

Director's Report and Recommendation Seattle Mixed Zone Amendments January 5, 2015

Overview

The Department of Planning and Development (DPD) is proposing to reorganize and amend Chapter 23.48 of the Seattle Municipal Code, the Seattle Mixed (SM) zone. The proposals include:

A new structure and zone naming convention to enhance ease of use and understanding for the use of the zone in various neighborhoods throughout the city; and

Clarification of provisions, correction of references, amendments to address errors and omissions (largely from the 2013 rezone for South Lake Union), and an update of provisions for parking and size limits on the manufacture of pharmaceuticals consistent with the City Council's original policy intent.

The mix of uses allowed in the SM zone has made it an attractive designation for a variety of neighborhoods, including: those transitioning from industrial to a mix of residential and commercial; those where the desire is to move from auto-oriented to transit-supportive uses, and where higher densities are desired. Planning projects currently underway in areas such as the University District and Rainier Beach have identified that having additional development flexibility would further the community's vision in these neighborhoods. In general, SM is most appropriate in Urban Centers and Urban Villages designated in the City's Comprehensive Plan.

A final outcome from the proposal is a zone that can be used, where appropriate, as part of future sub-area planning efforts in a way that will logically fit into the proposed organization of the Code chapter. Revising the chapter would make the zone function better for areas where it is currently applied and provide better ability to modify the zone, if needed, when applied to additional locations.

Background

The City originally adopted Chapter 23.48 as the Seattle Commons Mixed zone that was intended for the South Lake Union (SLU) neighborhood in anticipation of the Seattle Commons Park. After the failure of votes for the Commons, the zone was renamed Seattle Cascade Mixed, when it was applied in the Cascade neighborhood. Subsequently, the zone was renamed Seattle Mixed and applied throughout SLU. Since 2001 the City has amended the zone in various ways to accommodate additional growth and promote a greater mix of uses including retail, biotech and a variety of residential uses. In addition, the zone has been applied in the Interbay-West Dravus and Mt. Baker areas. Currently, the SM zone is being evaluated for use in the University District and the Rainier Beach neighborhoods.

In 2013, City Council adopted major amendments to Chapter 23.48 to allow a diversity of building types, including high-rise office towers. The amendments included design standards and incentive provisions that apply specifically to South Lake Union. DPD has reviewed over 25 projects using the new South Lake Union specific development standards. City planners have identified where SM provisions need greater clarity regarding policy intent as well as where implementation of various provisions presents administrative challenges, such as the ability to enforce parking maximums, use of Type I permit decisions (limited discretion and no ability to appeal) as opposed to Type II (discretionary decisions that are appealable to the City's Hearing Examiner).

The current organization of the SM chapter includes provisions that apply to all parcels zoned SM, as well as provisions that apply only to specific geographic areas – South Lake Union Urban Center, West Dravus area, or North Rainier Hub Urban Village. The multiple amendments and the addition of geographically-specific provisions make the chapter confusing as it is difficult to discern general from neighborhood-specific standards. While some specific requirements are identified in section headings, many provisions are not clear as to where they apply (ranging from subareas, blocks, and streets). In particular, it is difficult to understand how height, FAR, and various development standards are applied.

The following map identifies the areas where SM has been applied and the proposed locations of where it may be applied in the future as part of a planning process. This map also identifies both existing Urban Centers/Urban Villages and industrial centers within the city to show the location of existing or potential SM zoning in or proximate to these areas.

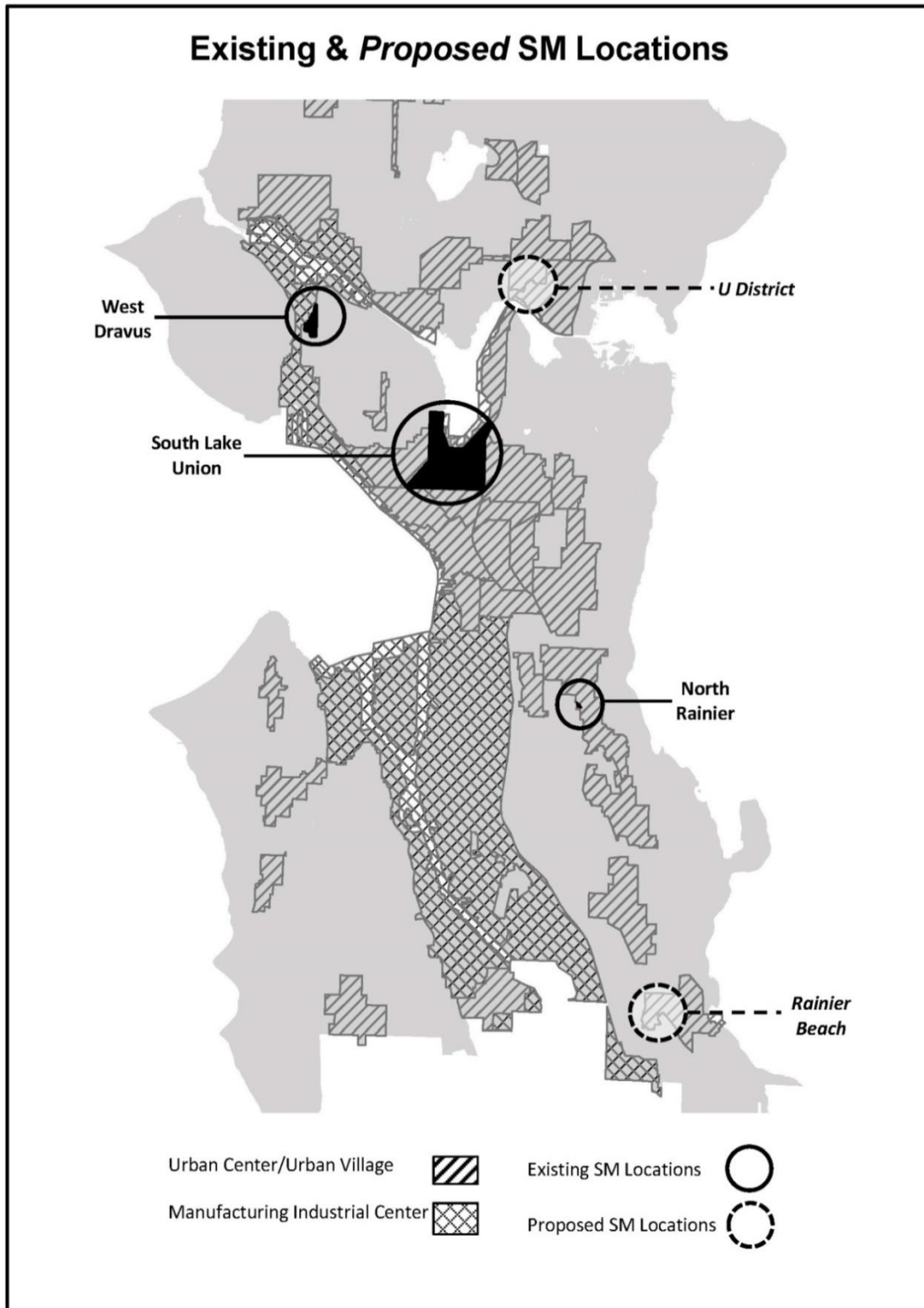


Figure 1: Existing and proposed future locations of Seattle Mixed zones

Analysis - Proposed Amendments

New Chapter organization. The proposal is intended to provide a logical structure that can accommodate geographic-specific provisions to provide a framework to manage the complexity of the Land Use Code. The following outline shows the proposed organization of Chapter 23.48:

SubChapter I General Provisions

- 23.48.002 Scope of provisions
- 23.48.005 Uses
- 23.48.010 Nonconforming uses and structures (relocating landmark structures)

- 23.48.020 Floor area ratio
- 23.48.021 Extra floor area in Seattle Mixed Zones
- 23.48.025 Structure height
- 23.48.040 Street-level development standards
- 23.48.045 Amenity area for residential uses
- 23.48.050 Open space requirement for office uses
- 23.48.055 Screening and landscaping standards
- 23.48.065 Noise and odor standards
- 23.48.075 Light and glare standards
- 23.48.080 Required parking and loading
- 23.48.085 Parking and loading location, access and curb cuts
- 23.48.090 Assisted living facilities
- 23.48.095 Pet daycare centers

SubChapter II South Lake Union Provisions

- 23.48.200 Scope of provisions for South Lake Union
- 23.48.205 Uses for South Lake Union
- 23.48.220 Floor area ratio for South Lake Union
- 23.48.221 Extra floor Area for South Lake Union
- 23.48.225 Structure height for South Lake Union
- 23.48.230 Extra height for South Lake Union
- 23.48.232 Lot area limits for South Lake Union
- 23.48.235 Upper-level setback requirements for South Lake Union
- 23.48.240 Street-level development standards for South Lake Union
- 23.48.245 Upper level development standards for South Lake Union
- 23.48.250 Open space requirement for office uses for South Lake Union
- 23.48.255 Screening and landscaping standards for South Lake Union
- 23.48.280 Parking and loading requirements for South Lake Union
- 23.48.285 Parking and loading, location, access, and curb cut requirements for South Lake Union

SubChapter III Dravus Standards

- 23.48.300 Applicability for Dravus
- 23.48.320 Floor area ratio for Dravus
- 23.48.325 Requirements for structure height in Dravus

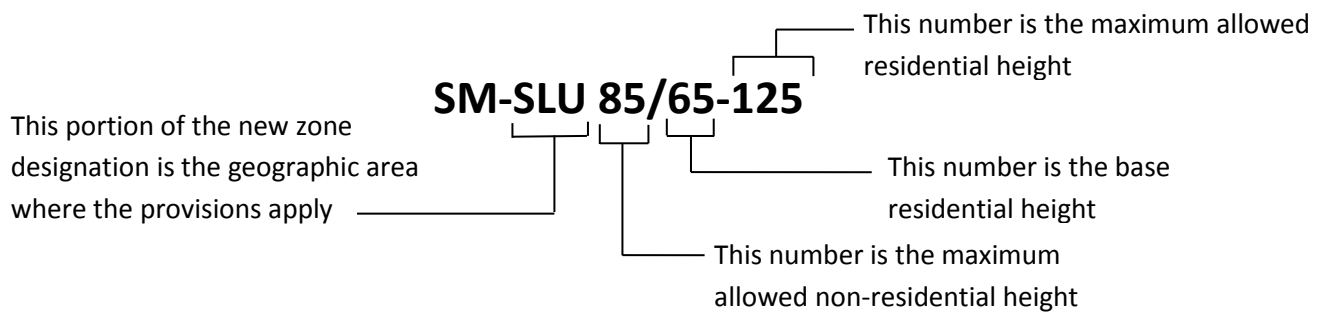
SubChapter IV North Rainier Standards

- 23.48.400 Applicability for North Rainier
- 23.48.420 Floor area ratio for North Rainier
- 23.48.421 Extra floor area ratio for North Rainier
- 23.48.425 Structure Height for North Rainier
- 23.48.435 Upper-level setback requirements for North Rainier
- 23.48.440 Street-level development standards for North Rainier

The numbering would be consistent across the zone’s different geographies. For instance, the floor area section for each area will end in “20”, regardless of the Subchapter number preceding it. The intent of this format is to create consistency among the various development standards so that their location is similarly placed from one area to another.

DPD is also proposing a new approach to identifying the SM zone and its variations on the Official Land Use Map. For example, in South Lake Union there are seven different SM zones to accommodate the various height and floor area allowances that reflect that neighborhood’s vision. Each of these zones provides standards intended to achieve specific desired outcomes. Currently, with the exception of the West Dravus neighborhood’s version of SM zoning, which is identified as “SM-D,” no other variations in the zone are currently identified by a distinct name.

The proposal would create new zone designations for South Lake Union, West Dravus, and North Rainier, which would be represented as SM-SLU, SM-D, and SM-NR, respectively. In areas where SM is applied generally, but no area-specific development standards exist, the zone will be shown as SM. The following provides further explanation of how the new zone name is structured:



Changes that clarify provisions, correct references, and other minor amendments. Various amendments are proposed to fix error and omissions, especially from the 2013 legislation for South Lake Union. The recommended changes fall into three main categories; reformatting, removal/deletion, or clarification. Clarifications include changes to approval procedures and revised wording or definition for greater consistency, enhanced understanding, and ease of interpretation. The following table provides an explanation for the most notable amendments and the current and proposed Code citations.

Proposed Code citation and general topic addressed	Description of the proposed amendments	Current Code citation
23.34.128 SM zone function and locational criteria	Remove the height limit subsection because it is redundant. The general rezone and height limit criteria (23.34.008 and 23.34.009) already contain sufficient direction about selecting height limits that are appropriate and achieve desired transition to surrounding areas. In addition, the provisions of the SM Chapter 48 list the eligible height limits for use with the SM designation.	Same
23.48.005.B	<p>Remove a size of use limit on the manufacture of pharmaceuticals. This would complement research and development activities allowed in the zone by allowing manufacture of pharmaceuticals at a scale necessary for them to invest in locations such as SLU and North Rainier. Existing provisions limit this use to 25,000 square feet.</p> <p>This change is in keeping with the policy intent to establish SLU as a biotechnology hub as well as the future vision for the SM zoned portions of the North Rainier light rail station area.</p>	23.48.004.B
23.48.020 Floor area ratio	Add “Area Where Residential Use Exempt from FAR” to Map A. This map did not previously specify that residential floor area is exempt for SM zoned parcels within its boundary, although this was the intent. This change is intended to clarify the FAR exemption for residential use within this area.	23.48.009 Floor area ratio

23.48.020 Floor area ratio	Relocate provisions and clarify the floor area limits that apply for residential uses and those for nonresidential uses. Add a footnote to provide a cross reference clarification of how extra FAR is achieved in the Uptown triangle (Map A for 23.48.020).	23.48.009 Floor area ratio
23.48.020 Floor area ratio (General Provisions); and 23.48.220 Floor area ratio for South Lake Union	Separate general provisions from those that apply to specific areas. The current code includes floor area provisions, for example, for all versions of the SM zone. This is awkward and confusing. Under the proposed reorganization the general and area-specific provisions are included in the applicable subchapters as shown in the outline of the proposed chapter.	23.48.009 Floor area ratio
23.48.020 Floor area ratio (General Development Standards); and 23.48.220 Floor area ratio for South Lake Union	Clarification of what is included in floor area limits and what is exempt, as per City Council’s original intent.	23.48.009.D Floor area exemptions
23.48.020 Floor area ratio (Map A)	Correct Map A to show Aurora Ave as the eastern boundary of the SM zone as originally intended. The Uptown Triangle map (Map A for 23.48.009) incorrectly depicted Dexter Ave as the easternmost boundary.	23.48.009 Floor area ratio (Map A)
23.48.020 Floor area ratio (Table A)	Add a footnote (²) in the FAR and Height table (Table A for 23.48.020) to clarify that residential portions of structures that exceed the Base height limit are exempt from FAR limits.	23.48.009 Floor area ratio (Table A)

<p>23.48.020 Minimum floor area ratio</p>	<p>Add new language to clarify when the minimum floor area requirement is triggered (whenever more than 1,000 sf of gross floor area is added or removed from a lot abutting a Class 1 or Class 2 Pedestrian Street). Language clarifying when FAR is exempt from minimum FAR requirements has also been added.</p> <p>Since SM was last amended, City Council has adopted minimum FAR requirements that apply to lots abutting Class 1 and 2 Pedestrian Streets.</p>	<p>NA-new language is not included in existing code as it was recently adopted in Ordinance 124566.</p>
<p>23.48.020.D Floor area exempt from maximum FAR limits</p>	<p>Clarify provisions that currently exempt underground floor area from FAR limits by stating that “underground stories or portions of stories” are exempt. This would be consistent with existing terminology used for the same purpose in other zones. Existing language relied on reference to gross floor area to convey this.</p> <p>Also, reference to the policy intent for this (to increase privacy for residential units in the first full story above grade) would be removed to shorten the code.</p>	<p>23.48.009.D Exemptions from floor area limits</p>
<p>23.48.025.C.2 Rooftop Features</p>	<p>Language regarding soil or similar insulation material required for landscaping being allowed to exceed the maximum building height when enclosed by parapets or walls has been added to clarify that this projection is allowed and in keeping with policy intent.</p>	<p>23.48.010.H.2 Rooftop Features</p>
<p>23.48.025.C.5 Rooftop Features</p>	<p>Amend the allowance for elevator penthouses to extend above the</p>	<p>23.48.010.H.5 Rooftop Features</p>

