CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Sections 3.58.040, 3.58.060, 23.22.062, 23.24.040, 23.24.045, 23.40.002, 23.41.014, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.024, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.524, 23.45.528,23.45.536, 23.45.570, 23.47A.004, 23.47A.008, 23.47A.009, 23.47A.012, 23.47A.016, 23.47A.022, 23.48.020, 23.48.025, 23.48.085, 23.48.245, 23.49.008, 23.49.011, 23.49.015, 23.49.019, 23.49.028, 23.49.058, 23.50.020, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.54.040, 23.55.014, 23.55.015, 23.55.020, 23.66.338, 23.71.044, 23.73.008, 23.73.009, 23.73.014, 23.73.015, 23.76.004, 23.76.006, 23.76.060, 23.84A.024, 23.84A.032, 23.84A.036, 23.84A.038, 23.86.006, 23.86.007, 23.86.028, and 25.11.070, and repealing 22.202.070 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.58.040 of the Seattle Municipal Code, last amended by Ordinance 120479, is amended as follows:

3.58.040 - Term of office; recusal((~~.~~))

A. Each member shall serve for a term of two ((~~(2)~~)) years, with ((~~the term of office staggered so that the terms of one-third (1/3) of the members shall expire each year~~))<u>four members' terms ending in one year and five members' terms ending in the next consecutive year</u>. <u>Members are eligible for reappointment to one additional two-year term.</u> A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. ((~~Any member of the Commission may be appointed to succeed himself or herself.~~)) The membership of the Commission shall not be limited to residents of the City or residents of the state.

B. No member of the Commission during his or her term of office and for six ((~~(6)~~)) months thereafter, shall be individually eligible for employment by, or to contract with, the City in connection with any capital improvement project reviewed by this Commission, and no member shall be involved in such capital improvement project work during such time. If a member's employer, or a firm in which a member is a partner or has an ownership interest, is under contract or under consideration for a contract with the City during his or her term of office, the member shall divulge this information in a meeting of the Commission, and shall recuse himself or herself from any and all deliberations regarding such project until project completion or until the member's employer or firm is no longer under consideration for contract on such project.

Section 2. Section 3.58.060 of the Seattle Municipal Code, last amended by Ordinance 96977, is amended as follows:

3.58.060 - Organization—Quorum—Support staff((~~.~~))

The Chairman of the Commission shall be designated by the Mayor, subject to confirmation by the City Council, to serve ((~~from October 1st of each year~~)) for a period of one ((~~(1)~~)) year. The Commission shall elect ((~~such~~)) other officers as it may deem necessary and shall adopt ((~~such~~)) administrative procedures as ((~~are~~)) required to accomplish the purposes of this ((~~c~~))Chapter 3.58. Five ((~~(5)~~)) appointive members shall constitute a quorum. ((~~Transactions~~))Actions constituting Commission recommendations ((~~must~~))shall secure the approval of the majority of those present. The City shall provide appropriate staff, and one ((~~(1)~~)) staff representative ((~~of which~~)) shall serve as Executive Secretary of the Commission and be responsible for all records. ((~~He~~))The Executive Secretary of the Commission shall prepare and distribute agenda for Commission meetings. ((~~He~~))The Executive Secretary of the Commission

shall advise and arrange for ((~~such~~)) compensation and reimbursement of expenses as may be authorized.

Section 3. Section 22.202.070 of the Seattle Municipal Code, relating to the Construction and Land Use Fund (Housing and Abatement account and Emergency Relocation Assistance account), adopted by Ordinance 124945, is repealed.

Section 4. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.22.062 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for:

1. Residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

2. Live-work units that occupy space from the ground to the roof of the structure in which they are located, do not occupy space above or below another live-work unit or dwelling unit, and are attached along at least one common wall to at least one other live-work unit or dwelling unit, with habitable interior space on both sides of the common wall, or abut another live-work unit or dwelling unit on a common lot line, in all zones in which these uses are permitted, or any combination of the above types of development as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.22.062.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit <u>or live-work unit</u> shall be provided on the same unit lot as the dwelling unit <u>or live-work unit</u> it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the King County Recorder.

E. Within the parent lot, required parking for a dwelling unit <u>or live-work unit</u> may be provided on a different unit lot than the lot with the dwelling unit <u>or live-work unit</u>, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Recorder.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Recorder.

Section 5. Section 23.24.040 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.24.040 Criteria for approval

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

1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;

2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;

3. Adequacy of drainage, water supply and sanitary sewage disposal;

4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

6. Whether the proposed division of land is designed to maximize the retention of existing trees;

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of <u>single family dwelling units,</u> townhouse, rowhouse, and cottage housing developments, <u>existing apartment structures built prior to January 1, 2013 but not individual apartment units, and live-work units</u>((~~as permitted in Single-Family, Residential Small Lot, and Lowrise zones, and for single-family dwelling units in Lowrise zones,~~)) or any

combination of the above types of residential development, as permitted in the applicable zones; and;

8. ((~~Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.~~

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

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

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

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

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

proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.

* * *

Section 6. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.24.045 - Unit lot subdivisions

A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of land for:

1. ((~~for~~))Residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

2. Live-work units that occupy space from the ground to the roof of the structure in which they are located, do not occupy space above or below another live-work unit or dwelling unit, and are attached along at least one common wall to at least one other live-work unit or dwelling unit, with habitable interior space on both sides of the common wall, or abut another live-work unit or dwelling unit on a common lot line, in all zones in which these uses are permitted, or any combination of the above types of development as permitted in the applicable zones.

B. Except for any lot for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.24.045.A above may be subdivided into individual unit lots.

The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space or private amenity area for each dwelling unit or live-work unit shall be provided on the same unit lot as the dwelling unit or live-work unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

E. Within the parent lot, required parking for a dwelling unit or live-work unit may be provided on a different unit lot than the lot with the dwelling unit or live-work unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Section 7. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.40.002 Conformity with regulations required

A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except:

1. establishment of an urban farm((~~,~~)) or community garden <u>that does not include major marijuana activity as defined in Section 23.84A.015</u>, that is permitted outright under the provisions of this Title 23 applicable to the lot;

2. as permitted in subsections 23.47A.004.E and 23.47A.004.F;

3. keeping of animals as permitted under Section 23.42.052;

4. reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040; and

5. for uses located entirely within public rights-of-way.

* * *

Section 8. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance 123392, is amended as follows:

23.41.014 - Design review process

* * *

C. Guidelines Priorities.

1. Based on the concerns expressed at the early design guidance public meeting or in writing to the Design Review Board, ((~~the Board shall identify any guidelines that may not be applicable to the site and identify those~~))<u>the applicable</u> guidelines of highest priority to the neighborhood<u>, referred to as the "guideline priorities," shall be identified</u>. The Board shall incorporate any community consensus regarding design((~~,~~)) expressed at the meeting into its

guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development.

2. The Director shall distribute a copy of the guideline priorities applicable to the development to all those who attended the early design guidance public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

3. The project proponent is encouraged to meet with the Board and the public for early resolution of design issues, and may hold additional optional meetings with the public or the Board. The Director may require the proponent to meet with the Board if the Director believes that such a meeting may help to resolve design issues.

* * *

F. Director's Decision.

1. A decision on an application for a permit subject to design review shall be made by the Director. The Director may condition a proposed project to achieve compliance with design guidelines and to achieve the purpose and intent of this chapter. For applications accepted into the Living Building Pilot Program established under Section 23.40.060, the Director may also condition a proposed project to achieve the purpose and intent of the Living Building Pilot Program.

2. ((~~Projects subject to design review must meet all codes and regulatory requirements applicable to the subject site, except as provided in Section 23.41.012.~~))

~~3.~~)) The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall consider the recommendation of the Design Review Board. Except for projects accepted in the Living Building Pilot Program established in Section 23.40.060, if four or more members of the Design

Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or

b. Exceeds the authority of the Design Review Board; or

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or

d. Conflicts with the requirements of state or federal law.

* * *

Section 9. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.44.010 - Lot requirements

* * *

B. Exceptions to minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed, subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped under one of the following circumstances:

* * *

d. "The Historic Lot Exception." The historic lot exception may be applied to allow separate development of lots already in existence if the lot has an area of at least 2,500

square feet, and was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, platting, or building permit. The qualifying lot shall be subject to the following provisions:

1) A lot is considered to have been established as a separate building site by deed if the lot was held under separate ownership from all abutting lots for at least one year after the date the recorded deed transferred ownership.

2) If two contiguous lots have been held in common ownership at any time after January 18, 1987, and a principal structure extends onto or over both lots, neither lot qualifies for the exception. If the principal structure does not extend onto or over both lots, but both lots were required to meet development standards other than parking requirements in effect at the time the structure was built or expanded, neither lot qualifies for the exception unless the vacant lot is not needed to meet <u>current</u> development standards other than parking requirements. If the combined property fronts on multiple streets, the orientation of the principal structure shall not be considered when determining if it could have been built to the same configuration without using the vacant lot or lots as part of the principal structure's building site.

* * *

3. Special exception review for lots less than 3,200 square feet in area. A special exception Type II review as provided for in Section 23.76.004 is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the

portion of the easement within 5 feet of the structure on the lot qualifying under this provision may be treated as a part of that lot solely for the purpose of determining the lot width for purposes of complying with this subsection 23.44.010.B.((~~2.c~~))3.a.

* * *

D. Lot coverage exceptions

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

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

b. The total lot area for any lot may not be increased by the provisions of this Section 23.44.010 by more than 10 percent.

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

a. Access bridges.

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

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

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

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

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

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

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

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

Section 10. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.44.012 - Height limits

A. Maximum height established. The provisions of this Section 23.4((2))4.012 apply, except as provided elsewhere in the Land Use Code for specific types of structures or structures in particular locations.

1. Except as provided in subsections 23.44.012.A.2 and 23.44.012.A.3, the maximum permitted height for any structure not located in a required yard is 30 feet.

* * *

Section 11. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.44.014 - Yards

* * *

D. Exceptions from standard yard requirements. No structure shall be placed in a required yard except pursuant to the following:

* * *

8. Access Bridges. Uncovered, unenclosed access bridges

a. ((~~p~~))Pedestrian bridges 5 feet or less in width and of any height necessary for access, are permitted in required yards, except that in side yards an access bridge must be at least 3 feet from any side lot line.

b. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The vehicular access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of any height necessary for access. The driveway access bridge may not be located closer than 5 feet to an adjacent property line.

* * *

Section 12. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.44.016 - Parking and garages

* * *

B. Access to Parking.

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

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

a. There is no alley improved to the standards of Section 23.53.030.C, and there is no unimproved alley in common usage that currently provides access to parking on the lot or to parking on adjacent lots in the same block; or

b. Existing topography does not permit alley access; or

c. ((~~A portion of the alley abuts~~))At least 50 percent of alley frontage abuts property in a nonresidential zone; or

d. The alley is used for loading or unloading by an existing nonresidential use; or

e. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard; ((~~or~~))

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

g. Providing alley access would require removal of a tree on private property that is an exceptional tree or a tree greater than 2 feet in diameter measured 4.5 feet above the ground, provided that a permanent covenant meeting the standard in Section 25.11.050.C is recorded and all other applicable criteria for tree protection in Chapter 25.11 are met.

* * *

D. Parking and garages in required yards

* * *

10. Lots with downhill yards abutting streets. Parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if the following conditions are met:

a. The existing grade slopes downward from the street lot line that the parking faces;

b. For front yard parking, the lot has a vertical drop of at least 20 feet in the first 60 feet, measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking is not permitted in required side yards abutting a street;

d. Parking in a rear yard complies with subsections 23.44.016.D.2, 23.44.016.D.5 and 23.44.016.D.6;

e. Access to parking is permitted through the required yard abutting the street by subsection 23.44.016.B; and

((~~f. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces. The driveway access bridge may not be located closer than 5 feet to an adjacent property line and shall not be included in lot coverage calculations.~~))

* * *

E. Standards for garages if allowed in required yards. Garages that are either detached structures or portions of a principal structure for the primary purpose of enclosing a two-axle or four-wheeled vehicle may be permitted in required yards according to the following conditions:

* * *

3. Separations. Any <u>detached</u> garage located in a required yard<u>, including projecting eaves and gutters,</u> shall be separated from ((~~its~~))<u>a</u> principal structure by a minimum of 5 feet <u>including eaves and gutters of all structures</u>. This requirement does not apply to terraced garages that comply with subsection 23.44.016.D.9.b ((~~and attached garages permitted in rear yards by subsection 23.44.016.D.5~~)).

4. Roof eaves and gutters of a garage located in a required yard may extend a maximum of 18 inches from the exterior wall of the garage. Such roof eaves and gutters are excluded from the maximum coverage and size limits of subsection 23.44.016.E.1 ((~~and the separation requirements of subsection 23.44.016.E.3, except that all portions of a detached garage, including projecting eaves and gutters, shall be separated by at least 5 feet from all portions of a principal structure, including any eaves and gutters of the principal structure~~)).

* * *

Section13. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

23.44.022 - Institutions

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

Community centers

Child care centers

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

<u>Museums existing as of June 11, 1982</u>

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

New Museums

Private clubs

Vocational schools

* * *

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children ((~~which does not~~)) or establishment of a shelter for homeless youths and young adults in a legally established institution devoted to the care or instruction of children, shall not be considered new uses or an expansion of the institutional use if the shelter occupants are enrolled students of the institution and if these uses do not violate any condition of approval of the existing institutional use ((~~and does not require structural~~))or require expansion of the existing structure ((~~shall not be considered a new use or an expansion of the institutional use~~)).

3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2½ acres. An institution campus may be established or expanded beyond 2½ acres if the property proposed for the expansion is substantially vacant land.

* * *

Section 14. Section 23.44.024 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

23.44.024 - Clustered housing planned developments((**.**))

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a CHPD shall be ((~~two (~~))2((~~)~~)) acres. Land ((~~which~~))that is designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. ((~~Where~~))If portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the Environmentally Critical Areas conditional use ((~~clustered development~~)) provisions under Section 25.09.260 shall apply, superseding the standards of this ((~~s~~))Section 23.44.024.

* * *

Section 15. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.510 - Floor area ratio (FAR) limits

* * *

B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then ((~~the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain~~)) gross floor area ((~~exceeding that allowed by the FAR shown in the suffix designation~~))may exceed the base FAR by the ratio identified in the suffix designation, if the applicant complies with Chapter 23.58A, incentive provisions. In LR zones the following standards apply to the calculation of gross floor area for application of FAR limits:

1. Exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms, are included in gross floor area.

2. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are excluded from gross floor area.

3. Common walls separating individual rowhouse and townhouse dwelling units are considered to be exterior walls.

* * *

D. FAR limits in MR and HR zones. FAR limits apply to all structures and lots in MR and HR zones as shown in Table B for 23.45.510, provided that if the MR ((~~and~~))or HR zone designation((~~s~~)) includes an incentive zoning suffix, then ((~~the applicant shall comply with Chapter 23.58A, Incentive provisions, to obtain~~)) gross floor area ((~~exceeding that allowed by the FAR shown in the suffix designation~~)) may exceed the base FAR by the ratio identified in the suffix designation, if the applicant complies with Chapter 23.58A, incentive provisions.

* * *

Section 16. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.512 - Density limits—LR zones

A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, is shown on Table A for 23.45.512, except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

Table A for 23.45.512 Density Limits in Lowrise Zones					
Zone	Units allowed per square foot of lot area by category of residential use[1]				
	Cottage housing development[2] and single-family dwelling unit[6]		Rowhouse development	Townhouse development[4]	Apartment[5]
LR1	1/1,600	1/1,600 or No limit[3]	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only	
LR2	1/1,600	No limit	1/1,600 or No limit	1/1,200 or No limit	
LR3	1/1,600	No limit	1/1,600 or No limit	1/800 or No limit	

Footnotes for Table A for 23.45.512

[1] When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

Table A for 23.45.512 Density Limits in Lowrise Zones				
Zone	Units allowed per square foot of lot area by category of residential use[1]			
	Cottage housing development[2] and single-family dwelling unit[6]	Rowhouse development	Townhouse development[4]	Apartment[5]

[2] See Section 23.45.531 for specific regulations about cottage housing developments.

[3] The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

[4] For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

[5] For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

[6] One single-family residence meeting the standards of subsection 23.45.510.C and Section 23.45.526 may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

B. Density exception for certain types of low-income multifamily residential uses.

1. The exception in this subsection 23.45.512.B applies to low-income disabled multifamily residential uses, low-income elderly multifamily residential uses, ((~~and~~)) low-income elderly/low-income disabled multifamily residential uses, <u>and other low-income residential uses,</u> operated by a public agency or a private nonprofit corporation, if they do not qualify for the higher FAR limit shown in Table A for 23.45.510.

2. The uses listed in subsection 23.45.512.B.1 shall have a maximum density of one dwelling unit per 400 square feet of lot area if a majority of the dwelling units are designed for and dedicated to tenancies of at least three months, and the dwelling units remain in low-income disabled multifamily residential use, low-income elderly multifamily residential use, ((~~or~~)) low-income elderly/low-income disabled multifamily residential use, or other low-income residential uses, for the life of the structure.

* * *

G. Adding Units to Existing Structures.

1. One additional dwelling unit may be added to an existing residential ((~~use~~))structure regardless of the density restrictions in subsections 23.45.512.A, 23.45.512.B, 23.45.512.C, and 23.45.512.D ((~~above~~)). An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area to accommodate the new unit is proposed to be added to the existing structure.

2. For the purposes of this subsection 23.45.512.G "existing residential ((~~uses~~))structures" are those that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired ((on)) October 31, 2001.

Section 17. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 124803, is amended as follows:

23.45.514 - Structure height

* * *

F. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below-grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a single-family ((~~zone boundary line~~))zoned lot, unless the lot in the LR zone is separated from ((~~a~~))the single-family zoned lot by a street;

2. The number of stories above the partially below-grade story is limited to three stories for residential uses with a 30 foot height limit and to four stories for residential uses with a 40 foot height limit;

3. On the street-facing facade(s) of the structure, the story above the partially below-grade story is at least 18 inches above the elevation of the street, except that this requirement may be waived to accommodate units accessible to the disabled or elderly, consistent with the Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11; and

4. The average height of the exterior ((~~facades~~))walls of the portion of the story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less.

* * *

J. Rooftop features

* * *

5. In MR and HR zones, the following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.B and ((~~F~~))23.45.514.G, if the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:

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

b. Mechanical equipment;

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

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses and solariums, in each case that meet minimum energy standards administered by the Director;

h. Wind-driven power generators; and

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

* * *

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.J.8 at least 10 feet from the north ((~~edge of the roof~~))lot line, 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. Greenhouses and solariums that meet minimum energy standards administered by the Director;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Play equipment;

g. Sun and wind screens;

h. Penthouse pavilions for the common use of residents.

* * *

Section 18. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.518 - Setbacks and separations

* * *

C. HR zones. Minimum setbacks for HR zones are shown in Table C for 23.45.518.

Table C for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)

Setbacks for structures 85 feet in height or less	
Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.((~~A~~))B.	
Setbacks for structures greater than 85 feet in height	
Lot line abutting a street	For portions of a structure:
	• 45 feet or less in height: 7 foot average setback; 5 foot minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street;
	• Greater than 45 feet in height: 10 foot minimum setback
Lot line abutting an alley	Rear lot line abuts an alley: For portions of a structure:

	• 45 feet or less in height: no setback required;
	• Greater than 45 feet in height: 10 foot minimum setback.
Lot line that abuts neither a street nor alley	For portions of a structure:
	• 45 feet or less in height: 7 foot average setback; 5 foot minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line;
	• Greater than 45 feet in height: 20 foot minimum setback.

* * *

H. Projections permitted in required setbacks and separations

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of 4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other features that do not provide floor area may project a maximum of 18 inches into required setbacks and separations if they are:

a. a minimum of 30 inches above the finished floor;

b. no more than 6 feet in height and 8 feet wide; and

c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the facade.

3. Bay windows and other features that provide floor area may project a maximum of 2 feet into required setbacks and separations if they are:

a. no closer than 5 feet to any lot line;

b. no more than 10 feet in width; and

c. combined with garden windows and other features included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

4. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks or separations to the lot line.

5. Unenclosed porches or steps

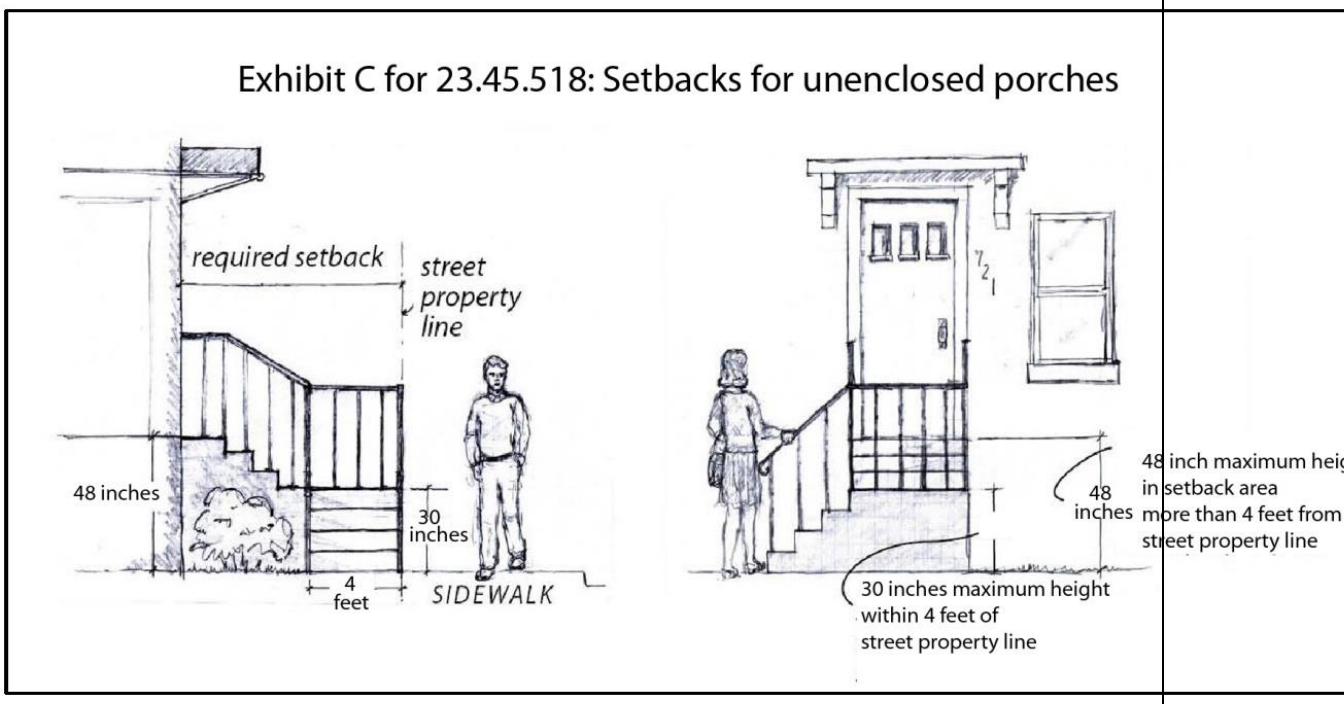
a. ((~~If setbacks are required pursuant to subsection 23.45.518.A.1,~~)) ((~~u~~))Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

b. Unenclosed porches or steps no higher than 4 feet above existing grade may project into the required rear setback or required separation between structures a maximum of 4 feet provided they are a minimum of 5 feet from a rear lot line.

c. Unenclosed porches or steps permitted in required setbacks and separations shall be limited to a combined maximum width of 20 feet.

Exhibit C for 23.45.518

Setbacks for unenclosed porches



((~~b~~))d. Permitted porches or steps may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

6. Fireplaces and chimneys may project up to 18 inches into required setbacks or separations.

* * *

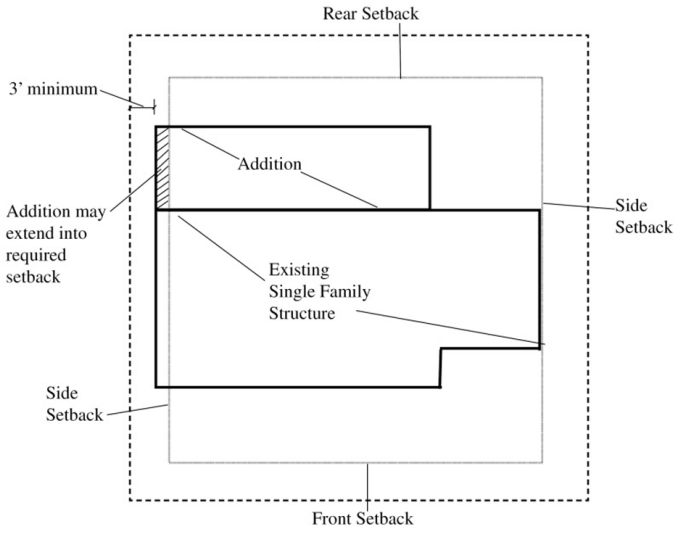
K. Exceptions for existing single-family structures.

1. In all multifamily zones, certain additions to a single-family dwelling unit may extend into a required side setback if the structure is already nonconforming with respect to that setback, and if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up

to the height limit and may include basement additions (Exhibit D for 23.45.518), provided that additions shall be at least 3 feet from the side lot line.

2. An existing single-family dwelling unit in a Lowrise zone may be converted to a multifamily use without conforming to setback standards for apartments in subsection 23.45.518.A, provided that the building envelope is not changed. For the purposes of this subsection 23.45.518.K.2, "existing single-family dwelling unit" is one that was established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired on October 31, 2001.

Exhibit D for 23.45.518: Permitted Additions Into Required Setbacks for Existing Single-Family Dwelling Units



* * *

Section 19. Section 23.45.524 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.45.524 - Landscaping standards

A. Landscaping requirements

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

2. Green Factor requirement

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot within a LR zone if ((~~development is proposed that has more than one dwelling unit, or a congregate residence~~)) <u>construction of more than one new dwelling unit or a congregate residence is proposed on the site. The addition of any new dwelling unit that does not increase the floor area on the site is exempt from the Green Factor Requirement.</u> Vegetated walls may not count towards more than 25 percent of a lot's Green Factor score.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any lot within a MR or HR zone if ((~~development is proposed that has more than one dwelling unit or a congregate residence~~))

construction of more than one new dwelling unit or a congregate residence is proposed on the site. The addition of any new dwelling unit that does not increase the floor area on the site is exempt from the Green Factor Requirement.

* * *

Section 20. Section 23.45.528 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.528 - Structure width and depth limits for lots ((~~in Midrise zones~~)) greater than 9,000 square feet in ((~~size~~))Midrise zones

The width and depth limits of this Section 23.45.528 apply to lots ((~~in MR zones that are~~)) greater than 9,000 square feet in ((~~lot area~~))MR zones.

A. The width of principal structures shall not exceed 150 feet.

B. Structure depth.

1. The depth of principal structures shall not exceed 75 percent of the depth of the lot, except as provided in subsection 23.45.528.B.2.

2. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in Section 23.45.518, structure depth may exceed the limit set in subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

Section 21. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 124770, is amended as follows:

23.45.536 - Parking location, access, and screening

A. Off-street parking spaces are required to the extent provided in Chapter 23.54, Quantity and design standards for access and off-street parking.

B. Location of parking

1. If parking is required, it shall be located on the same lot as the use requiring the parking, except as otherwise provided in this subsection 23.45.536.B.

2. Except as otherwise provided in this subsection 23.45.536.B, surface parking may be located anywhere on a lot except:

a. between a principal structure and a street lot line;

b. in the required front setback or side street side setback; and

c. within 7 feet of any street lot line.

3. Parking in a structure. Parking may be located in a structure or under a structure, provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the ((~~first floor~~))<u>street-level, street-facing facade</u> of the structure in which it is located;

* * *

Section 22. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.45.570 Institutions

A. General Provisions.

1. The establishment of new institutions, such as religious facilities, community centers, private schools, and child care centers in multifamily zones is permitted pursuant to Section 23.45.504.

2. Public schools are permitted as regulated in Chapter 23.51B.

3. If the expansion of an existing institution meets all development standards of this Section 23.45.570, it is permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.506. Structural work that does not increase usable floor area or seating capacity and does not exceed the height limit is not considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children <u>or establishment of a shelter for homeless youths and young adults in a legally established institution devoted to the care or instruction of children, are not considered new uses or an expansion of the institutional use, if shelter occupants are enrolled students of the institution and if these uses do not</u> ((~~that does not~~)) require expansion of the existing structure or violate any condition of approval of the existing institutional use ((~~is not considered an expansion of the use~~)).

4. The provisions of this Chapter 23.45 apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

* * *

Section 23. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 124947, is amended as follows:

23.47A.004 - Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to subtitle III, Division 3, Overlay Districts, of this ((~~subtitle III of~~)) Title 23.

* * *

I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or contrary provisions expressly provided for in this Title 23.

Table A for 23.47A.004

Uses in Commercial zones

	((~~PERMITTED AND PROHIBITED USES BY ZONE~~))Permitted and prohibited uses by zone(1)				
((~~USES~~))Uses	NC1	NC2	NC3	C1	C2
A. AGRICULTURAL USES					
A.1. Animal husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A.3. Community garden	P	P	P	P	P
A.4. Horticulture	10	25	P	P	P
A.5. Urban farm (2)	P	P	P	P	P
B. CEMETERIES	X	X	X	X	X

C. COMMERCIAL USES(((~~2~~)))(3)						
C.1. Animal shelters and kennels	X	X	X	X	P	
C.2. Eating and drinking establishments						
C.2.a. Drinking establishments	CU-10	CU-25	P	P	P	
C.2.b. Restaurants	10	25	P	P	P	
C.3. Entertainment uses						
C.3.a. Cabarets, adult (((~~3~~)))(4)	X	P	P	P	P	
C.3.b. Motion picture theaters, adult	X	X	X	X	X	
C.3.c. Panorams, adult	X	X	X	X	X	
C.3.d. Sports and recreation, indoor	10	25	P	P	P	
C.3.e. Sports and recreation, outdoor	X	X	X(((~~4~~)))(5)	P	P	
C.3.f. Theaters and spectator sports facilities	X	25	P	P	P	

	C.4. Food processing and craft work(2)	10	25	25	P	P
	C.5. Laboratories, research and development	10	25	P	P	P
	C.6. Lodging uses	X((~~(5)~~))(6)	CU-25((~~(5)~~))(6)	P	P	P
	C.7. Medical services ((~~(6)~~))(7)	10((~~(7)~~))(8)	25	P	P	P
	C.8. Offices	10	25	P	35((~~(8)~~))(9)	35((~~(8)~~))(9)
	C.9. Sales and services, automotive					
	C.9.a. Retail sales and services, automotive	10((~~(9)~~))(10)	25((~~(9)~~))(10)	P((~~(9)~~))(10)	P	P
	C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
	C.9.c. Vehicle repair, major automotive	X	25	P	P	P
	C.10. Sales and services, general(2)					
	C.10.a. Retail sales and services, general(2)	10	25	P	P	P

		C.10.b. Retail sales, multipurpose	10((~~(10)~~)) (11)	50	P	P	P
	C.11. Sales and services, heavy						
		C.11.a. Commercial sales, heavy	X	X	25	P	P
		C.11.b. Commercial services, heavy	X	X	X	P	P
		C.11.c. Retail sales, major durables	10	25	P	P	P
		C.11.d. Retail sales and services, non-household	10	25	P	P	P
		C.11.e. Wholesale showrooms	X	X	25	25	P
	C.12. Sales and services, marine						
		C.12.a. Marine service stations	10	25	P	P	P
		C.12.b. Sales and rental of large boats	X	25	P	P	P

		C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
		C.12.d. Vessel repair, major	X	X	X	S	S
		C.12.e. Vessel repair, minor	10	25	P	P	P
		D. HIGH-IMPACT USES	X	X	X	X	X
		E. INSTITUTIONS					
		E.1. Institutions not listed below	10	25	P	P	P
		E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
		E.3. Religious facilities	P	P	P	P	P
		E.4. Schools, elementary or secondary	P	P	P	P	P
		F. LIVE-WORK UNITS((~~(11)~~))(12)	P	P	P	P	P
		G. MANUFACTURING USES					
		G.1. Manufacturing, light(2)	X	10	25	P	P
		G.2. Manufacturing, general	X	X	X	P	P

G.3. Manufacturing, heavy	X	X	X	X	X
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails					
I.1.a Youth Service Centers	X	X	P(((~~12~~)))(13)	X	X
I.1.b All other jails	X	X	X	X	X
I.2. Work-release centers	CCU-10	CCU-25	CCU	CCU	CCU
J. RESIDENTIAL USES(((~~13~~)))(14)					
J.1. Residential uses not listed below	P	P	P	P	CU(((~~14~~)))(15)
J.2. Caretaker's quarters	P	P	P	P	P
J.3. Congregate residence	X/P(((~~15~~)))(16)	X/P(((~~15~~)))(16)	P/X(((~~16~~)))(17)	P/X(((~~16~~)))(17)	P/X(((~~16~~)))(17)
K. STORAGE USES					
K.1. Mini-warehouses	X	X	25	40	P
K.2. Storage, outdoor	X	X	X(((~~17~~)))(18)	P	P
K.3. Warehouses	X	X	25	25	P

L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	X	X	X	S	P
L.2. Parking and moorage					
L.2.a. Boat moorage	S	S	S	S	S
L.2.b. Dry boat storage	X	25	P	P	P
L.2.c. Parking, principal use, except as listed below (((~~18~~)))(19)	X	25	P	P	P
L.2.c.i. Park and pool lots (((~~18~~)))(19)	P(((~~19~~)))(20)	P	P	P	P
L.2.c.ii. Park and ride lots (((~~18~~)))(19)	X	X	CU	CU	CU
L.2.d. Towing services	X	X	X	P	P
L.3. Passenger terminals	X	X	25	P	P
L.4. Rail transit facilities	P	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	X	X	X	X

	L.5.b. Airports (water-based)	X	X	X	X	S
	L.5.c. Heliports	X	X	X	X	X
	L.5.d. Helistops	X	X	CCU	CCU	CU
L.6. Vehicle storage and maintenance						
	L.6.a. Bus bases	X	X	X	CCU	CCU
	L.6.b. Railroad switchyards	X	X	X	X	X
	L.6.c. Railroad switchyards with a mechanized hump	X	X	X	X	X
	L.6.d. Transportation services, personal	X	X	P	P	P
M. UTILITY USES						
M.1. Communication utilities, major ((~~(20)~~))(21)		X	X	X	CCU	CCU
M.2. Communication utilities, minor ((~~(20)~~))(21)		P	P	P	P	P

	M.3. Power plants	X	X	X	X	X
	M.4. Recycling	X	X	X	P	P/CU((~~(21)~~))(22)
	M.5. Sewage treatment plants	X	X	X	X	X
	M.6. Solid waste management	X	X	X	X	X
	M.7. Utility services uses	10	25	P	P	P

KEY

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010

20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010

25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010

35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010

40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010

50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

Footnotes to Table A for 23.47A.004:

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) In addition to the provisions in this Chapter 23.47A, uses that entail major marijuana activity are subject to the requirements of Section 23.42.058.

(3) For commercial uses with drive-in lanes, see Section 23.47A.028.

((~~(3)~~))(4) Subject to subsection 23.47A.004.H.

((~~(4)~~))(5) Permitted at Seattle Center.

((~~(5)~~))(6) Bed and breakfasts in existing structures are permitted outright with no maximum size limit.

((~~(6)~~))(7) Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

((~~(7)~~))(8) Medical service uses that are located in an urban center or urban village, which are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families having incomes at or below 200% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902 (2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major Institution Master Plan.

((~~(8)~~))(9) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.

((~~(9)~~))(10) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

((~~(10)~~))(11) Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.

((~~(11)~~))(12) Subject to subsection 23.47A.004.G.

((~~(12)~~))(13) Permitted pursuant to subsection 23.47A.004.D.7.

((~~(13)~~))(14) Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.

((~~(14)~~))(15) Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in that subsection 23.47A.006.A.3.

((~~(15)~~))(16) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

((~~(16)~~))(17) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban

villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.

((~~(17)~~))(18) Permitted at Seattle Center, see Section 23.47A.011

((~~(18)~~))(19) In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

((~~(19)~~))(20) Permitted only on parking lots existing at least five years prior to the establishment of the park and pool lot.

((~~(20)~~))(21) See Chapter 23.57, Communications regulations, for regulation of communication utilities.

((~~(21)~~))(22) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

* * *

Section 24. Section 23.47A.008 of the Seattle Municipal Code, last amended by Ordinance 124770, is amended as follows:

23.47A.008 - Street-level development standards

* * *

D. Where residential uses are located along a street-level street-facing facade the following requirements apply unless exempted by subsection 23.47A.008.G:

1. At least one of the street-level street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and

2. The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk. An exception to the standards of this subsection 23.44.008.D.2 may be granted as a Type I decision if the following are met:

a. An accessible route to the unit is not achievable if the standard is applied;

b. The floor is at least 18 inches above average sidewalk grade or 4 feet below sidewalk grade, or is set back at least 10 feet from the sidewalk; and

c. The visually prominent pedestrian entry is maintained.

* * *

Section 25. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.47A.009 - Standards applicable to specific areas

A. Resolution of standards conflicts. To the extent there is a conflict between this Section 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

B. West Seattle Junction Hub Urban Village. The following provisions apply to development in the NC3 85(4.75) zone.

1. Lot Coverage Limit. The maximum lot coverage permitted for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.

2. The total permitted FAR is as identified in subsection 23.47A.013.F.

3. Maximum Width of Structures. The maximum width of all portions of a structure measured parallel to a north-south street lot line is 275 feet.

4. Setback and Separation Requirements.

a. The following standards apply to structures greater than 250 feet in width measured parallel to a north-south street lot line:

1) A minimum separation of 30 feet is required between structures that are adjacent to the same north-south street lot line; and

2) A minimum setback of 15 feet is required from side lot lines that are not street side lot lines and that separate lots that abut the same north-south street lot line; and

3) Structures permitted in required setback and separation areas pursuant to subsections 23.47((~~.~~))A.009.((~~A~~))B.4.a and ((~~A~~))23.47A.009.B.4.b are:

a) Decks with open railings may project up to 5 feet into the required setback or separation area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback or separation area.

b) Eaves, cornices and gutters may project no more than 18 inches from the structure façade.

c) Ramps or other devices necessary for access for the disabled and elderly that meet Seattle Building Code, Chapter 11, are permitted.

d) Stairs or ramps to accommodate changes in grade are permitted.

e) Underground structures are permitted.

f) Within the setback area identified in subsection 23.47A.009.((~~A~~))B.4.b, unenclosed porches or steps for residential units no higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

b. A setback of at least ten feet from the street lot line is required along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the lot frontage, whichever is less.

c. Required setback and areas separating structures identified in subsections 23.47A.009. ((~~A~~))B.4.a and ((~~A~~))23.47A.009.B.4.b shall include landscaping, paving and lighting. Sidewalks for pedestrian access, plazas or other approved amenity or landscaped areas are permitted in required setback or separation areas.

d. Upper-Level Setback Requirements along SW Alaska Street.

