

**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
**COUNCIL BILL** \_\_\_\_\_

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map at pages 72, 73, 87, 101, 102, 133, 145 to designate new zone names, repealing and replacing Chapter 23.48, amending Sections 23.10.010, 23.34.009, 23.34.128, 23.41.012, 23.42.124, 23.42.126, 23.42.128, 23.47A.012, 23.48, 23.84A.048, 23.86, 25.05.800, change the definition of "Zone, residential" to include SM-SLU, SM-D, SM-NR, and 25.08.100; and amending the Official Land Use Map, Chapter 23.32, at pages of the Seattle Municipal Code to reorganize, make corrections and update standards for the Seattle Mixed Zones.

NOW, THEREFORE,

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

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rename properties identified on pages 72, 73, 87, 101, 102, 133, 145 of the Official Land Use Map, as shown on Exhibit A-C attached to this Ordinance.

Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

**23.30.010 Classifications for the purpose of this Subtitle III**

A. General zoning designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional multifamily zone designation in this subsection 23.30.010.A.

<b>Zones</b>	<b>Abbreviated</b>
Residential, Single-family 9,600	SF9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000

1	Residential Small Lot	RSL
2	Residential, Multifamily, Lowrise 1	LR1
3	Residential, Multifamily, Lowrise 2	LR2
4	Residential, Multifamily, Lowrise 3	LR3
5	Residential, Multifamily, Midrise	MR
6	Residential, Multifamily, Highrise	HR
7	Residential-Commercial	RC
8	Neighborhood Commercial 1	NC1
9	Neighborhood Commercial 2	NC2
10	Neighborhood Commercial 3	NC3
11	Master Planned Community - Yesler Terrace	MPC-YT
12	Seattle Mixed	SM
13	<u>Seattle Mixed-South Lake Union</u>	<u>SM-SLU</u>
14	<u>Seattle Mixed-Dravus</u>	<u>SM-D</u>
15	<u>Seattle Mixed-North Rainier</u>	<u>SM-NR</u>
16	Commercial 1	C1
17	Commercial 2	C2
18	Downtown Office Core 1	DOC1
19	Downtown Office Core 2	DOC2
20	Downtown Retail Core	DRC
21	Downtown Mixed Commercial	DMC
22	Downtown Mixed Residential	DMR
23	Pioneer Square Mixed	PSM
24	International District Mixed	IDM
25	International District Residential	IDR

Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

\* \* \*

Section 3. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance 121476, is amended as follows:

**23.34.009 Height limits of the proposed rezone((=))**

Where a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

\* \* \*

Section 4. Section 23.34.128 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

**23.34.128 Seattle Mixed (SM) zone, function and locational criteria**

In considering rezones to the Seattle Mixed (SM) zone designation, the following function and locational criteria shall be taken into consideration:

A. Function. An area 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;

1 B. Transportation and infrastructure capacity. An area that is well-served by transit and  
2 vehicular systems and where utility infrastructure is adequate, or where such systems and  
3 infrastructure can be readily expanded to accommodate growth;

4 C. Relationship to surrounding activity. An area that either provides a transition from, or  
5 is compatible with, an adjacent neighborhood that is densely developed or zoned for high density  
6 mixed use; or an area where a transition to higher density mixed use is desired, either within a  
7 larger area characterized primarily by commercial or industrial activity, or within an area where  
8 significant investment in public transit infrastructure can accommodate greater density and  
9 adequate transition with surrounding areas can be provided;

10 D. Mix of use. In general, the zone is suitable for a wide range of uses. However, an  
11 area within the SM zone may be identified for the purposes of encouraging a primarily  
12 residential character. Within these areas, non-residential uses shall generally be of modest scale  
13 or neighborhood-serving in character;

14 ~~((E. Height. Height limits of 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, 125 feet, 160 feet,~~  
15 ~~240 feet, and 400 feet may be applied to land zoned SM. Different heights may be applied to~~  
16 ~~different uses in SM zones to more strongly promote certain development types or particular uses~~  
17 ~~within the zone. A 40 or 55 foot height shall be applied where it is appropriate to limit the~~  
18 ~~intensity and scale of new development. A 65 foot, 75 foot or 85 foot height shall apply where it~~  
19 ~~is appropriate to provide for a uniform and pedestrian scale. Generally within urban centers and~~  
20 ~~light rail station areas, a 125 foot, 160 foot, 240 foot, or 400 foot height may be designated for~~  
21 ~~areas where high density, mixed use development is desirable or where development at this~~  
22 ~~height and intensity will serve as transition from areas where greater heights are permitted.))~~

23 Section 5. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance  
24 124535, is amended as follows:

25 **23.41.012 Development standard departures**



\* \* \*

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

\* \* \*

10. In Seattle Mixed zones in the South Lake Union Urban Center, floor plate limits for all uses provided in Section ~~((23.48.013))~~23.48.245, except that departures of up to a 5 percent increase in floor plate area may be granted for structures with non-residential uses meeting the conditions of subsections ~~((23.48.013.B.1.d.1))~~23.48.245.B.1.d.1 and ~~((23.48.013.B.1.d.2))~~23.48.245.B.1.d.2;

11. In Seattle Mixed zones in the South Lake Union Urban Center, provisions for gaining extra floor area provided for in Section ~~((23.48.014))~~23.48.221 and Chapter 23.58A;

12. In Seattle Mixed zones in the South Lake Union Urban Center, provisions limiting the number of towers permitted per block provided for in Section ~~((23.48.013))~~23.48.245;

13. In the Seattle Mixed zones in the South Lake Union Urban Center, provisions for upper-level setbacks provided for in Section ~~((23.48.013))~~23.48.245;

14. In the Seattle Mixed zones in the South Lake Union Urban Center, required street-level use requirements as per subsections 23.48.005.D and 23.48.205.C and permitted use requirements as per 23.48.205.A.

~~1((4))~~5. Floor Area Ratios; except that in the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures from the development standards for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a character structure on a lot in Section 23.73.015 are not considered departures from FAR limits;

~~1((5))~~6. Maximum size of use;

~~1((6))~~7. Structure height, except that:

1 a. Within the Roosevelt Commercial Core building height departures up to  
2 an additional 3 feet may be granted for properties zoned NC3-65, (Map A for 23.41.012,  
3 Roosevelt Commercial Core);

4 b. Within the Ballard Municipal Center Master Plan area building height  
5 departures may be granted for properties zoned NC3-65, (Map B for 23.41.012, Ballard  
6 Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be  
7 granted only for townhouses that front a mid-block pedestrian connection or a park identified in  
8 the Ballard Municipal Center Master Plan;

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

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

14 e. Within the Upper Queen Anne Residential Urban Village and  
15 Neighborhood Commercial zones within the Upper Queen Anne neighborhood, (Map C for  
16 23.41.012, Upper Queen Anne Commercial Areas), building height departures up to 3 feet of  
17 additional height may be granted if the top floor of the structure is set back at least 6 feet from all  
18 lot lines abutting streets;

19 f. Within the PSM 85-120 zone in the area shown on Map A for  
20 23.49.180, departures may be granted from development standards that apply as conditions to  
21 additional height, except for floor area ratios and provisions for adding bonus floor area above  
22 the base FAR;

23 g. Within the Pike/Pine Conservation Overlay District shown on Map A  
24 for 23.73.004, departures may be granted from development standards that apply as conditions to  
25  
26  
27  
28

additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving sites for transfer of development potential in subsection 23.73.024.B.5.

~~1((7))~~8. Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013" may be reduced, but shall not be less than the required parking for pedestrian-designated areas shown in Table D for 23.54.015

~~1((8))~~9. Provisions of the Shoreline District, Chapter 23.60

~~((49))~~20. Standards for storage of solid-waste containers;

~~2((9))~~1. The quantity of open space required for major office projects in Downtown zones as provided in subsection 23.49.016.B;

~~2((4))~~2. Noise and odor standards;

~~2((2))~~3. Standards for the location of access to parking in Downtown zones;

~~2((3))~~4. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

~~2((4))~~5. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035

~~2((5))~~6. Affordable housing production conditions within the MPC-YT zone, pursuant to Section 23.75.085

~~2((6))~~7. Limits on floor area for uses within the MPC-YT zone, as provided in Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040

1           2((7))8. Limits on number, distribution, and gross floor area per story for highrise  
2 structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under  
3 Section 23.75.040

4           2((8))9. Definitions;

5           ((29))30. Measurements;

6           3((0))1. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and  
7 23.28.030.A.3, which may be modified as authorized in those provisions;

8           3((4))2. Standards for structural building overhangs in Section 23.53.035; and

9           3((2))3. Within the Pike/Pine Conservation Overlay District shown on Map A for  
10 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as  
11 a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-  
12 residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection  
13 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,  
14 the exception for width and depth measurements in subsection 23.73.012.B, or the exception for  
15 an additional 10 feet in height as provided for in subsection 23.73.014.B.

16                   a. Departures may, however, be granted under the following  
17 circumstances:

18                           1) The character structure is neither a designated Seattle landmark  
19 nor listed in a rule promulgated by the Director according to Section 23.73.005; and

20                           2) The departure is for demolishing a wood-frame character  
21 structure originally built as a single-family residence or single-family accessory structure; or

22                           3) The departure is for demolishing a character structure that is  
23 determined to have insufficient value to warrant retention when the following applies:

24                                   a) The structure lacks a high degree of architectural integrity as evidenced  
25 by extensive irreversible exterior remodeling; or

b) The structure does not represent the Pike/Pine neighborhood's building typology that is characterized by the use of exterior materials and design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-glazed-ground-floor storefront windows; and decorative details including cornices, emblems, and embossed building names; or

c) Demolishing the character structure would allow for more substantial retention of other, more significant character structures on the lot, such as a structure listed in a rule promulgated by the Director according to Section 23.73.005; or would allow for other key neighborhood development objectives to be achieved, such as improving pedestrian circulation by providing through-block connections, developing arts and cultural facilities, or siting publically-accessible open space at key neighborhood locations.

b. In addition to the provisions of subsection 23.41.012.B.32.a, the following provisions apply:

1) At least one character structure shall be retained on the lot if: subsection 23.73.009.C.3 regarding the FAR exemption for residential uses, subsection 23.73.010.B.2 regarding increases in the floor area limits, subsection 23.73.012.B regarding the exception from width and depth measurements, or subsection 23.73.014.B regarding the exception allowing for an additional 10 feet in height are being used by the development proposal.

2) No character structures are required to be retained on the lot if: subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses, subsection 23.73.010.B.1 regarding increases in the floor area limits, or Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B are the only provisions being used by the development proposal.

\* \* \*

Section 6. Section 23.42.124 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**23.42.124 Light and glare standards nonconformity**

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection 23.44.008.H for single-family zones; Section 23.45.534 for multifamily zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC zones; Section ~~((23.48.030))~~23.48.075 for ~~((Seattle Mixed))~~SM zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for ~~((industrial buffer))~~IB and ~~((industrial-commercial))~~IC zones.

Section 7. Section 23.42.126 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

**23.42.126 Outdoor storage areas nonconformity((:))**

A. An outdoor storage area nonconforming as to screening and landscaping shall be required to be screened and landscaped at the time of any structural alteration or expansion of the outdoor storage area or the structure with which it is associated according to the provisions of:

1. Subsection 23.47A.016.D.2~~((of Section 23.47A.016))~~, if located in a NC zone or C zone;
2. Section ~~((23.48.024))~~23.48.055, if located in the ~~((Seattle Mixed-))~~SM~~((:))~~ zone;
3. Subsection 23.50.016.C~~((of Section 23.50.016))~~, if located on an industrial street designated for landscaping;
4. Section 23.50.036, if located in an ~~((Industrial Buffer))~~IB zone; and/or
5. Section 23.50.038, if located in an ~~((Industrial Commercial))~~IC zone.

B. A business establishment in an NC1, NC2, NC3, or SM zone with a nonconforming outdoor storage area may be extended, structurally altered, or expanded if the outdoor storage

area is not expanded and if it is screened and landscaped according to the standards of subsection 23.47A.016.D.2~~((of Section 23.47A.016))~~, or Section ~~((23.48.024))~~23.48.055 if the business is in the SM zone.

C. A nonconforming use with a nonconforming outdoor storage area may be structurally altered, but not expanded, if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection 23.47A.016.D.2~~((of Section 23.47A.016))~~, or Section ~~((23.48.024))~~23.48.055 if the nonconforming use with the nonconforming outdoor storage area is in the SM zone.

Section 8. Section 23.42.128 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

**23.42.128 Parking nonconformity((:))**

\* \* \*

D. In commercial zones, surface parking areas that are nonconforming due to lack of required landscaping and are proposed to be expanded by ~~((ten-))~~10~~((+))~~ percent or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47A.016, or in the ~~((Seattle Mixed-))~~SM~~((+))~~ zone, according to Section ~~((23.48.024))~~23.48.055, to the extent feasible as determined by the Director.

E. See subsection 23.71.008.C.6~~((of Section 23.71.008))~~ for requirements in the Northgate Overlay District regarding elimination of nonconformities with respect to location, screening, and landscaping of existing parking areas along major pedestrian streets.

Section 9. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 124535, is amended as follows:

**23.47A.012 Structure height**

A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures

may not exceed the applicable height limit, except as otherwise provided in this Section

~~23.47A.012.((Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010.B.1, 23.48.010.B.2, 23.48.010.B.3, 23.48.010.E and 23.48.010.F, and not according to the provisions of this Section 23.47A.012. An overlay district may increase or reduce the maximum structure height.))~~

\* \* \*

~~((3. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.))~~

4. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to 125 feet when all of the following are met:

a. The lot is within two blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and

e. This subsection 23.47A.012.A.4 can be used only once for each development that is functionally related.

5. On a lot containing a peat settlement-prone environmentally critical area, the height of a structure may exceed the otherwise applicable height limit and the other height



allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill sides of the structure, the maximum elevation of the structure height shall be no greater than the height allowed by the first sentence of this subsection 12.47A.012.A.5. The Director may apply the allowances in this subsection 12.47A.012.A.5 only if the following conditions are met:

a. The Director finds that locating a story of parking underground is infeasible due to physical site conditions such as a high water table;

b. The Director finds that the additional height allowed for the structure is necessary to accommodate parking located partially below grade that extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level above; and

c. Other than the additional story of parking allowed according to subsection 23.47A.012.A.5, the additional height allowed for the structure by subsection 23.47A.012.A.5 shall not allow an additional story beyond the number of stories that could be built under the otherwise applicable height limit.

6. In zones that are located within the Pike/Pine Conservation Overlay District with a mapped height limit of 65 feet, or with a mapped height limit of 40 feet with provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2, the provisions of Section 23.73.014 apply.

\* \* \*

Section 10. Chapter 23.48 of the Seattle Municipal Code, last amended by Ordinance 124566, is repealed as shown in Exhibit A.

Section 11. A new Chapter 23.48, Seattle Mixed, is added to Title 23 of the Seattle Municipal Code, as follows:

## **Subchapter I General Provisions**

### **23.48.002 Scope of provisions**

A. This Chapter 23.48 identifies uses that are or may be permitted in SM zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. The “SM-SLU” designation with a height limit suffix may be applied to SM zoned land in the South Lake Union area. The “SM-D” designation with a height limit range may be applied to SM zoned land in the West Dravus area. The “SM-NR” designation with a height limit suffix may be applied to SM zoned land in the North Rainier area.

<b>Table A for 23.48.002</b>	
<b>Seattle Mixed Zone Designations</b>	
<b>New zone designation</b>	<b>Geographic location</b>
SM-SLU	South Lake Union
SM-D	West Dravus
SM-NR	North Rainier

B. The provisions of subchapter I apply in all SM zones and supplemental regulations for designated areas are provided in Chapter 23.48 Subchapters. To the extent provisions in a supplemental subchapter conflict with provisions in subchapter I, the provisions of the supplemental subchapter apply.

C. Other regulations, such as requirements in Chapter 23.53 (streets, alleys, and easements); Chapter 23.54 (standards for parking quantity, access and design, and standards for solid waste storage); Chapter 23.55 (signs); and Chapter 23.86 (methods for measurements) may apply to development proposals. Communication utilities and accessory communication devices

except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57

### **23.48.005 Uses**

#### **A. Permitted uses**

1. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional uses by subsection 23.48.005.C.

2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

**B. Prohibited uses.** The following uses are prohibited as both principal and accessory uses, except as otherwise noted:

1. All high-impact uses;
2. All heavy manufacturing uses;
3. General manufacturing uses, greater than 25,000 square feet of gross floor area for an individual business establishment, of products other than pharmaceuticals;
4. Drive-in businesses, except gas stations;
5. Jails;
6. Adult motion picture theaters and adult panorams;
7. Outdoor storage, except for outdoor storage associated with florists and horticulture uses;
8. Principal use surface parking;
9. Animal shelters and kennels;

10. Animal husbandry;
11. Park and pool lots;
12. Park and ride lots;
13. Work release centers;
14. Recycling;
15. Solid waste management; and
16. Mobile home parks.

C. Conditional uses

1. Conditional uses are subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the provisions of both Section 23.42.042 and this subsection 23.48.005.C.

2. Mini-warehouses and warehouses may be permitted by the Director as administrative conditional uses if:

a. The street level portion of a mini-warehouse or warehouse only fronts on an east/west oriented street, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts.

D. Required street-level uses

1. One or more of the uses listed in this subsection 23.48.005.D are required at street-level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.220, except as required in subsection 23.48.205.A. The following uses qualify as required street-level uses:

- a. General sales and service uses;

- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks; and
- f. Arts facilities.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

#### **23.48.010 Nonconforming uses and structures**

When an historic landmark structure is relocated, any nonconformities with respect to development standards of this Chapter 23.48 may be maintained or created as necessary and as approved by the Landmarks Preservation Board.

#### **23.48.020 Floor area ratio (FAR)**

##### **A. General provisions**

1. All gross floor area not exempt under subsection 23.48.020.D counts toward the maximum gross floor area allowed under the FAR limits.
2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.
3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

##### **B. FAR limits in SM zones**

1. FAR limits in SM zones excluding SM zones within South Lake Union Urban Center, Dravus, and North Rainier Urban Village are as shown in Table A for 23.48.020.

<b>Table A for 23.48.020 SM FAR Limits</b>		
<b>Zone</b>	<b>FAR limits for all uses<sup>1</sup></b>	
	<b>Base</b>	<b>Maximum</b>

**Table A for 23.48.020  
 SM FAR Limits**

Zone	FAR limits for all uses <sup>1</sup>	
	Base	Maximum
SM 40	3	3.5
SM 65	3.5	5
SM 85 <sup>2</sup>	4.5	6
SM 125	5	8
SM 160	5	9
SM 240	6	13

**Footnotes to Table A for 23.48.020**

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

<sup>1</sup>Within the area shown on Map A for 23.48.020, all gross floor area occupied by a residential use is exempt from FAR calculations. To achieve maximum FAR, see subsection 23.48.020.C for requirements.

<sup>2</sup>In the SM 85 zone residential use not subject to the base FAR limit.

C. All non-exempt non-residential floor area above the base floor area ratio is considered extra floor area. Extra floor area may be obtained, up to the maximum floor area ratio, only through the provision of public amenities meeting the standards of Section 23.48.021 and Chapter 23.58A.

D. The following floor area is exempt from maximum FAR calculations:

1. All underground stories or portions of stories.
2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR

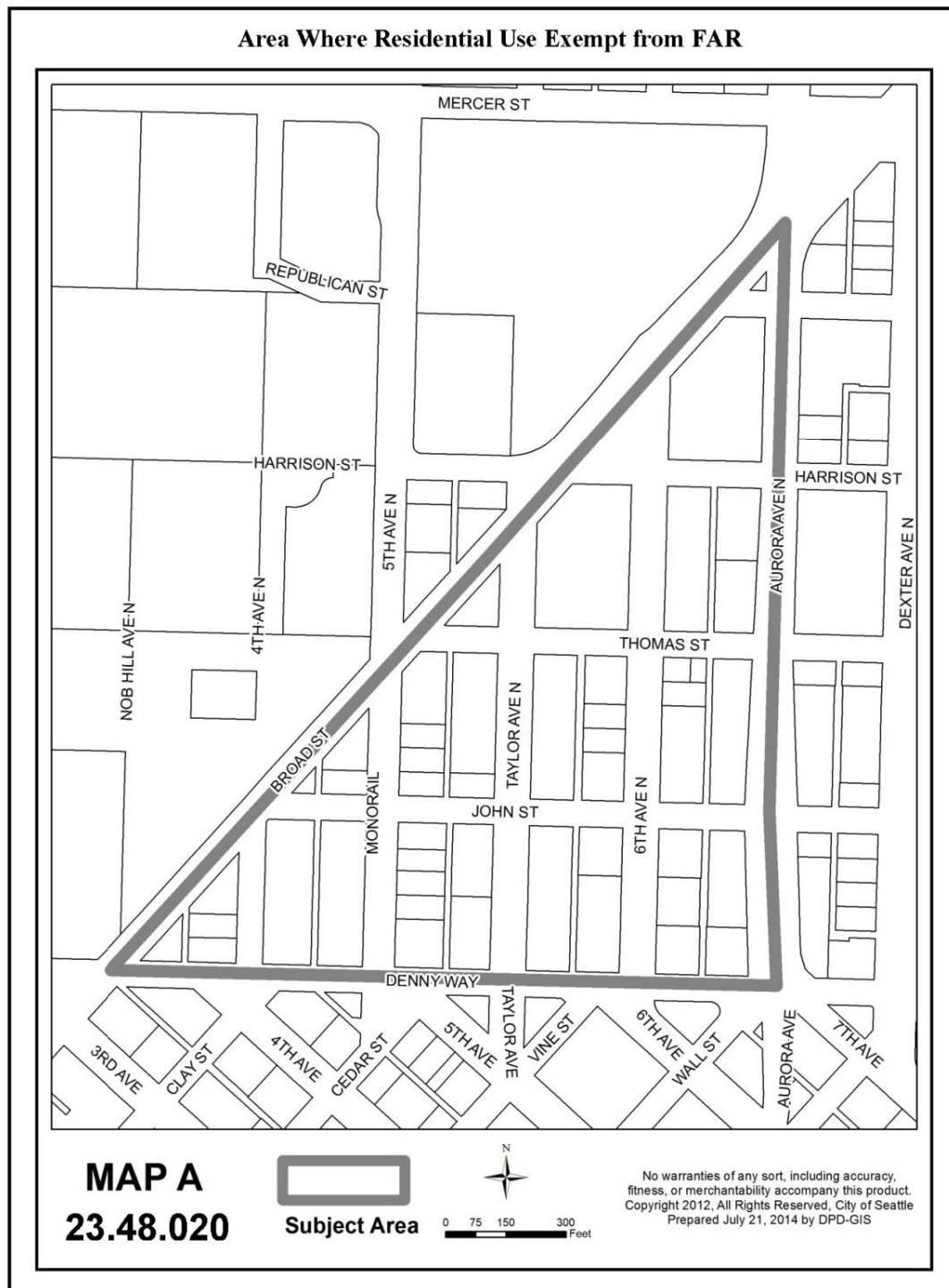
1 calculations. Calculation of the allowance includes the remaining gross floor area after all  
2 exempt space allowed in this subsection 23.48.020.D has been deducted. Mechanical equipment  
3 located on the roof of a structure, whether enclosed or not, is not included as part of the  
4 calculation of total gross floor area.

5 4. All gross floor area for solar collectors and wind-driven power generators.

6 5. In the SM 85 zone shown on Map A for 23.48.020, all gross floor area  
7 occupied by a residential use.

# Map A for 23.48.020

## Area Where Residential Use Exempt from FAR





E. Minimum FAR

1. A minimum FAR shown in Table B for 23.48.020 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in a Station Area Overlay District and abutting a Class 1 or Class 2 Pedestrian Street.

<b>Table B for 23.48.020: Minimum Floor Area Ratio (FAR)</b>						
Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet
Minimum FAR	1.5	2	2	2.5	2.5	3

2. The minimum FAR requirement provided in subsection 23.48.020.E.1 does not apply if:

- a. additional floor area is added to an existing structure on a lot that is nonconforming with respect to the minimum FAR shown in Table B for 23.48.020;
- b. the lot is larger than five acres;
- c. all existing gross floor area is demolished to create a vacant lot; or
- d. parks and open space is the principal use of the lot.

3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when calculating lot size for the purpose of determining the minimum FAR requirement provided in subsection 23.48.020.E.1.

4. The Director, in consultation with the Director of the Department of Neighborhoods, may waive the minimum FAR requirement provided in subsection 23.48.020.E.1 for lots that contain a designated landmark, or for lots within a Landmark District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a landmark or meet adopted District design and development guidelines.

5. The following gross floor area is not counted toward the minimum FAR requirement provided in subsection 23.48.020.E.1:

- a. Gross floor area below grade; and
- b. Gross floor area containing parking.

**23.48.021 Extra floor area**

**A. General**

1. Except per Sections 23.48.221 and Section 23.48.421, development containing extra floor area obtained under Section 23.48.020 or Section 23.48.025 shall provide public amenities according to the standards of this Section 23.48.021 and Chapter 23.58A. If the development is not located within an adopted Local Infrastructure Project Area as per Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.021.B. If the development is located within an adopted Local Infrastructure Project Area, extra floor area shall be achieved through the requirements of subsection 23.48.021.C.

2. Definitions in Section 23.58A.004 apply in this Section 23.48.021 unless otherwise specified.

**B. Calculation outside of an adopted Local Infrastructure Project Area**

**1. Means to achieve extra residential floor area.**

a. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

**2. Means to achieve extra non-residential floor area.**

a. If the maximum height limit for non-residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus non-residential floor area for affordable

housing and child care pursuant to Section 23.58A.024 to achieve all extra non-residential floor area on the lot.

C. Calculation within an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall:

a. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. achieve 40 percent of extra residential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

2. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is 85 feet or lower, the applicant shall use bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra non-residential floor area on the lot. If the maximum height limit for non-residential use is greater than 85 feet, the applicant shall:

a. achieve 75 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.221.A and Section 23.58A.042, or both; and

b. achieve 25 percent of extra non-residential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

D. Minimum requirement. Development containing any extra floor area shall meet the following requirements:

1. LEED requirement

1 a. Except as described in subsection 23.48.221.B.1.b, the applicant will  
2 earn a LEED Silver rating or meet a substantially equivalent standard, and shall demonstrate  
3 compliance with that commitment, in accordance with the provisions of subsection  
4 23.48.021.D.2.

5 2. Demonstration of LEED rating

6 a. Applicability. This Section subsection 23.48.021.D.2 applies if a  
7 commitment to earn a LEED rating or substantially equivalent standard is a condition of a  
8 permit. Applicants for all new development, except additions and alterations, gaining extra  
9 residential floor area pursuant to Section 23.48.021, or seeking to qualify for the higher FAR  
10 limit in the applicable Table A for 23.48.020 or Table A for 23.48.220, shall make a commitment  
11 that the structure will meet Leadership in Energy and Environmental Design (LEED) rating,  
12 except that an applicant who is applying for funding from the Washington State Housing Trust  
13 Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in  
14 Section 23.58A.180 may elect to meet green building performance standards by meeting the  
15 Washington Evergreen Sustainable Development Standards (ESDS).

16 b. The Director is authorized to determine, as a Type I decision, whether  
17 the applicant has demonstrated that a new structure has earned a LEED rating or met a  
18 substantially equivalent standard. The Director may establish by rule procedures for determining  
19 whether an applicant has demonstrated that a new structure has earned a LEED rating or met any  
20 such substantially equivalent standard, provided that no rule shall assign authority for making a  
21 final determination to any person other than an officer of the Department of Planning and  
22 Development or another City agency with regulatory authority and expertise in green building  
23 practices.

24 c. Demonstration of compliance; penalties  
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1                               1) The applicant shall demonstrate to the Director the extent to  
2 which the applicant has complied with the commitment to earn a LEED rating no later than 180  
3 days after issuance of final Certificate of Occupancy for the new structure, or such later date as  
4 may be allowed by the Director for good cause, by submitting a report analyzing the extent  
5 credits were earned toward such rating from the U.S. Green Building Council or another  
6 independent entity approved by the Director. Performance is demonstrated through an  
7 independent report from a third party, pursuant to subsection 23.90.018.D. For purposes of this  
8 subsection 23.48.021.D.2, if the Director shall have approved a commitment to achieve a  
9 substantially equivalent standard, the term "LEED rating" shall mean such other standard.

10                              2) Failure to submit a timely report regarding a LEED rating from  
11 an approved independent entity by the date required is a violation of the Land Use Code. The  
12 penalty for such violation is \$500 per day from the date that the report was due to the date it is  
13 submitted, without any requirement of notice to the applicant.

14                              3) Failure to demonstrate, through an independent report as  
15 provided in this subsection 23.48.021.D.2, full compliance with the applicant's commitment to  
16 earn a LEED rating, is a violation of the Land Use Code. The penalty for each violation is an  
17 amount determined as follows:

18                              
$$P = [(LSM - CE) / LSM] \times CV \times 0.0075, \text{ where:}$$

19                              P is the penalty;

20                              LSM is the minimum number of credits to earn the required LEED rating;

21                              CE is the number of credits earned as documented by the report; and

22                              CV is the Construction Value as set forth on the building permit for the new  
23 structure.

24 Example:

Construction Value	\$200,000,000.00
Minimum LEED Credits for rating	33
Credits Earned	32
Penalty = $[(33-32)/33] \times 200,000,000 \times .0075 =$	\$45,454.55

4) Failure to comply with the applicant's commitment to earn a LEED rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection 23.48.021.D.2.c.3, no additional penalty shall be imposed for the failure to comply with the commitment.

5) If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED rating in accordance with this Section 23.48.021.D, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6) If, within 90 days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection 23.48.021.D.2, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED rating, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection 23.48.021.D.2 by the date required under this subsection 23.48.021.D.2, then the amount of the penalty as set forth in the Director's original notice shall be final.

7) Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection 23.48.021.D.2.

d. Use of penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection 23.48.021.D.2. Revenue from penalties under that subsection 23.48.021.D.2 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.

3. Transportation Management Program. The applicant will provide a Transportation Management Program (TMP), consistent with requirements for TMPs in any applicable Director's Rule, that demonstrates to the satisfaction of the Director in consultation with the Director of Transportation, that no more than 40 percent of trips to and from the development will be made using single-occupant vehicles (SOVs). The TMP shall be submitted with the Master Use Permit application.

a. For purposes of measuring the percent of trips to and from the development made using SOVs in the TMP, the number of SOV trips shall be calculated for the p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).

b. Compliance with this subsection 23.48.021.D.3 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

#### **23.48.025 Structure height**

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

1. The height limits for structures in the SM zones are 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, 125 feet, 160 feet, 240 feet, or 400 feet, except as otherwise provided in this Section

23.48.025, maximum structure height for Seattle Mixed (SM) zones are as designated on the Official Land Use Map, Chapter 23.32. In certain zones, as specified in this Section 23.48.025, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

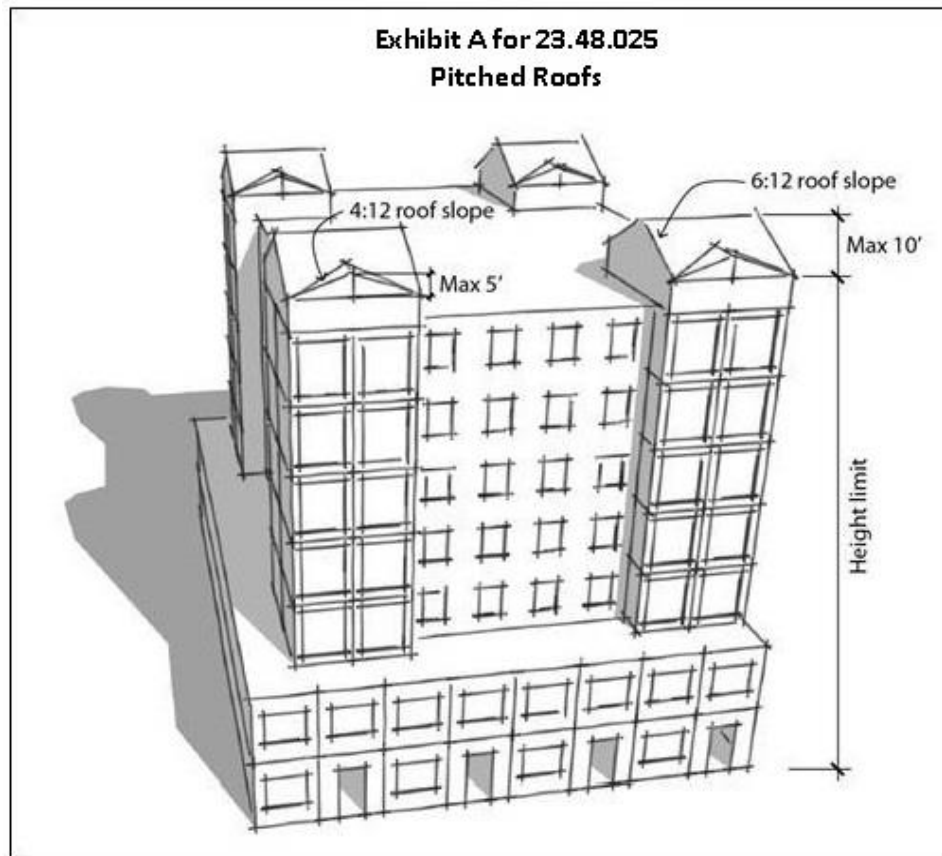
2. In zones listed below in this subsection 23.48.025.A.2, the applicable height limit for portions of a structure that contain nonresidential and live-work uses is shown as the first figure after the zone designation, and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Within zones that have an incentive zoning suffix, the number in the suffix shall be the base floor area ratio.

B. Pitched roofs. In SM zones with a height limit of 85 feet or less, the ridge of a pitched roof with a minimum slope of 6 to 12 may extend 10 feet above the height limit. The ridge of a pitched roof with a minimum slope of 4 to 12 may extend 5 feet above the height limit (Exhibit A for 23.48.025). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

#### **Exhibit A for 23.48.025**

##### **Pitched Roofs**





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### C. Rooftop features

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1. Smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

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2. Open railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage. Insulation material or soil for landscaping located above the structural roof surface may exceed the maximum height limit if enclosed by parapets or walls that comply with this subsection 23.48.025.C.2.

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3. Solar collectors may extend up to 7 feet above the maximum height limit, with unlimited rooftop coverage.

1                   4. The following rooftop features may extend up to 15 feet above the maximum  
2 height limit, so long as the combined total coverage of all features listed in this subsection  
3 23.48.025.C.4, including weather protection such as eaves or canopies extending from rooftop  
4 features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total  
5 includes stair or elevator penthouses or screened mechanical equipment:

- 6                   a. Solar collectors;
- 7                   b. Stair penthouses;
- 8                   c. Mechanical equipment;
- 9                   d. Atriums, greenhouses, and solariums;
- 10                  e. Play equipment and open-mesh fencing that encloses it, as long as the  
11 fencing is at least 15 feet from the roof edge;
- 12                  f. Minor communication utilities and accessory communication devices,  
13 except that height is regulated according to the provisions of Section 23.57.012; and
- 14                  g. Covered or enclosed common amenity area for structures exceeding a  
15 height of 125 feet.

16                   5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet  
17 above the height limit are permitted. If the elevator provides access to a rooftop designed to  
18 provide usable open space or common recreation area, elevator penthouses up to 45 feet above  
19 the height limit are permitted.

20                   6. Greenhouses that are dedicated to food production are permitted to extend 15  
21 feet above the applicable height limit, as long as the combined total coverage of all features  
22 gaining additional height listed in this subsection 23.48.025.C does not exceed 50 percent of the  
23 roof area.

7. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.25.C.4 and 23.48.025.C.5 above may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than 10 feet to the roof edge.

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.48.025.C.8 at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses, and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

9. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

10. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

#### **23.48.040 Street-level development standards**

The following street-level development standards apply to Class 1 or Class 2 Pedestrian streets as shown on Map A for 23.48.240 and Map A for 23.48.440.

A. General facade requirements

1. Primary pedestrian entrance. Each new structure facing a street is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

2. Minimum facade height. A minimum facade height is required for the street-facing facades of new structures, unless all portions of the structure are lower than the required minimum facade height listed below.

a. On Class 1 Pedestrian Streets the minimum height for street-facing facades is 45 feet.

b. On Class 2 Pedestrian Streets and Neighborhood Green Streets the minimum height for street-facing facades is 25 feet.

c. On all other streets, the minimum height for street-facing facades is 15 feet.

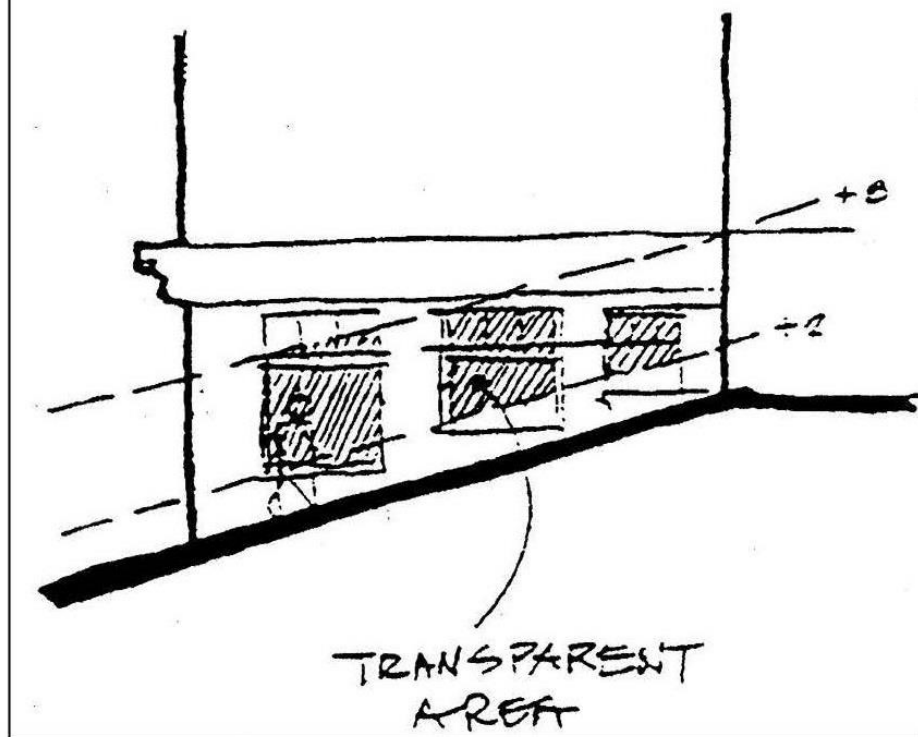
B. Transparency and blank facade requirements. The provisions of this subsection 23.48.040.B apply to the area of a street facing facade between 2 feet and 8 feet above a sidewalk (Exhibit A for 23.48.040).

**Exhibit A for 23.48.040**

**Area Where Transparency and Blank Façade**

## Requirements Apply to Structures

### Exhibit A for 23.48.040 Area Where Transparency and Blank Façade Requirements Apply to Structure



1. Transparency requirements apply to all street-facing, street-level facades, except for portions of structures in residential use as follow:
  - a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets a minimum of 60 percent of the street facing facade must be transparent.
  - b. For all other streets not specified in subsection 23.48.240.B.1.a or 23.48.440, a minimum of 30 percent of the street facing facade must be transparent.

1 c. If the slope of the street frontage of the facade exceeds 7.5 percent, the  
2 required amount of transparency shall be reduced to 45 percent of the street facing facade on  
3 Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets and 22 percent of the  
4 street facing facade on all other streets.

5 d. Only clear or lightly tinted glass in windows, doors, and display  
6 windows are considered transparent. Transparent areas shall allow views into the structure or  
7 into display windows from the outside.