	<p>height limit of the zone by 40'. Elevator penthouses in high-rise buildings are currently allowed to exceed the building height limit by 35'. High-speed elevators require an additional 5' of height.</p>	
23.48.030.C.2.a	<p>Correct reference to “residential” that was intended to read “non-residential” under the Means to achieve extra non-residential floor area.</p>	23.48.011.C.2.a
23.48.040 Development standards for required street-level use	<p>Clarify that at least 75% of the street-level uses on lots abutting Class 1 Pedestrian Streets are required pursuant to the provisions for Required street-level uses in 23.48.005.D (formerly 23.48.004.D).</p> <p>Delete the word “required” to eliminate confusion between general street-level uses and those that are required as per 23.48.014.E.1. The intent was that all street-level uses within the commercial space described in this subsection must comply with the specified height and depth requirements.</p>	23.48.014 Development standards for required street-level uses
NA- deleted from code	<p>Delete a redundant provision related to amenity area for residential use. This provision is unnecessary as the applicant is already required to meet it per the residential amenity requirements. Existing requirements state that the Director must find that open space “design, location, access and hours of operation meet the needs of building residents” for residential use in a mixed-use building in order to meet the bonus FAR requirements when the space is also being used to satisfy residential</p>	23.48.020.C.5 Amenity Area for residential use

	amenity area requirements.	
23.48.045.C Standards for amenity area	Clarify that woonerfs, approved through a design review process, can be used to provide up to 50% of the required residential amenity area when approved through a design review process consistent with the original intent.	23.48.020 Standards for amenity area
23.48.050 Open space requirements for office uses	Clarify that open space in this context is meant to be accessible to the public when it is used to earn additional floor area, and must be within ¼ mile of the project site, if provided on another site. This is consistent with the requirements for similar spaces in other zones.	23.48.022 Open space requirements for office uses
23.48.205 Use requirements for South Lake Union	Prohibit all principal use parking in SLU. Principal use parking is currently prohibited in a garage but not on a surface lot. When City Council amended the SM zone in SLU in 2013 maximum parking limits for non-residential uses were adopted for this area (23.48.032.B), but the prohibition of principal use surface parking was omitted. Without prohibiting all types of principal use parking, regulations for maximum parking limits cannot be meaningfully enforced.	23.48.004 Use requirements
23.48.220.A.2.b Floor area ratio for South Lake Union	Clarify that height is allowed above the 125' base height limit in projects with non-residential uses in the SM-SLU 240/125-400 zone when the requirements in 23.48.220.A.2.b are met. The previous language combined provisions for both the SM 160/85-240 and SM 240/125-400 zones. The proposal provides for requirements	23.48.009.B.3.b Floor area ratio

	that pertain to the two zones and their respective base heights allowances (85' and 125').	
23.48.220 Floor area ratio for South Lake Union (Table A) 23.86.007 Calculation of floor area ratio in Seattle Mixed-SLU zones	Clarify that all portions of residential towers, including portions within the podium, are exempt from FAR limits. Footnote ² in Table A for 23.48.220 accomplishes this through the addition of the above language. This is further clarified through the addition of 23.86.007 Calculation of floor area ratio in Seattle Mixed-SLU zones, which details the method of calculating FAR and lot area by use when a residential tower is included.	23.48.009 Floor area ratio (Table B)
23.48.221.A.1.a	Correct and incorrect reference to non-residential use that was intended to be for residential use under the “Means to achieve extra residential floor area section.”	23.48.011.B.1.b
23.48.225.C. Additional height for SM-SLU 160/85-240 and SM-SLU 85-240	Relocate standards for extra residential floor area above the base height and limits on towers per block provisions to height section as they relate to height rather than floor area.	23.48.009.A.2.b Floor area ratio in SM 160/85-240
23.48.225 Exceptions for pitched roofs and rooftop features	Correct references to 23.48.010.D and 23.48.010.E. The intent was to refer to 23.48.010.G and 23.48.010.H.	23.48.010 Exceptions for pitched roofs and rooftop features
23.48.230 Extra height in South Lake Union	Clarify provisions for open space. Language currently states that any outdoor seating be "either permanent or moveable in an amount equivalent to one lineal foot for every 200 square feet of open space ...". This has been clarified to specify that "The open space shall include <i>either</i> one lineal foot of permanent seating or two movable chairs for every 200 square	23.48.017 Additional height in certain SM-zoned areas in the South Lake Union Urban Center