1) Structures exceeding 65 feet in height on lots abutting SW Alaska Street between 38th Avenue SW and California Avenue SW shall maintain a minimum setback of 10 feet for that portion of the structure between 45 feet and 55 feet in height.

2) For portions of a structure above 55 feet in height, an additional minimum setback is required at a rate of at least 1 foot of setback for every 5 feet of height that exceeds 55 feet, up to the maximum allowable height.

3) Structures located within 100 feet of Fauntleroy Way SW are exempt from the upper-level setback requirement.

4) Heights in this subsection 23.47A.009.((~~A~~))B.4.d shall be measured from the middle of the street lot line along SW Alaska Street.

* * *

Section 26. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.47A.012 – Structure height

* * *

C. Rooftop features

* * *

7. The rooftop features listed in this subsection 23.47A.012.C.7 shall be located at least 10 feet from the north ((~~edge of the roof~~))lot line unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north ((~~edge of the roof~~))lot line would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses and solariums;

e. Minor communication utilities and accessory communication devices, permitted pursuant to the provisions of Section 23.57.012;

f. Non-firewall parapets;

g. Play equipment.

* * *

Section 27. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.47A.016 - Landscaping and screening standards

* * *

D. Screening and landscaping requirements for specific uses. When there is more than one use that requires screening or landscaping, the requirement that results in the greater amount applies.

1. Surface parking areas.

a. Landscaping requirements for surface parking areas are summarized in Table C for 23.47A.016.

Table C for 23.47A.016

Number of Parking Spaces	Required Landscaped Area
20 to 50	18 square feet/parking space
51 to 99	25 square feet/parking space
100 or more	35 square feet/parking space

1) Each landscaped area shall be no smaller than 100 square feet and must be enclosed by permanent curbs or structural barriers.

2) No part of a landscaped area shall be less than 4 feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces.

3) No parking space shall be more than 60 feet from a required landscaped area.

b. Trees in surface parking areas.

1) One tree is required for every ten parking spaces.

2) Trees shall be selected in consultation with the Director of Transportation.

c. Screening of surface parking areas.

1) Three-foot-high screening is required along street lot lines.

2) ((~~S~~))<u>Screening is required for s</u>urface parking abutting or across an alley from a lot in a residential zone <u>or abutting a lot that is zoned both commercial and</u>

residential if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot. Such parking shall ((~~must~~)) have 6-foot-high screening along the abutting lot line and a 5-foot-deep landscaped area inside the screening (see Exhibit A for 23.47A.016).

* * *

Section 28. Section 23.47A.022 of the Seattle Municipal Code, adopted by Ordinance 122311, is amended as follows:

23.47A.022 - Light and glare standards((~~.~~))

* * *

E. Glare diagrams that clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:

1. Any structure is proposed to have a facade of reflective coated glass or other highly reflective material, and/or new or expanded structures greater than ((~~sixty-five (~~))65((~~)~~)) feet in height are proposed to have more than ((~~thirty (~~))30((~~)~~)) percent of a facade composed of clear or tinted glass; and

2. The facade(s) surfaced or composed of materials referred to in subsection 23.47A.022.E.1 above either:

a. Are oriented toward and are less than ((~~two hundred (~~))200((~~)~~)) feet from any residential zone, and/or

b. Are oriented toward and are less than ((~~four hundred (~~))400((~~)~~)) feet from ((~~a major~~))any arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Seattle Department of Transportation data.

* * *

Section 29. Section 23.48.020 of the Seattle Municipal Code, adopted by Ordinance 124883, is amended as follows:

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. FAR limits in SM zones, excluding ((~~SM zones within South Lake Union Urban Center, Dravus, and North Rainier Urban Village~~))zones designated SM-SLU, SM-D, and SM-NR, are shown in Table A for 23.48.020.

Table A for 23.48.020 SM FAR Limits		
Zone	FAR limits for all uses[1]	
	Base	Maximum
SM 40	3	3.5
SM 65	3.5	5
SM 85[2]	4.5	6
SM 125	5	8
SM 160	5	9
SM 240	6	13
Footnotes to Table A for 23.48.020: [1]Within the area shown on Map A for 23.48.020, all gross floor area occupied by a residential		

Table A for 23.48.020 SM FAR Limits		
Zone	FAR limits for all uses[1]	
	Base	Maximum
use is exempt from FAR calculations. To achieve maximum FAR, see subsection 23.48.020.C for requirements. [2]In the SM 85 zone, residential uses are not subject to the base FAR limit.		

Section 30. Section 23.48.025 of the Seattle Municipal Code, adopted by Ordinance 124883, is amended as follows:

23.48.025 – Structure height

* * *

C. Rooftop features

* * *

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

a. Solar collectors;

b. Stair penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012; and

g. Covered or enclosed common amenity area for structures exceeding a height of 125 feet.

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

* * *

7. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.025.C.4 and 23.48.025.C.5 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~~))lot line, 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; and

g. Play equipment.

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

* * *

Section 31. Section 23.48.085 of the Seattle Municipal Code, adopted by Ordinance 124883, is amended as follows:

23.48.085 - Parking and loading location, access and curb cuts

* * *

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, 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 23.48.085.D.3, access is allowed only from a right-of-way in the category, determined by the

classifications shown on either Map A for 23.48.240 or Map A for 23.48.440 that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one category is considered as belonging only to the least preferred of the categories in which it is included).

a. An undesignated street;

b. Class 1 Pedestrian Street;

c. Class 2 Pedestrian Street;

d. Designated Neighborhood Green Street.

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

<u>4. If a street or alley vacation is proposed, the Director shall consult with the Seattle Design Commission on how the location and extent of proposed curb cuts affects or impacts the public realm and how those impacts have been reduced.</u>

* * *

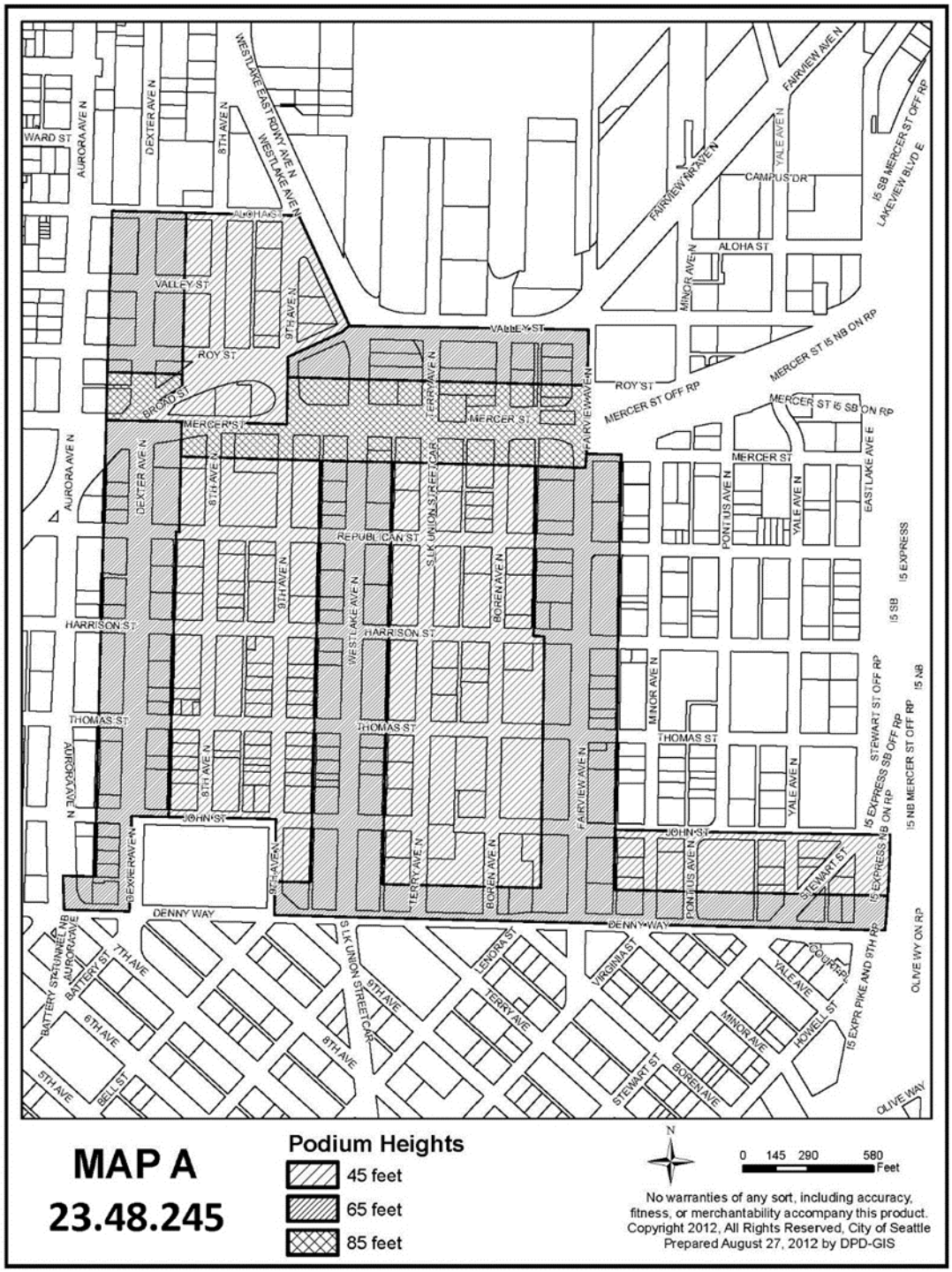
Section 32. Section 23.48.245 of the Seattle Municipal Code, adopted by Ordinance 124883, is amended to add Map A for 23.48.245 as follows:

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

* * *

Map A for 23.48.245

Podium Heights


MAP A
23.48.245
Podium Heights
45 feet
65 feet
85 feet
N
0 145 290 580
Feet
No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
Copyright 2012, All Rights Reserved, City of Seattle
Prepared August 27, 2012 by DPD-GIS
WARD ST
AURORA AVE N
DEXTER AVE N
8TH AVE N
WESTLAKE EAST RDWY AVE N
WESTLAKE AVE N
ALOHA ST
VALLEY ST
9TH AVE N
ROY ST
BROAD ST
MERCER ST
TERRY AVE N
SLK UNION STREETCAR
FAIRVIEW AVE N
MERCER ST OFF RP
MERCER ST I5 NB ON RP
MERCER ST I5 SB ON RP
CAMPUS DR
YALE AVE N
MINOR AVE N
I5 SB MERCER ST OFF RP
LAKEVIEW BLVD E
EAST LAKE AVE E
PONTIUS AVE N
REPUBLICAN ST
BOREN AVE N
HARRISON ST
THOMAS ST
JOHN ST
DENNY WAY
I5 EXPRESS
I5 SB
I5 NB
STEWART ST OFF RP
I5 EXPRESS SB OFF RP
I5 NB MERCER ST OFF RP
I5 EXPRESS NB ON RP
STEWART ST
I5 EXPRESS
OLIVE WY ON RP
I5 EXPR PIKE AND 9TH RP
COURT A
HOWELL ST
VIRGINIA ST
LENORA ST
7TH AVE
6TH AVE
5TH AVE
BELL ST
BATTERY ST
BATTERY ST TUNNEL NB
OLIVE WAY

* * *

Section 33. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.49.008 - Structure height

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

A. Base and maximum height limits

1. Except as otherwise provided in this Section 23.49.008, maximum structure heights for Downtown zones are as designated on the Official Land Use Map.

In certain zones, as specified in this Section 23.49.008, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both. If height limits are specified for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

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

3. In zones listed below in this subsection 23.49.008.A.3, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and the base

height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in subsection 23.49.008.D, the base residential height limit is the applicable height limit for portions of a structure in use if the structure does not use the bonus available under Section 23.49.015, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure uses the bonus available under Section 23.49.015:

DOC1 Unlimited/450 unlimited

DOC2 500/300-500

DMC 340/290-400

DMC 240/290-400.

4. A structure in a DMC 340/290-400 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30 percent above the maximum residential height limit if the structure uses the bonus available under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in either case under the following conditions:

a. Only one tower is permitted on the lot;

b. Any additional floor area above the maximum height limit for non-residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by residential use;

c. The average residential gross floor area and maximum residential floor area of any story in the portion of the tower permitted above the base residential height limit do not exceed the limits prescribed in subsection 23.49.058.E.1;

d. Any residential floor area allowed above the base residential height limit under this provision is gained through voluntary agreements to provide low-income or moderate-income housing according to Section 23.49.015;

e. At least 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the following standards, and subject to the following allowances for coverage:

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

2) Up to 20 percent of the area used to satisfy the open space condition to allowing additional height may be covered by the following features: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space and are not

subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director.