8 2. Blank facade limits. Any portion of the facade that is not transparent is  
9 considered to be a blank facade.

10 a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and  
11 Neighborhood Green Streets.

12 1) Blank facades shall be limited to segments 15 feet wide, except  
13 for garage doors, which may be wider than 15 feet. Blank facade width may be increased to 30  
14 feet if the Director determines that the facade is enhanced by architectural detailing, artwork,  
15 landscaping, or other similar features that have visual interest. The width of garage doors shall be  
16 limited to the width of the driveway plus 5 feet.

17 2) Any blank segments of the facade shall be separated by  
18 transparent areas at least 2 feet wide.

19 3) The total of all blank facade segments, including garage doors,  
20 shall not exceed 40 percent of the street facade of the structure on each street frontage; or 55  
21 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

22 b. Blank facade limits for all other streets not specified in subsection  
23 23.48.240.B.2.a or Section 23.48.440.

24 1) Blank facades are limited to segments 30 feet wide, except for  
25 garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet if  
26

1 the Director determines that the facade is enhanced by architectural detailing, artwork,  
2 landscaping, or other similar features that have visual interest. The width of garage doors shall be  
3 limited to the width of the driveway plus 5 feet.

4 2) Any blank segments of the facade shall be separated by  
5 transparent areas at least 2 feet wide.

6 3) The total of all blank facade segments, including garage doors,  
7 shall not exceed 70 percent of the street facade of the structure on each street frontage; or 78  
8 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

9 c. Blank facade limits do not apply to portions of structures in residential  
10 use.

11 C. Development standards for required street-level uses. Street-level uses required by  
12 subsection 23.48.005.D, and street-level uses exempt from FAR calculations under the  
13 provisions of subsection 23.48.220.B.2, whether required or not, shall meet the following  
14 development standards:

15 1. A minimum of 75 percent of each street frontage shall be occupied by uses  
16 listed in subsection 23.48.005.D at street-level on all lots abutting streets designated as Class 1  
17 Pedestrian Streets shown on Map A for 23.48.240 and Map A for 23.48.440.

18 2. The space occupied by street-level uses shall have a minimum floor-to-floor  
19 height of 13 feet and extend at least 30 feet in depth at street-level from the street-front facade.

20 3. Street-level uses shall be located within 10 feet of the street lot line, except that  
21 if outdoor amenity area required in subsection 23.48.045.B, or other required open space, abuts  
22 the applicable street lot line and separates the street-facing facade from the street, the required  
23 street-level use may abut the amenity area or open space.

24 4. Pedestrian access to street-level uses shall be provided directly from the street,  
25 permitted outdoor common amenity area, or abutting required open space. Pedestrian entrances  
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shall be located no more than 3 feet above or below sidewalk grade or at the same elevation as the abutting permitted outdoor common amenity area or required open space.

**23.48.045 Amenity area for residential uses**

A. Amenity area is required for all development with more than 20 new dwelling units.

B. Quantity of amenity area. An area equivalent to 5 percent of the total gross floor area in residential use shall be provided as amenity area, except that, in no instance shall the amount of required amenity area exceed the area of the lot.

C. Standards for amenity area. Required amenity area shall meet the following standards:

1. All residents of the project shall have access to the required amenity area, which may be provided at or above ground level.

2. A maximum of 50 percent of the required amenity area may be enclosed.

3. The minimum horizontal dimension for required amenity areas is 15 feet, except that the minimum horizontal dimension is 10 feet for amenity areas provided as landscaped open space accessible from the street at street-level. The minimum size of a required amenity area is 225 square feet.

4. Amenity area that is provided as landscaped, street-level open space that is accessible from the street shall be counted as twice the actual area in determining the amount provided to meet amenity area requirement.

5. In mixed use projects, a bonused public open space may satisfy a portion of the required amenity area, provided that the space meets the standards of this Section 23.48.045.

6. Parking areas, driveways, and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as amenity area except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.



7. For a development that maintains a designated Seattle Landmark on the lot, the Director may, as Type I decision, waive or modify the amenity area requirement if it is determined that maintaining the Landmark structure significantly limits the ability to accommodate the required amenity area on the site.

8. For lots abutting a designated Neighborhood Green Street, up to 50 percent of the amenity area requirement may be met by contributing to the development of the abutting Neighborhood Green Street. The Director may waive the requirement that the Neighborhood Green Street abut the lot and allow the improvement to be made to a Neighborhood Green Street located in the general vicinity of the project if the Director determines that the Neighborhood Green Street will benefit residents of the project.

**23.48.050 Open space requirement for office uses**

A. Standards for open space. Open space may be provided on-site or off-site, as follows:

1. On-site open space

a. Open space on site or on an adjacent lot directly accessible from the project site shall satisfy the requirement of this Section 23.48.050 if it meets the standards of 23.48.240.G and the open space is accessible to all occupants of the building.

b. Open space provided on-site under this requirement is eligible for amenity feature bonuses, where allowed in Section 23.48.021 or 23.48.221 when the following standards are met:

1) The space has a minimum horizontal dimension of 20 feet and a minimum floor-to-ceiling height of 13 feet;

2) The space is directly accessible to pedestrians, including persons with disabilities, from the street, or from an outdoor usable open space abutting the street;

3) The space is available for use during normal business hours;

4) Enclosed areas providing the connection between the structure's primary pedestrian access to the street and elevator cores, such as lobby space, do not qualify as required open space.

2. Off-site public open space

a. Open space satisfying the requirement of this Section 23.48.050 may be on a site other than the project site, provided that it is within an SM zone and within one-quarter mile of the project site, open to the public without charge, and at least 3,000 square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access.

b. Open space, that is open to the public, provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.49.013.

3. Easement for off-site open space. The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.48.050 shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this Section 23.48.050. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

4. Open space provided under this Section 23.48.050 shall qualify as the open space required under subsection 23.48.240.F and 23.48.240.G if within one quarter mile of the sending site.

B. Payment in lieu. In lieu of providing open space required under this Section 23.48.050, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a designated Neighborhood Green Street or to other public

open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that completion of the improvement within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five years of receipt for the development of such improvements, unless the property owner and the City agree upon a different improvement involving the acquisition or development of public open space that will mitigate the impact of the project. A bonus may be allowed for a payment in lieu of providing the improvement made wholly or in part to satisfy the requirements of this Section 23.48.050, pursuant to Section 23.49.013.

C. Limitations. Open space satisfying the requirement of this Section 23.48.050 for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this Section 23.48.050 for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of this ordinance, that was not required under the Land Use Code in effect when such permit decision was issued or such application filed, but that would have been required for the same building by this Section 23.48.050, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

#### **23.48.055 Screening and landscaping standards**

##### **A. Landscaping requirements**

1. All landscaping provided to meet the requirements of this Section 23.48.055 shall comply with the Director's rules adopted to foster the long-term health, viability, and coverage of plantings. The Director's rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants.

2. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to Section 23.86.019, is required for any lot with:

- a. Development containing more than four new dwelling units; or
- b. Development, either a new structure or an addition to an existing structure, containing more than 4,000 square feet of non-residential uses; or
- c. Any parking lot containing more than 20 new parking spaces for automobiles.

B. Where screening or landscaping is required for specific uses in subsection 23.48.055.C, or when landscaping is required in setbacks as specified by development standards, the following types of screening and landscaping shall be provided:

1. Three foot high screening on street lot lines. The required screening may be provided as either:

- a. A fence or wall at least 3 feet in height; or
- b. A hedge or landscaped berm at least 3 feet in height.

2. Landscaping for setback areas and berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures or fountains may cover a maximum of 30 percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director. Landscaping designed to provide treatment for storm water runoff qualifies as required landscaping.

C. Screening for specific uses

1. Gas stations shall provide 3 foot high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface parking areas

1 a. Surface parking areas abutting streets. Surface parking areas shall  
2 provide 3 foot high screening along the lot lines abutting all streets, except within required sight  
3 triangles.

4 b. Surface parking areas abutting alleys. Surface parking areas shall  
5 provide 3 foot high screening along the lot lines abutting an alley. The Director may reduce or  
6 waive the screening requirement for part or all of the lot line abutting the alley when required  
7 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

8 3. Parking in structures. Except as provided for by subsection 23.48.085.B,  
9 parking located at or above street-level in a garage shall be screened according to the following  
10 requirements.

11 a. On Class 1 and 2 Pedestrian Streets, shown on Map A for 23.48.240  
12 and Map A for 23.48.440, parking is not permitted at street level unless separated from the street  
13 by other uses, provided that garage doors need not be separated. The facade of the separating  
14 uses shall be subject to the transparency and blank facade standards in Section 23.48.040

15 b. On all other streets, parking is permitted at street level when at least 30  
16 percent of the street frontage of the parking area, excluding that portion of the frontage occupied  
17 by garage doors, is separated from the street by other uses. The facade of the separating uses  
18 shall be subject to the transparency and blank facade standards in Section 23.48.040. The  
19 remaining parking shall be screened from view at street level and the street facade shall be  
20 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

21 c. The perimeter of each floor of parking above street level shall have an  
22 opaque screen at least 3.5 feet high.

23 4. Fences or free-standing walls associated with utility services uses may obstruct  
24 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
25 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
26

the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility service use shall provide either:

a. A landscaped area a minimum of 5 feet in depth between the wall or fence and the street lot line; or

b. Architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line, as approved by the Director.

#### D. Street trees requirements

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

##### 2. Exceptions to street tree requirements

a. Street trees are not required when a change of use is the only permit requested.

b. Street trees are not required for temporary use permits.

c. Street trees are not required if an existing structure is expanded by less than 1,000 square feet. Generally, two street trees shall be required for each additional 1,000 square feet of expansion. Rounding of fractions, per subsection 23.86.002.B, is not permitted. The number of street trees shall be controlled by the Seattle Department of Transportation standard.

3. If it is not feasible to plant street trees according to City standards, either a landscaped setback a minimum of 5 feet deep is required along the street lot line, or landscaping other than trees may be located in the planting strip according to Department of Transportation standards. The street trees shall be planted in the landscaped area at least 2 feet from the street lot line if they cannot be placed in the planting strip.

**23.48.065 Noise and odor standards**

A. All permitted uses are subject to the noise standards of Section 23.47A.018.

B. All permitted uses are subject to the odor standards of Section 23.47A.020.

**23.48.075 Light and glare standards**

All permitted uses are subject to the light and glare standards of Section 23.47A.022.

**23.48.080 Required parking and loading**

A. Off-street parking spaces and bicycle parking are required according to Section 23.54.015, Required parking.

B. Loading berths shall be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

C. Where access to a loading berth is from an alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley, as shown in Exhibit D for 23.47A.014. This setback shall be maintained up to a height of 16 feet.

**23.48.085 Parking and loading location, access and curb cuts**

A. Parking accessory to non-residential uses may be provided on-site and/or within 800 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Off-site parking.

B. Parking at street level within structures

1. Except as permitted under subsections 23.48.085.B.2 and 23.48.085.B.3, parking is not permitted at street-level unless separated from the street by other uses, provided that garage doors need not be separated.

2. Due to physical site conditions such as topographic or geologic conditions, parking is permitted in stories that are partially below street-level and partially above street-level without being separated from the street by other uses, if:

1 a. The street front portion of the parking that is at or above street- level  
2 does not abut a Class 1 Pedestrian Street requiring street-level uses; and

3 b. The street front portion of the parking that is at or above street-level,  
4 excluding garage and loading doors and permitted access to parking, is screened from view at the  
5 street-level; and

6 c. The street-facing facade is enhanced by architectural detailing, artwork,  
7 landscaping, stoops and porches providing access to residential uses, or similar visual interest  
8 features.

9 C. Accessory surface parking is permitted under the following conditions, except  
10 pursuant to Section 23.48.285:

11 1. All accessory surface parking shall be located at the rear or to the side of the  
12 principal structure.

13 2. The amount of lot area allocated to accessory surface parking shall be limited  
14 to 30 percent of the total lot area. For parking that is accessory to a use on another site, this  
15 requirement is applied to the lot on which the parking is located.

16 D. Parking and loading access. If a lot abuts more than one right-of-way, the location of  
17 access for parking and loading shall be determined by the Director, depending on the  
18 classification of rights-of-way according to the following:

19 1. Access to parking and loading shall be from the alley when the lot abuts an  
20 alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and  
21 loading access would not create a significant safety hazard as determined by the Director.

22 2. If the lot does not abut an improved alley, or use of the alley for parking and  
23 loading access would create a significant safety hazard as determined by the Director, parking  
24 and loading access may be permitted from the street. If the lot abuts more than one street, the  
25 location of access is determined by the Director, as a Type I decision, after consulting with the  
26



1 Director of Transportation. Unless the Director otherwise determines under subsection  
2 23.48.084.D.3, access is allowed only from a right-of-way in the category, determined by the  
3 classifications shown on either Map A for 23.48.240 or Map A for 23.48.440 that is most  
4 preferred among the categories of rights-of-way abutting the lot, according to the ranking set  
5 forth below, from most to least preferred (a portion of a street that is included in more than one  
6 category is considered as belonging only to the least preferred of the categories in which it is  
7 included).

- 8 a. An undesignated street;
- 9 b. Class 2 Pedestrian Street;
- 10 c. Class 1 Pedestrian Street;
- 11 d. Designated Neighborhood Green Street.

12 3. The Director may allow or require access from a right-of-way other than one  
13 indicated by subsection 23.48.085.D.1 or subsection 23.48.085.D.2 if, after consulting with the  
14 Director of Transportation on whether and to what extent alternative locations of access would  
15 enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of  
16 vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize  
17 hazards, the Director finds that an exception to the access requirement is warranted. Curb cut  
18 controls on designated Neighborhood Green Streets shall be evaluated on a case-by-case basis,  
19 but generally access from Neighborhood Green Streets is not allowed if access from any other  
20 right-of-way is possible.

21 E. Curb cut width and number

22 1. Permitted access shall be limited to one two-way curb cut. In the event the site  
23 is too small to permit one two-way curb cut, two one-way curb cuts shall be permitted.

24 2. Curb cut width and number of curb cuts shall satisfy the provisions of Section  
25 23.54.030, except as modified in this Section 23.48.085.

**23.48.090 Assisted living facilities**

A. In addition to the requirements of subsection 23.48.090.B, assisted living facilities are subject to the development standards of the zone where they are located, except that density limits and amenity area requirements do not apply to assisted living facilities.

**B. Other requirements**

1. Minimum unit size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility kitchen. An on-site kitchen that serves the entire assisted living facility is required.

3. Communal area. Communal areas that are either interior or exterior spaces, such as solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies, and gardens or other outdoor landscaped areas shall be provided as follows:

a. The total amount of communal area shall equal at least 10 percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each unit, excluding the bathroom, shall be counted, including counters, closets, and built-ins;

b. Service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall not be counted as required communal area;

c. A minimum of 400 square feet of the required communal area shall be provided as an outdoor area with a minimum dimension of 10 feet. Outdoor areas provided as required communal area shall be accessible to people with disabilities; and

d. Adequate seating for residents and guests shall be provided for required communal areas.

**23.48.095 Pet daycare centers**

In addition to the development standards of the zone, pet daycare centers are subject to the following requirements:

A. Pet daycare centers that were established of record before July 31, 2006, may continue notwithstanding nonconformity with development standards, provided the provisions of this Section 23.48.095 are met.

B. The pet daycare center shall be permitted by the Public Health—Seattle and King County, as required by Section 10.72.020

C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to Section 23.54.015 may be provided in a public right-of-way if the applicant can demonstrate to the Director, in consultation with the Director of Transportation, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.

**F. Violations of this Section 23.48.095**

1. The exemption in subsection 25.08.500.A of the Noise Control Ordinance to uses permitted under Chapter 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

2. When a notice of violation is issued for animal noise, the Director may require the pet daycare center to submit a report from an acoustical consultant that describes potential measures to be taken by the pet daycare center to prevent or mitigate noise impacts. The Director

may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; and use of sound attenuating construction or building materials such as insulation and noise baffles. The Director may order the pet daycare center to be closed on a temporary or permanent basis.

## **Subchapter II. South Lake Union Provisions**

### **23.48.200 Scope of provisions for South Lake Union**

The provisions in sections 23.48.205 through 23.48.285 of the SM-SLU zones is in addition to and supplement the provisions of sections 23.48.005 through 23.48.095. In cases of conflicts between these sections, the provisions in the SM-SLU zones shall be applied.

### **23.48.205 Uses for South Lake Union**

A. Permitted uses. In the SM-SLU 85-240 zone, permitted non-residential uses are limited to a height of 20 feet above the street-level of structures with residential uses and are subject to the development standards of subsection 23.48.240.C.

B. Prohibited uses. Principal use parking

C. Required street-level uses. Within the SM-SLU160/85-240 zone, for development meeting the standards in subsection 23.48.230.B, structures with a street-facing facade along 8th Avenue N. or a designated Neighborhood Green Street (Map A for 23.48.240) shall have a minimum of 10 percent of the length of the street-level portion of that street-facing facade occupied by general sales and service uses, eating and drinking establishments, or entertainment uses, that meet the development standards for required street-level uses in subsection 23.48.040.E.

### **23.48.220 Floor area ratio in South Lake Union**

A. General provisions

1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.220.

<b>Table A for 23.48.220</b> <b>FAR Limits for Specified Zones in South Lake Union</b>			
Zone	FAR limits for Non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use <sup>2</sup>
	Base FAR	Maximum FAR	
SM-SLU/R 55/85	NA	NA	4.5
SM-SLU 85/65-125	4.5	6	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 160/85-240	4.5 <sup>1</sup>	7	6
SM-SLU 85-240	0.5	NA	6
SM-SLU 240/125-400	5 <sup>1</sup>	7	10

Footnotes to Table A for 23.48.220

<sup>1</sup> In the SM-SLU 160/240, and SM-SLU 240/400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting conditions of 23.48.220.A.7.

<sup>2</sup> All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

2. FAR for development including a mix of residential and non-residential uses.

a. For zones included on Table A for 23.48.220, development including a mix of non-residential uses and residential uses that do not exceed the base height limit for residential use shall:

1 1) obtain extra floor area for any chargeable non-residential floor  
2 area above the base FAR for non-residential uses as prescribed in Table A for 23.48.220; and

3 2) not exceed the lower of the maximum FAR for non-residential  
4 uses in Table A of 23.48.220 or the maximum FAR for structures that do not exceed the base  
5 height limit and include any residential use in Table A of 23.48.220.

6 b. In the SM-SLU160/85-240 zone residential uses are allowed above the  
7 residential base height limit in structures or portions of structures with non-residential uses that  
8 exceed 85 feet in height, and in the SM-SLU 240/125-400 zone residential uses are allowed  
9 above the residential base height limit in structures or portions of structures with non-residential  
10 uses that exceed 125 feet in height if the following conditions are met:

11 1) All uses are subject to the maximum FAR limit for non-  
12 residential uses in Table A for 23.48.220, and for the purposes of calculating FAR, floor area in  
13 residential use shall be included as chargeable floor area;

14 2) If residential and non-residential uses are combined on the  
15 same story, the floor area limits of subsection 23.48.245.B.3 apply;

16 3) Stories occupied only by residential uses may exceed the  
17 maximum height limit for non-residential uses, and all stories above the base height limit for  
18 residential use that are only occupied by residential uses are subject to the floor area limits of  
19 23.48.245.B.2 and the maximum facade width standards of subsection 23.48.245.E;

20 4) Extra non-residential floor area above the base FAR for non-  
21 residential uses shown on Table A for 23.48.220 shall be obtained as provided for in Section  
22 23.48.221; and

23 5) For the purposes of applying tower separation standards in  
24 subsection 23.48.245.G, the structure shall be considered to be a residential tower.

3. For the zones included on Table A for 23.48.220, an additional increment of up to 0.5 FAR is permitted for non-residential uses above the base FAR of the zone if a lot meets the conditions of either subsection 23.48.220.B.3.a or subsection 23.48.220.B.3.b.

a. The lot includes one or more qualifying Landmark structures, subject to the following conditions:

1) The structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good condition and consistent with the applicable ordinances and with any Certificates of Approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods;

2) A notice is recorded in the King County real estate records, in a form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.48;

3) For purposes of this Section 23.48.220, a "qualifying Landmark" is a structure that:

a) is subject, in whole or in part, to a designating ordinance pursuant to Chapter 25.12; and

b) is on a lot on which no improvement, object, feature or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance.

4) A qualifying Landmark that allows for the additional increment of FAR under this subsection 23.48.220.A.3 is not eligible as a Landmark TDR or Landmark TDP sending site. For so long as any of the chargeable floor area of the increment allowed above the base FAR of the zone under this subsection 23.48.220.A.3 remains on the lot, each Landmark for which the increment was granted shall remain designated as a Landmark under Chapter 25.12

1 and the owner shall maintain the exterior and interior of each qualifying Landmark in good  
2 condition and repair and in a manner that preserves the features and characteristics that are  
3 subject to designation or controls by ordinance unless the Landmarks Preservation Board has  
4 issued a Certificate of Approval for the modification or demolition of the Landmark; and

5                               5) The amount of additional increment of FAR permitted above  
6 the base FAR under subsection 23.48.220.A.3 is not more than the square footage of floor area in  
7 the Landmark structure(s).

8                               b. The lot includes an open space that is a minimum of 10,000 square feet  
9 in area and that has been improved as open space accessible to the public prior to the effective  
10 date of this ordinance, subject to the following conditions:

11                               1) The Director, in consultation with the Director of the Seattle  
12 Parks and Recreation Department, determines that the design and location of the open space  
13 provides a public benefit and is suitable for recreational use;

14                               2) Declaration. The owner(s) of the lot where the open space is  
15 located shall execute and record a declaration and voluntary agreement in a form acceptable to  
16 the Director identifying the open space provided to qualify for the additional increment of FAR  
17 above the base FAR; acknowledging that the right to develop and occupy a portion of the gross  
18 floor area on the lot using the additional increment of floor area is based upon the long-term  
19 provision and maintenance of the open space and that development is restricted in the open  
20 space; and committing to provide and maintain the open space; and

21                               3) Duration; alteration. The owners of the lot granted the  
22 additional increment of floor area above the base FAR as a result of having the open space on the  
23 lot shall provide and maintain the open space for as long as the increment of additional floor area  
24 allowed above the base FAR exists. The open space amenity allowing for the additional  
25 increment of floor area above the base FAR may be altered or removed. An amount of  
26  
27  
28



chargeable floor area equal to the increment of floor area allowed above the base FAR under this subsection 23.48.220.A.3.b either or both of the following occur:

a) is removed or converted to a use for which extra non-residential floor area is not required under the provisions of the zone; or

b) is subject to provisions for gaining extra non-residential floor area through alternative means consistent with the provisions of the zone and provisions for allowing extra non-residential floor area in Chapter 23.58A. Alteration or removal of the open space may be further restricted by the provisions of the zone and by conditions of any applicable permit.

4) The amount of extra FAR permitted above the base FAR is not more than three times the square footage of open space provided to qualify for that increment of FAR.

4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

5. In the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones within South Lake Union Urban Center, for residential tower structures that have only non-residential uses up to or above the base height limit for residential uses, the FAR limits for all non-residential uses in the structure are the same as the FAR limits specified for non-residential uses in Table A for 23.48.220.

6. In all SM-SLU zones, a development that includes a portion of the structure as a residential tower exempt from FAR calculations, the applicable FAR limits for all other

1 portions of the structure shall be based on the total lot area minus the lot area required for a  
2 residential tower development in order to meet the coverage limit of subsection 23.48.245.A. For  
3 the portion of the lot with the residential tower and podium, the FAR limit for permitted non-  
4 residential uses in a residential tower or podium that is also a mixed use structure shall be based  
5 on the area of the portion of the lot occupied by the residential tower and podium.

6 7. Within the area in the SM-SLU160/85-240 zone meeting the standards for  
7 location in subsection 23.48.230.A, structures designed for research and development laboratory  
8 use and administrative office associated with research and development laboratories are  
9 permitted a base FAR of 5 and a maximum FAR of 7, provided that the maximum number of  
10 floors provided above grade is eight from the lowest to the highest level but not including  
11 rooftop projections.

12 B. The following floor area is exempt from FAR calculations:

13 1. The floor area contained in a Landmark structure subject to controls and  
14 incentives imposed by a designating ordinance if the owner of the Landmark has executed and  
15 recorded an agreement acceptable in form and content to the Landmarks Preservation Board  
16 providing for the rehabilitation and maintenance of the historically significant features of the  
17 structure including but not limited to a Certificate of Approval for the modification of the  
18 Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has  
19 been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or  
20 TDP available for transfer under Chapter 23.58A.

21 2. Street-level uses identified in subsection 23.48.005.D, whether required or not,  
22 and that meet the development standards of subsection 23.48.240; except that at locations  
23 meeting the conditions of Section 23.48.230, only gross floor area at street-level that is a general  
24 sales and service, eating and drinking establishment, or entertainment use is exempt.

3. All residential use in a residential tower within the required lot area that includes the podium portion of the tower in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones, except residential use in a mixed use project under the provisions of 23.48.220.A.2.b.

4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use pursuant to subsection 23.48.220.A.4.

5. Floor area in child care use and elementary and secondary schools.

**23.48.221 Extra floor area in South Lake Union**

**A. Calculation outside of an adopted Local Infrastructure Project Area**

1. Means to achieve extra residential floor area.

a. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

1) achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2) achieve 40 percent of the extra residential floor area by using open space transferable development potential or Landmark transferable development potential pursuant to subsection 23.48.221.A and Section 23.58A.042.

2. Means to achieve extra non-residential floor area.

a. If the maximum height limit for non-residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

1) achieve 75 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing and child care

pursuant to Section 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.221.B and Section 23.58A.042, or both.

2) achieve 25 percent of the extra non-residential floor area by using open space transferable development rights pursuant to Chapter 23.84.A or Landmark transferable development rights pursuant to subsection 23.48.221.A and Section 23.58A.042.

B. Standards for Transferable Development Potential (TDP) and Transferable Development Rights (TDR).

1. All lots in the South Lake Union Urban Center that meet the definition of a TDR or TDP sites in Chapter 23.84A are eligible for transfer.

2. Receiving sites in the South Lake Union Urban Center may only receive TDP or TDR from sending sites in the South Lake Union Urban Center except that receiving sites in the South Lake Union Center may receive Landmark or open space TDP or TDR from sending sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the Director that no private or public entities are offering such TDP or TDR for sale in the South Lake Union Urban Center, at a price per square foot no greater than the fee-in-lieu rates for the payment option for affordable housing under Section 23.58A.014 for TDP and the payment option for affordable housing and childcare under Section 23.58A.024 for TDR.

3. A cumulative combination of TDR and TDP exceeding at total of five times the lot area may not be transferred from any lot.

C. Minimum requirement. Development containing any extra floor area in South Lake Union shall meet the following requirements:

1. LEED requirement

a. Except as described in subsection 23.48.021.C.1.b, the applicant will earn a LEED Gold rating or meet a substantially equivalent standard, and shall demonstrate

1 compliance with that commitment, in accordance with the provisions of subsection  
2 23.48.021.D.2.

3                   b. An applicant may choose to earn at least a LEED Silver rating, if the  
4 Director of the Office of Sustainability and Environment determines that the development is  
5 served by a district energy provider. A building is considered served by a district energy provider  
6 if it is capable of connecting to a district energy system and has a contract with a district energy  
7 utility to serve primary heating and/or cooling needs. A district energy provider is an entity with  
8 a franchise agreement with the City that maintains a closed-loop district energy utility system  
9 that is either currently or scheduled to primarily use renewable and/or waste heat sources, per the  
10 system development plans and timeframes of an agreement with the City and the district energy  
11 provider. A district energy provider may, subject to City approval, rely on a temporary on-site or  
12 nearby transitional plant that is installed and maintained by the provider prior to connection of  
13 the development to a permanent district energy system.

14 **23.48.225 Structure height in South Lake Union**

15           A. Base and maximum height limits

16                   1. In zones listed below in this subsection 23.48.225.A.1, the applicable height  
17 limit for portions of a structure that contain non-residential and live-work uses is shown as the  
18 first figure after the zone designation and the base height limit for portions of a structure in  
19 residential use is shown as the first figure following the "/". The third figure shown is the  
20 maximum residential height limit. Except as stated in Section 23.48.025 (height exceptions), the  
21 base residential height limit is the applicable height limit for portions of a structure in residential  
22 use if the structure does not gain extra residential floor area under the provisions of Chapter  
23 23.58A, and the maximum residential height limit is the height limit for portions of a structure in  
24 residential use if the structure includes extra floor area under the provisions of Chapter 23.58A  
25 and if the structure complies with the standards for tower development specified in Section  
26  
27  
28

23.48.245 (Upper-level development standards for South Lake Union) and Section 23.48.240  
(Street-level development standards for South Lake Union):

SM-SLU 85/65-125

SM-SLU 85/65-160

SM-SLU 160/85-240

SM-SLU 85-240/125-400

2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

3. In the SM-SLU 85-240 zone, except as stated in subsections 23.48.225.C and 23.48.225.E, the base height limit is the applicable height limit for portions of a structure if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra residential floor area under the provisions of Chapter 23.58A, and if the structure complies with the standards for residential tower development in this Chapter 23.48.

**B. Height limits in the SM-SLU/R 55/85 zone.**

1. New structures occupied only by non-residential uses are subject to a height limit of 55 feet.

2. Structures occupied only by residential uses and mixed-use structures with 60 percent or more of the structure's gross floor area in residential use are subject to a height limit of 85 feet.

C. Additional height permitted in the SM-SLU160/85-240 and SM-SLU 85-240 zones.

1. Increases in the maximum height limit in the SM-SLU160/85-240 and SM-SLU 85-240 zones. In the SM-SLU160/85-240 and SM-SLU 85-240 zones a structure is allowed additional height of up to 30 percent above the maximum height limit for residential uses and, in the SM-SLU160/85-240 zone, up to 20 percent above the height limit for non-residential uses, if all of the following conditions are met:

a. The project includes an elementary school or a kindergarten through eighth grade school operated by the Seattle Public School District that meets the specifications promulgated by the Seattle Public School District, which may include minimum space requirements for academic core functions, child care, administrative offices, a library, maintenance facilities, food service, and specialty instruction space;

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

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

d. The amount of floor area allowed to exceed the applicable height limit is equivalent to the amount of enclosed floor area on the lot in school use;

e. The floor area added through the increase in height is subject to the development standards in Sections 23.48.235 and 23.48.240 that apply to structures that exceed the base height for residential use or the applicable podium height for non-residential uses;

f. The floor area allowed to exceed the maximum residential height limit is not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should

the school use be discontinued, floor area gained through the provisions of this Section 23.48.225 shall be subject to the provisions of Chapter 23.58A; and

g. The allowances for rooftop features in subsection 23.48.025.B shall apply to the above structure height permitted under this subsection 23.48.225.C;

2. Additional height above the applicable height limit for portions of a structure that contain non-residential and live-work uses is permitted in the SM-SLU160/85-240 zone at locations and under the conditions specified in Section 23.48.230;

3. Extra residential floor area above the base height limit for residential use shall be obtained as provided for in Section 23.48.221; and

4. For the purposes of applying standards for limits on towers per block in subsection 23.48.245.F, the project shall be considered to be a structure with non-residential uses exceeding 85 feet in height.

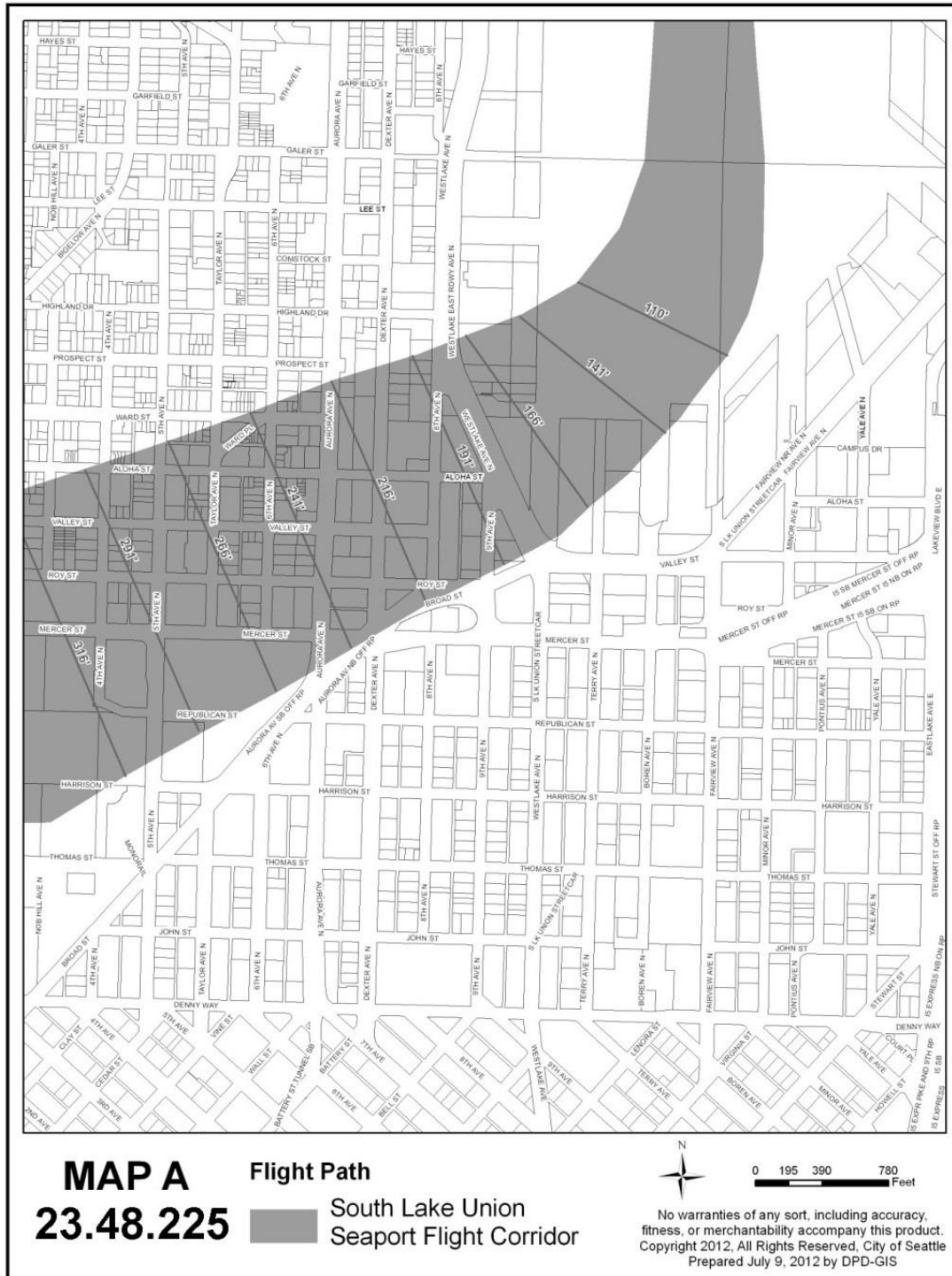
D. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-160 and SM-SLU160/85-240 zones and located north of Mercer Street and West of Fairview Avenue within the South Lake Union Urban Center, requires the applicant to show that the proposed structure height will not physically obstruct use of the flight path shown on Map A for 23.48.225 or endanger aircraft operations.

E. All non-exempt floor area located above the base height is considered extra floor area. Extra floor area may be obtained above the base height, up to the maximum height, only through the provision of public amenities meeting the standards of Section 23.48.021 and Chapter 23.58A.



# Map A for 23.48.225

## South Lake Union Seaport Flight Corridor



**23.48.230 Extra height in South Lake Union**

A. Applicability and general provisions. For structures in the SM-SLU160/85-240 zone designed for research and development laboratory use and administrative office associated with research and development laboratories, structures that do not exceed a height of 120 feet are not subject to the floor area limits of subsection 23.48.245.B, provided the project complies with all the requirements of this Section 23.48.230. In order for a structure to qualify for the exemption from the floor area limit, at least one complete MUP application for a structure on the same block that has been permitted to extend up to a height of 120 feet without floor area limits shall be filed within nine months of February 17, 2010.

B. Location. A structure may be exempt from floor area limits of subsection 23.48.245.B if the structure:

1. is located on a block that is designated SM-SLU160/85-240;
2. is bounded by arterial-designated streets on at least two sides;
3. is greater than 60,000 square feet in size and does not exceed 100,000 square feet in size; and
4. is not bisected by an alley or other public right-of-way.

C. Street-level uses. Street-level uses shall be provided as required by subsection 23.48.205.C.1.

D. LEED requirement. The applicant will strive to achieve a LEED Gold rating or better and at a minimum earn a LEED Silver rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, all in accordance with the provisions of Section 23.48.021.D.2.

E. Open space. A minimum of 20 percent of the lot area shall be useable open space. The purpose of the open space shall be to allow for public seating, passive recreation, and a mid-block pedestrian connection. For a multi-phase project, the open space requirement and the other

requirements in this subsection 23.48.230.E shall be calculated and applied to the total project.

The following standards apply to open space required under this subsection 23.48.230.E:

1. The open space shall be open during daylight hours and accessible to the general public, without charge, for a minimum of ten hours per day, except that access may be temporarily limited as required for public safety, security, scheduled events, or maintenance reasons. Members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others, unless the space is closed to the general public consistent with this subsection 23.48.230.E.1. No parking, storage or other use may be established on or above the surface of the open space except as provided in this subsection 23.48.230.E. Use of the open space by motor vehicles is prohibited. The open space shall be clearly identified with signage placed at a visible location at each street entrance providing access to the open space. The signage shall indicate, in letters legible to passersby, the nature of the open space, its availability for general public access, and directional information as needed.

2. The open space shall contain at least one contiguous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

3. A minimum of 35 percent of the open space shall be landscaped with grass, ground cover, bushes and/or trees.

4. The open space shall include seating in an amount equivalent to either one lineal foot of permanent seating or two movable chairs for every 200 square feet of open space during hours of public access.

5. The open space shall be located and configured to provide easy access from streets or other abutting public spaces and convenient pedestrian circulation through the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

6. The open space shall be provided at ground level, except that some separation of multiple levels may be allowed, provided they are physically and visually connected.

7. Up to 20 percent of the open space may be covered by features accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space: areas for temporary kiosks and pavilions, public art, water features, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to the open space and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, however, the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

8. Public art shall be included in the public open space. The artwork may include but need not be limited to water features, or two or three-dimensional works in all media. The artwork shall be clearly visible to people using the open space, and, wherever possible, should be visible from the abutting streets. The property owner is responsible for maintaining all art features for the life of the buildings on the lot.

F. Transportation Management Program (TMP). The Master Use Permit application shall include a TMP for non-residential development consistent with requirements for TMPs in the applicable Director's Rule. The TMP shall be approved by the Director only if, after consulting with the Director of Transportation, the Director determines that no more than 40 percent of trips to and from the project will be made using single-occupant vehicles (SOVs).

1                   1. For purposes of measuring attainment of SOV goals contained in the TMP, the  
2 number of SOV trips shall be calculated for the p.m. hour in which an applicant expects the  
3 largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the  
4 generator).

5                   2. Compliance with this Section 23.48.230 does not affect the responsibility of  
6 any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

7 **23.48.232 Lot area limits in SM-SLU/R 55/85**

8                   A. Development with non-residential uses only, except hotels with 100 rooms/suites or  
9 fewer, is limited to a lot area of 21,600 square feet or less.

10                  B. In SM-SLU/R 55/85, development on lots greater than 21,600 square feet in area shall  
11 include residential use in an amount of gross floor area equal to 60 percent or more of the gross  
12 floor area in non-residential use, except for development that is an elementary or secondary  
13 school, or a hotel with 100 rooms/suites or fewer.

14                  C. Two lots of up to 21,600 square feet each, separated by an alley and connected above  
15 grade by a skybridge or other similar means shall be considered two separate lots for the  
16 purposes of this Section 23.48.232. Such a connection above grade, across the alley may be  
17 allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use  
18 permit.