	feet of open space during hours of public access."	
23.48.235 Upper-level setbacks in the SM-SLU 85/65-160 zone	Replace a reference that was omitted. The applicable provision was intended to be illustrated by Exhibit B for 23.48.012 in order to show where setbacks are required.	23.48.012 Upper-level setbacks in the SM 85/65-160 zone
23.48.240 General façade requirements	Correct references to 23.49.013.B.4.c in 23.48.A.3.b.3, which were intended to refer to 23.48.013.B.4.c.	23.48.014.A General façade requirements
23.48.240.C Facade requirements in the SM-SLU 85-240 zone and 23.48.240.H	Remove requirement for Type I decision to allow waiver of street-facing façade and pedestrian connection requirements standard. A Design Review departure from these requirements is fits better with the original policy intent.	23.48.014.B Additional façade requirements in the SM 85-240 zone 23.48.014.H.3 Modifications of through-block pedestrian connections
23.48.240 Façade requirements in the SM-SLU 85-240 zone	Replace the term "ground-level" with "ground-related" as was originally intended.	23.48.014 Additional façade requirements in SM 85-240 zone
23.48.240 Additional requirements in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North	Correct a misclassification of street designation of Terry Ave. The existing Pedestrian Street Classifications map (Map A for 23.48.14) identifies Terry Ave, south of Valley Street, as both a Class 1 and 2 Pedestrian Street. The exact distance of the Class 1 designation (120' south of Mercer Street) has been clarified. Beyond this distance the remainder of Terry Ave is designated as a Class 2 Pedestrian Street.	23.48.014 Additional requirements in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North
23.48.240 Pedestrian Street classifications	Correct a misclassification of street designation of Valley St. According to Map A for 23.48.014, the portion of Valley St between Boren Ave N and Fairview Ave N is a Class 1 Pedestrian street. The original intent was for this	23.48.014 Pedestrian Street classifications

	to be a Class 2 Pedestrian street.	
23.48.240 Required open area in the SM-SLU 85/65-160 zone. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North	Correct the minimum façade height for useable elevated open space. In order to achieve consistency with the minimum façade height requirement of 45' (for projects abutting Class 1 Pedestrian Streets) this height would be increased from 40' to 45'.	23.48.014 Required open area in the SM 85/65-160 zone. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North
23.48.240 Required usable open space in the SM-SLU 85/65-125 , SM-SLU 85/65-160 , SM-SLU 160/85-240 and SM-SLU 240/125-400 zones	Correct references to 23.48.014.G.4, instead of 23.48.014.F as intended.	23.48.014 Required usable open space in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones
23.48.240 Required usable open space in the SM-SLU 85/65-125 , SM-SLU 85/65-160 , SM-SLU 160/85-240 and SM-SLU 240/125-400 zones	Clarify provisions for usable open space. The amendment would be consistent with intent of this provision, which was to allow ground-level open space to qualify as either residential amenity space for residential use or as open space for office use, or both.	23.48.014 Required usable open space in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones
23.48.240.H Through-block pedestrian connections	Clarify that the ability to transfer FAR across an alley to another lot is contingent upon the receiving lot having a Seattle Mixed zone designation.	23.48.040.D
23.48.245.B.1.b Floor area limit for structures or portions of structures occupied by nonresidential uses	Clarify that research and development uses are not subject to a floor area limit, in structures no higher than 105', subject to certain provisions.	23.48.013.B Floor area limit for structures or portions of structures occupied by nonresidential uses
23.48.245.B Floor area limit for structures or portions of structures occupied by non-residential uses	Clarify that the application of FAR limits applies to floors that are above grade. The existing provisions do not specify that a structure limit of seven stories is applied to portions of the structure "above grade."	23.48.013 Floor area limit for structures occupied by non-residential uses

23.48.245.F Limit on tower structures per block	Clarify that for purposes of applying tower limits, the presence of an alley does not divide an existing block into two. This is consistent with the original intent.	23.48.013.F Limit on tower structures per block
23.48.245.G Tower separation	Same as above.	23.48.013.G Tower separation
NA-requirement removed from Code	Delete Energy Management Plan requirement. Seattle City Light has determined that this requirement is being met through existing standards and process and is therefore not needed.	23.48.011.E.3 Energy Management Plan, 23.48.017.G Energy Management Plan
23.84A.012, 23.84A.038 Definitions of “floor plate” and “tower;” 23.86.007 Calculation of FAR in SM-SLU	Add and clarify definitions/measurement techniques to ease understanding and application of development standards related to the size and scale of development in SM-SLU, particularly for development that includes a tower.	NA-new language.