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

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

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

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

a. The base height limit is 150 feet if any of the following conditions is satisfied:

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

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

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

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of 150 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides. For the purpose of this subsection 23.49.008.A.5.b a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

* * *

Section 34. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.49.011 - Floor area ratio

A. General standards

1. The base and maximum floor area ratio (FAR) for each zone is provided in Table A for 23.49.011.

Table A for 23.49.011

Base and Maximum Floor Area Ratios (FARs)

Zone Designation	**Base FAR**	**Maximum FAR**
Downtown Office Core 1 (DOC1)	6	20
Downtown Office Core 2 (DOC2)	5	14

Zone Designation	**Base FAR**	**Maximum FAR**
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in DMC 65 4.5 in DMC 85 5 in DMC 125, DMC 160, DMC 240/290-400, and DMC 340/290-400 3 in DMC 85/65-150	4 in DMC 65 4.5 in DMC 85 5 in DMC 160, except 8 for hotels 7 in DMC 125 and DMC 240/290-400 10 in DMC 340/290-400 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R 85/65 1 in DMR/R 125/65 1 in DMR/R 240/65	1 in DMR/R 85/65 2 in DMR/R 125/65 2 in DMR/R 240/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C 85/65 1 in DMR/C 125/65 2 in DMR/C 240/125 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	4 in DMR/C 85/65 4 in DMR/C 125/65 5 in DMR/C 240/125 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	NA[(1)]	NA[(1)]

Zone Designation	**Base FAR**	**Maximum FAR**
International District Mixed (IDM)	3, except as stated below((*))(2) 6 for hotels((**))(3) in IDM 75-85 and IDM 75/85-150	3, except as stated below 6 for hotels((**))(3) in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	3, except hotels 6 for hotels((**))(3)	3, except hotels 6 for hotels((**))(3)
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7

Footnotes to Table A for 23.49.011

(1)NA = Not Applicable, except in Section 23.49.180.E

((*))(2) In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR.

((**))(3) Hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.

* * *

l. ((~~Chargeable floor area in excess of the base FAR in the PSM 85-120 zone may be gained only in accordance with Section 23.49.180~~))Additional floor area in the PSM 85-120 zone is subject to Section 23.49.180.E.

* * *

Section 35. Section 23.49.015 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.49.015 - Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing

* * *

B. Voluntary agreements for housing

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection 23.49.015.B. The quantities in this subsection 23.49.015.B are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to 11 percent of the net

residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of 80 percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of 85 feet and the base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Table B for 23.49.058, column 2, multiplied by the number of stories with residential use in each tower above 85 feet and below the base height limit. All low-income housing or moderate-income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director; or

2) <u>in DMC zones:</u>

a) (((~~(a) in DMC zones,~~)) $8.00 per square foot of gross residential floor area sought as bonus development between the height of 85 feet and the base height limit for residential use under Section 23.49.008, $12.00 per square foot of the gross

residential floor area of the first four stories above the base height limit for residential use, $16.00 per square foot of gross residential floor area of the next three stories, and $20.00 per square foot of gross residential floor area of the higher stories, not to exceed an average of $15.15 per square foot of gross residential floor area sought as bonus development; and

((~~(~~))b) ((~~in DMC zones~~)) after ((~~the effective date of the ordinance introduced as Council Bill 117908~~))January 20, 2014, $11.45 per square foot of gross residential floor area sought as bonus development between the height of 85 feet and the base height limit for residential use under Section 23.49.008, $17.17 per square foot of the gross residential floor area of the first four stories above the base height limit for residential use, $22.89 per square foot of gross residential floor area of the next three stories, and $28.62 per square foot of gross residential floor area of the higher stories, not to exceed an average of $21.68 per square foot of gross residential floor area sought as bonus development; and

((~~b~~))3) in DOC1 and DOC2 zones:

((~~(~~))a) ((~~in DOC1 and DOC2 zones,~~)) $15.15 per square foot of gross residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008((~~.~~)); and

((~~(~~))b) ((~~in DOC1 and DOC2 zones after the effective date of the ordinance introduced as Council Bill 117908~~))after January 20, 2014, $21.68 per square foot of gross residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008.

c. The amount of the alternative cash contribution, as provided in this subsection 23.49.015.B.1.b and made at the time specified in subsection 23.49.015.C, shall be based on the amount that is in effect when vesting of a Master Use Permit occurs under

23.76.026. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the Director of Housing may accept the real property.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below eighty (80) percent of median income at the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the bonus allowed under this section shall serve only as owner-occupied housing for households with incomes no higher than median income at the time of their initial occupancy. For rental housing, housing costs, including rent and basic utilities, shall not exceed thirty (30) percent of eighty (80) percent of median income, adjusted for the average size of family expected to occupy the unit based on the number of bedrooms, all as determined by the Housing Director, for a minimum period of fifty (50) years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing Director to be consistent with affordable housing for a moderate-income household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale consistent with affordability on the same basis. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs. The Housing Director may also promulgate rules for determining whether units satisfy the requirements of this section and any requirements relating to down-payment amount, design, quality, maintenance and condition of the low-income housing or moderate-income housing.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus development under the performance option if the housing satisfies all of the following conditions:

((~~(i)~~))a. It is committed to serve an eligible income group, and for a time period, referred to in this ((s))Section 23.49.015 pursuant to an agreement between the housing owner and the City.

((~~(ii)~~))b. The agreement required by subsection ((~~(i)~~))23.49.015.B.3.a is executed and recorded prior to the issuance of the master use permit to establish the use for the project using the bonus development, but except when subsection ((~~(iii)(B)~~))23.49.015.B.3.c.2 below applies, no earlier than one ((~~(1)~~)) year prior to issuance of that master use permit.

((~~(iii)~~))c. Either:

((~~(A)~~))1) the Certificate of Occupancy for the new low-income housing or moderate income housing, or both, must be issued within three ((~~(3)~~)) years of the date the Certificate of Occupancy is issued for the project using the bonus development, unless the Housing Director approves an extension based on delays that the applicant or housing developer could not reasonably have avoided, or

((~~(B)~~))2) only in the case of low-income housing on a lot adjacent to the project using bonus development, which housing is subject to a regulatory agreement related to long-term City financing of low-income housing and was developed under a master use permit issued pursuant to a decision that considered the housing together with a project then proposed on that adjacent site, a final Certificate of Occupancy for the low-income housing was issued within five ((~~(5)~~)) years of the building permit issuance for the project proposed for bonus development on the adjacent lot.

((~~(iv)~~))d. If the low-income housing or moderate-income housing is not owned by the applicant, then the applicant made a financial contribution to the low-income housing or moderate-income housing, or promised such contribution and has provided to the City an irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing Director, in either case in an amount determined by the Housing Director to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the cost of providing units within the project using the bonus development, and the owner of the low-income housing or moderate-income housing has entered into a linkage agreement with the applicant pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this section or any other bonus under this title.

* * *

Section 36. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.49.019 - Parking quantity, location, and access requirements, and screening and landscaping of parking areas

* * *

H. Standards for location of access to parking. This subsection 23.49.019.H does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones except that subsection 23.49.019.H.1 applies to International District Mixed and International District Residential zones to the extent stated in subsection 23.66.342.D.

1. Curb cut location

a. If a lot abuts an alley, alley access is required, except as provided in subsection 23.49.019.H.1.c.

b. If a lot does not abut an alley and abuts more than one right-of-way, 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 23.49.019.H.1.c, access is allowed only from a right-of-way in the category, determined by the classifications shown on Map 1B and Map 1F or another map identified in a note to Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one category is considered as belonging only to the least preferred of the categories in which it is included):

1) Access street;

2) Class II pedestrian street/Minor arterial;

3) Class II pedestrian street/Principal arterial;

4) Class I pedestrian street/Minor arterial;

5) Class I pedestrian street/Principal arterial;

6) Principal transit street;

7) Designated green street.

c. The Director may allow or require access from a right-of-way other than one indicated by subsection 23.49.019.H.1.a or 23.49.019.H.1.b if, after consulting with the Director of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize

hazards, and, for hotel use, improve passenger loading safety or increase visibility of vehicular access for guests arriving by car, the Director finds that an exception to the general policy is warranted. The Director may approve an exception for hotel use and impose conditions to minimize any adverse impacts to the pedestrian environment or street operations, including but not limited to allowing one-way driveways that are less than the minimum width otherwise required. Curb cut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

d. <u>If a street or alley vacation is proposed, the Director shall consult with the Seattle Design Commission on how the location and extent of proposed curb cuts affects or impacts the public realm and how those impacts have been reduced.</u>

2. Curb cut width and number. The width and number of curbcuts shall comply with Section 23.54.030, Parking space standards.

* * *

Section 37. Section 23.49.028 of the Seattle Municipal Code, adopted by Ordinance 122273, is amended as follows:

23.49.028 - Keeping of animals and pet daycare centers((~~,~~))

A. Animals that are not being kept in connection with animal husbandry or animal service uses ((~~may be kept as an accessory use on any lot in a downtown zone according to the following:~~

~~1. Up to three (3) small animals per business establishment or dwelling unit may be kept in downtown zones.~~

~~2. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) shall be permitted as a small animal provided such swine is no greater than twenty-two (22) inches in height at the shoulder and no more than one hundred fifty (150) pounds in weight. No more than one (1) such swine may be kept per business establishment or dwelling unit~~)) are regulated by Section 23.42.052, Keeping of Animals.

* * *

Section 38. Section 23.49.058 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.49.058 - Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and Downtown Mixed Commercial (DMC) upper-level development standards

* * *

C. Facade modulation

1. In DOC 1, DOC 2, and DMC zones, except the DMC 160 zone, facade modulation is required above a height of 85 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

2. In the DMC 160 zone, facade modulation is required above a height of 60 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

3. The maximum length of a facade without modulation is prescribed in Table A for 23.49.058. 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 A for 23.49.058 Modulation Requirements for DOC 1, DOC 2, and DMC Zones, Except DMC 160 Zone	
Elevation	Maximum length of unmodulated facade within 15 feet of street lot line
0 to 85 feet	No limit
((~~86~~))Greater than 85, up to 160 feet	155 feet
((~~161~~))Greater than 160, up to 240 feet	125 feet
((~~241~~))Greater than 240, up to 500 feet	100 feet
Above 500 feet	80 feet
Modulation Requirements for DMC 160 Zone	
0 to 60 feet	No limit
Above 60 feet	125 feet

4. Any portion of a facade exceeding the maximum length of facade prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot line for a minimum distance of 60 feet before any other portion may be within 15 feet of the street lot line.

* * *

Section 39. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.50.020 - Structure height exceptions and additional restrictions

A. Rooftop features. Where a height limit applies to a structure, except as provided in subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4, and 23.50.024.F.3, the provisions in this subsection 23.50.020.A apply to rooftop features:

* * *

5. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this subsection 23.50.020.A.5 shall be located at least 10 feet from the north ((~~edge of the roof~~))lot line unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north ((~~edge of the roof~~))lot line would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR.

* * *

Section 40. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.53.006 - Pedestrian access and circulation

* * *

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F

1. In any zone with a pedestrian designation, sidewalks are required if new lots are created through the platting process including full and short subdivisions ((~~and unit lot subdivisions,~~)) ((~~and~~))or if development is proposed.

2. On streets designated on Map A for 23.50.016, sidewalks are required if new lots are created through the platting process, including full and short subdivisions ((~~and unit lot subdivisions,~~)) ((~~and~~))or if development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required if new lots are created through the platting process, including full and short subdivisions ((~~and unit lot subdivisions,~~)) ((~~and~~))or if development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

* * *

Section 41. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.53.015 - Improvement requirements for existing streets in residential and commercial zones

* * *

D. Exceptions

* * *

3. Exceptions from required street improvements. As a Type 1 decision, the Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping, and curb installation if one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes widening and/or improving the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would preclude vehicular access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required ((~~20~~))15 percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 42. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.53.030 - Alley improvements in all zones

A. General requirements.

1. The regulations in this Section 23.53.030 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

2. ((~~Subsection 23.53.030.G contains exceptions from the standards requirements for alley improvements, including exceptions for projects that are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.~~

~~3.~~)) Detailed requirements for alley improvements are located in the Right-of-Way Improvements Manual, which is adopted by joint rule of the Director and the Director of Transportation.

* * *

Section 43. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.54.015 - Required parking

* * *

B. Parking requirements for specific zones

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015.

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

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

4. Parking in the Northgate Overlay District is regulated by Chapter 23.54 except as modified by Section 23.71.016.

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

6. No parking is required for urban farms or community gardens in residential zones<u>.</u>

* * *

K. Bicycle parking. The minimum number of off-street parking spaces for bicycles required for specified uses is set forth in Table D for 23.54.015. In the case of a use not shown on Table D for 23.54.015, there is no minimum bicycle parking requirement. The minimum requirements are based upon gross floor area of the use in a structure, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

1. After the first 50 spaces for bicycles are provided, additional spaces are required at ½ the ratio shown in Table D for 23.54.015, except for rail transit facilities; passenger terminals; and park and ride lots. ((~~Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.~~))

2. Required bicycle parking shall be provided in a safe, accessible and convenient location. Bicycle parking hardware shall be installed so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of Transportation, allowing adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk. If any covered automobile parking is provided, all required long-term bicycle parking shall be covered. If located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

3. Long-term parking for bicycles shall be for bicycles parked four hours or more. Short-term parking for bicycles shall be for bicycles parked less than four hours.

4. Bicycle parking required for residential uses shall be located on-site.

5. Bicycle parking required for small efficiency dwelling units and congregate residence sleeping rooms is required to be covered for weather protection. If the required, covered bicycle parking is located inside the building that contains small efficiency dwelling units or congregate residence sleeping rooms, the space required to provide the required bicycle parking shall be exempt from Floor Area Ratio (FAR) limits. Covered bicycle parking that is provided beyond the required bicycle parking shall not be exempt from FAR limits.