19                  D. Non-residential structures on adjacent lots not separated by an alley, subject to this  
20 Section 23.48.232, shall not be internally connected.

21                  E. Non-residential uses existing prior to November 6, 1996, that do not meet the  
22 requirements of Section 23.48.015 are allowed to expand by an amount of gross floor area not to  
23 exceed 20 percent of the existing gross floor area, without meeting the requirements of this  
24 Section 23.48.232. This provision may only be used once for an individual use.

1 F. Non-residential use exception. A non-residential structure may be permitted where a  
2 residential or mixed use structure would otherwise be required, subject to the following:

3 1. The proposal is comprised of two or more lots within the same SM/R zone;  
4 and

5 2. The amount of gross floor area in residential use in the structures on both lots  
6 is equal to at least 60 percent of the total gross floor area of the total combined development on  
7 the lots included in the proposal; and

8 3. The non-residential structure is subject to design review to ensure  
9 compatibility with the residential character of the surrounding area; and

10 4. The proposal meets one or more of the following:

11 a. The project includes the rehabilitation of a landmark structure or  
12 incorporates structures or elements of structures of architectural or historical significance as  
13 identified in the Seattle Comprehensive Plan or design guidelines; or

14 b. The project includes general sales and service uses, eating and drinking  
15 establishments, major durables retail sales uses, entertainment uses, human service uses or child  
16 care centers at the street level in an amount equal to 50 percent of the structure's footprint; or

17 c. On the lot(s) accommodating the required amount of residential use, as  
18 specified in subsection 23.48.232.F.2, a minimum of 10 percent of all new housing units in the  
19 proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be  
20 maintained as affordable housing for a period of at least 20 years, or a minimum of 10 percent of  
21 all new housing units in the proposal are provided as townhouses.

22 **23.48.235 Upper-level setback requirements for South Lake Union**

23 A. The following requirements for upper-level setbacks in this subsection 23.48.235.A  
24 apply to structures on lots abutting a street shown on Map A for 23.48.235, except for those  
25 structures with non-residential uses above 85 feet in height or residential uses above the base  
26  
27  
28

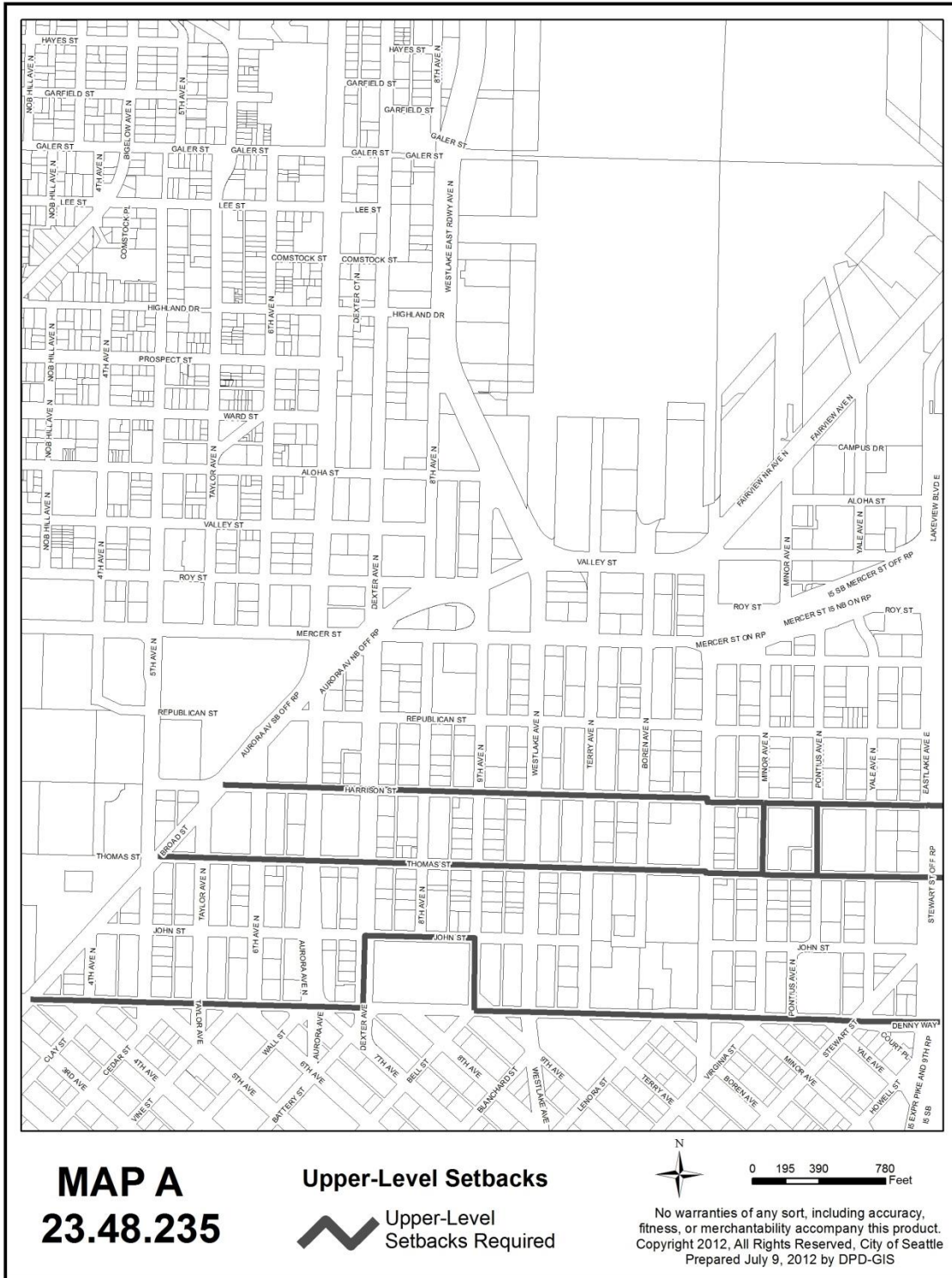
1 height limit for residential use, which are subject to the upper-level setback requirements of  
2 subsection 23.48.245.C.

3 1. For all zones except the SM-SLU 240/125-400 zone, any portion of a structure  
4 greater than 45 feet in height is required to set back from a lot line abutting a street shown on  
5 Map A for 23.48.235. In the SM-SLU 240/125-400 zone, portions of a structure greater than 75  
6 feet in height are required to set back from a lot line abutting a street shown on Map A for  
7 23.48.235

8 2. A setback of 1 foot for every 2 additional feet of height is required for any  
9 portion of a structure exceeding the maximum height permitted without a setback according to  
10 subsection 23.48.235.A.1, up to a maximum setback of 15 feet measured from the street lot line,  
11 as shown in Exhibit A for 23.48.235.

Map A for 23.48.235

Upper-Level Setbacks



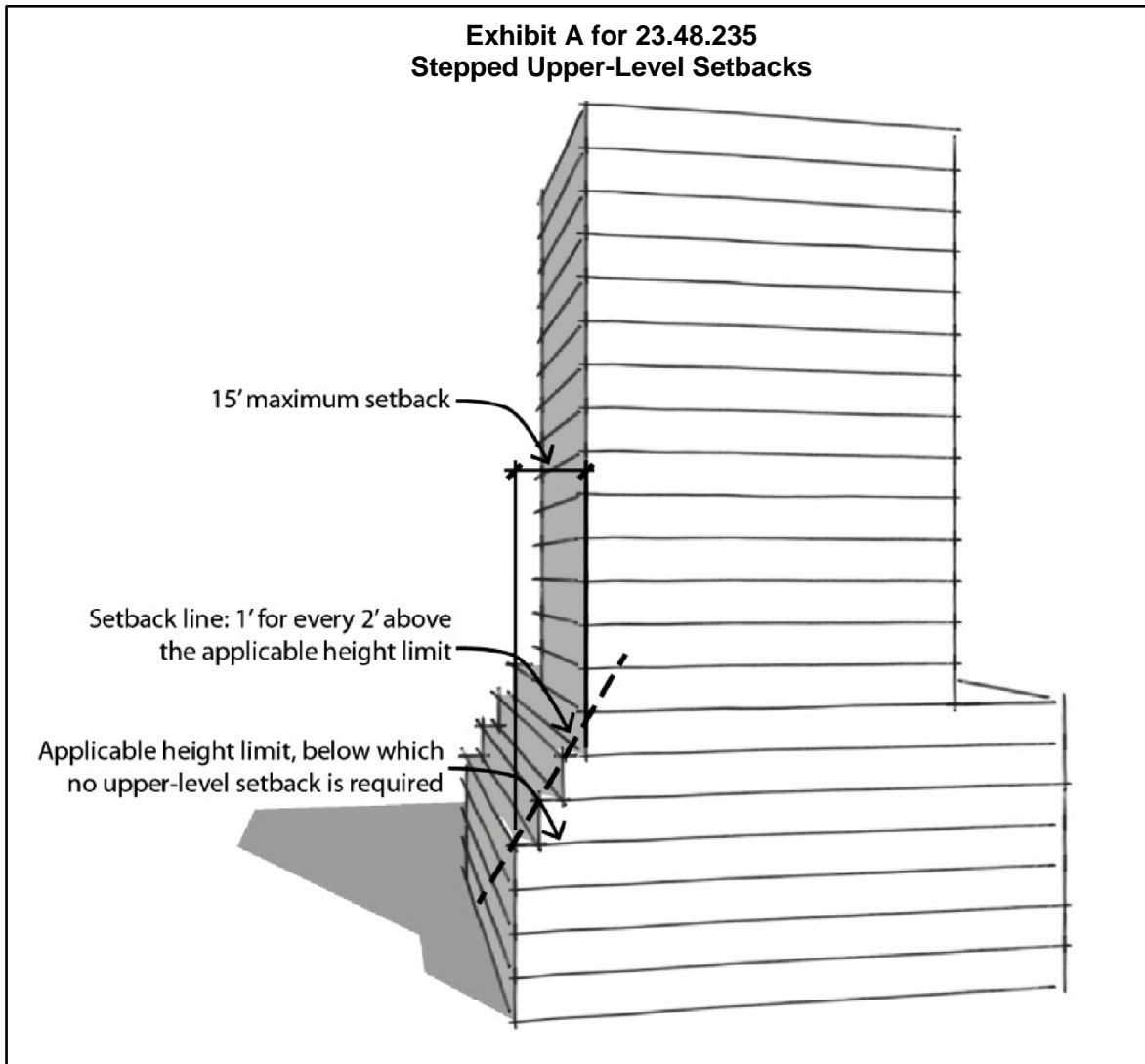


1 B. Upper-level setbacks in the SM-SLU 85/65-160 zone. The following requirements for  
2 upper-level setbacks in this subsection 23.48.235.B apply to all development in the SM-SLU  
3 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North,  
4 and Fairview Avenue North as shown in Exhibit B for 23.48.012:

5 1. Portions of a structure above 45 feet in height shall set back a minimum of 15  
6 feet from street lot lines abutting Valley Street, Westlake Avenue North, Terry Avenue North,  
7 Boren Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.235.

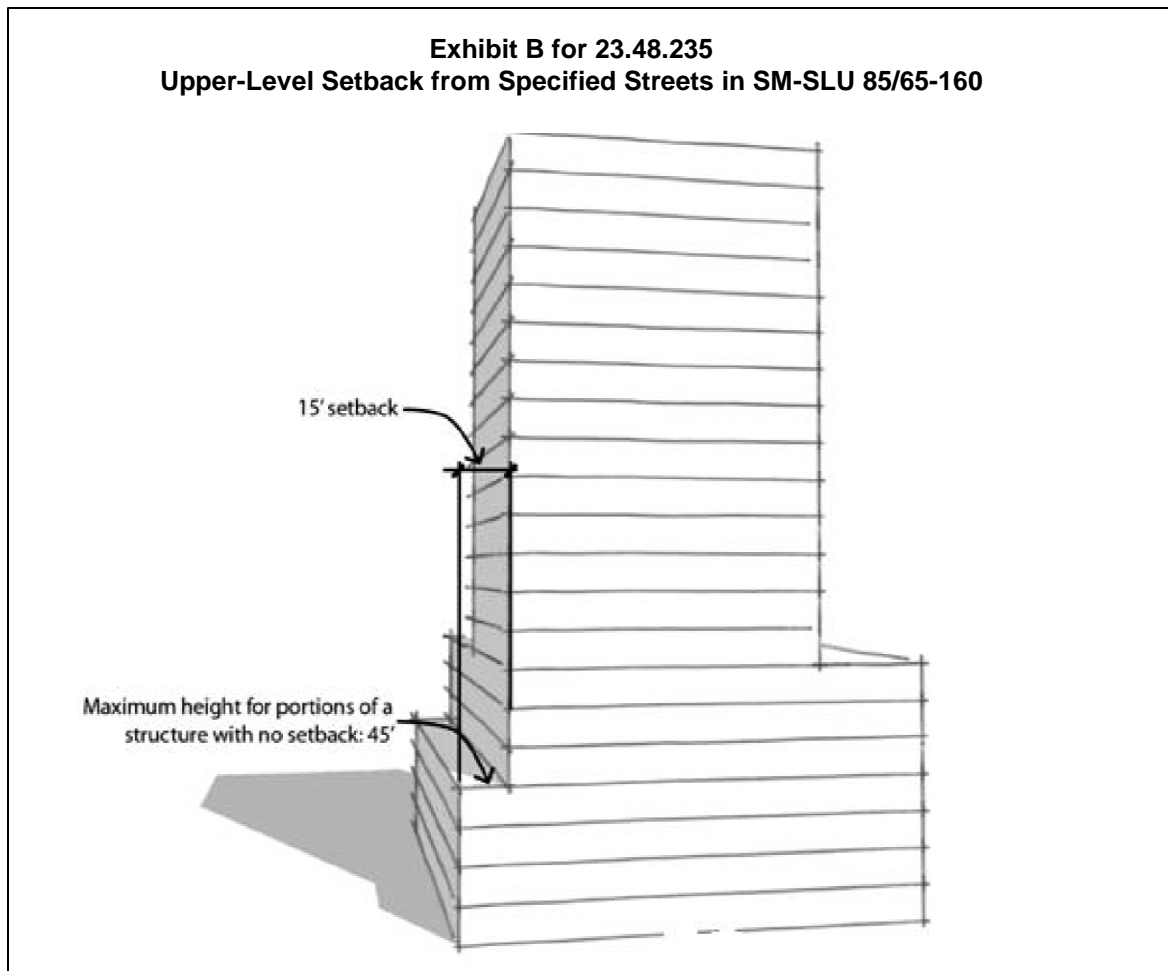
8 2. In addition to the upper-level setbacks specified in subsection 23.48.235.B.1,  
9 additional upper-level setbacks are required for tower structures that include residential use  
10 above the base height limit for residential use, or hotel use above a height of 85 feet, according to  
11 the provisions of subsection 23.48.245.C.3.

**Exhibit A for 23.48.235**  
**Stepped Upper-Level Setbacks**



**Exhibit B for 23.48.235**

**Upper-Level Setback from Specified Streets in SM-SLU 85/65-160**

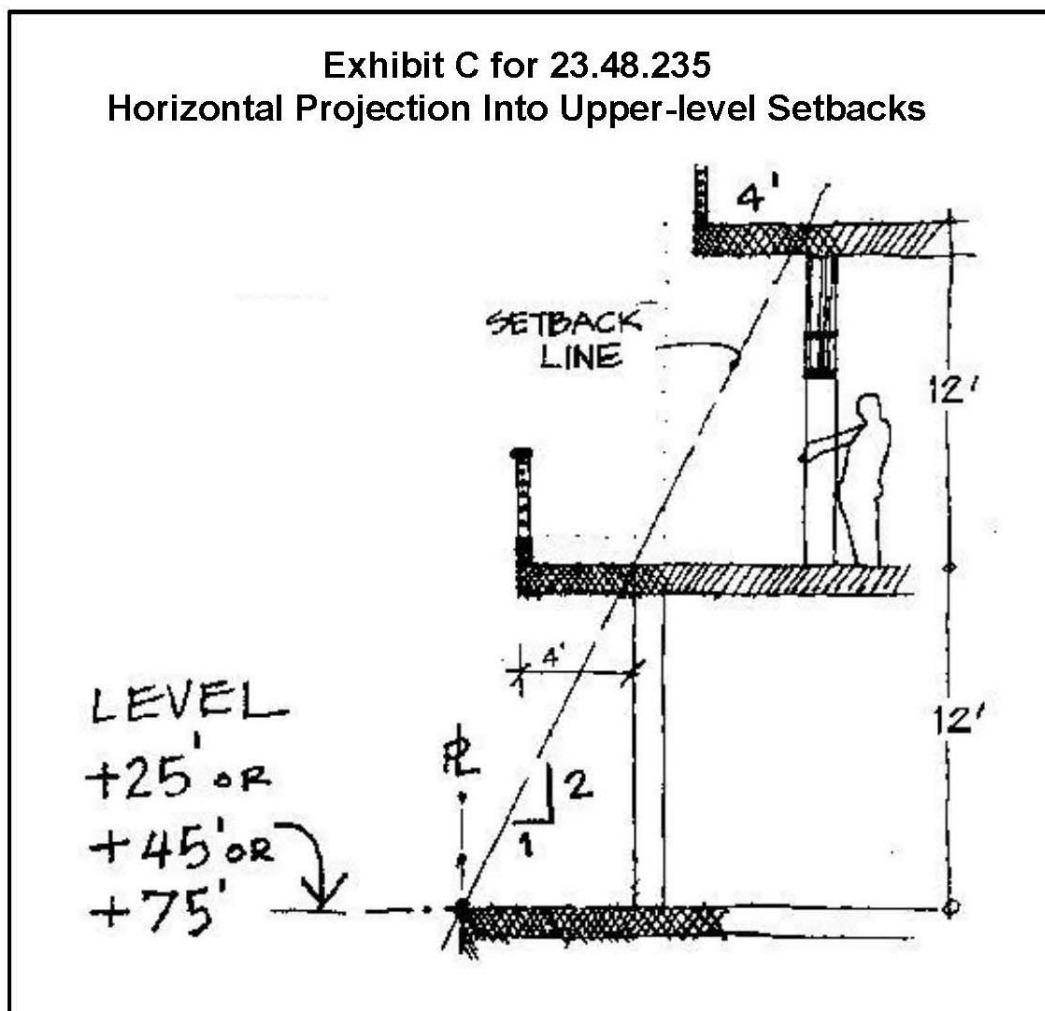


C. Upper-level setbacks on alleys in the SM-SLU/R 55/85 zone. For lots abutting an alley in the SM-SLU/R 55/85 zone, portions of a structure greater than 25 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of additional height above 25 feet, up to a maximum setback of 15 feet measured from the alley lot line, as shown in Exhibit A for 23.48.235.

D. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet in required setbacks as shown in Exhibit C for 23.48.235.

**Exhibit C for 23.48.235**

**Horizontal Projection into Upper-Level Setbacks**



**23.48.240 Street-level development standards for South Lake Union**

A. Street-level development standards in section 23.48.040 apply to all streets in SM-SLU zones designated as Class 1 Pedestrian Streets, Class 2 Pedestrian Streets, or Neighborhood Green Streets as shown on Map A for 23.48.240.

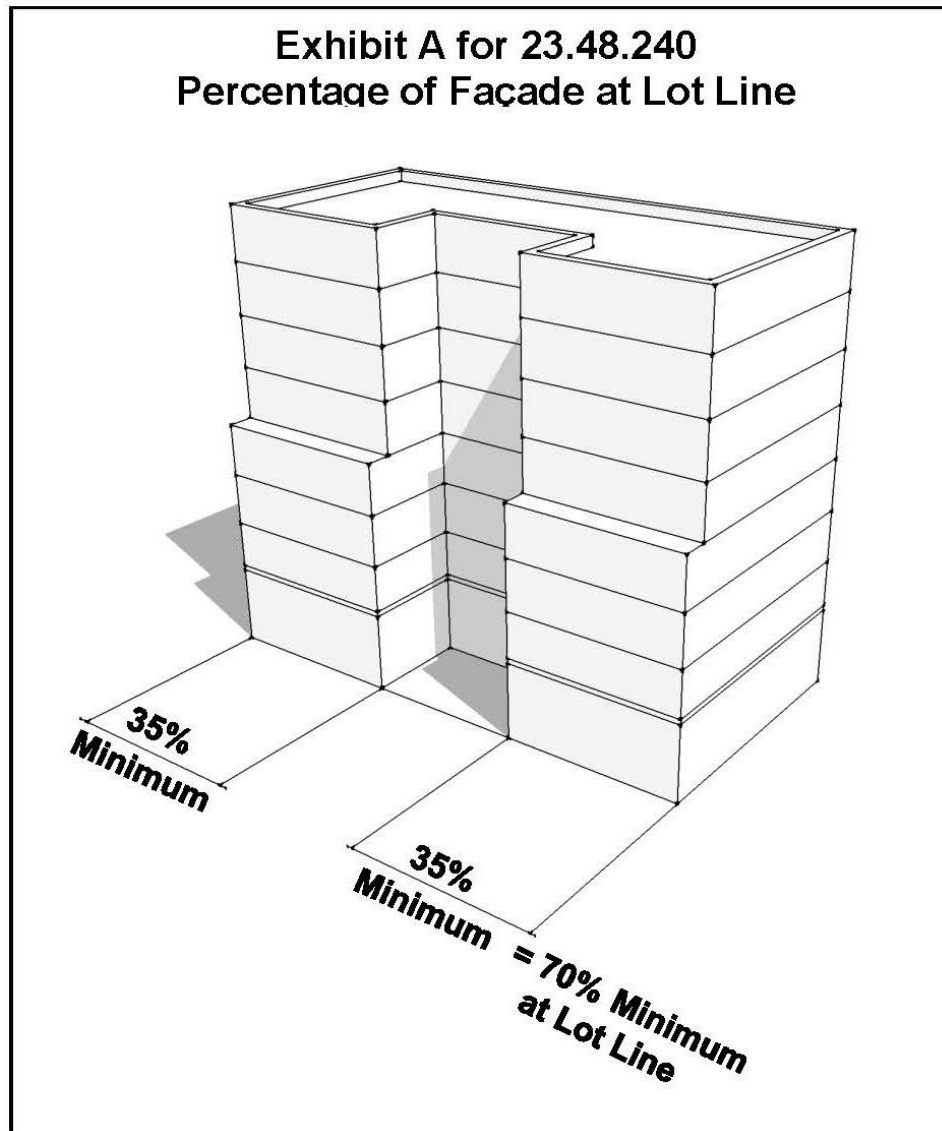
B. General facade requirements

1. Permitted setbacks from street lot lines. Except on lots subject to the provisions of subsection 23.48.240.C, the street-facing facades of a structure are permitted to set back from the street lot line as follows:

a. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.240, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.245.B.4.c, 23.48.240.E, or 23.48.014.F is excluded from the total amount of frontage required to be built to the street lot line (Exhibit A for 23.48.240).

**Exhibit A 23.48.240**

**Percentage of Facade at Lot Line**



## Map A for 23.48.240

### Pedestrian Street Classifications in South Lake Union



1                               b. Except on Class 1 Pedestrian Streets, as shown on Map A for  
2 23.48.240, and as specified in subsection 23.48.240.B.1, the street-facing facade of a structure  
3 may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for  
4 23.48.240):

5                               1) The setback area shall be landscaped according to the  
6 provisions of Section 23.48.055.B.2;

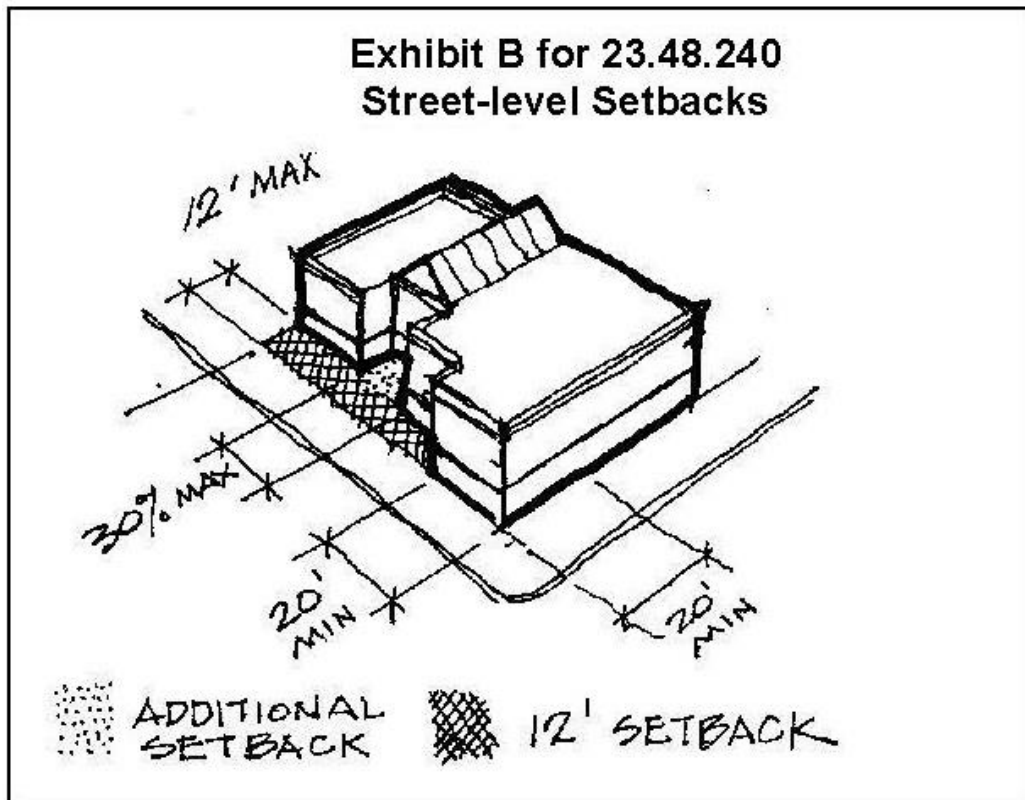
7                               2) Additional setbacks are permitted for up to 30 percent of the  
8 length of portions of the street facade that are set back from the street lot line, provided that the  
9 additional setback is located 20 feet or more from any street corner; and

10                              3) Any required outdoor amenity area, or other required open  
11 space, or usable open space provided in accordance with subsections 23.48.245.B.4.c,  
12 23.48.240.E or 23.48.240.F is not considered part of the setback area and may extend beyond the  
13 limit on setbacks from the street lot line that would otherwise apply under subsections  
14 23.48.240.B.1.b or 23.48.240.B.1.b.2.



**Exhibit B for 23.48.240**

**Street-Level Setbacks**



C. Facade requirements in the SM-SLU 85-240 zone. In addition to the provisions of subsection 23.48.040.A, the following standards apply in the SM-SLU 85-240 zone:

1. Required street-facing facade setback

a. All street-facing facades along 8<sup>th</sup> Avenue North, except those portions occupied by permitted non-residential uses and subject to the provisions of subsection 23.48.240.C.2, are required to set back an average of 10 feet from the street lot line, provided that no setback shall be less than 5 feet from the street lot line, and any setback area further than 15 feet from the street lot line shall not be included in the averaging calculation.

1                               b. The setback requirement of this subsection 23.48.240.C.1 does not  
2 apply to the following:

3                                       1) Portions of the street-facing facade that are located no more  
4 than 40 feet from a street corner; and

5                                       2) Portions of the structure that are partially below grade and meet  
6 the following conditions:

7   a) The roof of the partially below-grade portion of the  
8 structure in the setback area is no more than 4 feet above existing or finished grade, whichever is  
9 lower;

10    b) The surface of the roof is used for private access or  
11 amenity area for abutting units; and

12    c) A landscaped area a minimum of 2 feet in depth  
13 measured from the abutting street lot line is maintained at grade level.

14                                       c. Only ground-related residential units and floor area for building lobbies  
15 for residential uses are permitted within the portion of the story of the structure abutting the  
16 required setback area, and each unit or lobby area is required to have direct access to the required  
17 setback area.

18                                       d. The street-level facade of lobby area abutting the required setback shall  
19 not exceed a width equivalent to 20 percent of the total width of the required setback measured  
20 along 8<sup>th</sup> Avenue North.

21                                       e. Private amenity area, unenclosed stoops, steps, or porches related to the  
22 abutting, ground-related residential units or common amenity area with access to residential  
23 lobbies shall be provided within the required setback area.

1 f. Bay windows, canopies, horizontal projection of decks, balconies with  
2 open railings, eaves, cornices, gutters, and other similar architectural features are permitted to  
3 extend no more than 4 feet into required setbacks.

4 g. Driveways providing access to parking within a structure are not  
5 permitted within the required setback area.

6 2. Development standards for non-residential uses. Non-residential uses are  
7 permitted on the ground floor of mixed use structures, subject to the following:

8 a. Non-residential uses are not permitted to extend more than 20 feet  
9 above the street-level.

10 b. Non-residential uses are only permitted on corner portions of the lot  
11 that are within 20 lineal feet of intersecting street lot lines.

12 D. Additional requirements in the SM-SLU 85/65-160 zone on the blocks bounded by  
13 Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. Street-level  
14 facades on that portion of Terry Avenue between Mercer Street and Valley Street shall be set  
15 back an average of 10 feet from the lot line. In addition all street-level facades on Valley Street  
16 within 50 feet of Terry Avenue shall be set back an average of 50 feet from the lot line. For the  
17 purposes of the standards in Chapter 23.48, the Class 1 Pedestrian Street classification on Terry  
18 Avenue North as depicted on Map A for 23.48.240, extends 120 feet south of the Valley Street lot  
19 line.

20 E. Development standards for required street-level uses. Street-level uses required by  
21 subsection 23.48.005.D, and street-level uses exempt from FAR calculations under the  
22 provisions of subsection 23.48.220.B.2, whether required or not, shall meet the following  
23 development standards:

24 1. For structures with a street-facing facade along 8th Avenue N., located on  
25 blocks identified pursuant to subsection 23.48.230.B, or located on a designated Neighborhood  
26

Green Street the minimum street frontage of required street-level uses is 10 percent of that street-facing facade. The remaining street frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any outdoor common amenity area required for residential uses or other required open space shall not be counted in street frontage.

F. 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, a minimum of 20 percent of the lot area shall be provided as open area that is located and configured to allow easy pedestrian access to project occupants from streets or other abutting public spaces, including access for persons with disabilities. The open area shall include the following:

1. A minimum of 60 percent of the required open area shall be provided as usable open space that meets the following conditions:

a. The usable open space is open from the ground to the sky and is visible and accessible to pedestrians from an abutting street, including persons with disabilities;

b. The open space is substantially at street-level, although portions are permitted to be within 4 feet of street level, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above or below the grade of the nearest abutting street;

c. The open space has a minimum horizontal dimension of 15 feet; and

d. The open space enhances visual and physical pedestrian connections between South Lake Union Park and development on the lot, and is accessible to the public, free of charge, during the hours of operation of South Lake Union Park.

2. At the applicant's option, up to 40 percent of the required open area may be provided as any combination of:

1 a. A woonerf that serves as a through-block pedestrian passageway and  
2 that satisfies the following:

3 1) The passageway is open to the sky, has a minimum width of 20  
4 feet, and provides a direct and continuous connection between the north/south avenues abutting  
5 the lot;

6 2) The passageway is designed to provide safe pedestrian use,  
7 including a clear pathway demarcated as a priority pedestrian zone; and

8 3) The passageway is adequately lit and available for pedestrian  
9 use 24 hours every day.

10 b. Open areas with a horizontal dimension that is less than 15 feet  
11 abutting a street lot line if one or more of the following:

12 1) An area abutting a sidewalk that extends the pedestrian area  
13 onto the lot to accommodate additional streetscape amenities, such as landscaping, street  
14 furniture, special lighting, public art, or extensions of right-of-way green factor treatments;

15 2) Setback areas abutting the street with a maximum depth of 10  
16 feet that provide private usable open space, stoops, terraces, and/or landscaping for abutting  
17 ground level dwelling units that have direct access to the setback area, provided that the total  
18 amount of such setback areas does not exceed half of the 40 percent portion of the open area  
19 allowed by this subsection 23.48.240.F.2; or

20 3) Additional sidewalk areas created by extending the curbline  
21 into the abutting street right-of-way that are improved with such streetscape amenities as  
22 landscaping, street furniture, special lighting, public art, or extensions of right-of-way green  
23 factor treatments.

24 c. Usable elevated open space up to a maximum of 45 feet above street-  
25 level, and that meets the following:

1 1) At least 50 percent of the perimeter of the elevated open space  
2 is not enclosed by a facade and is open and oriented to provide views of South Lake Union Park;  
3 and

4 2) The minimum horizontal dimension of the open space is 15  
5 feet.

6 d. No more than 50 percent of the open areas allowed pursuant to this  
7 subsection 23.48.240.F.2 shall be:

8 1) Located more than 4 feet above street-level; and

9 2) Comprised of unenclosed covered areas, such as arcades or  
10 areas beneath building overhangs or overhead weather protection attached to abutting facades  
11 that abut sidewalks or pedestrian paths across the lot, or freestanding pavilions or kiosks that  
12 provide overhead weather protection.

13 3. When authorized by the Director as a Type I decision pursuant to this  
14 subsection 23.48.240.F, lots within the SM-SLU 85/65-160 zone on the blocks bounded by  
15 Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, may be  
16 combined, whether contiguous or not, for the purpose of allowing the open area required on a lot  
17 by this subsection 23.48.240.F to be met on one or more other lots within the SM-SLU 85/65-  
18 160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and  
19 Fairview Avenue North, according to the following provisions:

20 a. The Director shall allow lots to be combined to meet open area  
21 requirements if the Director determines that the combined amount of open area on all lots meets  
22 or exceeds the minimum amount required by subsection 23.48.240.F.1, and that the added  
23 flexibility will achieve better open space conditions, as indicated by the following:

24 1) The open area in general will provide for a better relationship  
25 between the development on the combined lots and South Lake Union Park;

2) The added flexibility will allow for better integration of open space and surrounding development and improve accessibility among the blocks in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North and adjacent areas;

3) A greater diversity of open space will be achieved for the area;

4) Greater public use of the open space will be encouraged;

5) The flexibility would result in open spaces that are more substantial in size and/or more adaptable to a greater variety of uses, or that establish a more significant neighborhood focal point than would otherwise likely occur; and/or

6) The open space provided will enhance urban form by promoting better massing, more usable open spaces with increased solar access, enhanced views within and through the site, and other improved conditions.

b. Prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North to meet the open area requirements of this subsection 23.48.240.F, the fee owners of both the property subject to the Master Use Permit and the lot(s) utilized to meet open area requirements for the Master Use Permit shall execute an appropriate agreement or instrument that is recorded in the King County real property records that:

1) Includes the legal description of each lot;

2) Acknowledges the specific extent to which the open space standards are met through a combination of the lots;

3) Provides that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle; and

1                               4) Provides that the agreement or instrument shall be in effect unless the  
2 Master Use Permit expires, is cancelled, is withdrawn by the applicant, or the development  
3 allowed by the Master Use Permit no longer requires the other lot(s) in order to meet the open  
4 area requirements of this subsection 23.48.240.F.

5                               G. Required usable open space in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-  
6 SLU160/85-240 and SM-SLU 240/125-400 zones

7                               1. Except as provided for in subsection 23.48.240.G.3 and 23.48.240.F, in the  
8 SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU160/85-240 and SM-SLU 240/125-400  
9 zones, on lots exceeding 30,000 square feet in area, proposed development containing extra floor  
10 area as provided for in Sections 23.48.021 and 23.48.221 shall provide usable open space as  
11 follows:

12                               a. The minimum amount of required usable open space shall be equal to  
13 15 percent of the lot area and shall generally be accessible at street level, with variations in  
14 elevation allowed to accommodate changes in topography;

15                               b. The average horizontal dimension for any area qualifying as required  
16 usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there  
17 is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is  
18 provided according to subsection 23.48.240.G.1.f;

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

23                               d. Up to a maximum of 20 percent of the required usable open space may  
24 be covered overhead to provide weather protected space and a widened sidewalk area, if the  
25 following conditions are met:



1 1) The open space abuts a street lot line and is open and accessible  
2 to pedestrians along the sidewalk and,

3 2) If the space is covered by portions of the structure above, or is  
4 provided as an arcade open to the street, the minimum vertical clearance is 20 feet;

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

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

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

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

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

18 f. Up to a maximum of 10 percent of the required usable open space may  
19 be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or  
20 accommodates landscaping or extensions of right-of-way green factor treatment pursuant to  
21 Section 23.86.019. Minor changes between the sidewalk elevation and the elevation of the  
22 abutting sidewalk area are permitted to accommodate changes in topography, or to provide for  
23 features such as ramps that improve access for persons with disabilities.

24 2. Usable open space provided under this subsection 23.48.240.G is eligible to  
25 qualify as either amenity area for residential uses under Section 23.48.045 or open space required  
26

1 for office use under Section 23.48.050, or both, provided the applicable standards of these  
2 Sections are met.

3 3. Usable open space satisfying the requirements of this subsection 23.48.240.G  
4 may be provided on a site other than the project site, provided that the following conditions are  
5 met:

6 a. The alternate open space site is located within an SM zone and within  
7 650 feet of the project site;

8 b. The amount of usable open space is no less than 10 percent of the lot  
9 area; and

10 c. The owner of any lot on which off-site open space is provided records a  
11 restrictive covenant in a form acceptable to the Director assuring compliance with requirements  
12 of this subsection 23.48.240.G.

13 H. Through-block pedestrian connections for large lot developments.

14 1. A through-block pedestrian connection meeting the standards of subsection  
15 23.48.240.F.2 is required in the SM-SLU 85/65-125, SM-SLU 85-240, SM-SLU 85/65-160, SM-  
16 SLU160/85-240, and SM-SLU 240/125-400 zones for development described as follows:

17 a. Within the block defined as the area enclosed by street rights-of-way,  
18 the lot area of the development is a minimum of 60,000 square feet, except that the area of lots  
19 separated only by an alley right-of-way may be combined for the purposes of calculating the  
20 minimum required lot area;

21 b. The lot area of the development abuts the two north-south avenues for  
22 a minimum linear distance of 120 feet along each avenue.

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

1                   a. A continuous pedestrian passageway shall extend across the  
2 development lot to both abutting avenues. The alignment of the pedestrian connection and the  
3 point at which it intersects each avenue shall be no closer than 100 feet to an east-west street  
4 abutting the block, and the connection at the avenues shall be accessible at grade level from the  
5 sidewalk.

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

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

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

16                   3. The Director may allow modifications from the standards for through-block  
17 pedestrian connections as a Type I decision, if the applicant demonstrates that alternative  
18 treatments will better serve the development by enhancing pedestrian comfort and promoting  
19 greater use of the connection.

20                   4. For development providing a through-block pedestrian connection on blocks  
21 with an alley, the allowed FAR from any lot included in the development may be transferred to  
22 any other lot of the development across the alley, provided the receiving site is in a SM-SLU  
23 zone.

**23.48.245 Upper-level development standards for South Lake Union**

Lots in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones are subject to upper-level development standards that may include upper-level floor plate limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 85/65-125 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 160/85-240 and SM-SLU 85-240 zones, or 125 feet for the SM-SLU 240/125-400 zone.

A. Upper-level floor plate limit. For residential towers, the average gross floor area of all stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent of the lot area, provided that:

1. In no case shall the gross floor area of stories above the podium height exceed the gross floor area limits of subsection 23.48.245.B.2; and

2. The limit on towers per block in subsection 23.48.245.F apply.

B. Floor area limits and podium heights. The following provisions apply to development in the SM-SLU 85/65-125, SM-SLU 85-240, SM-SLU 85/65-160, SM-SLU160/85-240, and SM-SLU 240/125-400 zones located within the South Lake Union Urban Center:

1. Floor area limit for structures or portions of structures occupied by non-residential uses.

a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c, there is no floor area limit for non-residential uses in a structure or portion of structure that does not contain non-residential uses above 85 feet in height.

1                               b. There is no floor area limit for a structure that includes research and  
2 development uses and the uses are in a structure that does not exceed a height of 105 feet,  
3 provided that the following conditions are met:

4                               1) A minimum of two floors in the structure are occupied by  
5 research and development uses and have a floor-to-floor height of at least 14 feet; and

6                               2) The structure has no more than seven stories above existing or  
7 finished grade whichever is lower as measured from the lowest story to the highest story of the  
8 structure but not including rooftop features permitted under section 23.48.025.C. The lowest  
9 story shall not include a story that is partially below grade and extends no higher than 4 feet  
10 above existing or finished grade whichever is lower.

11                              c. Within locations in the SM-SLU160/85-240 zone meeting the standards  
12 in subsection 23.48.230.B for extra height in South Lake Union locational criteria, there is no  
13 floor area limit for structures that do not exceed a height of 120 feet and that are designed for  
14 research and development laboratory use and administrative office associated with research and  
15 development laboratories.

16                              d. For structures or portions of structures with non-residential uses that  
17 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of  
18 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.1.c, each story of the  
19 structure above the specified podium height indicated for the lot on Map A for 23.48.245 is  
20 limited to a maximum gross floor area of 24,000 square feet per story, except that the average  
21 gross floor area for stories above the specified podium height is 30,000 square feet for structures  
22 on a lot that meets the following conditions:

23                              1) The lot has a minimum area of 60,000 square feet; and  
24  
25  
26  
27  
28

2) The lot includes an existing open space or a qualifying  
Landmark structure and is permitted an additional increment of FAR above the base FAR, as  
permitted in subsection 23.48.020.B.4.

2. Floor plate limit for residential towers. For a structure with residential use that  
exceeds the base height limit established for residential uses in the zone under subsection  
23.48.225.A.1, the following maximum gross floor area limit applies:

a. For a structure that does not exceed a height of 160 feet, excluding  
rooftop features that are otherwise permitted above the height limit under the provisions of  
subsection 23.48.025.C, the gross floor area for stories with residential use that extend above the  
podium height indicated for the lot on Map A for 23.48.245 shall not exceed 12,500 square feet  
per story, or the floor size established by the upper-level floor plate limit in subsection  
23.48.245.A, whichever is less.

b. For a structure that exceeds a height of 160 feet, the following limits  
apply:

1) The average gross floor area for all stories with residential use  
that extend above the podium height indicated for the lot on Map A for 23.48.245 shall not  
exceed 10,500 square feet, or the floor size established by the upper-level floor plate limit in  
subsection 23.48.245.A, whichever is less.

2) The gross floor area of any single residential story above the  
podium height shall not exceed 11,500 square feet.

3. Floor plate limit for mixed use development. This subsection 23.48.245.B.3  
applies to structures or portions of structures that include both residential and non-residential  
uses, as provided for in 23.48.220.A.2.

a. For a story that includes both residential and non-residential uses, the  
gross floor area limit for all uses combined shall not exceed the floor area limit for non-

1 residential uses, provided that the floor area occupied by residential use shall not exceed the floor  
2 area limit otherwise applicable to residential use.

3 b. For a mixed use structure with residential uses located on separate  
4 stories from non-residential uses, the floor area limits shall apply to each use at the applicable  
5 height limit.

6 4. Podium standards. The standards for podiums apply only to structures or  
7 portions of structures that include a tower that are subject to a floor plate limit.

8 a. Height limit for podiums. The specific podium height for a lot is shown  
9 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley  
10 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to  
11 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet  
12 deep.

13 b. Podium floor plate limits. For the podiums of structures with residential  
14 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1  
15 and for structures with non-residential uses that exceed a height of 85 feet, the average floor  
16 plate coverage of required lot area, pursuant to subsection 23.48.245.A, for all the stories below  
17 the podium height specified on Map A for 23.48.245 shall not exceed 75 percent of the lot area,  
18 except that floor plates floor plates are not limited for each story if the total number of stories  
19 below the podium height is three, or fewer, stories, or if the conditions in subsection  
20 23.48.245.B.4.c apply.

21 c. The floor plate limit on podiums in subsection 23.48.245.B.4.b does not  
22 apply if a lot includes one of the following:

- 23 1) Usable open space that meets the provisions of 23.48.240.F; or  
24 2) A structure that has been in existence prior to 1965 and the  
25 following conditions are met;

1 a) The structure is rehabilitated and maintained to comply  
2 with applicable codes and shall have a minimum useful life of at least 50 years from the time that  
3 it was included on the lot with the project allowed to waive the podium area limit;

4 b) The owner agrees that the structure shall not be  
5 significantly altered for at least 50 years from the time that it was included on the lot with the  
6 project allowed to waive. Significant alteration means the following:

7 i. Alteration of the exterior facades of the structure,  
8 except alterations that restore the facades to their original condition;

9 ii. Alteration of the floor-to-ceiling height of the  
10 street-level story, except alterations that restore the floor-to-ceiling height to its original  
11 condition; or

12 iii. The addition of stories to the structure, unless  
13 the proposed addition is no taller than the maximum height to which the structure was originally  
14 built, or the addition is approved through the design review process as compatible with the  
15 original character of the structure and is necessary for adapting the structure to new uses; or

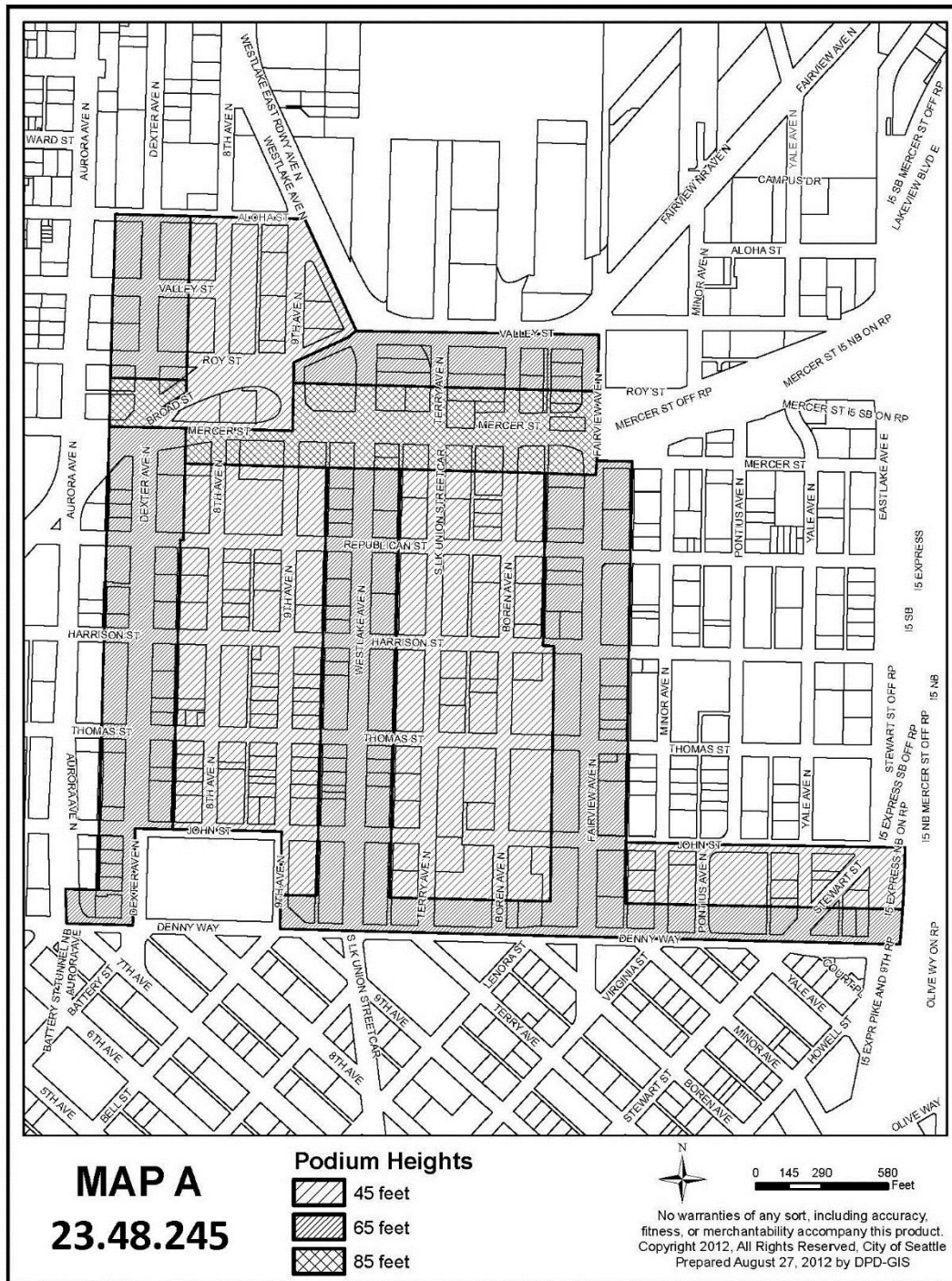
16 c) If the structure is removed from the lot, then any use of  
17 the portion of the lot previously occupied by the structure shall be limited to usable open space.  
18 The portion of the lot previously occupied by the structure shall be defined by a rectangle  
19 enclosing the exterior walls of the structure as they existed at the time it was included on the lot  
20 with the project allowed to waive the podium area limit, with the rectangle extended to the  
21 nearest street frontage.

22 d. Additional height for podiums abutting Class 1 Pedestrian Streets.  
23 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section  
24 23.48.240, may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided  
25 that floor-to-ceiling clearance at the ground floor is at least 15 feet.



# Map A for 23.48.245

## Podium Heights



C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.245.C.1 apply to development that meets the following conditions:

a. The development is on lot abutting a street segment shown on Table A for 23.48.245; and

b. For lots in the SM-SLU 85-240, SM-SLU 85/65-160, SM-SLU160/85-240, and SM-SLU 240/125-400 zones located within the South Lake Union Urban Center, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.225.A.1, or includes a structure with non-residential uses that exceed a height of 85 feet.

2. The required upper-level setbacks for development specified in subsection 23.48.245.C.1 shall be provided as follows:

a. For portions of a structure facing the applicable street, the maximum height above which a setback is required is specified on Column 2 of Table A for 23.48.245

b. For portions of a structure exceeding the maximum height above which a setback is required, the minimum depth of the setback, measured from the abutting applicable street lot line, is specified on Column 3 of Table A for 23.48.245.

**Table A for 23.48.245**  
**Required Upper-level Setbacks for Development Meeting the Conditions of**  
**Subsection 23.48.245.C**

Column 1: Location of lot	Column 2: Height above which setback is required	Column 3: Minimum depth of setback from applicable street property line
Thomas Street, south side, from Aurora Ave N to 8 <sup>th</sup> Ave N	45 feet	50 feet
Thomas Street, south side, from 8 <sup>th</sup> Ave N to 9 <sup>th</sup> Ave N	45 feet	40 feet
Thomas Street, south side, between 9 <sup>th</sup> Ave N and alley between Fairview Ave N and Minor Ave N	45 feet	30 feet
John Street, north side, between Aurora Ave N and 9 <sup>th</sup> Ave N	45 feet	30 feet
John Street, north side, between 9 <sup>th</sup> Ave N and Boren Ave N	45 feet	15 feet
John Street, south side, between Aurora Ave N and Minor Ave N	45 feet	30 feet
Boren Ave N, both sides, between Mercer Street and John Street	65 feet <sup>1</sup>	10 feet <sup>1</sup>
Fairview Ave N, west side, from Mercer Street to John Street	65 feet	10 feet
Fairview Ave N, east side, from Mercer Street to John Street	65 feet	10 feet

Notes to Table A for 23.48.245:

<sup>1</sup> On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

3. Upper-level setbacks for residential tower development in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height

limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.235.B.1, are required as follows:

a. Any portion of the structure above 65 feet in height shall set back a minimum of 30 feet from the following street lot lines:

1) the street lot line abutting the eastern edge of Westlake Avenue North from Mercer Street to Valley Street; and

2) the street lot line abutting the western edge of Fairview Avenue North from Mercer Street to Valley Street.

b. For lots abutting the street lot line on the southern edge of Valley Street between Westlake Avenue North and Fairview Avenue North, any portion of a structure above 65 feet in height shall provide a minimum setback of 25 feet.

4. Upper level setbacks for tower structures in the SM-SLU160/85-240 zone for the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North. In addition to upper level setback requirements in this subsection 23.48.245.C, for tower structures with residential or non-residential uses on lots in the SM-SLU160/85-240 zone on the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North, any portion of the tower structure above 85 feet shall be set back a minimum of 110 feet from the street lot line abutting Mercer Street.

5. Projections permitted in required upper-level setbacks. The first 4 feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are permitted in required setbacks, as shown in Exhibit B for 23.48.235.

D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in height, facade modulation is required for the street-facing portions of a structure located within 15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for

23.48.245. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

1. The maximum length of a facade without modulation is prescribed in Table B for 23.48.245, Facade Modulation. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

**Table B for 23.48.245: Facade Modulation**

Height of street facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line
For stories above the podium height specified on Map A for 23.48.245 up to 125 feet	150 feet
For stories above 125 feet	120 feet

2. If a portion of a facade that is within 15 feet of the street lot line is the maximum length permitted for an unmodulated facade, the length of the facade may be increased only if additional portions of the facade set back a minimum of 15 feet from the street lot line for a minimum distance of 40 feet. If the required setback is provided, additional portions of the facade may be located within 15 feet of the street lot line.

E. Maximum facade width. A maximum facade width applies to certain residential structures that exceed the base height limit for residential use, as specified in subsections 23.48.245.E.1, 23.48.245.E.2, and 23.48.245.E.3 below. The maximum facade width only applies to portions of the structure above the podium height specified for the lot on Map A for 23.48.245.

1. Except in the SM-SLU 85/65-125 zone and the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview

Avenue North, for portions of a structure that exceed the podium height but do not exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the maximum facade width is 120 feet along the general east/west axis of the site (perpendicular to the Avenues).

2. In the SM-SLU 85/65-125 zone, the maximum facade width is 105 feet along the general north/south axis of the site (parallel to the Avenues).

3. In the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, the maximum facade width for portions of structures above the podium height is 105 feet along the general east/west axis of the site (perpendicular to the Avenues).

F. Limit on tower structures per block.

1. Only one residential tower, or one structure with non-residential uses exceeding 85 feet in height, is permitted on a single block front, except as further limited by subsections 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

2. For purposes of this subsection 23.48.245.F an existing tower is either:

a. A tower that is physically present, except as provided below in subsection 23.48.245.F.2.b; or

b. A proposed tower for which a Master Use Permit decision has been issued, unless and until either:

1) the Master Use Permit issued pursuant to such a decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or

2) a ruling by a hearing examiner or court reversing or vacating such a decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one non-residential tower structure with a hotel use meeting residential development standards is permitted per block.

4. In the SM-SLU 85/65-125 zone, more than one residential tower is permitted on a block front provided that the minimum lot area for a tower is 30,000 square feet.

5. Only one structure with non-residential uses exceeding 85 feet in height is permitted on a block, unless the structure is permitted under Section 23.48.230 or unless all of the following conditions apply:

a. The structure is on a lot with a minimum area of 60,000 square feet. The area of one or more lots, separated only by an alley, may be combined for the purposes of calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of acquisition of right-of-way by the City;

b. A minimum separation of 60 feet is provided between all portions of structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted.

c. A minimum of 15 percent of the lot area is provided as landscaped open space at ground level, allowing for some area to be provided above grade to adapt to topographic conditions, provided that such open space is accessible to people with disabilities. The required open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one continuous area.

d. A pedestrian connection meeting the development standards of subsection 23.48.240.F for through-block pedestrian connections for large lot developments is provided though the lot to connect the north-south avenues abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an easement providing public access

1 along the original alignment of the avenue. In addition, if the slope of the lot between the north-  
2 south avenues exceeds a slope of 10 percent, a hill-climb shall be provided.

3 e. The application of the provisions in this subsection 23.48.245.F.5 shall  
4 not result in more than two structures on a block with either non-residential uses above 85 feet in  
5 height or with residential use above the base height limit for residential use, except as allowed by  
6 subsection 23.48.245.F.5.f.

7 f. For lots that, as a result of a street vacation, exceed 150,000 square feet,  
8 the Director shall, as a Type I decision, determine the permitted number of structures with non-  
9 residential uses above 85 feet in height or with residential use above the base height limit, based  
10 on the limits in subsection 23.48.245.F.5.e as applied to the block conditions existing prior to the  
11 street vacation.

12 g. The Director shall make a determination of project impacts on the need  
13 for pedestrian and bike facilities and complete a voluntary agreement between the property  
14 owner and the City to mitigate impacts, if any. The Director may consider the following as  
15 impact mitigation:

16 1) Pedestrian walkways on a lot, including through-block  
17 connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting  
18 structures to each other and abutting streets;

19 2) Sidewalk improvements, including sidewalk widening, to  
20 accommodate increased pedestrian volumes and streetscape improvements that will enhance  
21 pedestrian comfort and safety;

22 3) Improvements to enhance the pedestrian environment, such as  
23 providing overhead weather protection, landscaping, and other streetscape improvements; and

24 4) Bike share stations.



1 h. For development that exceeds 85,000 or more square feet of gross  
2 office floor area, the Director shall make a determination as to the project's impact on the need  
3 for open space. The Director may limit floor area or allow floor area subject to conditions, which  
4 may include a voluntary agreement between the property owner and the City to mitigate impacts,  
5 if any. The Director shall take into account subsection 23.48.250 in assessing the demand for  
6 open space generated by an office development in an area permitting high employment densities.

7 1) The Director may consider the following as mitigation for open  
8 space impacts:

9 a) Open space provided on-site or off-site, consistent with  
10 the provisions in subsection 23.49.016.C, or provided through payment in lieu, consistent with  
11 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an SM  
12 zone that is accessible to the development's occupants,

13 b) Additional pedestrian amenities through on-site or  
14 streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant to  
15 subsection 23.48.245.F.3.g, and

16 c) Public space inside or on the roof of a landmark  
17 building.

18 2) The Director may approve open space in lieu of that contained  
19 or referred to in subsection 23.49.016.C to mitigate project impacts, based on consideration of  
20 relevant factors, including the following:

21 a) the density or other characteristics of the workers  
22 anticipated to occupy the development compared to the presumed office employment population  
23 providing the basis for the open space standards applicable under Section 23.49.016; and

24 b) characteristics or features of the development that  
25 mitigate the anticipated open space impacts of workers or others using or occupying the project.

1 G. Tower separation.

2 1. A separation of 60 feet is required between all portions of the structure that  
3 exceed the base height limit for residential use, except as exempted by subsection 23.48.245.F.2.

4 2. No separation is required on blocks within the area bounded by Aurora  
5 Avenue North, John Street, Thomas Street, and 9<sup>th</sup> Avenue North.

6 3. The first 4 feet of the horizontal projection of unenclosed decks and balconies,  
7 and architectural features such as cornices shall be disregarded in calculating tower separation.

8 **23.48.250 Open space requirement for office uses for South Lake Union**

9 A. Finding. The City Council finds that:

10 1. With the increase in office development and the Comprehensive Plan's  
11 significant employment growth targets for the South Lake Union Urban Center, office workers  
12 will increasingly become major users of open space in the area.

13 2. Additional major office projects in South Lake Union will result in increased  
14 use of public open space. If additional major office projects in South Lake Union do not provide  
15 open space to offset the additional demands on public open space caused by such projects, the  
16 result will be overcrowding of public open space, adversely affecting the public health, safety  
17 and welfare.

18 3. Recent and projected office development in the South Lake Union Urban  
19 Center is generally comparable to office development in the abutting Downtown Urban Center in  
20 terms of tenant characteristics, density, and open space need. Therefore, the findings that support  
21 the current open space requirement in major downtown office projects are applicable to  
22 conditions in South Lake Union.

23 4. The additional open space needed to accommodate office workers is at least 20  
24 square feet for each 1,000 square feet of office space.

5. As in Downtown, smaller office developments in South Lake Union may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000 square feet of gross office floor area is required for the following projects:

1. The project is on a lot located in an SM zone within the South Lake Union Urban Center that has a height limit for non-residential uses that exceeds 85 feet; and

2. The project includes 85,000 or more square feet of gross office floor area.

#### **23.48.255 Screening and landscaping standards for South Lake Union**

##### **A. Landscaping requirements**

1. Landscaping required by this Section 23.48.255 to achieve the Green Factor score of .30 may be met on one or more other lots within the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way when a Green Factor score of .50 or greater is achieved and when, prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way to meet the landscaping requirement of this Section 23.48.255, the fee owner of the lot(s) used to meet landscaping requirements shall execute a restrictive covenant that is recorded in the King County real property records that;

1 a. restricts the use of that portion of the off-site property that is to meet  
2 the landscaping requirement of this Section 23.48.255, to the landscaping required by this  
3 Section 23.48.255;

4 b. includes the legal descriptions of the lot burdened by the covenant;

5 c. acknowledges the specific extent to which the Green Factor standards  
6 are met through a combination of the lots; and

7 d. provides that the covenant shall be in effect until the Master Use Permit  
8 terminates or the development allowed by the Master Use Permit no longer requires the off-site  
9 landscaping.

10 2. Parking in structures. Except as provided for by subsection 23.48.085.B,  
11 parking located at or above street-level in a garage shall be screened on Class 1 and 2 Pedestrian  
12 Streets, shown on Map A for 23.48.240, parking is not permitted at street-level unless separated  
13 from the street by other uses, provided that garage doors need not be separated.

14 **23.48.280 Required parking and loading for South Lake Union**

15 A. Off-street parking spaces and bicycle parking are required according to Section  
16 23.54.015, Required parking.

17 B. Maximum parking limit for non-residential uses

18 1. Except as provided in subsections 23.48.280.B.2, 23.48.280.B.3, and  
19 23.48.280.B.4 parking for non-residential uses is limited to one parking space per every 1,000  
20 square feet of gross floor area in non-residential use.

21 2. Parking for non-residential uses in excess of the maximum quantity identified  
22 in subsection 23.48.280.B.1 may be permitted as a special exception pursuant to Chapter 23.76.  
23 When deciding whether to grant a special exception, the Director shall consider evidence of  
24 parking demand and the availability of alternative means of transportation, including but not  
25 limited to the following:

1 a. Whether the additional parking will substantially encourage the use of  
2 single occupancy vehicles;

3 b. Characteristics of the work force and employee hours, such as multiple  
4 shifts that end when transit service is not readily available;

5 c. Proximity of transit lines to the lot and headway times of those lines;

6 d. The need for a motor pool or large number of fleet vehicles at the site;

7 e. Proximity to existing long-term parking opportunities within the area  
8 which might eliminate the need for additional parking;

9 f. Whether the additional parking will adversely affect vehicular and  
10 pedestrian circulation in the area;

11 g. Potential for shared use of additional parking as residential or short-  
12 term parking;

13 h. The need for additional short-term parking to support retail activity in  
14 areas where short-term parking and transit service is limited.

15 3. If on or before September 1, 2012, a lot is providing legal off-site parking for  
16 another lot, by means such as a recorded parking easement or off-site accessory parking  
17 covenant on the subject lot, then the number of such off-site parking spaces is allowed on the off-  
18 site lot in addition to one space per 1,000 square feet for non-residential uses on the subject lot.

19 4. A lot in the SM-SLU 85/65-160 zone may exceed the maximum parking limit  
20 in subsection 23.48.280.B without approval of a special exception pursuant to subsection  
21 23.48.280.B.2 when, prior to issuance of a Master Use Permit for the lot that exceeds the  
22 maximum parking limit, the fee owners of both the property subject to the Master Use Permit for  
23 the lot that exceeds the maximum parking limit and the fee owners of the property subject to the  
24 Master Use Permit execute a restrictive covenant that is recorded in the King County real  
25 property records that limits the amount of parking that can be provided on other lot(s), such that  
26  
27  
28

the total quantity of parking provided as part of the Master Use Permit together with the parking to be provided on the other lot(s) subject to the restrictive covenant does not exceed the maximum parking limit in subsection 23.48.280.B.

C. Parking at street level within structures

1. Parking is permitted in a story that is partially above street-level and partially below street-level in a structure permitted in a setback area under the provisions of subsection 23.48.240.C.2.b.

**23.48.285 Parking and loading location, access and curb cuts for South Lake Union**

A. Parking location within structures.

1. Parking above the street level of a structure. The following provisions apply to development in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones within the South Lake Union Urban Center:

a. Except as provided in subsection 23.48.285.B for parking partially above street-level and partially below street-level, parking within structures is permitted above the street level under the following conditions:

1) One story of parking is permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of two stories of parking above the first story.

2) For parking located on a story above the first story of a structure, a minimum of 30 percent of the length of the parking area measured along each street frontage shall be separated from the street by another use. On lots located at street intersections, the separation of parking area by another use shall be provided at the corner portion(s) of the structure.

3) The parking area on a story above the first story of the structure that is not separated from the street by another use shall be enclosed by facades along all street

frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights and interior garage lighting on pedestrian views from the street.

b. The Director may permit more than two stories of parking above the first story of the structure, or may permit other exceptions to subsection 23.48.285.A.1, as a Type I decision, if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that can be provided below grade, if any, and the amount of additional parking to be permitted above street level. Site size is not a basis for granting an exception under this subsection 23.48.285.A.1.b.

B. In the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones in the South Lake Union Urban Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

## **Subchapter V. Dravus**

### **23.48.300 Applicability for Dravus**

The provisions in sections 23.48.320 through 23.48.325 of the SM-D zone is in addition to and supplement the provisions of sections 23.48.005 through 23.48.095. In cases of conflicts between these sections, the provisions in the SM-D zone shall be applied.

### **23.48.320 Floor area ratio for Dravus**

Uses in SM-D 40-85 are not subject to an FAR limit.

### **23.48.325 Structure height for Dravus**

#### **A. Height limits in the Seattle Mixed-Dravus (SM-D 40-85) zone**

1. Base height limit. Structures in the SM-D 40-85 zone are subject to a height limit of 40 feet, except as otherwise provided in Chapter 23.58A.

2. Additional height for structures with only residential uses above 40 feet. A structure in the SM-D 40-85 zone that has only residential uses above a height of 40 feet is subject to a maximum height limit of 85 feet, if the following conditions are met:

a. The applicant satisfies the conditions for bonus development under Section 23.48.021.

b. The portion of any structure above 45 feet in height shall be set back at least 50 feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters is permitted in the required setback, and the exceptions for pitched roofs and rooftop features of subsection 23.48.025.B are allowed above the 45 foot height limit in the required setback.

3. Exceptions for pitched roofs and rooftop features. Additional height above the applicable limit pursuant to subsections 23.48.325.A.1, 23.48.325.A.2, or 23.48.325.A.2.b, is allowed for pitched roofs and certain rooftop features, as set forth in subsections 23.48.025.B and 23.48.025.C.



## Subchapter VI. North Rainier

### 23.48.400 Applicability for North Rainier

The provisions in sections 23.48.420 through 23.48.435 of the SM-NR zone is in addition to and supplement the provisions of sections 23.48.005 through 23.48.095. In cases of conflicts between these sections, the provisions in the SM-NR zone shall be applied.

### 23.48.420 Floor area ratio for North Rainier

Table A for 23.48.420 FAR Limits in North Rainier		
Zone	FAR limits for non-residential uses	
	Base FAR	Maximum FAR
SM-NR 65	3.5	5
SM-NR 55/75	2.0 <sup>1</sup>	No limit
SM-NR 85	4.5 <sup>2</sup>	6
SM-NR 125	5	8

Footnotes for Table A for 23.48.020

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

<sup>1</sup> Indicates that any floor area that exceeds an FAR of 2.0 must be obtained by providing public benefits through the incentive zoning program as per 23.58A.

<sup>2</sup>In the SM-NR 85 zone residential use is not subject to the base FAR limit.

Within zones that have an incentive zoning suffix, the number in the suffix within parenthesis shall be the base floor area ratio

### 23.48.421 Extra floor area ratio for North Rainier

Calculation outside of an adopted Local Infrastructure Project Area

A. Means to achieve extra residential floor area.

1. If the maximum height for residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

1 a. achieve 60 percent of the extra residential floor area on the lot  
2 by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and  
3 b. achieve 40 percent of the extra residential floor area by using  
4 open space amenities pursuant to Section 23.58A.040.

5 B. Means to achieve extra non-residential floor area.

6 1. If the maximum height limit for non-residential use is greater than 85  
7 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

8 a. achieve 75 percent of the extra non-residential floor area on the  
9 lot by using bonus non-residential floor area for affordable housing pursuant to Section  
10 23.58A.024; and

11 b. achieve 25 percent of the extra non-residential floor area by  
12 using open space amenities pursuant to Chapter 23.58A.040.

13 **23.48.425 Structure height in North Rainier**

14 A. Base and maximum height limits

15 1. In zones listed below in this subsection 23.48.425.A.1, the applicable height  
16 limit for portions of a structure that contain non-residential and live-work uses is shown as the  
17 first figure after the zone designation and the base height limit for portions of a structure in  
18 residential use is shown as the first figure following the "/". The third figure shown is the  
19 maximum residential height limit. Within zones that have an incentive zoning suffix, the number  
20 in the suffix shall be the base floor area ratio.

21 Except as stated in Section 23.48.025 (height exceptions), the base residential  
22 height limit is the applicable height limit for portions of a structure in residential use if the  
23 structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and  
24 the maximum residential height limit is the height limit for portions of a structure in residential  
25 use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the  
26  
27  
28

structure complies with the standards for tower development specified in Section 23.48.440

(Street-level development standards for North Rainier):

SM-NR 55/75 (2.0)

SM-NR 65

SM-NR 85

SM-NR 125

**23.48.435 Upper-level setback requirements for North Rainier**

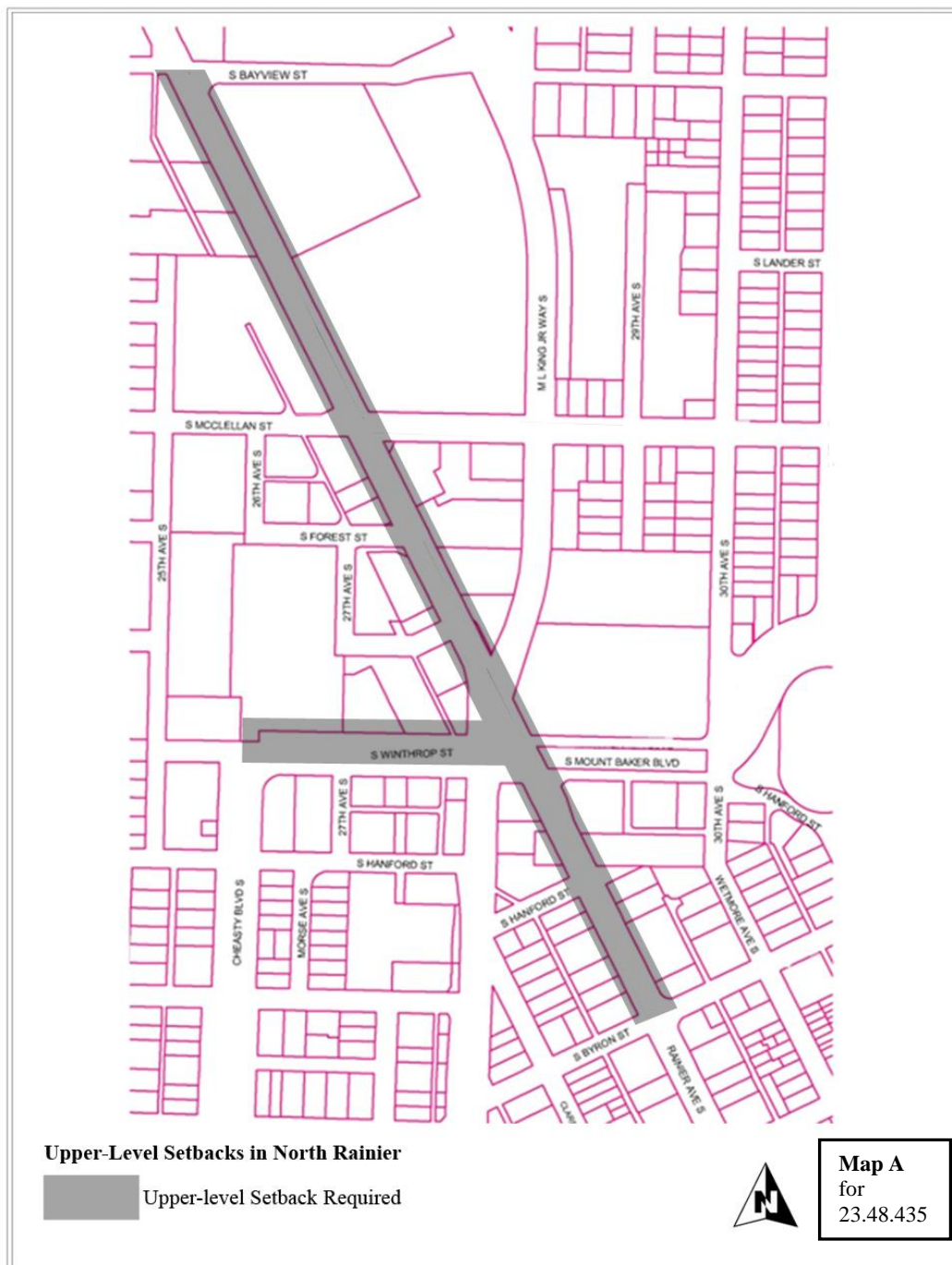
The following requirements for upper-level setbacks in this subsection 23.48.435.A apply to structures on lots abutting a street shown on Map A for 23.48.435:

A. Any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Map A for 23.48.435.

B. A setback of 1 foot for every 2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.435.A, up to a maximum setback of 15 feet measured from the street lot line.

## Map A for 23.48.435

### Upper Level Setbacks in North Rainier

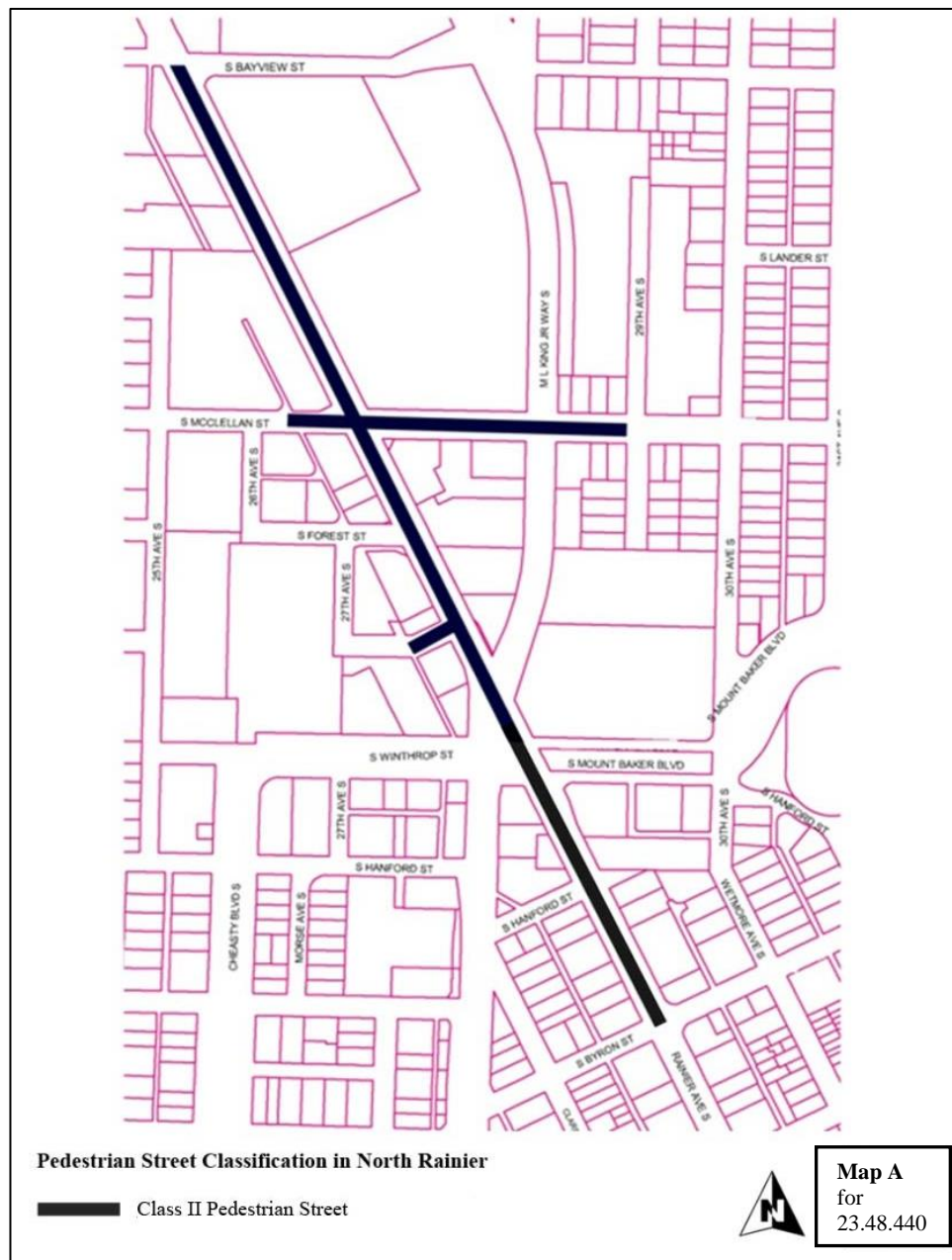


## 23.48.440 Street-level development standards for North Rainier

Subject to development standards in 23.48.040 for lost abutting Class 2 Pedestrian Streets shown on Map A for 23.48.440.

Map A for 23.48.440

### Pedestrian Street Classifications in North Rainier



Section 12. Section 23.84A.048 of the Seattle Municipal Code, last amended by Ordinance 124513, is amended as follows:

**23.84A.004 "B"**

\*\*\*

"Block." In areas outside downtown and Seattle Mixed (SM)-SLU zones, a block consists of two facing block fronts bounded on two sides by alleys or rear lot lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit A1 for 23.84A.004.

\*\*\*

**23.84A.012 "F"**

\*\*\*

"Floor plate" means gross floor area per story of a tower development that is subject to the upper-level development standards of 23.48.245.

\*\*\*

**23.84A.038 "T"**

\*\*\*

"Tower(~~(, residential))~~" means the portion of a structure(~~(in residential use above the podium height established for structures that exceeds the applicable base height limit for residential uses))~~ that exceeds the base height limit as specified in the(~~(a Seattle Mixed (SM))~~) zone.

\*\*\*

**23.84A.028 "Z"**

\*\*\*

"Zone, commercial" means a zone with a classification that includes one of the following: NC1, NC2, NC3, C1, C2, ~~((and))~~ SM, SM-SLU, SM-D, and SM-NR, which classification also may include one or more suffixes.

\* \* \*

Section 13. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

\* \* \*

**23.86.007 Calculation of floor area ratio in Seattle Mixed-SLU zones**

\* \* \*

F. Calculation of floor area ratio (FAR) in Seattle Mixed-SLU zones for lots that contain a residential tower. The lot area used in calculating the FAR allowed for structures or portions of structures on sites that include a residential tower shall be based on the area of the lot excluding the lot area required for a tower. The lot area shall be the area of the lot prior to any dedications. Allowed FAR shall be as follows:

Area of the lot prior to any dedications

- Lot area required for a tower

---

---

Lot area required for a tower

Section 14. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

**25.05.800 Categorical exemptions((-))**

The proposed actions contained in this ~~((subchapter))~~ Section 25.05.800 are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction—flexible thresholds((-))

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800;

~~((Table A for 25.05.800: Exemptions for Residential Uses))~~

<b><u>Table A for 25.05.800</u></b> <b><u>Exemptions for Residential Uses</u></b>			
Zone	Residential ((U))uses		
	<del>((Number of Exempt Dwelling Units))</del> <b><u>Number of exempt dwelling units</u></b>		
	<del>((Outside of Urban Centers and Urban Villages Containing SAODs))</del> <b><u>Outside of urban centers and urban villages containing SAODs</u></b>	<del>((Within Urban Centers or Urban Villages Containing SAODs))</del> <b><u>Within urban centers or urban villages containing SAODs</u></b>	<del>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))</del> <b><u>Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u></b>
SF, RSL	4	4	4
LR1	4	200 <sup>(1)</sup>	20
LR2	6	200 <sup>(1)</sup>	20
LR3	8	200 <sup>(1)</sup>	20
NC1, NC2,	4	200 <sup>(1)</sup>	20



**Table A for 25.05.800**  
**Exemptions for Residential Uses**

Zone	Residential ((U))uses		
	<del>((Number of Exempt Dwelling Units))</del> <b><u>Number of exempt dwelling units</u></b>		
	<del>((Outside of Urban Centers and Urban Villages Containing SAODs))</del> <b><u>Outside of urban centers and urban villages containing SAODs</u></b>	<del>((Within Urban Centers or Urban Villages Containing SAODs))</del> <b><u>Within urban centers or urban villages containing SAODs</u></b>	<del>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))</del> <b><u>Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u></b>
NC3, C1, C2			
MR, HR, SM, SM-SLU, SM-D, SM-NR	20	200 <sup>(1)</sup>	20
MPC-YT	NA	30 <sup>(1)</sup>	20
Downtown zones	NA	250 <sup>(1)</sup>	20
Industrial zones	4	4	4

**Footnotes to Table A for 25.05.800**

SAOD = Station Area Overlay District.

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

<sup>(1)</sup> Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

~~((Notes for Table A for 25.05.800~~

~~SAOD = Station Area Overlay District.~~

~~Urban centers and urban villages are identified in the Seattle Comprehensive Plan.~~

~~(1) Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800A.1.i.)~~

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800 below:

~~((Table B for 25.05.800: Exemptions for Non-Residential Uses))~~

<b><u>Table B for 25.05.800</u></b> <b><u>Exemptions for Non-Residential Uses</u></b>			
Zone	Non- <del>((R))</del> residential <del>((U))</del> uses		
	<del>((Exempt Area of Use</del> <del>(square feet of gross floor area))</del> <u>Exempt area of use</u> <u>(square feet of gross floor area)</u>		
	<del>((Outside of Urban Centers and Urban Villages Containing SAODs))</del> <u>Outside of urban centers and urban villages containing SAODs</u>	<del>((Within Urban Centers or Urban Villages Containing SAODs))</del> <u>Within urban centers or urban villages containing SAODs</u>	<del>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))</del> <u>Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u>
SF, RSL, LR1	4,000	4,000	4,000
LR2, LR3	4,000	12,000 <sup>(1)</sup> or 30,000	12,000

**Table B for 25.05.800**  
**Exemptions for Non-Residential Uses**

Zone	Non-Residential Uses		
	((Exempt Area of Use (square feet of gross floor area))) Exempt area of use (square feet of gross floor area)		
	<del>((Outside of Urban Centers and Urban Villages Containing SAODs))</del> Outside of urban centers and urban villages containing SAODs	<del>((Within Urban Centers or Urban Villages Containing SAODs))</del> Within urban centers or urban villages containing SAODs	<del>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))</del> Within urban centers or urban villages containing SAODs if growth targets have been exceeded
MR, HR, NC1, NC2, NC3	4,000	12,000 <sup>(1)</sup> or 30,000	12,000
C1, C2, SM, <del>SM-SLU, SM-D, SM-NR</del> zones	12,000	12,000 <sup>(1)</sup> or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	<del>((Not Applicable))</del> NA	12,000	12,000
Downtown zones	<del>((Not Applicable))</del> NA	12,000 <sup>(1)</sup> or 30,000	12,000

**Footnotes to Table B for 25.05.800**

SAOD = Station Area Overlay District

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

(1) New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

~~((Notes for Table B for 25.05.800. SAOD = Station Area Overlay District.~~

~~Urban centers and urban villages are identified in the Seattle Comprehensive Plan.~~

~~(1) New nonresidential development that is not part of a mixed use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800A.1.i.))~~

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

e. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, if considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see subsection 25.05.305.A.2.b);

g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection 25.05.800.A apply((-));

h. For the purposes of this subsection 25.05.800.A, "mixed use development" means development having two or more principal uses, one of which is a residential use comprising 50((%)) percent or more of the gross floor area((-));

1 i. To implement the requirements of Tables A and B for 25.08.800 ~~((of~~  
2 ~~this section))~~, the Director shall establish exemption limits by rule for each urban center and each  
3 urban village containing a SAOD to assure that proposed development that could cause growth  
4 targets in Appendix A of the Comprehensive Plan's Urban Village Element to be exceeded is  
5 subject to SEPA review. The exemption limits must contain a "cushion" to assure that  
6 development does not exceed growth targets without SEPA review, provided that the cushion  
7 shall be at least 10 ~~((%))~~ percent of the residential or employment growth targets established in  
8 the Comprehensive Plan ~~((-))~~; and

9 j. The Director shall monitor residential and employment growth and  
10 publish quarterly a determination of growth for each urban center and urban village containing a  
11 SAOD. Residential growth shall include, but need not be limited to, net new units that have been  
12 built and net new units in projects that have received a building permit but have not received a  
13 certificate of occupancy. If the Director determines that exemption limits have been reached for  
14 an urban center or urban village containing a SAOD, subsequent development is not  
15 categorically exempt from SEPA review pursuant to RCW 43.21C.229.

16 B. Other ~~((M))~~ minor ~~((N))~~ new ~~((E))~~ construction. The following types of construction  
17 shall be exempt except where undertaken wholly or in part on lands covered by water (unless  
18 specifically exempted in this ~~((subs))~~ Section 25.05.800); the exemptions provided by this  
19 ~~((s))~~ Section 25.05.800 shall apply to all licenses required to undertake the construction in  
20 question, except where a rezone or any license governing emissions to the air or discharges to  
21 water is required:

22 1. The construction or designation of bus stops, loading zones, shelters, access  
23 facilities, and pull-out lanes for taxicabs, transit, and school vehicles;

24 2. The construction and/or installation of commercial on-premises signs, and  
25 public signs and signals;

1           3. The construction or installation of minor road and street improvements such as  
2 pavement marking, freeway surveillance and control systems, railroad protective devices (not  
3 including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators,  
4 transportation corridor landscaping (including the application of Washington State Department  
5 of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long  
6 as this is not within watersheds controlled for the purpose of drinking water quality in  
7 accordance with WAC 248-54-660), temporary traffic controls and detours, correction of  
8 substandard curves and intersections within existing rights-of-way, widening of a highway by  
9 less than a single lane width where capacity is not significantly increased and no new right-of-  
10 way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change,  
11 etc), where capacity is not significantly increased and no new right-of-way is required,  
12 channelization and elimination of sight restrictions at intersections, street lighting, guard rails  
13 and barricade installation, installation of catchbasins and culverts, and reconstruction of existing  
14 roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders,  
15 addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including  
16 additional automobile lanes;

17           4. Grading, excavating, filling, septic tank installations, and landscaping  
18 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B~~((of~~  
19 ~~this section))~~, as well as fencing and the construction of small structures and minor accessory  
20 facilities;

21           5. Additions or modifications to or replacement of any building or facility  
22 exempted by subsections 25.05.800.A and 25.05.800.B~~((of this section))~~ when such addition,  
23 modification, or replacement will not change the character of the building or facility in a way  
24 that would remove it from an exempt class; (1)

6. The demolition of any structure or facility, the construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B~~((of this section))~~, except for structures or facilities with recognized historical significance; (1)

7. The installation of impervious underground tanks, having a capacity of ~~((ten thousand (10,000)))~~ 10,000~~((0))~~ gallons or less;

8. The vacation of streets or roads;

9. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

10. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(1) Footnote for Section 25.50.800.B.5~~((25.05.800.B.5))~~ and 25.05.800.B.6: Proposed actions that involve structures that exceed the following thresholds and that appear to meet criteria set forth in Chapter 25.12 for landmark designation are subject to referral to the Department of Neighborhoods pursuant to ~~((SMC))~~ Section 25.12.370:

~~((Table A for Footnote (1) for 25.05.800.B.5 and B.6))~~

<b><u>Table A for Footnote (1) for 25.05.800.B.5 and 25.05.800.B.6</u></b>	
<b>Zone</b>	<b>Residential <del>((U))</del> <u>uses</u> <del>((P))</del> permit <del>((A))</del> applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:</b>
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, Industrial zones	4
LR2	6
LR3	8
MR, HR, SM, <u>SM-SLU</u> , <u>SM-D</u> , <u>SM-NR</u> , Downtown zones	20

~~((Table B for Footnote (1) for 25.05.800.B.5 and B.6))~~

**Table B for Footnote (1) for 25.05.800.B.5 and 25.05.800.B.6**

<b>Zone</b>	<b>Non-residential <del>((U))</del>uses <del>((P))</del>permit <del>((A))</del>applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:</b>
C1, C2, S <del>((C))</del> M, <u>SM-SLU, SM-D, SM-</u> <u>NR</u> , Industrial zones	12,000
All other zones	4,000

\* \* \*

Section 15. Section 25.08.100 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

**25.08.100 Districts**

"District" means the land use zones to which the provisions of this ~~((e))~~Chapter 25.08 are applied. For the purposes of this ~~((e))~~Chapter 25.08:

\* \* \*

B. "Commercial District" includes zones designated as NC2, NC3, SM, SM-SLU, SM-D, SM-NR, C1, C2, DOC1, DOC2, DRC, DMC, PSM, IDM, DH1, DH2, PMM, and IB in the Seattle Land Use Code, Title 23

\* \* \*



1 Section 16. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2014, and  
5 signed by me in open session in authentication of its passage this  
6 \_\_\_\_ day of \_\_\_\_\_, 2014.

7  
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

12  
13 \_\_\_\_\_  
14 Edward B. Murray, Mayor

15  
16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

17  
18 \_\_\_\_\_  
19 Monica Martinez Simmons, City Clerk

20 (Seal)

Attachments:

Exhibit A: Repealed Chapter 23.48

Exhibit B: Dravus Renaming Map

Exhibit C: South Lake Union Renaming Map

Exhibit D: North Rainier Renaming Map

**EXHIBIT A:**

**Repealed Text for Chapter 23.48**

**23.48.002 Scope of provisions**

A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM) zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. The "D" suffix with a height limit range may be applied to SM zoned land in the West Dravus area.

B. Other regulations, such as requirements in Chapter 23.53 (streets, alleys and easements); Chapter 23.54 (standards for parking quantity, access and design); Chapter 23.54 (standards for solid waste storage); Chapter 23.55 (signs); and Chapter 23.86 (methods for measurements) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57

**Subchapter I - Use Provisions**

**23.48.004 Uses**

**A. Permitted uses**

1. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by subsection 23.48.004.B and those permitted only as conditional uses by subsection 23.48.004.C.

2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

3. In the SM 85-240 zone, permitted nonresidential uses are limited to a height of 20 feet above the street-level of structures with residential uses and are subject to the development standards of subsection 23.48.014.B.

1           B. Prohibited uses. The following uses are prohibited as both principal and accessory  
2 uses, except as otherwise noted:

- 3                   1. All high-impact uses;
- 4                   2. All heavy manufacturing uses;
- 5                   3. General manufacturing uses greater than 25,000 square feet of gross floor area  
6 for an individual business establishment;
- 7                   4. Drive-in businesses, except gas stations;
- 8                   5. Jails;
- 9                   6. Adult motion picture theaters and adult panorams;
- 10                  7. Outdoor storage, except for outdoor storage associated with florists and  
11 horticulture uses;
- 12                  8. Principal use surface parking;
- 13                  9. Animal shelters and kennels;
- 14                  10. Animal husbandry;
- 15                  11. Park and pool lots;
- 16                  12. Park and ride lots;
- 17                  13. Work release centers;
- 18                  14. Recycling;
- 19                  15. Solid waste management; and
- 20                  16. Mobile home parks.

21           C. Conditional uses

22                   1. Conditional uses are subject to the procedures described in Chapter 23.76,  
23 Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the  
24 provisions of both Section 23.42.042 and this subsection 23.48.004.C.

25                   2. Mini-warehouses and warehouses may be permitted by the Director as  
26 administrative conditional uses if:

1 a. The street level portion of a mini-warehouse or warehouse only  
2 fronts on an east/west oriented street, or an alley; and

3 b. Vehicular entrances, including those for loading operations, will not  
4 disrupt traffic or transit routes; and

5 c. The traffic generated will not disrupt the pedestrian character of an  
6 area by significantly increasing the potential for pedestrian-vehicle conflicts.

7 D. Required street-level uses

8 1. One or more of the uses listed in this subsection 23.48.004.D are required at  
9 street-level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map  
10 A for 23.48.014, except as required in subsection 23.48.004.D.3. The following uses qualify as  
11 required street-level uses:

12 a. General sales and service uses;

13 b. Eating and drinking establishments;

14 c. Entertainment uses;

15 d. Public libraries;

16 e. Public parks; and

17 f. Arts facilities.

18 2. Standards for required street-level uses. Required street-level uses shall  
19 meet the development standards in subsection 23.48.014.E.

20 3. Within the SM 160/85-240 zone, for development meeting the standards in  
21 subsection 23.48.017.B, structures with a street-facing façade along 8th Avenue N. or a  
22 designated neighborhood green street (Map A for 23.48.014) shall have a minimum of 10 percent  
23 of the length of the street-level portion of that street-facing facade occupied by general sales and  
24 service uses, eating and drinking establishments, or entertainment uses, that shall meet the  
25 development standards for required street-level uses in subsection 23.48.014.E.

26 **Subchapter II - Development Standards**

**23.48.008 Lot area limits for nonresidential uses in the SM/R 55/85 zone**

A. In the SM/R 55/85 zone, development with nonresidential uses only, except hotels with 100 rooms/suites or fewer, is limited to a lot area of 21,600 square feet or less.

B. Development on lots greater than 21,600 square feet in area shall include residential use in an amount of gross floor area equal to 60 percent or more of the gross floor area in nonresidential use, except for development that is an elementary or secondary school, or a hotel with 100 rooms/suites or fewer.

C. Two lots of up to 21,600 square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two separate lots for the purposes of this Section 23.48.008. Such a connection above grade, across the alley may be allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use permit.

D. Nonresidential structures on adjacent lots not separated by an alley, subject to this Section 23.48.008, shall not be internally connected.

E. Nonresidential uses existing prior to November 6, 1996 that do not meet the requirements of Section 23.48.006 are allowed to expand by an amount of gross floor area not to exceed 20 percent of the existing gross floor area, without meeting the requirements of this Section 23.48.008. This provision may only be used once for an individual use.

F. Nonresidential use exception. A nonresidential structure may be permitted where a residential or mixed use structure would otherwise be required, subject to the following:

1. The proposal is comprised of two or more lots within the same SM/R zone;  
and

2. The amount of gross floor area in residential use in the structures on both lots is equal to at least 60 percent of the total gross floor area of the total combined development on the lots included in the proposal; and

3. The nonresidential structure is subject to design review to ensure compatibility with the residential character of the surrounding area; and

4. The proposal meets one or more of the following:

a. The project includes the rehabilitation of a landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in the Seattle Comprehensive Plan or design guidelines; or

b. The project includes general sales and service uses, eating and drinking establishments, major durables retail sales uses, entertainment uses, human service uses or child care centers at the street level in an amount equal to 50 percent of the structure's footprint; or

c. On the lot(s) accommodating the required amount of residential use, as specified in subsection 23.48.008.F.2, a minimum of 10 percent of all new housing units in the proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be maintained as affordable housing for a period of at least 20 years, or a minimum of 10 percent of all new housing units in the proposal are provided as townhouses.

#### **23.48.009 Floor area ratio**

##### **A. General provisions**

1. All gross floor area not exempt under subsection 23.48.009.D counts toward the maximum gross floor area allowed under the floor area ratio (FAR) limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.

3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

##### **B. Floor Area Ratio (FAR) limits in SM zones**

1. FAR limits in SM zones exclusive of specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.009

**Table A for 23.48.009**  
**Floor Area Ratios in Seattle Mixed Zones, excluding specified SM zones within the South Lake Union Urban Center**

<b>ZONE</b>	<b>Base FAR for all uses</b>	<b>Maximum FAR for all uses</b>
SM 40	3	3.5
SM 65	3.5	5
SM 85	4.5 (1)	6 (1)
SM 125	5	8
SM 160	5	9
SM 240	6	13
SM/R 55/85	NA	NA
SM/D 40-85	NA	NA

Footnotes for Table A for 23.48.009

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

(1) Within the area shown on Map A for 23.48.009, all gross floor area occupied by a residential use is exempt from FAR calculations.

2. Except as otherwise specified in this subsection 23.48.009.B, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table B for 23.48.009

**Table B for 23.48.009**  
**FAR Limits for Specified Zones in South Lake Union Urban Center**

Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base residential height limit and include any residential use.
	Base FAR	Maximum FAR	
SM 85/65-125	4.5	6	4.5
SM 85/65-160	4.5	7	4.5
SM 160/85-240	4.5*	7	6
SM 85-240	0.5	NA	6



**Table B for 23.48.009**  
**FAR Limits for Specified Zones in South Lake Union Urban Center**

Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base residential height limit and include any residential use.
	Base FAR	Maximum FAR	
SM 240/125-400	5*	7	10

\*In the SM 160/85-240, and SM 240/125-400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting conditions of 23.48.009.B.4.

3. FAR for development including a mix of residential and nonresidential uses.

a. For zones included on Table B for 23.48.009, development including a mix of nonresidential uses and residential uses that do not exceed the base height limit for residential use shall:

1) obtain extra floor area for any chargeable nonresidential floor area above the base FAR for nonresidential uses as prescribed in Table B for 23.48.009; and

2) not exceed the lower of the maximum FAR for nonresidential uses in Table B of 23.48.009 or the maximum FAR for structures that do not exceed the base height limit and include any residential use in Table B of 23.48.009

b. For the SM 160/85-240 and SM 240/125-400 zones, residential uses are allowed above the base height limit in structures having nonresidential uses that exceed 85 feet in height, if the following conditions are met:

1) All uses are subject to the maximum FAR limit for nonresidential uses in Table B for 23.48.009, and for the purposes of calculating FAR, floor area in residential use shall be included as chargeable floor area;

2) If residential and nonresidential uses are combined on the same story, the floor area limits of subsection 23.48.013.B.3 apply;

3) Stories occupied only by residential uses may exceed the maximum height limit for nonresidential uses, and all stories above the base height limit for residential use that are only occupied by residential uses are subject to the floor area limits of 23.48.013.B.2 and the maximum façade width standards of 23.48.013.E;

4) Extra residential floor area above the base height limit for residential use shall be obtained as provided for in Section 23.48.011

5) Extra nonresidential floor area above the base FAR for nonresidential uses shown on Table B for 23.48.009 shall be obtained as provided for in Section 23.48.011; and

6) For the purposes of applying standards for limits on towers per block in subsection 23.48.013.F, the project shall be considered to be a structure with nonresidential uses exceeding 85 feet in height; and

7) For the purposes of applying tower separation standards in subsection 23.48.013.G, the structure shall be considered to be a residential tower.

4. For the zones included on Table B for 23.48.009, an additional increment of up to 0.5 FAR is permitted for nonresidential uses above the base FAR of the zone if a lot meets the conditions of either subsection 23.48.009.B.4.a or subsection 23.48.009.B.4.b.

a. The lot includes one or more qualifying Landmark structures, subject to the following conditions:

1) The structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

1                               2) A notice is recorded in the King County real estate records, in a  
2 form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the  
3 terms of this Chapter 23.48

4                               3) For purposes of this Section 23.48.009, a "qualifying  
5 Landmark" is a structure that:

6                                       a) is subject, in whole or in part, to a designating ordinance  
7 pursuant to Chapter 25.12; and

8                                       b) is on a lot on which no improvement, object, feature or  
9 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any  
10 designating ordinance.

11                               4) A qualifying Landmark that allows for the additional increment  
12 of FAR under this subsection 23.48.009.B.4 is not eligible as a Landmark TDR or Landmark  
13 TDP sending site. For so long as any of the chargeable floor area of the increment allowed above  
14 the base FAR of the zone under this subsection 23.48.009.B.4 remains on the lot, each Landmark  
15 for which the increment was granted shall remain designated as a Landmark under Chapter 25.12  
16 and the owner shall maintain the exterior and interior of each qualifying Landmark in good  
17 condition and repair and in a manner that preserves the features and characteristics that are  
18 subject to designation or controls by ordinance unless the Landmarks Preservation Board has  
19 issued a Certificate of Approval for the modification or demolition of the Landmark.

20                               5) The amount of additional increment of FAR permitted above  
21 the base FAR under subsection 23.48.009.B.4 is not more than the square footage of floor area in  
22 the Landmark structure(s).

23                                       b. The lot includes an open space that is a minimum of 10,000 square feet  
24 in area and that has been improved as open space accessible to the public prior to the effective  
25 date of this ordinance, subject to the following conditions:

1                               1) The Director, in consultation with the Director of the Seattle  
2 Parks and Recreation Department, determines that the design and location of the open space  
3 provides a public benefit and is suitable for recreational use;

4                               2) Declaration. The owner(s) of the lot where the open space is  
5 located shall execute and record a declaration and voluntary agreement in a form acceptable to  
6 the Director identifying the open space provided to qualify for the additional increment of FAR  
7 above the base FAR; acknowledging that the right to develop and occupy a portion of the gross  
8 floor area on the lot using the additional increment of floor area is based upon the long-term  
9 provision and maintenance of the open space and that development is restricted in the open  
10 space; and committing to provide and maintain the open space; and

11                              3) Duration; Alteration. The owners of the lot granted the  
12 additional increment of floor area above the base FAR as a result of having the open space on the  
13 lot shall provide and maintain the open space for as long as the increment of additional floor area  
14 allowed above the base FAR exists. The open space amenity allowing for the additional  
15 increment of floor area above the base FAR may be altered or removed only to the extent that  
16 either or both of the following occur: An amount of chargeable floor area equal to the increment  
17 of floor area allowed above the base FAR under this subsection 23.48.009.B.4.b is

18                                       a) removed or converted to a use for which extra  
19 nonresidential floor area is not required under the provisions of the zone; or

20                                       b) is subject to provisions for gaining extra nonresidential  
21 floor area through alternative means consistent with the provisions of the zone and provisions for  
22 allowing extra nonresidential floor area in Chapter 23.58A. Alteration or removal of the open  
23 space may be further restricted by the provisions of the zone and by conditions of any applicable  
24 permit.

4) The amount of extra FAR permitted above the base FAR is not more than three times the square footage of open space provided to qualify for that increment of FAR.

5. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.011 for gaining extra residential floor area.

6. In the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones within South Lake Union Urban Center, for residential tower structures that have only nonresidential uses up to or above the base height limit for residential uses, the FAR limits for all nonresidential uses in the structure are the same as the FAR limits specified for nonresidential uses in Table B for 23.48.009

7. On lots with multiple structures that include a residential tower exempt from FAR calculations, the applicable FAR limits for all other structures shall be based on the total lot area minus the area of the lot required for the podium and residential tower development in order to meet the coverage limit of subsection 23.48.013.A. For the portion of the lot with the residential tower, the FAR limit for permitted nonresidential uses in a residential tower that is also a mixed use structure shall be based on the area of the portion of the lot occupied by the residential tower.

8. Within the area in the SM 160/85-240 zone meeting the standards for location in subsection 23.48.017.B, structures designed for research and development laboratory use and administrative office associated with research and development laboratories are permitted a base FAR of 5 and a maximum FAR of 7, provided that the maximum number of floors provided above grade is eight.

9. Within zones that have an incentive zoning suffix, the number in the suffix shall be the base floor area ratio.

C. All non-exempt floor area above the base floor area ratio is considered extra floor area. Extra floor area may be obtained, up to the maximum floor area ratio, only through the provision of public amenities meeting the standards of Section 23.48.011 and Chapter 23.58A

D. The following floor area is exempt from maximum FAR limits:

1. All gross floor area underground.

2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, to increase privacy for residential units in the first full story above grade.

3. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation and maintenance of the historically significant features of the structure including but not limited to a Certificate of Approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A

4. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.009.D has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.

5. All gross floor area for solar collectors and wind-driven power generators.

6. In the South Lake Union Urban Center, street-level uses identified in subsection 23.48.004.D, whether required or not, and that meet the development standards of subsection 23.48.014.E; except that at locations meeting the conditions of Section 23.48.017, only gross floor area at street-level that is a general sales and service, eating and drinking establishment, or entertainment use is exempt.

7. In the South Lake Union Urban Center, all residential use in a residential tower in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones, except residential use in a mixed use project under the provisions of 23.48.009.3.b.

8. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use pursuant to subsection 23.48.009.B.5.

9. In the South Lake Union Urban Center, floor area in child care use and elementary and secondary schools.

10. In the SM 85 zone shown on Map A for 23.48.009, all gross floor area occupied by a residential use.

#### E. Minimum FAR

1. A minimum FAR shown in Table C for 23.48.009 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in a Station Area Overlay District and abutting a Class 1 or Class 2 Pedestrian Street.

<b>Table C for 23.48.009: Minimum Floor Area Ratio (FAR)</b>						
Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet
Minimum FAR	1.5	2	2	2.5	2.5	3

2. The minimum FAR requirement provided in subsection 23.48.009.E.1 does not apply if:

1 a. additional floor area is added to an existing structure on a lot that is  
2 nonconforming with respect to the minimum FAR shown in Table C for 23.48.009;

3 b. the lot is larger than five acres;

4 c. all existing gross floor area is demolished to create a vacant lot; or

5 d. parks and open space is the principal use of the lot.

6 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or  
7 as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when  
8 calculating lot size for the purpose of determining the minimum FAR requirement provided in  
9 subsection 23.48.009.E.1.

10 4. The Director, in consultation with the Director of the Department of  
11 Neighborhoods, may waive the minimum FAR requirement provided in subsection  
12 23.48.009.E.1 for lots that contain a designated landmark, or for lots within a Landmark District  
13 pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director  
14 determines a waiver is necessary to preserve the integrity of a landmark or meet adopted District  
15 design and development guidelines.

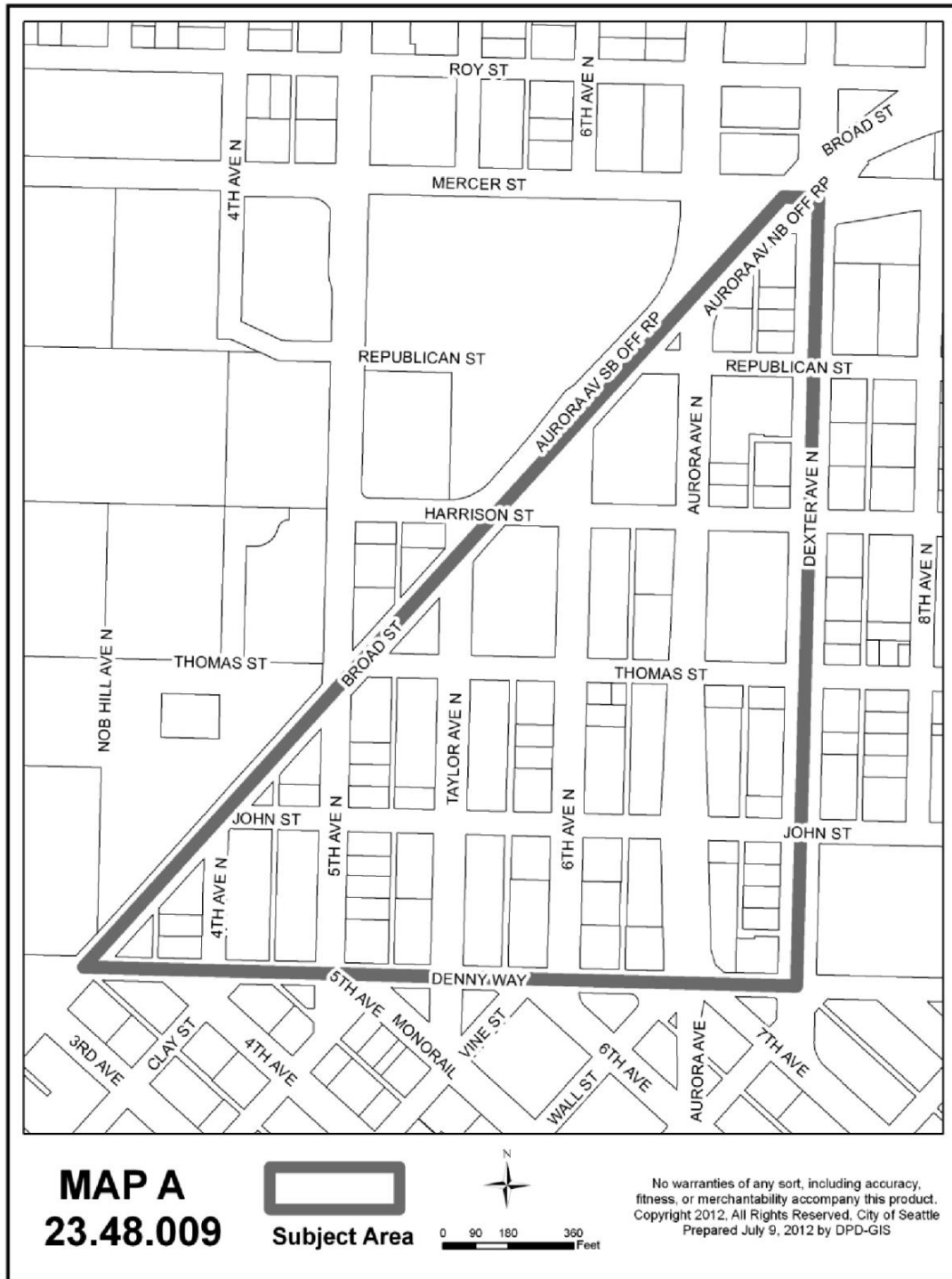
16 5. The following gross floor area is not counted toward the minimum FAR  
17 requirement provided in subsection 23.48.009.E.1:

18 a. Gross floor area below grade; and

19 b. Gross floor area containing parking.



# Map A for 23.48.009



**23.48.010 Structure height**

**A. Base and maximum height limits**

1. Except as otherwise provided in this Section 23.48.010, maximum structure height for Seattle Mixed (SM) zones are as designated on the Official Land Use Map. In certain zones, as specified in this Section 23.48.010, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. In zones listed below in this subsection 23.48.010.A.2, the applicable height limit for portions of a structure that contain nonresidential and live-work uses is shown as the first figure after the zone designation, and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in Section 23.48.010 (height exceptions), the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the structure complies with the standards for tower development specified in Section 23.48.013 (Upper-level development standards) and Section 23.48.014 (street-level development standards):

SM 85/65-125

SM 85/65-160

SM 160/85-240

SM 240/125-400

1                   3. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer  
2 Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet  
3 in height and is subject to the same provisions as residential use exceeding the base height limit  
4 for residential use, provided that all development standards that apply to a residential tower also  
5 apply to the hotel use, including the provisions of Section 23.48.011 for gaining extra residential  
6 floor area.

7                   4. In the SM 85-240 zone, the base height limit is shown as the first figure, and  
8 the second figure is the maximum residential height limit. Except as stated in subsections  
9 23.48.010.G and 23.48.010.H, the base height limit is the applicable height limit for portions of a  
10 structure if the structure does not gain extra residential floor area under the provisions of Chapter  
11 23.58A, and the maximum residential height limit is the height limit for portions of a structure in  
12 residential use if the structure includes extra residential floor area under the provisions of  
13 Chapter 23.58A, and if the structure complies with the standards for residential tower  
14 development in this Chapter 23.48

15           B. Height limits in the SM/R 55/85 zone

16                   1. New structures occupied only by nonresidential uses are subject to a height  
17 limit of 55 feet.

18                   2. Structures occupied only by residential uses and mixed-use structures with 60  
19 percent or more of the structure's gross floor area in residential use are subject to a height limit of  
20 85 feet.

21           C. Height limits in the Seattle Mixed/Dravus 40-85 (SM/D 40-85) zone

22                   1. Base height limit. Structures in the SM/D 40-85 zone are subject to a height  
23 limit of 40 feet, except as otherwise provided in subsection 23.48.016.C.2.

24                   2. Additional height for structures with only residential uses above 40 feet. A  
25 structure in the SM/D 40-85 zone that has only residential uses above a height of 40 feet is  
26 subject to a maximum height limit of 85 feet, if the following conditions are met:

1 a. The applicant satisfies the conditions for bonus development under  
2 Section 23.48.011

3 b. The portion of any structure above 45 feet in height shall be set back at  
4 least 50 feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of  
5 decks, balconies with open railings, eaves, cornices, and gutters is permitted in the required  
6 setback, and the exceptions for pitched roofs and rooftop features of subsection 23.48.016.C.3  
7 are allowed above the 45 foot height limit in the required setback.

8 3. Exceptions for pitched roofs and rooftop features. Additional height above the  
9 applicable limit pursuant to subsections 23.48.016.C.1, 23.48.016.C.2, or 23.48.016.C.2.b, is  
10 allowed for pitched roofs and certain rooftop features, as set forth in subsections 23.48.010.D  
11 and 23.48.010.E.

12 D. Additional height permitted in the SM 160/85-240 and SM 85-240 zones within the  
13 South Lake Union Urban Center

14 1. Increases in the maximum height limit in the SM 160/85-240 and SM 85-240  
15 zones. In the SM 160/85-240 and SM 85-240 zones in the South Lake Union Urban Center, a  
16 structure is allowed additional height of up to 30 percent above the maximum height limit for  
17 residential uses, and, in the SM 160/85-240 zone, up to 20 percent above the height limit for  
18 nonresidential uses, if all of the following conditions are met:

19 a. The project includes an elementary school or a kindergarten through  
20 eighth grade school operated by the Seattle Public School District that meets the specifications  
21 promulgated by the Seattle Public School District, which may include minimum space  
22 requirements for academic core functions, child care, administrative offices, a library,  
23 maintenance facilities, food service, and specialty instruction space;

24 b. Prior to issuance of a Master Use Permit, the applicant shall submit a  
25 letter to the Director from the Seattle School District indicating that, based on the Master Use  
26  
27  
28

1 Permit plans, the school district has determined that the development could meet the School  
2 District's specifications;

3 c. Prior to issuance of a building permit, the applicant shall submit a  
4 written certification by the School District to the Director that the School District's specifications  
5 have been met;

6 d. The amount of floor area allowed to exceed the applicable height limit  
7 is equivalent to the amount of enclosed floor area on the lot in school use;

8 e. The floor area added through the increase in height is subject to the  
9 development standards in Sections 23.48.012 and 23.48.013 that apply to structures that exceed  
10 the base height for residential use or the applicable podium height for non-residential uses;

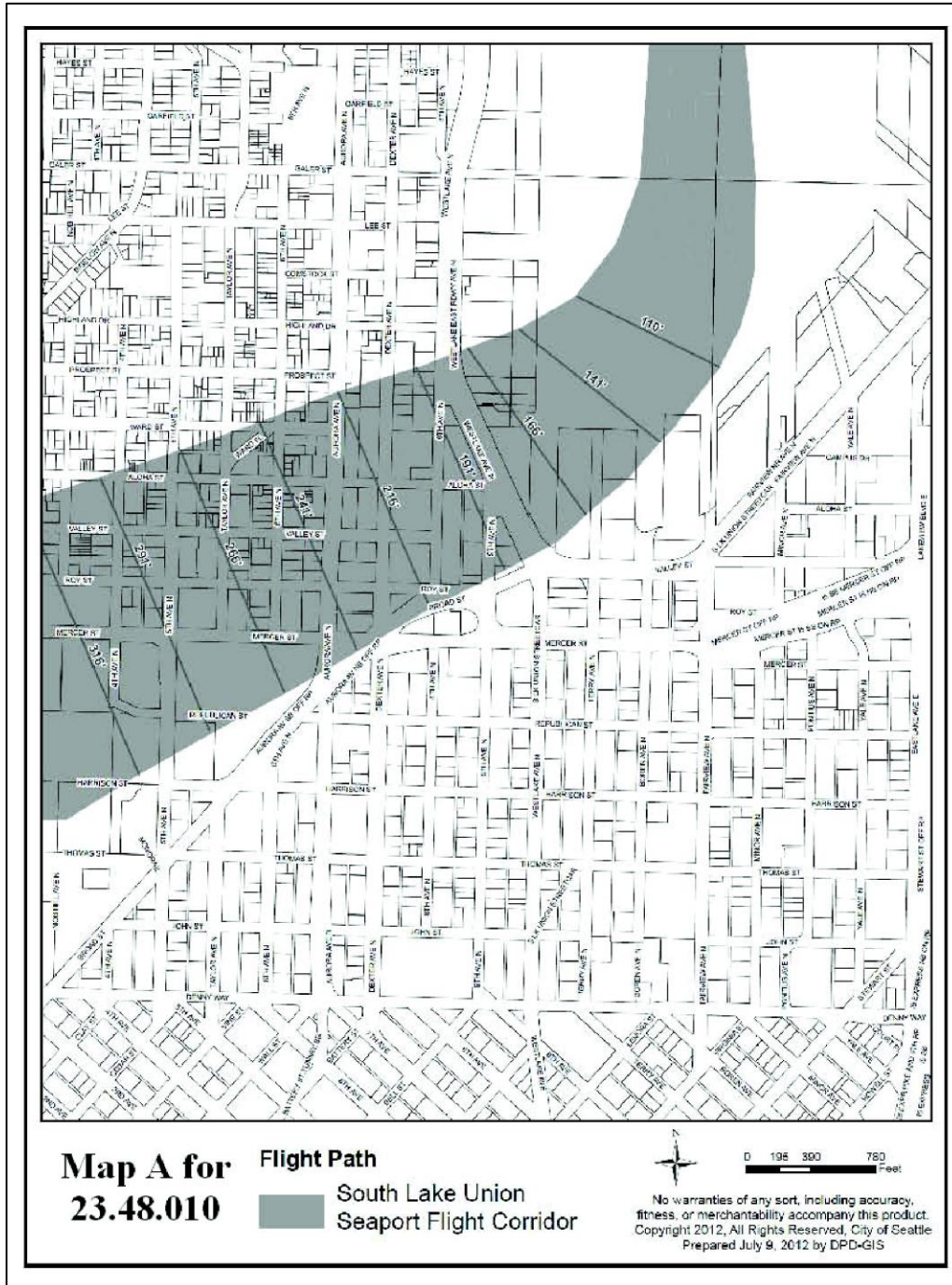
11 f. The floor area allowed to exceed the maximum residential height limit  
12 is not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should  
13 the school use be discontinued, floor area gained through the provisions of this Section  
14 23.48.010 shall be subject to the provisions of Chapter 23.58A; and

15 g. The allowances for rooftop features in subsection 23.48.010.G shall  
16 apply above the structure height permitted under this subsection 23.48.010.D.

17 2. Additional height above the applicable height limit for portions of a structure  
18 that contain nonresidential and live-work uses is permitted in the SM 160/85-240 zone at  
19 locations and under the conditions specified in Section 23.48.017

20 E. A proposal to build a structure greater than 85 feet in height in the SM 85/65-160 and  
21 SM 160/85-240 zones and located north of Mercer Street and West of Fairview Avenue within  
22 the South Lake Union Urban Center, requires the applicant to show that the proposed structure  
23 height will not physically obstruct use of the flight path shown on Map A for 23.48.010 or  
24 endanger aircraft operations.

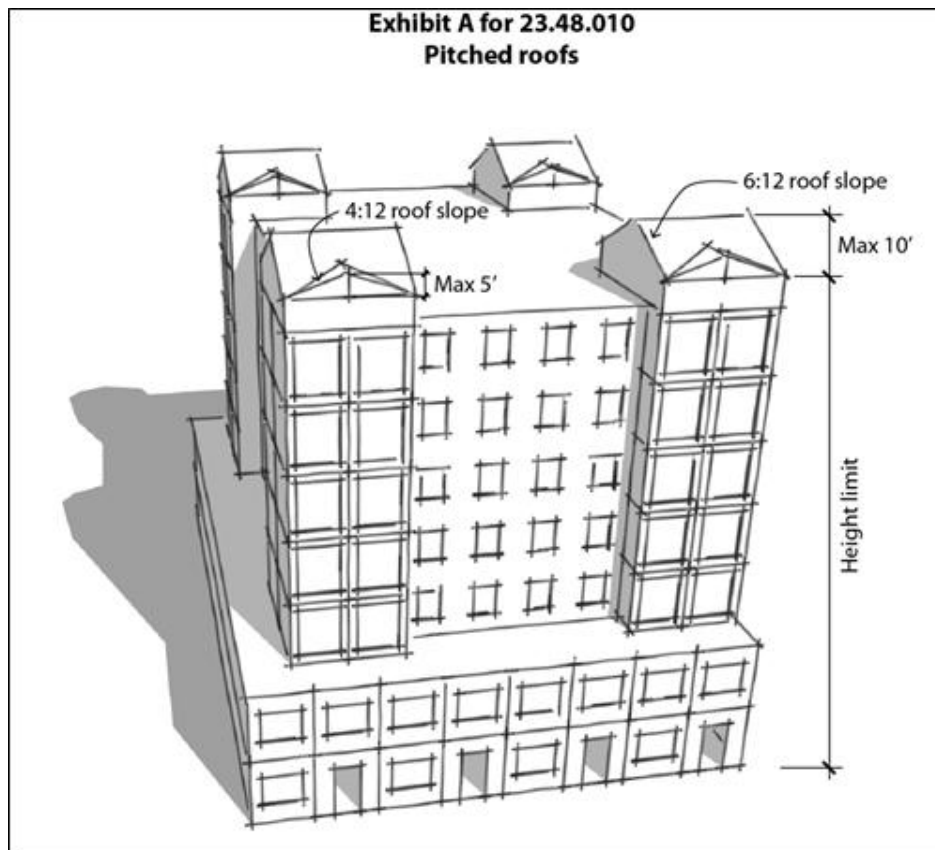
# Map A for 23.48.010: South Lake Union Seaport Flight Corridor



F. All non-exempt floor area located above the base height is considered extra floor area. Extra floor area may be obtained above the base height, up to the maximum height, only through the provision of public amenities meeting the standards of Section 23.48.011 and Chapter 23.58A

G. Pitched roofs. In SM zones with a height limit of 85 feet or less, the ridge of a pitched roof with a minimum slope of 6 to 12 may extend 10 feet above the height limit. The ridge of a pitched roof with a minimum slope of 4 to 12 may extend 5 feet above the height limit (Exhibit A for 23.48.010). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

#### Exhibit A for 23.48.010 Pitched Roofs



H. Rooftop features.

1                   1. Smokestacks, chimneys, flagpoles, and religious symbols for religious  
2 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport  
3 Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

4                   2. Open railings, planters, skylights, clerestories, greenhouses, parapets and  
5 firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop  
6 coverage.

7                   3. Solar collectors may extend up to 7 feet above the maximum height limit, with  
8 unlimited rooftop coverage.

9                   4. The following rooftop features may extend up to 15 feet above the maximum  
10 height limit, so long as the combined total coverage of all features listed in this subsection  
11 23.48.010.H.4 does not exceed 20 percent of the roof area, or 25 percent of the roof area if the  
12 total includes stair or elevator penthouses or screened mechanical equipment:

- 13                         a. Solar collectors;  
14                         b. Stair penthouses;  
15                         c. Mechanical equipment;  
16                         d. Atriums, greenhouses, and solariums;  
17                         e. Play equipment and open-mesh fencing that encloses it, as long as the  
18 fencing is at least 15 feet from the roof edge;  
19                         f. Minor communication utilities and accessory communication devices,  
20 except that height is regulated according to the provisions of Section 23.57.012; and  
21                         g. Covered or enclosed common amenity area for structures exceeding a  
22 height of 125 feet.

23                   5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet  
24 above the height limit are permitted. If the elevator provides access to a rooftop designed to  
25 provide usable open space, elevator penthouses up to 35 feet above the height limit are  
26 permitted.



6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.48.010.H does not exceed 50 percent of the roof area.

7. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.010.H.4 and 23.48.010.H.5 above may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than 10 feet to the roof edge.

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.48.010. H.8 at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012

f. Nonfirewall parapets;

g. Play equipment.

9. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

10. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012

**23.48.011 Extra floor area in Seattle Mixed Zones**

A. General

1. Developments containing extra floor area obtained under Sections 23.48.009 or 23.48.010 shall provide public amenities according to the standards of this Section 23.48.011 and Chapter 23.58A. If the development is not located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown in Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.011.B. If the development is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown in Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.011.C.

2. Definitions in Section 23.58A.004 apply in this Section 23.48.011 unless otherwise specified.

B. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area.

a. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

b. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

1) achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2) achieve 40 percent of the extra residential floor area by using open space transferable development potential or Landmark transferable development potential pursuant to subsection 23.48.011.D and Section 23.58A.042

1 c. If the maximum height limit for residential use is greater than 85 feet  
2 and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

3 1) achieve 60 percent of the extra residential floor area on the lot  
4 by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

5 2) achieve 40 percent of the extra residential floor area by using  
6 open space amenities pursuant to Section 23.58A.040

7 2. Means to achieve extra nonresidential floor area.

8 a. If the maximum height limit for nonresidential use is 85 feet or lower  
9 or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station  
10 Area Overlay District, the applicant shall use bonus nonresidential floor area for affordable  
11 housing and child care pursuant to Section 23.58A.024 to achieve all extra nonresidential floor  
12 area on the lot.

13 b. If the maximum height limit for nonresidential use is greater than 85  
14 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

15 1) achieve 75 percent of the extra nonresidential floor area on the  
16 lot by using bonus nonresidential floor area for affordable housing and child care pursuant to  
17 Section 23.58A.024, or housing transferable development rights pursuant to subsection  
18 23.48.011.D and Section 23.58A.042, or both.

19 2) achieve 25 percent of the extra nonresidential floor area by  
20 using open space transferable development rights or Landmark transferable development rights  
21 pursuant to subsection 23.48.011.D and Section 23.58A.042

22 c. If the maximum height limit for nonresidential use is greater than 85  
23 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

24 1) achieve 75 percent of the extra nonresidential floor area on the  
25 lot by using bonus nonresidential floor area for affordable housing pursuant to Section  
26 23.58A.024; and

2) achieve 25 percent of the extra nonresidential floor area by using open space amenities pursuant to Section 23.58A.040

3. If a development is outside of an adopted Local Infrastructure Project Area at the time a Master Use Permit decision is issued for the development, and the development is inside of an adopted Local Infrastructure Project Area before the first building permit after excavation and shoring is ready to issue for the development, then the applicant may elect to achieve extra floor area through acquiring regional development credits pursuant to Section 23.58A.044 for the portion of extra floor area specified in subsection 23.48.011.B.1.b or 23.48.011.B.2.b, as applicable, in lieu of the open space transferable development potential or Landmark transferable development potential specified in subsection 23.48.011.B.1.b, or the open space transferable development rights or Landmark transferable development rights specified in 23.48.011.B.2.b.

C. Calculation within an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall:

a. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. achieve 40 percent of extra residential floor area by acquiring regional development credits pursuant to Section 23.58A.044

2. Means to achieve extra nonresidential floor area. If the maximum height limit for nonresidential use is 85 feet or lower, the applicant shall use bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra nonresidential floor area on the lot. If the maximum height limit for nonresidential use is greater than 85 feet, the applicant shall:

1 a. achieve 75 percent of the extra residential floor area on the lot by using  
2 bonus nonresidential floor area for affordable housing and child care pursuant to Section  
3 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.011.D and  
4 Section 23.58A.042, or both; and

5 b. achieve 25 percent of extra nonresidential floor area by acquiring  
6 regional development credits pursuant to Section 23.58A.044

7 D. Standards for Transferable Development Potential (TDP) and Transferable  
8 Development Rights (TDR).

9 1. All lots in the South Lake Union Urban Center that meet the definition of a  
10 TDR or TDP sites in Chapter 23.84A are eligible for transfer.

11 2. Receiving sites in the South Lake Union Urban Center may only receive TDP  
12 or TDR from sending sites in the South Lake Union Urban Center except that receiving sites in  
13 the South Lake Union Center may receive Landmark or open space TDP or TDR from sending  
14 sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the  
15 Director that no private or public entities are offering such TDP or TDR for sale in the South  
16 Lake Union Urban Center, at a price per square foot no greater than the fee-in-lieu rates for the  
17 payment option for affordable housing under Section 23.58A.014 for TDP and the payment  
18 option for affordable housing and childcare under Section 23.58A.024 for TDR.

19 3. A cumulative combination of TDR and TDP exceeding a total of five times the  
20 lot area may not be transferred from any lot.

21 E. Minimum requirement. Developments containing any extra floor area shall meet the  
22 following requirements:

23 1. LEED requirement.

24 a. Except as described in 23.48.011.E.1.b, the applicant will earn a LEED  
25 Gold rating or meet a substantially equivalent standard, and shall demonstrate compliance with  
26 that commitment, in accordance with the provisions of Section 23.48.025

1                   b. An applicant may choose to earn at least a LEED Silver rating, if the  
2 Director of the Office of Sustainability and Environment determines that the development is  
3 served by a district energy provider. A building is considered served by a district energy provider  
4 if it is capable of connecting to a district energy system and has a contract with a district energy  
5 utility to serve primary heating and/or cooling needs. A district energy provider is an entity with  
6 a franchise agreement with the City that maintains a closed-loop district energy utility system  
7 that is either currently or scheduled to primarily use renewable and/or waste heat sources, per the  
8 system development plans and timeframes of an agreement with the City and the district energy  
9 provider. A district energy provider may, subject to City approval, rely on a temporary on-site or  
10 near-by transitional plant that is installed and maintained by the provider prior to connection of  
11 the development to a permanent district energy system.

12                   2. Transportation Management Program. The applicant will provide a  
13 Transportation Management Program (TMP), consistent with requirements for TMPs in any  
14 applicable Director's Rule, that demonstrates to the satisfaction of the Director in consultation  
15 with the Director of Transportation, that no more than 40 percent of trips to and from the  
16 development will be made using single-occupant vehicles (SOVs). The TMP shall be submitted  
17 with the Master Use Permit application.

18                   a. For purposes of measuring the percent of trips to and from the  
19 development made using SOVs in the TMP, the number of SOV trips shall be calculated for the  
20 p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by  
21 employees at the site (the p.m. peak hour of the generator).

22                   b. Compliance with this subsection 23.48.011.E.2 does not affect the  
23 responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR)  
24 Ordinance.

25                   3. Energy management plan. The applicant will provide an energy management  
26 plan, approved by the Superintendent of Seattle City Light, demonstrating specific energy  
27  
28

conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the development. The approved energy management plan shall be submitted prior to issuance of a Building Permit. The Director, after consulting with the Superintendent of Seattle City Light, may condition the approval of the Building Permit on the implementation of the energy management plan.

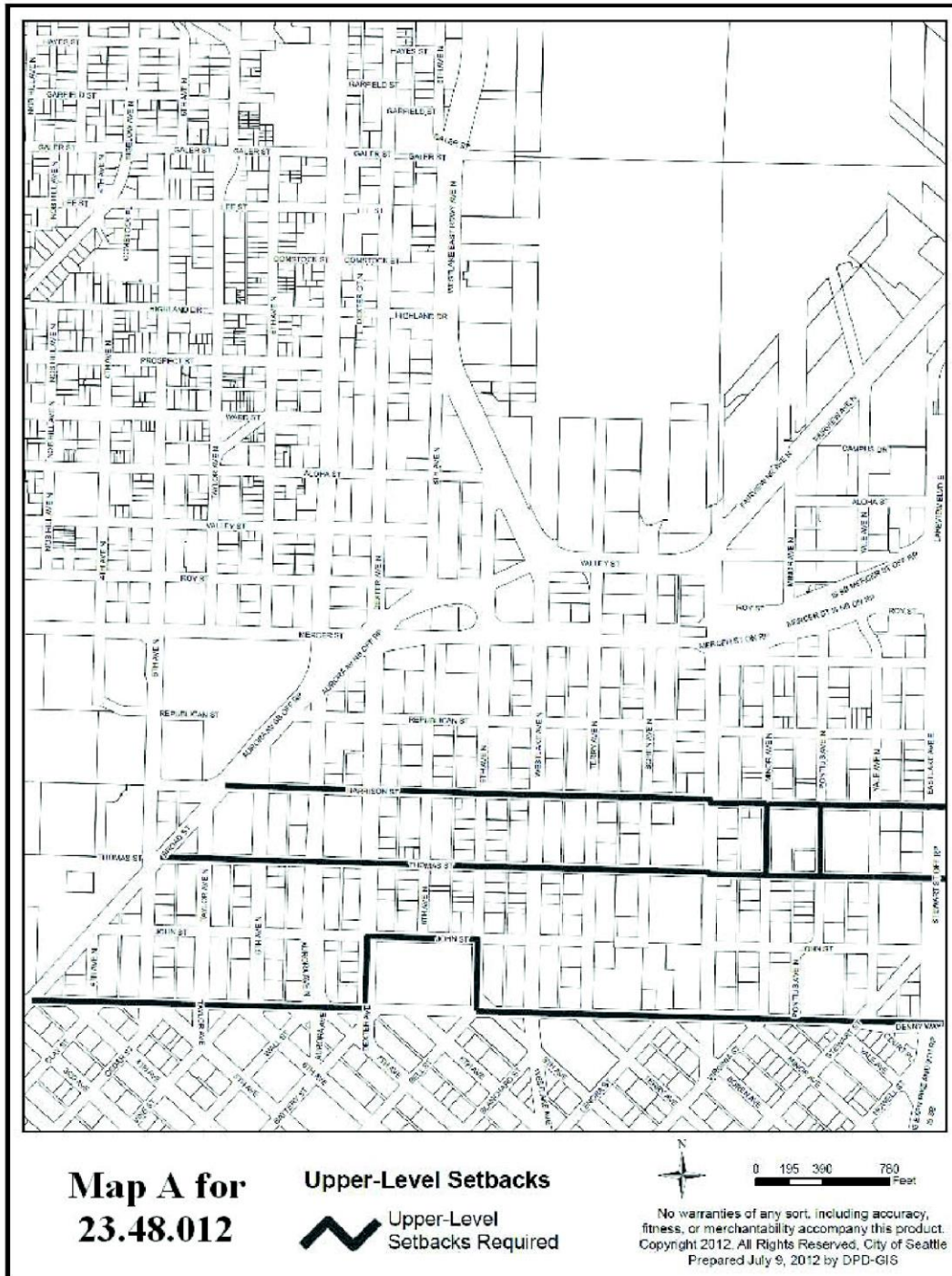
**23.48.012 Upper-level setback requirements**

A. The following requirements for upper-level setbacks in this subsection 23.48.012.A apply to structures on lots abutting a street shown on Map A for 23.48.012, except for those structures in the South Lake Union Urban Center with nonresidential uses above 85 feet in height or residential uses above the base height limit for residential use, which are subject to the upper-level setback requirements of subsection 23.48.013.C.

1. For all zones except the SM 240/125-400 zone, any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Maps A and B for 23.48.012. In the SM 240/125-400 zone, portions of a structure greater than 75 feet in height are required to set back from a lot line abutting a street shown on Map A for 23.48.012

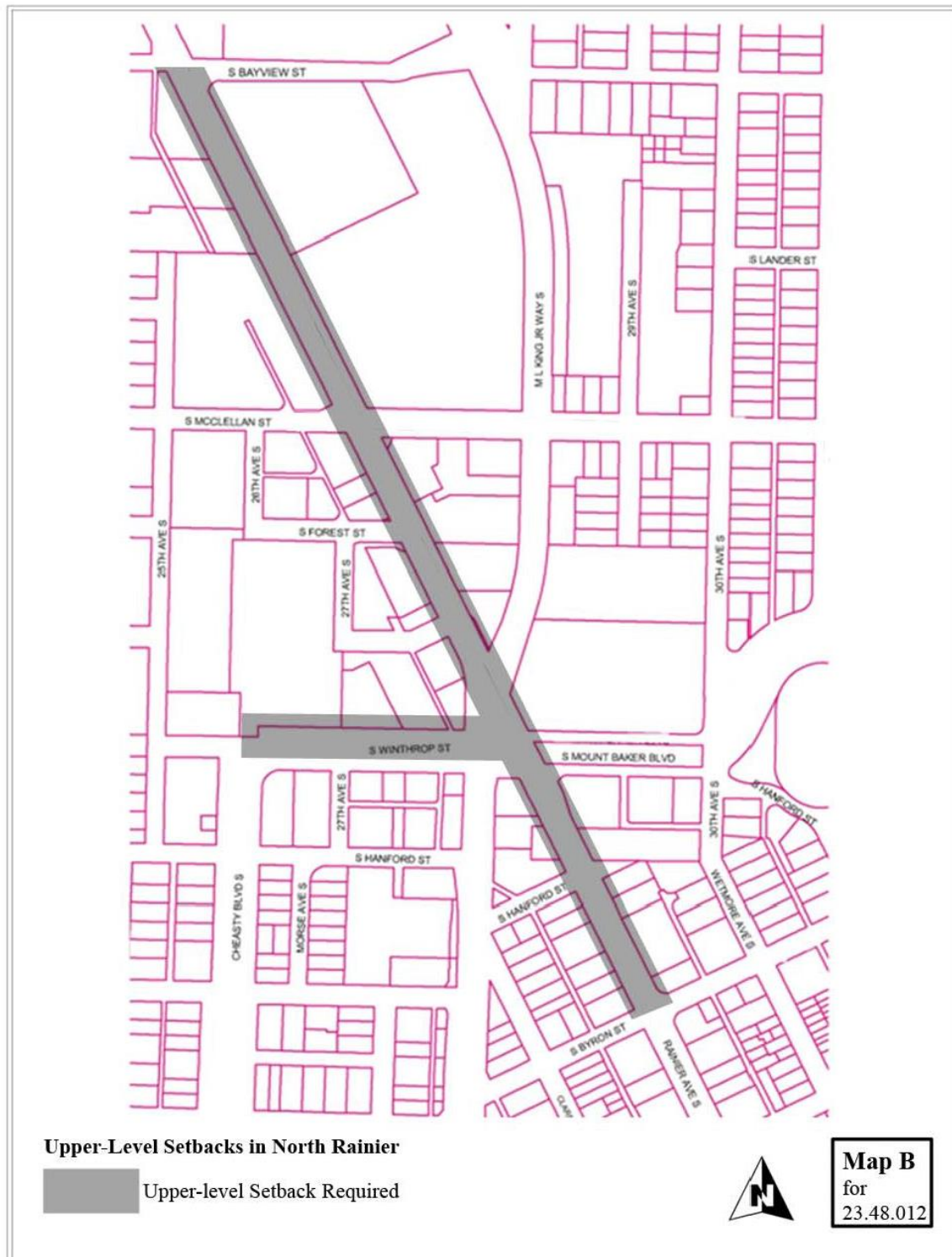
2. A setback of 1 foot for every 2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.012.A.1, up to a maximum setback of 15 feet measured from the street lot line, as shown in Exhibit A for 23.48.012

# Map A for 23.48.012: Upper-Level Setbacks





**Map B for 23.48.12**  
**Upper Level Setbacks in North Rainier**

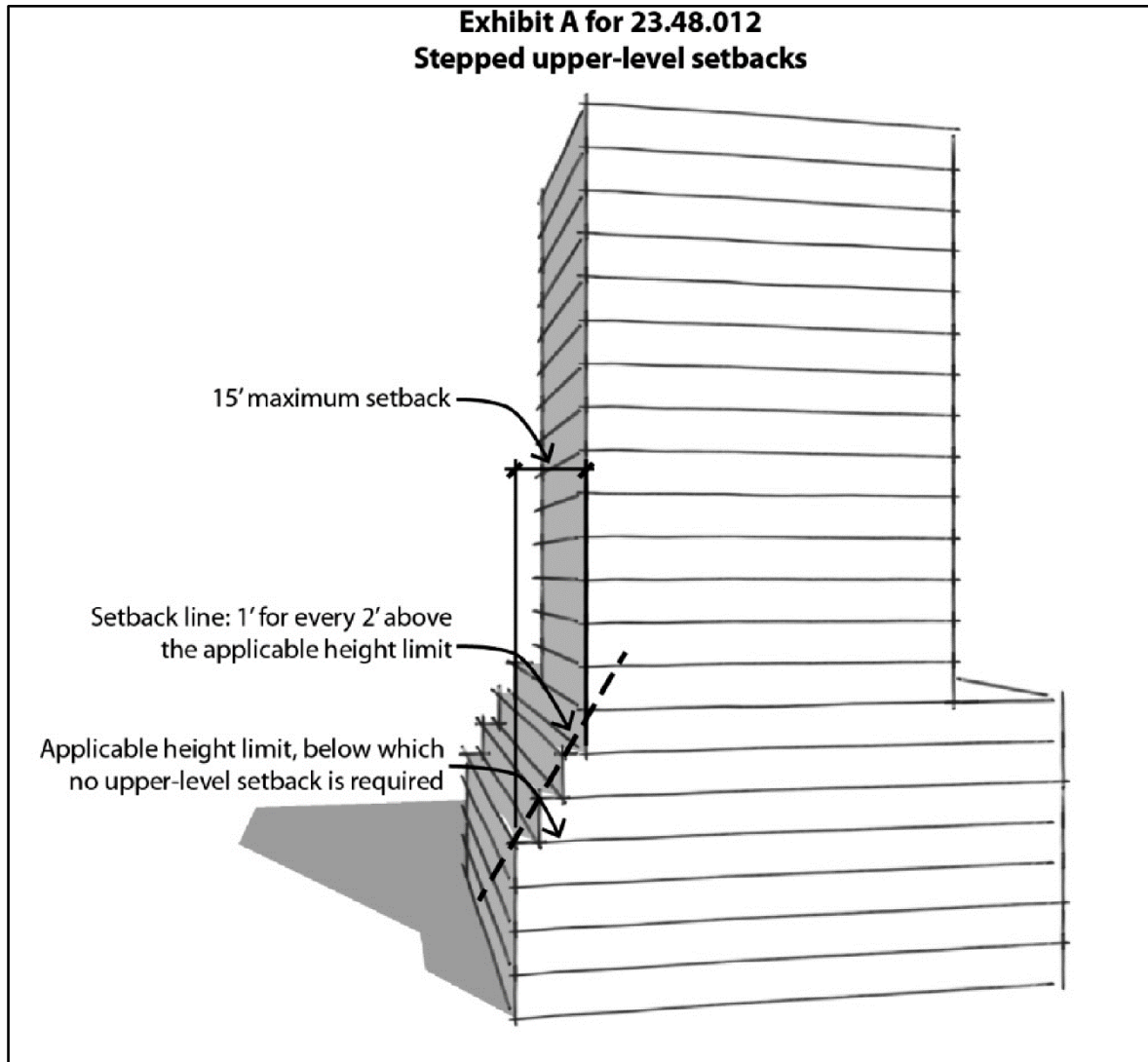


1 B. Upper-level setbacks in the SM 85/65-160 zone. The following requirements for  
2 upper-level setbacks in this subsection 23.48.012.B apply to all development in the SM 85/65-  
3 160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and  
4 Fairview Avenue North:

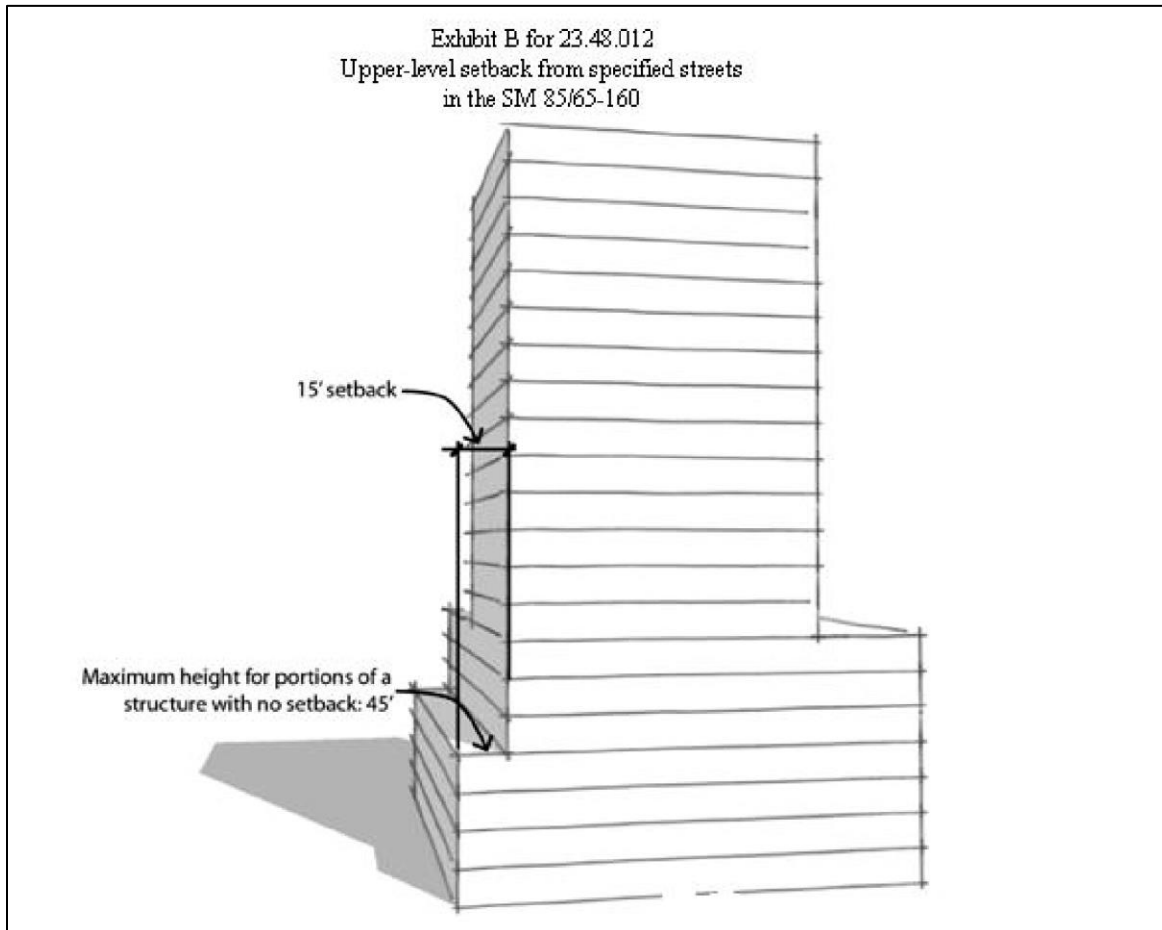
5 1. Portions of a structure above 45 feet in height shall set back a minimum of 15  
6 feet from street lot lines abutting Valley Street, Westlake Avenue North, Terry Avenue North,  
7 Boren Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.012.

8 2. In addition to the upper-level setbacks specified in subsection 23.48.012.B.1,  
9 additional upper-level setbacks are required for tower structures that include residential use  
10 above the base height limit for residential use, or hotel use above a height of 85 feet, according to  
11 the provisions of subsection 23.48.013.C.3.

**Exhibit A for 23.48.012**  
**Stepped upper-level setbacks**



**Exhibit B for 23.48.012**  
**Upper-level setback from specified streets in the SM 85/65-160**



C. Upper-level setbacks on alleys in the SM/R 55/85 zone. For lots abutting an alley in the SM/R 55/85 zone, portions of a structure greater than 25 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of additional height above 25 feet, up to a maximum setback of 15 feet measured from the alley lot line, as shown in Exhibit A for 23.48.012.

D. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet in required setbacks (Exhibit C for 23.48.012).

Exhibit C for 23.48.012  
Horizontal projection into upper  
level setbacks

Diagram illustrating horizontal projection into upper level setbacks. The structure shows setbacks of 4' and 12'. A 45-degree setback line is shown, with a 3-4-5 slope triangle indicated. Handwritten notes specify levels: LEVEL +25' OR +45' OR +75'.

**23.48.013 Upper-level development standards for specific building types in SM zones in the South Lake Union Urban Center**

Lots in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones that are located within the South Lake Union Urban Center are subject to upper-level development standards that may include upper level coverage limits, gross floor area limits and podium heights, upper-level setbacks, façade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section 23.48.013. For the purpose of this Section 23.48.013, a tower is either a structure with non-residential uses above a height of 85 feet, the podium, or a structure that has residential uses that exceed the base height limit established for residential uses in the zone under subsection 23.48.010.A.2.

A. Upper-level coverage limit. For residential towers, the average gross floor area of all stories above the podium height specified on Map A for 23.48.013 shall not exceed 50 percent of the lot area, provided that:

1. In no case shall the gross floor area of stories above the podium height exceed the gross floor area limits of subsection 23.48.013.B.2; and

2. The limit on towers per block in subsection 23.48.013.F apply.

B. Floor area limits and podium heights. The following provisions apply to development in the SM 85/65-125, SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones located within the South Lake Union Urban Center:

1. Floor area limit for structures or portions of structures occupied by non-residential uses.

a. Except as specified in subsections 23.48.013.B.1.b and 23.48.013.B.1.c, there is no floor area limit for non-residential uses in a structure that does not contain non-residential uses above 85 feet in height.

1                   b. There is no floor area limit for a structure that includes research and  
2 development uses and does not exceed a height of 105 feet, provided that the following  
3 conditions are met:

4                         1) A minimum of two floors in the structure are occupied by  
5 research and development uses and have a floor-to-floor height of at least 14 feet; and

6                         2) The structure has no more than seven stories.

7                   c. Within locations in the SM 160/85-240 zone meeting the standards in  
8 subsection 23.48.017.B, there is no floor area limit for structures that do not exceed a height of  
9 120 feet and that are designed for research and development laboratory use and administrative  
10 office associated with research and development laboratories.

11                   d. For structures with non-residential uses that exceed a height of 85 feet,  
12 or that exceed the height of 105 feet under the provisions of subsection 23.48.013.B.1.b, or 120  
13 feet under subsection 23.48.013.1.c, each story of the structure above the specified podium  
14 height indicated for the lot on Map A for 23.48.013 is limited to a maximum gross floor area of  
15 24,000 square feet per story, except that the average gross floor area for stories above the  
16 specified podium height is 30,000 square feet for structures on a lot that meets the following  
17 conditions:

18                         1) The lot has a minimum area of 60,000 square feet; and

19                         2) The lot includes an existing open space or a qualifying  
20 Landmark structure and is permitted an additional increment of FAR above the base FAR, as  
21 permitted in subsection 23.48.009.B.4.

22                   2. Floor area limit for residential towers. For a structure with residential use that  
23 exceeds the base height limit established for residential uses in the zone under subsection  
24 23.48.010.A.2, the following maximum gross floor area limit applies:

25                         a. For a structure that does not exceed a height of 160 feet, excluding  
26 rooftop features that are otherwise permitted above the height limit under the provisions of  
27

subsection 23.48.010.I, the gross floor area for stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.013 shall not exceed 12,500 square feet per story, or the floor size established by the upper-level coverage limit in subsection 23.48.013.A, whichever is less.

b. For a structure that exceeds a height of 160 feet, the following limits apply:

1) The average gross floor area for all stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.013 shall not exceed 10,500 square feet, or the floor size established by the upper-level coverage limit in subsection 23.48.013.A, whichever is less.

2) The gross floor area of any single residential story above the podium height shall not exceed 11,500 square feet.

3. Floor area limit for mixed use development. This subsection 23.48.013.B.3 applies to structures that include both residential and non-residential uses, as provided for in 23.48.009.3.b.

a. For a story that includes both residential and non-residential uses, the gross floor area limit for all uses combined shall not exceed the floor area limit for non-residential uses, provided that the floor area occupied by residential use shall not exceed the floor area limit otherwise applicable to residential use.

b. For a mixed use structure with residential uses located on separate stories from non-residential uses, the floor area limits shall apply to each use at the applicable height limit.

4. Podium standards. The standards for podiums only apply to projects that are subject to a floor area limit in this subsection 23.48.013.B, and apply only to the lower portion of the structure that are not subject to the floor area limit.



1                   a. Height limit for podiums. The specific podium height for a lot is shown  
2 on Map A for 23.48.013, and the height limit extends from the street lot line to the parallel alley  
3 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to  
4 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet  
5 deep.

6                   b. Area limit for podiums. For the podiums of structures with residential  
7 uses that exceed the base height limit established for the zone under subsection 23.48.010.A.2  
8 and for structures with non-residential uses that exceed a height of 85 feet, the average lot  
9 coverage of all the stories below the podium height specified on Map A for 23.48.013 shall not  
10 exceed 75 percent of the lot area, except that 100 percent lot coverage is permitted for each story  
11 if the total number of stories below the podium height is three, or fewer, stories, or if the  
12 conditions in subsection 23.48.013.B.4.c apply.

13                   c. The area limit on podiums in subsection 23.48.013.B.4.b does not apply  
14 if a lot includes one of the following:

15                               1) Usable open space that meets the provisions of 23.48.014.G; or  
16                               2) A structure that has been in existence prior to 1965 and the  
17 following conditions are met;

18                                       a) The structure is rehabilitated and maintained to comply  
19 with applicable codes and shall have a minimum useful life of at least 50 years from the time that  
20 it was included on the lot with the project allowed to waive the podium area limit;

21                                       b) The owner agrees that the structure shall not be  
22 significantly altered for at least 50 years from the time that it was included on the lot with the  
23 project allowed to waive. Significant alteration means the following:

24   i. Alteration of the exterior facades of the structure,  
25 except alterations that restore the facades to their original condition;

ii. Alteration of the floor-to-ceiling height of the street level story, except alterations that restore the floor-to-ceiling height to its original condition; or

iii. The addition of stories to the structure, unless the proposed addition is no taller than the maximum height to which the structure was originally built, or the addition is approved through the design review process as compatible with the original character of the structure and is necessary for adapting the structure to new uses; and

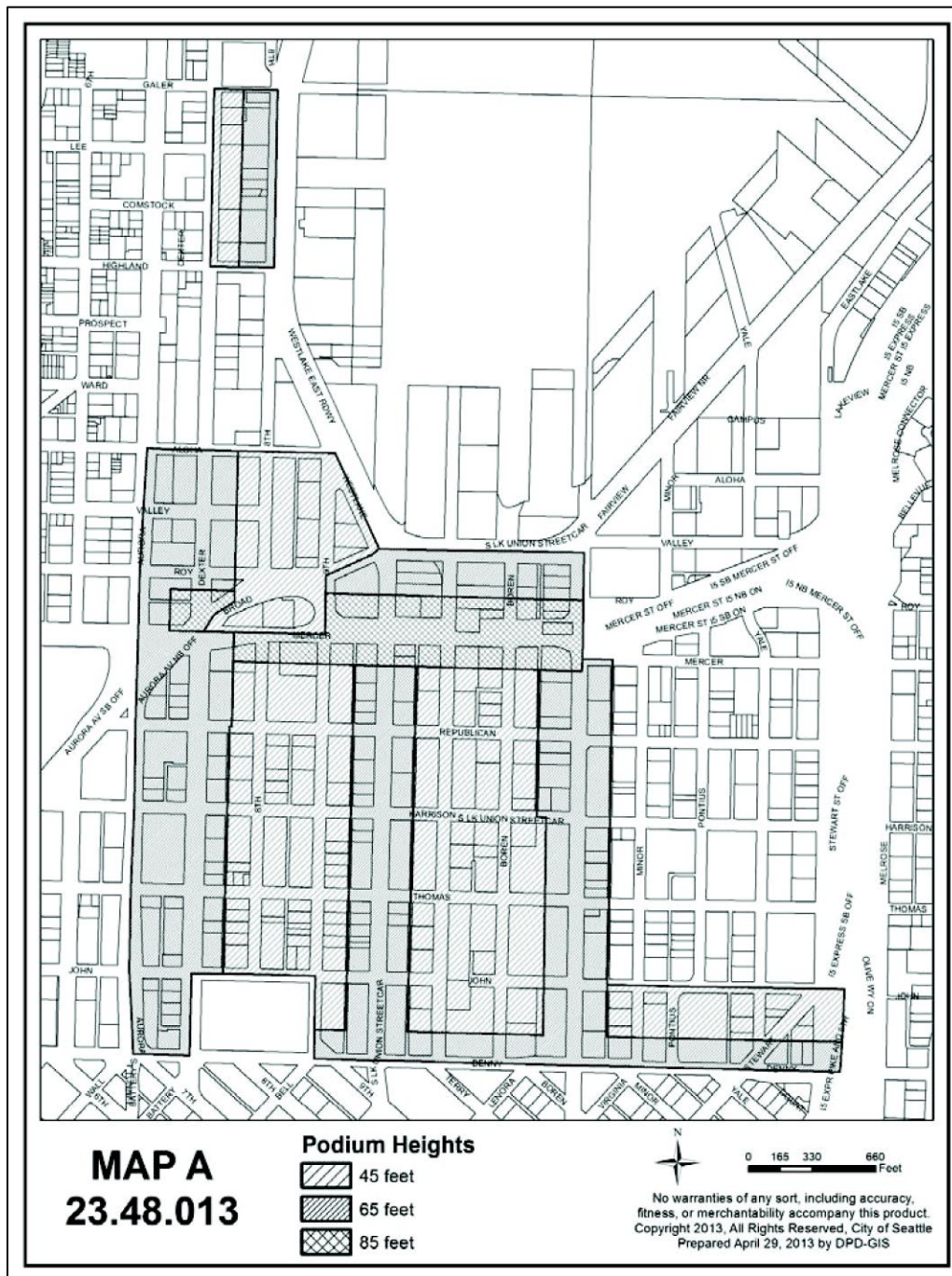
c) If the structure is removed from the lot, then any use of the portion of the lot previously occupied by the structure shall be limited to usable open space.

The portion of the lot previously occupied by the structure shall be defined by a rectangle enclosing the exterior walls of the structure as they existed at the time it was included on the lot with the project allowed to waive the podium area limit, with the rectangle extended to the nearest street frontage.

d. Additional height for podiums abutting Class 1 Pedestrian Streets.  
Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.014, may exceed podium height limits shown on Map A for 23.48.013 by an average of 5 feet provided that floor-to-ceiling clearance at the ground floor is at least 15 feet.

# Map A for 23.48.013

## Podium Heights



C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.013.C.1 apply to development that meets the following conditions:

a. The development is on lot abutting a street shown on Map A for 23.48.013; and

b. For lots in the SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones located within the South Lake Union Urban Center, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.010.A.2, or includes a structure with non-residential uses that exceed a height of 85 feet.

