall be open to the public and shall be held at the call of the ((~~Chairman~~)) Chairperson and at such other times as the Commission may determine. All official meetings of the Commission shall keep minutes of its proceedings, showing the action of

the Commission upon each question, and shall keep records of its proceedings and other official actions taken by it, all of which shall be immediately filed in the Department of Neighborhoods and shall be a public record. All actions of the Commission shall be by resolution which shall include the reasons for each decision. A majority vote shall be necessary to decide in favor of an applicant on any matter upon which it is required to render a decision under this ((~~chapter~~)) Chapter 25.24.

* * *

Section 89. Section 25.30.050 of the Seattle Municipal Code, enacted by Ordinance 124580, is amended as follows:

25.30.050 Design review guidelines

* * *

E. In the event of a conflict between the provisions of this Section 25.30.050 and provisions in Chapter 23.72, Chapter 25.30 shall prevail.

* * *

Section 90. Section 25.30.065 of the Seattle Municipal Code, enacted by Ordinance 124850, is amended as follows:

25.30.065 Relationship between Board review and responsibilities of other City departments

The function of the Board under Section 25.30.060 is to review public or private applications for certificates of approval to demolish, alter, or construct buildings, structures, and site elements located within the District, for consistency with the landmarks criteria prescribed in Section 25.30.090. It is not the function of the Board to regulate the use of property within the District, which is the responsibility of the Department of ((~~Planning and Development~~))

Construction and Inspections, or to manage the use of City-owned property within the District, which is the responsibility of the Department of Parks and Recreation if the properties are within the boundaries of Warren G. Magnuson Park.

* * *

Section 91. 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 _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

_____

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachments: