CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title
AN ORDINANCE relating to land use and zoning; amending Sections 23.41.004, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.84A.014, and 23.86.002 of the Seattle Municipal Code to amend Lowrise Zone multi-family development standards and establish a new design review threshold for Lowrise 2 zones.

..body
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 124608, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004:
Thresholds for Design Review

	Zone	**Threshold**
a.	Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units
b.	Midrise (MR)	20 dwelling units
c.	Highrise (HR)	20 dwelling units
d.	Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e.	Commercial (C1, C2)	4 dwelling units or 12,000 square feet of nonresidential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of nonresidential gross floor area

g.	Industrial Commercial (IC) within all designated urban villages and centers	12,000 square feet of nonresidential gross floor area
h.	Master Planned Community (MPC)[2]	20 dwelling units or 12,000 square feet of ((~~non-residential~~)) nonresidential gross floor area
i.	All zones - congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units[3].	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018.
		Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016.
		Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

Footnotes to Table A for 23.41.004:
[1]Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
[2]If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.
[3]When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.

* * *

Section 2. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.510 Floor area ratio (FAR) limits

A. General provisions

1. All gross floor area not exempt under subsection 23.45.510.E 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, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

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. <u>In LR zones the following standards apply to the calculation of gross floor area for application of FAR limits:</u>

<u>1. Exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms, and that meet the standards in the Seattle Building Code for egress balconies and exterior exit stairways and ramps, are excluded from gross floor area.</u>

<u>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.</u>

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

Table A for 23.45.510
Floor Area Ratios in LR zones

Zone	**Location**	**Category of Residential Use** (1)			
	Outside or inside Urban Centers, Urban Villages, and the Station Area Overlay	**Cottage housing developments and single-family dwelling units**	**Rowhouse developments** (2)	**Townhouse developments** (2)	**Apartments** (2)

	District				
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5[(3)]
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes for Table A for 23.45.510
[(1)] If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.
[(2)] The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.
[(3)] On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Green building performance standards

a. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating, <u>certification by the Passive House Institute U.S.,</u> or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1.a are those identified in Section 23.45.526, and that section shall apply as if the application were for new development gaining extra residential floor area.

b. On sites developed with existing structures, the higher FAR limit is applicable to the site if new buildings and additions to existing buildings meet green building performance standards. Existing buildings built prior to January 1, 2013 are not required to be upgraded to current green building performance standards for the higher FAR to apply to the site.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and 23.53.030.F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location if parking is provided

a. For rowhouse and townhouse developments, parking shall be totally enclosed within the same structure as the residential use, located in a structure or portion of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot.

b. For apartments, parking may either:

1) be totally enclosed within the same structure as the residential use; or

2) on lots located outside of Urban Centers, Urban Villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.

4. Access to parking if parking is provided

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.c, and 23.45.510.C.4.d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. If access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

* * *

Section 3. Subsection A of Section 23.45.512 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.45.512 Density limits–Lowrise zones

A. ((~~There shall be a~~)) The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments ((~~, as~~)) is shown on Table A for 23.45.512, except as provided in subsections B, C, D, E, or ((~~and~~)) G of this Section 23.45.512.

((~~Table A for 23.45.512: Density Limits in Lowrise Zones~~))

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			
	Cottage Housing Development ((~~(1)~~)) (2) and Single-family Dwelling Unit	**Rowhouse Development**	**Townhouse Development ((~~(2)~~)) (4)**	**Apartment ((~~(3)~~)) (5)**
LR1 (1)	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) For lots in LR1 zones that measure less than 3,000 square feet in size, if 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.

((~~(1)~~)) (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.

((~~(2)~~)) (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.

((~~(3)~~)) (5) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

Section 4. Subsection J of Section 23.45.514 of the Seattle Municipal Code, which section was last amended by Ordinance 124378, is amended as follows:

23.45.514 Structure height

J. Rooftop features

1. Flagpoles and religious symbols for religious institutions that are located on a roof are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer to any lot line than 50 percent of their height above the roof portion where attached.

2. Open railings, planters, ((~~skylights, clerestories,~~)) greenhouses not dedicated to food production, parapets, and firewalls on the roofs of principal structures may extend 4 feet above the maximum height limit set in subsections A, B, E, and F of this Section 23.45.514.

3. Architectural ((~~P~~))projections ((~~on pitched roofs~~)) that result in additional interior space, such as dormers, skylights, and clerestories, are subject to the following limits: ((~~may extend to the height of the ridge of a pitched roof that is permitted to exceed the applicable height limit pursuant to subsection 23.45.514.D, if all of the following conditions are satisfied:~~))

a. On pitched roofs, projections may extend to the height of the ridge of a pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions are met:

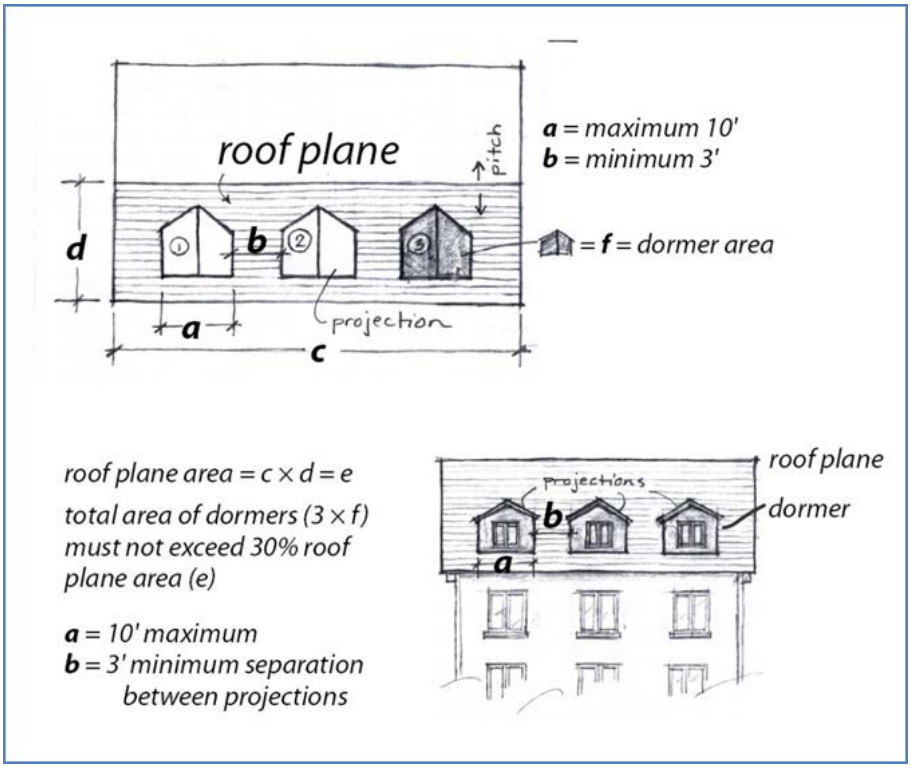
((~~a.~~)) i. the total area of the projections is ((~~limited to~~)) no more than 30 percent of the area of each roof plane measured from the plan view perspective;

((~~b.~~)) ii. ((~~the projections are~~)) each projection is limited to 10 feet in width; and

((~~c.~~)) iii. each projection is separated by at least 3 feet from any other projection (see Exhibit D for 23.45.514).

Exhibit D for 23.45.514: Permitted Projections on Pitched Roofs

((~~Exhibit D for 23.45.514: Permitted Projections in LR Zones~~))



b. On flat roofs, the projections may extend 4 feet above the maximum height limit allowed by subsections 23.45.514.A, B, and F if the following requirements are met:

1) the total area of the projections is no more than 30 percent of the area of the roof plane; and

2) the projections are setback at least 4 feet from any street facing facade.

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

a. Stair penthouses, except as provided in subsection 23.45.514.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. Wind-driven power generators; and

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

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, 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.

6. Subject to the roof coverage limits in subsections 23.45.514.J.4 and 5, elevator penthouses may extend above the applicable height limit up to 16 feet. If additional height is needed to accommodate energy-efficient elevators in HR zones, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators are defined by Director's Rule. Stair penthouses may be the same height as an elevator penthouse if the elevator and stairs are co-located within a common penthouse structure.

7. For height exceptions for solar collectors, see Section 23.45.545.

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 at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. 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.

9. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

10. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.45.514.J does not exceed 50 percent of the roof area, and the greenhouse meets the requirements of subsection 23.45.514.J.8.

11. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:

a. If the applicable height limit is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.

b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.

c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening of rooftop features under other provisions of

this subsection 23.45.514.J are not permitted above the height gained by a structure under this subsection 23.45.514.J.11.

Section 5. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.518 Setbacks and Separations

* * *

L. In LR zones, a minimum upper-level setback from all street lot lines is required in addition to any required ground-level setback, as follows:

1. For structures with a 30 foot height limit according to Table A for 23.45.514, the upper-level setback requirement is 12 feet above a height of 34 feet.

2. For structures with a 40 foot height limit according to Table A for 23.45.514, the upper-level setback requirement is 16 feet above a height of 44 feet.

3. The minimum upper-level setback shall be provided at all points along the length of the street property line as measured from finished grade.

4. In addition to the projections permitted in subsection 23.45.518.H, open railings, and parapets that are predominantly transparent above a height of 1.5 feet, may be located in the required upper-level setback.

Section 6. Section 23.84A.014 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.84A.014 "G."

* * *

"Gross floor area" means the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line, and any additional areas identified as gross floor area within a zone.

Section 7. Section 23.86.002 of the Seattle Municipal Code, last amended by Ordinance 120117, is amended as follows:

23.86.002 General provisions ((~~.~~))

A. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient detail to allow verification upon inspection or examination by the Director.

B. Fractions.

1. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, or required trees or shrubs, results in fractional requirements, any fraction up to and including ((~~one-half (1/2)~~)) 0.5 of the applicable unit of measurement shall be disregarded and fractions over ((~~one-half (1/2)~~)) 0.5 shall require the next higher full unit of measurement.

2. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, open space, building depth, parking space size or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and including ((~~one-half (1/2)~~)) 0.5 of an inch shall be disregarded and fractions over ((~~one-half (1/2)~~)) 0.5 of an inch shall require the next higher unit.

3. Except within LR1 zones on lots that measure less than 3,000 square feet in size, ((~~When~~)) if density calculations result in a fraction of a unit, any fraction up to and including

((~~one-half (1/2)~~)) 0.5 constitutes zero additional units, ((~~shall be disregarded~~)) and any fraction over ((~~one-half (1/2)~~)) 0.5 constitutes one additional unit. ((~~shall allow the next higher number.~~)) Within LR1 zones on lots that measure less than 3,000 square feet in size, the effect of a density calculation that results in a fraction of a unit is as described in Table A for 23.45.512. This provision may not be applied to density calculations that result in a quotient less than one ((~~(1)~~)).

Section 8. 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 _____, 2015, and signed by me in open session in authentication of its passage this

_____ day of _____, 2015.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2015.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

_____

Monica Martinez Simmons, City Clerk

(Seal)