2. The required upper-level setbacks for development specified in subsection 23.48.013.C.1 shall be provided as follows:

a. For portions of a structure facing the applicable street, the maximum height above which a setback is required is specified on Column 2 of Table A for 23.48.013

b. For portions of a structure exceeding the maximum height above which a setback is required, the minimum depth of the setback, measured from the abutting applicable street lot line, is specified on Column 3 of Table A for 23.48.013

**Table A for 23.48.013**  
**Required upper-level setbacks for development meeting the conditions of Section 23.48.013.C**

Column 1: Location of lot	Column 2: Height above which setback is required	Column 3: Minimum depth of setback from applicable street property line
Thomas Street, south side, from Aurora Ave N to 8 <sup>th</sup> Ave N	45 feet	50 feet
Thomas Street, south side, from 8 <sup>th</sup> Ave N to 9 <sup>th</sup> Ave N	45 feet	40 feet
Thomas Street, south side, between 9 <sup>th</sup> Ave N and alley between Fairview Ave N and Minor Ave N	45 feet	30 feet
John Street, north side, between Aurora Ave N and 9 <sup>th</sup> Ave N	45 feet	30 feet
John Street, north side, between 9 <sup>th</sup> Ave N and Boren Ave N	45 feet	15 feet
John Street, south side, between Aurora Ave N and Minor Ave N	45 feet	30 feet
Boren Ave N, both sides, between Mercer Street and John Street	65 feet (1)	10 feet (1)
Fairview Ave N, west side, from Mercer Street to John Street	65 feet	10 feet
Fairview Ave N, east side, from Mercer Street to John Street	65 feet	10 feet

Notes to Table A for 23.48.013:

(1) On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

3. Upper-level setbacks for residential tower development in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.012.B.1, are required as follows:

1 a. Any portion of the structure above 65 feet in height shall set back a  
2 minimum of 30 feet from the following street lot lines:

3 1) the street lot line abutting the eastern edge of Westlake Avenue  
4 North from Mercer Street to Valley Street; and

5 2) the street lot line abutting the western edge of Fairview Avenue  
6 North from Mercer Street to Valley Street.

7 b. For lots abutting the street lot line on the southern edge of Valley Street  
8 between Westlake Avenue North and Fairview Avenue North, any portion of a structure above  
9 65 feet in height shall provide a minimum setback of 25 feet.

10 4. Upper level setbacks for tower structures in the SM 160/85-240 zone for the  
11 block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue  
12 North. In addition to upper level setback requirements in this subsection 23.48.013.C, for tower  
13 structures with residential or non-residential uses on lots in the SM 160/85-240 zone on the block  
14 bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North,  
15 any portion of the tower structure above 85 feet shall be set back a minimum of 110 feet from the  
16 street lot line abutting Mercer Street.

17 5. Projections permitted in required upper-level setbacks. The first 4 feet of  
18 horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are  
19 permitted in required setbacks, as shown in Exhibit B for 23.48.012

20 D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in  
21 height, facade modulation is required for the street-facing portions of a structure located within  
22 15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for  
23 23.48.013. No modulation is required for portions of a facade set back 15 feet or more from a  
24 street lot line.

25 1. The maximum length of a facade without modulation is prescribed in Table B  
26 for 23.48.013, Façade Modulation. This maximum length shall be measured parallel to each  
27

street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

**Table B for 23.48.013**

**Façade Modulation**

<b>Height of street facing portion of structure</b>	<b>Maximum length of un-modulated façade within 15 feet of street lot line</b>
For stories above the podium height specified on Map A for 23.48.013 up to 125 feet	150 feet
For stories above 125 feet	120 feet

2. If a portion of a facade that is within 15 feet of the street lot line is the maximum length permitted for an un-modulated facade, the length of the façade may be increased only if additional portions of the façade set back a minimum of 15 feet from the street lot line for a minimum distance of 40 feet. If the required setback is provided, additional portions of the façade may be located within 15 feet of the street lot line.

E. Maximum façade width. A maximum façade width applies to certain residential structures that exceed the base height limit for residential use, as specified in subsections 23.48.013.E.1 and 23.48.013.E.2 below. The maximum façade width only applies to portions of the structure above the podium height specified for the lot on Map A for 23.48.013

1. Except in the SM 85/65-125 zone and the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, for portions of a structure that exceed the podium height but do not exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the maximum façade width is 120 feet along the general east/west axis of the site (perpendicular to the Avenues).

2. In the SM 85/65-125 zone, the maximum façade width is 105 feet along the general north/south axis of the site (parallel to the Avenues).

3. In the SM 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, the maximum façade width for portions of structures above the podium height is 105 feet along the general east/west axis of the site (perpendicular to the Avenues).

F. Limit on tower structures per block. The number of towers permitted on a block, which for the purposes of this subsection 23.48.013.F is defined as the area bounded by street lot lines, shall be as follows:

1. Only one residential tower, or one structure with non-residential uses exceeding 85 feet in height, is permitted on a single block front, except as further limited by subsections 23.48.013.F.3, 23.48.013.F.4, and 23.48.013.F.5.

2. For purposes of this subsection 23.48.013.F an existing tower is either:

a. A tower that is physically present, except as provided below in subsection 23.48.13.F.2.b; or

b. A proposed tower for which a Master Use Permit decision has been issued, unless and until either:

1) the Master Use Permit issued pursuant to such a decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or

2) a ruling by a hearing examiner or court reversing or vacating such a decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

3. In the SM 85/65-160 zone, only one residential tower structure or one non-residential tower structure with a hotel use meeting residential development standards is permitted per block.

4. In the SM 85/65-125 zone, more than one residential tower is permitted on a block front provided that the minimum lot area for a tower is 30,000 square feet.



1                   5. Only one structure with non-residential uses exceeding 85 feet in height is  
2 permitted on a block, unless the structure is permitted under Section 23.48.017 or unless all of  
3 the following conditions apply:

4                   a. The structure is on a lot with a minimum area of 60,000 square feet.  
5 The area of one or more lots, separated only by an alley, may be combined for the purposes of  
6 calculating the minimum required lot area under this subsection 23.48.013.F.5. The minimum lot  
7 area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of  
8 acquisition of right-of-way by the City;

9                   b. A minimum separation of 60 feet is provided between all portions of  
10 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.013. If  
11 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted.

12                   c. A minimum of 15 percent of the lot area is provided as landscaped  
13 open space at ground level, allowing for some area to be provided above grade to adapt to  
14 topographic conditions, provided that such open space is accessible to people with disabilities.  
15 The required open space shall have a minimum horizontal dimension of 15 feet and shall be  
16 provided as one continuous area.

17                   d. A pedestrian connection meeting the development standards of  
18 subsection 23.48.014.F for through-block pedestrian connections for large lot developments is  
19 provided though the lot to connect the north-south avenues abutting the lot. If the lot abuts an  
20 avenue that has been vacated, the connection shall be to an easement providing public access  
21 along the original alignment of the avenue. In addition, if the slope of the lot between the north-  
22 south avenues exceeds a slope of 10 percent, a hill-climb shall be provided.

23                   e. The application of the provisions in this subsection 23.48.013.F.5 shall  
24 not result in more than two structures on a block with either non-residential uses above 85 feet in  
25 height or with residential use above the base height limit for residential use, except as allowed by  
26 subsection 23.48.013.F.5.f.

1 f. For lots that, as a result of a street vacation, exceed 150,000 square feet,  
2 the Director shall, as a Type 1 decision, determine the permitted number of structures with non-  
3 residential uses above 85 feet in height or with residential use above the base height limit, based  
4 on the limits in subsection 23.48.013.F.5.e as applied to the block conditions existing prior to the  
5 street vacation.

6 g. The Director shall make a determination of project impacts on the need  
7 for pedestrian and bike facilities and complete a voluntary agreement between the property  
8 owner and the City to mitigate impacts, if any. The Director may consider the following as  
9 impact mitigation:

10 1) Pedestrian walkways on a lot, including through-block  
11 connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting  
12 structures to each other and abutting streets;

13 2) Sidewalk improvements, including sidewalk widening, to  
14 accommodate increased pedestrian volumes and streetscape improvements that will enhance  
15 pedestrian comfort and safety;

16 3) Improvements to enhance the pedestrian environment, such as  
17 providing overhead weather protection, landscaping, and other streetscape improvements; and

18 4) Bike share stations.

19 h. For development that exceeds 85,000 or more square feet of gross  
20 office floor area, the Director shall make a determination as to the project's impact on the need  
21 for open space. The Director may limit floor area or allow floor area subject to conditions, which  
22 may include a voluntary agreement between the property owner and the City to mitigate impacts,  
23 if any. The Director shall take into account subsection 23.49.016.A in assessing the demand for  
24 open space generated by an office development in an area permitting high employment densities.

25 1) The Director may consider the following as mitigation for open  
26 space impacts:

1 a) Open space provided on-site or off-site, consistent with  
2 the provisions in subsection 23.49.016.C, or provided through payment in lieu, consistent with  
3 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an SM  
4 zone that is accessible to the development's occupants,

5 b) Additional pedestrian amenities through on-site or  
6 streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant to  
7 subsection 23.48.013.F.3.g., and

8 c) Public space inside or on the roof of a landmark  
9 building.

10 2) The Director may approve open space in lieu of that contained  
11 or referred to in subsection 23.49.016.C to mitigate project impacts, based on consideration of  
12 relevant factors, including the following:

13 a) the density or other characteristics of the workers  
14 anticipated to occupy the development compared to the presumed office employment population  
15 providing the basis for the open space standards applicable under Section 23.49.016; and

16 b) characteristics or features of the development that  
17 mitigate the anticipated open space impacts of workers or others using or occupying the project.

18 G. Tower separation. The following separation is required between structures with  
19 residential use above the base height limit for residential use and that are located on the same  
20 block. For the purposes of this subsection 23.48.013.F, a block is defined as the area bounded by  
21 street lot lines.

22 1. A separation of 60 feet is required between all portions of the structure that  
23 exceed the base height limit for residential use, except as exempted by subsection 23.48.013.F.2.

24 2. No separation is required on blocks within the area bounded by Aurora  
25 Avenue North, John Street, Thomas Street and 9<sup>th</sup> Avenue North.

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

#### **23.48.014 Street-level development standards**

##### **A. General façade requirements**

1. Primary pedestrian entrance. Each new structure facing a street is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

2. Minimum facade height. A minimum façade height is required for the street-facing facades of new structures, unless all portions of the structure are lower than the required minimum facade height listed below.

a. On Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, the minimum height for street-facing façades is 45 feet.

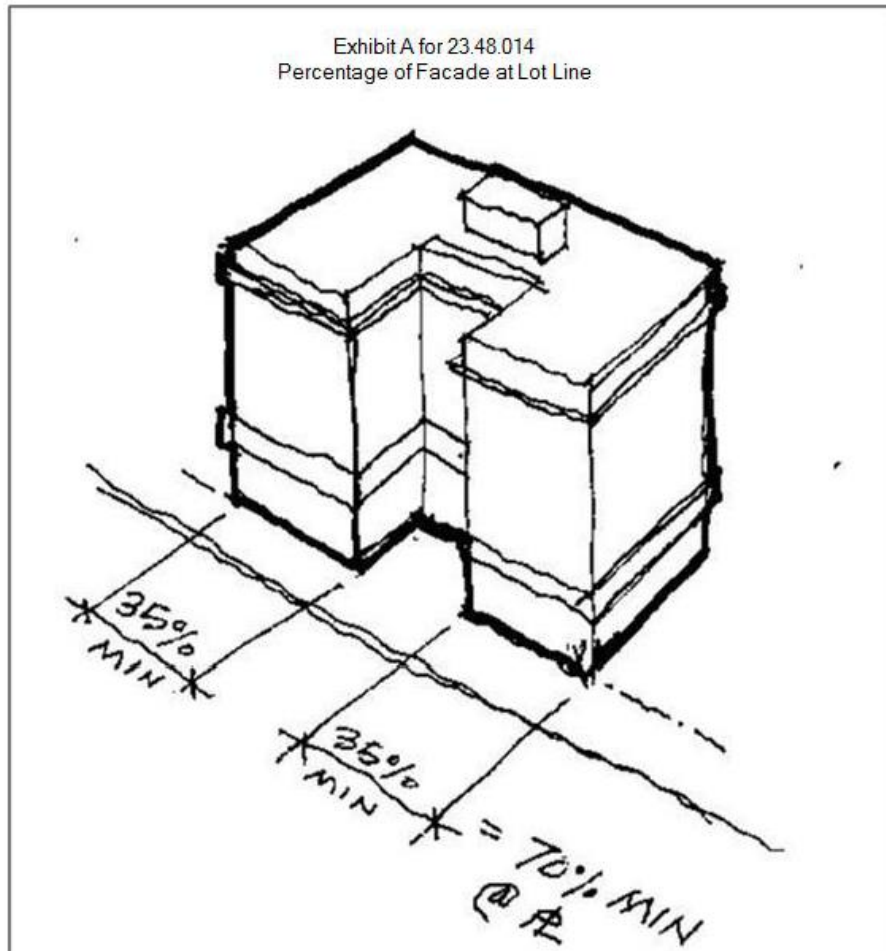
b. On Class 2 Pedestrian Streets and Neighborhood Green Streets, as shown on Maps A and B for 23.48.014, the minimum height for street-facing facades is 25 feet.

c. On all other streets, the minimum height for street-facing facades is 15 feet.

3. Permitted setbacks from street lot lines. Except on lots subject to the provisions of subsection 23.48.014.B, the street-facing facades of a structure are permitted to set back from the street lot line as follows:

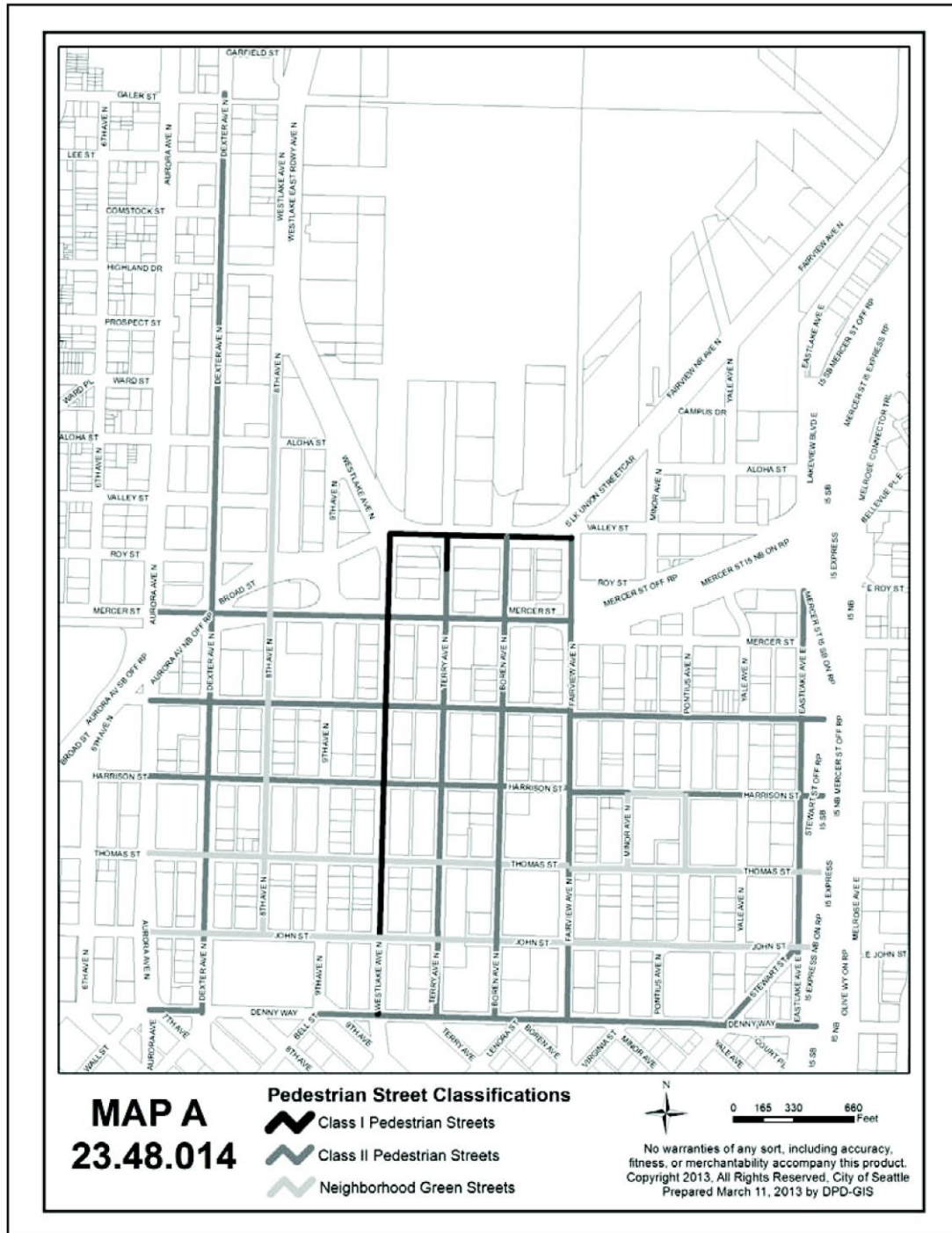
a. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.013.B.4.c, 23.48.014.F, or 23.48.014.G is excluded from the total amount of frontage required to be built to the street lot line.

**Exhibit A for 23.48.014**  
**Percentage of Facade at Lot Line**

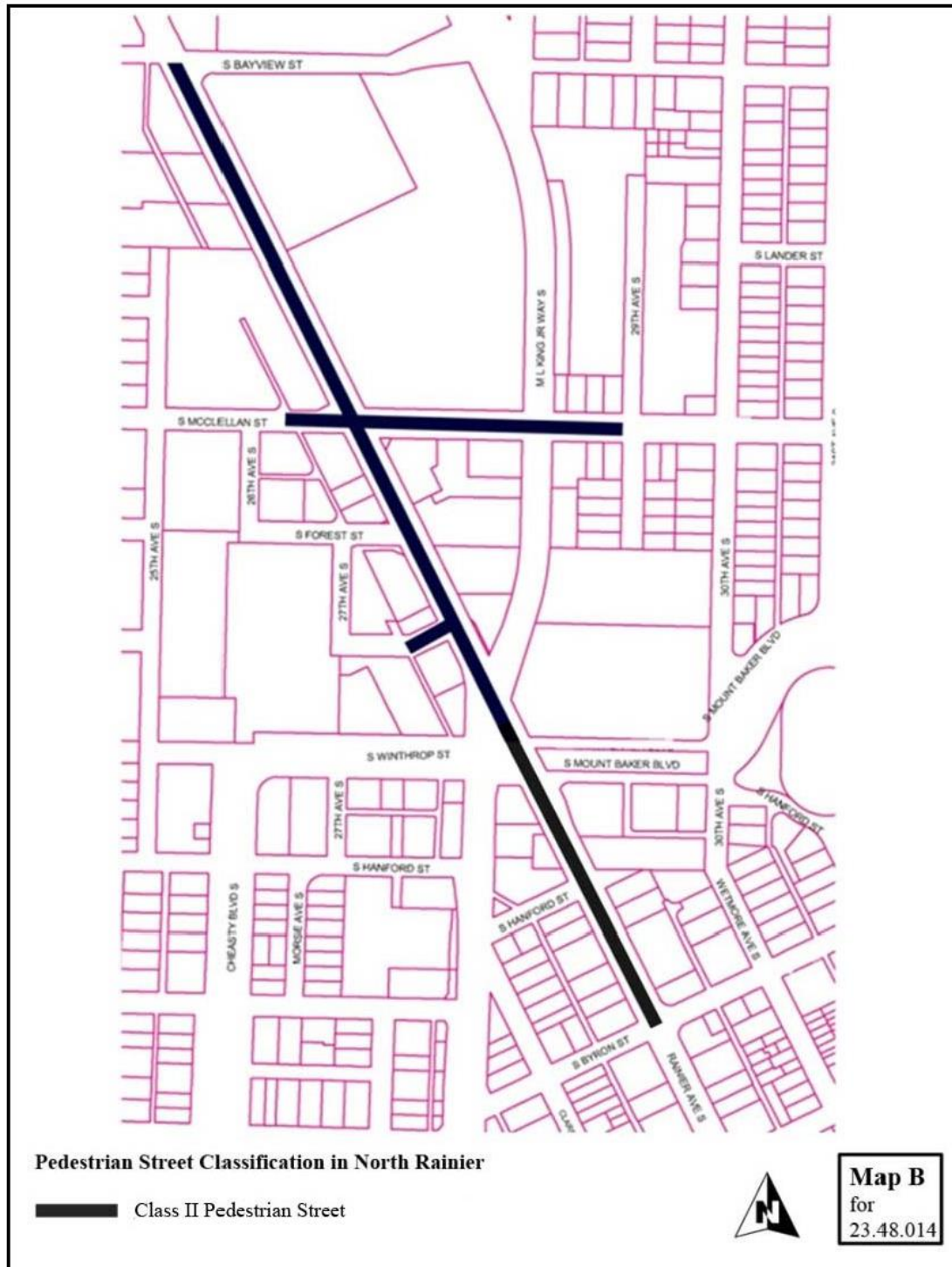


# Map A for 23.48.014

## Pedestrian Street Classifications in South Lake Union



**Map B for 23.48.014**  
**Pedestrian Street Classifications in North Rainier**



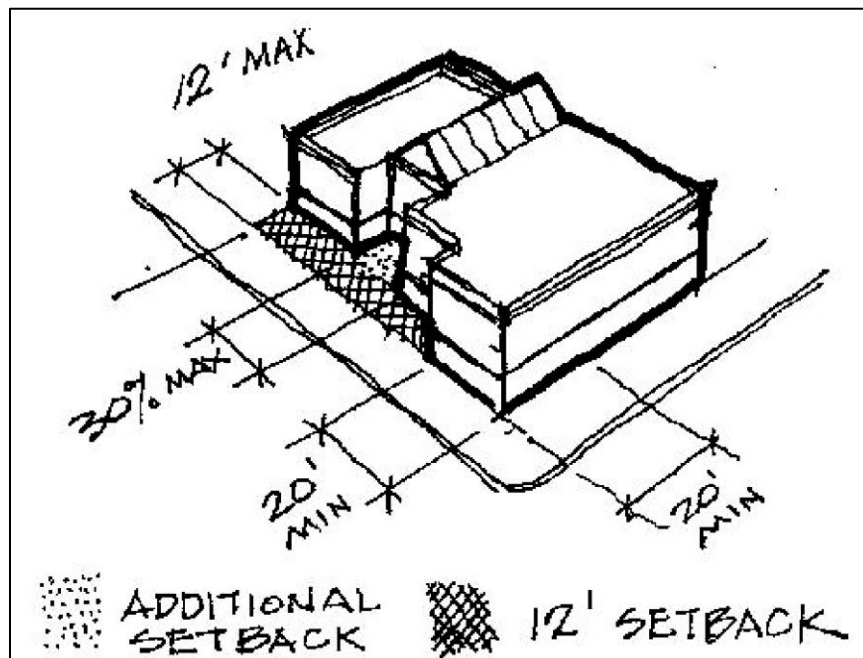
b. Except on Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, and as specified in subsection 23.48.014.B.1, the street-facing façade of a structure may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for 23.48.014):

1) The setback area shall be landscaped according to the provisions of Section 23.48.024

2) Additional setbacks are permitted for up to 30 percent of the length of portions of the street façade that are set back from the street lot line, provided that the additional setback is located 20 feet or more from any street corner; and

3) Any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.49.013.B.4.c, 23.48.014.F or 23.48.014.G is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsections 23.48.014.A.3.b or 23.49.014.A.3.b.2.

**Exhibit B for 23.48.014: Street level setback**





1  
2 B. Additional façade requirements in the SM 85-240 zone. In addition to the provisions  
3 of subsection 23.48.014.A, the following standards apply in the SM 85-240 zone.

4 1. Required street-facing façade setback

5 a. All street-facing facades along 8<sup>th</sup> Avenue North, except those portions  
6 occupied by permitted non-residential uses and subject to the provisions of subsection  
7 23.48.014.B.2, are required to set back an average of 10 feet from the street lot line, provided  
8 that no setback shall be less than 5 feet from the street lot line, and any setback area further than  
9 15 feet from the street lot line shall not be included in the averaging calculation.

10 b. The setback requirement of this subsection 23.48.014.B.1 does not  
11 apply to the following:

12 1) Portions of the street-facing façade that are located no more  
13 than 40 feet from a street corner; and

14 2) Portions of the structure that are partially below grade and meet  
15 the following conditions:

16 a) The roof of the partially below-grade portion of the  
17 structure in the setback area is no more than 4 feet above finished grade;

18 b) The surface of the roof is used for private access or  
19 amenity area for abutting units; and

20 c) A landscaped area a minimum of 2 feet in depth  
21 measured from the abutting street lot line is maintained at grade level. As a Type I decision, the  
22 Director, in consultation with the Director of Transportation, may waive this requirement for a  
23 landscaped setback if it is determined that a continuous landscaped area can be provided in the  
24 right-of-way area abutting the street lot line.

25 c. Only ground-related residential units and floor area for building lobbies  
26 for residential uses are permitted within the portion of the story of the structure abutting the  
27

1 required setback area, and each unit or lobby area is required to have direct access to the required  
2 setback area.

3 d. The street-level façade of lobby area abutting the required setback shall  
4 not exceed a width equivalent to 20 percent of the total width of the required setback measured  
5 along 8<sup>th</sup> Avenue North.

6 e. Private amenity area, unenclosed stoops, steps, or porches related to the  
7 abutting, ground level residential units or common amenity area with access to residential  
8 lobbies shall be provided within the required setback area.

9 f. Bay windows, canopies, horizontal projection of decks, balconies with  
10 open railings, eaves, cornices, gutters, and other similar architectural features are permitted to  
11 extend no more than 4 feet into required setbacks.

12 g. Driveways providing access to parking within a structure are not  
13 permitted within the required setback area.

14 2. Development standards for non-residential uses. Non-residential uses are  
15 permitted on the ground floor of mixed use structures, subject to the following:

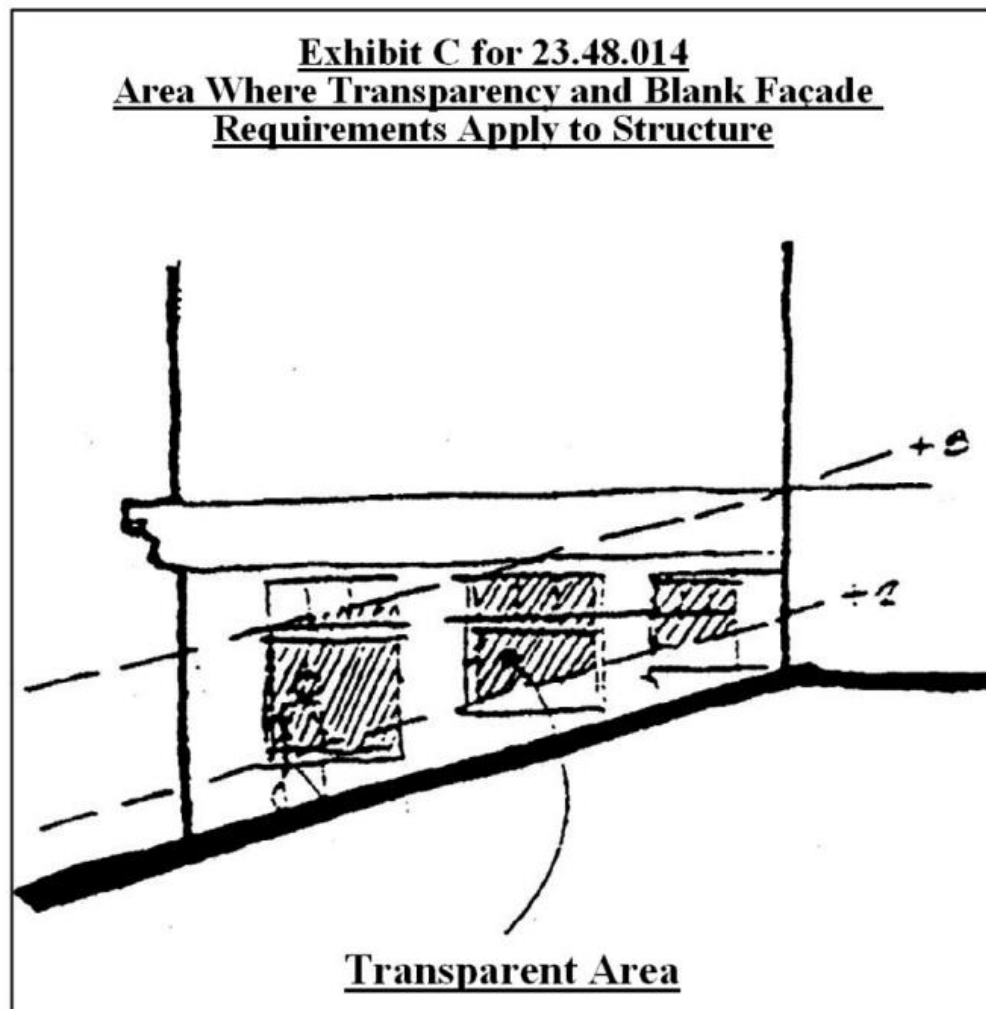
16 a. Non-residential uses are not permitted to extend more than 20 feet  
17 above the street level.

18 b. Non-residential uses are only permitted on corner portions of the lot  
19 that are within 20 lineal feet of intersecting street lot lines.

20 C. Additional requirements in the SM 85/65-160 zone on the blocks bounded by Valley  
21 Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. Street level facades  
22 on that portion of Terry Avenue between Mercer Street and Valley Street shall be set back an  
23 average of 10 feet from the lot line. In addition all street level facades on Valley Street within 50  
24 feet of Terry Avenue shall be set back an average of 50 feet from the lot line.

D. Transparency and blank facade requirements. The provisions of this subsection 23.48.014.C apply to the area of a street facing facade between 2 feet and 8 feet above a sidewalk (Exhibit C for 23.48.014).

**Exhibit C for 23.48.014**  
**Area Where Transparency and Blank Facade**  
**Requirements Apply to Structures**



1. Transparency requirements apply to all street-facing, street level facades, except for portions of structures in residential use, as follow:

1 a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green  
2 Streets, shown on Maps A and B for 23.48.014, a minimum of 60 percent of the street facing  
3 facade must be transparent.

4 b. For all other streets not specified in subsection 23.48.014.D.1.a, a  
5 minimum of 30 percent of the street facing facade must be transparent.

6 c. If the slope of the street frontage of the facade exceeds 7.5 percent, the  
7 required amount of transparency shall be reduced to 45 percent of the street facing facade on  
8 Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Maps A and B  
9 for 23.48.014, and 22 percent of the street facing facade on all other streets.

10 d. Only clear or lightly tinted glass in windows, doors, and display  
11 windows are considered transparent. Transparent areas shall allow views into the structure or  
12 into display windows from the outside.

13 2. Blank facade limits. Any portion of the facade that is not transparent is  
14 considered to be a blank facade.

15 a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and  
16 Neighborhood Green Streets.

17 1) Blank facades shall be limited to segments 15 feet wide, except  
18 for garage doors, which may be wider than 15 feet. Blank facade width may be increased to 30  
19 feet if the Director determines that the facade is enhanced by architectural detailing, artwork,  
20 landscaping, or other similar features that have visual interest. The width of garage doors shall be  
21 limited to the width of the driveway plus 5 feet.

22 2) Any blank segments of the facade shall be separated by  
23 transparent areas at least 2 feet wide.

24 3) The total of all blank facade segments, including garage doors,  
25 shall not exceed 40 percent of the street facade of the structure on each street frontage; or 55  
26 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

b. Blank facade limits for all other streets not specified in subsection  
23.48.014.B.2.a.

1) Blank facades are limited to segments 30 feet wide, except for  
garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet if  
the Director determines that the facade is enhanced by architectural detailing, artwork,  
landscaping, or other similar features that have visual interest. The width of garage doors shall be  
limited to the width of the driveway plus 5 feet.

2) Any blank segments of the facade shall be separated by  
transparent areas at least 2 feet wide.

3) The total of all blank facade segments, including garage doors,  
shall not exceed 70 percent of the street facade of the structure on each street frontage; or 78  
percent if the slope of the street frontage of the facade exceeds 7.5 percent.

c. Blank facade limits do not apply to portions of structures in residential  
use.

E. Development standards for required street-level uses. Street-level uses required by  
subsection 23.48.004.D, and street-level uses exempt from FAR calculations under the  
provisions of subsection 23.48.009.D.6, whether required or not, shall meet the following  
development standards:

1. A minimum of 75 percent of each street frontage where street-level uses are  
required shall be occupied by uses listed in subsection 23.48.004.D. For structures with a street-  
facing façade along 8th Avenue N., located on blocks identified pursuant to subsection  
23.48.017.B, or located on a designated neighborhood green street the minimum street frontage  
of required street-level uses is 10 percent of that street-facing facade. The remaining street  
frontage at street-level may contain other permitted uses and/or pedestrian or vehicular  
entrances. The frontage of any outdoor common amenity area required for residential uses or  
other required open space shall not be counted in street frontage.

2. The space occupied by required street-level uses shall have a minimum floor-to-floor height of 13 feet and extend at least 30 feet in depth at street-level from the street front facade.

3. Required street-level uses shall be located within 10 feet of the street lot line, except that if outdoor amenity area required in subsection 23.48.020.B, or other required open space, abuts the applicable street lot line and separates the street-facing façade from the street, the required street-level use may abut the amenity area or open space.

4. Pedestrian access to required street-level uses shall be provided directly from the street, permitted outdoor common amenity area, or abutting required open space. Pedestrian entrances shall be located no more than 3 feet above or below sidewalk grade or at the same elevation as the abutting permitted outdoor common amenity area or required open space.

F. 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, a minimum of 20 percent of the lot area shall be provided as open area that is located and configured to allow easy pedestrian access to project occupants from streets or other abutting public spaces, including access for persons with disabilities. The open area shall include the following:

1. A minimum of 60 percent of the required open area shall be provided as usable open space that meets the following conditions:

a. The usable open space is open from the ground to the sky and is visible and accessible to pedestrians from an abutting street, including persons with disabilities;

b. The open space is substantially at street-level, although portions are permitted to be within 4 feet of street level, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above or below the grade of the nearest abutting street;

c. The open space has a minimum horizontal dimension of 15 feet; and

d. The open space enhances visual and physical pedestrian connections between South Lake Union Park and development on the lot, and is accessible to the public, free of charge, during the hours of operation of South Lake Union Park.

2. At the applicant's option, up to 40 percent of the required open area may be provided as any combination of:

a. A woonerf that serves as a through-block pedestrian passageway and that satisfies the following:

1) The passageway is open to the sky, has a minimum width of 20 feet, and provides a direct and continuous connection between the north/south avenues abutting the lot;

2) The passageway is designed to provide safe pedestrian use, including a clear pathway demarcated as a priority pedestrian zone; and

3) The passageway is adequately lit and available for pedestrian use 24 hours every day

b. Open areas with a horizontal dimension that is less than 15 feet abutting a street lot line if one or more of the following:

1) An area abutting a sidewalk that extends the pedestrian area onto the lot to accommodate additional streetscape amenities, such as landscaping, street furniture, special lighting, public art, or extensions of right-of-way green factor treatments;

2) Setback areas abutting the street with a maximum depth of 10 feet that provide private usable open space, stoops, terraces, and/or landscaping for abutting ground level dwelling units that have direct access to the setback area, provided that the total amount of such setback areas does not exceed half of the 40 percent portion of the open area allowed by this subsection 23.48.014.F.2; or

3) Additional sidewalk areas created by extending the curbline into the abutting street right-of-way that are improved with such streetscape amenities as

1 landscaping, street furniture, special lighting, public art, or extensions of right-of-way green  
2 factor treatments.

3 c. Usable elevated open space up to a maximum of 40 feet above street-  
4 level, and that meets the following:

5 1) At least 50 percent of the perimeter of the elevated open space  
6 is not enclosed by a façade and is open and oriented to provide views of South Lake Union Park;

7 2) The minimum horizontal dimension of the open space is 15  
8 feet, and

9 d. No more than 50 percent of the open areas allowed pursuant to this  
10 subsection 23.48.014.F.2 shall be:

11 1) Located more than 4 feet above street-level.; and

12 2) Comprised of unenclosed covered areas, such as arcades or  
13 areas beneath building overhangs or overhead weather protection attached to abutting facades  
14 that abut sidewalks or pedestrian paths across the lot, or freestanding pavilions or kiosks that  
15 provide overhead weather protection..

16 3. When authorized by the Director as a Type I decision pursuant to this  
17 subsection 23.49.014.F, lots within the SM 85/65-160 zone on the blocks bounded by Valley  
18 Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, may be combined,  
19 whether contiguous or not, for the purpose of allowing the open area required on a lot by this  
20 subsection 23.48.014.F to be met on one or more other lots within the SM 85/65-160 zone on the  
21 blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue  
22 North, according to the following provisions:

23 a. The Director shall allow lots to be combined to meet open area  
24 requirements if the Director determines that the combined amount of open area on all lots meets  
25 or exceeds the minimum amount required by subsection 23.48.014.F.1, and that the added  
26 flexibility will achieve better open space conditions, as indicated by the following:



1 1) The open area in general will provide for a better relationship  
2 between the development on the combined lots and South Lake Union Park;

3 2) The added flexibility will allow for better integration of open  
4 space and surrounding development and improve accessibility among the blocks in the SM  
5 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North,  
6 and Fairview Avenue North and adjacent areas;

7 3) A greater diversity of open space will be achieved for the area;

8 4) Greater public use of the open space will be encouraged;

9 5) The flexibility would result in open spaces that are more  
10 substantial in size and/or more adaptable to a greater variety of uses, or that establish a more  
11 significant neighborhood focal point than would otherwise likely occur; and/or

12 6) The open space provided will enhance urban form by  
13 promoting better massing, more usable open spaces with increased solar access, enhanced views  
14 within and through the site, and other improved conditions.

15 b. Prior to issuance of a Master Use Permit for any development that  
16 relies on one or more other lots within the SM 85/65-160 zone on the blocks bounded by Valley  
17 Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North to meet the open area  
18 requirements of this subsection 23.48.014.F, the fee owners of both the property subject to the  
19 Master Use Permit and the lot(s) utilized to meet open area requirements for the Master Use  
20 Permit shall execute an appropriate agreement or instrument that is recorded in the King County  
21 real property records that:

22 1) Includes the legal description of each lot;

23 2) Acknowledges the specific extent to which the open space standards  
24 are met through a combination of the lots;

25 3) Provides that its covenants and conditions shall run with the land and  
26 shall be specifically enforceable by the parties and by the City of Seattle; and  
27

4) Provides that the agreement or instrument shall be in effect unless the Master Use Permit expires, is cancelled, is withdrawn by the applicant, or the development allowed by the Master Use Permit no longer requires the other lot(s) in order to meet the open area requirements of this subsection 23.48.014.F.

G. Required usable open space in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones.

1. Except as provided for in subsection 23.48.014.G.3 and 23.48.014.G.4, in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones, on lots exceeding 30,000 square feet in area, proposed development containing extra floor area as provided for in Section 23.48.011 shall provide usable open space as follows:

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

b. The average horizontal dimension for any area qualifying as required usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is provided according to subsection 23.48.014.G.1.f;

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

d. Up to a maximum of 20 percent of the required usable open space may be covered overhead to provide weather protected space and a widened sidewalk area, if the following conditions are met:

1) The open space abuts a street lot line and is open and accessible to pedestrians along the sidewalk and,

2) If the space is covered by portions of the structure above, or is provided as an arcade open to the street, the minimum vertical clearance is 20 feet;

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

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

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

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

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

f. Up to a maximum of 10 percent of the required usable open space may be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or accommodates landscaping or extensions of right-of way green factor treatment pursuant to Section 23.86.019. Minor changes between the sidewalk elevation and the elevation of the abutting sidewalk area are permitted to accommodate changes in topography, or to provide for features such as ramps that improve access for persons with disabilities.

2. Usable open space provided under this subsection 23.48.014.G is eligible to qualify as amenity area for residential uses under Section 23.48.020 or open space required for office use under Section 23.48.022, provided the applicable standards of these Sections are met.