6. Bicycle parking facilities shared by more than one use are encouraged.

7. Bicycle parking facilities required for nonresidential uses shall be located on the lot or in a shared bicycle parking facility within 100 feet of the lot, except as provided in subsection 23.54.015.K.8.

8. Bicycle parking may be located in a facility within 100 feet of the lot that is not a shared bicycle parking facility, or public bicycle parking may be provided in the right-of-way,

subject to approval by the Director of Transportation, in lieu of providing required on-site bicycle parking, if the Director determines that:

a. Safe, accessible, and convenient bicycle parking accessory to a non-residential use cannot be provided on-site or in a shared bicycle parking facility within 100 feet of the lot, without extraordinary physical or financial difficulty;

b. The bicycle parking in the right-of-way is equivalent to bicycle parking that would otherwise be required on-site, and takes into consideration the cost of materials, equipment and labor for installation;

c. The bicycle parking in the right-of-way is located within sufficient proximity to serve the bicycle parking demand generated by the project; and

d. Construction of the bicycle parking is completed before issuance of a certificate of occupancy for the development.

9. Bicycle parking spaces within dwelling units, other than a private garage, or on balconies do not count toward the bicycle parking requirement.

* * *

Table D for 23.54.015 **Parking for Bicycles[1]**			
		Bike parking requirements	
Use		**Long-term**	**Short-term**
A. COMMERCIAL USES			
A.1.	Eating and drinking establishments	1 per 12,000 square feet	1 per 4,000 square feet;

Table D for 23.54.015 Parking for Bicycles[1]			
		Bike parking requirements	
Use		Long-term	Short-term
			1 per 2,000 square feet in UC/SAO[2]
A.2.	Entertainment uses	1 per 12,000 square feet	1 per 40 seats and 1 per 1,000 square feet of non-seat area; 1 per 20 seats and 1 per 1,000 square feet of non-seat area in UC/SAO[2]
A.3.	Lodging uses	1 per 20 rentable rooms	2
A.4.	Medical services	1 per 12,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2]
A.5.	Offices and laboratories, research and development	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2]	1 per 40,000 square feet
A.6.	Sales and services, general	1 per 12,000 square feet	1 per 4,000 square feet;

Table D for 23.54.015 Parking for Bicycles[1]			
		Bike parking requirements	
Use		Long-term	Short-term
			1 per 2,000 square feet in UC/SAO[2]
A.7.	Sales and services, heavy	1 per 4,000 square feet	1 per 40,000 square feet
B. INSTITUTIONS			
B.1.	Institutions not listed below	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2]	1 per 40,000 square feet
B.2.	Child care centers	1 per 4,000 square feet	1 per 40,000 square feet
B.3.	Colleges	A number of spaces equal to 10 percent of the maximum students present at peak hour plus 5 percent of employees	None
B.4.	Community clubs or centers	1 per 4,000 square feet	1 per 4,000 square feet

Table D for 23.54.015 Parking for Bicycles[1]			
		Bike parking requirements	
Use		Long-term	Short-term
B.5.	Hospitals	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2]	1 per 40,000 square feet
B.6.	Libraries	1 per 4,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2]
B.7.	Museums	1 per 4,000 square feet	1 per 4,000 square feet
B.8.	Religious facilities	1 per 12,000 square feet	1 per 40 seats or 1 per 1,000 square feet of non-seat area
B.9.	Schools, elementary	1 per classroom	None
B.10.	Schools, secondary (middle and high)	2 per classroom	None

Table D for 23.54.015 Parking for Bicycles[1]			
		Bike parking requirements	
Use		Long-term	Short-term
B.11.	Vocational or fine arts schools	A number of spaces equal to 10 percent of the maximum students present at peak hour plus 5 percent of employees	None
C. MANUFACTURING USES		1 per 4,000 square feet	None
D. RESIDENTIAL USES			
D.1.	Congregate residences[3]	0.75 per sleeping room	None
D.2.	Multi-family structures	1 per 4 dwelling units or 0.75 per small efficiency dwelling unit	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride lots	At least 20[4]	None

Table D for 23.54.015 Parking for Bicycles[1]			
		Bike parking requirements	
Use		Long-term	Short-term
E.2.	Principal use parking except park-and-ride lots	1 per 20 auto spaces	None
E.3.	Rail transit facilities and passenger terminals	At least 20[4]	None

Footnote to Table D for 23.54.015:

[1]If a use is not shown on this Table D for 23.54.015, there is no minimum bicycle parking requirement.

[2]For the purposes of this Table D for 23.54.015, UC/SAO means urban centers or the Station Area Overlay District.

[3]For congregate residences that are owned by a not-for-profit entity or charity, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, the Director shall have the discretion to reduce the amount of required bicycle parking if it can be demonstrated that residents are less likely to travel by bicycle.

[4]The Director may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities;

Table D for 23.54.015 Parking for Bicycles[1]		
	Bike parking requirements	
Use	Long-term	Short-term
projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.		

Section 44. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.54.030 - Parking space standards

All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030, except that parking for residential and live-work uses provided in excess of the quantity required by Section 23.54.015 is exempt from the requirements of subsections 23.54.030.A and 23.54.030.B.

* * *

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

* * *

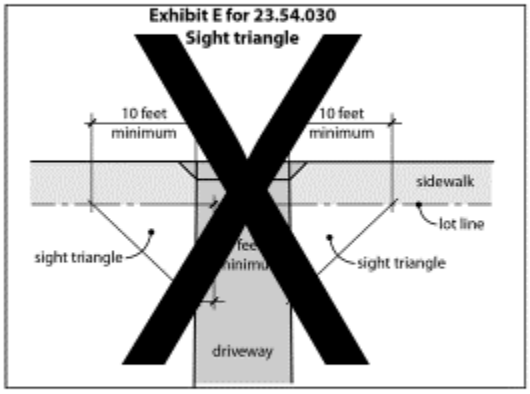
<u>7. Curb cuts are not allowed on streets if alley access to a lot is feasible but has not been provided.</u>

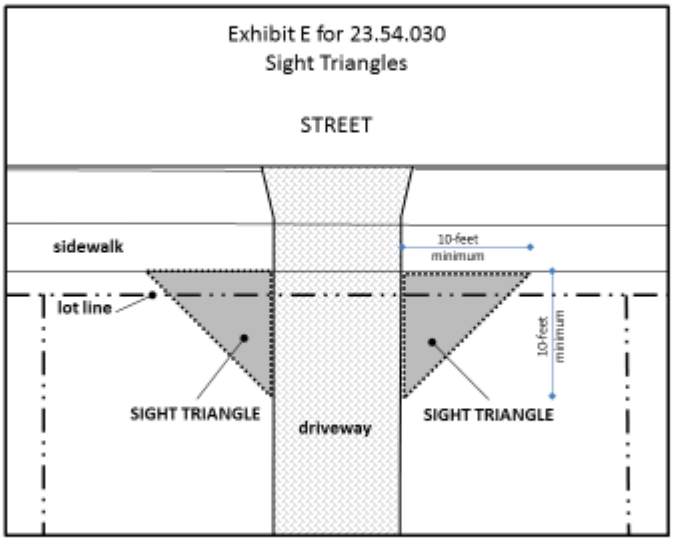
G. Sight triangle

1. For exit-only driveways and easements, and two way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk, as depicted in Exhibit E for 23.54.030.

Exhibit E for 23.54.030

Sight triangle





2. For two way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.

3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground.

4. When the driveway or easement is less than 10 feet from the lot line, the sight triangle may be provided as follows:

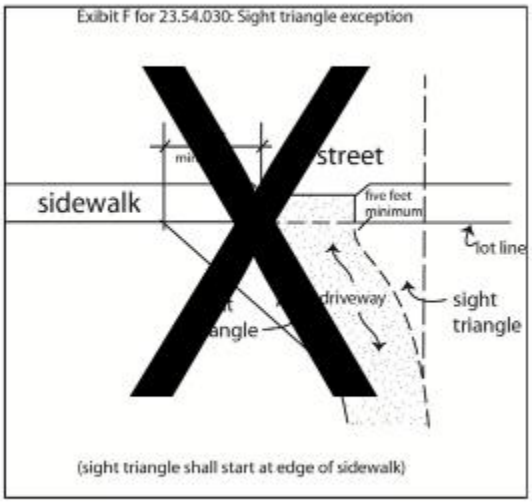
a. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County Recorder; or

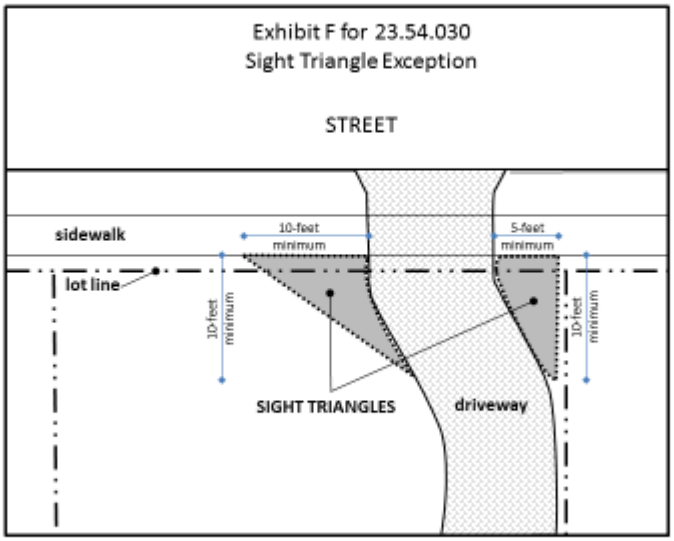
b. The driveway may be shared with a driveway on the neighboring lot; or

c. The driveway or easement may begin 5 feet from the lot line, as depicted in Exhibit F for 23.54.030.

Exhibit F for 23.54.030

Sight triangle exception





5. An exception to the sight triangle requirement may be made for driveways serving lots containing only residential uses and fewer than three parking spaces, when providing the sight triangle would be impractical.

6. In all Downtown, Industrial, Commercial 1, and Commercial 2 zones, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.

7. Sight triangles are not required for one-way entrances into a parking garage or surface parking area.

<u>8. Sight triangles are not required when access to parking is provided from an alley.</u>

* * *

Section 45. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.54.040 - Solid waste and recyclable materials storage and access

* * *

I. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to ((~~grant departures from~~))modify the requirements of this Section 23.54.040 as a Type I decision, if the applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040 and if either:

1. The applicant can demonstrate difficulty in meeting any of the requirements of this Section 23.54.040; or

2. The applicant proposes to construct or expand a structure, and the requirements of this Section 23.54.040 conflict with opportunities to increase residential densities and/or retain ground-level retail uses.

Section 46. Section 23.55.014 of the Seattle Municipal Code, last amended by Ordinance 123543, is amended as follows:

23.55.014 - Off-premises signs((~~.~~))

* * *

F. Registration of Advertising Signs. Each owner of an off-premises advertising sign shall file a written report with the Director on or before July 1st of each year. The report shall be submitted on a form supplied by the Director. The owner shall identify the number and location of advertising signs maintained by the owner in the City at any time during the previous year, and provide such other information as the Director deems necessary for the inspection of signs and for the administration and enforcement of this ((~~s~~))Section 23.55.014. The owner shall pay a

fee to the Director at the time the written report is filed. The amount of the fee is ((~~Forty Dollars ($40)~~))established by the Fee Subtitle, Section 22.900E.010, for each sign face identified in the report. DPD shall assign a registration number to each sign face, and the sign number shall be displayed on the face of the billboard frame in figures which are a minimum of ((~~eight (~~))8((~~)~~)) inches tall. It is unlawful to maintain a sign face ((~~which~~))that has not been registered as required by this ((~~s~~))Section 23.55.014. Notwithstanding any other provision of this code, any person who maintains an unregistered sign face is subject to an annual civil penalty of ((~~Five Thousand Dollars (~~))$5,000((~~)~~)) for each unregistered sign face.

* * *

Section 47. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.55.015 - Sign kiosks and community bulletin boards

* * *

C. Development Standards for Sign Kiosks

1. Design and Construction.

a. The design of any sign kiosk shall comply with the design principles for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.

b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the design of the park, playground or community center.

c. The design of any sign kiosk in a special review district established in

SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. The sign kiosk shall be in sections with maximum dimensions of ((~~seven (~~))7((~~)~~)) feet high, ((~~three (~~))3((~~)~~)) feet wide measuring from the centers of the supporting posts on either side of the sections, and ((~~six (~~))6((~~)~~)) inches deep, with a maximum of four ((~~(4)~~)) sections. No more than ((~~two (~~))2((~~)~~)) feet of additional height will be allowed for artistic decoration on top of the kiosk, with additional width not to exceed the width of the kiosk structure. The Seattle Design Commission may approve a different style or different dimensions, which shall not exceed the maximum height dimension and the maximum overall size set out above.

e. Lights, changing image signs, and message board signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be ((~~five (~~))5((~~)~~)) foot-candles (fc) maintained at ground level.

f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.

g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with ((~~SMC~~)) Sections 11.50.500 through 11.50.560.

h. All sign kiosks shall be designed, constructed and maintained in accordance with ((~~SMC~~)) Chapter 22, Section ((~~3204~~))3107, the Seattle Building Code provisions governing signs.