Future Use of the Seattle Mixed Zone

The existing locational criteria described in Section 23.34.128 of the Land Use Code outlines the function and appropriate location of the SM zone:

- Within an urban center, urban village or station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;
- Well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;
- That provide a transition from, or is compatible with, an adjacent neighborhood that is densely developed or zoned for high density mixed use; or an area where a transition to higher density mixed use is desired;
- Either within a larger area characterized primarily by commercial or industrial activity, or within an area where significant investment in public transit infrastructure can accommodate greater density and transition with surrounding areas; and
- Suitable for a wide range of uses and heights.

These criteria reflect the intended function of the zone to allow light-industrial use to co-exist with residential and commercial uses in order to encourage redevelopment of an area with the greatest mix of uses allowed in the city. For example, in West Dravus, North Rainier and South Lake Union the zone

has been used to facilitate mixed-use neighborhoods with a strong pedestrian orientation intended to enhance livability while increasing opportunities for major employers to exist or locate. In those neighborhoods, application of the SM zone has preceded a transition away from former single-purpose commercial or industrial use to the mix of office, research and development, manufacturing and housing uses that typify recent development trends or are aspired to in goals and policies.

The existing general rezone criteria (Section 23.34.008) and criteria for setting height limits (Section 23.34.009) provide ample guidance for setting appropriate height limits. These provisions call for rationale height transitions between rezone areas and their surroundings.

Consistency with the Comprehensive Plan

The proposed amendments are consistent with the goals and policies of the Comprehensive Plan including:

- UV18 Promote the balance of uses in each urban center or urban center village
- UVG24 Accommodate concentrations of housing and employment at strategic locations in the transportation system conveniently accessible to the city's residential population, thereby reducing the length of work-trip commutes.
- UVG26 Accommodate concentrations of employment and housing at densities that support pedestrian and transit use and increase opportunities within the city for people to live close to where they work.
- UVG29 Encourage growth in locations within the city that support more compact and less land-consuming, high quality urban living.
- UVG30 Concentrate a greater share of employment growth in locations convenient to the city's residential population to promote walking and transit use and reduce the length of work trips.
- UVG31 Plan for urban centers to receive the most substantial share of Seattle's growth consistent with their role in shaping the regional growth pattern.

South Lake Union Neighborhood Plan:

- SLU Goal 1: A vital and eclectic neighborhood where people both live and work, where use of transit, walking and bicycling is encouraged, and where there are a range of housing choices, diverse businesses, arts, a lively and inviting street life and amenities to support and attract residents, employees and visitors.

Policy 1: Encourage the co-location of retail, community, arts and other pedestrian-oriented activities in key pedestrian nodes and corridors.

- SLU Goal 3: A neighborhood that serves as a regional center for innovative organizations and that supports a diverse and vibrant job base.

Policy 9: Support the growth of innovative industries in South Lake Union including biotechnology, information technology, environmental sciences and technology, and sustainable building.

North Rainier Neighborhood Plan Update:

Goal 8: A Town Center that concentrates housing, commercial uses, services and living-wage employment opportunities; that is well served by transit and nonmotorized travel options; and that is well designed and attractive to pedestrians. A vibrant business district that serves North Rainier residents and is a destination shopping area with stores that serve the greater Rainier Valley.

Strategy 3: Through processes that engage community stakeholders consider and evaluate the application of zoning designations and related development regulations that are most likely to achieve the neighborhood's urban design vision. Include evaluation of new regulatory and programmatic tools as they become available. Rezone key opportunity sites to encourage redevelopment of parcels around the light rail station in a manner that incorporates housing, commercial services (such as a grocery store and small businesses) and amenities.

Recommendation

The proposed amendments are consistent with the adopted goals and policies. The general intent is to improve the ability of the Land Use Code to carry out the goals of the Comprehensive Plan relating to urban design and functional needs of the neighborhoods where the SM zone currently applies or where it may be considered for future application. DPD recommends approval of the proposed amendments.