3. Usable open space satisfying the requirements of this subsection 23.48.014.G may be provided on a site other than the project site, provided that the following conditions are met:

a. The alternate open space site is located within an SM zone and within 650 feet of the project site;

b. The amount of usable open space is no less than 10 percent of the lot area; and

c. The owner of any lot on which off-site open space is provided records a restrictive covenant in a form acceptable to the Director assuring compliance with requirements of this subsection 23.48.014.G.

H. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.014.G.2 is required in the SM 85/65-125, SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones for development described as follows:

a. Within the block defined as the area enclosed by street rights-of-way, the lot area of the development is a minimum of 60,000 square feet, except that the area of lots separated only by an alley right-of-way may be combined for the purposes of calculating the minimum required lot area;

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

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

a. A continuous pedestrian passageway shall extend across the development lot to both abutting avenues. The alignment of the pedestrian connection and the point at which it intersects each avenue shall be no closer than 100 feet to an east-west street

1 abutting the block, and the connection at the avenues shall be accessible at grade level from the  
2 sidewalk.

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

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

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

13 3. The Director may allow departures from the standards for through-block  
14 pedestrian connections as a Type I decision, if the applicant demonstrates that alternative  
15 treatments will better serve the development by enhancing pedestrian comfort and promoting  
16 greater use of the connection.

17 4. For development providing a through-block pedestrian connection on blocks  
18 with an alley, the allowed FAR from any lot included in the development may be transferred to  
19 any other lot of the development across the alley.

20 **23.48.017 Additional height in certain SM-zoned areas in the South Lake Union Urban**  
21 **Center**

22 A. Applicability and general provisions. For structures in the SM 160/85-240 zone  
23 designed for research and development laboratory use and administrative office associated with  
24 research and development laboratories, structures that do not exceed a height of 120 feet are not  
25 subject to the floor area limits of subsection 23.48.013.B, provided the project complies with all  
26 the requirements of this Section 23.48.017. In order for a structure to qualify for the exemption  
27  
28

1 from the floor area limit, at least one complete MUP application for a structure on the same  
2 block that has been permitted to extend up to a height of 120 feet without floor area limits shall  
3 be filed within nine months of February 17, 2010.

4 B. Location. A structure may be exempt from floor area limits of subsection 23.48.013.B  
5 if the structure:

- 6 1. is located on a block that is designated SM 160/85-240;
- 7 2. is bounded by arterial-designated streets on at least two sides;
- 8 3. is greater than 60,000 square feet in size and does not exceed 100,000 square  
9 feet in size; and
- 10 4. is not bisected by an alley or other public right-of-way.

11 C. Street-level uses. Street-level uses shall be provided as required by subsection  
12 23.48.004.D.3.

13 D. LEED requirement. The applicant will strive to achieve a LEED Gold rating or better  
14 and at a minimum earn a LEED Silver rating or meet a substantially equivalent standard, and  
15 shall demonstrate compliance with that commitment, all in accordance with the provisions of  
16 Section 23.48.025

17 E. Open space. A minimum of 20 percent of the lot area shall be useable open space. The  
18 purpose of the open space shall be to allow for public seating, passive recreation, and a mid-  
19 block pedestrian connection. For a multi-phase project, the open space requirement and the other  
20 requirements in this subsection 23.48.017.E shall be calculated and applied to the total project.  
21 The following standards apply to open space required under this subsection 23.48.017.E:

- 22 1. The open space shall be open during daylight hours and accessible to the  
23 general public, without charge, for a minimum of ten hours per day, except that access may be  
24 temporarily limited as required for public safety, security, scheduled events, or maintenance  
25 reasons. Members of the public may not be asked to leave for any reason other than conduct that  
26 unreasonably interferes with the enjoyment of the space by others, unless the space is closed to  
27

1 the general public consistent with this subsection 23.48.017.E.1. No parking, storage or other use  
2 may be established on or above the surface of the open space except as provided in this  
3 subsection 23.48.017.E. Use of the open space by motor vehicles is prohibited. The open space  
4 shall be clearly identified with signage placed at a visible location at each street entrance  
5 providing access to the open space. The signage shall indicate, in letters legible to passersby, the  
6 nature of the open space, its availability for general public access, and directional information as  
7 needed.

8                   2. The open space shall contain at least one contiguous area with a minimum of  
9 3,000 square feet and a minimum horizontal dimension of 10 feet.

10                   3. A minimum of 35 percent of the open space shall be landscaped with grass,  
11 ground cover, bushes and/or trees.

12                   4. Either permanent or movable seating in an amount equivalent to one lineal foot  
13 for every 200 square feet of open space shall be available during hours of public access.

14                   5. The open space shall be located and configured to provide easy access from  
15 streets or other abutting public spaces and convenient pedestrian circulation through the open  
16 space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk,  
17 and be visible from sidewalks on at least one street.

18                   6. The open space shall be provided at ground level, except that some separation  
19 of multiple levels may be allowed, provided they are physically and visually connected.

20                   7. Up to 20 percent of the open space may be covered by features accessory to  
21 public use of the open space, including: permanent, freestanding structures, such as retail kiosks,  
22 pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of  
23 overhead weather protection; and any other features approved by the Director that contribute to  
24 pedestrian comfort and active use of the space. The following features within the open space area  
25 may count as open space: areas for temporary kiosks and pavilions, public art, water features,  
26 permanent seating that is not reserved for any commercial use, exterior stairs and mechanical  
27

1 assists that provide access to the open space and are available for public use, and any similar  
2 features approved by the Director. Seating or tables, or both, may be provided and reserved for  
3 customers of restaurants or other uses abutting the open space, however, the area reserved for  
4 customer seating shall not exceed 15 percent of the open space area or 500 square feet,  
5 whichever is less.

6 8. Public art shall be included in the public open space. The artwork may include  
7 but need not be limited to water features, or two or three-dimensional works in all media. The  
8 artwork shall be clearly visible to people using the open space, and, wherever possible, should be  
9 visible from the abutting streets. The property owner is responsible for maintaining all art  
10 features for the life of the buildings on the lot.

11 F. Transportation Management Program. The Master Use Permit application shall  
12 include a Transportation Management Program (TMP) consistent with requirements for TMPs in  
13 the applicable Director's Rule. The TMP shall be approved by the Director only if, after  
14 consulting with the Director of Transportation, the Director determines that no more than 40  
15 percent of trips to and from the project will be made using single-occupant vehicles (SOVs).

16 1. For purposes of measuring attainment of SOV goals contained in the TMP, the  
17 number of SOV trips shall be calculated for the p.m. hour in which an applicant expects the  
18 largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the  
19 generator).

20 2. Compliance with this Section 23.48.017 does not affect the responsibility of  
21 any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

22 G. Energy Management Plan. The Master Use Permit application shall include an energy  
23 management plan, approved by the General Manager and Chief Executive Officer of Seattle City  
24 Light, containing specific energy conservation or alternative energy generation methods or on-  
25 site electrical systems that together can ensure that the existing electrical system can  
26 accommodate the projected loads from the project. The Director, after consulting with the  
27  
28



1 Superintendent of Seattle City Light, may condition the approval of the Master Use Permit on the  
2 implementation of the energy management plan.

3 **23.48.020 Amenity area for residential uses**

4 A. Amenity area. Amenity area is required for all new development with more than 20  
5 dwelling units.

6 B. Quantity of amenity area. An area equivalent to 5 percent of the total gross floor area  
7 in residential use shall be provided as amenity area, except that, in no instance shall the amount  
8 of required amenity area exceed the area of the lot.

9 C. Standards for amenity area. Required amenity area shall meet the following standards:

10 1. All residents of the project shall have access to the required amenity area,  
11 which may be provided at or above ground level.

12 2. A maximum of 50 percent of the required amenity area may be enclosed.

13 3. The minimum horizontal dimension for required amenity areas is 15 feet,  
14 except that the minimum horizontal dimension is 10 feet for amenity areas provided as  
15 landscaped open space accessible from the street at street-level. The minimum size of a required  
16 amenity area is 225 square feet.

17 4. Amenity area that is provided as landscaped, street-level open space that is  
18 accessible from the street shall be counted as twice the actual area in determining the amount  
19 provided to meet amenity area requirement.

20 5. In mixed use projects, the Director may permit a bonused public open space to  
21 satisfy a portion of the required amenity area, provided that the space meets the standards of this  
22 Section 23.48.020, and the Director finds that its design, location, access and hours of operation  
23 meet the needs of building residents.

24 6. Parking areas, driveways, and pedestrian access, except for pedestrian access  
25 meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be  
26 counted as amenity area.

7. For a development that maintains a designated Seattle Landmark on the lot, the Director may, as Type I decision, waive or modify the amenity area requirement if it is determined that maintaining the Landmark structure significantly limits the ability to accommodate the required amenity area on the site.

8. For lots abutting a designated neighborhood green street, up to 50 percent of the amenity area requirement may be met by contributing to the development of the abutting green street. The Director may waive the requirement that the green street abut the lot and allow the improvement to be made to a green street located in the general vicinity of the project if the Director determines that the green street will benefit residents of the project.

**23.48.022 Open space requirement for office uses**

A. Finding. The City Council finds that:

1. With the increase in office development and the Comprehensive Plan's significant employment growth targets for the South Lake Union Urban Center, office workers will increasingly become major users of open space in the area.

2. Additional major office projects in South Lake Union will result in increased use of public open space. If additional major office projects in South Lake Union do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

3. Recent and projected office development in the South Lake Union Urban Center is generally comparable to office development in the abutting Downtown Urban Center in terms of tenant characteristics, density, and open space need. Therefore, the findings that support the current open space requirement in major Downtown office projects are applicable to conditions in South Lake Union.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

1           5. As in Downtown, smaller office developments in South Lake Union may  
2 encounter design problems in incorporating open space, and the sizes of open spaces provided  
3 for office projects under 85,000 square feet may make them less attractive and less likely to be  
4 used. Therefore, and in order not to discourage small scale office development, projects  
5 involving less than 85,000 square feet of new office space should be exempt from any open  
6 space requirement.

7           B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000  
8 square feet of gross office floor area is required for the following projects:

9           1. The project is on a lot located in an SM zone within the South Lake Union  
10 Urban Center that has a height limit for nonresidential uses that exceeds 85 feet; and

11           2. The project includes 85,000 or more square feet of gross office floor area.

12           C. Standards for open space. Open space may be provided on-site or off-site, as follows:

13           1. On-site open space

14           a. Open space on site or on an adjacent lot directly accessible from the  
15 project site shall satisfy the requirement of this Section 23.48.022 if it meets the standards of  
16 23.48.014.G and the open space is accessible to all occupants of the building.

17           b. Open space provided on-site under this requirement is eligible for  
18 amenity feature bonuses, where allowed in Section 23.48.011 when the following standards are  
19 met:

20           1) The space has a minimum horizontal dimension of 20 feet and a  
21 minimum floor-to-ceiling height of 13 feet;

22           2) The space is directly accessible to pedestrians, including  
23 persons with disabilities, from the street, or from an outdoor usable open space abutting the  
24 street;

25           3) The space is available for use during normal business hours;

4) Enclosed areas providing the connection between the structure's primary pedestrian access to the street and elevator cores, such as lobby space, do not qualify as required open space.

2. Off-site public open space

a. Open space satisfying the requirement of this Section 23.48.022 may be on a site other than the project site, provided that it is within an SM zone and within one-quarter mile of the project site, open to the public without charge, and at least 3,000 square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access.

b. Public open space provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.48.013

3. Easement for off-site open space. The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.48.022 shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this Section 23.48.022. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

4. Open space provided under this Section 23.48.022 shall qualify as the open space required under ((§))subsection 23.48.014.F and 23.48.014.G.

D. Payment in lieu. In lieu of providing open space required under this Section 23.48.022, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a designated green street or to other public open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that

1 completion of the improvement within a reasonable time is feasible. Any such payment shall be  
2 placed in a dedicated fund or account and used within five years of receipt for the development  
3 of such improvements, unless the property owner and the City agree upon a different  
4 improvement involving the acquisition or development of public open space that will mitigate  
5 the impact of the project. A bonus may be allowed for a payment in lieu of providing the  
6 improvement made wholly or in part to satisfy the requirements of this Section 23.48.022,  
7 pursuant to Section 23.49.013

8 E. Limitations. Open space satisfying the requirement of this Section 23.48.022 for any  
9 project shall not be used to satisfy the open space requirement for any other project, nor shall any  
10 bonus be granted to any project for open space meeting the requirement of this Section 23.48.022  
11 for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop  
12 where required open space is located, see Section 23.57.013. Open space on the site of any  
13 building for which a Master Use Permit decision was issued or a complete building permit  
14 application was filed prior to the effective date of this ordinance, that was not required under the  
15 Land Use Code in effect when such permit decision was issued or such application filed, but that  
16 would have been required for the same building by this Section 23.48.022, shall not be used to  
17 satisfy the open space requirement or to gain an FAR bonus for any other project.

18 **23.48.024 Screening and landscaping standards**

19 A. Landscaping requirements

20 1. All landscaping provided to meet the requirements of this Section 23.48.024  
21 shall comply with the Director's rules adopted to foster the long-term health, viability, and  
22 coverage of plantings. The Director's rules shall address, at a minimum, the type and size of  
23 plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants.  
24 these rules.

25 2. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to  
26 Section 23.86.019, is required for any lot with:  
27  
28

- a. development containing more than four dwelling units; or
- b. development, either a new structure or an addition to an existing structure, containing more than 4,000 square feet of nonresidential uses; or
- c. any parking lot containing more than 20 new parking spaces for automobiles.

3. Landscaping required by this Section 23.48.024 to achieve the Green Factor score of .30 may be met on one or more other lots within the SM 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way when a Green Factor score of .50 or greater is achieved and when, prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way to meet the landscaping requirement of this section, the fee owner of the lot(s) used to meet landscaping requirements shall execute a restrictive covenant that is recorded in the King County real property records that;

- a. restricts the use of that portion of the off-site property that is to meet the landscaping requirement of this section, to the landscaping required by this section;
- b. includes the legal descriptions of the lot burdened by the covenant;
- c. acknowledges the specific extent to which the Green Factor standards are met through a combination of the lots; and
- d. provides that the covenant shall be in effect until the Master Use Permit terminates or the development allowed by the Master Use Permit no longer requires the off-site landscaping.

B. Where screening or landscaping is required for specific uses in subsection 23.48.024.C, the following types of screening and landscaping shall be provided:

1                   1. Three foot high screening on street lot lines. The required screening may be  
2 provided as either:

3                   a. A fence or wall at least 3 feet in height; or

4                   b. A hedge or landscaped berm at least 3 feet in height.

5                   2. Landscaping for setback areas and berms. Each setback area or berm required  
6 shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as  
7 pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design,  
8 decorative pavers, sculptures or fountains may cover a maximum of 30 percent of each required  
9 landscaped area or berm. Landscaping shall be provided according to standards promulgated by  
10 the Director. Landscaping designed to provide treatment for storm water runoff qualifies as  
11 required landscaping.

12                   C. Screening for specific uses

13                   1. Gas stations shall provide 3 foot high screening along lot lines abutting all  
14 streets, except within required sight triangles.

15                   2. Surface parking areas

16                   a. Surface parking areas abutting streets. Surface parking areas shall  
17 provide 3 foot high screening along the lot lines abutting all streets, except within required sight  
18 triangles.

19                   b. Surface parking areas abutting alleys. Surface parking areas shall  
20 provide 3 foot high screening along the lot lines abutting an alley. The Director may reduce or  
21 waive the screening requirement for part or all of the lot line abutting the alley when required  
22 parking is provided at the rear lot line and the alley is necessary to provide aisle space.

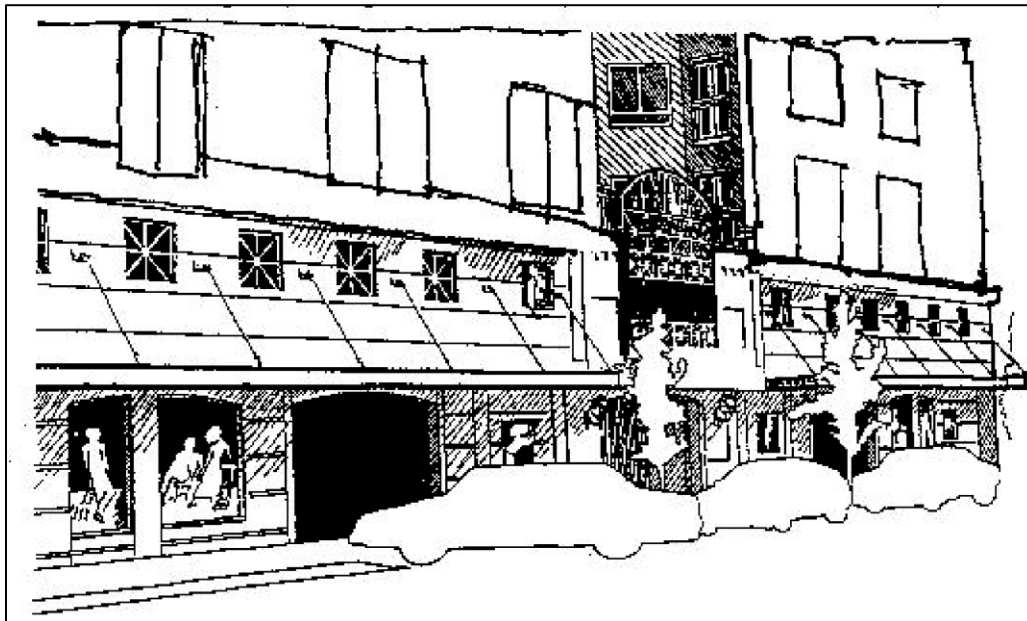
23                   3. Parking in structures. Except as provided for by subsection 23.48.034.B,  
24 parking located at or above street-level in a garage shall be screened according to the following  
25 requirements.

1 a. On Class 1 and 2 Pedestrian Streets, shown on Maps A and B for  
2 23.48.014, parking is not permitted at street level unless separated from the street by other uses,  
3 provided that garage doors need not be separated. The facade of the separating uses shall be  
4 subject to the transparency and blank facade standards in Section 23.48.014

5 b. On all other streets, parking is permitted at street level when at least 30  
6 percent of the street frontage of the parking area, excluding that portion of the frontage occupied  
7 by garage doors, is separated from the street by other uses. The facade of the separating uses  
8 shall be subject to the transparency and blank wall standards in Section 23.48.014. The  
9 remaining parking shall be screened from view at street level and the street facade shall be  
10 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features  
11 (Exhibit A for 23.48.024).

12 c. The perimeter of each floor of parking above street level shall have an  
13 opaque screen at least 3.5 feet high.

14 **Exhibit A for 23.48.024**  
15 **Screening for parking at street level (on Class II Pedestrian Streets)**





1  
2 4. Fences or free-standing walls associated with utility services uses may obstruct  
3 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
4 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
5 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
6 through the height, design or construction of the fence or wall, including the use of materials,  
7 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any  
8 fence or free-standing wall for a utility service use shall provide either:

9 a. A landscaped area a minimum of 5 feet in depth between the wall or  
10 fence and the street lot line; or

11 b. Architectural detailing, artwork, vegetated trellises, decorative fencing,  
12 or similar features to provide visual interest facing the street lot line, as approved by the Director.

13 D. Street trees requirements

14 1. Street trees shall be provided in all planting strips. Existing street trees may  
15 count toward meeting the street tree requirement.

16 2. Exceptions to street tree requirements

17 a. Street trees are not required when a change of use is the only permit  
18 requested.

19 b. Street trees are not required for temporary use permits.

20 c. Street trees are not required if an existing structure is expanded by less  
21 than 1,000 square feet. Generally, two street trees shall be required for each additional 1,000  
22 square feet of expansion. Rounding of fractions, per subsection 23.86.002.B, is not permitted.  
23 The number of street trees shall be controlled by the Seattle Department of Transportation  
24 standard.

25 3. If it is not feasible to plant street trees according to City standards, either a  
26 landscaped setback a minimum of 5 feet deep is required along the street lot line, or landscaping  
27  
28

other than trees may be located in the planting strip according to Department of Transportation standards. The street trees shall be planted in the landscaped area at least 2 feet from the street lot line if they cannot be placed in the planting strip.

#### **23.48.025 Demonstration of LEED rating**

A. Applicability. This Section 23.48.025 applies if a commitment to earn a LEED rating or substantially equivalent standard is a condition of a permit. Applicants for all new development, except additions and alterations, gaining extra residential floor area pursuant to Section 23.48.011, or seeking to qualify for the higher FAR limit in the applicable Table A for 23.48.009 or Table B for 23.48.009, shall make a commitment that the structure will meet Leadership in Energy and Environmental Design (LEED) rating, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in Section 23.58A.180 may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

B. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.

#### **C. Demonstration of compliance; penalties**

1. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED rating no later than 180 days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits were

earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. Performance is demonstrated through an independent report from a third party, pursuant to subsection 23.90.018.D. For purposes of this Section 23.48.025, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED rating" shall mean such other standard.

2. Failure to submit a timely report regarding a LEED rating from an approved independent entity by the date required is a violation of the Land Use Code. The penalty for such violation is \$500 per day from the date that the report was due to the date it is submitted, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection 23.48.025 D, full compliance with the applicant's commitment to earn a LEED rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM - CE) / LSM] \times CV \times 0.0075, \text{ where:}$$

P is the penalty;

LSM is the minimum number of credits to earn the required LEED rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	\$200,000,000.00
Minimum LEED Credits for rating	33
Credits Earned	32
Penalty = $[(33 - 32) / 33] \times 200,000,000 \times .0075 =$	\$45,454.55

1           4. Failure to comply with the applicant's commitment to earn a LEED rating is a  
2 violation of the Land Use Code independent of the failure to demonstrate compliance; however,  
3 such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is  
4 paid in the amount determined under subsection 23.48.025.C.3, no additional penalty shall be  
5 imposed for the failure to comply with the commitment.

6           5. If the Director determines that the report submitted provides satisfactory  
7 evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the  
8 applicant so stating. If the Director determines that the applicant did not demonstrate compliance  
9 with its commitment to earn a LEED rating in accordance with this Section 23.48.025, the  
10 Director may give notice of such determination, and of the calculation of the penalty due, to the  
11 applicant.

12           6. If, within 90 days, or such longer period as the Director may allow for good  
13 cause, after initial notice from the Director of a penalty due under this subsection 23.48.025.C,  
14 the applicant shall demonstrate, through a supplemental report from the independent entity that  
15 provided the initial report, that it has made sufficient alterations or improvements to earn a  
16 LEED rating, or to earn more credits toward such a rating, then the penalty owing shall be  
17 eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be  
18 final. If the applicant does not submit a supplemental report in accordance with this subsection  
19 23.48.025.C by the date required under this subsection 23.48.025.C, then the amount of the  
20 penalty as set forth in the Director's original notice shall be final.

21           7. Any owner, other than the applicant, of any lot on which the bonus  
22 development was obtained or any part thereof, shall be jointly and severally responsible for  
23 compliance and liable for any penalty due under this subsection 23.48.025.C.

24           D. Use of penalties. A subfund shall be established in the City's General Fund to receive  
25 revenue from penalties under subsection 23.48.025.C. Revenue from penalties under that  
26 subsection 23.48.025.C shall be allocated to activities or incentives to encourage and promote the  
27

development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

**23.48.026 Noise standards**

All permitted uses are subject to the noise standards of Section 23.47A.018.

**23.48.028 Odor standards**

All permitted uses are subject to the odor standards of Section 23.47A.020.

**23.48.030 Light and glare standards**

All permitted uses are subject to the light and glare standards of Section 23.47A.022.

**23.48.032 Required parking and loading**

A. Off-street parking spaces and bicycle parking are required according to Section 23.54.015, Required parking.

B. Maximum parking limit for non-residential uses, except for non-residential uses in the Mount Baker Station Overlay District.

1. Except as provided in subsections 23.48.032.B.2, 23.48.032.B.3, and 23.48.032.B.4 parking for non-residential uses, except in the Mount Baker Station Overlay District, is limited to one parking space per every 1,000 square feet of gross floor area in non-residential use.

2. Parking for nonresidential uses in excess of the maximum quantity identified in subsection 23.48.032.B.1 may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and the availability of alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

1 c. Proximity of transit lines to the lot and headway times of those lines;  
2 d. The need for a motor pool or large number of fleet vehicles at the site;  
3 e. Proximity to existing long-term parking opportunities within the area  
4 which might eliminate the need for additional parking;

5 f. Whether the additional parking will adversely affect vehicular and  
6 pedestrian circulation in the area;

7 g. Potential for shared use of additional parking as residential or short-  
8 term parking;

9 h. The need for additional short-term parking to support retail activity in  
10 areas where short-term parking and transit service is limited.

11 3. If on or before September 1, 2012, a lot is providing legal off-site parking for  
12 another lot, by means such as a recorded parking easement or off-site accessory parking  
13 covenant on the subject lot, then the number of such off-site parking spaces is allowed on the off-  
14 site lot in addition to one space per 1,000 square feet for non-residential uses on the subject lot.

15 4. A lot in the SM 85/65-160 zone may exceed the maximum parking limit in  
16 subsection 23.48.032.B without approval of a special exception pursuant to subsection  
17 23.48.032.B.2 when, prior to issuance of a Master Use Permit for the lot that exceeds the  
18 maximum parking limit, the fee owners of both the property subject to the Master Use Permit for  
19 the lot that exceeds the maximum parking limit and the fee owners of the property subject to the  
20 Master Use Permit execute a restrictive covenant that is recorded in the King County real  
21 property records that limits the amount of parking that can be provided on other lot(s), such that  
22 the total quantity of parking provided as part of the Master Use Permit together with the parking  
23 to be provided on the other lot(s) subject to the restrictive covenant does not exceed the  
24 maximum parking limit in subsection 23.48.032.B.

25 C. Loading berths shall be provided pursuant to Section 23.54.035, Loading berth  
26 requirements and space standards.

D. Where access to a loading berth is from an alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley, as shown in Exhibit D for 23.47A.014. This setback shall be maintained up to a height of 16 feet.

**23.48.034 Parking and loading location, access and curbcuts**

A. Parking accessory to nonresidential uses may be provided on-site and/or within 800 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. Parking location within structures

1. Parking at street level

a. Except as permitted under subsections 23.48.034.B.1.b and 23.48.034.B.1.c, parking is not permitted at street-level unless separated from the street by other uses, provided that garage doors need not be separated.

b. Due to physical site conditions such as topographic or geologic conditions, parking is permitted in stories that are partially below street-level and partially above street level without being separated from the street by other uses, if:

1) The street front portion of the parking that is at or above street-level does not abut a Class 1 Pedestrian Street requiring street-level uses; and

2) The street front portion of the parking that is at or above street-level, excluding garage and loading doors and permitted access to parking, is screened from view at the street-level; and

3) The street-facing facade is enhanced by architectural detailing, artwork, landscaping, stoops and porches providing access to residential uses, or similar visual interest features.

1 c. Parking is permitted in a story that is partially above street-level and  
2 partially below street-level in a structure permitted in a setback area under the provisions of  
3 subsection 23.48.014.B.2.b.

4 2. Parking above the first story of a structure. The following provisions apply to  
5 development in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM  
6 240/125-400 zones within the South Lake Union Urban Center:

7 a. Except as provided in subsection 23.48.034.B for parking partially  
8 above street-level and partially below street-level, parking within structures is permitted above  
9 the first story under the following conditions:

10 1) One story of parking is permitted above the first story of a  
11 structure for each story of parking provided below grade that is of at least equivalent capacity, up  
12 to a maximum of two stories of parking above the first story.

13 2) For parking located on a story above the first story of a  
14 structure, a minimum of 30 percent of the length of the parking area measured along each street  
15 frontage shall be separated from the street by another use. On lots located at street intersections,  
16 the separation of parking area by another use shall be provided at the corner portion(s) of the  
17 structure.

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

22 b. The Director may permit more than two stories of parking above the  
23 first story of the structure, or may permit other exceptions to subsection 23.48.034.B.2, as a Type  
24 I decision, if the Director finds that locating parking below grade is infeasible due to physical  
25 site conditions such as a high water table or proximity to a tunnel. In such cases, the Director  
26 shall determine the maximum feasible amount of parking that can be provided below grade, if  
27  
28



any, and the amount of additional parking to be permitted above street level. Site size is not a basis for granting an exception under this subsection 23.48.034.B.2.b.

C. Accessory surface parking is permitted under the following conditions:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to 30 percent of the total lot area.

3. In the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones in the South Lake Union Urban Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

D. Parking and loading access. If a lot abuts more than one right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as shown on Maps A and B for 23.48.014, according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot does not abut an improved alley, or use of the alley for parking and loading access would create a significant safety hazard as determined by the Director, parking and loading access may be permitted from the street. If the lot abuts more than one street, the location of access is determined by the Director, as a Type I decision, after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection 23.48.034.D.3.c, access is allowed only from a right-of-way in the category, determined by the classifications shown on Maps A and B for 23.48.014, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most

1 to least preferred (a portion of a street that is included in more than one category is considered as  
2 belonging only to the least preferred of the categories in which it is included).

- 3 a. An undesignated street;
- 4 b. Class 2 Pedestrian Street;
- 5 c. Class 1 Pedestrian Street;
- 6 d. Designated Neighborhood Green Street.

7 3. The Director may allow or require access from a right-of-way other than one  
8 indicated by subsection 23.48.034.D.1 or subsection 23.48.034.D.2 if, after consulting with the  
9 Director of Transportation on whether and to what extent alternative locations of access would  
10 enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of  
11 vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize  
12 hazards, the Director finds that an exception to the access requirement is warranted. Curb cut  
13 controls on designated green streets shall be evaluated on a case-by-case basis, but generally  
14 access from green streets is not allowed if access from any other right-of-way is possible.

15 E. Curb cut width and number

16 1. Permitted access shall be limited to one two-way curbcut. In the event the site  
17 is too small to permit one two-way curbcut, two one-way curbcuts shall be permitted.

18 2. Curbcut width and number of curbcuts shall satisfy the provisions of Section  
19 23.54.030, except as modified in this Section 23.48.034

20 **23.48.035 Assisted living facilities**

21 A. In addition to the requirements of subsection 23.48.035.B, assisted living facilities are  
22 subject to the development standards of the zone where they are located, except that density  
23 limits and amenity area requirements do not apply to assisted living facilities.

24 B. Other requirements

25 1. Minimum unit size. Assisted living units shall be designed to meet the  
26 minimum square footage required by WAC 388-110-140.

2. Facility kitchen. An on-site kitchen that serves the entire assisted living facility is required.

3. Communal area. Communal areas that are either interior or exterior spaces, such as solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies, and gardens or other outdoor landscaped areas shall be provided as follows:

a. The total amount of communal area shall equal at least 10 percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each unit, excluding the bathroom, shall be counted, including counters, closets and built-ins;

b. Service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall not be counted as required communal area; and

c. A minimum of 400 square feet of the required communal area shall be provided as an outdoor area with a minimum dimension of 10 feet. Outdoor areas provided as required communal area shall be accessible to people with disabilities.

d. Adequate seating for residents and guests shall be provided for required communal areas.

#### **23.48.036 Pet daycare centers**

In addition to the development standards of the zone, pet daycare centers are subject to the following requirements:

A. Pet daycare centers that were established of record before July 31, 2006, may continue notwithstanding nonconformity with development standards, provided the provisions of this Section 23.48.036 are met.

B. The pet daycare center shall be permitted by the Public Health—Seattle and King County, as required by Section 10.72.020

C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to Section 23.54.015 may be provided in a public right-of-way if the applicant can demonstrate to the Director, in consultation with the Director of Transportation, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.

F. Violations of this Section 23.48.036

1. The exemption in subsection 25.08.500.A of the Noise Control Ordinance to uses permitted under Chapter 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

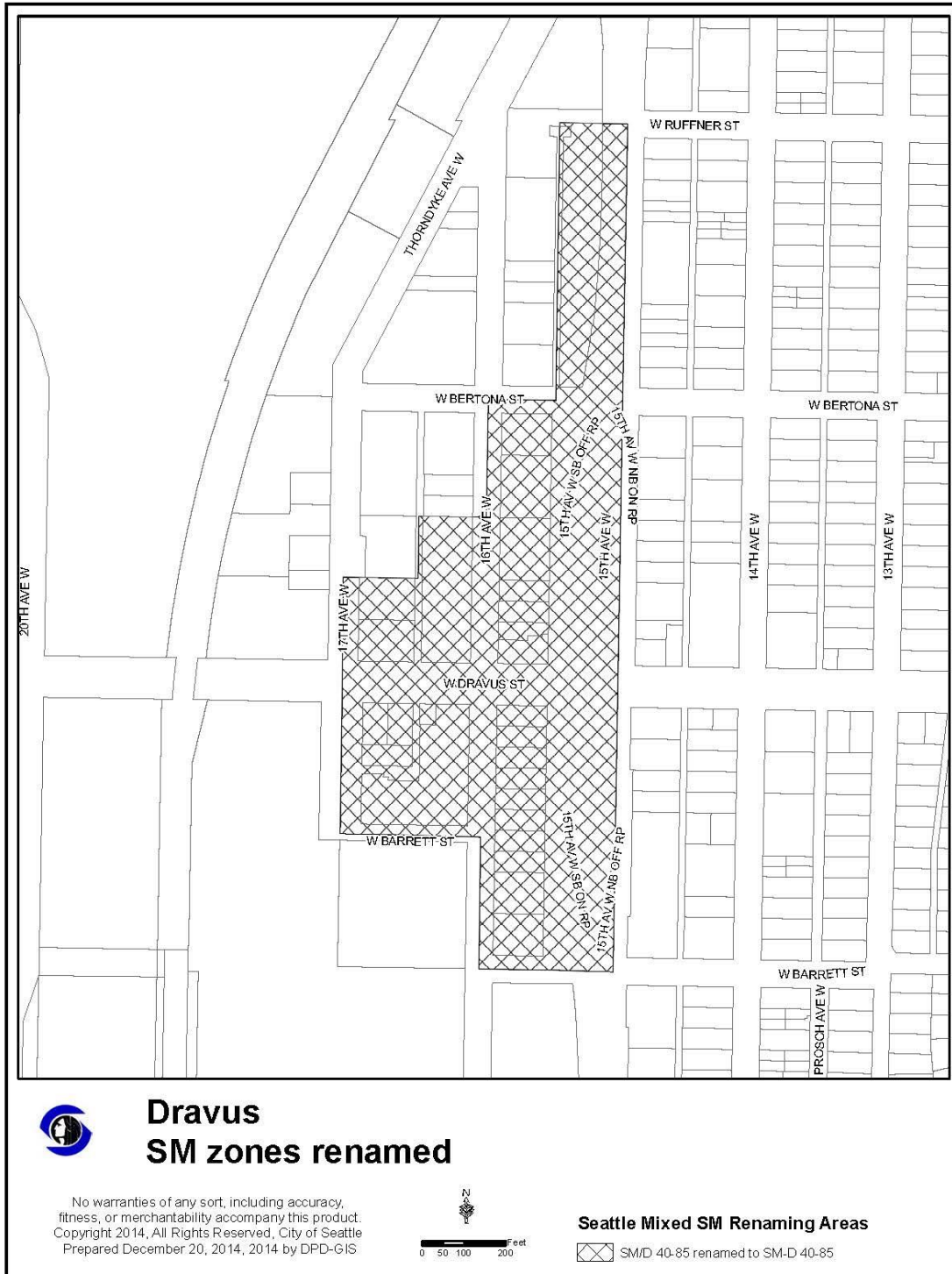
2. When a notice of violation is issued for animal noise, the Director may require the pet daycare center to submit a report from an acoustical consultant that describes potential measures to be taken by the pet daycare center to prevent or mitigate noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; and use of sound attenuating construction or building materials such as insulation and noise baffles. The Director may order the pet daycare center to be closed on a temporary or permanent basis.

**Subchapter III. Nonconforming Uses and Structures**

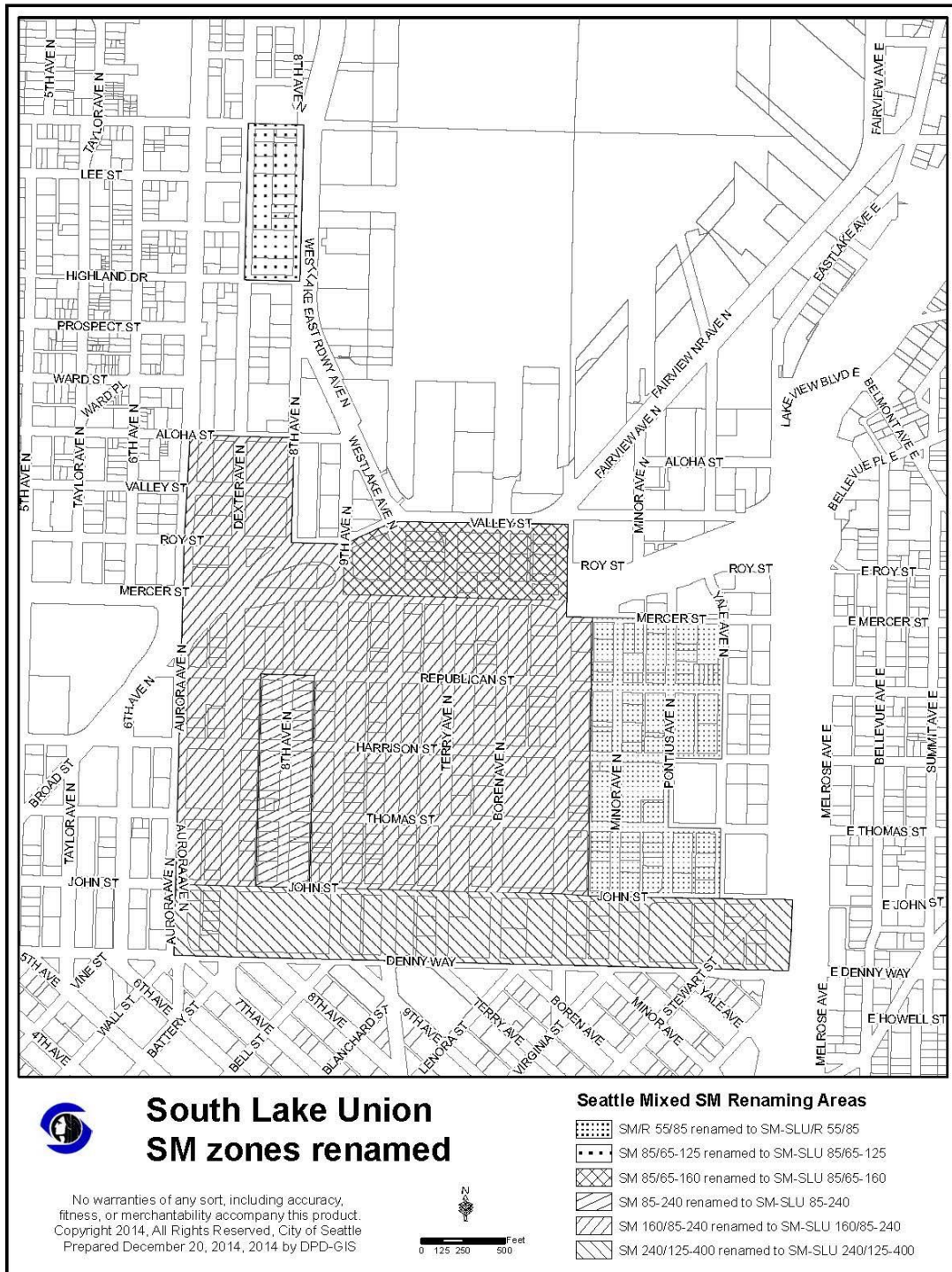
**23.48.038 Relocating landmark structures**

When an historic landmark structure is relocated, any nonconformities with respect to development standards shall transfer with the relocated structure.

## Exhibit B: Dravus Renaming Map



## Exhibit C: South Lake Union Renaming Map





## Exhibit D: North Rainier Renaming Map