* * *

Section 48. Section 23.55.020 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.55.020 - Signs in single-family zones

* * *

D. The following signs are permitted in all single-family zones:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding 64 square inches in area;

2. Memorial signs or tables, and the name of buildings and dates of building erection if cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. National, state and institutional flags;

5. For any nonresidential use allowed in the zone except for elementary or secondary schools, one electric or nonilluminated double-faced identifying wall or ground sign not to exceed 15 square feet of area per sign face on each street frontage;

6. On-premises directional signs not exceeding 8 square feet in area. One such sign is permitted for each entrance or exit to a surface parking area or parking garage;

7. For elementary or secondary schools, one electric or nonilluminated double-faced identifying sign, not to exceed 30 square feet of area per sign face on each street frontage, provided that the signs shall be located and landscaped so that light and glare impacts on surrounding properties are reduced, and so that any illumination is controlled by a timer set to turn off by 10 p.m.;

8. One nonilluminated sign bearing the name of a home occupation not exceeding 64 square inches in area.

* * *

Section 49. Section 23.66.338 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.66.338 - Signs

A. The intent of the standards in this section is:

1. To encourage signs that by their design, location and number are consistent with the goals and objectives of the International Special Review District, and the Union Station Corridor where applicable, and in particular the Asian character of the area;

2. To promote effective communication of sign messages by avoiding undue proliferation;

3. To enhance views and sightlines into and down streets; and

4. To reduce driver distraction and visual blight.

B. Business establishments may erect signs, including banners and flags that are signs, ((~~as defined in subsection 23.84A.036~~)) if the Director of Neighborhoods determines the proposed sign meets the standards in this Section 23.66.338 and issues a certificate of approval, except as provided in subsection 23.66.338.H.

* * *

Section 50. Section 23.71.044 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.71.044 - Standards for residential uses in commercial zones within the Northgate Overlay District((~~.~~))

* * *

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

1. In all C and NC zones with a height limit of ((~~thirty (30)~~))40 feet or less, the development standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. ((~~In all C and NC zones with a height limit of forty (40) feet, the development standards for residential structures in Lowrise 4 zones, except that no front setback is required.~~

~~3.~~)) In all C and NC zones with a height limit of sixty-five (65) feet, the development standards for residential structures in Midrise zones, except that no front setback is required.

* * *

Section 51. Section 23.73.008 of the Seattle Municipal Code, last amended by Ordinance 124503, is amended as follows:

23.73.008 - Street-level uses

A. Street-level uses on principal pedestrian streets. Along designated principal pedestrian streets shown on Map A for 23.73.008, provisions for street-level uses are established in Chapter 23.47A, except as modified by this Section 23.73.008.

B. Space for small commercial uses at street level

1. Except as provided in subsection 23.73.008.B.3, all structures that include more than 5,000 square feet of commercial uses at street level, excluding the floor area of performing arts theaters, arts facilities, and parking and access, shall include commercial spaces at street level for small, individual business establishments that average 2,000 square feet or less in size,

according to Table A for 23.73.008.

Table A for 23.73.008 Commercial Space for Small Business Establishments	
Total amount of square feet in commercial use at street level as calculated in subsection 23.73.008.B	Number of required commercial spaces for individual business establishments averaging 2,000 square feet or less in size
Up to 5,000 square feet	0
More than 5,000 square feet, up to 8,000 square feet	1
More than 8,000 square feet, up to 12,000 square feet	2
More than 12,000 square feet, up to 16,000 square feet	3
More than 16,000 square feet	4, plus 1 additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of 8

2. The commercial space requirement of subsection 23.73.008.B.1 applies to the total size of a business establishment, except that if a business establishment includes more than one principal use, each principal use within the business establishment may qualify as a small business establishment.

3. For projects that retain a character structure as provided in Section 23.73.015, in addition to any excluded floor area specified in subsection 23.73.008.B.1, floor area meeting the following conditions is not required to comply with subsection 23.73.008.B.1:

a. The floor area is occupied by street-level commercial uses or other uses excluded from the requirement for small commercial spaces in subsection 23.73.008.B.1 and is within the original street-level footprint of the retained character structure; and

b. The original street-level of the character structure was designed as a large space for use as automobile retail sales and service, warehouse, manufacturing, or large retail or commercial space.

c. Original façade openings providing transparency at the street-level remain unobstructed by interior improvements to retain visual access to interior space for pedestrians on the abutting sidewalk, even if the resulting amount of transparency exceeds what is otherwise required in subsection 23.47A.008.B.2.

* * *

Section 52. Section 23.73.009 of the Seattle Municipal Code, last amended by Ordinance 124503, is amended as follows:

23.73.009 - Floor area ratio

* * *

B. Non-residential uses are limited to a maximum of 2 FAR, except that for development on a lot that meets one of the following conditions, the FAR limits for non-residential uses in Section 23.47A.013 for the underlying zone applies:

1. A character structure has not existed on the lot since January 18, 2012; or

2. For lots that include a character structure, all character structures on the lot are

retained according to Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B.((~~32~~))33. If the lot includes a character structure that has been occupied by residential uses since January 18, 2012, the same amount of floor area in residential uses shall be retained in that structure, unless a departure is approved through the design review process to allow the removal of the character structure based on the provisions of subsection 23.41.012.B.((~~32~~))33. The owner of the lot shall execute and record in the King County real property records an agreement to provide for the maintenance of the required residential uses for the life of the project.

C. In addition to the floor area exempt under the provisions of the underlying zone, the following floor area is exempt from the calculation of gross floor area subject to an FAR limit:

1. The following street-level uses complying with the standards of Section 23.47A.008 and subsection 23.73.008.B:

a. General sales and services;

b. Major durables retail sales;

c. Eating and drinking establishments;

d. Museums;

e. Religious facilities;

f. Libraries; and

g. Automotive retail sales and service uses located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015.

2. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.73.009 only, may be operated either by for-profit or not-for-profit organizations.

3. All floor area in residential use in a development that retains all character structures on the lot as provided in Section 23.73.015, or that uses the transfer of development potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection 23.41.012.B.((~~32~~))33.

* * *

Section 53. Section 23.73.014 of the Seattle Municipal Code, last amended by Ordinance 124503, is amended as follows:

23.73.014 - Height exceptions

A. Height exception for street-level uses. In zones with a mapped height limit of 65 feet, an additional 4 feet of height above the height limit of the zone is allowed for structures that include uses listed as required street-level uses in subsection 23.47A.005.D.1 or live-work use if the following conditions are met:

1. The floor-to-ceiling height of the street-level uses or live-work units located at street level is 13 feet or more, except when a character structure is retained according to Section 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of the character structure need not exceed the original floor-to-ceiling height of the character structure;

2. The additional height will not permit an additional story to be built beyond the number that could be built under a 65-foot height limit; and

3. The transparency requirements for street-facing facades in subsection 23.47A.008.((A))B.2 are met for the portion of the street-facing facades between 2 feet and 12 feet above the sidewalk. Only clear or lightly-tinted glass shall be considered transparent. For a

character structure that is retained in a new project according to Section 23.73.015, measurement for required transparency of the street-facing facades of the character structure shall be according to the provisions of subsection 23.86.026.B.

* * *

Section 54. Section 23.73.015 of the Seattle Municipal Code, adopted by Ordinance 124503, is amended as follows:

23.73.015 - Retention and demolition of character structures

A. For provisions in this Chapter 23.73 that require a portion of a character structure to be retained in order to earn incentives, in addition to the provisions of the applicable section, the minimum requirements for retaining a character structure are as follows:

1. All street-facing facades of the character structure shall be maintained for the life of the project<u>, and original facade openings that provide transparency at the street-level shall remain unobstructed to retain visual access to interior spaces for pedestrians on the abutting sidewalk, even if the resulting amount of transparency exceeds what is otherwise required in subsection 23.47A.008.B.2</u>;

2. All portions of the new structure above the height of the street-facing facades of the character structure shall be set back a minimum of 15 feet from the street-facing facades of the character structure, except:

a. Projections such as unenclosed balconies, bay windows, cornices, belt courses; and eaves, gutters, and other forms of weather protection may project a maximum of 18 inches into the required setback; and

b. On through lots that are bounded on three or more sides by a street and that are less than 170 feet wide measured between streets, a setback is not required from the

narrowest abutting street that is not shown as a Principal Pedestrian Street on Map A for 23.73.008.

3. The original floor-to-ceiling height of the street-level story of the character structure is maintained, allowing for adjustments to provide access to persons with disabilities.

4. If it is determined at any time that the character structure's street-facing facade cannot be maintained as required under subsection 23.73.015.A.1, the Design Review Board shall review any proposed changes to the facade before changes are made. If the proposed facade changes are not approved through the design review process the incentives may not be used.

* * *

Section 55. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 124747, is amended as follows:

23.76.004 - Land Use Decision Framework

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020[2])	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24

	Table A for 23.76.004 **LAND USE DECISION FRAMEWORK[1]**
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of public benefit for combined lot FAR
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the Land Use Code
	TYPE II **Director's Decision** (Appealable to Hearing Examiner or Shorelines Hearing Board[3])
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit[3]
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations:
	1. Determination of non-significance (EIS not required)
	2. Determination of final EIS adequacy
	3. Determinations of significance based solely on historic and cultural preservation
	4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance, only if integrated with another Type II decision
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Other Type II decisions that are identified as such in the Land Use Code
	TYPE III

	Table A for 23.76.004 **LAND USE DECISION FRAMEWORK[1]**
	Hearing Examiner's Decision (No Administrative Appeal)
*	Subdivisions (preliminary plats)
	COUNCIL LAND USE DECISIONS **TYPE IV** (Quasi-Judicial)
*	Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
	TYPE V **(Legislative)**
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities
*	Adoption of or amendments to Planned Action Ordinances
*	Other decisions listed in subsection 23.76.036.C
Footnotes for Table A for 23.76.004: [1] Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types. [2] Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation. [3] Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

Section 56. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.76.006 - Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use

Permits are required for all projects requiring one or more of these decisions.

* * *

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

a. Determination of Non-significance (DNS), including mitigated DNS;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances; provided that the decision on variances sought as part of a

Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions; provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Modification of mitigation amounts under Section 23.58B.040 or Section 23.58B.050 pursuant to subsection 23.58B.025.B.3; and

n. Except for projects determined to be consistent with a planned action ordinance, decisions to ((~~approve,~~)) condition((~~,~~)) or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.1 or 23.76.006.C.2.a. through 23.76.006.C.2.l; provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to ((~~approve,~~)) condition((~~,~~)) or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036.

o. Other Type II decisions identified in the Land Use Code and other decisions that are subject to a public notice and administrative appeal process.

* * *

Section 57. Section 23.76.060 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.060 - Expiration and extension of Council land use decisions

* * *

E. Extensions. The Council may extend the time limits on Type IV land use decisions for ((~~no more than~~)) two years or such other time as the Council may determine appropriate, upon an applicant's filing an application to the Department at least 120 days before the approval's expiration. The Council may request a recommendation on the extension application from the

Director, but the Hearing Examiner hearing and recommendation requirements of Section 23.76.052 do not apply. Notice of applications for extensions of Type IV land use decisions and an opportunity to comment shall be provided pursuant to subsections 23.76.012.B.1 or B.2, and subsection 23.76.012.B.3, and notice and an opportunity to comment shall also be provided to the parties of record in the Council's original Type IV land use proceeding and to those persons who were provided written notice of the Hearing Examiner's recommendation on the original Type IV application to the extent reasonably practicable.

1. The Council may not extend the time limit for a Type IV land use decision for a project that is not in conformance with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time application for an extension is made.

2. In deciding whether to grant an extension, the Council shall consider:

a. The reason or basis for the application for the extension and whether it is reasonable under the circumstances;

b. Whether changed circumstances in the area support an extension;

c. Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the Council land use decision.

Section 58. Section 23.84A.024 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.84A.024 - "L"

* * *

"Lot line, front" means, in the case of a lot with frontage on a single street, the lot line

separating the lot from the street, and in the case of a lot with frontage on more than one street other than a through lot, the lot line separating the lot from any abutting street, provided the other lot line(s) that abut streets are considered to be either side street lot line(s) or the rear lot line according to the definitions of those terms. In the case of a through lot, the lot lines separating the lot from the streets that are parallel or within 15 degrees of parallel to each other are both front lines. For new development on a lot with no street frontage, the front lot line shall be the lot line designated by the project applicant in accordance with Section 23.86.010. If the area of the front yard based on a front lot line determined according to this definition is less than 20 percent of the total lot area and is less than 1,000 square feet in area, the Director may designate a different lot line as the front lot line in order to provide structural setbacks, building separations and open space that are more consistent with those of other lots that are within 100 feet of the property.

* * *

Section 59. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 124457, is amended as follows:

23.84A.032 - "R"

* * *

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

* * *

22. "Townhouse development" means a multifamily residential use that is not a rowhouse development, and in which:

a. each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. no portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and

c. each dwelling unit is attached along at least one common wall to at least one other dwelling unit or live-work unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit or live-work unit on a common lot line.

* * *

Section 60. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 124457, is amended as follows:

23.84A.036 – "S"

* * *

"Sign, message board" means an electric sign that has a reader board for the display of information, such as time, temperature, ((~~of~~))or public service or commercial messages, that can be changed through the turning on and off of different combinations of light bulbs within the display area.

* * *

Section 61. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.84A.038 - "T"

* * *

"Tower," in a Seattle Mixed (SM) zone, means the portion of a structure located above the designated podium height established for structures ((~~that exceeds a specified height in a Seattle Mixed (SM) zone~~))but only for structures that exceed the height limit for a structure that

is not a tower.

"Tower, nonresidential," in a Seattle Mixed (SM) zone, means the portion of a structure in nonresidential use located above the designated podium height established for structures ((~~that exceeds a specified height in a Seattle Mixed (SM) zone~~)).

* * *

Section 62. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.86.006 - Structure height measurement

* * *

G. Height measurement technique for structures located partially within the Shoreline District. When any portion of the structure falls within the Shoreline District, structure height for the entire structure shall be measured according to Section 23.60A.952, Height.

* * *

Section 63. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.86.007 - Gross floor area and floor area ratio (FAR) measurement

* * *

B. Pursuant to subsection 23.45.510.E, 23.47A.013.D, and 23.48.009.D, for certain structures in multifamily, commercial, and Seattle Mixed zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 feet below the roof surface if there is no next floor above the partially below-grade story;

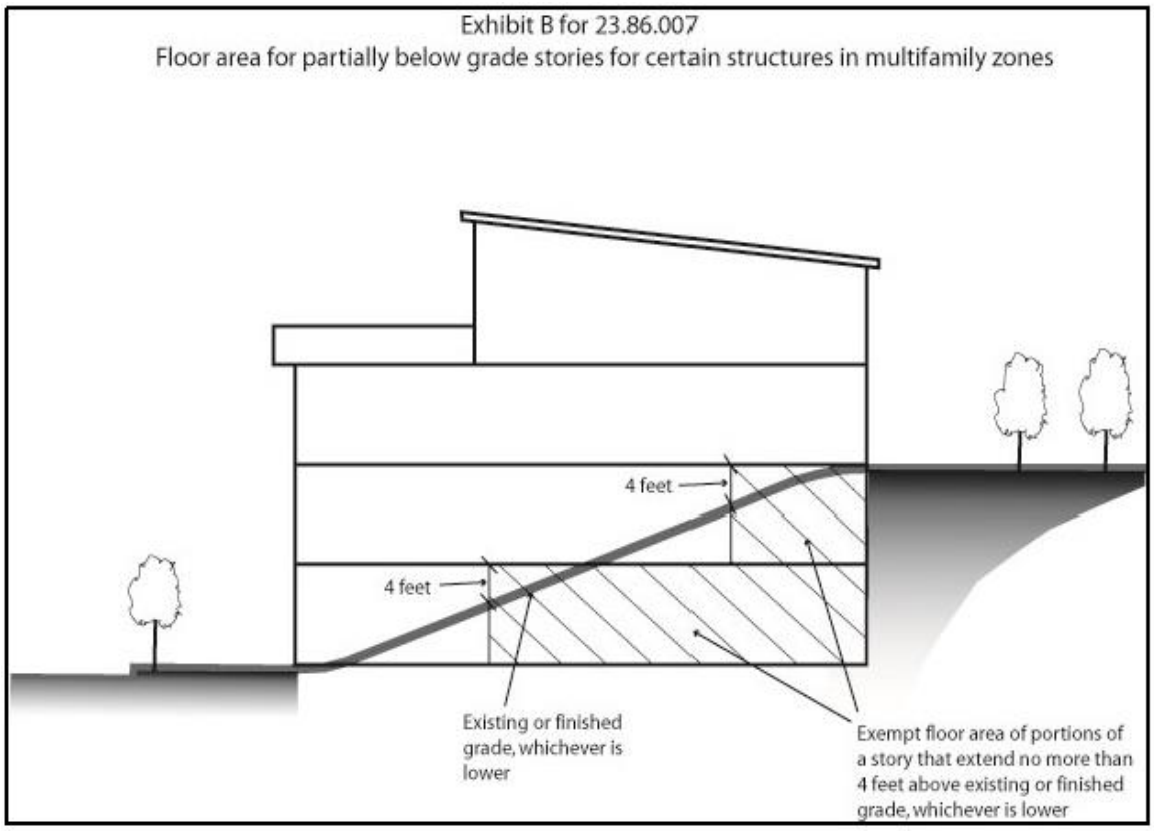
2. determine the points along the exterior wall of the story where the elevation determined in subsection 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

3. draw a straight line across the story connecting the two points on the exterior walls;

4. the gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in subsection 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007).

Exhibit B for 23.86.007

Floor area for partially below grade stories for certain structures in multifamily, commercial, and Seattle Mixed zones



Section 64. Section 23.86.028 of the Seattle Municipal Code, last amended by Ordinance 124503, is amended as follows:

23.86.028 - Blank facades

In zones where blank facades are required to be limited, the following provisions shall be used to determine the percent and length of blank facades.

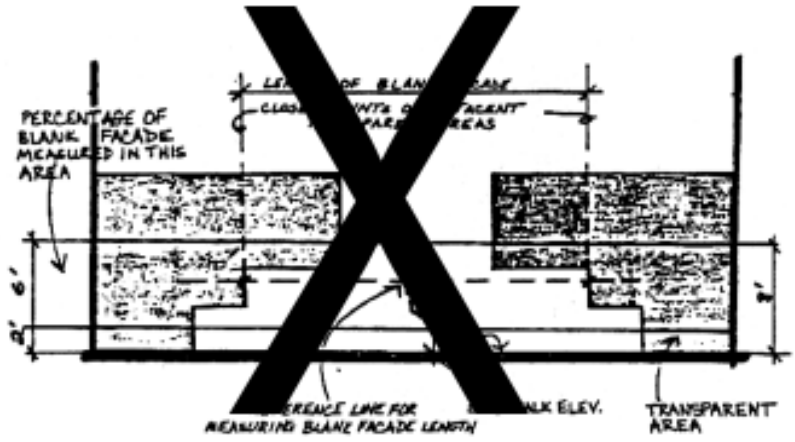
A. Percent of blank facades

1. Blank facades shall be measured in an area between 2 feet and 8 feet above the elevation of the lot line at the sidewalk as depicted in Exhibit<u>s</u> A <u>and B</u> for 23.86.028. Areaways, stairways and other excavations at the lot line shall not be considered in measuring the elevation of the street lot line. When sidewalk widening is required according to Section 23.49.022, the

elevation of the line establishing the new sidewalk width shall be used rather than the street lot line.

2. When the blank facade is limited for facades which abut bonused public open spaces, the measurement of facade transparency shall be from the elevation of the public open space.

Exhibit A for 23.86.028 Percent of and Length of Blank Facades



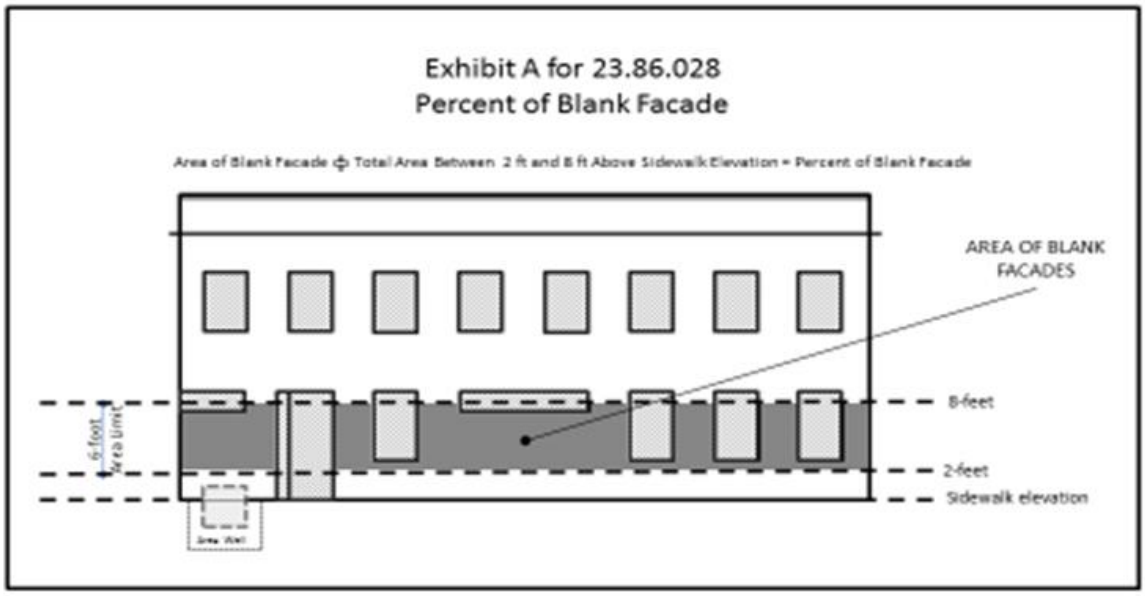
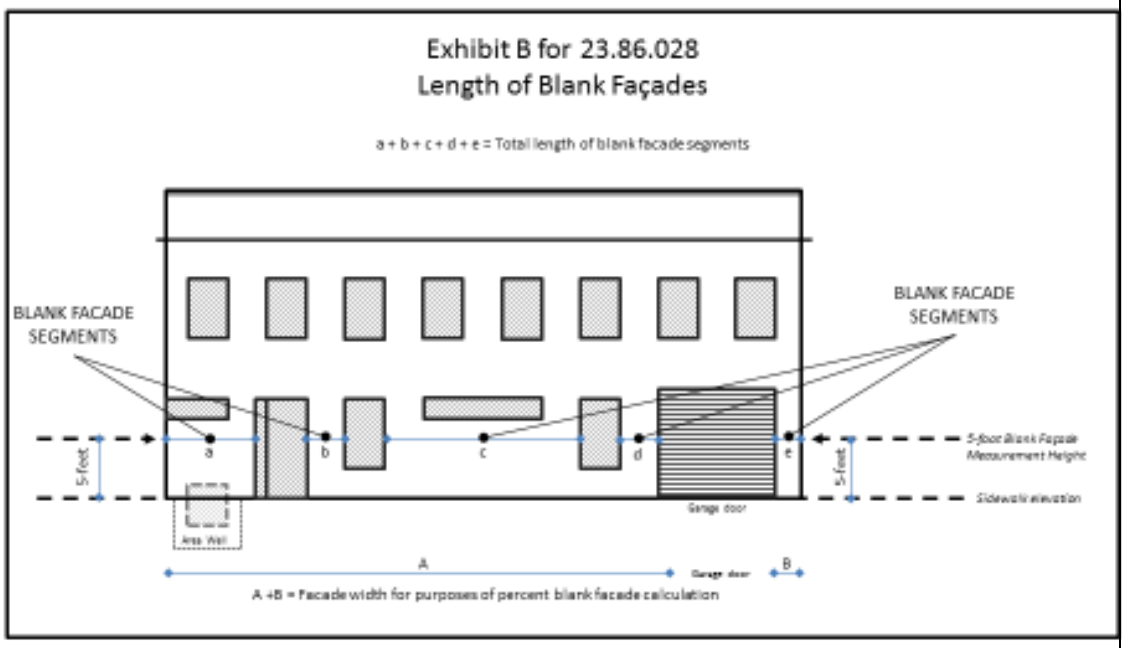


Exhibit A for 23.86.028
Percent of Blank Facade
Area of Blank Facade ÷ Total Area Between 2 ft and 8 ft Above Sidewalk Elevation = Percent of Blank Facade
AREA OF BLANK FACADES
8-feet
2-feet
Sidewalk elevation
6-foot Area Limit

1



B. Length of blank facades. The length of a blank facade located within the area established in subsection 23.8((~~3~~))6.028.A shall be measured between the closest points of adjacent transparent areas, at 5 feet above the elevation of the lot line at the sidewalk, as depicted in Exhibit B for 23.86.028.

C. The following shall not be counted in determining the length of blank facades:

1. Garage doors, as depicted in Exhibit ((~~A~~))B for 23.86.028; and

2. The full length of landmark designated structures, and character structures retained according to Section 23.73.015.

Section 65. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

25.11.070 - Tree protection on sites undergoing development in Lowrise zones

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional trees

1. If the Director determines that there is an exceptional tree located on the lot of a proposed development and the tree is not proposed to be preserved, the development shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the threshold s for design review established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted FAR and height limits of the applicable Lowrise zone according to SMC Title 23, the Land Use Code, cannot be achieved while avoiding the tree protection area through the following:

a. Development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012.

b. An increase in the permitted height as follows under subsection 25.11.070.A.3.

3. In order to preserve an exceptional tree, <u>the following exceptions are allowed:</u>

<u>a.</u> ((~~f~~))<u>F</u>or a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

((~~c~~))b. Parking ((~~R~~))reduction. A reduction in the parking quantity required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area.

* * *

Section 66. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2016, and signed by me in open session in authentication of its passage this _____ day of _____, 2016.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2016.

_____

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2016.

_____

Monica Martinez Simmons, City Clerk

(Seal)